

PLANNING COMMITTEE – 21st March 2023

REFERENCE NUMBER: 23/00015/FL Application Expiry Date: 24th March 2023
Application Type: Full Planning Permission

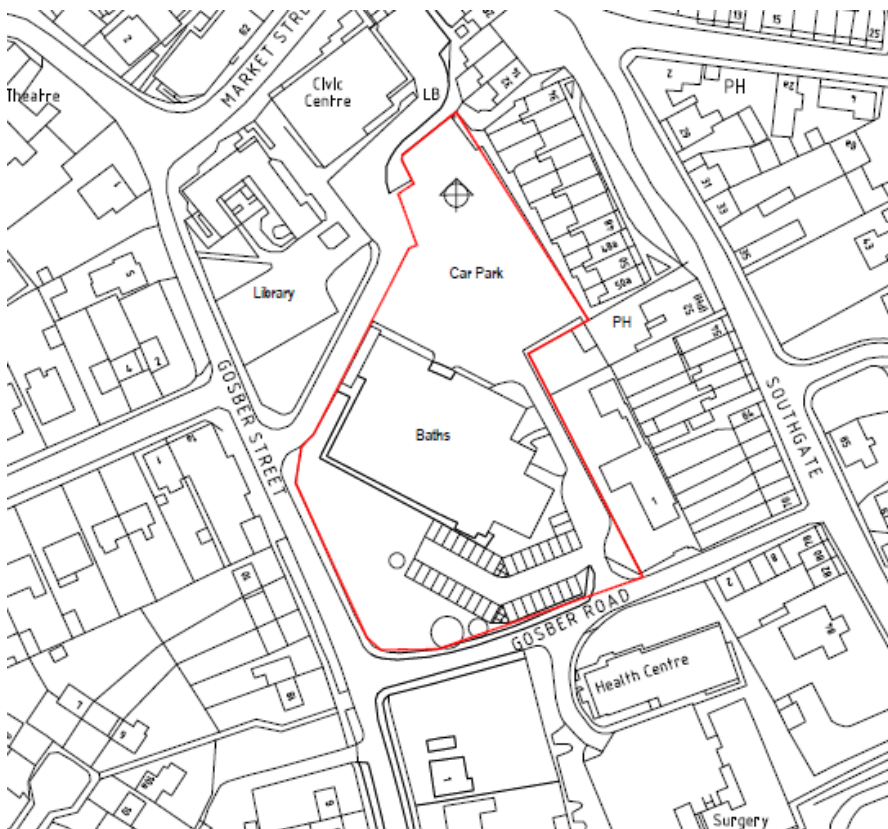
Proposal Description: Application to install 4m high acoustic fence to air source heat pump compound. Install acoustic wall lining to internal brick work elevations of compound

At: Eckington Swimming Pool, Gosber Street, Eckington, Sheffield.

For: Mr Matt Jones- Leisure Energy
Third Party Reps: 1 Parish: Eckington Parish Council
Ward Name: Eckington South And Renishaw Ward

Author of Report: Case Officer Alice Lockett **Date of Report:** 09 March 2023

MAIN RECOMMENDATION: GRANT (



1.0 REASON FOR THE REPORT

1.1 The application is for work to be carried out to a building owned by the local authority, as there has been one objection to the proposal it must be considered by committee.

2.0 PROPOSAL AND BACKGROUND

2.1 This application is for a 4m high fence designed to mitigate noise from Air Source Heat Pumps which were installed at the site in 2021. The Air Source Heat Pumps (ASHP) do not form part of the application.

3.0 RELEVANT PLANNING HISTORY

3.1 No relevant planning history

4.0 CONSULTATION RESPONSE

4.1 Environmental Health Officers: Noise

Environmental Health have been involved with the on-going issue of acoustic mitigation for the installed ASHP at Eckington Leisure Centre. This involved numerous site visits and review of acoustic testing as undertaken by Clarke Saunders Acoustics. The latest measurements and results were presented in the Clarke Saunders Acoustics sound impact assessment, ref: AS12312.211021.NIA.V1.2.

In summary 6.1.2 of the report states that:

“A number of noise mitigation measures are to be applied to the current installation to reduce noise impacts on surrounding noise sensitive receptors, including;

- Removing existing 3m high feather edge timber board boundary fence which contains a number of gaps;*
- Installing a 4m high absorptive panel screen (Conabeare Acoustics ESD50 panel) to the ASHP area with no gaps;*
- Acoustically absorptive wall linings to two leisure centre walls within the ASHP plant area (Conabeare Acoustics ESD50 panel);*
- Acoustic lined ASHP ducting to fans up to a height of 4m (formed from Conabeare Acoustics ESD50).”*

Based on the source measurement within the plant area, and the proposed mitigation options, noise predictions have been made at the nearest noise sensitive receptors and presented in Table 6.4. Table 6.5 shows the BS4142 assessment for the day and night periods.

The report finds that for the daytime period there is ‘*Indication of the specific sound having low impact, depending on the context.*’, for the evening period LT1-2 is

'Tending towards an 'Indication of the specific sound having a low impact, depending on the context.', LT3 'Indication of the specific sound having low impact, depending on the context.', LT4 'Indication of the specific sound having an adverse impact, depending on the context'.

Although the report states there is potential for a low to adverse impact at LT3 and LT4 respectively, it further states that:

The site and surrounding area is urban, with the soundscape characterised by low levels of road traffic noise at night-time and existing commercial plant associated with the leisure centre. At the low level predicted, the specific source would not be incongruent with the nature of the site and surroundings.

With facade reductions through open windows, internal levels within properties would be significantly below desirable upper guidance levels provided in BS8233:2014 during day and night-time periods. With windows closed, internal levels would be reduced significantly, such that they would be close to the threshold of hearing and not be expected to be noticeable.

The overall conclusion as stated in in paragraph 6.4.1 *'When considered in context, daytime and night-time the BS4142 assessments at all receptor locations would tend towards an indication of a low impact.'*

Given the findings of the site investigation, assessment, and subsequent report Environmental Protection would want to ensure that:

The development hereby approved shall not be brought into use unless and until the scheme of acoustic mitigation is installed as described in the Clarke Saunders Acoustics report ref: AS12312.211021.NIA.V1.2. The scheme, as approved, shall be implemented in full and validated by a competent person. The scheme, as validated, shall be retained thereafter. The assessment shall demonstrate that the rating level of the sound, corrected for acoustic features, measured at or calculated to, a position representing any residential receptor (LT1-4) which may suffer a loss of aural amenity from sound associated with the development, does not exceed the referenced levels within the aforementioned report.

Reason – In the interest of the aural amenity of surrounding dwellings and in accordance with Policies of the North East Derbyshire Local Plan

4.2 Cadent Gas have no objection to this proposal from a planning perspective.

4.3 Eckington Parish Council have raised no comments

4.4 Ward Member has raised no comments.

5.0 REPRESENTATIONS

5.1 Objections have been received from one neighbour covering the following issues (in summary):

- The councils should have applied for planning permission for the Air Source Heat Pump.
- The Air Source Heat Pump should not be in the location it has been installed

(Officer Comment: this application is for the fence not the ASHP)

- The block plan drawings do not tally with the details on other drawings and the application form
- The block plan does not appear to be accurate

(Officer Comment: a revised block plan has been submitted which tallies with the submitted layout and elevation drawings)

- The fence will not reduce the noise as it is supposed to.

(Officer Comment: the applicant has submitted a noise report which suggest that the fence design is appropriate to mitigate the sound from the ASHPs)

- The build conflicts with the original pattern of past development from the 1970's, Eckington swimming pool structure is of brick build gentle on the eye from the view from my property, the intended build would place a galvanized steel structure above my fence line that would spoil natural and existing contours. I fully believe this development is totally incompatible with the design of the existing building,

- I believe that this contravenes the builds that should be allowed within a conservation area.

- I also believe there would have been alternative positions to install the air source heat pumps thus allowing the acoustic fence to be built in a manner not to impede the fabric of the building and away from spoilt contours from neighboring properties.

(Officer Comment: The impact of the fence on the character of the building and its surroundings including the impact on the adjacent conservation Area is dealt with in section 7 below).

- I fully understand that the structure is also made of mineral wool and possess no risk of fire however no fire certificate information has been submitted with the application, I would have expected this to have been included.

(Officer Comment- there is no requirement to submit this information at the planning stage- fire safety issues are dealt with by Building Control)

6.0 RELEVANT POLICY AND STRATEGIC CONTEXT

The Development Plan comprises the North East Derbyshire Local Plan. The most relevant policies in this case are as follows:

6.1 North East Derbyshire District Local Plan

SS1 Sustainable Development
SS7 Development on Unallocated Land within Settlement with defined Settlement Development Limits
WC4 Retail Hierarchy and Town Centre Uses
SP3 Eckington
SDC12 High Quality Design and Place Making
SDC13 Environmental Quality

6.2 National Planning Policy Framework

The overarching aims of the National Planning Policy Framework (NPPF) are also material in the assessment of this application and have been taken into account.

7.0 PLANNING ISSUES

7.1 In this case the application is for the acoustic fence which is intended to surround the Air Source Heat Pumps not for the heat pumps themselves, as such it is only necessary to assess the impact of the fence itself on its surroundings.



Figure 1 Existing fencing.

- 7.2 The proposal is for an acoustic fence which will be constructed around the ASHP equipment located to the east of the swimming pool building. The fence will be 4m high and will be constructed of acoustic screen panels, double doors for access will be located within the eastern wall and will replace the existing fencing that currently encloses the ASHP.

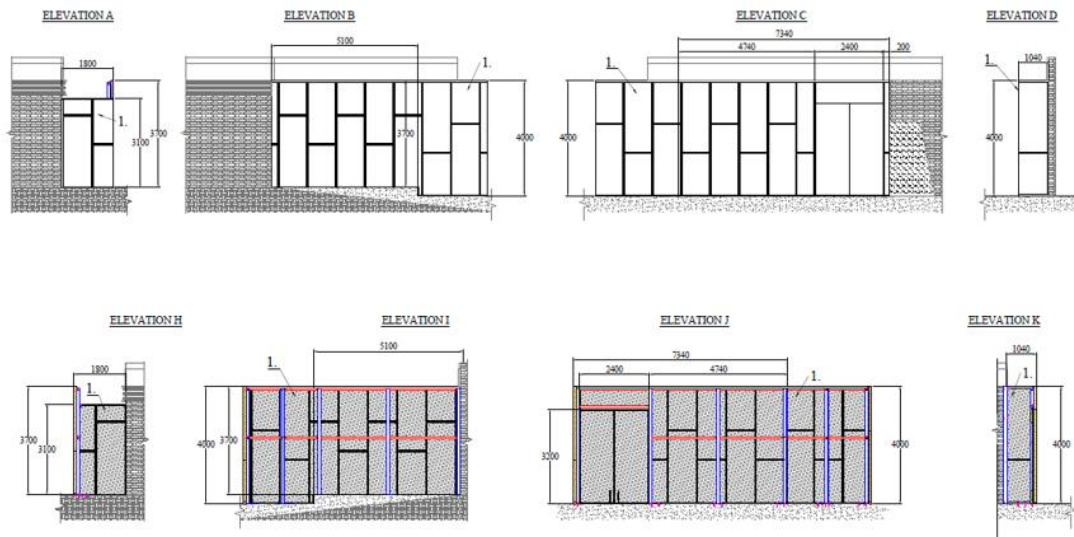


Figure 2 Proposed Elevations

Impact on the character of the street scene

- 7.3 The application site is located within the settlement development limits for Eckington, here policy SS7 supports development which is appropriate in scale, design and location the character and function of the settlement.
- 7.4 The acoustic fence will replace an existing timber fence around the equipment and will be the same height as the single storey elements of the existing building. The application form states that the external finish will be anthracite grey metal cladding. Officers are of the view that the fence will be read as part of the existing utilitarian swimming pool building and will therefore be appropriate for the character of the area.

Impact on the Conservation Area

- 7.5 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it a statutory duty for local planning authorities in exercising their planning functions to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas. Importantly, in this context, “preservation” means to cause no harm and this is a matter of paramount concern in the decision-making process.

- 7.6 The site is located just outside the Eckington Conservation Area, with the boundary of the CA being a close boarded fence at this point. It is possible that glimpses of the fence will be visible from within the conservation area, however officers are of the view that the fence will be read with the utilitarian swimming pool building and will not have a greater impact on views from the Conservation Area than the existing building. As a consequence it is considered that the fence will preserve the setting of the Eckington Conservation Area and as such meets the requirements of policy SDC5.

Impact on the amenity of neighbours

- 7.7 Policy SS7(c) requires that development should be compatible with, and does not prejudice any intended use of adjacent sites and land uses, whilst policy SDC12 states that development should protect the amenity of existing occupiers in relation to privacy, overlooking, overshadowing and/or overbearing impacts.



Figure 3 1Gosber Street is located to the east

- 7.8 The fence will be approximately 5m from the boundary with 1 Gosber Street which is located to the east beyond the car park access road. As such it may be visible from the garden, however officers are of the view that due to the orientation to the west of the garden and the height and location of the existing Swimming pool building, the fence will not have a more harmful impact on light to windows or over shadowing than the existing situation as such it is considered that the proposal meets the requirements of policies SS7 and SDC12

Noise

- 7.9 The fence is designed to ameliorate the impact of noise coming from the ASHPs. This design has been agreed with the council's environmental health team to ensure that noise outbreak from the heat pumps do not cause a nuisance.
- 7.10 Statutory nuisance is dealt with by the Environmental Health team under their own legislation. The councils Environmental Health Officers are confident that the fence design will achieve this but have suggested that a condition requiring testing once the fence is in place would be sensible.
- 7.11 In this case, as it is the fence that requires permission, (not the ASHPs which are the source of the noise) it is not usually necessary to require a noise report, however for clarity and completeness as report has been submitted and this was uploaded to the public access on 8th March 2023. On that day 14 consultations were sent to all statutory consultees and neighbours. This consultation period ends the day after committee. Any comments submitted before committee date will be dealt with in the Late Representations document. Any comment received after committee will be dealt with by the Planning Manager in consultation with Chair and Vice Chair. As a consequence officers are recommending that should members be minded to approve the application this should be subject to the consultation expiry date.

8.0 SUMMARY AND CONCLUSIONS

- 8.1 Local and national policy supports development within settlement development limits which are appropriate in scale and design to the character of the area and do not have a harmful impact on the amenity of neighbours.
- 8.1.1 In this case a 4m high fence is proposed to help baffle the sound of Air Source Heat Pumps installed at the pool. It is considered that by virtue of its location and design the fence meets the requirements of policies SS7 and SDC12 it also meets the requirements of policy SDC5 by not having a harmful impact on the adjoining Conservation Area. As a consequence officers are of the view that the application should be approved.
- 8.1.2 Adding weight to the above conclusion is the opinion of the Environmental Health team that the fence is appropriate mitigation against noise in this circumstance.

9.0 RECOMMENDATION

GRANT Full Planning Permission subject to expiry of the consultation date with any late matters relating to the noise report delegated to the Planning Manager in consultation with Chair and Vice Chair.

1. **(Full Condition)**

The development hereby permitted shall be started within three years from the date of this permission.

T1R Reason - To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.

2. **(Submitted Plans)**

The development hereby approved shall be carried out in accordance with the details shown on drawing numbers:

CS8593 - 101 REV B Plan
CS8593-102 Elevations
CS8593-102 Sections
CS8593-104 REV B Non acoustic Discharges
received 6th January 2023
G1071/019 REV P1 Proposed Compound Fence line layout
received 2nd March 2023;
AS12321 Eckington Leisure Centre ASHP Sound Impact Assessment
Uploaded 8th March 2023

unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures

T5R Reason- For clarity and the avoidance of doubt.

3. The Air Source Heat Pumps (ASHP) shall not be brought into use unless and until the scheme of acoustic mitigation is installed as described in the Clarke Saunders Acoustics report ref: AS12312.211021.NIA.V1.2. The scheme, as approved, shall be implemented in full and validated by a competent person. The scheme, as validated, shall be retained thereafter. The assessment shall demonstrate that the rating level of the sound, corrected for acoustic features, measured at or calculated to, a position representing any residential receptor (LT1-4) which may suffer a loss of aural amenity from sound associated with the development, does not exceed the referenced levels within the aforementioned report.

Reason – In the interest of the aural amenity of surrounding dwellings and in accordance with Policies of the North East Derbyshire Local Plan