

Environmental Control and Protection - Planning Consultation Response

To Planning Officer: Richard Hughes

From Environmental Control and Protection Officer: Damaris Broad

Date: 08.12.2023

Planning Application Reference:	PL2021/04084
Environmental Health Reference:	WK/202108726
Description of Proposal:	Residential development of 41no. new dwellings comprising development on land to the west of Roger Way (Areas A&F), alongside the change of use of the vacant ground floor unit at Block C of the Old Sarum Local Centre (Area G), to provide for 7no. affordable apartments
Address:	Land to the west of Roger Way and Old Sarum Local Centre (Block C), Old Sarum, Salisbury, Wiltshire
Site Visited:	No
Amenity Including noise, lighting, odour, smoke.	Officer: Vicky Brown

Noise

I have given consideration to the Entran Residential Noise Assessment dated November 2023. I have also looked back through the history of this consultation. It is noted that there is a revised layout which includes single aspect dwellings along some of the boundary with the football pitch. The protection these buildings offer plus the acoustic fencing are beneficial to noise levels across some of the site. Unfortunately during football matches a number of plots, including 1,2,3,4,5, 8, 30, 40 and 41 will have windows to habitable rooms which need to be closed to achieve internal noise level guidelines. With windows open internal noise levels would be above the 35dB recommended by the WHO and in BS8233 for noise without specific character or 'anonymous' noise. It is important to remember here that this is not anonymous noise

and it will be impulsive and unpredictable. It is from a specific commercial/leisure source which will make the noise less acceptable to some people than noise such as road traffic which is anonymous and more easy to accept because of community benefit.

The contour diagram below, which is figure 7 from the noise report demonstrates noise propagation across the site. Where the light blue, light grey and mustard colours touch building facades this demonstrates where windows will need to be closed to achieve the levels recommended for anonymous noise. It may be argued that future residents will be aware that they are moving to properties near a football field and there will be noise, but they may not appreciate the extent of the disturbance, or the timings until they move in. Also, some may be rented and the occupants have little choice but to live there. I believe the stadium has matches most Saturday afternoon/evenings during the season and some start at 19:45 so may go on late into the evening when residents are trying to put children to bed and go to bed themselves. I understand, where necessary games may go on after 23:00 as there are currently no restrictions over this.

In regards to the external amenity space noise levels, it is predicted in section 4.12 of the report that during a match noise levels will meet the '55dB criterion'. I believe this 55dB is taken from the upper guideline limit provided by the WHO and in BS8233. Again, this is the level recommended for anonymous noise without specific character, not specific commercial noise. In addition to this the Sports England Publication 'Artificial Grass Pitches Acoustics Planning Implications Guide' recommends not exceeding a level of 50dB LAeq1hr in outside amenity spaces. It is appreciated this is for artificial pitches but the guidance can be extrapolated for this similar situation.

I believe the noise models, for football stadium and bar noise are for ground floor of the proposed dwellings only, the assessment has not considered first floor windows. There will be living rooms and bedrooms at first floor level for plots 15 and 16 and bedrooms for the other plots. Noise from games, supporters and the bar are likely to have a significant impact at first floor level into the late evening which is when people are going to bed.

There is also the issue of music/entertainment noise. The bar is licenced to have music until midnight every day. Section 4.17 of the report predicts noise levels from music in

the bar will be below the '55dB criterion'. This is not an appropriate criteria for music from a commercial source in a private garden. Again, it is the upper guideline limit in WHO and BS8233 for noise from an anonymous source. In addition to this, if the noise level from music in the bar is 55dB in the garden, with windows open it would be at least 40dB inside. For residents to be able to hear music at this level inside their homes up until midnight would cause a significant adverse impact.

For both noise sources it is also foreseeable that residents may complain to the council about noise nuisance. The noise assessment prescribes acoustic glazing and mechanical ventilation for many plots. Unless the windows are sealed closed, which we would not support, the residents are within their rights to open them. If they are then subject to unreasonable levels of noise they may complain to the council. We would have a duty to investigate these complaints under the provisions of the Environmental Protection Act 1990 and should a statutory noise nuisance be found, serve a noise abatement notice. If not complies with this may result in formal action though the courts. The football club may be able to demonstrate a best practical means defence which may result in a statutory nuisance continuing and the local authority not being able to bring about resolution.

It is appreciated there are other dwellings in the vicinity on Bunting Lane and Sherbourne Drive but these are approximately 40m away, with Sherbourne Drive having the protection of the stands and a carpark between them and the noise source. The majority of this development site is within 40m of the stadium boundary with no protection from stands. Around the rest of the football ground there is an informal 'buffer' where there are no residential properties within 40m.

Lighting

I have considered the submitted lighting assessment and compliance with the appropriate guidance from the Institute of Lighting Professionals. The recommended vertical illuminance limits for zone E2 is 5Lux before 23:00 and 1 Lux after 23:00 vertical Lux. The predicted vertical illuminance level for plot 15 is 5.5lux and 16 is 4.34lux. For plot 15 this is already above the 5lux limit pre curfew. The report states this is at ground floor level where these dwellings will not have habitable space on the ground floor but as this is the only evidence we have to go on.

It is understood that the football stadium is not restricted to hours of use and that although the lighting is usually off by 23:00 this may not be the case into the future. For both plots they would be well above the post curfew limit should the lights stay on past 23:00. Again, it is appreciated there are other dwellings in the vicinity but these are all further away than the proposed and the impact of lights will be different.

Conclusion

We appreciate the steps that have been made in an attempt to provide mitigation to noise and lighting impacts at this site. However, for the reasons stated we do not consider this site suitable for dwellings in such close proximity to the football ground and have to maintain our recommendation for refusal. If this site was to be pursued, I would suggest that as well as good design being used to provide mitigation, dwellings are located no closer to the stadium than existing.

Wiltshire Councils Core Policy 57 centres around ensuring high quality design and place shaping and requires the planning process to ensure a high standards of design through: vii. Having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter) We do not believe the current proposals meet the requirements of this policy.

Please contact the Environmental Control and Protection Officer should you wish to discuss these comments.