

Environmental Control and Protection - Planning Consultation Response

To:	Joe Richardson Planning Officer
From:	Vicky Brown Senior Environmental Health Officer
Date:	01.11.2024
Planning Application Reference:	PL/2021/04084
Environmental Health Reference:	PR202406-259843
Description of Proposal:	Residential development of 49 no. 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:	Yes
Recommendation:	Refusal

Comments:

I have now had the opportunity to review the revised scheme, noise assessment and lighting report. I have also attended the site briefly during a Saturday afternoon game and for the duration of a Tuesday evening game.

Amenity – Lighting

My previous comments accepted the evidence about pre curfew levels. The site layout has since been changed which has resulted in plots 15 and 16 being moved. These were the two plots assessed for vertical illuminance in the previous lighting assessment dated 09.11.2023. There is now no assessment for vertical illuminance in the most recent lighting report dated 25.07.2023

(I believe this date is a typo and should say 2024). Having visited the site it is clear that plots 15 and 16 would not have been the only dwellings impacted by the lights. Although the plots bordering the pitch don't have habitable room windows facing the pitch, dwellings further into the site and at each end do. The site is only 50m wide and plots 16-25 all have livingroom and bedroom windows facing the pitch. 1,2,3, 30, 41 and 42 also have windows facing and/or at right angles to the pitch. Windows at right angles still mean that these windows are effectively facing the lights due to angles, heights and distance.

It is not clear why there is no vertical illuminance assessment for these dwellings but this assessment is needed for us to make judgment as to the impact of the flood lighting on proposed dwellings before curfew. It is appreciated the lights being on post curfew would be unusual but if the proper vertical illuminance diagrams are provided the levels can be taken into account considering what is reasonably foreseeable.

Both the 2023 and 2024 lighting reports are based on the lighting luminaire parameters from the 2021 'It does Lighting' report dated 12.04.2021 which was carried out during the Covid Pandemic when no sports fixtures were taking place. Therefore, no actual night time illumination levels were measured to corroborate the models. The luminaire parameters are based on the type of lighting the assessor thought the lights were, the angle and visible cowls. This information has then been used to model the impact of lights on the development site for the following reports. I have visited the site during a match and my subjective observations were that the lights are of such a height, angle and brightness that they provide significant illumination across the development site. Glare, which is the uncomfortable brightness of a light source when viewed against a darker background, is also an issue. The bulbs of one flood light or another are visible from most positions across the development site because the lights are so tall and the development site so close. Unfortunately this makes the angling and cowls fairly ineffective.

Vertical illuminance has been removed completely from the most recent lighting report. It was only included for two plots in the previous one. However, without proper assessment of the vertical illuminance levels for all dwellings with habitable room windows facing the pitch I am unable to have confidence in the conclusions of the lighting report, particularly given my observations on 22nd October.

I am concerned that these lights would light up bedrooms, even with curtains closed which could be a significant problem for future residents trying to put children to bed. Although the ILE guidance has a curfew of 23:00 for lighting people would often be going to bed before this time, particularly children. It is likely the flood lights would have a significant adverse impact at the proposed dwellings and the applicant has not provided evidence to the contrary. It is also foreseeable that the impact of the floodlights may give rise to complaints about light nuisance which this department would have a duty to investigate under the provisions of the Environmental Protection Act 1990. Should evidence of a statutory nuisance be obtained there would be a duty on the local authority to serve an abatement notice on the football club and this could create risks to the operation of the club. If not complied with this may result in formal action through 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.

Amenity – Noise

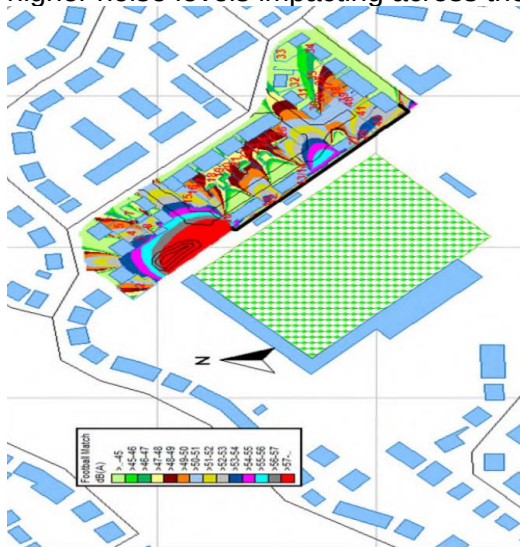
Unfortunately, it is still the case that even by the submitted acoustic consultants report a large proportion of dwellings would need to have their windows closed to meet the target internal noise level. The target noise level used is a LAeqT which is an equivalent continuous noise level over time. An LAeqT is a commonly used parameter but it does have the effect of levelling out peaks

and troughs in the noise level so does not on its own provide an accurate representation of impulsive, intermittent and tonal sounds. In BS4142, the standard used to assess commercial and industrial noise, this is overcome through the use of corrections applied for these factors.

My observations on site on 22nd October, when I understand there were 789 spectators were that the sound from the football ground is impulsive, unpredictable and sometimes very loud. There may be quieter periods when there is just a hubbub of noise but there are regular bursts of shouting, chanting, singing, swearing, clapping, banging and stamping. There is also the whistle blowing, the PA particularly during half time and music. All of these were clearly audible from the development site at ground level where the pitch was not visible. From a 1st floor window on the development site looking towards the football field many of these noise sources would be visible and there would be no obstruction to the passage of sound, even with a 2.5m barrier. With windows open these noises would be very significant. If residents choose to open their windows, and there is nothing to stop them doing this, it is foreseeable they would complain about noise from the stadium. I am also concerned that even with windows closed, the impulsive and varying volume of the sounds would make them noticeable and intrusive. The glazing has been prescribed for the average sound level so its effectiveness during bursts of louder noise will be less.

The acoustic assessment used sound levels from a match where there were 711 spectators. The number on 22nd October was not significantly different however I understand there are matches with sometimes twice as many spectators. Noise levels when there are more spectators would be higher and more intrusive.

In regard to site and internal layout, the blocks immediately on the boundary – plots 9-14 have been designed to be single aspect and this will provide some protection to the habitable rooms of these plots and some protection as a barrier to dwellings further away. However this block is not a continuous barrier block along the boundary and will not provide significant mitigation to noise from impacting on dwellings as can be seen in the contour diagram below. It should be noted that this is a contour diagram for daytime sound levels from the football match – so at ground floor level where there is some protection from the 2.5m high fence. A contour diagram for first floor would show higher noise levels impacting across the site.



Plots 1,2,3, 16-25, 30, 41 and 42 have living room and bedroom windows facing the football field or at right angles. The LAeq sound level is predicted to be up to 62dB at some facades, with an open

window providing 13dB attenuation this would be an LAeq of 49dB in the livingroom or bedroom during a match. This is 19dB higher than the level recommended for anonymous noise in a bedroom and 14dB higher than the level recommended for anonymous noise in a livingroom. In addition it must be considered that this is the average, there will be bursts of noise much louder than this. Again, even if residents choose to close their windows the bursts of impulsive noise are likely to be intrusive.

The applicant argues that people will know they are moving next to a football stadium and accept the noise and light intrusion. I counter that the noise and light intrusion may be far greater than people would expect when they view a property in this location during the daytime. In addition to this there are rented affordable housing properties where people may not have a choice but to live there. We have to assume that all bedrooms will be utilised as bedrooms in these dwellings and it is likely children will be in bedrooms 2 and 3. The dwellings facing Roger Way have bed 2 and 3 facing the football field. It is foreseeable that the light and noise intrusion in these bedrooms will have a significant adverse impact and potentially be a statutory nuisance.

It is understood this site not specifically allocated for housing and not for the number of dwellings proposed. I would suggest the site may be more suitable for commercial or mixed use or for fewer houses so the site can be designed to protect habitable room windows from noise and light from the pitch.

Music from the bar

The bar is licenced to have music until midnight every day. Section 4.17 of the report predicts noise levels from music in 3 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.

Noise from events on the pitch

The assessment assumes in section 4.23 that there will be no more than three events a year and that normal licencing mechanisms would be used to ensure suitable target noise levels are achieved. Approval of this application would result in 42 dwellings in closer proximity than existing to the pitch. This would result in tighter restrictions on the level of noise that could be permitted on the pitch during events. 4.24 indicates achieving BS8233 levels at dwellings for events such as weddings on the pitch would be acceptable. This would not be acceptable, BS8233 levels are recommended for anonymous community noise. Not for specific noise such as music from a wedding party.

Other noise

This department has experience of investigating complaints about other noise from football pitches, for example from pitch maintenance. Football pitches require regular mowing and this has to be done at certain times and frequencies. Long durations of mowing, particularly at unsociable times can have an adverse impact at nearby dwellings and give rise to complaints.

Windows closed as noise mitigation

Section 5.5 of the report indicates windows being close to mitigate noise is a measure that has been accepted for other developments and refers to two applications on Oatmeal Row in Salisbury City Centre. The Oatmeal Row applications are not comparable to the Rogers way application. They were for change of use in Salisbury City Centre where city noise would be relatively anonymous

and commensurate with the locality. Noise from the football stadium would not be anonymous and the sound levels experienced may be unexpected and impulsive.

Conclusions

Unfortunately, the amended plans and supporting documents do not alleviate our concerns about the proposed development. It is appreciated there are other dwellings in the vicinity on Bunting Lane and Sherbourne Drive but these are all further from the pitch than proposed dwellings, with Sherbourne Drive having the protection of the stands and a carpark between them and the noise source. In any case, each application must be judged on its own merits and introducing 42 new dwellings in a location where it is foreseeable there will be a significant adverse impact from noise and light should be avoided.

National Planning Policy Framework (NPPF)

Paragraph 180 of the NPPF addresses the need for planning policies and decisions to contribute to and enhance the natural and local environment by *'preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability'*. Paragraph 191 goes on to say that planning policies and decisions should also ensure that *'new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life'*. Paragraph 193 addresses the 'agent of change' principle in relation to existing businesses.

We do not accept the acoustic assessment provides evidence that a significant adverse impact will be avoided. Additionally, it does not account for higher noise levels when there are more than 711 spectators.

Wiltshire Council Policy 57: Ensuring high quality design and place shaping requires planning proposals to demonstrate high quality design by: *"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 consider the proposals are compliant with the NPPF or Wiltshire Council Core Policy and therefore maintain our recommendation for refusal.