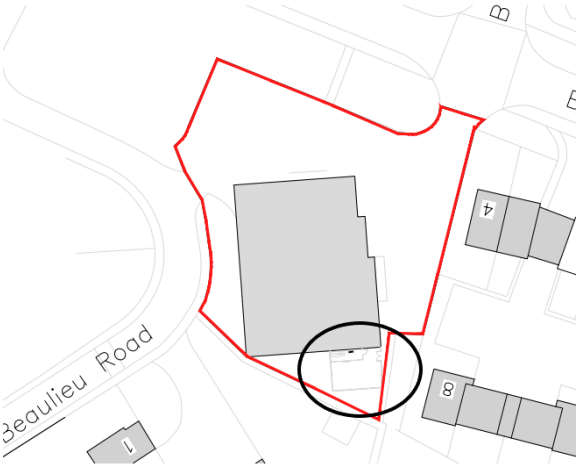
CASE OFFICER'S REPORT

Application References:	PL/2023/10628
Site Visit date:	17/01/2024
Publicity expiry (revised plans):	22/04/2024
Site Address:	The Cooperative Food, Boscombe Road, Amesbury, SP4 7JH
Proposal:	Proposed new refrigeration plant.

CONSTRAINTS

The application site is located in the Amesbury Community Area, within the defined settlement boundary of Amesbury.

The Co-operative store is a single storey building. There is an existing external fenced plant area to the rear (south east) of the building (circled in black on the extract from the existing site plan) below:

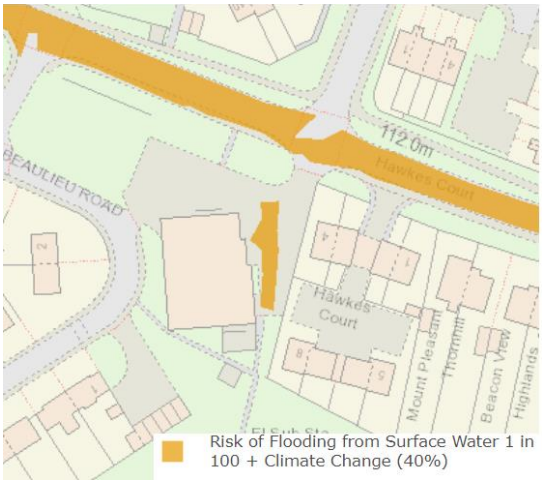




There are residential dwellings in close proximity to the east of the site (Hawkes Close) and south west (Beaulieu Road).

There is an existing electricity substation to the south of the site.

The site is in Flood Zone 1 but part of the area within the red line is identified to be at risk of surface water flooding in the Strategic Flood Risk Assessment, although all of the development works proposed are outside of this area:

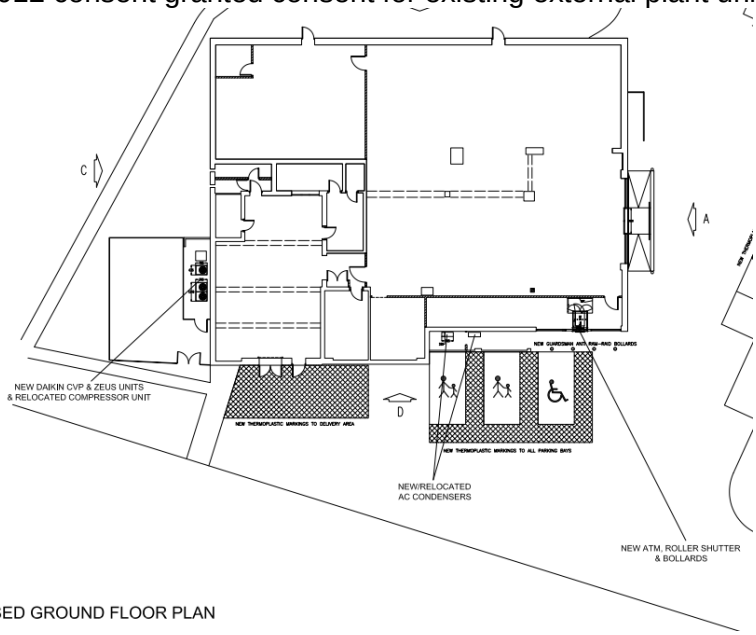


PLANNING HISTORY:

Application Reference No	Description	Decision
S/2012/0038	Erection of 2 x externally illuminated fascia signs and 2 x internally illuminated projecting signs	Approve with Conditions 07/03/2012
S/2012/0010	Replacement of existing refrigeration plant and AC condenser units. Installation of new shop front section, ATM and external roller shutter.	Approve with Conditions 28/02/2012
S/2011/1683	Erection of 2 internally illuminated wall mounted display units	Approve with Conditions 21/12/2011
S/2007/0817	New signage	Approve with Conditions 08/06/2007
S/1987/1982	Change of use of part of building from shop (general store) to living accommodation	Approve with Conditions 03/02/1988

It is not clear if the 1987 consent was implemented, but there is no living accommodation within the unit itself currently.

The 2012 consent granted consent for existing external plant units in the fenced compound area:



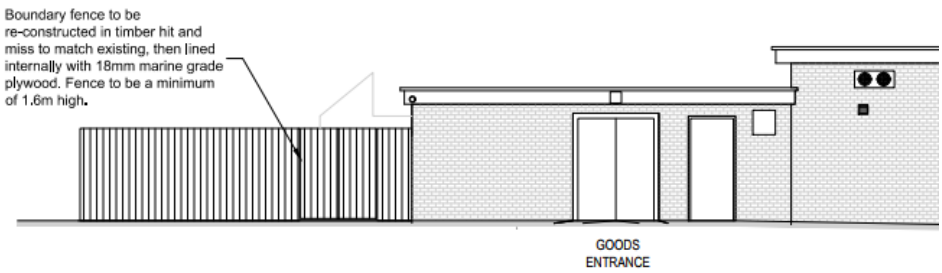
Extract from approved plan from S/2012/0010

PROPOSALS

This application is for new refrigeration plant to be located in the external fenced plant area to the south east corner of the building.



Following a noise assessment, amended plans have been received to include the boundary fence along the south east section of the plant area to be reconstructed including being lined on the inside face with 18mm thick plywood to a minimum of 1.6m high:



Proposed Elevation D @ 1:100

POLICIES

The following policies are considered the most relevant to proposals:

Development Plan Documents:

Wiltshire Core Strategy:
Core Policy 1 - Settlement Strategy
Core Policy 2 - Delivery Strategy
Core Policy 3 - Infrastructure Requirements
Core Policy 4 – Development in the Amesbury Community Area
Core Policy 57 - Ensuring high quality design and place shaping
Core Policy 58 - Ensuring the conservation of the historic environment

Government Guidance:
National Planning Policy Framework (NPPF) December 2023

Planning Practice Guidance (PPG)
National Design Guide (NDG)

Supplementary Planning Documents/Guidance:

Adopted Supplementary Planning Document 'Creating Places Design Guide' April 2006

Wiltshire Design Guide (Adopted 25/03/2024)

Statutes:

Ancient Monuments and Archaeological Areas Act (1979) amended by the National Heritage Act (1983) and the National Heritage Act (2002)

Environmental Protection Act, 1990

REPRESENTATIONS

Archaeology: No Objection

The Cooperative Food store lies within an area of archaeological interest following archaeological investigations over several years in advance of new housing nearby. The archaeological discoveries included the nationally important Beaker burial sites (2,500 – 2,300 BC) of the so-called 'Amesbury Archer' and 'Boscombe Bowman', which were found in the early 2000s. The site of the Cooperative store was itself subject to exploratory archaeological investigation in 1998, presumably in advance of its construction. The exploratory trial trench revealed the foundations for a former NAAFI building that stood on the site but otherwise no buried remains of any antiquity.

On this basis and given the modest nature of this proposal in terms of below ground impacts, I have no archaeological concerns and no further action is required as regards the buried archaeological heritage in relation to this application.

Public Protection: Comments on revised plans: No objection subject to sound mitigation fencing being conditioned

I have considered the noise impact assessment submitted in response to my comments. The assessment is considered robust and although the result does not meet our target of 5dB below background, the noise level is predicted to be below background at the façade of all receptors. The context of the assessment has also been taken into account when accepting this. The sound levels are reliant on a 1.6m high fence of a specific thickness along the eastern boundary of the plant area as shown in Drawing Number 300200031123-R5 CR3 Plant Layout and Drawing number 961.122-BOW-ZZ-ZZ-DR-A-0002 Proposed Plans and Elevations. It is important that this fence is required through the planning process, by condition if necessary.

Comments to application as originally submitted: Object

I am commenting on planning application PL/2023/10628 which appears to be for the addition of a new air conditioning unit and 3 x new condensing units to the rear of The Cooperative Food, Boscombe Road, Amesbury, Salisbury, Wilts, SP4 7JH. There are dwellings within approximately 15m of the proposed new plant which will be situated in front of an existing timber enclosure which most of the existing plant is behind. I would assume that the timber enclosure directly in front of the existing plant may have been to provide some acoustic screening? The new plant would not benefit from this.

The application does not include a noise impact assessment or any sort of design statement just a plant layout diagram with snips of the plant specification included. The condensers are specified to produce 41dB(A) at 10m. As there are 3 of them this would be approximately 46dBA at 10m in combination. The new AC unit appears to produce 62dB on heating mode, the existing AC unit 70dB, no distance is given for these figures. In

combination these units all working at the same time may produce around 71dB. At 15m, where the residential properties are this could be 39dB. This is only a rough calculation working on the evidence supplied. At night, when background noise levels are low this sound level could be have an adverse impact at the nearest residential properties when windows are open, particularly if there is any tonal quality to the sound and/or they are clicking on and off regularly.

We would expect the plant to be selected, located and attenuated so that, when assessed using BS4142: 2014+A1 2019 the rating level does not exceed 5dB below the existing background. It is not clear this is achievable; we therefore require a Noise Impact Assessment which demonstrates this before we can make an informed judgment regarding this application. Without this evidence we would have to recommend refusal of this application.

Amesbury Town Council: Amesbury Town Council supports this application.

Third party representations: None received.

ISSUES

- Principle of development
- Amenity considerations/Noise/Visual impact to the character and appearance of the area
- Potential impact to heritage assets with an archaeological interest

ASSESSMENT:

Principle of development

The National Planning Policy Framework (NPPF) (2023) confirms that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990); that the NPPF is a material consideration in planning decisions and planning policies and decisions must also reflect relevant international obligations and statutory requirements.

The proposals are therefore to be considered in the context of the NPPF and the development plan which comprises the adopted Wiltshire Core Strategy (WCS), which also includes some saved policies of the Salisbury District Local Plan (SDLP), although none are applicable to these proposals.

The statutory status of the local development plan is further reinforced at paragraph 47 of the NPPF and proposed development that is in accordance with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Other material considerations may include other local planning policy and guidance, the emerging Wiltshire Local Plan Review, UK government legislation or Written Ministerial Statements and national planning policy and guidance.

At the heart of the NPPF is a presumption in favour of sustainable development and the Settlement and Delivery Strategies of the Wiltshire Core Strategy (WCS) are designed to ensure new development fulfils the fundamental principles of sustainability. This means focusing growth around settlements with a range of facilities, where local housing, service and employment needs can be met in a sustainable manner. A hierarchy has been identified based on the size and function of settlements, which is the basis for setting out how the Spatial Strategy will deliver the levels of growth.

Core Policy 1 of the WCS sets out the 'Settlement Strategy' for the county, and identifies four tiers of settlement (Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages). Only the Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development/settlement boundaries.

Core Policy 2 of the WCS sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier, stating that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.

Amesbury (including with Bulford and Durrington) is defined as a Market Town and the site lies within the defined settlement boundary. The WCS explains that the specific issues to be addressed in planning for the Amesbury Community Area include the delivery of balanced growth in the Community Area focused around Amesbury to help facilitate the delivery of improved infrastructure and greater retail choice in the town and the strategy for Amesbury seeks to make the town a more self-supporting community which has reduced the need to travel to larger urban centres.

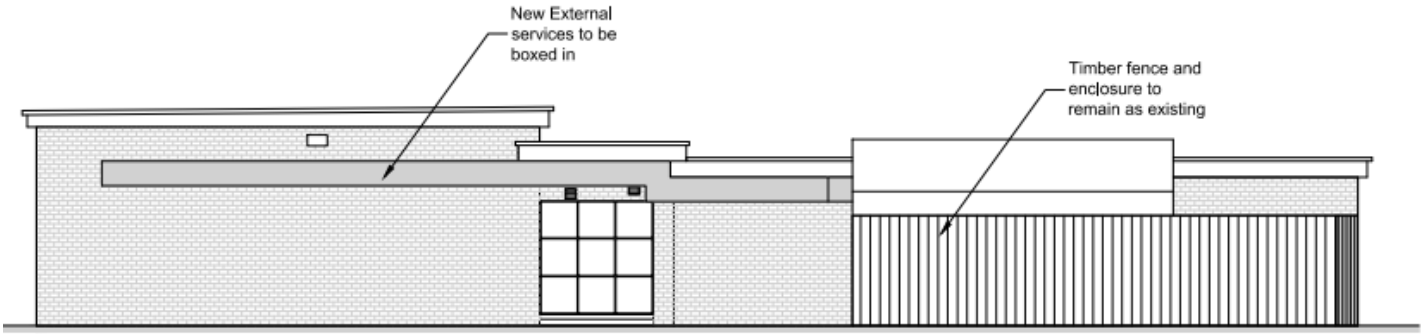
Whilst the store is located 'out of centre' and the issues and considerations for Amesbury specifically include *'assisting the existing town centre to continue to thrive, taking into account the impact of the recent approval of out of centre retail development'*; the proposals being associated with the ongoing use of an existing established out of centre store which serves local residents in this area of Amesbury are considered acceptable in principle subject to the consideration of site-specific impacts from the proposals:

Amenity considerations:

Core Policy 57 requires a high standard of design in all new development and criteria (vii) specifically refers to the impact on the amenities of existing occupants:

(vii.) having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)

The proposed plans will have limited external impacts visually (with the exception of replacement fencing to the south east boundary of the plant area and external services to be boxed in at eaves level along the south elevation of the building to the plant area):



Paragraph 9 of the NPPF requires plans and decisions to take local circumstances into account and paragraphs, 135, 180 and 191 states decisions should ensure new development is appropriate for its location and to mitigate and reduce potential adverse impacts:

135. Planning policies and decisions should ensure that developments: f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users52;

180. e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

191. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life69;

Core Policy 57 also requires new development to have *'regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration and pollution'.*

A noise impact assessment (NIA) was submitted during the course of the application which explains that *'the proposed refrigeration plant will potentially operate 24 hours a day, although it should be noted that these units operate as required to meet demand and generally at a reduced capacity at night.'* The NIA predicted plant noise levels at the nearest noise-sensitive premises including the nearest dwelling to the south east being approximately 13m away from the nearest plant item (identified as Noise Sensitive Receptor R1 in the NIA):

Aerial photograph site showing areas of interest



The NIA concludes *'The noise level predictions demonstrate that cumulative noise emissions from the replacement plant will comply with the proposed limits at the nearest noise sensitive properties, when inclusive of a timber barrier with a minimum of 1.6m in height on the eastern boundary of the plant area. Noise from fixed plant should not be grounds for refusal of planning permission.'*

Following the submission of the NIA and related revised plans annotating the fencing requirements, the public protection team (comments attached in full above) have raised no objections subject to conditioning the required noise mitigation fencing. They explain that whilst the noise assessment does not meet their target of 5dB below background noise levels; the noise level is predicted to be below background at the façade of all receptors subject to the installation of the 1.6m specific thickness fence as shown on the revised drawings.

Potential impact to heritage assets with an archaeological interest:

Core Policy 58 aims to ensure that Wiltshire's important monuments, sites and landscapes and areas of historic and built heritage significance are protected and enhanced in order that they continue to make an important contribution to Wiltshire's environment and quality of life. The policy seeks to conserve designated heritage assets and their setting as well as non-designated heritage assets that contribute to a sense of local character and identity. Paragraph 200 of the NPPF refers specifically to archaeological assets:
'*Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'*

In this case the council's archaeologist has advised that the site is an area of archaeological interest but that the site itself was subject to exploratory archaeological investigation in 1998 which revealed the foundations of a former NAAFI building (when the site was part of an MOD Depot) but otherwise no buried remains of any antiquity and given the modest nature of the proposals with limited below ground impacts, the council's archaeology service has raised no archaeological concerns or need for further action as regards buried archaeological heritage in relation to this application.

RECOMMENDATION: Approve with conditions

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

(2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Document Reference: 91857 Rev 01, Plant Noise Impact Assessment (NSL Noise Solutions Ltd), dated 18/03/2024, received by this office 22/03/2024
Document Reference: Soundshell for Copeland Compressors, received by this office 22/03/2024
Plan Reference: 300200031123-R5 Rev A, CR3 Plant Layout, dated 19/03/2024, received by this office 22/03/2024
Plan Reference: 7961.122-BOW-ZZ-ZZ-DR-A-0002, Proposed Plans & Elevations (Rev P2 - Boundary fence to be re-constructed and lined with 18mm plywood to provide additional acoustic barrier as per NIA) dated 22/03/2024, received by this office 22/03/2024
REASON: For the avoidance of doubt and in the interests of proper planning.

(3) The plant hereby approved shall not be first used until the 1.6m high fence of the specific thickness along the eastern boundary of the plant area as shown in Drawing Number 300200031123-R5 CR3 Plant Layout and Drawing number 961.122-BOW-ZZ-ZZ-DR-A-0002 Rev P2 Proposed Plans and Elevations has been installed in accordance with the agreed details. The fencing shall be retained and maintained in accordance with the agreed details at all times thereafter for the lifetime of the development.
REASON: To ensure an environment free from intrusive levels of noise in order to safeguard the amenities of the area in which the development is located.

INFORMATIVE TO APPLICANT:
In addition to the planning conditions, Section 79 of the Environmental Protection Act 1990 (legislation that operates outside of the planning system identifies noise as a statutory nuisance). If a complaint of statutory nuisance is justified an Abatement Notice can be served upon the person responsible, occupier or owner of the premises requiring that the nuisance be abated. Failure to comply with an Abatement Notice is an offence and legal proceedings may result.