

Parish: Tangmere	Ward: North Mundham And Tangmere
---------------------	-------------------------------------

TG/20/02726/FUL

Proposal	Relocate existing entrance to store, new external coldrooms, new window to side of property, new mechanical plant, new canopies and covered walkway and re-lay out existing car park including additional bollards. Reconfigure timber fenced areas, (resubmission of previously withdrawn application ref no. 19/02707/FUL).		
Site	The Co-operative Food Malcolm Road Tangmere Chichester West Sussex PO20 2HS		
Map Ref	(E) 490414 (N) 106551		
Applicant	The Co-operative Group	Agent	Mr Christopher Jackson

RECOMMENDATION TO PERMIT



	<p>NOT TO SCALE</p>	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
---	----------------------------	--

1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is within the Tangmere Settlement Boundary Area, at the intersection between Malcolm Road and Tangmere Road. The site comprises a two-storey property with retail use to the ground floor and a vacant first floor. East and south of the building is laid to hardstanding which serves as car parking for customers of the store and staff. The existing store entrance is situated to the southern elevation, with deliveries entering the store through a goods entrance located to the western elevation.
- 2.2 Residential properties are located in close proximity to the north and south of the site. Immediately west of the site is the Tangmere village centre. A number of trees subject to Tree Preservation Orders are located to the eastern boundary of the site. It is notable that the site borders the Tangmere Conservation Area, which encompasses Tangmere Road to the east.

3.0 The Proposal

- 3.1 The application proposes to re-configure the internal layout and extend the store to provide new external cold-rooms, and the application suggests that post office facilities will be provided. The additional cold-rooms would be provided through an extension and alterations to the existing fixed canopy area to the north-east of the main building. The store entrance would be re-located from the southern elevation to the eastern elevation and external alterations are proposed to facilitate this. Other external alterations include the creation of a fire escape to the western elevation.
- 3.2 The application also proposes to re-configure delivery arrangements to the unit. It is proposed that deliveries would arrive adjacent to the southern elevation of the building, before being moved along a new covered walkway adjacent to the western side of the building, and would enter the building via new deliveries only entrance, created to the north-western corner of the building.
- 3.3 The application proposes to extend the existing plant area to the western elevation to allow for the accommodation of new plant and the renewal of existing plant. Additional air condition units will be situated to the western elevation.
- 3.4 The application also proposes to re-configure the car parking area from the current arrangement comprising 28 spaces (24 space + 2 disabled spaces + 2 parent and child spaces) to a revised layout comprising 32 spaces (27 spaces + 2 disabled + 2 parent and child spaces). While there will be an addition of 3 spaces, 6 spaces are proposed to be allocated to staff parking. A dedicated loading bay for deliveries to the store would be provided adjacent to the southern elevation of the building.

4.0 History

02/02782/FUL	PER	Addition of timber cladding to elevations of public house.
76/00015/TG	PER	O/L Public House with car park.
78/00033/TG	DISMIS	2 no. houses, 3 bungalows, garages and access road.
79/00041/TG	PER	New Public House.
79/00044/TG		O/L 9 x 2 bedroom dwellings and garages.
80/00004/TG	PER	Extension to beer and spirits store on existing plans.
80/00042/TG	PER	Erection of Public House and car park.
81/00016/TG	PER	Single garage.
81/00036/TG	PER	1 ton calor gas storage tank and enclosure.
81/00040/TG	PER	2 pole signs (adv).
92/00038/TG	PER	One illuminated sign (adv).
92/00044/TG	WDN	One projecting sign, one fascia sign and two signs on fixed posts in ground (all illuminated) (adv).
92/00050/TG	PER	Two ground mounted static floodlights 70 watts each.
94/01914/ADV	PER	1 no. set of applied letters.
02/03453/ADV	PER	Various signs.
05/02949/FUL	REF	1 no. dwelling and garage.
08/00046/FUL	REF	Erection of wooden pergola structure for use as a smoking shelter. Form doorway from rear of bar.
08/02062/FUL	PER	Insertion of new doorway from bar area to external play area within public house garden.

12/01334/FUL	PER	Proposed minor extensions, introduction of new shop fronts, an external plant compound to house refrigeration plant and various minor exterior alterations to building, including installation of an ATM machine.
12/03418/ADV	PER	2 no. illuminated fascias, 2 no. wall mounted signs non illuminated, 3 no. post signs non illuminated, 1 no. hanging sign non illuminated. Illumination during opening hours only.
13/00774/FUL	PER	Alteration to existing vehicular access to include alteration to pavement and verge layout.
16/04038/FUL	PER	Change of use of upper floors from vacant (A4) to 3 no. residential apartments (C3) including installation of external stair, bin and cycle store and car parking spaces.
19/02707/FUL	WDN	Relocate existing entrance to store, new external coldrooms, new window to side of property, new mechanical plant, new canopies and covered walkway, re-layout of existing car park including additional bollards. Reconfigure timber fenced areas.
20/00220/PRESS	PRE	Relocate existing entrance, new external coldrooms, new window, new mechanical plant, new canopies, covered walkway and re-layout of carpark.
20/02146/ADV	PER	Installation of 1 no. non-illuminated hanging sign, 2 no. internally illuminated wall mounted signs and 13 no. non-illuminated wall mounted signs.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Tree Preservation Order	YES
EA Flood Zone	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Parish Council

Tangmere Parish Council objects to this application as re-submitted because it still has not adequately addressed the negative impact on the neighbouring residential property - in terms of noise and light. Councillors found that the Design & Access Statement still did not explain the purpose or the benefit of the proposal.

6.2 WSCC Local Highways Authority

Further comments following receipt of vehicle tracking plan 3521.09A received 10 March 2021

The latest plan (3521.09a) does seem to better represent the access geometry on the ground. The plan now shows a rigid body delivery vehicle accessing the site, manoeuvring into the loading bay and leaving in the forward gear.

Paragraph 4.03 of the Delivery Management Plan states that "Direct deliveries to Cooperative stores comprise of bread deliveries which are by smaller rigid vehicles up to 17t and milk deliveries by an articulated vehicle"

Plan 3521.03 already shows how an articulated vehicle can accessing the site, manoeuvring into the loading bay and leaving in the forward gear albeit with a narrower access geometry demonstrated on that particular plan.

In conclusion it would be considered that the internal car parking amendments proposed do not materially impact upon delivery and service of the site.

The Local Highways Authority does not consider that the proposal would not have and an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

Further comments (condensed) received 19 February 2021 following receipt of tracking plan 3521.09:

West Sussex County Council was consulted previously on Highway Matters for this application and provided comments dated 17/11/2020. No highways concerns were raised though a retrospective request was made that swept path tracking plans be provided to demonstrate delivery arrangements are workable within the revised parking arrangements.

A similar scheme under planning application 19/02707/FUL was made to which no highways objections were raised. The application was later withdrawn.

The current application seeks various amendments to the Co-operative Food Store, Malcolm Road, Tangmere, Chichester. The amendments include the relocation of the existing entrance to the store, new external coldrooms, new window to side of property, new mechanical plant, new canopies and covered walkway, re-layout of existing car park including additional bollards and reconfigured timber fenced areas.

No highways concerns would be raised to the various internal store amendments. The existing car park provides 28 spaces (24 Spaces, +2 Disabled, +2 Parent & Child). The proposed new car park layout will provide 31 spaces, (27 Spaces, +2 Disabled, +2 Parent & Child). While there will be an addition of 3 spaces, 6 spaces are proposed to be allocated to staff parking. Without knowing the floorspace of the store the Local Highways Authority are not in a position to provide any more comments on parking demand. Nevertheless, more parking is being provided so there is not likely to be any material implications towards on street car parking.

In terms of layout the spaces would be considered accessible, though the proposed 'island' spaces may require the use of a multi-point manoeuvre to access and egress. The on site delivery unloading bay is to be relocated and formally laid out. Swept path tracking plans (3521.09) demonstrate how an articulated delivery vehicle can access the site, manoeuvre to park in the loading bay and exit the site in the forward gear. I note the existing arrangements (as demonstrated under 13/00774/FUL) require the delivery vehicle to overrun formally laid out parking spaces. As such the proposed arrangements seem to be a betterment over the existing situation.

The Local Highway Authority does not consider that the proposal would have and an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

Original comments (condensed) received 17th November 2021:

This application seeks various amendments to the Co-operative Food Store, Malcolm Road, Tangmere, Chichester. The amendments include the relocation of the existing entrance to the store, new external coldrooms, new window to side of property, new mechanical plant, new canopies and covered walkway, re-layout of existing car park including additional bollards and reconfigured timber fenced areas.

West Sussex County Council was consulted previously on Highway Matters for a similar scheme under planning application 19/02707/FUL to which no highways objections were raised. The application was later withdrawn.

No highways concerns would be raised to the various internal store amendments.

The existing car park provides 28 spaces (24 Spaces, +2 Disabled, +2 Parent & Child). The proposed new car park layout will provide 31 spaces, (27 Spaces, +2 Disabled, +2 Parent & Child). While there will be an addition of 3 spaces, 6 spaces are proposed to be allocated to staff parking. Without knowing the floorspace of the store the Local Highways Authority are not in a position to provide any more comments on parking demand. Nevertheless, more parking is being provided so there is not likely to be any material implications towards on street car parking.

In terms of layout the spaces would be considered accessible, though the proposed 'island' spaces may require the use of a multi-point manoeuvre to access and egress.

The Local Highway Authority does not consider that the proposal would have and an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

6.3 CDC Conservation and Design

Thankyou for consulting Conservation and Design on the application related to the above property. I have reviewed the submitted documentation and am familiar with the site.

The proposals in the context of a commercial building of this sort of scale are relatively minor. The property is surrounded by post war and more recent housing which is characteristic of the immediate surroundings. A very narrow strip of the Tangmere Conservation Area passes in front of the site. This piece of the conservation area contains no historic buildings or any real indicated of historic character. Not all parts of conservation areas are considered equal in terms of historic merit. In any event, due to the minor nature of the proposals there is no harmful effect on either the streetscene or the Tangmere Conservation Area. The proposals should not be refused on either design or conservation grounds.

6.4 CDC Economic Development Service

The Economic Development Service supports this application.

The relocation of both the customer and service entrance will improve safety and customer experience, while updating the retail and services available to the community of Tangmere.

6.5 CDC Environmental Protection - Noise

Further comments (2 February 2021) following receipt of Delivery Management Plan (3521.08a) and luminaire list and luminaire layout plan

I have had the opportunity to review the attached documents and the emails below. It is evident that the information, provided to date, would not suffice to fully discharge the conditions that were recommended by our department, 2nd December 2020.

However, our department would still be accepting of the principle of specifying the aforementioned conditions to any permission that may be granted. It is considered the conditions shall provide adequate safeguards to neighbouring amenity.

The attached delivery Plan (3521.08a) would not be adequate on its own to satisfy the Noise Management Condition. The points that you bullet point in your email below, 13th Jan 2021, would also have to be included. The design of the walkway structure is adequate from a noise control perspective. Our department would ask that the mass of the structure is increased from the proposed 7kg/m² to 10kg/m². It is considered this would achieve the noise attenuation used in the predictions in the initial noise assessment.

With regard to lighting provision, it is stated that new lights shall only be positioned to the underside of the walkway. If this is confirmed to be the case, there should be minimal light breakout and spill as the walkway is completely solid to one side. In order to satisfy the recommended condition the applicant will have to provide an assessment of the light impact at neighbouring receptors to demonstrate it is compliant to the Institution of Lighting Professionals Guidance criteria, as specified.

Further comments (13 January 2021)

It is acknowledged, by our department, that a rating level of 8dB above background is predicted, at the most sensitive residential window, for the one hour reference period during a delivery and in accordance with BS4142:2014. In order to avoid an adverse noise impact, at the sensitive receptors, it is evident that a robust delivery noise management plan shall have to be agreed and implemented. Due to the predicted noise level, above background, it would be prudent to formally agree the delivery noise management plan prior to approval as the measures agreed will material impact the likelihood of avoiding a significant adverse noise impact. Due to the lack of current information provided with regard to lighting, again a lighting scheme should be approved prior to permission being granted or prior to development.

Original comments (2 December 2020)

Our department has no objection, in principle, to the proposals. However, it is considered necessary to stipulate that conditions are a requirement of any planning permission that may be granted. This is considered necessary to safeguard the amenity of the locale.

Consideration has been given to Noise Solution Ltds Plant Noise Impact Assessment (Ref: 88753, Revised January 2020) and Delivery Noise Impact Assessment (Ref: 88753, Revised 29th September 2020), herein referred to as the plant noise report and delivery noise report. A visit was made to the application site, 30th November 2020, to further inform these comments.

For both the plant noise report and the delivery noise report the survey methodology, assessment criteria and findings are accepted. The background sound levels that are used for assessment are deemed representative and the character ratings and assumptions made are considered reasonable considering the context of the application site.

Plant Noise:

The mechanical plant to be installed shall have to be in accordance with the plant location plan Appendix D and the plant specification Appendix E of Noise Solution Ltds Plant Noise Impact Assessment (Ref: 88753, Revised January 2020). Prior to operation, the Local Planning Authority shall have to be notified in writing of any changes to the location and specification of plant to be installed. The noise impact, as a result of any changes to plant, shall be reassessed and submitted in writing to the Local Planning Authority for approval prior to operation of any plant.

It shall also be a condition that the air conditioning units only operate when the store is open, namely 07.00 to 22.00 Monday to Saturday and 07.00 to 21.00 Sunday, as specified in the plant noise report. It is anticipated the operation of the air conditioning units will be controlled by a timer.

Delivery Noise:

The delivery noise report stipulates in Section 2 that deliveries shall be made by vehicles no bigger than 12m rigid lorries and that there will be no overlap of deliveries. Proposed delivery hours are:

Monday, Wednesday, Thursday, Saturday, one delivery between 11.00 and 18.00.

Monday to Saturday, one delivery between 08.00 and 12.00.

It is considered the above restrictions shall be made conditions.

It is recognised that smaller deliveries will be made via third party suppliers (bread, sandwiches, newspapers, etc). It is considered smaller deliveries shall be restricted to 07.00 to 19.00 Mon-Sun.

It is noted that even with the introduction of a proposed walkway screen along the trolley walkway, that there is a predicted noise level of 8dB above background at the nearest window at Duxford Court during a one hour delivery slot. It is considered however, that the implementation of a robust noise management plan shall mitigate noise disturbance to an acceptable level. The following condition is therefore considered necessary:

Prior to first operation, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority (LPA). The approved Plan shall be maintained thereafter. Alterations to the Plan will require formal written approval from the LPA.

Informative: Any noise management plan submitted for approval will include the mitigation measures specified in Sections 6.20 and 6.21 Noise Solution Ltds Delivery Noise Impact Assessment (Ref: 88753, Revised 29th September 2020). In addition the building specification, design and predicted noise attenuation properties of the walkway screen along the trolley walkway shall be included. It is noted in the proposed plan (Drg no. 3521.11C. Oct 19, revised 10.10.20) that the covered walkway shall be finished in tarmac. It would be expected that the maintenance of the smooth tarmac surface would be a measure detailed in the noise management plan.

It is considered that the above recommended noise conditions should avoid significant adverse noise impacts at the nearest residential receptors and mitigate any noise disturbance to a practicable minimum. This is in line with the requirements of the National Planning Policy Framework (2019) and the guidance contained within the Planning Noise Advice Document for Sussex (2015).

Lighting:

Of note, there are no details of any amendments to the lighting provision at site. If the lighting is to be altered in any way it would be required that a light impact assessment is conducted and submitted as part of the application. Alternatively the following condition would be necessary:

No part of the development hereby permitted shall not be first brought into use, until details of any external lighting of the site have been submitted to, and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles, the timings of any lighting and the mechanism for turning on/off any external lighting). The lighting scheme shall set out how the design shall not exceed thresholds from the Institution of Lighting Professionals for Environmental Zone E3 (suburban), Guidance Notes for the Reduction of Obtrusive Light (Guidance Note 01/20); and shall minimise potential impacts by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

6.6 Third party objection comments

1 no. third party representations of objection has been received concerning the following matters:

- a) lack of communication regarding proposals from The Co-operative
- b) measures discussed and agreed as part of pre-application discussions have not been followed through to the revised application
- c) location of waste/rubbish area in close proximity to neighbouring bedrooms and concerns around timing of movements
- d) noise from plant and deliveries
- e) unacceptable light pollution
- f) unacceptable general intrusion

2.25 Applicant/Agent's Supporting Information

The applicant/agent has provided the following support information during the course of the application:

- a) Design and Access Statement
- b) Delivery Management Plan
- c) Noise Impact Assessment
- d) Plant Noise Assessment
- e) Delivery Plan
- f) Luminaire list and luminaire layout plan

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. The Tangmere Neighbourhood Plan was made on the 19th July 2016 and forms part of the Development Plan against which applications must be considered.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 3: The Economy and Employment Provision

Policy 6: Neighbourhood Development Plans

Policy 8: Transport and Accessibility

Policy 18: Tangmere Strategic Development Location

Policy 19: Tangmere Strategic Employment Land

Policy 29: Settlement Hubs and Village Centres

Policy 39: Transport, Accessibility and Parking

Policy 47: Heritage

Tangmere Neighbourhood Plan

Policy 1: A spatial plan for the Parish

Policy 3: Employment Uses

Policy 10: Design

Chichester Local Plan Review Preferred Approach 2016 - 2035

7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in March 2021. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2022. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

National Policy and Guidance

7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2019), which took effect from 19 February 2019. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.**

7.5 Consideration should also be given to the following paragraphs and sections: Section 4 (Decision-making), 6 (Building a strong, competitive economy), 12 (Achieving well-designed places) and 16 (Conserving and enhancing the historic environment) .The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

7.6 The following documents are material to the determination of this planning application:

- Tangmere Conservation Area Character Appraisal

7.7 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Maintain low levels of unemployment in the district
- Support local businesses to grow and become engaged with local communities
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Design and impact upon character of the surrounding area
- iii. Impact upon Tangmere Conservation Area
- iv. Impact upon highways safety and parking
- vi. Impact upon the amenity of neighbouring properties

i) Principle of development

8.2 The overarching strategy within the Chichester Local Plan (CLP) is to secure sustainable development by directing new development to existing built up areas and creating sustainable communities. The application site comprises an important retail use within the centre of Tangmere Village, which is designated as a Service Village within Policy 2 of the CLP. The provision of services and facilities is important to the function of Service Villages, and therefore in principle extensions and alterations to the existing retail premises in this location would be acceptable.

8.3 The application site is situated within a sustainable location and therefore it is considered that the principle of upgrading and extending the existing retail unit is acceptable subject to an assessment of material planning considerations.

ii) Design and impact upon the character of the surrounding area

8.4 The NPPF requires new development to be of a high standard of design, and Policy 10 of the Tangmere Neighbourhood Plan requires that design reflects the local character of the village in its scale, density, massing, height, landscape design, layout and materials.

- 8.5 The proposed external alterations to the building are minor in nature. The additions and amendments to fenestration would have minimal impact upon the appearance of the building. The extension of the existing lightweight canopy to the north-eastern corner would project beyond the eastward range of the main building; however given the existing canopy to this elevation and the existing compound area formed from 2 metre closeboard fencing, it is not considered that this element of the scheme would be harmful. The proposed covered walkway would have limited impact on the street scene due to the setback from the southern elevation of the building and positioning behind existing closeboard fencing. The presence of mature and substantial trees to the western boundary prevents any significant views of the site from the west.
- 8.6 It is therefore considered that the proposal constitutes an acceptable standard of design that respects and responds to its context and therefore the proposal accords with national and local policies in this respect.

iii) Impact upon Tangmere Conservation Area

- 8.7 Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, requires that the Local Authority give special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Policy 47 of the Chichester Local Plan states that permission will only be granted where it can be demonstrated that the proposal conserves or enhances the special interest and settings of the designated heritage assets.
- 8.8 A narrow strip of the Tangmere Conservation Area passes to the east of the site, encompassing Tangmere Road. The part of the Conservation Area for which the site could be considered to form the setting, contains no historic building or any buildings of special architectural interest. In considering the characteristics of this part of the Conservation Area and the minor nature of the proposed alterations, it is judged that the proposal would not have a detrimental impact upon the character and appearance of the Tangmere Conservation Area. It is notable that the CDC Principal Design and Conservation Officer has advised that the proposal should not be resisted on either design or conservation grounds. The proposal would therefore be acceptable in this regard.

iv) Impact upon Highway safety and parking

- 8.9 The application proposes the reconfiguration of the existing parking arrangements at the site to provide an additional 3 no. parking bays and an allocated loading bay adjacent to the southern elevation of the building. WSCC Highways have confirmed that the layout of the spaces would be considered to be acceptable. The internal alterations and extension of the store are not likely to result in intensification in the use of the site. Due to the provision of additional parking on site, there is not likely to be any material implications towards on street parking.
- 8.10 WSCC Highways in their capacity as Local Highways Authority have confirmed that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore the proposal is not contrary to the National Planning Policy Framework (paragraph109), and that there are no transport grounds to resist the proposal.

v) Impact upon the amenity of neighbouring properties

- 8.11 The National Planning Policy Framework in paragraph 127 states that planning decisions should create places that offer a high standard of amenity for existing and future users.
- 8.12 Noise sensitive receptors are located in close proximity to the site; namely neighbouring residential properties at Duxford Close situated immediately north of the site and residential properties to the southern side of Malcolm Road. The application site is separated from the neighbouring residential property to the north by means of a closeboard fence and mature vegetation. It is understood from the site history and the third party representation received that the current delivery arrangements and plant provision result in disturbance to the neighbouring residential property and therefore the application provides an opportunity to remedy this situation. Officers consider that there are two main sources of noise arising from the proposal; plant noise and delivery/operational noise.
- 8.13 The developer has submitted a Plant Noise Assessment which concludes that the noise impact upon neighbouring residential properties will be below the levels where a "low impact" would be expected. This document has been reviewed by the Council's Senior Environmental Protection officer who accepts the survey methodology, assessment criteria and findings of the report, and that unacceptable disturbance to neighbouring properties from the proposed plant is not anticipated. Conditions are recommended to ensure that the plant installed matches the specification and locations detailed within the document, whilst conditions are also recommended to ensure that the air conditioning units are only operated during store opening hours, controlled via automatic timer.
- 8.14 The developer has also submitted a Delivery Noise Impact Assessment for consideration. This document details that deliveries will be made by rigid lorries no greater than 12 metres in length aside from milk deliveries which will be made via articulated lorry. Deliveries will take no longer than one hour to complete and will not overlap. The proposed delivery times are as follows:
- Delivery of ambient goods: Deliveries limited to one delivery each day on Monday, Wednesday Thursday and Saturday and deliveries limited to 11am-6pm inclusive.
 - Delivery of chilled/frozen: Deliveries limited to one delivery per day Monday-Saturday between 8am-12 noon.
- 8.15 Planning conditions are recommended to ensure that this takes place in accordance with these details, along with restriction of deliveries by smaller suppliers to between 06.00 and 19.00 Monday to Sunday.
- 8.16 Deliveries will be unloaded at the loading bay before being taken along a partially enclosed tarmac walkway running adjacent to the western elevation of the building before entering the building in the north-west corner of the site.

- 8.17 Mitigation measures are proposed to ensure disturbance from deliveries is minimised however even with the mitigation measures proposed there is a predicted noise level of 8dB above background at the nearest window at Duxford Court during a one hour delivery slot. It is therefore considered a robust Noise Management Plan will be required to further mitigate noise disturbance. Conditions are recommended to ensure that this takes place prior to commencement of works and measures recommended include the following:
- o inclusion of the mitigation measures specified in Sections 6.20 and 6.21 Noise Solution Ltds Delivery Noise Impact Assessment (Ref: 88753, Revised 29th September 2020).
 - o building specification, design and predicted noise attenuation properties of the walkway screen along the trolley walkway
 - o full manufacturer's details of a "low impact" surface for the trolley walkway
 - o soft/slow shut doors
 - o confirmation that storage/unloading/movement of trolleys following delivery can be undertaken within the building. Where this cannot take place a robust plan shall be put in place to reduce external trolley movements to the minimum operationally required, with a cut off time specified for the external movement of trolleys
- 8.18 The developer has confirmed (in an email dated 26th January 2021) that the trolleys will be worked inside the store and empty ones then left outside under the canopy, to be collected during the next delivery. Additionally "door closers" are also proposed. These details are not however considered sufficiently robust to prevent the need for a Noise Management Plan condition and a condition is still recommended by officers.
- 8.19 The application also proposes the installation of lighting to the underside of the covered walkway. Delivery Plan drawing 3521.08a advises that the lighting will be motion activated. Should lighting only be situated to the underside of the walkway, it is anticipated that there is minimal scope for light breakout. However, a condition is recommended to ensure that an assessment is provided prior to the commencement of development to ensure that light impact at neighbouring properties complies with the Institution of Lighting Professionals Guidance criteria and would therefore be deemed to have an acceptable impact upon the amenity of neighbouring properties.
- 8.20 Subject to measures to be secured by the recommended conditions, Officers consider that proposal would not result in adverse impacts resulting from light pollution or noise pollution upon neighbouring residential properties. Accordingly, it is considered that the proposal would comply with paragraph 127 of the NPPF.

Conclusion

- 8.21 Based on the above it is considered that the proposal would allow an existing business to expand its offering to local residents, whilst suitably managing the potential for adverse impacts upon the amenity of neighbouring properties. . The proposal therefore complies with the NPPF, development plan policies 1, 2, 3, 6, 8, 18, 19, 29, 39 and 47 of the Chichester Local Plan and policies 1, 3 and 10 of the Tangmere Neighbourhood Plan. There are no material considerations that indicate that the application should not be determined in accordance with the development plan and therefore the application is recommended for approval.

Human Rights

8.22 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Decided Plans"

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3) Notwithstanding any details submitted, no works/development shall commence unless or until details of any external lighting of the site have been submitted to, and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles, the timings of any lighting and the mechanism for turning on/off any external lighting). The lighting scheme shall set out how the design shall not exceed thresholds from the Institution of Lighting Professional's for Environmental Zone E3 (suburban), 'Guidance Notes for the Reduction of Obtrusive Light (Guidance Note 01/20)'; and shall minimise potential impacts by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: In the interests of the amenity of neighbouring residential properties that might otherwise experience light pollution

- 4) Notwithstanding any details submitted, no works/development shall commence unless or until, a Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority (LPA). The approved Noise Management Plan shall thereafter be fully implemented prior to first use of the development hereby permitted, and at no time shall the retail premises be operated other than in accordance with the approved Noise Management Plan.

Reason: In the interests of the amenity of neighbouring properties.

- 5) Prior to first use of the development hereby permitted, the mechanical plant hereby approved shall be installed in strict accordance with the plant location plan Appendix D and the plant specification Appendix E of Noise Solution Ltd's Plant Noise Impact Assessment (Ref: 88753, Revised January 2020). Thereafter the plant shall be maintained as approved in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Any application to change the location and specification of plant to be installed shall include a noise impact assessment.

Reason: In the interests of the amenity of neighbouring properties

- 6) Notwithstanding the information submitted, prior to first operation of the AC plant hereby permitted, the plant shall be permanently fitted with a timer to ensure the plant is not operational outside the associated store opening hours. Thereafter the AC plant shall not be operated at any time outside of the associated store opening hours and the timer shall be maintained in full working order as approved in perpetuity.

Reason: To reduce night-time noise levels in the interests of protect the amenity of nearby properties.

- 7) Notwithstanding any details submitted the external materials to be used shall match, as closely as possible, in type, colour, and texture those of the existing building unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that a harmonious visual relationship is achieved between the new and the existing developments.

- 8) Notwithstanding any indication on the approved plans or documents, the refuse collection shall take place only between the following hours:

07.00-19.00 Monday to Friday

10.00-16.00 Sunday

Reason: To safeguard the amenities of neighbouring properties

- 9) Notwithstanding any indication on the approved plans and documents, deliveries to the store shall be undertaken in accordance with section 4 of the submitted Delivery Management Plan produced by Wellsfield Associates. Specifically, the following measures shall be strictly adhered to in perpetuity:
- i. With the exception of milk deliveries, deliveries shall only be undertaken by rigid frame vehicles no greater than 12 metres in length.
 - ii. Deliveries shall not take longer than 1 hour to complete,
 - iii. There shall be no more than one delivery undertaken at a time,
 - iv. Delivery times for resupply by the parent chain of the business operating from the premises shall be limited to the following:
 - Delivery of ambient goods: Deliveries limited to one delivery each day on Monday, Wednesday, Thursday and Saturday and deliveries limited to 1100 to 1800 inclusive, and at no other times or days.
 - Delivery of chilled/frozen: Deliveries limited to one delivery per day Monday-Saturday between 0800-1200, and at no other times or days.
 - v. deliveries made via third party suppliers (such as bread, sandwiches, newspapers and greengrocers) shall not be carried out other than between the hours of 0600 and 1900 Monday to Saturday, and at no other times or days, with the exception of newspaper deliveries on a Sunday

Reason: In the interests of protecting the amenity of neighbouring properties

Decided Plans

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

Details	Reference	Version	Date Received	Status
PLAN - Proposed Floor Plan	3521.11	C	23.10.2020	Approved
PLAN - Existing and Proposed Elevations	3521.12	B	23.10.2020	Approved
PLAN - Location and Block Plans, Existing and Proposed Site Plans	3521.13	C	23.10.2020	Approved
PLANS - Plans PLAN -	3521.08	A	26.01.2021	Approved
PLAN	3521.09	A	09.03.2021	Approved

INFORMATIVES

1) Provision shall be made within the Noise Agreement Plan for the incorporation of the following measures:

-inclusion of the mitigation measures specified in Sections 6.20 and 6.21 Noise Solution Ltds Delivery Noise Impact Assessment (Ref: 88753, Revised 29th September 2020).

-building specification, design and predicted noise attenuation properties of the walkway screen along the trolley walkway. The mass of the walkway structure should be designed to achieve a mass of no less than 10kg/m².

-inclusion of soft/slow shut doors to the delivery entrance

-full manufacturer's details of a low impact/ smooth tarmac surface for the trolley walkway

- full details for the management of the ongoing management and maintenance of the low impact/smooth tarmac surface

-confirmation that storage/unloading/movement of trolleys following delivery can be undertaken within the building. Where this cannot take place a robust plan shall be put in place to reduce external trolley movements to the minimum operationally required, with a cut off time specified for the external movement of trolleys.

Consideration shall be given to other measures and controls that would reduce noise generation during deliveries to the site.

For further information on this application please contact William Price on 01243 534734
To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QINVZ1ERHS300>