

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 27<sup>th</sup> June 2012**

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<b>APPLICATION REF. NO:</b>	<b>12/00199/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>04/05/12</b>
<b>WARD/PARISH:</b>	<b>Haughton North - Darlington</b>
<b>LOCATION:</b>	<b>ASDA Supermarket, Whinbush Way, Darlington.</b>
<b>DESCRIPTION:</b>	<b>Installation of Refrigeration Condenser Packs and Sound Insulation Screens in rear service yard. Removal of existing gas supply pipework.</b>
<b>APPLICANT:</b>	<b>CBES on behalf of ASDA</b>

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**APPLICATION AND SITE DESCRIPTION**

This proposal relates to the following development :

- The installation of two ground mounted refrigeration condenser packs and associated condensing units in the rear service area of the supermarket. They will be screened by an acoustic screen three metres in height. This will result in the decommissioning of one of the roof mounted refrigeration packs.

The Asda store is located within a residential area to the north of Darlington and has been the subject of a number of complaints from local residents in relation to noise generated by a number of sources including delivery lorries, roof mounted air conditioning units and refrigeration equipment. The company is aware of these ongoing problems and is submitting two separate planning applications with a view to reducing potential noise nuisance from the flat roofed area of the store in particular.

The proposals have been submitted in full consultation with the Environmental Health Officer.

## **PLANNING HISTORY**

There were two similar planning applications submitted in 2011 ( application numbers 11/00625 and 11/00659 ) which were refused permission on grounds of insufficient information being supplied to be able to be sure that no noise nuisance would be caused to local residents as a result of the proposed development. The current applications are intended to address that deficiency.

Many other applications have been submitted over the years relating to extensions, advertisements etc but are not directly relevant to the current applications.

## **PLANNING POLICY BACKGROUND**

Darlington Local Development Framework – Core Strategy Policy CS16 : Protecting Environmental Resources, Human Health and Safety.

## **RESULTS OF CONSULTATION AND PUBLICITY**

A site notice was posted and local residents consulted. A number of local residents have objected raising the following issues :

- Proposal will only increase noise problems.
- Proposal will appear unsightly on roof and in service yard.
- Reassurances needed that noise problems will not increase.
- Proposals are contrary to Local Plan and Core Strategy policies.
- Work often takes place before permission granted.

Highways Officer – No objections.

The only relevant consultee in this instance is the Environmental Health Officer who confirms that the proposals are now satisfactory and, if installed as required by the application and in full compliance with the proposed conditions, would emit less noise than the equipment being replaced and may possibly result in an overall fall in noise generated by the operation of the retail store.

## **PLANNING ISSUES**

The main planning issue relating to this application is the impact the proposals will have on the amenities of local residents by virtue of noise and to a lesser extent in this case, visual intrusion.

Noise – Members will be aware of the history of noise nuisance complaints that have been generated by local residents relating to various aspects of the operations of the ASDA Supermarket.

Our Environmental Health Officers have had an ongoing dialogue with the applicants in an attempt to ensure that noise emanating from air conditioning units and refrigeration equipment does not cause noise nuisance. Pre application discussions took place with the applicants and the

current application is the result. The Environmental Health Officer has studied the submitted information and is satisfied the proposed development if installed as required by the application and in full compliance with the conditions, should lead to a reduction in noise emissions because of improved design and localised acoustic screening. Conditions imposed below aim to achieve this objective.

Visual Impact – There is already a lot of visual clutter within the service yard area, and whilst it is intended to install additional refrigeration equipment on the ground, it will be acoustically screened which will also have the effect of visually screening the equipment from most views to such an extent that no material planning impacts are evident.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

### **CONCLUSION**

It is proposed to upgrade certain refrigeration equipment at this ASDA supermarket and in so doing improve the noise nuisance issues currently being highlighted by local residents.

From the information supplied it is considered that the development, if installed as required by the application and in full compliance with the conditions, would emit less noise than the equipment being replaced and may possibly result in an overall fall in noise generated by the operation of the retail store with a view to addressing some of the existing complaints providing the attached conditions are complied with. Visually the proposal will not cause material harm.

In view of the above therefore it is considered that planning permission can be granted with conditions as detailed below.

### **RECOMMENDATION**

That Planning Permission be granted with the following conditions:

1. A3 – Time limit
2. B5 – Accordance with plans
3. All new and existing air handling units (refrigeration, condensing and ventilation) in the rear service yard area must be installed and located as submitted on the amended copy of plan M03.
4. Before being brought into operation all such units must be located behind a 3.3 metre high acoustic screen effectively sealed at ground level and meet the submitted fabrication, installation and attenuating specification as well as ensuring that there is no line of sight between the units and any of windows to any floor levels of adjacent and nearest affected residential dwellings. This arrangement shall thereafter be retained.

5. Before any units are brought into use all sound reflective surfaces behind new and existing units must be fitted with noise absorption material to a degree which will eliminate reflected noise from the units. This arrangement shall thereafter be retained.
6. Units identified in the associated acoustic report as requiring 'electronically controlled night time set back' must be managed and controlled to ensure compliance with the predicted lowest night time noise levels to be achieved.
7. The maximum operating sound output level for the whole completed installation including new and existing units in the rear yard service area must achieve a level of 28dBA or less during night time periods and at no time in any 24 hour period exceed the existing background noise level. There shall be no dominant frequencies and these required levels include when all units are operating simultaneously.
8. All existing plant deemed (as declared in the application) to be redundant and whose removal or decommissioning formulate the final predicted noise output levels from the whole installation must be effectively disconnected or removed from the site upon the substantial completion of the development.
9. The units hereby approved shall not be brought into commercial operation until the acoustic consultant has carried out a test identical to the pre installation acoustic survey and confirmed in writing to the satisfaction of the Local Planning Authority that all the predicted noise levels (as specified in condition 7) have been achieved.
10. All construction works associated with this application shall not take place outside the hours of 08.00 - 18.00 Monday - Friday, 08.00 -14.00 Saturday with no working on a Sunday and Bank/Public Holidays without prior written permission from the Local Planning Authority

Reasons for conditions 3 – 10 ..... In the interests of the amenities of local residents.

#### **SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION**

It is proposed to upgrade certain refrigeration equipment at this ASDA supermarket and in so doing improve the noise nuisance issues currently being highlighted by local residents.

From the information supplied it is considered that the development, if installed as required by the application and in full compliance with the conditions, would emit less noise than the equipment being replaced and may possibly result in an overall fall in noise generated by the operation of the retail store with a view to addressing some of the existing complaints providing the attached conditions are complied with. Visually the proposal will not cause material harm.

In view of the above therefore it is considered that planning permission can be granted with conditions as detailed above and that this would be in accordance with Policy CS16 - Protecting Environmental Resources, Human Health and Safety of the Darlington Core Strategy.