

**Statement of Common Ground
Town & Country Planning Act 1990**

**APPEAL
ON BEHALF OF
SATNAM MILLENNIUM LIMITED**

**IN RESPECT OF
Land at Peel Hall, Warrington**

RE-OPENED PUBLIC INQUIRY September 2020

**PLANNING INSPECTORATE REF:
APP/M0655/W/17/3178530**

LOCAL AUTHORITY PLANNING APPLICATION REFERENCE: 2016/28493

Date: 6th August 2020

1 Introduction

- 1.1 This Statement of Common Ground has been prepared jointly by Miller Goodall Ltd (acting on behalf of Satnam Millenium Ltd (the 'Appellant')) and the Local Planning Authority, Warrington Borough Council (the 'Council').
- 1.2 This Statement of Common Ground relates to appeal referenced APP/M0655/W/17/3178530 against the refusal by the Council to grant outline planning permission for Outline application for a new residential neighbourhood including C2 and C3 uses; local centre including food store up to 2000m², A1-A5 (inclusive) and D1 use class units of up to 600m² total (with no single unit of more than 200m²) and family restaurant/ pub of up to 800m² (A3/A4 use); site for primary school; open space including sports pitches with ancillary facilities; means of access and supporting infrastructure at Peel Hall, Warrington.
- 1.3 This Statement of Common Ground sets out the agreed matters of fact and positions between the Appellant and the Council in relation to matters concerning noise. It covers:
- The impacts of noise surrounding area on the proposed development;
 - The potential for changes in traffic flows in the local road network to affect the noise levels.

2. Relevant Background Documents

1. Miller Goodall Ltd's Chapter 11 of Volume 8 of Addendum 2 to the Environmental Statement and supporting documents in Volumes 7 and 9.
2. ProPG: Planning and Noise, New Residential Development, May 2017
3. BS8233:2014: Guidance on sound Insulation and noise reduction for buildings
4. Design Manual for Roads and Bridges LA111 Noise and Vibration Rev 0, Nov 2019
5. Noise Policy Statement for England (NPSE), DEFRA, March 2010
6. Planning Practice Guidance – Noise March 2012
7. World Health Organisation (WHO) document, Guidelines for Community Noise (1999)
8. CRTN, Department of Transport, Welsh Office, 1988
9. BS5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites
10. BS4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound

3. Areas of Agreement

- 3.1 The Appellant and the LPA are agreed that;
- a. Good acoustic design will be an important factor for the final design of the site to minimise the amount of mitigation required for noise, this could form a condition of the planning permission.
 - b. Mitigation within the site will be provided by the combination of a number of factors including; acoustic fencing, acoustically uprated glazing, acoustic ventilation and the

appropriate sound insulation performance of the proposed buildings; Two conditions have been recommended to address mitigation along with validation of noise levels prior to first occupation of any dwelling (Appendix C – Recommended Conditions : Condition 29 Noise Levels & Condition 37 Acoustic Insulation).

- c. Appropriate legislation, policy and guidance has been considered within the noise assessment set out in Chapter 11 of Volume 8 of Addendum 2 to the ES for the appeal site;
- d. The methodology used in undertaking the noise assessment Chapter 11 of Volume 8 of Addendum 2 to the ES, and the noise appendices within Volume 9 of Addendum 2 is appropriate;
- e. The baseline noise data used within the assessment in Chapter 11 of Volume 8 of Addendum 2 to the ES and detailed Volume 9 of Addendum 2 are appropriate;
- f. The modelling methodology including the inputs and calibration, described in Chapter 11 of Volume 8 of Addendum 2, results of which have been used within the assessment, is appropriate;
- g. The locations selected for assessment detailed in Chapter 11 of Volume 8 of Addendum 2 to the ES and N7 of Volume 9 of Addendum 2, are appropriate for the noise impacts;
- h. The significance of the impacts as set out in Chapter 11 of Volume 8 of Addendum 2 to the Environmental Statement has been judged properly;
- i. The mitigation measures proposed for the site are appropriate and
- j. The conclusions drawn in Chapter 11 of Volume 8 of Addendum 2 to the ES are appropriate in finding that:
 - o The appeal site will provide some reduction in noise to the surrounding area as a result of the proposed development shielding existing properties from the motorway noise;
 - o The appeal site, with appropriate acoustic design and acoustic mitigation, is suitable for housing, and
 - o With the appropriate noise mitigation in the form of a barrier, the impact of the operational traffic on the existing residential properties off Mill Lane to the east, is not significant.

3.2 There are issues that will need addressing as the final layout and design of the site progresses via Reserved Matters applications; including

- a. The final design of the site will need to consider the principles of good acoustic design to achieve appropriate acoustic criteria for both internal and external areas from all noise sources. Necessary levels of mitigation will be based upon subsequent detailed acoustic monitoring to be supplied with any reserved matters application to achieve specific acoustic criteria identified within relevant British Standards and other pertinent acoustic guidance documents.

- b. The impact of noise from the kennels will need to be assessed and mitigated against as part of the final design and reserved matters. These impacts are critical in order to protect the existing business from adverse impact to the operation of the kennels in accordance with Paragraph 182 of the NPPF whilst simultaneously achieving/protecting residential amenity of any/all proposed dwellings within any particular reserved matters application in accordance with Paragraphs 127(f), 170(e) & 180(a) of the NPPF, a suggested noise condition is provided below:

'A noise assessment shall be undertaken at the Boarding Kennels at Peel Hall Farm prior to submission of any reserved matters application within 250 m of the existing kennels. The assessment shall assess noise levels arising from the kennel use at proposed residential receptors and consider standards contained in BS 4142:2014, WHO, Guidelines for Community Noise (1999) and BS8233:2014 and/or any other relevant guidance specified by the Local Authority. The assessment methodology shall be agreed with the Local Authority prior to commencement. The noise assessment shall identify all necessary mitigation measures to protect both residential amenity and to ensure no adverse impacts to the operation of the Peel Hall Farm kennels. Once agreed with the Local Planning Authority, any relevant reserved matters application shall implement fully the agreed mitigation measures prior to first occupation.'

- 3.2 In summary, subject to the implementation of relevant planning conditions, we are agreed that there are no noise reasons why the development should be refused planning permission.

4. Areas of Disagreement

- 4.1 There are no substantive areas of disagreement.

5. Signatures

Name: Joanne Miller

Name: Steve Smith

Company: Miller Goodall Ltd

Company: Warrington Borough Council

Signature: 

Signature: 

Date: 10th August 2020

Date: 11th August 2020