

## **REPORT FOR CONSIDERATION AT PLANNING SUB-COMMITTEE**

### **1. APPLICATION DETAILS**

**Reference No:** HGY/2014/3409

**Ward:** Crouch End

**Address:** Park Road Swimming Pools Park Road N8 7JN

**Proposal:** Retrospective application for change of position for new flue. New roof mounted fence to screen flue and roof plant.

**Applicant:** Mr Anthony Cawley Fusion Lifestyle

**Ownership:** Council

**Case Officer Contact:** Matthew Gunning

**Date received:** 02/12/2014

**Drawing number of plans:** 120821/A/120; 120821/A/121; 120821/A/124; 120821/A/204;

1.1 This application is being referred to committee as it relates to land within the Council's ownership and also given the number of objections received.

#### **1.2 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- The roof plant equipment is considered to be suitably located so as to minimise its impact upon the appearance of the building and adjoining residential amenity, whilst ensuring that the functioning needs of this established facility are met.
- With the implementation of the identified noise attenuation measures and the measures to partly screen the plant equipment the concerns raised by neighbouring residents are considered to be addressed.

### **2. RECOMMENDATION**

2.1 That the Committee resolve to GRANT planning permission and that the Head of Development Management is delegated authority to issue the planning permission and impose the conditions set out below to secure the following matters

Conditions:

- 1) Fixed maximum noise level to be agreed with LPA within 3 months of consent;
- 2) In accordance with approved plans.

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### **3. PROPOSED DEVELOPMENT AND LOCATION DETAILS**

#### **Proposed development**

- 3.1 This is a retrospective application for the change of position of a flue and for a new roof mounted fence to screen the flue and roof plant equipment. Site works required that the flue of the main boiler serving the leisure centre to be relocated to an alternative position.
- 3.2 In respect of this application the Local Planning Authority required a revised noise assessment to be undertaken to predict noise emissions from the relocated plant items.

#### **Site and Surroundings**

- 3.3 The subject site is a large leisure centre located on the south-western side Park Road, N8. The centre is predominantly 2-storey and contains 3 swimming pools, gyms, studios, cafe and a lido. Behind the site are a number of playing fields and sports clubs. To the north of the site is a recently built block of flats (Fuller Court) which is adjacent to the Hornsey Central Neighbour Health Centre. Opposite the site and spreading north and south are residential terraced properties. The site is not located within a conservation area.

#### **Relevant Planning and Enforcement history**

- 3.4 HGY/2013/1500 - Erection of new entrance draught lobby to NE elevation, new first floor extension to NW elevation, new escape stair enclosure to NW elevation and single storey store / WC extension to NW elevation. Replacement of internal wet changing area, provision of new changing and ticket / refreshment buildings to external lido area, and general external improvements - 09/10/2013

HGY/2006/0316 - Erection of single storey toilet block – GRANTED

HGY/2006/0300 - Erection of extensions at ground and first floor levels comprising new dance and gym studios. Alterations to ground floor including new entrance and reception, creation of new lift and removal of 3 trees and replanting with 3 new trees. – GRANTED

HGY/2003/1636 - Alterations and expansion to existing health and fitness centre, involving provision of disability accessibility lift, first floor extension, female changing facility, and internal alteration – GRANTED

HGY/1996/0680 - Replacement of existing portacabin (used as a cafe) with new portacabin – GRANTED

HGY/2005/1201 - Erection of extensions at ground and first floor levels comprising new dance and gym studios. Alterations to ground floor including new entrance and reception, creation of new lift and removal of 3 trees and replanting with 3 new trees. – GRANTED

#### **4. CONSULTATION RESPONSE**

4.1 The following were consulted regarding the application:

Internal:

- 1) LBH Noise & Pollution – “Work should be undertaken to the plant room which is likely to have an acoustic reduction and even if further work is then needed to be undertaken, given that the building is Council owned (if not run) we should have leverage to resolve issues which may arise”. (officer comment: mitigation has been implemented)

#### **5. LOCAL REPRESENTATIONS**

5.1 The application has been publicised by 73 letters. The number of representations received from neighbours, local groups, etc in response to notification and publicity of the application were as follows:

No of individual responses: 9

Objecting: 9

Supporting: 0

5.2 The following issues were raised in the objections received:

- Position and height of flue and associated exhaust fumes reaching neighbouring building Fuller Court;
- Plant is extremely noisy;
- The screen isn't high enough;
- Insufficient detail in this application and without evidence that the clean air act has been complied with;
- The screen isn't high enough;
- Submitted drawings are lacking in detail.

#### **6 MATERIAL PLANNING CONSIDERATIONS**

##### Background

6.1 A planning application was approved in October 2013 for various external and internal changes in relation to improvements to this existing sports/leisure facility. Fusion Lifestyle took over the operation and management of Park Road Leisure Centre in 2012. As set out in the Officer's report in respect of this previous

application (ref: HGY/2013/1500) new roof mounted plant equipment was proposed:

“New roof mounted plant is proposed in various locations consisting of 9 x condenser units, 3x air-handling units and 3 x heat recovery units. The plant is located away from the roof edge to minimise visibility from ground level. On the north-west side, the plant is set 9m from the building edge to maximise the distance from the neighbouring flats. “

- 6.2 In connection with this application an acoustic report was submitted which included measurements of noise levels from neighbouring residential properties (taken in June 2013). The report concluded that with the use of acoustic enclosures and the addition of a screen adjacent to the condenser units on the flat roof, noise levels experienced at the nearest residential property (approximately 15m from the facade of the building), would not exceed Haringey’s noise emission limit of 35dBA (daytime) and 31 (night time).
- 6.3 As pointed out above this is a retrospective application for the change of position of a flue and for a new roof mounted fence to screen the flue and roof plant equipment.

#### Changes from consented scheme

- 6.4 Approved drawings 120071/M/302 Rev D2 (Mechanical Services Plant Room) & 120071/M/303 Rev D1 (Mechanical Services Roof) in connection with the previously approved application shows the location of the roof plant equipment. Appendix C of the Acoustic Report provided a schedule of the equipment in question while Appendix D provided a more detailed drawing showing the location of the various aspects of the equipment (namely air handling units, condenser units, heat recovery units etc) in addition to the location of a noise barrier.
- 6.5 Drawing 120821-A-204-C4 shows the location of the equipment as installed, which show small changes in relation to the approved; specifically a stainless steel flue positioned on the north-west corner of the building opposite Fuller Court flats. This application has been submitted to regularise the change and to propose a timber screen to partly screen the flue/ plant equipment.

As before the daytime and night-time operations of this equipment are as follows:

- The Air Handling Units (AHUs) will only run at full duty during the daytime period.
  - During the night-time period (23:00-07:00 hours) the AHUs will run at a maximum of 60% of the full daytime duty.
- The Heat Recovery Units (HRUs) will not run during the night-time period (23:00-07:00 hours).

- The Condenser Units (CUs) will not run during the night-time period (23:00- 07:00 hours).
- 6.6 This timber screen (painted grey) will screen the horizontal element of the flue while the top portion of the flue visible above the screen is to be painted black. The screen here will also partly screen the equipment located further in on the roof of the building. As discussed below an updated acoustic report was submitted to determine impacts of these changes.
- 6.7 The closest residential windows to the roof plant equipment are approximately 15m from the northern façade of the leisure centre. The boiler flue location is approximately 23m from these flats.
- 6.8 With the exception of the flue and the measures to minimise its appearance there are no other external changes. The roof plant equipment is considered to be suitably located so as to minimise its impact upon the appearance of the building and adjoining residential amenity, whilst ensuring that the functioning needs of this established facility are met.

#### Noise & Impact on amenity

- 6.9 National Planning Policy (NPPF), March 2012 state that planning decisions should aim to:
- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
  - mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
  - recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
  - Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
- 6.10 The NPPF refers to the March 2010 DEFRA publication. “Noise Policy Statement for England” (NPSE), which reinforces and supplements the NPPF. The NPSE states three policy aims, as follows:
- “Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:
    - Avoid significant adverse impacts on health and quality of life;
    - Mitigate and minimise adverse impacts on health and quality of life; and

- □□Where possible, contribute to the improvement of health and quality of life.”
- 6.11 In terms of local planning policy saved UDP Policies UD3 and ENV6 require development proposals to demonstrate that there is no significant adverse impact on residential amenity including noise, fumes and smell nuisance. In addition saved UDP Policy ENV7 necessitates developments to include mitigating measures against the emissions of pollutants and separate polluting activities from sensitive areas including homes. London Plan Policies 7.14 and 7.15 also seeks to protect residential properties from the transmission of airborne pollutants arising from new developments.
- 6.12 Taking an overview of National Policy it is clear that when considering the impact of noise one must ensure that adverse impacts are minimised and mitigated.
- 6.13 As outlined above an updated Acoustic Report (prepared by MLM) was submitted with this application. In view of the objections received, in particular from residents living in Fuller Court, further noise measurements were undertaken by MLM in relation to the closest noise-sensitive receptors. The last noise measurements were conducted between 14:00 and 18:00 on Wednesday 3<sup>rd</sup> June 2015 and between 01:00 and 04:00 on Thursday 4<sup>th</sup> June 2015.
- 6.14 This assessment identified that excessive noise emissions from the leisure centre were as a result of noise from the operation of the plant located within the plant room; namely the heat pump units and boiler, both of which are located within the enclosed plant room on the north-western façade of the site.
- 6.15 As such the applicant’s consultant identified that it would be necessary to further mitigate noise emissions from the plant room; which MLM indicate can be achieved with the implementation of a suitable acoustic louvre, in place of a weather louvre. This has been carried out separately to this planning application. MLM specifically indicate that with the implementation of the recommended mitigation measures it is expected to result in noise emissions 10 dB below the established background noise level during the daytime period and 10 dB below during the night-time period. Officers would point out that the acoustic louvre has now been installed.
- 6.16 Officers would also point out the noise complaints received related to the break-out of noise from the existing plant room rather than in relation to re-siting of the flue in question. An Acoustic Report prepared by residents of Fuller Court concurs that the boiler plant was the dominant noise source rather than the roof top plant.
- 6.17 The applicant’s reports have been independently assessed by Sanctum consultants for the LPA. Sanctum indicated that the applicant should re-assess the degree of noise mitigation required to satisfy the requirement of the LPA.

Sanctum also raised an issue with respect of night time background noise levels. They note that this fell to 33.0 dB (LA90) which was 3.4dB below the lowest night time background level recorded in June 2013. They go on to say that if background noise levels are noticeably lower than those recorded two years ago additional noise mitigation may be required in the plant room to prevent noise nuisance and sleep disturbance.

- 6.18 In respect of the comments made by Sanctum, MLM stand by their assessment and believe that they have identified the level of additional mitigation required in order to satisfy the agreed limits and believe that no further assessment should be required. Officers would point out that a change in noise level of less than 3dB is regarded as imperceptible.
- 6.19 Notwithstanding the comments of Sanctum outlined above Officers are satisfied that the mitigation measures outlined can reduce the noise impacts to acceptable levels given the mitigation measures already carried out post the Sanctum Review and taking account of the imposition of an additional noise condition as outlines below. As indicated by MLM the implementation of the recommended mitigation measures is required to result in noise emissions 10 dB below the established background noise level during the daytime period and 10 dB below during the night-time period. Officers also point out that if for instance it was found that the acoustic louvre does not fully address the issue of noise emissions, additional measures may need to be carried out (i.e. sound instillation on the walls of the plant room, use of floor mounting kit etc).
- 6.20 With the implementation of the noise attenuation measures referred to above and the measures to partly screen the plant equipment the concerns raised by neighbouring properties are considered to be addressed. The imposition of a condition requiring fixed maximum noise levels to be agreed within 3 months of the date of this consent also enables the LPA to make sure that the calculated noise emissions in the context of background noise are compliant with the Council's requirements. Should it not be possible to meet these further mitigation measures will need to be agreed for example provision of further noise insulation. The applicant has indicated it would be willing to carry out additional mitigation if necessary.
- 6.21 In terms of the concern raised by residents in respect of the flue and associated exhaust fumes reaching Fuller Court the applicant confirms that the design of the heating system and flue is compliant with the Clean Air Act 1993 and that it is performing to the necessary specification. They also point out that the boilers now installed are class-leading, low NOX units and are less polluting than the old units which they replaced. The emission that has been referred to as 'smoke' is actually water vapour produced as a result of the boiler's operation.
- 6.22 A copy of the Clean Air Act Memorandum calculation from the actual flue manufacturer/installer was provided to the Council. This calculates that the height



of the flue should be 9.6m. The applicant (Fusion) has also confirmed that it has carried out a check calculation, using industry standard software and ascertained a similar height to the manufacturer. The flue termination has been installed at 9.6m. The various calculations/ information have sent to the Council's Environmental Health team who indicate that LA approval is not needed for this particular installation under the Clean Air Act 1993.

- 6.23 This information submitted adequately demonstrates that flue installation in question is in compliance with the guidelines set out in the Clean Air Act Memorandum.

## **8. RECOMMENDATION**

GRANT PERMISSION subject to conditions

Registered No. HGY/2014/3409

Applicant's drawing No.(s) 120821/A/120; 120821/A/121; 120821/A/124; 120821/A/204:

Subject to the following conditions:

1. The development hereby authorised shall be carried out in complete accordance with the plans and specifications submitted to, and approved in writing by the Local Planning Authority – No.(s) 120821/A/120; 120821/A/121; 120821/A/124; 120821/A/204;

Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.

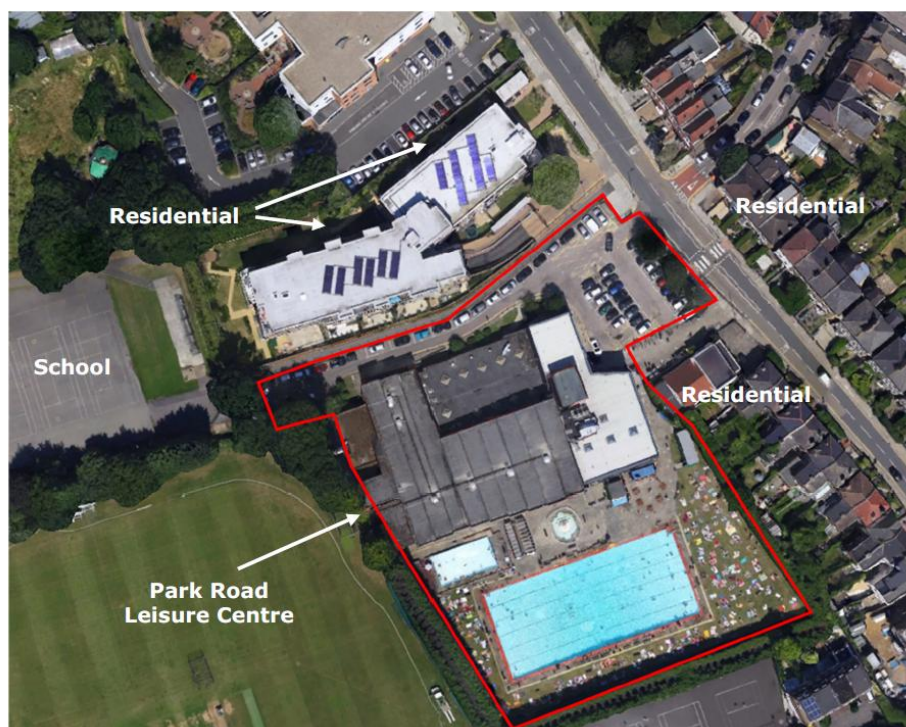
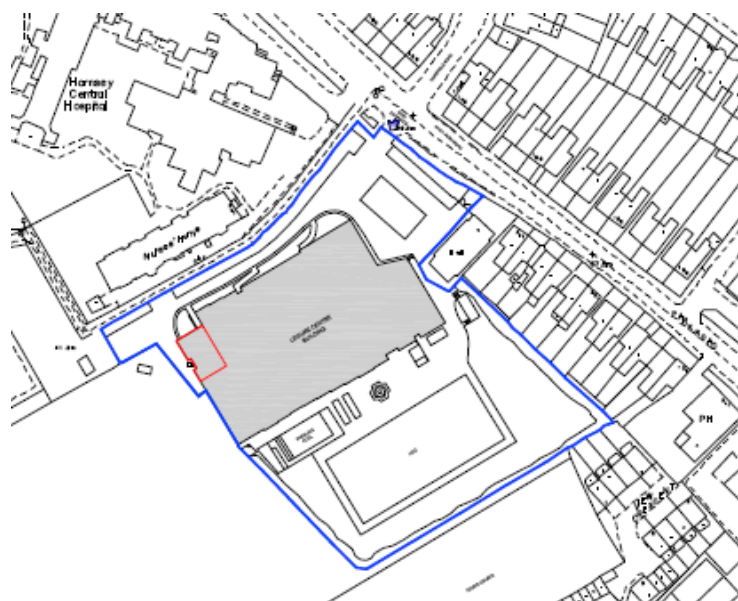
2. Within 3 months of the date of this permission and the installation of the roof mounted screen, fixed maximum noise level shall be submitted and agreed with the LPA showing noise emissions do not exceed a level equivalent to 10 dB below the worst-case (lowest) prevailing background LA90 dB noise level measured at the nearest/worst-affected residential location (nighttime and daytime). The agreed level shall thereafter be maintained in perpetuity unless agreed in writing by the Local Planning Authority.

Reason: In order to protect the amenities of nearby residential occupiers consistent with Policy 7.15 of the London Plan 2015 and Saved Policy UD3 of the Haringey Unitary Development Plan 2006



## Appendix 1: Plans and Images

### Site Location Plan



**Note: Residential flats Fuller Court to north of leisure centre was completed in last 4/5 years.**



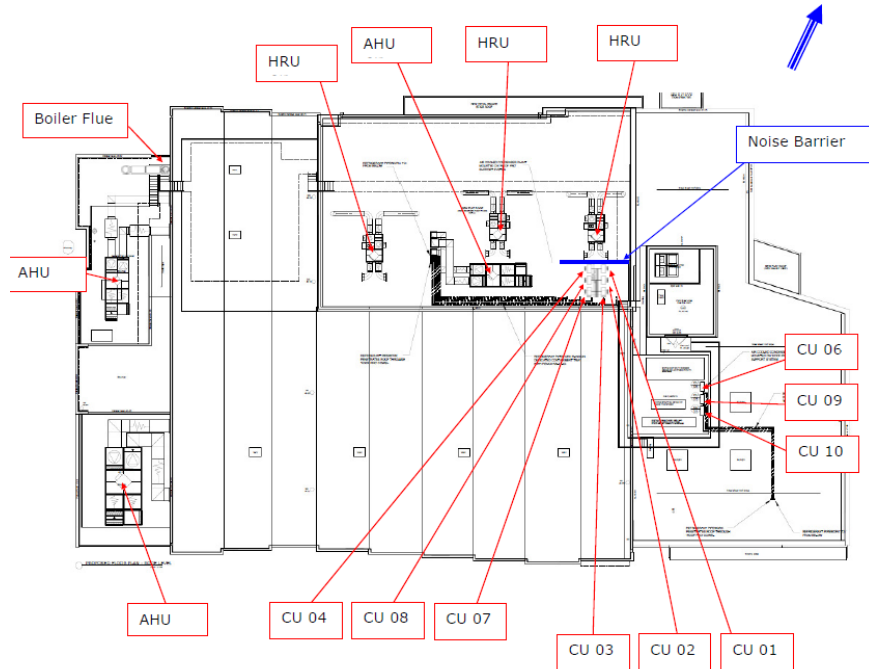
Location of boiler flue



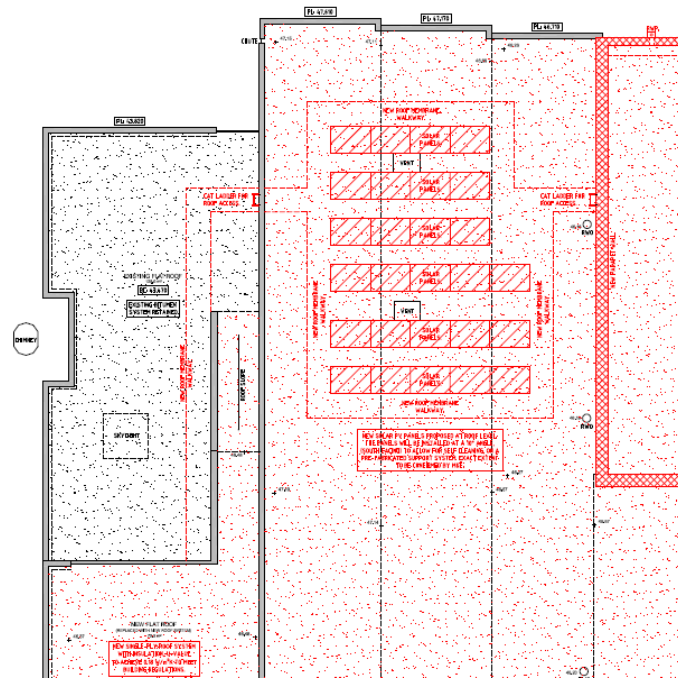
Fuller Court flats



Acoustic louvre to back of plant room



Location of boiler flue – Top left corner



Roof plan as approved ref: HGY/2013/1500



## Appendix 2: Comment on Consultation Responses

Consultation Responses	Comment
<p>Position and height of flue and associated exhaust fumes reaching neighbouring building Fuller Court.</p>	<p>The flue in question is needed for the day functioning of this leisure facility with its location influenced by the internal arrangements of the building (i.e. the location of the plant room). The location of the flue and measures to minimise its appearance are considered acceptable.</p> <p>The applicant confirms that the design of the heating system and flue is compliant with the Clean Air Act 1993. The emission that has been referred to as 'smoke' is water vapour produced as a result of the boiler's operation.</p> <p>A copy of the Clean Air Act Memorandum calculation from the actual flue manufacturer/installer was provided to the Council. This calculates that the height of the flue should be 9.6m. The applicant (Fusion) has also confirmed that it has carried out a check calculation, using industry standard software and ascertained a similar height to the manufacturer. The flue termination has been installed at 9.6m. The various calculations/ information have sent to the Council's Environmental Health team who indicate that LA approval is not needed for this particular installation under the Clean Air Act 1993.</p> <p>This information submitted adequately demonstrates that flue installation in question is in compliance with the guidelines set out in the Clean Air Act Memorandum.</p>
<p>Plant is extremely noisy.</p>	<p>With the implementation of the identified noise attenuation measures concerns raised by neighbouring residents are considered to be addressed.</p>
<p>Insufficient detail in this application and without evidence that the clean air act has</p>	<p>The drawings and associated technical reports (noise reports etc) are satisfactory for the</p>



<p>been complied with.</p>	<p>purpose of making a decision on this planning application. The granting of planning consent does not remove the need to comply with other statutory legislation.</p>
<p>The screen isn't high enough.</p>	<p>The screen is designed to screen the horizontal element of the flue. While the upper floor of Fuller Court will have views down onto the roof a much higher screen would be prominent and would affect outlook.</p>
<p>Submitted drawings lacking in detail.</p>	<p>The drawings and associated technical reports (noise reports) are satisfactory for the purpose of making a decision on this planning application.</p>