

SCHEDULE A8 TO THE AGENDA FOR THE  
CENTRAL PLANNING COMMITTEE  
3 FEBRUARY 2010

A8 **WA/2009/1707**  
Tesco Stores Ltd  
25/11/2009

Installation of mechanical plant comprising, one condenser unit, three air conditioning units and roof mounted satellite dish at: - Former Red Lion, Portsmouth Road, Milford, GU8 5JH (as amended by letter dated 15/01/2010 and plans received 18/01/2010)

Grid Reference: E: 495071 N: 142288

Parish: Witley  
Ward: Milford  
Case Officer: Mr A Griffiths

8 Week Expiry Date 20/01/2010

Neighbour Notification Expiry Date 08/01/2010

Neighbour Notification  
Amended/Additional Expiry Date

RECOMMENDATION That permission be **GRANTED**

The application has been brought before the Area Committee in view of the high level of public interest.

Location or Layout Plan



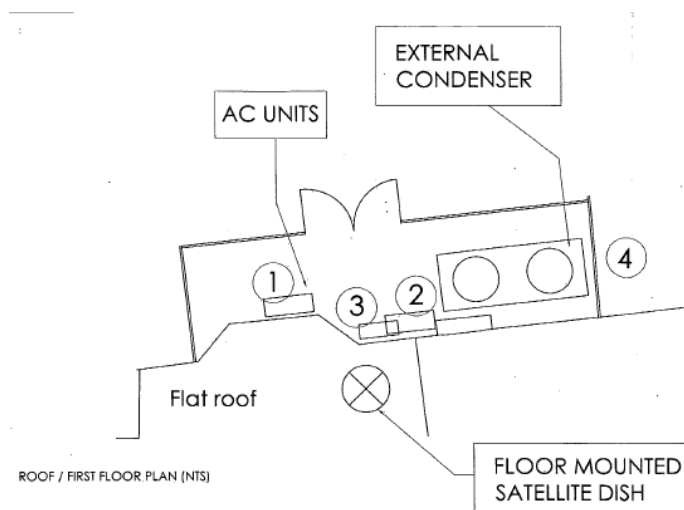
## Site Description

The Red Lion Public House is located to the southeast of the Portsmouth Road, and is a two storey tile hung and rendered structure with pitched tiled roofs. The site extended some 90m to the south, with an historic wall splitting the site 22m to the rear of the Red Lion. Asides from an area of grass that was historically used as a beer garden, the remainder of the site is laid to 31 car park spaces. The area is primarily characterised by residential dwellings, although a collection of shops is located 100m to the southwest.

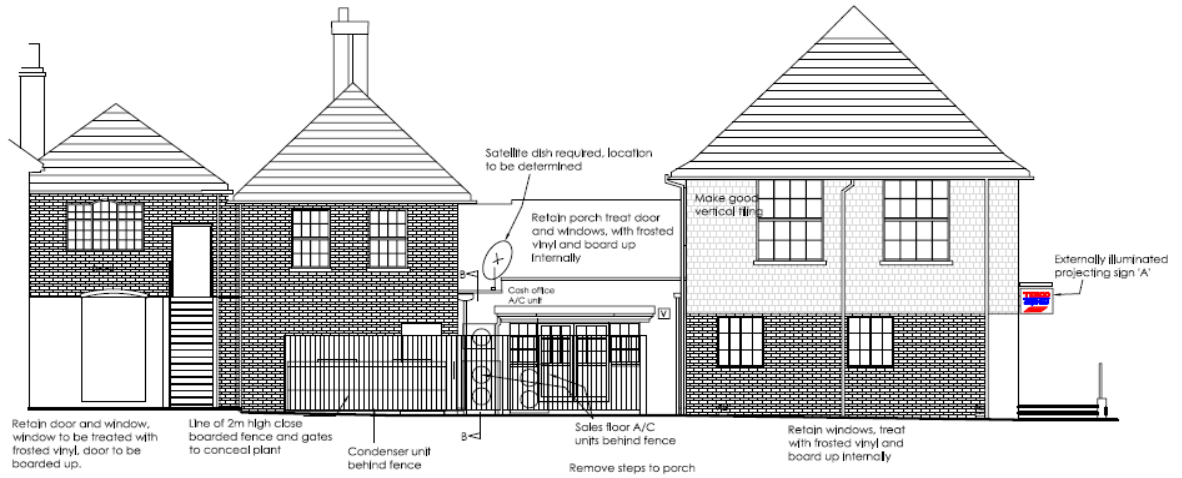
## Proposal

- Planning permission is sought for: -
  - The erection of a 2m high fence to the rear southeast elevation of the Red Lion to house that would encapsulate the proposed plant machinery
  - The installation of 3 air conditioning units to the rear southeast elevation of the building. 3 of the air conditioning units would be 300mm high x 970mm wide x 370mm deep. The remaining units would be 540mm high x 720mm wide x 190mm deep
  - The installation of a condenser unit (floor mounted) – 1695mm high x 3100mm wide x 810 deep; and
  - The installation of a satellite dish upon the existing single flat roofed rear projection

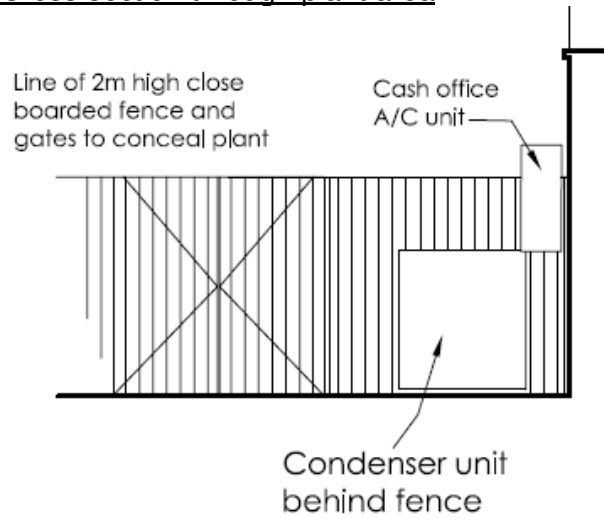
## Plan showing location of proposed plant



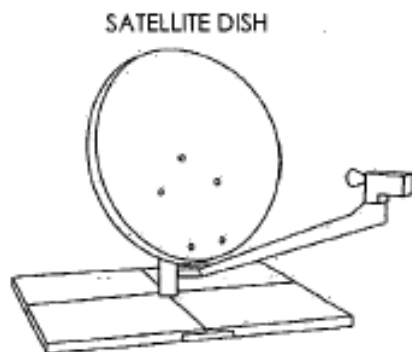
## Rear southeast elevation



Cross section through plant area



Roof mounted satellite dish



### **Relevant Planning History**

WA/2000/1752	Alterations to elevations, erection of a replacement fire escape staircase	Full Permission 06/12/2000
WA/2002/2509	Erection of an entrance porch and a replacement fire escape; alterations to provide additional staff accommodation	Full Permission 10/02/2003
WA/2009/1703	Installation of ATM unit	Pending Decision
WA/2009/1705	Listed Building Consent for repairs to existing gate on rear wall	Pending Decision
WA/2009/1706	Application for Consent to display illuminated and non illuminated signage on the building and in the car park	Pending Decision
WA/2009/1707	Installation of mechanical plant comprising, one condensing unit, three air conditioning units and roof mounted satellite dish	Pending Decision

### **Planning Policy Constraints**

Wealden Heaths 2km SAC Buffer Zone  
Wealden Heaths 5km SPA Buffer Zone  
Conservation Area – Milford Witley  
Green Belt  
Rural settlement area - Milford

### **Development Plan Policies and Proposals**

Policies D1, D4, HE3 and HE8 of the Waverley Borough Local Plan 2002  
Policies CC4, CC6, NRM5 and BE6 of the South East Plan 2009

### **Consultations and Parish Council Comments**

Parish Council	- No objection
Highways	- No requirements/objection
Environmental Health	- No objection/requirements

### **Representations**

18 letters of objection, 14 of which are from different address points, have been received based on the following: -

- The proposal would result in noise and disturbance to local residents as a result of deliveries to the site
- The steady theoretical individual noise components may be compared to the background noise levels in the way presented, but the combined hum of this type of installation can be perceived

differently than transient passing traffic noise at similar peak level and as a result may have a more intrusive effect

- Development is unnecessary bearing in mind existing amenities in the area
- Store would create traffic congestion and pollution even further
- Adequacy of parking provision is in question
- Proposal would create an eyesore on a pleasant and well established row of harmonious buildings whilst also creating a significant noise hazard potentially affecting a number of close residences
- Local residents will need to be informed of the noise and pollution levels of the proposed plant machinery before an informed decision can be made. The noise will be in addition to that of traffic and loading
- The proposed Tesco would ruin the village of Milford and kill the small village shops
- Development is unnecessary and will serve to add to the traffic load by encouraging people to stop at all times of the day and night
- The long opening hours are likely to cause noise nuisance as well as traffic congestion within the village

1 letter has also been received commenting on the attention that has been paid to the likely noise and careful way this has been further constrained by close-boarded timber fencing

### Determining Issues

Visual Amenity

Listed Building & Conservation Area Considerations

Neighbouring Amenity

SPA Considerations

Conclusion

### **Planning Considerations**

#### Visual Amenity

The proposed satellite dish would be installed upon the existing single storey flat roofed rear projection, which is recessed between the rear gables and therefore not visible unless directly adjacent to the rear of the building. The proposed plant machinery would set behind a 2m high timber fence. Therefore, views of the proposed plant machinery would not be possible from public vantage points. With these limited public views in mind, and with regard to the historic commercial use of the site, it is considered that the proposal would not cause material harm to the character of the building or the visual amenities of the area.

#### Listed Building & Conservation Area Considerations

The Council's Historic Buildings Officer has been consulted as part of the application both in regards to the site being within the Milford Witley

Conservation Area, but also being neighboured on both sides by Grade II Listed Buildings.

The Historic Buildings Officer raises no objection to the proposal. Taking into account this view the proposal is not considered to cause material harm to the architectural integrity or setting of the Grade II Listed Building, whilst also preserving the character of the Conservation Area.

#### Neighbouring Amenity

The principal issue in relation to this aspect of the development is the potential noise generation of the air conditioning units and plant. The submission has included a noise assessment. The Council's Environmental Health Department has been consulted as part of the current application and has raised no objection taking into account the assessment. If the operational noise referred to in the noise assessment should change, or not follow the predictions by way of volume or tonal element it could constitute a statutory nuisance to be controlled under environmental health legislation requiring remedial action.

As a result it is considered that there is no overall planning objection on noise grounds.

#### SPA Considerations

The site is within the Wealden Heaths 5km SPA Buffer Zone and Wealden Heaths 2km SAC Buffer Zone. As the proposal is for installation of plant machinery it will not involve an increase in the number of people and therefore is unlikely to have a significant effect upon the integrity of the SAC or SPA.

#### Conclusion

Many of the concerns raised in the letters of representation are not material to the determination of the current application, as they relate to the principle of the use, and not the plant machinery and fencing proposed under the current application.

The proposal is not considered to cause demonstrable harm to the setting of the adjacent Listed Buildings, and is considered to preserve the character of the Conservation Area. Taking into account the advice from environmental health officers the proposal is not considered to cause material harm to the neighbouring amenity in regards to noise and disturbance.

**Recommendation:** That permission be **GRANTED** subject to the following conditions

1. Condition

The plan numbers to which the decision relates are 1735/02K, 1735/04M, 1735/05, 1735/07, 1735/11 and location plan at 1:1250 (1735-13). The development shall be carried out in accordance with the approved plans. No material variation from these plans shall take place unless otherwise agreed in writing by the Local Planning Authority.

Reason

In order that the development hereby permitted shall be fully implemented in complete accordance with the approved plans and to accord with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

2. Condition

Noise resulting from the use of this plant, machinery or equipment shall not exceed a level of 5dB(A) below the existing background level (or 10dB(A) below if there is a particular tonal quality) when measured according to British Standard BS4142-1997, at a point one meter external to the nearest noise sensitive premises.

Reason

In the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area and to accord with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

**SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION**

The development hereby granted has been assessed against the Development Plan policies: Policy D1, D4, HE3 and HE8 of the Waverley Borough Local Plan 2002, Policy CC4, CC6, NRM5 and B6 of the South East Plan 2009 and material considerations including third party representations. It has been concluded that the development would comply with the development plan and would not result in material harm that would justify refusal in the public interest.