

Application Number	Date of Appln	Committee Date	Ward
112460/FO/2016/S2	13th Jun 2016	25th Aug 2016	Didsbury East Ward

Proposal Retrospective application for installation of a combined heat and power plant (CHP) including extraction flue in a compound adjacent the plant rooms of an existing hotel

Location The Waterside Hotel And Leisure Club , Wilmslow Road, Didsbury East, Manchester, M20 5WZ

Applicant Mr Christopher Hayes , Waterside Hotel And Leisure Club, Wilmslow Road, Manchester, M20 5WZ,

Agent Paul Anderson, Axis Architecture, The Old Post Office, Station Road, Wickham, Fareham, PO17 5JA,

Description

The application site is a leisure facility associated with the Waterside Hotel situated on the south side of Wilmslow Road in the Didsbury East ward. The leisure building is 2-storey and is separate to the hotel which is located further south within the site. The leisure facility overlooks a car park that is parallel to the rears of houses on Morningside Drive that are to the west whilst mature trees form a boundary with the River Mersey to the east.

The surrounding area is residential to the north and west whilst the river and M60 motorway beyond form the southern and eastern boundaries.

The application which is retrospective and follows a compliance investigation, seeks the determination of the Local Planning Authority for the retention of a combined heat and power (CHP) plant, including an extraction flue and gas compressor which provide heat and power to the hotel's leisure facilities. The equipment, excluding the flue which extends up to eaves level, is enclosed behind 2.7m high timber fencing forming a compound adjacent to the plant rooms of the hotel. The application is accompanied by an acoustic report which demonstrates a commitment to reducing noise outputs from the CHP and a planning statement.

At the time of a site visit, the flue was in situ on the north-eastern corner of the building, ie: closest to the rears of houses on Morningside Drive and was of a shiny stainless steel appearance.

During the course of the application, the flue was replaced with that proposed in the application. The application attracted several objections during the course of a public consultation and has been assessed by Environmental Health who are satisfied that the mitigation measures in the acoustic report are acceptable.

Consultations

Neighbour notifications - 5 objections received. Comments:

1. Concerns over additional noise caused by this unit. Have already noticed an increase in noise.
2. Placement of the power plant would have been better on the far side of the building away from Morningside Drive.
3. Can the noise be monitored or reduced?
4. Noise levels are totally unacceptable and on 24hours. Council's Environmental Health visited and found the levels to be unacceptable.
5. Noise is far louder than previously experienced. Increase in constant noise levels; one of the roof mounted extractors points down my property's drive. Noise is only just tolerable.
6. Can hear it in living room, kitchen and back bedroom.
7. Noise from switching plant on and off is also heard from the front of the house and beyond.
8. Since 27th June, the plant has not been switched off. Not adhering to operational times set by Environmental Health.
9. The colour of the flue is bright silver and reflects the light making it extremely noticeable. There is plenty of space towards the front and side of the building which wouldn't be unsightly or noisy.
10. If the plans are approved, worried that the operating hours would not be adhered to and would not make the changes suggested in the reports.

Unitary Development Plan for the City of Manchester (adopted 1995)

The site is unallocated in the UDP but the following saved general policies apply:

With regards to development and noise Development Control policy DC26 states that the council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the city. In giving effect to this intention, the council will consider both the effect of the new development proposals, which are likely to be generators of noise.

DC26.1 states that the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a. the effect of new development proposals which are likely to be generators of noise; and
- b. the implications of new development being exposed to existing noise sources which are effectively outside planning control.

DC26.2 states that new noise-sensitive developments (including large-scale changes of use of existing land or buildings), such as housing, schools, hospitals or similar activities, will be permitted subject to their not being in locations which would expose them to high noise levels from existing uses or operations, unless the effects of the noise can realistically be reduced. In giving effect to this policy, the Council will take account both of noise exposure at the time of receiving a planning application and of any increase that may reasonably be expected in the foreseeable future.

Core Strategy

The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.

Appendix C of the Core Strategy has a list of superseded policies and their replacements.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

The following specific policies are considered to be particularly relevant to the proposed development:

Objective SO6 of the Core Strategy - Environment

This Objective of the Strategy seeks to protect and enhance both the natural and built environment of the City and ensure the sustainable use of natural resources, in order to mitigate and adapt to climate change, support biodiversity and wildlife, improve air, water and land quality, recreational opportunities and provide networks of high quality green infrastructure, ensuring that the City is inclusive and attractive to residents, workers, investors and visitors.

Policy EN4 - Reducing CO2 Emissions by Enabling Low and Zero Carbon Development

The Council will seek to reduce fuel poverty and decouple growth in the economy, growth in CO2 emissions, and rising fossil fuel prices, through the following actions:

- All development must follow the principle of the Energy Hierarchy, being designed:
- to reduce the need for energy through design features that provide passive heating, natural lighting and cooling
- to reduce the need for energy through energy efficient features such as improved insulation and glazing
- to meet residual energy requirements through the use of low or zero carbon energy generating technologies
- Wherever possible new development and retrofit projects, including energy generation plant, must be located and designed in a manner that allows advantage to be taken of opportunities for low and zero carbon energy supplies.

- Where possible new development and retrofit projects will be used as a mechanism to help improve energy efficiency and provide low and zero carbon energy supplies to existing buildings.
- Where appropriate new development and retrofit projects will be required to connect to and/or make contributions to low or zero carbon energy schemes and/or to incorporate provision to enable future connection to any existing / potential decentralised energy schemes.
- The use of building materials with low embodied carbon in new development and refurbishment schemes.

Policy SP1- Spatial Principles

Policy SP1 states under Core Development Principles, that Development in all parts of the City should:-

Make a positive contribution to neighbourhoods of choice including:-

- creating well designed places that enhance or create character;
- making a positive contribution to the health, safety and wellbeing of residents;
- considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income;
- protect and enhance the built and natural environment.
- Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible; and
- Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy DM1 - Development Management

This policy follows the principles advocated in the aforementioned policies and informs that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.

- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- Existing or proposed hazardous installations.
- Developers will be required to demonstrate that new development incorporates sustainable construction techniques.

For reasons outlined below, it is considered the proposal accords with the above policies.

Principle

The proposed use is broadly compliant with the overarching objective SO6 and policy EN4 of the Manchester Core Strategy which seeks to support energy efficiency and reduce Manchester's carbon footprint.

The application will enable the hotel and leisure centre to operate more efficiently by reducing the energy demand which has a positive environmental outcome.

The application returned 5 objections all of which cited noise nuisance as an issue, whilst one objector also referred to the visual impact of the flue that was erected without the benefit of planning permission. These are the key issues for consideration in this application as discussed below.

Noise / Nuisance

The nature of the proposal generates a degree of noise which, during quieter periods, has been perceived as intrusive and detrimental to the amenity of neighbouring occupiers living on Morningside Drive. Morningside Drive is a relatively quiet residential area which, even with aircraft and motorway noise, still has relatively low levels of ambient noise. In these circumstances, peak noise events are more readily perceived.

Residents have expressed concerns to the Council that the noise from the newly installed services plant, including a CHP turbine, gas compressor and a flue, has been excessive and on occasion, continued throughout the night which is an unacceptable situation in a residential area. Noise monitoring by both Environmental Health and independent acousticians, 24 Acoustics, has confirmed that an excess of noise emissions over industry-agreed standards has been observed from the CHP equipment.

Acceptable levels of noise emissions for this type of development are contained in national guidance including the NPPF, Planning Practice Guidance, British Standard (BS4142:2014) and the Noise Policy Statement for England which defines the concept of a 'significant observed adverse effect level' as 'the level above which significant adverse effects on health and quality of life occur'.

The supporting Planning Statement states that on account of a shortage of internal space within the existing plant room, some equipment has to be installed externally. The equipment that was installed without the benefit of planning permission had a steep angle from ground level and was installed without any form of silencing treatment. During the course of the application, the proposal under consideration was installed which entailed the removal of the existing stainless steel flue and

replacement with a flue that has a shallower gradient allowing for the accommodation of a silencer unit. The flue pipe was also replaced with one finished in the proposed materials which are a colour-coated light grey matt finish (RAL7001). The pipes which wrap around the building facing Morningside Drive are also proposed to be replaced with similar of this finish.

In assessing the application, the acoustician noted that the greatest noise levels are generated by the exhaust flue and that the manufacturer's instructions note that noise emissions can be mitigated by 5dBA by fitting an acoustic inlet hood with further noise reductions achieved by installation of a silencer. Both these measures are recommended in the acoustic report and which will achieve a noise rating level that is 5dB below the prevailing background noise levels for the daytime and night-time periods. The report concludes that assuming the above mitigation measures are installed, the noise from the installed plant and equipment will be acceptable.

No objections have been raised by the Head of Regulatory Services (Environmental Health) to the mitigation measures. Conditions are recommended for external equipment insulation and the hours of use for the CHP plant. Provided that these conditions are implemented in full, there is no objection to the proposal from a noise nuisance perspective.

Visual Amenity

As outlined above, the existing flue was replaced during the course of the application with that proposed in the submitted plans, which is of a matt grey appearance. This is considered to be acceptable as it will be less visible from the rears of houses on Morningside Drive and will not reflect bright sunshine back onto residents' houses.

A materials condition is recommended which confirms the colour-coating proposed in this application.

For all of the above reasons, the proposal is considered acceptable with the recommended conditions applied to any approval.

Human Rights Act 1998 considerations – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved polices of the Unitary Development Plan, the Head of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the approval of the application is proportionate to the wider

benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation APPROVE

Article 35 Declaration

In making its decision, the local planning authority has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in this committee report. The application received a number of objections which were taken into consideration in the assessment of the application and brought to the applicant's attention during the course of negotiations. The application was supported by an acoustic survey with mitigation measures that were acceptable to Environmental Health on assessment of the application provided the recommended conditions were applied to any approval.

Reason for recommendation

Conditions to be attached to the decision

1) The development hereby approved shall be carried out in accordance with the following drawings and documents:

The application form;

Drawings numbered: 16-036-SR101; 1292/E/001 Rev P1 and 16-036-PL101 received on 10/06/2016.

Planning Statement prepared by Axis Architecture (Report Issue 01) dated 8th June 2016 and Acoustic Report prepared by 24 Acoustics (Document Ref: R6322-1 Rev 0) dated 25th May 2016.

Reason - To ensure that the development is carried out in accordance with the approved plans pursuant to policies SP1, EN4, DC26 and DM1 of the Manchester Development Plan.

2) The combined heat and power plant including extraction flue approved in this application, shall be acoustically insulated and treated to limit the break out of noise in accordance with the mitigation measures recommended in paragraph 5.13 of the Acoustic Survey submitted with this application prepared by 24 Acoustics and dated 25 May 2016 as approved in writing. Within 3 months of the date of this decision, a verification report, demonstrating evidence of the installation of the approved mitigation measures relating to the plant and flue, shall be submitted to the City Council and approved in writing. The equipment shall only be operated in accordance with the approved measures.

Reason - To safeguard the amenities of nearby occupiers, pursuant to policies SP1 and DM1 of the Core Strategy.

3) The CHP plant and flue shall not be used outside of the following hours;

Turbine (daytime only) 07.00 to 23.00

Compressor 24hours

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with policy DM1 of the Manchester Core Strategy and policy DC26 of the Unitary Development Plan for the City of Manchester.

4) Notwithstanding the submitted plans, within 3 months of the date of this decision, the external flue shown on plan reference 16-036-PL101 shall be colour-coated in accordance with the details hereby approved including a matt light grey (RAL7001) elevation. The flue shall be implemented, retained and maintained at all times thereafter in accordance with the approved details.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policy DM1 of the adopted Core Strategy for the City of Manchester

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 112460/FO/2016/S2 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

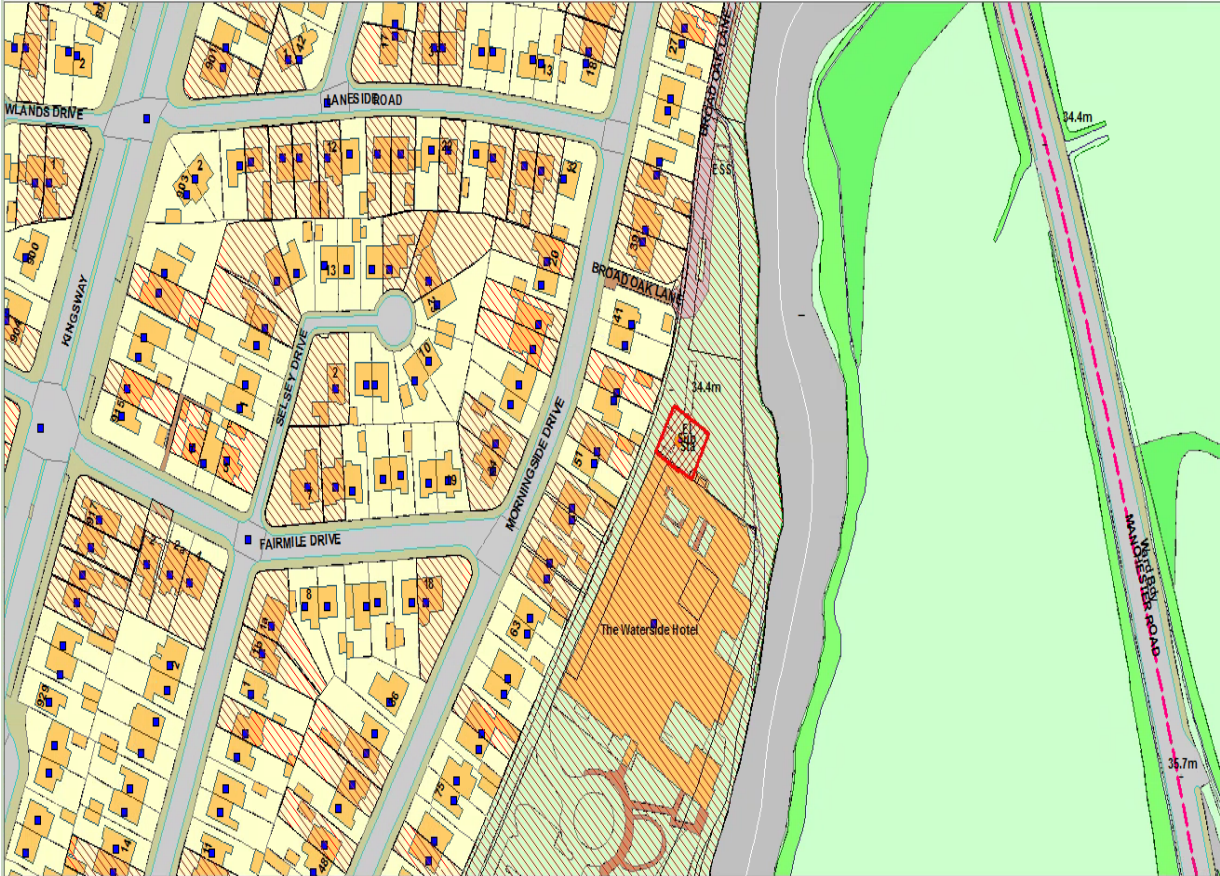
Environmental Health
Stockport Metropolitan Borough Council

A map showing the neighbours notified of the application is attached at the end of the report.

Representations were received from the following third parties:

47 Morningside Drive, Manchester, M20 5PW
53 Morningside Drive, Manchester, M20 5PW
45 Morningside Drive, Manchester, M20 5PW
37 Morningside Drive, Manchester, M20 5PR
Morningside Drive, Manchester

Relevant Contact Officer : Linda Marciniak
Telephone number : (0161) 234 4636
Email : l.marciniak@manchester.gov.uk



Application site boundary ● Neighbour notification
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