

ADDENDUM

Item No: 1

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|------------------------|---------------------|--------|-----------------|
| Application No: | 17/00243/FUL | Author | Rebecca Andison |
| Date valid: | 17 February 2017 | : | |
| Target decision date: | 19 May 2017 | ☎: | 0191 643 6321 |
| | | Ward: | Riverside |

Application type: full planning application

Location: Land At Marina Frontage Albert Edward Dock Coble Dene North Shields Tyne And Wear

Proposal: Development of two apartment blocks consisting of 36no. residential units and associated parking

Applicant: Cussins Property Group Limited And Mandale Homes Land & D...,
c/o Agent

Agent: England Lyle Good, David Marjoram Gateway House 55 Coniscliffe Road Darlington DL3 7EH

RECOMMENDATION: Application Refused

1.0 Consultees Comments

1.1 Manager of Environmental Health (Pollution)

1.2 I am concerned about noise arising from the Port of Tyne activities as the site is located adjacent to Northumbrian Quay. The berths are used by ferry operations and cruise liners. Noise will arise from the loading and unloading of goods, people and their vehicles and the PA systems. To the western side of the site is the Royal Quay Marina and to the east is the access road to the marina and a car park. The Earl of Zetland is also located adjacent to the site, which is a floating bar/restaurant.

1.3 A revised layout has been submitted that indicates that the bedrooms will be located to the west side of the building facing onto the Royal Quays Marina, with none of the bedroom windows fronting onto the Port of Tyne berths. A window is provided for the open plan kitchen and living areas for some of the apartments that will overlook on to the Port of Tyne berths. At a meeting held on the 19th September the applicant confirmed that these windows will be sealed units and therefore non-openable. All other windows in the lounge area and bedrooms fronting onto the Marina will be openable. This will ensure that the building will screen noise from the Port of Tyne activities.

1.4 Although the noise assessment for the Port of Tyne activities has been based on library data and is taken from an assessment used for a different development at Enderby Wharf in London. The noise data was obtained from

cruise terminal operations at the Port of Palma in Spain in 2010. I disagree with the assumption that the loading and unloading activities are included within the overall noise level for a docked cruise ship. The noise report has been updated to include for an assessment of additional activities at the Port of Tyne including use of shuttle buses, excursion coaches, taxis, maintenance vehicles and skip wagons. The assessment has considered the activities all occurring over a 1 hour period, which has determined that the noise levels at the residential facade will be less than the noise arising from the cruise ships.

1.5 I disagree with the use of the night time background noise level of 44 dB LA90 as table 3.6.2 of the NEMS report shows that the night time background level is lower, down to 36 dB LAeq and was the representative level used for the BS4142 assessments within the NEMS report. I also disagree with the acoustic feature correction in Table 5.3 and 5.4 for the noise impact of refrigerated vehicles as noise will be intermittent and possibly impulsive in its nature.

1.6 I therefore consider that the BS4142 is not fully reflective of noise from the Port of Tyne activities and it is likely that the night time noise from the Port of Tyne activities will be more than +10 dB above the background and therefore considered to give rise to significant adverse impact. BS4142 assesses to the building facade only. The building itself will screen the Port of Tyne activities. All habitable rooms are facing onto the Marina and are screened from the Port of Tyne activities by the building itself, noise from the activities should therefore be sufficiently mitigated.

1.7 The noise report considers noise from the Earl of Zetland. The noise monitoring was again carried out during October 2017 and was not during peak spring/summer months when external customer noise using external seating areas is likely to be higher. This concern was highlighted in my previous comments. During the spring/summer months there is likely to be more associated customer noise arising from the Earl of Zetland, which has not been fully assessed. Previous complaints have been received from residents of Commissioners Wharf regarding noise from motorbike users that congregate on an evening at the Earl of Zetland. It was also noted that numbers of motorcyclists visiting the bar were low. During warmer summer evenings there are likely to be larger group of motorcyclists visiting. However, the gable of the Black B building should provide some screening of noise from the external seating area of the Earl of Zetland, as there will be no habitable windows facing onto the seating area.

1.8 With regard to the balconies, it is important that acoustic screening is provided to ensure noise from Port of Tyne activities and the Earl of Zetland area are suitably mitigated. A detailed noise scheme will be required for the balconies to ensure noise from Port of Tyne, Earl of Zetland and the Marina are suitably mitigated with use of full height Perspex glass to sides of the balconies and a minimum 1.5 m height to the front of the balconies. This can be provided via a planning condition if planning consent is to be given.

1.9 The noise assessment has also not considered noise arising from the mooring of fishing vessels at the Royal Quays Marina. There is a provision of fixed electrical mains power for the fishing vessels, but it is noted that there is no obligation for the users to connect to the fixed electrical points and some may not have the provision to be able to connect to the power and will continue to use generators. However the majority of the fishing vessels generally moor during the winter period when weather conditions are poor and there is less likelihood of residents having open windows.

1.10 The lock gates at the Royal Quays marina operate on a 24 hour basis 7 days a week and the boat engines within the marina may be started at any time of the day or night. There is also a restaurant /cafe at the Royal Quays that may also give rise to noise from customers using the external seating area. There are no restrictions placed on the marina to prevent repairs being carried out, which may occur during the day or at night. It is noted that noise arising from the lock gates has also not been considered within the report. The lock gate siren has been fitted with a new type of alarm system that monitored the background noise levels and is considered to be less intrusive.

1.11 Mitigation measures have been proposed to minimise potential nuisance. The building design has been considered to ensure habitable openable windows only front onto the Marina and not the Port of Tyne. The applicant is proposing to provide System 4 mechanical ventilation which will enable residents to have adequate ventilation without recourse to open windows for additional ventilation. The provision of mechanical ventilation will reduce the need for windows to be opened for ventilation so that residents are not subject to the early morning noise from the marina, although a detailed ventilation or air conditioning scheme has not been submitted to confirm internal ambient temperatures without recourse to opening windows. This can be via a condition to require a detailed ventilation scheme to be provided.

1.12 Planning Practice Guidance on Noise (2014) acknowledges that noise can constitute a statutory nuisance under the provisions of the Environmental Protection Act 1990. The aim of planning policy guidance under Section 123 is "avoid noise from giving rise to significant adverse impacts on health and quality of life" and "recognise that development will often create some noise" and that businesses "should not have unreasonable restrictions put on them". The Planning Practice Guidance on noise (2014) recognised that mitigation can be provided to address noise, this can be in the form of engineered options at source to remove the noise and consideration of the layout of the buildings to provide screening of the noise. The proposed design of the building with no openable windows on the facade and gable of the buildings facing the Port of Tyne will afford some mitigation to noise arising from the Port of Tyne activities and the Earl of Zetland.

1.13 If it is the intention of planning to approve the application I would recommend the following:

Prior to occupation submit and implement on approval of the local Planning Authority a noise scheme providing details of the window glazing to be provided to habitable rooms as outlined in noise report reference LDP2092 Albert Edward Dock to ensure bedrooms meet the good internal equivalent standard of 30 dB LAeq at night and prevent the exceedance of LMAX of 45 dB(A) and living rooms meet an internal equivalent noise level of 35 dB LAeq as described in BS8233:2014 and the World Health Organisation community noise guidelines.

Prior to occupation, submit details of the ventilation scheme for approval in writing and thereafter implemented to ensure an appropriate standard of ventilation, with windows closed, is provided. Where the internal noise levels specified in BS8233 are not achievable, with window open, due to the external noise environment, we expect that alternative mechanical ventilation, such as mechanical heat recovery (MVHR) system should be provided that addresses thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels.

Only non-openable windows to be fitted to building facades including gable ends of Block A and B facing adjacent to the Port of Tyne berths and the Earl of Zetland. (Permitted development rights to be removed to prevent windows being changed).

Prior to occupation a detailed noise scheme for the balconies of Block A and Block B buildings to be submitted in writing and implemented on approval of the local Planning Authority to mitigate port and marina activities and noise from the Earl of Zetland.

SIT03

HOU04

Piling activities if required at the site to be restricted to the hours 09:00 - 17:00 hours Monday to Friday and 09:00 - 14:00 hours on Saturdays only.