

16 MARCH 2021 PLANNING COMMITTEE

WRITTEN UPDATE

Page 119 - Item 6j – COND/2020/0167 – Sheerwater Estate Albert Drive, Sheerwater, Woking
Condition 63 – (Scheme to protect residential development from noise)

Page 124 – Representations

Additional representation on behalf of ASDA

Since the report was prepared for the Planning Committee meeting, a further representation has been received from Jigsaw Planning on behalf of ASDA. A copy of this representation is attached to this written update.

Applicant's Acoustic Consultant response to the representation on behalf of ASDA

A response to the issues raised in the ASDA representation, has been received from the applicant's Acoustic Consultant, Cole Jarman. A copy of this representation is attached to this written update.

Page 124 – Consultations

WBC Environmental Health Officer: I have the following comments having considered the information contained in email dated 11th March from Jigsaw Planning and Cole Jarman's response to it on behalf of the applicant.

- Both acoustic consultants agree a night time plant rating level of 36dBA outside the nearest proposed flats at upper levels. This refers to plant noise in isolation.
- When assessed against the night time background noise level, using the lower of values quoted (Cole Jarman refer to 35dB L90 at 3m above ground level) 30dB L90 from Asda's earlier acoustic report, both agree the difference of 6dB represents an adverse impact.
- Asda state this would have to be addressed by residents keeping windows closed.
- Cole Jarman state that context is an important factor which in this case is the façade acoustic treatment of double glazing and acoustic trickle vents, and quote that a partially open window would provide a noise reduction of 13dB reducing the internal noise levels within the residential flats to 23dBA and in this way satisfies the noise criteria.

Cole Jarman have therefore confirmed that the target internal noise levels within the residential flats can be met with windows partially open.

I would be happy for this evaluation to be shared with the two parties. I have not included any reference to the planning conditions applied to Asda which would need to [be] addressed separately. As enforcement of statutory noise nuisance, Environmental Health would be obliged to investigate any noise complaints received and take into account all relevant factors which exist at that time.

From: Joanne Hollingdale
Sent: 11 March 2021 17:05
To: DevelopmentControl
Subject: COND/2020/0167 - Red Phase, Sheerwater, Woking

Categories: [REDACTED]
Switch-MessageId: ffbfb8cdbc44f13ab28f4451e56b9cd

Hello – could this email of representation be added to IDOX as a public comment.

Many thanks

Joanne Hollingdale MRTPI | Principal Planning Officer | Planning Services

Woking Borough Council, Civic Offices, Gloucester Square, Woking, Surrey, GU21 6YL
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From: katherine@jigsawplanning.co.uk [REDACTED]
Sent: 11 March 2021 13:38
To: Joanne Hollingdale <[REDACTED]>
Subject: RE: COND/2020/0167 - Red Phase, Sheerwater, woking

Hi Joanne, hope you are well.

We have been advised that the above application is to be heard at the Planning Committee next week. Below is Asda's response to the committee report.

Asda have previously highlighted their concerns relating to the existing Asda roof mounted fixed plant noise affecting the proposed dwellings. Concerns were highlighted in the ACP report dated 22nd February 2019 and subsequent correspondence to the EHO and yourself.

In brief, the concerns can be summarised as follows. ACP have attended the Asda store to confirm the existing roof mounted fixed plant details and have established a rating level of 36 dBA, at night, at the upper floors of the nearest proposed flats. This is 11 dBA higher than the rating level effecting the nearest existing 2 storey residential properties and is a result of the increased height of the proposed dwellings overlooking the Asda roof (in contrast to the significant shielding offered to the existing dwellings by the Asda roof structure).

This raises the following concerns:

1. Planning permission for the Asda store included Condition 20 (PLAN/2013/0647). This required the rating level of the Asda fixed plant, at night, to not exceed 25 dBA at the facade of the nearest noise sensitive properties. The proposed development would result in this condition being exceeded by 11 dBA.
2. Furthermore, the Asda plant rating level at the proposed flats would exceed the 30 dB LA90 night time background noise level adopted by the Planning Authority at the time of the Asda development. In accordance with BS4142:2014, this degree of excess is an indication of adverse impact, depending on context. The Cole Jarman report indicates the current background noise levels are higher due to traffic noise, but their measurements were completed at low level, adjacent to the road. Background levels at

the top floor of the proposed flats are likely to remain low, due to increased distance from the road, shielding of traffic noise by balconies and likely intermittent nature of traffic during the quietest periods at night.

3. Mitigation proposed by Cole Jarman relies on residents keeping their windows closed. We argue that this is not reasonable or realistic in warm weather. Recent Appeals and case law have confirmed occupiers should have the right to open their windows.

It is therefore clear, should the development be approved in its current format, the original Asda plant noise criteria imposed by Planning Authority in Condition 20 would be exceeded. It is also clear there would be the potential for adverse impact from the existing Asda plant, should the new residents wish to have their windows open during warm weather.

Should the Planning Authority be minded to approve the proposed scheme in its current format, Asda would wish to make their position clear as follows:

a) The requirement of Planning Condition 20 should no longer apply to existing or future Asda fixed plant noise.

b) Asda would not accept future noise abatement action for existing plant noise as a result of the proposed development. The responsibility for noise mitigation would be with the Planning Authority for permitting this situation and not adequately protecting an existing commercial operation in accordance with the requirements of paragraph 182 of NPPF. The responsibility of a Planning Authority in this type of situation has been established in a recent Local Authority Ombudsman case.

We trust you will take these concerns into account and that you will update Members on Asda's position.

We would be grateful if you could acknowledge receipt of this email.

Many thanks

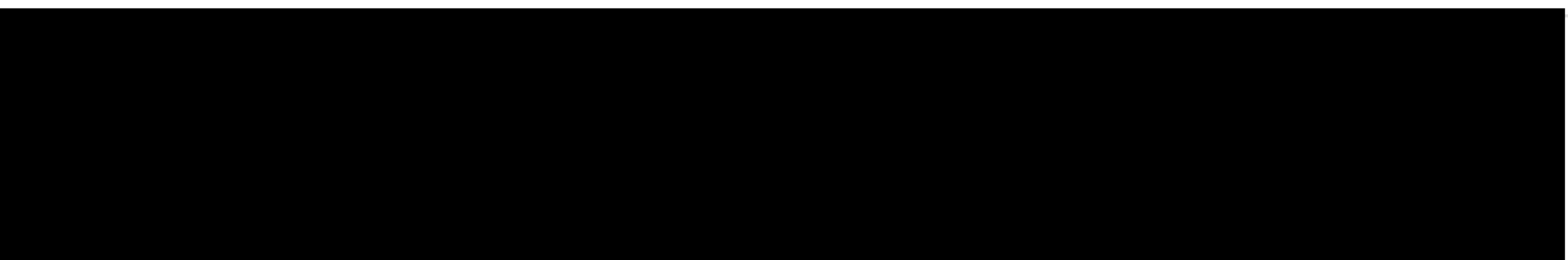
Katherine

Katherine Sneed
Director
Jigsaw Planning



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Dear Katherine

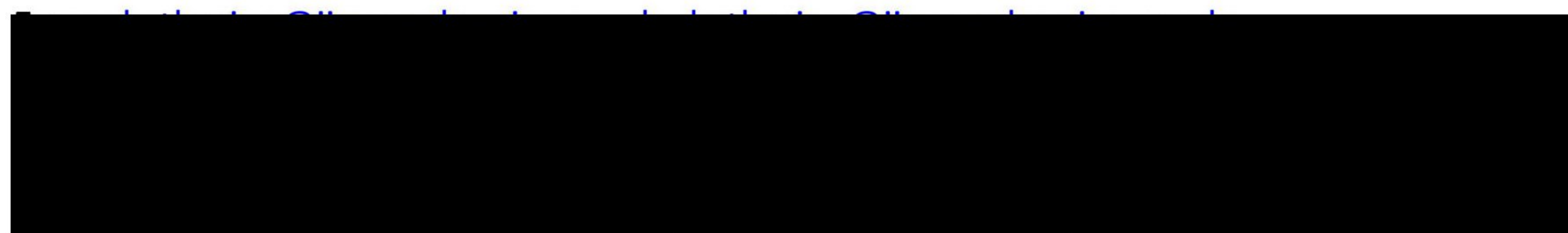
Further to the email below, I have today added a further response from the applicant/acoustic consultant in response to comments from the Council's Environmental Health Officer. I had also noticed that the plans showing

the façade treatment in the original noise assessment report were not fully shown so I have also received a further copy of the report which now shows the plans in full. I have added both documents to public access today.

Kind regards

Joanne Hollingdale MRTPI | Principal Planning Officer | Planning Services

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Thanks for the email Joanne. We will review and Stephen Fowler of ACP will contact the EHO as well.

Kind regards

Katherine

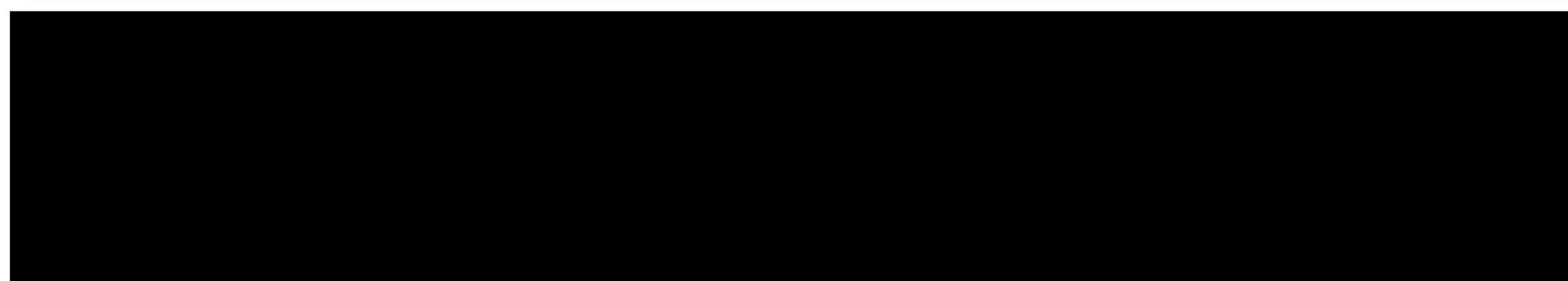
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Dear Katherine

Further to our correspondence in relation to the above mentioned conditions application please find attached above additional information I have received from the applicant.

The information has been added to the file (and is available on public access) and has also been forwarded to the Council's EHO.

Kind regards

Joanne Hollingdale MRTPI | Principal Planning Officer | Planning Services

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Danielle Gillespie
47 Boucher Road
Belfast
Co Antrim
BT12 6HR

12 March 2021
Ref: 18/0466/L3

Dear Danielle,

**Canalside, Woking – Red Phase
COND/2020/0167 Further Local Authority Response on noise**

Further to our letter (reference 18/0466/L2 – local authority response on noise), additional comments have been made by ASDA and their representatives to the Local Authority. The Local Authority Planning Officer has requested a response to these; our comments are set out below. It is noteworthy that our position remains unchanged.

When planning permission was granted for the wider Sheerwater Regeneration scheme, planning conditions were applied to identify what issues need to be considered for each phase. Condition 63 states:

“Prior to the commencement of development (save for demolition and below ground works), in any phase containing residential development full details of a scheme for protecting the proposed residential units in that phase from road traffic noise and plant noise in the vicinity of Asda for phases Purple and Red (as relevant) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall comprise acoustic façade treatment including acoustic double and/or triple glazing with mechanical ventilation where necessary and any other means to protect the buildings from noise, in accordance with the principles detailed in Chapter 8 of the Addendum to the Environmental Statement dated October 2018. The approved scheme shall be carried out concurrently with the development of the residential units in that phase and shall be completed fully in accordance with the approved details. The development shall thereafter be retained and maintained in accordance with the approved details.”

This directly refers to the ASDA plant and a basis for how it is required to be considered, namely through a scheme of façade acoustic treatment in accordance with the principles detailed in Chapter 8 of the Environmental Statement.

The principles detailed in Chapter 8 of the Environmental Statement require internal noise criteria taken from BS 8233:2014 to be met when windows are closed and trickle ventilators are open, the night time internal noise target is 30dB(A).

Façade acoustic requirements as necessary to meet the internal noise targets are set out in Cole Jarman report 18/0466/R1 (revision 4) and have been implemented in the design of the scheme, as required by the planning condition.



ASDA's noise consultant have now visited the store and measured the ASDA plant noise in isolation and advise the rating level of the plant to be 36 dB(A) outside the nearest proposed façade within red phase at night.

As set out in our previous letter, 18/0466/L2, Cole Jarman estimated noise from the ASDA plant in isolation to be 36 dB(A) at night outside the nearest proposed residence. This forms a minor contribution to the overall noise climate in the context of other noise sources, which is predominantly traffic noise.

Assessing the ASDA plant noise in isolation against the internal limits required by the condition is estimated to result in an internal noise level of approximately 7dB(A) with windows closed and trickle ventilators open, significantly below the night time limit of 30 dB(A). This is due to the acoustic façade requirements being driven by the higher traffic noise levels. Furthermore, during times when windows are partially open, taken to provide a noise reduction of 13dB from outside to inside, internal noise levels from ASDA plant in isolation are estimated to be 23 dB(A), still comfortably below the 30 dB(A) target. The requirements of the planning condition with respect to ASDA plant noise are therefore clearly fulfilled.

Within the recent ASDA representations to the Local Authority BS 4142:2014 is also referenced, so is discussed here for completeness.

The following extract of the standard is relevant, and is consistent with the approach defined by the LPA within planning condition 63 attached to the Sheerwater Regeneration consent:

"Where a new noise-sensitive receptor is introduced and there is extant industrial and/or commercial sound, it should be recognized that the industrial and/or commercial sound forms a component of the acoustic environment. In such circumstances other guidance and criteria in addition to or alternative to this standard can also inform the appropriateness of both introducing a new noise-sensitive receptor and the extent of required noise mitigation."

In summary, BS 4142:2014 provides an assessment methodology and criteria relating to sound from industrial sources. The procedure involves calculating a rating level of noise from the industrial facility at a position outside nearby noise sensitive locations, which is then compared with the existing background sound level. The following guidance is provided on determining an initial assessment of the impact:

- a) Typically, the greater this difference [between industrial site noise rating level and baseline background level], the greater the magnitude of the impact.
- b) A difference of around +10 dB or more is likely to be an indication of a significant adverse impact, depending on the context.
- c) A difference of around +5 dB is likely to be an indication of an adverse impact, depending on the context.
- d) The lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact.



Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context.

ASDA representations confirm a rating level from their plant of 36dB(A).

The minimum night-time background noise measured by Cole Jarman at 3m above local ground level at the relevant position MP1 was 35 dB L_{A90} (refer to Cole Jarman report 18/0466/R1 revision 4). The planning consent for the ASDA scheme (reference PLAN/2013/0647) included condition 20 relating to ASDA plant noise, which defined minimum background noise levels during the night time period to be 30dB L_{A90} (the condition has since been discharged).

We would note that BS 4142:2014 states that it is a typical background level that should be used in assessments, not simply a minimum. It also states that although the middle of the night (when we measured the minimum 35dB L_{A90}) can be a distinctly different noise level to the start and end of the night period, it is of lesser importance due to sleep disturbance reasons. We have not analysed background levels to determine a 'typical' level, but it would clearly be higher than the minimum.

Accounting for the above, an initial BS 4142 assessment would indicate an adverse impact, depending on context. As stated in BS 4142, context includes the façade acoustic treatment.

Depending on which minimum background survey results are used, a 1-6 dB reduction would be required to reduce plant noise to a 'low impact'. As a partially open window typically provides 13 dB reduction from outside to inside, and closed windows provide in the region of 30dB reduction from outside to inside, it can be seen that internal noise levels from the ASDA plant are clearly acceptable.

Yours sincerely

Ben Holcombe

