



Town and Country Planning Act 1990, Section 77

Town and Country Planning (Inquiries Procedure) (England) Rules 2000

The Proposed Development of Land to the West of Omega South and  
South of the M62 Bold, St Helens

# Topic Statement

## RESIDENTIAL AMENITY, NOISE AND DISTURBANCE

Planning Application Reference  
P/2020/0061/HYBR

Planning Inspectorate Reference  
APP/H4315/V/20/3265899

## **1. INTRODUCTION**

- 1.1 Topic Statements have been prepared to inform the Secretary of State on the matters identified in the Inspector's case management notes which are not addressed in the Council's main proofs of evidence. This Topic Statement is concerned with residential amenity and noise and disturbance.

## **2. THE APPLICATION**

- 2.1. A noise and vibration report is included within the Environmental Statement (ES) accompanying the application.
- 2.2 The report establishes 'no significant adverse' effects on noise and vibration during the construction phase subject to mitigation measures included in the Construction Environmental Management Plan. The ES also confirms "no significant adverse" effects on noise and vibration are anticipated during the operation phase of the proposed development subject to mitigation.
- 2.3 The applicant considers that through appropriate measures, there will be limited harm caused.

## **3. TECHNICAL REVIEW OF RESIDENTIAL AMENITY, NOISE AND DISTURBANCE**

- 3.1 Comments were received from the Councils Environmental Health noise officer on 09<sup>th</sup> June 2020 and 21<sup>st</sup> August 2020.
- 3.2 From a noise perspective the dominant features prevalent at the site consist of the road traffic noise associated with M62 motorway and local traffic on Omega Avenue. There are a number of sensitive receptors which have been identified as those closest to the proposed development which include;
- The Stepping Stones Children's Day Nursery, Lingley Green Ave to the East,
  - Dwellings at Old Hall Farm off Warrington Road to the West and
  - Dwellings at Bembridge Close/Park Road to the South East.
- 3.3 There is no objection in principal to this proposal as the site is located in an area with existing established similar uses with relatively few residential receptors in close proximity to the site.
- 3.4 The comments note that this application is accompanied by a noise assessment carried out by WSP which is presented as part of the Environmental Statement in Chapter 7 (Noise and Vibration) Document No. OPP DOC.11.7 dated Dec 2019 and associated appendices and has been compiled following earlier consultation with WSP in relation to the scope and methodology to be employed as part of the assessment.
- 3.5 The report presents an assessment of effects associated with the Construction Phase (noise and vibration) and the Operational Phase (traffic generated noise and site operations) following modelling of relevant activities associated with each phase of the development.

- 3.6 With regards to the operational site noise a number of scenarios have been presented in the modelling namely units operating for the purpose of ambient goods, chilled goods and chilled goods with mitigation in place in order to gain a full insight into the potential significance of the effects associated with the operation of the site. This has been provided to allow the proposal to be assessed on the basis of a best and worst case scenarios as the levels of noise generated from the specific units will be dependant upon their future occupants which is not known at this stage in the process for all the unit's subject to this application (eg need for refrigerated plant, equipment of chilled trailers).
- 3.7 Information present for the construction phase of the proposal identifies that there will be negligible adverse effects at the nearest sensitive receptors. The nearest receptors will be subject to noise during the construction phase and the report details the need to ensure assessment in accordance with BS5228 and the control measures outlined in the CEMP would suitably deal with controlling exposure to noise and vibration at the receptors identified. A condition to ensure the construction phase is control via the details provided in the approved CEMP plan would satisfactorily control this aspect of the development.
- 3.8 With respect to the operational phase the mitigation required to control exposure focusses mainly on the use of a variety of barriers of differing heights and lengths and a restriction on chilled goods using/accessing the eastern side of Unit 3 to ensure noise from site operations is at acceptable levels. At present there are limitations in the precise details available in relation to construction plant/equipment, layout and number therefore the mitigation proposed will need to be revisited as part of the submission supplied at the reserved matters stage.
- 3.9 General conditions recommended included construction and operational hours and implementation of approved details.

#### **4. REPRESENTATIONS BY WARRINGTON COUNCIL**

- 4.1 Warrington Council have made representations on 12<sup>th</sup> August 2020. Warrington Development Management Committee considered the above application and the adjacent authority consultation on 5<sup>th</sup> August 2020 and resolved to offer no objections to the application described above subject to the following requirement regarding noise and disturbance:
- Planning Permission being granted subject to the suggested conditions at section 11 of the WBC DMC report to ensure highway impacts upon the local highway network and amenities of local residents and adjoining businesses are adequately addressed. Warrington suggest planning conditions to be attached to the grant of permission.
- 4.2 The condition suggested related to lighting, noise and construction.

#### **5. OTHER REPRESENTATIONS ABOUT RESIDENTIAL AMENITY, NOISE AND DISTURBANCE**

- 5.1 A full description of the representations is set out in the Committee Report. The main issues raised are summarised as follows:
- Noise pollution to new houses in Omega and south lodge Warrington road
  - Detrimental effect of light pollution

- Noise and light pollution creating depressions and ill health
- Dominate the landscape due to the height.
- The size and height of the Site 1 warehouse is excessive at half a kilometre long and 29 to 41m tall.

## 6. POLICY

6.1 Relevant planning policy is the following:

- St Helens Core Strategy Policy CP1: Ensuring Quality Development
- National Planning Policy Framework (2019) (“NPPF”), paragraphs 170 and 180
- The National Planning Practice Guidance (“NPPG”): Noise

## 7. ASSESSMENT

### *Noise and Disturbance*

- 7.1 Policy CP1 requires that new developments are sympathetic to the surrounding land uses and occupiers, avoiding detrimental impacts on the amenities of the local area, in particular residential amenities. The policy also requires that new developments minimise and mitigate the effects of pollution.
- 7.2 Paragraph 180 of the NPPF states that planning decisions should 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 impact resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 7.3 The NPPG states that local planning authorities taking decisions should take account of the acoustic environment and in doing so consider: whether or not a significant adverse effect is occurring or likely to occur; whether or not an adverse effect is occurring or likely to occur; and whether or not a good standard of amenity can be achieved.
- 7.4 A significant observed adverse effect level is defined as the level of noise exposure above which significant adverse effects on health and quality of life occur. At this level, the NPPG states that the noise causes a material change in behaviour and/or attitude, for example, having to keep windows closed for most of the time or avoiding certain activities during periods when the noise is present.
- 7.5 The NPPG states that there is potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep, and that quality of life is diminished due to a change in the acoustic character of the area. The NPPG states that this level of impact should be avoided, and that any impacts below this level should be mitigated and reduced to a minimum.
- 7.6 The extent of the study area for the noise assessment submitted by the applicant extends 300 metres from the application site boundary to include the closest existing noise-sensitive receptors. A baseline noise survey was undertaken first to establish the prevailing daytime and night-time background noise levels. This identified the noise

environment that is currently dominated by road traffic noise, including that from the M62 motorway to the north.

- 7.7 The report then presents an assessment of effects associated with the construction phase (noise and vibration) and the operational phase (traffic generated noise and site operations) following modelling of relevant activities associated with each phase of the development. As the application is hybrid, the assessment is based on the proposed masterplan for the detailed element, and the indicative masterplan of the outline element.
- 7.8 With regards to the operational site noise, a number of scenarios have been presented in the modelling, namely units operating for the purpose of ambient goods, chilled goods and chilled goods with mitigation. This has been provided to allow the proposal to be assessed on the basis of best and worst case scenarios. The levels of noise generated from the specific units will be dependant upon their future occupants which is not known at this stage.
- 7.9 The closest noise sensitive receptors to the application site have been identified as residential dwellings at 'Old Hall Farm' in St Helens, residential dwellings at Bembridge Close and 'The Stepping Stones Children's Day Nursey' both of which are in Warrington.
- 7.10 Subject to the recommend conditions, the noise effects of the proposed development would not have a significant effect on the amenity of the residents at the nearest residential properties and other sensitive noise receptors, in accordance with Policy CP1. However, it is acknowledged that some harm would be caused by additional noise and this should weigh against the proposed development.

#### *Residential Amenity*

- 7.11 Policy CP1 of the CS states that new development should be sympathetic to surrounding land uses and occupiers, avoiding detrimental impact on the amenities of the local area, in particular residential amenities. It also requires that the amenities of occupiers of the new development will not be adversely affected by neighbouring uses and vice versa. The policy also requires that new developments minimise and mitigate the effects of pollution.
- 7.12 Paragraph 180 in the NPPF states that planning decisions should 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. They should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 7.13 The Unit 1 building would be visible although it would be a sufficient distance away from neighbouring residential properties. A lighting scheme for the building has been submitted which the Councils Lighting Engineers have raised no objection to.
- 7.14 Within the administrative boundary of Warrington, sited along the south eastern boundary of the outline element of the application site, are a number of office blocks and a children's nursery. The proposed topographical plan shows the land levels would remain similar in this location. There would be a separation distance of 33 metres between the nursery building and the application site and 121 metres between the indicative siting of the unit labelled as unit 3. The residential properties along Lingley Mere also fall within Warrington and they are sited over 342 metres away from the southern boundary of the outline element of the application edge. The residential

dwellings at Old Hall Farm are sited west of the application site over 480 metres of the full element of the application

- 7.15 The applicant has confirmed that CCTV would be installed around the buildings only and not within the landscaped areas, the details of which can be secured through a condition.
- 7.16 The proposed development would operate for 24 hours a day and a number of activities would take place outside. External lighting would be required in the service areas and car parks. The units would be visible, however, given the separation distances it is not considered that the proposal would have a significant effect on amenity through over-shadowing or loss of light.
- 7.17 Subject to appropriate conditions, a development could be delivered on the site that does not cause harm to residential amenity through overshadowing, undue dominance, privacy or the effects of light pollution. In this respect the proposed development complies with Policy CP1.

## **8. CUMULATIVE EFFECTS**

- 8.1 Each chapter of the Environmental Statement also considers the cumulative effects of other developments. Of these other developments, there is Omega South (Zone 3-6) which has outline planning for 1100 residential units and a mixed-use zone and Lingley Mere which has permission for a residential development. These are considered across all areas in the Environmental Statement.
- 8.2 In terms of the cumulative effects, the EIA identifies that there would not be significant effects in relation to noise and vibration, air quality, ground and contamination, drainage, flood risk and biodiversity.

## **9. OVERALL SUMMARY AND CONCLUSION ON RESIDENTIAL AMENITY, NOISE AND DISTURBANCE**

- 9.1 The noise effects of the proposed development would not have a significant effect on the amenity of the residents at the nearest residential properties in accordance with Policy CP1. However, it is acknowledged that some harm would be caused by additional noise and this should weigh against the proposed development. The harm should be given limited weight.
- 9.2 Subject to appropriate conditions, a development could be delivered on the site that does not cause harm to residential amenity through overshadowing, undue dominance, privacy or the effects of light pollution. In this respect the proposed development complies with Policy CP1.