

THE HIGHLAND COUNCIL

**CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING
APPLICATIONS AND REVIEW COMMITTEE – 9 December 2008**

Agenda Item	3.2
Report No	57/08

**08/00337/FULCA Installation of three air-conditioning units, Co-op premises,
Meadow Lane, Thurso**

Report by Area Planning and Building Standards Manager

SUMMARY

This report deals with an application received to install three air-conditioning units on the Co-op premises, Meadow Lane, Thurso.

A number of objections were received from adjacent residential occupiers, primarily based on noise issues. A noise survey was undertaken by the applicant and submitted with the application. Environmental Health have stated that the noise report results were insufficient, but have since agreed on an appropriate condition to be attached to any consent issued given that the applicants have indicated a commitment to carry out remedial works should noise be an issue after installation.

The application is reported to Committee as five letters of representation have been received.

The recommendation is to GRANT planning permission.

Ward Number 2 - Thurso

Applicant: The Co-operative Group (Scotland) Ltd

1. PROPOSAL

1.1 The application seeks planning permission for the installation of three air-conditioning units. It is proposed that the units will be installed to the rear of the supermarket, and will be directly opposite residential properties on Grove Lane.

2. PLANNING HISTORY

2.1 No applications relevant to this case.

3. PUBLIC PARTICIPATION

- 3.1 Five letters of representation have been received. The letters of representation are available in the Area Office and will be available at the Committee meeting. The names of those making representations are listed at the end of this report.
- 3.2 The main grounds of objection are as follows:
- **Noise:** The noise report submitted with the application detailed that the noise tests were taken in Wilson Street, rather than in Grove Lane. No details of the current noise levels were included, so no comparative assessment can be made.
 - **Traffic:** Delivery lorries arriving early in the morning currently make considerable noise. With the installation of the air-con units, manoeuvring space will be limited, thereby increasing the difficulty lorries have in unloading and increasing the time they are parked and waiting to unload in Grove Lane.
 - **Lack of space:** The existing yard has considerable equipment stored in it. Unloading trolleys in the yard leave enough space for only one lorry to unload at any time. The area proposed for the plant is currently where lorries are unloaded. Bin storage in the yard is also redundant with bins permanently stored on the street.

4. CONSULTATIONS

- 4.1 **Thurso Community Council** have no objections.
- 4.2 **Internal consultees**

TECS (Roads) have no objections.

TECS (Environmental Health) responded initially with a number of concerns, detailed as follows:

1. No detail provided as to whether the new plant would worsen or improve existing circumstances. The proposed location of the units is at ground level directly facing residential properties.
2. No information was provided as to whether or not the existing plant would be removed.
3. Wilson Street was chosen as the location for the Noise Report, rather than Grove Lane. Wilson Street runs down to the Thurso River, Grove Lane does not. The Noise Report indicated that the measuring position was mainly affected by noise from Thurso River.
4. Whilst the Noise Report was being carried out, the wind was occasionally gusting from the northwest, which may be the reason for the high level of background readings recorded. When a noise assessment is being carried out, the wind speed should be less than 5 metres per second.
5. The Noise Report, whilst giving general guidance on the maximum noise level/output of plant per unit of plant at 10 metres, does not extrapolate an accumulated total noise output to the specific location.

6. It is usual within a noise report to give an indication as to whether or not complaints are likely. This has not been included.

With these concerns, Environmental Health recommended that a further more specific noise assessment be carried out which should demonstrate that best practicable means have been used to prevent noise nuisance arising.

Having been advised of these concerns, the applicant responded on each point as follows:

1. The aspect to the front of the plant is open. The units draw air in from the front and this is discharged vertically, therefore the main break out of noise is in a vertical plane. The noise emitted from the new plant will be reduced at night to a level of 38 dB, which is lower than existing.
2. All existing plant will be removed.
3. Wilson Street was used for measuring underlying background noise because the existing plant was audible at Grove Lane.
4. There is always a problem with weather and at the time of year the survey was carried out (March), the likelihood of obtaining ideal weather conditions would be remote.
5. At the time of the survey, the plant model date and noise data was not known, and as a result no definitive cumulative noise data could be provided.
6. The report states that the new plant is to be designed to ensure the measured underlying night time background noise level is not exceeded therefore any complaints should be unlikely.

From this response, Environmental Health have acknowledged that the additional information provided has clarified the proposed circumstances to some degree and they accept that reasonable noise mitigation measures may be put in place. Furthermore, the applicant's agent has indicated a commitment to carry out remedial works should noise be an issue after installation of the new refrigeration plant.

Environmental Health have confirmed that they do not object to the application subject to an appropriate condition being imposed in respect of noise generation.

5. POLICY

5.1 The following policies are relevant to the assessment of the proposal

Highland Structure Plan

- Policy G2: Design for sustainability

Caithness Local Plan

- Thurso - Policy C: Town Centre

5.2 The proposal also requires to be assessed against the following relevant Scottish Planning Policies (SPP); National Planning Policy Guidelines (NPPG); and Planning Advice Notes (PAN).

- Scottish Planning Policy (October 2008)

6. PLANNING APPRAISAL

6.1 **Determining issues** - Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

6.2 The proposal requires to be assessed against the appropriate policies of the Development Plan, supplementary guidance and National Planning Policy and Guidelines as referred to in the Policy section. In particular, the proposal requires detailed assessment of the following fundamental issues:

- whether the principle of development is appropriate in terms of policy
- whether the layout of development is appropriate
- the impact on the amenity of the area and residents
- other material issues raised by the objectors

6.3 The application is for three air-conditioning units to serve the existing Co-op supermarket, located in Meadow Lane, Thurso. The supermarket is located within the Town Centre area of Thurso, as designated under Policy C within the Local Plan.

6.4 The proposed air-conditioning units are situated at the rear of the Co-op premises and close to residential properties on Grove Lane. There have been a number of representations from residents in Grove Lane expressing concerns on issues pertaining to noise, traffic and lack of space.

6.5 The issues which have arisen have been partly addressed by further information provided to Environmental Health by the applicant. Without the applicant submitting a further noise report, Environmental Health have detailed a condition to be attached to any consent issued which would address any problems arising from the noise levels of the units in the future.

6.6 With regards to the issues of parking of lorries and lack of space, TECS (Roads) have been consulted and have no objections to the proposal. Environmental Health have confirmed they are aware of the issue, and should the vehicles cause significant disturbance, they will investigate, assess and following it up accordingly.

7. CONCLUSION

- 7.1 The installation of three air-conditioning units is considered ancillary to the use of the property as a supermarket. The complaints relating to noise have been addressed by the inclusion of a condition within any consent issued to ensure that the plant design and installation complies with Noise Curve 25 when measured from any nearby noise sensitive dwelling.
- 7.2 Accordingly, this application is recommended for approval.

RECOMMENDATION

Grant planning permission subject to the following conditions:

1. Except as otherwise provided by the terms of this permission, the developer shall construct the development in accordance with the plans and supporting information submitted with the application and docquetted as relative hereto with no deviation therefrom unless otherwise approved in writing by the Planning Authority.

Reason: In order to clarify the terms of the permission hereby granted and to ensure that the development is implemented as approved.

2. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with Noise Rating Curve 25 when measured and/or calculated within any nearby noise sensitive dwelling, and that no structure borne vibration is perceptible within any nearby noise sensitive dwelling.

Reason: To protect the amenity of occupiers of adjoining properties.

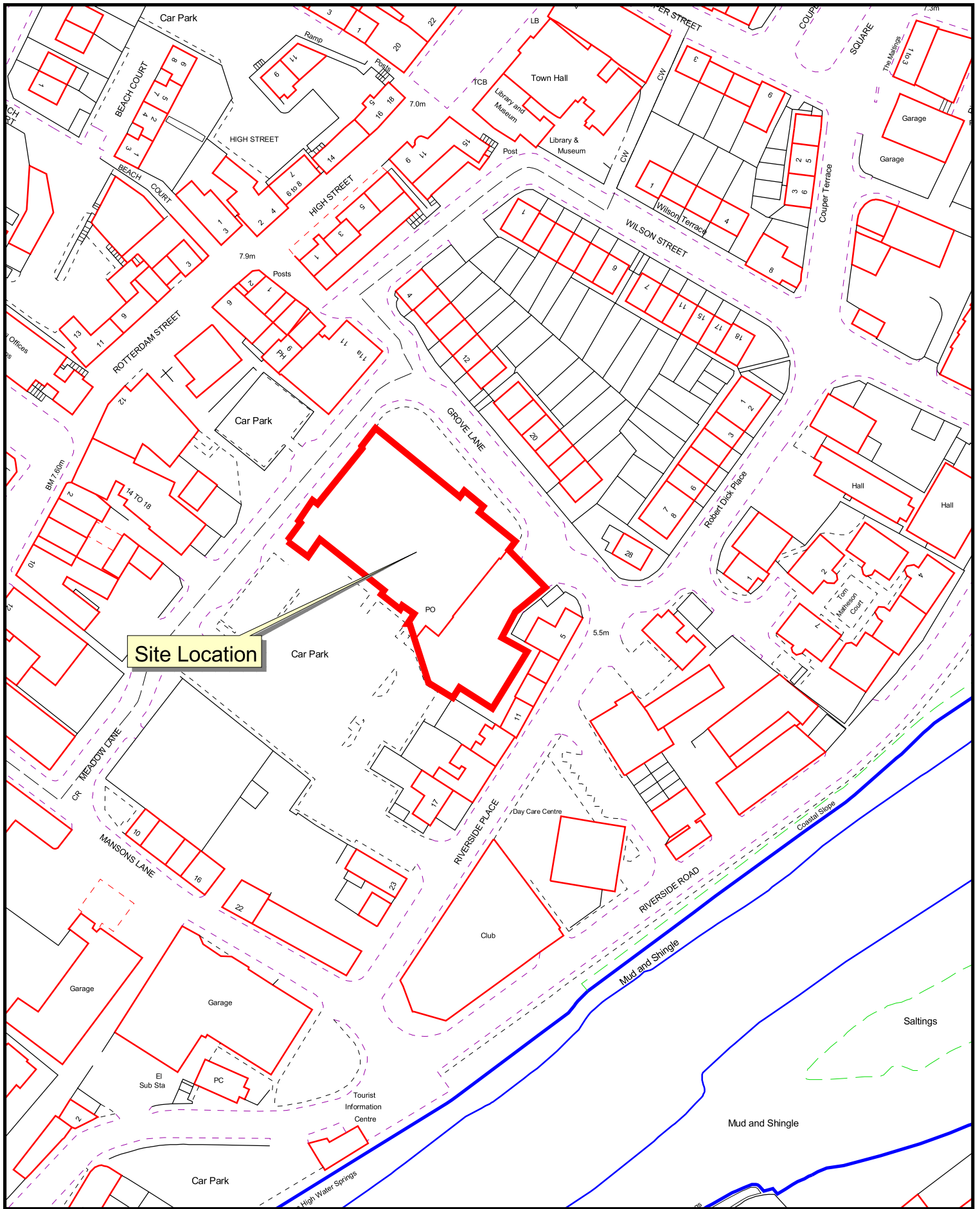
Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager

Author: Morag Goodfellow 01955 607754

Background Papers: As referred to in the report above and case file reference number 08/00337/FULRC.

Date: 26 November 2008



08/00337/FULCA
 Installation of air condition units at
 Co-Operative Retail Services Ltd
 Meadow Lane, Thurso

The Cooperative Group (Scotland) Ltd
 Robert Owen House
 87 Bath Street
 GLASGOW
 G2 2EE

Date: 28 November 2008

SUPPLIED BY THE HIGHLAND COUNCIL

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Notes

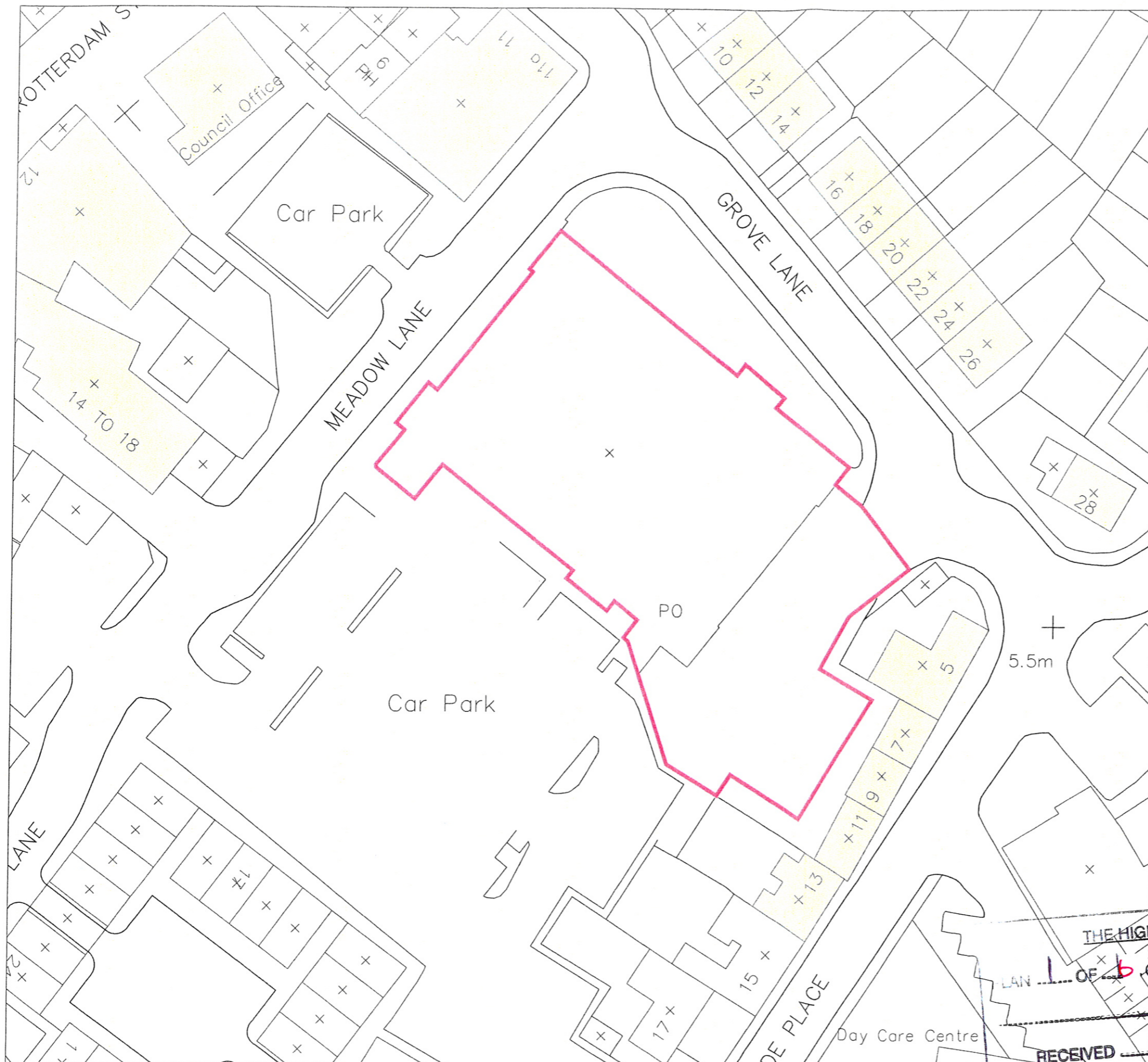
DO NOT SCALE DIMENSIONS FROM THIS DRAWING. ALL DIMENSIONS TO BE VERIFIED ON SITE.

ANY DISCREPANCIES IN PRINTED DRAWINGS TO BE BROUGHT TO W.D. HARLEY PARTNERSHIP'S ATTENTION FOR CLARIFICATION.

ALL VARIATIONS TO CONSTRUCTION WORKS CARRIED OUT ON SITE TO BE BROUGHT TO OUR ATTENTION PRIOR TO CARRYING OUT WORK.

NEIGHBOURS NOTIFIED:

1. OWNER/OCCUPIER: 10-28 GROVE LANE, THURSO, KW14 8AE
2. OWNER/OCCUPIER: 5 RIVERSIDE PLACE, THURSO, KW14 8BZ
3. THE SAMARITANS, 7 RIVERSIDE PLACE, THURSO, KW14 8BZ
4. CAITHNESS DEAF CARE, THE SENSORY CENTRE, 9 RIVERSIDE PLACE, THURSO, KW14 8BZ
5. OWNER/OCCUPIER: 11 RIVERSIDE PLACE, THURSO, KW14 8BZ
6. OWNER/OCCUPIER: 13 RIVERSIDE PLACE, THURSO, KW14 8BZ
7. CAR PARK: HIGHLAND COUNCIL ROADS & TRANSPORT SERVICES, COUNCIL OFFICES, GLEN URQUHART ROAD, INVERNESS, IV3 5NX
8. WILLIAM SOUTERS LTD, 14-18 ROTTERDAM STREET, THURSO, KW14 8EN
9. MACKAYS STORES LTD, 12 ROTTERDAM STREET, THURSO, KW14 8EN
10. THE HIGHLAND COUNCIL, ROTTERDAM STREET, THURSO, KW14 8AB
11. OWNER/OCCUPIER: 11 & 11A GROVE LANE, THURSO, KW14 8AE



PROPOSED SITE PLAN (scale 1:500)  NORTH

THE HIGHLAND COUNCIL
 PLAN 1 OF 6 OF APPLICATION REFERENCE
 08/337
 RECEIVED 11 JUN 2008

Job Title
 EXTERNAL PLANT INSTALLATION
 AT CO-OPERATIVE STORE,
 MEADOW LANE, THURSO
 CO-OPERATIVE GROUP

Drawing Title
 PROPOSED SITE PLAN &
 NEIGHBOURS NOTIFIED

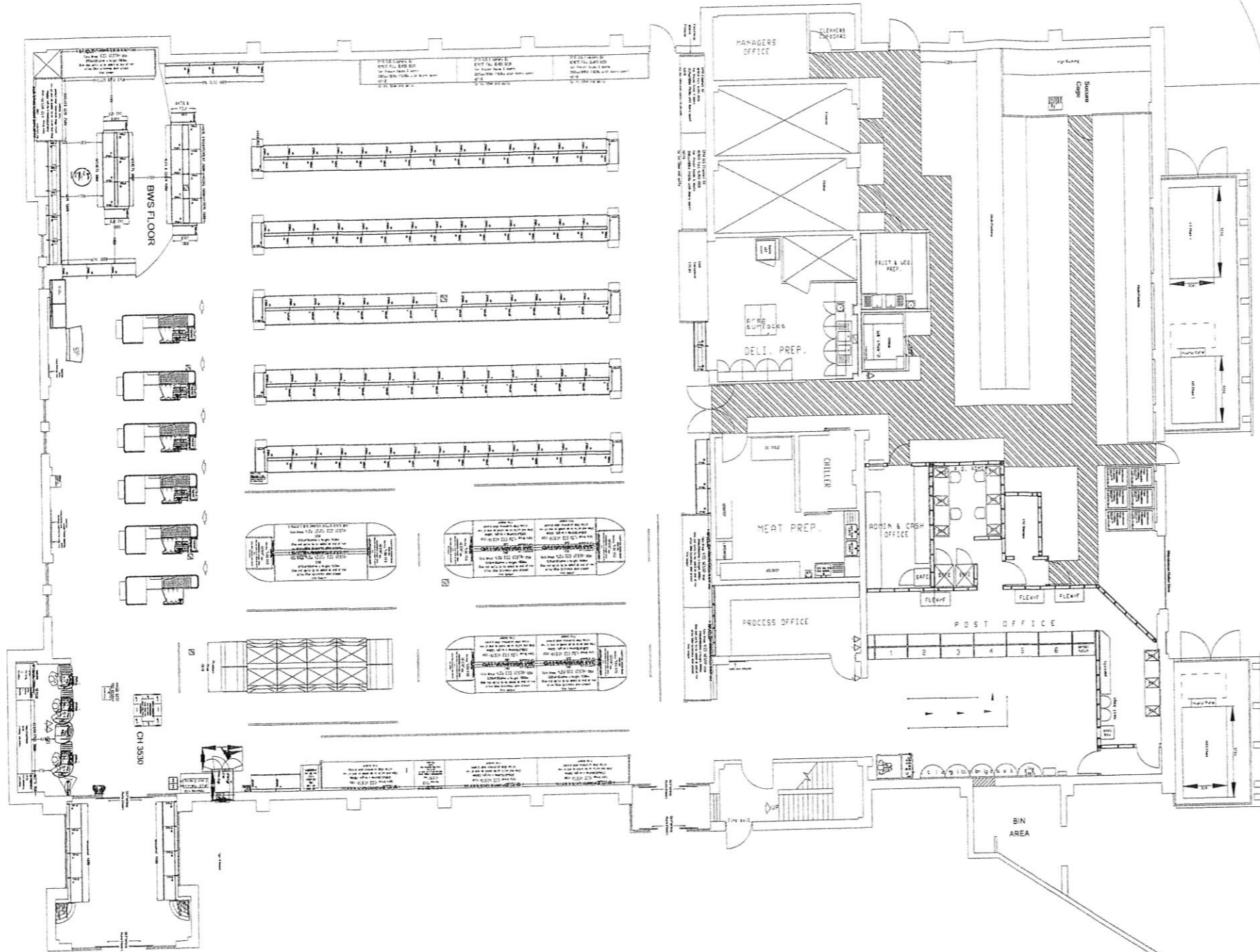
Scale 1:500 Date JULY 2008

Drwn. DH Chkd.

Appr.

Drawing No.
 CO-08-008(1)

w.d.HARLEY Partnership
 109,
 MORAY STREET,
 BLACKFORD,
 PH4 1PY
 Tel:01764 682225
 Fax:01764 682251



Amended
 THE HIGHLAND COUNCIL
 PLAN 3 OF 6 OF APPLICATION REFERENCE
 08/337
 RECEIVED 4.9.08

rev	date	details	drwn	chkd
A	08/08	Palisade Fencing & Armco Barrier added		

Job Title
 Installation of New Plant at Rear of
 Co-op Store
 Meadow Lane
 Thurso
 Caithness
 KW14 8ER

Drawing Title
 Proposed Floor Plan

Scale 1:200 Date June 08

Drwn Chkd

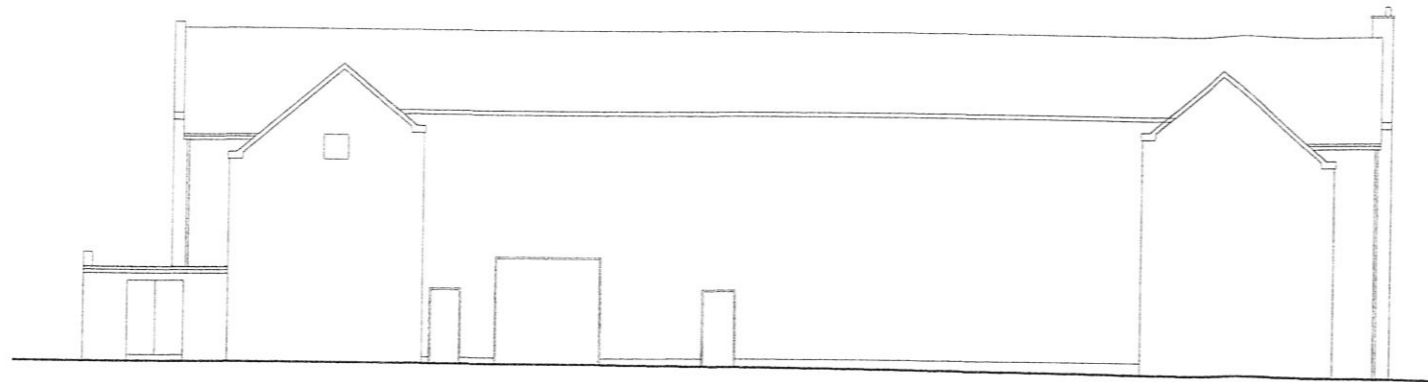
Appr

Drawing No. **CO-08-008 (3A)**

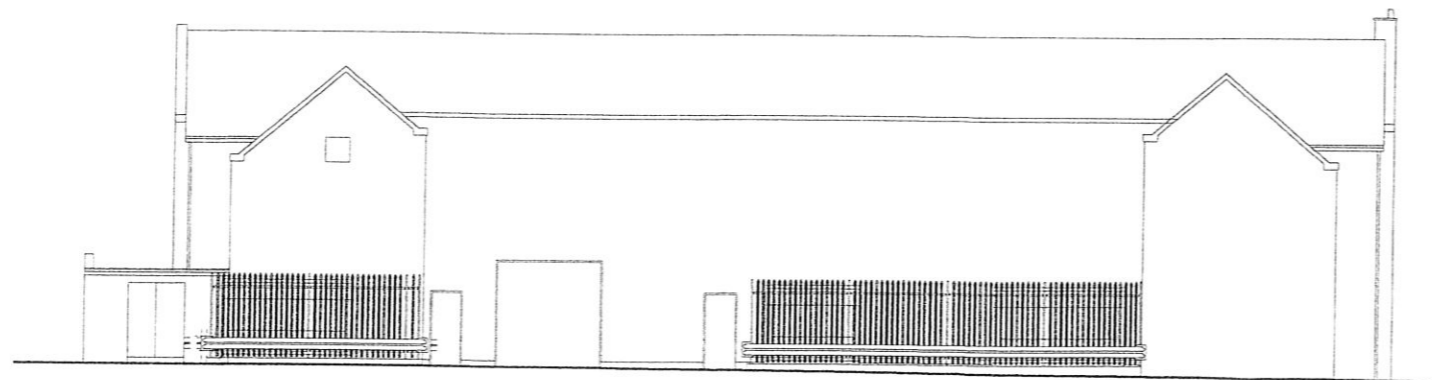
W. D. HARLEY PARTNERSHIP

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CO-OP STORE, MEADOW LANE, THURSO, CAITHNESS, KW14 8ER



Existing Elevation 1 : 200



Proposed Elevation 1 : 200

Amended

THE HIGHLAND COUNCIL

PLAN 4 OF 6 OF APPLICATION REFERENCE

08/337

RECEIVED 4.9.08

rev	date	details	drwn	chkd
A	08/08	Palisade Fencing & Armco Barrier added		

Job Title
 Installation of New Plant at Rear of
 Co-op Store
 Meadow Lane
 Thurso
 Caithness
 KW14 8ER

Drawing Title
 Existing & Proposed Rear Elevation

Scale 1 : 200 Date June 08

Drwn. Chkd

Appr.

Drawing No. **CO-08-008 (4A)**

W. D. HARLEY PARTNERSHIP

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CO-OP STORE, MEADOW LANE, THURSO, CAITHNESS, KW14 8ER