Development Management – Delegated Officer Report

Application Number: AWDM/0112/23 Recommendation: Approve

Site: Kingston Wharf, Brighton Road, Shoreham by Sea

Proposal: Approval of Details Reserved by Condition 37, 38 and 39 (Noise mitigation) of approved application AWDM/0511/21.

Date of Site Visit: N/A

Neighbours Checked: N/A

Additional neighbour notification: N/A

Proposal, Site and Surroundings

Development site in the Shoreham Harbour Regeneration Area.

Wording is as follows:

Condition 37 states that:

"With the exception of Enabling Works, no other phase of residential development shall take until an Acoustic Assessment of the impact of noise and vibration from the lift shafts, including the lift machinery and from the substation, on the adjacent residential units, has been submitted to and approved in writing by the Local Planning Authority. The Assessment shall include details of a Mitigation Scheme for protecting the residential units. The Scheme shall be designed to achieve a level within the residential units of no greater than 30dB LAeq, 1 hour. All works which form part of the Scheme shall be completed in accordance with the approved details before any of the residential units are occupied and permanently maintained thereafter."

Reason: To protect residents from noise and vibration in accordance with Policies 34 of the Adur Local Plan and SH7 of the Shoreham Harbour Joint Area Action Plan 2019.

Condition 38 states that:
"No residential units shall be occupied until acoustic mitigation measures have been completed in accordance with the recommendations of the submitted Noise Impact Assessment by 7th Wave Acoustics (ref: 1109.001R.4.0.RF), and additional details, including provisions for ventilation which shall have first been submitted to and approved in writing by the Local Planning Authority and these mitigation and ventilation measures shall be permanently maintained thereafter.

Reason: To protect residents from noise, vibration and overheating in accordance with policies 34 of the Adur Local Plan and SH7 of the Shoreham Harbour Joint Action Plan 2017"

Condition 39 states that

"No fixed external air-moving or conditioning plant or equipment shall be installed on the site unless details have first been submitted to and approved in writing by the Local Planning Authority. These details shall include a scheme for attenuating the plant or equipment against noise and vibration, having regard to the principles of BS4142: 2014 and shall achieve a difference between the rating level and background noise level of -10dB. Within 1 month of the installation of the plant or equipment, testing, to demonstrate compliance with the scheme, shall be undertaken and a report of this testing shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect residents from noise and vibration in accordance with Policies 34 of the Adur Local Plan and SH7 of the Shoreham Harbour Joint Area Action Plan 2019."

Planning History:

AWDM/0511/21: Application to vary Condition 1 of previously approved AWDM/0204/20. Amendments to approved plans including reduction of building heights and raising of basement to mitigate risk of flooding, provision of steps from podium gardens to riverside walk, alterations to windows detailing, alterations to basement car parking layout and alterations to internal building cores to meet fire strategy compliance. Mixed-use redevelopment comprised of three blocks of residential dwellings (4 to 8 storeys) and mixed-use business centre (office, storage and cafe uses) - incorporating riverside walk, landscaping and ancillary car and cycle parking. **Approved 27th October 2021**

Consultations:

Environmental Health: No objection

Representations: None

Relevant Planning Policies:

Adopted Adur Local Plan, 2017
Shoreham Harbour Joint Area Action Plan, 2019
National Planning Policy Framework (CLG 2021)
Planning Practice Guidance (CLG)

Planning Assessment

Condition 37:

A noise report 1177.001R.2.0.JP (dated 28th November 2022) was provided. This comprised a 'lift system noise assessment'. The Council's Senior Environmental Health Officer has commented on the information submitted and not raised any objections to this element of the scheme. The noise impact from the substation and the lift shaft is considered again in a supplementary report 1176.001M.3.0.JP dated 15 May 2023. The Council's Senior Environmental Health Officer has also considered this report and does not raise any objection to it.

Condition 38:

This is dealt with in the report reference 1177.001M.Facade.2.0.JP. This sets out provision for ventilation. The conclusion comments “the proposed development will utilise mechanical ventilation with heat recovery (MVHR). Therefore, the final scheme for the development does not incorporate passive vents, which removes an additional pathway for external to internal noise transfer.” There is also details of provision for acoustic glazing which serves as a means of preventing noise.

The Council’s Senior Environmental Health Officer has commented on the information submitted and not raised any objections. The noise impact from the substation and the lift shaft is considered again in a supplementary report 1176.001M.3.0.JP dated 15 May 2023. This also comprises further information about a ‘car park ventilation system’. The Council’s Senior Environmental Health Officer has also considered this report and does not raise any objection to it. It is therefore considered that this condition can be discharged. Therefore it is considered that the details can be approved.

Condition 39:

An initial document reference f 1176.001M.2.0.JP 28/11/2022 was provided addressing this report. This concludes that “During the daytime and night-time periods, the assessment indicates that the plant rating levels fall below the background sound levels by at least 24 dB and 10 dB respectively, indicating the risk of adverse noise impact is low. The predicted rating levels also comply with the local authority criteria of being 10dB or more below the background sound level specified in Condition 39.”

The Council’s Senior Environmental Health Officer reviewed this document and expressed concern regarding low frequency hum at 100Hz arising from the substation due to its proximity between Block A and the substation. A revised technical report was submitted - 1176.001M.3.0.JP dated 15 May 2023. This states that “Full details of the noise modelling undertaken to estimate the sound levels of the substations at the closest receptor points is presented in report ref: 177.001R.2.0.JP. The specific sound levels calculated at R3 and R4 from the substations are 19 dB(A) and 39 dB (A), respectively. It is assumed that the transformer plant operates continuously so no on-time correction has been applied to the calculated specific sound levels.” The report concludes that “during the daytime and night-time periods, the assessment indicates that the plant rating levels fall below the background sound levels by at least 24 dB and 10 dB respectively, indicating the risk of adverse noise impact is low. The predicted rating levels also comply with the local authority criteria of being 10dB or more below the background sound level specified in Condition 39”.
The Council’s Senior Environmental Health Officer has also considered this report and has stated that this report is acceptable. It is therefore considered that this condition can be discharged.

Recommendation.
Approve details

Is recommendation contrary to letter(s) of representation? N

Case Officer: Neil Holdsworth Date: 20/06/2023

Authorised by: Stephen Cantwell Date: 05/07/2023