

East Area Planning Committee

3rd September 2014

Application Number: 13/03410/FUL

Decision Due by: 14th February 2014

Proposal: Installation of 1 no. roof mounted ventilation duct in the form of a dormer and 2 no. wall mounted louvres. Erection of 1.8 metre close boarded fence to form new bin storage area (Amended description, plans and additional information)

Site Address: Iffley Residential And Nursing Home Anne Greenwood Close (Site plan at **Appendix 1**)

Ward: Rose Hill And Iffley Ward

Agent: KWL Architects Ltd

Applicant: Sanctuary Care

Application Called in – by Councillors –Paule, Fry, Kennedy, Price and Upton for the following reasons -not been an adequate noise assessment carried out. The existing ventilation system has caused severe problems for nearby residents and this further development does not address these within its parameters.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
- 2 The Council considers that the proposal, subject to the conditions imposed, would accord with the special character and appearance of the conservation area. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.
- 3 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately

addressed and the relevant bodies consulted.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials
- 4 Noise not to exceed 34dB LAeq 5 mins

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

CP1 - Development Proposals
CP8 - Design Development to Relate to its Context
CP10 - Siting Development to Meet Functional Needs
CP21 - Noise
HE7 - Conservation Areas

Core Strategy (OCS)

CS18 - Urban design, town character, historic environment

Sites and Housing Plan (SHP)

Other Material Considerations:

National Planning Policy Framework
This application is in or affecting the Iffley Village Conservation Area.
Planning Practice Guidance

Relevant Site History:

08/02253/CAC - Conservation Area Consent. Demolition of vacant nursing home and associated structures. PER 19th January 2009.

08/02254/FUL - Erection of 80 bedroom nursing home on two and three floors, together with associated landscaping, 21 car parking spaces plus further 6 staff car parking spaces. PER 19th January 2009.

10/01531/CND - Details submitted in compliance with conditions 6, 7, 8, 9, 10 and 29 of planning permission 08/02254/FUL. PER 15th June 2010.

10/01601/CND - Measured survey and photographic record and Demolition Method Statement submitted in compliance with conditions 4 and 5 of Conservation Area Consent 08/02253/CAC. PER 18th November 2010.

11/00442/CND - Information submitted in accordance with condition 3 (samples) of planning application 08/02254/FUL. PER 20th June 2012.

08/02254/CND - Details submitted in accordance with conditions 4 (site levels), 5 (landscaping), 11 (surface treatment), 16 (parking layout), 18 (cycle parking), 20 (construction travel plan), 24 (drainage) and 25 (security measures) attached to planning permission 08/02254/FUL. PER 25th June 2012.

08/02254/CND2 - Details submitted in compliance with condition 3 (Samples in Conservation Area) of planning permission 08/02254/FUL. INSFEE 13th September 2011.

08/02254/CND3 - Details submitted in compliance with conditions 14, 15, 19, 22, 23, 27, 28, 29 of planning permission 08/02254/FUL. PER 8th October 2012.

12/02971/ADV - Display of 1 x externally illuminated freestanding hoarding sign. PER 14th January 2013.

Representations Received:

Comments on Original Plans

Flat 2 Denton House, 2 Anne Greenwood Close, 1 Denton House, 'Magpies' 68 Northington Nr Alresford (owners of Flat 2 Denton House), 22 Anne Greenwood Close, 3 Earls Meadow Warwick (owners of Flat 5 Denton House), 1 Anne Greenwood Close, 29 Anne Greenwood Close, 25 Anne Greenwood Close, 3 Denton House, 28 Anne Greenwood Close, Denton House Management Company (DHMC) Ltd, All Souls College (owners of the adjacent property, Beechwood House), Denton Mews Gardens Ltd, 26 Anne Greenwood Close, Flat 5 Denton House,

Summary of Comments

- The mechanical design has once again not taken into account noise
- Calculations only took into account air flow requirements and visual impact
- The vents are positioned so that any noise coming from them will bounce off the wall behind them and back in the direction of Denton House
- No evidence has been provided in the application to indicate what the expected noise levels are.
- The noise impact has not been considered as a design parameter, which is surprising given that the purpose of moving the fans is to reduce noise.
- The airflow past a grid is likely to generate noise
- Problems with noise from this system - which have already been severe for Denton House - are likely to be worse and more wide ranging
- the proposal will result in an increase in noise levels well above an acceptable level
- the proposed actions will negatively affect the well being of residents
- will in fact exacerbate the existing noise pollution
- A full noise assessment to be carried out as part of this application.
- Not enough info given on the application

- no objection to the proposal for a new bin enclosure

Comments on Amended Plans

'Magpies' 68 Northington Nr Alresford (owners of Flat 2 Denton House), 2 Anne Greenwood Close, 28 Anne Greenwood Close, 1 Anne Greenwood Close, 1 Denton House, 26 Anne Greenwood Close, 3 Denton House, 29 Anne Greenwood Close, 3 Earls Meadow Warwick (owners of Flat 5 Denton House), 19 Anne Greenwood Close, Denton House Management Company Ltd, Flat 5 Denton House

Summary of Comments

- Sceptical that they will meet the noise figure they are stating in the proposal
- There is no substantive evidence in the proposal that the reduced noise levels will be achieved.
- the maintenance of a quiet environment is essential to maintain its peaceful character enjoyed to date by residents of the surrounding properties
- If the planners, contrary to our objections, do decide to approve the proposal, we urge that such approval must be accompanied by clear and enforceable conditions holding the developer to his commitment to achieving a noise level acceptable to local residents.
- The applications seems inappropriate in that it is based on the British Standard for mixed industrial/residential areas
- The decibel limit used should therefore be that for residential areas, with no industrial element
- the amended noise report only provides predicted noise levels and offers no evidence that these are achievable
- Believe the estimates are correctly calculated, have serious concerns about the methodology chosen and the precedent this sets for the conservation area.
- this amended application is an improvement on the original as it now gives some indication of expected noise levels, it is still unsatisfactory
- does not provide any reassurance that the noise issue will be resolved

Statutory and Internal Consultees:

Comments on Original Plans

Friends of Iffley Village: no objection to the bin store, roof vents will be directed towards a blank wall which is likely to reflect the sound towards the neighbours unless measures are taken to modify this effect, noise assessment required

Comments on Amended Plans

Friends of Iffley Village: The local residents should be congratulated on the effort and expertise with which they have studied relevant documents and contributed responses on these proposals, some degree of compromise, rather than complete satisfaction, seems to be the only possible outcome for this bitter and protracted issue

Issues:

Background
Visual Impact
Noise

Officers Assessment:**Site Description**

1. The application site lies within the grounds of Iffley Residential and Nursing Home and comprises the Combined Heat and Power (CHP) plant room which is located to the south of the site close to the boundary of the rear garden space for Denton House (a block of privately owned flats). Iffley Residential and Nursing Home is located off Anne Greenwood Close.
2. Anne Greenwood Close, approached from Iffley Turn, forms part of the eastern boundary of the conservation area and provides access to Iffley House, the former residential Home for the Elderly, and Denton House and its development. Most of these buildings were constructed in the mid-to-late 20th century, with the red brick 4-5 storey accommodation blocks at Beechwood standing taller than the surrounding buildings.

Proposal

3. The application as originally submitted was for the installation of 3 roof mounted ventilation ducts and cowls along with 2 wall mounted louvre intake vents and the erection of a new bin store to the front of the CHP building.
4. It was considered that the addition of metal roof mounted ventilation ducts would give the present plant building an unnecessary industrial character that does not support the historic character of the conservation area. Therefore amended plans were sought and received.
5. Also no noise report or any details as to how the proposal might impact on the residents of Anne Greenwood Close was submitted. Therefore a noise report/assessment was requested and received.
6. The amended plans show a dormer style ventilation duct (the main change) in the roof slope facing the care home and 2 wall mounted louvre intake vents and the erection of a new bin store to the front of the CHP building.
7. The assessment below is therefore based on the amended plans and the submitted noise report/assessment.

Assessment**Background**

8. After the nursing home was completed, the contractors (Seddon Construction)

realised that they had overlooked the issue of air conditioning units which are needed to cool communal areas, a drug store and communications room. They installed three large A/C units at the rear of the CHP plant room. The A/C units were outside with no noise attenuation measures. The Council received several complaints from the residents of Denton House.

9. As the units were quite large and causing considerable harm in terms of noise, Officers had a meeting with the contractors (Seddon Construction) and the owners of the nursing home (Sanctuary Care Homes) and asked them to relocate the units.
10. Many months passed and a number of schemes were submitted to try and retain the units at the rear of the building but none of them would have reduced the noise to a level that would have been acceptable. Eventually an enforcement notice was issued that required the units to be removed.
11. They complied with the enforcement notice and moved the units into the former refuse store at the front of the CHP plant room – this didn't actually require planning permission. Officers advised that external changes to the building require planning permission.

Visual Impact

12. Policy CS18 of the OCS states planning permission will only be granted for development that demonstrates high quality urban design. This is reiterated in policies CP1 of the OLP. Policy CP1 states that planning permission will only be granted for development that respects the character and appearance of the area and which uses materials of a quality appropriate to the nature of the development, the site and its surroundings.
13. The site lies within the Iffley Village Conservation Area therefore policy HE7 of the OLP applies. This states that planning permission will only be granted for development that preserves or enhances the special character and appearance of the conservation areas or their settings.
14. The proposed ventilation duct has a more domestic impression to it as it is in the form of a dormer rather than industrial outlets and will be in materials to match the existing building. The 2 wall mounted louvre intake vents are on the front elevation of the building and the right hand side one (as you look at the building) will be mostly hidden behind the proposed new bin store. The bin store is required as the bins have been moved out of the CHP building in order to accommodate the A/C units. The bin store is to be constructed in an 1800mm high close boarded fence. This is in keeping with the boundary fencing.
15. The proposal is therefore considered acceptable in terms of policy CS18 of the Core Strategy 2026 and CP1 and HE7 of the Oxford Local Plan 2001-2016 in that it respects the character and appearance of the area, uses materials of a quality appropriate to the nature of the development, the site and its surroundings and creates an appropriate visual relationship with the form,

grain, scale, materials and details of the surrounding area and will not compromise the special character and appearance of the conservation area.

Noise

16. Noise can significantly affect the environment, health and quality of life enjoyed by individuals and communities. Policy CP10 states planning permission will only be granted where proposed developments are sited to ensure that the use or amenity of other properties is adequately safeguarded.
17. This is reiterated in policy CP21 of the OLP which states planning permission will be refused for developments which will cause unacceptable noise. Particular attention will be given to noise levels close to noise-sensitive developments, such as residential areas and in public and private amenity space, both indoor and outdoor. The City Council will impose easily enforceable conditions to control the location, design, layout and operation of development proposals to minimise any adverse impact as a result of noise and its transmission.
18. Environmental Health Officers (Noise) have considered the acoustic report and amended drawings submitted. They are of the opinion that, on the understanding that noise levels of 'approximately 34dB' can be achieved at the site boundary, no further grounds exist for Environmental Development to object. With this in mind they would advise a condition which includes the following:
"Proposal to meet a noise limit of 34dB LAeq 5 mins measured at the care home's southern boundary. Scheme to include any measures necessary in order to ensure that noise from the installation will not impact adversely on residential amenity."
20. If found to be in breach of such a condition the care home would be vulnerable to enforcement action that could require steps to be taken to reduce the noise to the limit specified within the agreed condition. However, it is considered that the imposition of the condition will allow for any adverse impact from the units to be satisfactorily mitigated.

Conclusion:

21. Members are recommended to approve the application subject to the conditions as listed.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

Contact Officer: Lisa Green

Extension: 2614

Date: 20th August 2014