

16 MARCH 2021 PLANNING COMMITTEE

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COND/2020/0167

WARD: C

LOCATION: Sheerwater Estate, Albert Drive, Sheerwater, Woking

PROPOSAL: Partial approval of details pursuant to Condition 63 (scheme to protect residential development from noise) for phase Red only of planning permission PLAN/2018/0337 for the Sheerwater Regeneration.

APPLICANT: Gilbert Ash

OFFICER: Joanne Hollingdale

REASON FOR REFERRAL TO COMMITTEE

Although the applicant is the contractor for phase Red of the Sheerwater Regeneration, legal advice is that this conditions application falls outside the Scheme of Delegation and thus such applications are required to be determined by the Planning Committee.

SUMMARY OF PROPOSED DEVELOPMENT

This conditions application seeks partial approval of details pursuant to Condition 63 of planning permission PLAN/2018/0337 relating to a scheme to protect the residential development from noise.

PLANNING STATUS

- Urban Area
- Thames Basin Heaths SPA Zone B (400m-5km)
- Priority Place
- Flood Zone 1 and 2 (some areas)
- Basingstoke Canal Conservation Area & SSSI
- Urban Open Space
- Local Centre

RECOMMENDATION

APPROVE details submitted.

SITE DESCRIPTION

This conditions application relates to the second phase of the development for the Sheerwater Regeneration. The second phase, known as phase Red, comprises the specialist accommodation, the energy centre, ground floor non-residential uses, apartments, mews dwellings and maisonettes and is due commence shortly. This phase is located diagonally opposite Asda and lies between Albert Drive, Dartmouth Avenue and includes part of Dartmouth Green.

PLANNING HISTORY

The most relevant planning history for this application is as follows:

PLAN/2018/0337 - Hybrid planning application (part outline, part full planning application) for the demolition of 573 residential units and existing non-residential buildings and redevelopment of the site to be implemented in phases to provide a mixed-use development comprising of 869 residents units (Class C3), 134 specialist residential units (Class C3/C2), 904 sqm community centre (Class D1), 929 sqm nursery/children's centre (Class D1), 312 sqm health centre (Class D1), 290 sqm

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additional classrooms (Class D1), 1,728 sqm of retail (flexible use within Class A1 and/or A2 and/or A3 and/or A4 and/or A5), 117sqm management office (flexible use within Class A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or B1a and/or SG), and 132 sqm dentist (flexible use within Class A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or class D1), a new energy centre, formation of a new car park for Broadmere Primary school, formation of an extended car park for Bishop David Brown School and the Leisure Centre, including a bus/coach drop off area, formation of a new community car park to serve community hub, hard and soft landscaping and open space with a kiosk, a multi-use games area (MUGA) and a skate park, reconfigured and new vehicular and pedestrian access and works to the public highway and associated works; including full planning application for the detailed phases comprising of: demolition of 412 residential units and 7,609 sqm existing non-residential buildings, and construction of 695 residential units (7 no. studios, 68 no. 1-bedroom specialist accommodation, 160 no. 1-bed units, 227 no. 2-bed units, 160 no. 3-bed units, 71 no.4-bed units, and 2 no. 5-bed units.), 904 sqm Community Centre (Class D1), 1,728 sqm of retail (flexible use within Class A1 and/or A2 and/or A3 and/or A4 and/or A5), 117sqm management office (flexible use within Class A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or B1a and/or SG) and 132 sqm dentist (flexible use within Class A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or or class D1), 929 sqm of nursery/children's centre (Class D1), 312 sqm health centre (Class D1), an energy centre, formation of an extended car park for Bishop David Brown School and the Leisure Centre, including a bus/coach drop of area, formation of a new community car park to serve community hub, hard and soft landscaping and open space with a kiosk, a multi-use games area (MUGA) and a skate park reconfigured and new vehicular and pedestrian access and works to the public highway and associated works. Permitted 18.04.2019 subject to a S106 Legal Agreement and Executive Obligations.

PROPOSED DEVELOPMENT

This conditions application seeks the partial approval of details pursuant to Condition 63 of planning permission PLAN/2018/0337 relating to a scheme to protect the residential development from noise.

The applicant has submitted an Environmental Noise Assessment report which includes plans showing which facades of the development should be subject to specified acoustic requirements.

Following the comments received in the letter of representation, the applicant's acoustic consultant has provided further comments via a letter and further comments were received by email, following comments made by the Council's Environmental Health Officer.

CONSULTATIONS

WBC Environmental Health Officer: Following the receipt of information relating to earlier queries, the acoustic consultant has confirmed that his initial assessment does not indicate an adverse or significant adverse impact from the Asda roof plant and that the proposed façade insulation will satisfy the design criteria set out in the Environmental Statement Noise Chapter (of the original application). Having regard to this the recommendations of the acoustic report are accepted.

REPRESENTATIONS

As this application seeks approval of details pursuant to a condition on a planning permission, there is no statutory requirement for neighbour notification. However **1no**, representation has been received from Asda. A summary of the main points made is given below:

- Asda's acoustic consultants have reviewed the latest noise report and confirm the document does not address concerns relating to existing Asda plant noise affecting the proposed dwellings.

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- We have previously submitted a report (dated Feb 2019) detailing our concerns. The acoustic design of the existing Asda roof mounted plant is based on achieving the required noise criteria imposed by condition 20 of the permission granted for the Asda store in 2013. The key point is the acoustic design is based on achieving the required criteria at the existing 2 storey dwellings which are shielded from the Asda plant by the store roof structure. The proposed 6 storey dwellings would have line of sight to the Asda roof mounted plant and would experience plant noise levels +11dB above the criteria.
- As a result of previously raising our concerns reference to the Asda plant noise was included in condition 63. However this has not been addressed in the current report and thus the condition should not be discharged.
- The only reference in the applicant's report to the Asda plant noise is the statement that road traffic noise was dominant during their monitoring and this would be expected as the monitoring position was 3m above ground level and shielded from the Asda plant.
- Asda's acoustic consultant would like to work with the Council and discuss the matter with the EHO to ensure there are no issues for future residents.
- Should the Council be minded to discharge Condition 63 based on the applicant's report, Asda would expect written confirmation that their plant noise criteria imposed by Condition 20 in 2013 do not apply to the new dwellings and that no noise abatement action would be taken against Asda or additional plant noise mitigation treatment required following future noise complaints by occupants of the proposed dwellings.

Since the additional information was received from the applicant's acoustic consultant no further comments have been received.

RELEVANT PLANNING POLICIES

Woking Core Strategy 2012
CS21 - Design

Development Management Policies DPD 2016
DM5 – Environmental Pollution
DM7 – Noise and light pollution

PLANNING ISSUES

1. The only issue to consider is whether the details submitted are considered acceptable to comply with the requirements of Condition 63.
2. The submitted Environmental Noise Assessment report includes sections on noise survey and the noise break-in assessment including glazing and ventilation requirements. The report sets out the glazing and trickle ventilation requirements for each façade in order to meet suitable internal noise levels for the dwellings. The report concludes that suitable internal noise levels can be achieved in all of the proposed residential dwellings using a mixture of typical thermal double glazing and higher performance sound insulating double glazing, with acoustically treated trickle ventilation to reduce the requirements to open windows in some locations.
3. Following the comments received in the letter of representation, the applicant's acoustic consultant advised that "*plant noise from the ASDA store is taken to be part of the overall noise climate and so was measured during the survey detailed within the report – the dominant noise source was road traffic noise and so façade specifications are based*

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on mitigating this. The glazing and ventilation strategy therefore safeguards against plant noise as well, as the levels associated with this are below that of the road traffic.” The applicant’s acoustic consultant further comments that they have reviewed the ASDA plant noise assessment report from 2013 and advise that *“it can be seen the ASDA plant noise at upper floors will still be significantly lower than the noise levels measured at 3m height at MP1 [measuring position 1] or at 1.5m height at MP3. Consequently, taking account of the proposed façade acoustic treatment the BS8233 internal noise level criteria are still comfortably achievable.”*

4. In response to an initial query by the Council’s Environmental Health Officer, the applicant’s acoustic consultant advised that *“in our assessment, we have included the ASDA plant roof as part of the noise climate alongside road noise, as both are stated in the condition. Suitable façade specifications have been provided in order to meet the criteria, which are driven by the road noise, as these are higher than the plant noise (including at higher levels where roof screening is diminished). This is the same approach as the approved Purple phase to the west.”* It is further advised that *“noise levels from the ASDA roof plant are expected to be 43 dB(A) during the day and 36 dB(A) at night. An initial BS4142 estimate against the plant limits set out in the ES chapter 8 (42 dB(A) day and 34 dB(A) night) shows that the increase above background is 1-2 dB which would not indicate an adverse or significant adverse impact. I would note that a BS 4142 initial estimate is dependent on the context. Context includes façade insulation at the receptor, which in this instance is in the developer’s control, with the recommendations set out in our report.”* Following the receipt of the additional information submitted the Council’s Environmental Health Officer has advised that the recommendations of the acoustic report are accepted.

CONCLUSION

5. In light of the above information the details submitted are considered acceptable and would meet the requirements of Condition 63. The submitted details would also comply with Policy CS21 of the Woking Core Strategy 2012 and Policies DM5 and DM7 of the DM Policies DPD 2016. The details submitted are therefore recommended for approval as noted in the recommendation below.

BACKGROUND PAPERS

File - COND/2020/0167

RECOMMENDATION

It is recommended that details submitted are **APPROVED** as follows:

Details approved are:

- Environmental Noise Assessment report by Cole Jarman (Report 18/0466/R01 Revision 4 dated 26.08.2020) received on 16.12.2020;
- Letter from Cole Jarman (ref: 18/0466/L2-0 dated 8.12.2020) received on 09.12.2020; and
- Email from Cole Jarman dated 15.12.2020 received (via agent dated 15.12.2020) on 16.12.2020.

Note to applicant: The applicant is advised that the approved details relate to phase Red only and details pursuant to this condition require LPA approval for all other phases of the development in accordance with the requirements of the condition.