

SECTION '2' – Applications meriting special consideration

**Application No :** 11/00315/FULL6

**Ward:**  
**Farnborough And Crofton**

**Address :** Lulworth Elm Walk Orpington BR6 8LX

**OS Grid Ref:** E: 542912 N: 165302

**Applicant :** Mr M Harris

**Objections :** YES

**Description of Development:**

Single storey building at side for swimming pool plant room  
RETROSPECTIVE APPLICATION

Key designations:

Conservation Area: Farnborough Park  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Locally Listed Building

**Proposal**

This application was deferred from Plans Sub Committee on 12th May 2011 in order to allow completion of works to a level to satisfy the requirements of Environmental Health in relation to noise mitigation within a period of 2 months of the committee. The Environmental Health Officer has now visited the site and taken updated noise measurements during the evening. His comments are as follows:

Measurements taken were: LA90 = 37.4 dB (Taken away from the plant room); LA90 = 38.7 dB (Taken near the pump room with plant running). Thus the difference between the LA90 values represents the steady noise associated with the plant room. Thus, providing the plant was fully operational, the noise from the plant room at the measurement position was 32.8 dB. I calculate the noise level at the nearest noise sensitive windows of the adjacent property would be at least 5dB below this value. A closed window would be expected to reduce this value further by around a further 33dB internally. Even if the window was open attenuation internally would be at least 15dB. I therefore consider it unreasonable to expect further works to be undertaken.

On the basis of the EHO comments it is suggested that the proposed condition be amended to ensure that the noise attenuation that has been carried out is maintained.

The previous report is repeated below, updated where necessary.

This application seeks retrospective permission for a single storey side extension to house equipment related to an existing swimming pool at the site.

A detailed noise assessment has been submitted to accompany the application.

### **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and representations were received from Cranford (immediately adjacent to the development) which can be summarised as follows:

- unauthorised plant room has been in place for four years
- noise disturbance is still ongoing
- odour generated by the plant room machinery
- plant room should have been constructed next to the swimming pool
- recent application for the same development was refused due to loss of amenity to neighbour
- noise survey is a cynical ploy to circumvent the rules and no improvement has been noticed

### **Comments from Consultees**

No objections are raised from a conservation perspective.

The Environmental Health Officer has reviewed the submitted noise survey and suggests a condition to ensure that the measures set out in the noise assessment are implemented in order to achieve the reduction in noise as set out in the survey.

### **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan and the London Plan:

BE1 Design of New Development

BE11 Conservation Areas

H8 Residential Extensions

4A.20 (London Plan) Reducing noise and enhancing soundscapes

PPS24 Planning and Noise

### **Planning History**

Relevant planning history includes application ref. 06/02300, for which permission was granted for two storey side and rear extensions, and a single storey side and rear extension to form existing pool enclosure, together with a double garage extension at front. Under subsequent application ref. 06/03615, permission was granted for amendments to that scheme.

Under ref. 08/03188, permission was refused for the development for which permission is sought here, for the following reason:

The extension and swimming pool equipment housed within it give rise to unacceptable noise and disturbance to the adjacent property 'Cranford' in particular at night time and the proposal is therefore contrary to Policy BE1 of the UDP, Policy 4A.20 of the London Plan and PPS24 - Planning and Noise.

## **Conclusions**

The main issues relating to the application are the effect that it would have on the character of the Conservation Area and the impact that it would have on the amenities of the occupants of surrounding residential properties, in particular with regard to any noise generated from within the extension, given that its primary purpose is to house the swimming pool equipment.

This application follows the approval of planning permission being granted for an enclosed swimming pool. Under application ref. 06/02300, permission was granted for two storey side and rear extensions, and a single storey side and rear extension to form existing pool enclosure, together with a double garage extension at front. Under subsequent application ref. 06/03615, permission was granted for amendments to that scheme. Both applications included a condition requiring details of all pool/filtration plant/heating equipment to be submitted to and approved by the Local Planning Authority before the pool use commences.

This retrospective application is for a single storey side extension which will contain the plant room for the swimming pool. A Breach of Condition Notice issued dated 1st September 2008 requires the cessation of the pool and pool equipment until details of all pool/ filtration plant/heating equipment have been submitted to the Local Planning Authority for approval. Details of the technical specification of the equipment has been submitted to the Council.

In terms of its external design, the structure is considered to be relatively small in relation to the main dwelling, somewhat obscured and therefore unlikely to undermine the character and appearance of the main dwelling or surrounding Conservation Area.

The main issue for consideration is therefore considered to relate to the environmental impact of the plant room, with particular regard for noise pollution. Unlike in the case of the previous refusal, a noise survey has been submitted with the application. Some insulation works, including double glazed doors and ceiling insulation have been carried out following offers from the applicant at site meetings, however the noise assessment indicates that further work is required to achieve an acceptable situation. This work has now been carried out and the EHO has found the noise output to now be acceptable.

Members refused the previous application and the updated application to be determined now includes a noise assessment by an acoustic consultant, which demonstrates that effective sound insulation may be achieved if its

recommendations are followed. The works have been carried out and the noise output is within acceptable limits.

It is therefore recommended that permission be granted, subject to the retention of measures to achieve the noise reduction set out in the report.

### **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- 1 A scheme of noise mitigation measures shall be submitted to and approved by the Local Planning Authority within one month of the date of this decision, and implemented in accordance with, but not limited to, measures detailed in the Anderson Acoustics Report no 1341\_001R\_1-0\_aek (dated 31st December 2010) in order to achieve the boundary noise levels as stated in Sections 5 and 6 of that report. The works shall be completed within one month of the date of approval of the scheme and shall be permanently maintained thereafter so as to achieve the required boundary noise levels unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of the amenities of the neighbouring residential property and to accord with Policy BE1 of the Unitary Development Plan.

- 2 There shall be no change or addition to the plant and equipment (with the exception of its removal) located within the extension hereby permitted without the prior approval in writing of the Local Planning Authority.

**Reason:** In the interests of the amenities of the neighbouring residential property and to accord with Policy BE1 of the Unitary Development Plan.

- 3 There shall be no elevational alterations or any further plant or mechanical or electrical equipment attached to the building without the prior approval in writing of the Local Planning Authority

**Reason:** In the interests of the amenities of the neighbouring residential property and to accord with Policy BE1 of the Unitary Development Plan.

The development is considered to be satisfactory in relation to the following:

The extension is considered to be acceptable in terms of its impact upon the Conservation Area and the host dwelling, and subject to suitable noise amelioration as required by condition, and a restriction on further alterations, should not have any serious adverse impact upon the amenities of adjoining residential properties, therefore complying with the aims and requirements of Unitary Development Plan Policies H8, BE1 and BE11, and London Plan Policy 4A.20.

and having regard to all other matters raised.

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