

## Report for Resolution

<b>Report to</b>	Planning Applications Committee
<b>Date</b>	20 September 2012
<b>Report of</b>	Head of Planning Services
<b>Subject</b>	12/01399/F 122 Waterloo Road Norwich NR3 3HZ

Item  
5 (7)

## SUMMARY

<b>Description:</b>	Retention of external refrigeration equipment to the rear (east elevation).
<b>Reason for consideration at Committee:</b>	Objection
<b>Recommendation:</b>	Approve
<b>Ward:</b>	Sewell
<b>Contact Officer:</b>	Mr John Dougan                      Planner 01603 212504
<b>Valid Date:</b>	25th July 2012
<b>Applicant:</b>	Mr Sriitharan Tharmalingham
<b>Agent:</b>	Mr John Adam

# INTRODUCTION

## The Site

## Location and Context

1. The area is predominantly residential in character, in particular the rear garden areas in close proximity to the site. There were mature trees in the gardens of adjoining properties.
2. The site comprises a newsagents shop on the first floor together with a residential unit upstairs with the rear garden/yard area being accessed by a covered alleyway to the west of the newsagent's entrance.
3. The rear garden area/yard is stepped and rather untidy / overgrown, meaning it is unclear which part services the shop and which part serves the residential property.
4. To the north and south of the rear area, are the outdoor amenity areas and windows of 120, 124b and 124c Waterloo Road, being bordered by 1.8 metre high close boarded fences.
5. The installed refrigeration unit sits at the toe of the block retaining wall being relatively discreet from view. It was noted that the unit was covered in temporary cladding and foam soundproofing material, which appeared rather untidy.

## **Constraints**

6. Area of main archaeological interest (HBE3)

## **Planning History**

There is no recent relevant planning history.

Examinations of Council records indicate that the shop has been in operation for at least 10 years and the site therefore been assessed on the basis that it has a mixed use planning status of a shop and residential property.

It was brought to the attention of the Council's Environmental health team that there may be a noise nuisance at this site. The Planning Enforcement Officer then noted that the equipment required planning permission, bringing this to the attention of the occupier who subsequently submitted a formal planning application to regularise the unit.

Since that time the applicant has been in communication with an Enforcement officer to find solutions to reducing the noise and impact on neighbouring residential properties, enclosing the unit with temporary acoustic absorption materials such as foam blocks and untreated wood sheets.

It was noted that the machine emitted an intermittent humming for the duration of the officer's site visit. The Environmental Health Officer visited the site on 24<sup>th</sup> August, confirming that the levels of noise from the chiller unit were constant, but the temporary acoustic measures in place did not deliver the required long term noise absorption.

## **Equality and Diversity Issues**

There are no significant equality or diversity issues.

## **The Proposal**

7. This is a retrospective application for the retention of external refrigeration equipment to the rear of the property being positioned at the toe of the existing retaining wall in the garden / yard area.
8. The unit is 1.155m wide, 0.876m high and 0.5m deep, being housed in light grey casing with associated fan and associated cabling and wiring which runs along the boundary to the building.
9. The purpose of the equipment is to chill the fridge within the shop which contains perishable and non-perishable food and drink items. 24 hr operation of the equipment is therefore required.

## **Representations Received**

10. Adjacent and neighbouring properties have been notified in writing. 3 letters of representation have been received citing the issues as summarised in the table below.

11.

Issues Raised	Response
Does the property have planning permission to be used for commercial purposes	See planning history section
Periodic noise not appropriate for a residential area	14-20
Inappropriate design and no attempts to professionally sound proof the equipment	15, 18, 19
Adverse impact on health and enjoyment of rear amenity space and bedroom	14,16, 19

## **Consultation Responses**

12. Environmental health – no objection to the principle of the equipment stating that appropriate long term design and sound insulation is achievable.

# **ASSESSMENT OF PLANNING CONSIDERATIONS**

## **Relevant Planning Policies**

### **National Planning Policy Framework:**

- Statement 1 – Building a strong and competitive economy
- Statement 7 – Requiring good design
- Paragraph 17 – Good standard of residential amenity

### **Relevant policies of the adopted East of England Plan Regional Spatial Strategy 2008**

- SS1 – Achieving sustainable development

### **Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011**

- Policy 2 – Promoting good design
- Policy 5 – The economy

### **Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004**

- HBE12 – High quality of design, with special attention to height, scale, massing and form of development
- EP22 – High standard of residential amenity for residential occupiers

### **Other relevant guidance**

- World Health Organisation – Community noise guidelines

## **Principle of Development**

### **Policy Considerations**

13. The principle of erecting a refrigeration unit to serve an existing shop is considered to be acceptable subject to being appropriate in terms of its impact on residential amenity and its scale and design.

## **Impact on Living Conditions**

### **Noise and Disturbance**

14. This is the key issue especially given its close proximity to rear garden areas and bedroom windows of adjoining properties. Whilst it is acknowledged that certain types of noise may result in different levels of disturbance to some people, one has to take a view on whether or not the noise generated by the proposal falls within acceptable parameters on a site by site basis.
15. The Council's Environmental Health Officer observed that the makeshift enclosure could not be described as durable, robust, or particularly effective in reducing the noise level from the air handling plant to an acceptable level. Although the current arrangement noticeably reduced the noise levels at the boundary of the rear garden of 122 Waterloo Road it was considered to be of an unsuitable construction as a long term method of mitigating the noise from the air handling plant.
16. The methodology used by the Environmental Health Officer to assess the acceptability of the noise impact from the equipment is based upon many factors such as location, attenuation within the existing environment, distance to sensitive receptors, background levels and permissible thresholds –using the closest receptor (no.120) as the test receptor.
17. Unfortunately, air handling plant tend to produce the most noise when the air is still, hot and humid and when receptor windows will be more likely to be open. The operation of air handling plant in such conditions will therefore be much more frequent and likely to operate at a higher duty (work harder). The increase in operation of such plant may cause disturbance during the night time hours when the background noise levels are low or when people will be trying to sleep or enjoy external spaces such as gardens or balconies etc.
18. As stated earlier, the current temporary absorption measures do not deliver the required noise attenuation which meets the WHO guidelines on interior and exterior living. In order to achieve the desired external and internal levels during the day and night at the nearest receptor, the external noise at the façade should not exceed 45 dB(A) at the façade of any receptor.
19. It has therefore been advised that an acoustic enclosure capable of attenuating the noise emission from the air handling plant by at least 9 dB(A) would be sufficient to ensure that the nearest noise receptors are not unduly disturbed by the operation of the air handling plant.
20. However, it is considered that such a reduction is readily achievable by various methods. It is therefore recommended that any adverse impacts can be resolved by the imposition of a suitable condition.

### **Overbearing Nature of Development**

21. Given that the unit is of a minor scale and positioned at the foot of a retaining wall, no loss of outlook of adjoining properties will result.

### **Scale and design**

22. The scale of the unit in the context of the stepped garden and boundary fence is considered to sit sensitively in the rear garden area. Further details on the design of the permanent acoustic absorption measures can ensure that the design is as unobtrusive as possible,

### **Equality and Diversity Issues**

30. None

### **Conclusions**

31. It is acknowledged that the noise currently generated from the equipment may generate a level of noise which is not acceptable to some. An assessment of the noise impact of the unit in its current state has concluded that it could deliver some nuisance to adjoining residents.
32. It should also be acknowledged that allowing the business to retain the unit will ensure that its perishable stock is kept in good order, helping assist its viability as a small business.
32. In this instance, it is considered that adequate mitigation of the noise impact could be achieved through the use of an appropriate acoustic enclosure. It is therefore recommended that a condition be imposed to ensure that permanent acoustic absorption solution be put in place, reducing the level of harm to within acceptable limits.

## **RECOMMENDATIONS**

To approve Application No 12/01399/F at 122 Waterloo Road, Norwich NR3 3HZ and grant planning permission, subject to the following conditions:-

1. Unless within 1 month of the date of this decision an appropriate scheme for the permanent attenuation (delivering at least a 9 dB(A) reduction) of noise emitted by the approved refrigeration plant, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 2 months of the local planning authority's approval, the use of the refrigeration equipment shall cease until such time as a scheme is approved and implemented.

Reason: To reduce the noise levels emitted from the approved refrigeration

equipment to a level that meets the guidelines set by the World Health Organisation, ensuring that the residential amenity of adjoining properties is protected in accordance with statement 7 (inc para 17) of the National Planning Policy Framework 2012, PPG24, and saved policies EP22 and HBE12 of the adopted City of Norwich Replacement Local Plan 2004.

Reasons for approval:

The installed refrigeration equipment is considered to be of a scale and design that is not overly out of place in the rear garden environment helping ensure that the small business protects its perishable stock and financial viability.

Whilst the current noise limits will deliver some noise nuisance to adjoining properties, the imposition of a condition requiring a permanent acoustic absorption solution will ensure that adjoining residents will not be subjected to significant levels of disturbance either their amenity area or bedroom.

The proposal is therefore compliant with statements 1 and 7 of the National Planning Policy Framework 2012, Policies 2 and 5 of the Joint Core Strategy for Norwich, Broadland and South Norfolk 2011 and saved policies HBE12 and EP22 of the City of Norwich Replacement Local Plan 2004.



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Planning Application No 12/001399/F  
 Site Address 122 Waterloo Road  
 Scale 1:500



**NORWICH**  
 City Council

PLANNING SERVICES



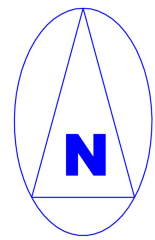
**122  
Waterloo Road**



First floor of No.124 over

**Location of plant**

**Change in level (1500)**



**Plan 1:100**