

48/15/0027

REDROW HOMES (WEST COUNTRY), PERSIMMON HOMES (SOUTH WEST)

**APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING
OUTLINE APPLICATION 48/05/0072 FOR THE ERECTION OF A 420 PLACE
PRIMARY SCHOOL, INCORPORATING A NURSERY FACILITY WITH
ASSOCIATED LANDSCAPING, ACCESS AND PARKING AND COMMUNITY
FACILITIES ON LAND EAST OF BRIDGWATER ROAD, MONKTON HEATHFIELD**

Grid Reference: 326072.126763

Reserved Matters

RECOMMENDATION

Taking into account the re-worded and additional conditions the Planning Committee are recommended to grant conditional planning permission subject to the following:

Condition O5 reword shown in bold

Within 2 months of the date of this permission full details of the proposed footpath cycle link lying at the north of the site shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include proposed route and construction of the path, lighting, landscaping and boundary treatments **(In particular the wall boundary treatment adjacent to 154A Bridgwater Road)**. Prior to the commencement in the use of the primary school the approved footpath/cycleway, including all boundary treatments, shall be provided in strict accordance with the approved details and shall thereafter be maintained as such.

Condition 12 re-word

Prior to the commencement of the use of the primary school hereby permitted the **details of the** proposed boundary fencing around the site (in particular the acoustic fencing proposed along the boundary with Britton's Ash **and the mechanism for restricting access to the land between the new fence and the existing boundary fences of the rear Gardens of Britton's Ash**) shall be submitted to, approved in writing by the Local Planning Authority and erected on site in strict accordance with the approved details and shall thereafter be maintained as such.

Reason: To ensure an acceptable impact on the amenity and security of the neighbouring residents in accordance with Taunton Deane Core Strategy policies SS1 and DM1

New Condition 14

The land to the rear of the primary school, including the playing field and sports pitches shall not be used between the hours of 21:00 and 08:00 at any time.

Reason: in order to protect the residential amenities of the occupants of neighbouring residential properties in accordance with Taunton Deane Core Strategy policy DM1

REPORT

At its meeting on the 23rd November 2015 the planning committee resolved that, subject to the receipt of acceptable details of A38 highway details works, acoustic

survey report and mitigation scheme the planning committee authorise the Chair of Planning in consultation with the Assistant Director Planning and the Environment having considered any representations received in respect of these matters, to grant condition planning permission.

The highway works have subsequently been included in an application for the Local Centre on the opposite side of the A38. These establish that there is a technically feasible scheme for traffic calming works that is capable of being implemented and I therefore consider that it is appropriate to use a Grampian condition to ensure implementation prior to the commencement of the use.

In response to the public consultation on the traffic centre proposals, there has been a response from the Brittons Ash residents (32 signatures) reiterating their earlier concerns regarding lack of parking for parents at the primary school:

- There are only 20 spaces available to be used by parents dropping off children to the school and this will be inadequate no drop off facilities for parents – *The committee were advised that there are no specific parking areas provided for the parents within the school application to drop off and pick up school children but that there would be a limited amount of parking spaces in association with the local centre that could perform that function.*
- There is insufficient parking for the shops and flats so the 20 spaces so the spaces are unlikely to be unavailable for parents to use – *There are 18 flats with 18 parking spaces to be provided to the rear of the building for that use. The retail units would share the front parking area which indicates a total of 31 parking spaces.*

The lack of parking was considered by the planning committee when they approved the above recommendation.

At the planning committee the issue of potential noise impact on the residents of nearby Brittons Ash and 154a Bridgwater Road was raised. A noise assessment report was subsequently submitted by the applicant looking at the impact on Brittons Ash residents. This report highlights that there is no guidance regarding the assessment of levels of noise from schools and no defined standard noise levels that must be achieved. The WHO standard applies to assessing noise from a standard constant source and whilst this enables a degree of measurement it is not appropriate for children in playgrounds as such noise is usually continually fluctuating in both its character and level.

The developer has proposed the erection of a 1.8m high acoustic fence along the boundary with the rear of Brittons Ash but I am advised that this is likely to have little material difference to the noise in resident's gardens. Residents have been re-notified (23rd October 2015 - 14 day consultation period expired 6th November 2015) and raise the following objections:

- It is a definite fact and without question that noise will infiltrate our property to an unacceptable level and it may penetrate inside of the dwellings
- Residents have not been considered from an environmental point of view

- Original plans indicated a 6 classroom sized school on a smaller site with a buffer zone between the homes and school at no time were residents made aware that there was an intention to build a larger school with no buffer zone.
- The submitted noise report is severely limited with a lack of information regarding the suitability/acceptability of the development
- The submitted noise report calculations are flawed: they are based on a smaller school with less children; the noise impact is based on an 11 minute period from one 15 minute tea break too limited to be an accurate assessment; they do not account for lunch times when all children are likely to be out; they omit measurements of the nursery playground not the impacts of the free movement to outside play areas all day; no noise levels have been taken near to the road where road and school noises will combine; the noise source has been placed centrally within the site rather than close to the rear of the dwellings giving lesser figures for the boundary measurements;
- The boundaries of the properties will be within 10m of the edge of the playing pitches and the predicted Sports Pitch Noise Emission illustration only has 2 levels of dB showing (9 missing) and is unclear and unhelpful in defining the central point of loudest noise and where it radiates. (it is noted that the modelling of areas other than Brittons Ash shows how sound radiate with 12dB scales shown)
- The report states that residents as will only be affected 1.5 hours per day is incorrect there is no information on the timing of the use of the outside areas for play neither is there any information of potential use outside of school time, holiday clubs? Use by the wider community etc when the noise would be outside of the normal hours
- The bungalows that have a first floor construction have no brick element and no sound proofing measures and some of these have velux windows so sound may even penetrate into the dwellings
- There has been no assessment of the community activity in and out of school hours
- The report does not assess the impact on other properties around the school eg 154a Bridgwater road
- The boundary fence length differs between the acoustic report and the submitted boundary plan.
- The report shows the dB levels above the range acceptable in a home environment
- Many schools have lessons outside in addition to PE with free flow play times, out of school hours and breakfast/afterschool clubs.
- The 1.8m high fence (at 10kg/sqm it is an ordinary garden fence panel) is a desperate attempt to cover up inadequate measures in place for Brittons Ash and is considered by residents as insufficient
- Residents do not believe that their concerns have been taken seriously
- The excessive number of planning applications (in particular the school), the predicted noise evaluation and disturbance behind my property have and will continue to diminish my quality of life
- The school ground will adjoin no 4 with no separation with the main double gated entrance to the school and nursery; cycle storage right behind the dwelling plus the hard play areas for the nursery in close proximity.
- There are existing problems getting into and out from private drives in Brittons Ash during school drop off pick up times and this will be worse

- The noise assessment was based on less children and at a point away from the boundary so the impact of all the children near to the boundary will be up to 4 times worse
- A soil mound with a fence on top, similar to that used along the ERR a minimum of 3m in height should be considered.
- 21 residents of Brittons Ash object to the erection of a fence with details to follow (dated 25th October) but no additional details have been received.
- 1-4 Brittons Ash need a new fence like the ones schools have nowadays as the present one is time expired.
- The maintenance gap between the rear boundaries of the dwellings along Brittons Ash will be an open invitation to anyone to the back of the dwellings.
- In the event that planning permission is granted residents will challenge the decision as they have been advised they have a strong case
- If planning permission is granted and noise becomes a problem residents will progress individual and group complaints, including residents who are being forced to move home due to the proposal (under section 8 of the Human rights Act)
- The school will have a negative impact on the lives of residents who have a right to enjoy family and private life, to enjoy our home peacefully without intrusion of a Public Authority.
- At every opportunity during this application, we have replied in full and feel that we have interacted well with the Council, but have not enjoyed the same interaction, protection, or co-operation from the Council or received answers to our questions.

The Environmental Health Officer comments:

The proposal is for a primary school with a playing field and sports pitch to the rear. There were concerns that the noise could disturb nearby residents. The proposed boundary plan shows a 1.8m high acoustic (close-boarded) fence along the boundary of the school site with the residential properties in Brittons Ash.

The noise report includes details of noise monitoring carried out at another school. It uses this data to estimate the level of noise that could come from the Monkton Heathfield site and how loud this may be at the properties in Brittons Ash. The report compares these levels to those given in guidance from the World Health Organisation (WHO) for outdoor noise levels and concludes that the noise from the playground and sports pitch will be below this level in neighbouring properties. The report takes into account the proposed 1.8m high close-boarded fence.

The noise report estimated noise levels using computer modelling, whilst the council does not have the ability to verify the results they are considered to be reasonable. (It is difficult to estimate noise from a source such as a large, open playground as the noise will vary and could be coming from anywhere over a large area). The report does confirm that the WHO guidance (is normally used for assessing steady, continuous noise, and so is not designed to assess noise from sites like school playgrounds, but there is no other guidance that would be more appropriate.

Based on the information in the report (and from experience) it is likely that noise from the school playground will be audible at neighbouring properties. The addition of a 1.8 close-boarded fence may reduce the level of noise at neighbouring premises, although

I am not able to estimate how effective it will be, or whether an increase in height would make a noticeable difference. Barriers are more effective when they are close to the source of noise or the receptor, and this is not the situation here as the noise will be coming from locations a distance from the barriers.

Noise report extract states:

*According to WHO guidelines **“to protect the majority of people from being seriously annoyed during the daytime, the sound pressure level on balconies, terraces and outdoor living areas should not exceed 55dB LAeq for a steady, continuous noise”***

With the site layout proposed and with a 1.8m high close-boarded fence in place, the WHO guidelines will be achieved and external grass pitch noise will be suitably controlled.

On this basis, the proposal is considered acceptable in environmental noise terms. Noise emissions is adequately controlled at the nearby residential properties and is not expected to affect nearby residents adversely by way of noise.

Finally the residents of 154a Bridgwater Road were concerned about the impact of noise on their amenity. The submitted noise report indicates that their garden would be within the 55dB LAeq noise zone and as such I conclude that it would not require additional acoustic mitigation particularly as a new 3.0m high boundary wall is proposed, in principal, along the boundary of their garden and the new footpath cycle way that is proposed to run along the northern boundary of the school. I recommend an additional condition for the details of this to be submitted to, approved and constructed prior to the commencement of the use of the school.

On the basis of the agreed resolution I consider that suitable A38 traffic calming works can be reasonably provided in order to make the use of the school safe. In terms of the concerns over the impact of noise on the residents of Brittons Ash I consider that the submitted report indicates that a 1.8m high fence would ensure an acceptable level of noise for residents within the gardens of those properties. I am concerned about the detail of this at where the fence projects between the school and the highway and the treatment of the entrance to the maintenance strip between the fence and the rear of the residential boundaries so I suggest a condition for those details to be submitted to, approved and constructed on site prior to the commencement in the use of the buildings.

EHO Comments on resident's final e-mail

It would be possible to carry out another noise assessment, however, this would still only be an estimate of noise levels, and there are so many variables in trying to calculate noise from children playing in an open field that there would be a very high level of uncertainty in any predictions.

Regarding the WHO guidelines for noise, I agree that these are not suitable for assessing noise from schools; the Acoustic Consultants report does actually say this as well. However, there are no recognised standards for assessing this type of noise.

Re mitigation, a higher fence may help, but it is likely to have to be considerably higher to give a significant improvement over a 1.8m fence. Also, barriers are more effective when they are close to the source of noise or close to the receptor, and this is not the situation here. The email does not suggest other ways to mitigate noise. The level of noise and disturbance could be reduced by trying to manage the use of the playing

field, for example, restricting the hours of use in the evenings, but this would have to depend on how the school is going to be used.

As I stated in my pervious memo it is likely that noise from the school playground will be audible at neighbouring properties. It is very difficult to accurately estimate noise levels from this type of activity, and even if you could, there are no recognised standards that can be used to assess the impact of the noise.

There are a large number of schools in the Taunton Deane area which are as close to residential properties than the proposed school, and Environmental Health have not had to take action at any school to deal with problems of noise from children playing.

Planning Case Officer's comments: It is accepted that the introduction of a primary school to the rear of Britton's Ash will result in the noise of children playing in the playing and sports fields to the rear of the school being heard in the gardens of Brittons Ash and 154 and 154a Bridgwater Road. There is no mechanism for accurately assessing the level of noise for such a use and no standard upon which to judge its acceptability. I take into account the Environmental Health Officer's comments that they have not had to take any action to deal with the level of noise from children playing from schools within Taunton Deane and consider that, if levels of noise from schools was generally unacceptable this would not be the case. Whilst the provision of a 1.8m high close boarded fence may have limited impact on the level of noise I consider that it would provide a level of security and privacy for residents. The fence is set away from the existing boundary of Britton's Ash and to avoid the gap being misused and effecting security I require a method by which the gap can be closed off and opened when required for maintenance by both the school and residents. I therefore suggest an additional condition for these details to be submitted to and approved by the LPA

Additional information on the character of the school use has been requested from the applicant and will be reported to the planning committee for consideration.