

From: Matthew Shepherd <Matthew.Shepherd@westberks.gov.uk>
Sent: 06 Sep 2024 12:25:24
To: dmsimport@westberks.gov.uk
Cc:
Subject: FW: Kennet Centre Noise Response
Attachments:

From: Kate Powell (Culture and Environmental Protection) <Kate.Powell@westberks.gov.uk>
Sent: Wednesday, July 17, 2024 3:10 PM
To: Matthew Shepherd <Matthew.Shepherd@westberks.gov.uk>
Cc: Debra Inston <Debra.Inston@westberks.gov.uk>; Suzanne McLaughlin <Suzanne.McLaughlin@westberks.gov.uk>; Joe Mannix <Joe.Mannix1@westberks.gov.uk>
Subject: RE: Kennet Centre Noise Response

Hi Matthew

I have asked the Licensing Officer to respond as they are licensing queries that have been raised.

From an Environmental Health perspective I would maintain my objection.

Many thanks

Kate Powell (Mrs)
Senior Environmental Health Officer
Public Protection Partnership – A shared service for Bracknell and West Berkshire Councils

Office: (01635) 503459
kate.powell@westberks.gov.uk | <https://publicprotectionpartnership.org.uk/>



web:	www.publicprotectionpartnership.org	Public Protection Partnership
twitter:	@publicprotectionpartnership	
facebook:	@PublicPP_UK	

From: Matthew Shepherd <Matthew.Shepherd@westberks.gov.uk>
Sent: Tuesday, July 16, 2024 12:04 PM
To: Kate Powell (Culture and Environmental Protection) <Kate.Powell@westberks.gov.uk>; Suzanne McLaughlin <Suzanne.McLaughlin@westberks.gov.uk>
Cc: Debra Inston <Debra.Inston@westberks.gov.uk>
Subject: RE: Kennet Centre Noise Response

Hi Kate,

Please find attached noise reports from the last 2/3 weeks. The agents letter notes

"Noise is being recorded continuously from 2 locations, one fronting onto Bartholomew Street, adjacent to The Newbury, and one at the rear close to the roof terrace. The noise reports have recorded events taking place on Thursday, Friday and Saturday evenings. These comprise live music events, such as the regular open mic night on Thursdays, live bands on weekend evenings and recorded music."

Having review the Premises Licence for The Newbury, I would draw your attention to the requirements set out within it. This makes clear that the performance of live music can only take place indoors (see page 1). Further relevant restrictions are set out in Annex 2 (page 8) in respect of when the roof terrace can be used, noise levels on Bartholomew Street and how the volume of recorded music on the terrace is to be controlled."

Can you please comment on the License issue raised? I would imagine a band is just as loud as recorded music (assuming a DJ is considered recorded music). Can you comment on the issue of annex 2 that the music should not be audible from Bartholomew Street and that the level of noise should be lower currently than recorded?

Can you confirm whether this further information changes your stance on the application? Or do you maintain your objection as per your comments 05/04/2024. I think we are leaning towards approval subject to conditions with an acceptance of a lower quality of internal amenity due to restrictions that conditions such as acoustic measures/machine ventilation will create

Kind Regards

Matthew Shepherd
Senior Planning Officer
Development & Regulation West Berkshire Council
Market Street, Newbury, RG14 5LD
01635 519583 |
Matthew.Shepherd@westberks.gov.uk
www.westberks.gov.uk

From: Kate Powell (Culture and Environmental Protection) <Kate.Powell@westberks.gov.uk>
Sent: Thursday, May 9, 2024 5:06 PM
To: Matthew Shepherd <Matthew.Shepherd@westberks.gov.uk>; Suzanne McLaughlin <Suzanne.McLaughlin@westberks.gov.uk>
Cc: Debra Inston <Debra.Inston@westberks.gov.uk>
Subject: RE: Kennet Centre Noise Response

Hi Matthew

I have responded below in blue.

I would again recommend that the applicant approaches The Newbury to discuss possible solutions outside of the planning process.

Alternatively, you may wish to seek the advice of a qualified acoustic consultant, registered with the Institute of Acoustics or the Association of Noise Consultants.

Thanks

Kate

From: Matthew Shepherd <Matthew.Shepherd@westberks.gov.uk>
Sent: Thursday, May 9, 2024 9:09 AM
To: Kate Powell (Culture and Environmental Protection) <Kate.Powell@westberks.gov.uk>; Suzanne McLaughlin <Suzanne.McLaughlin@westberks.gov.uk>
Cc: Debra Inston <Debra.Inston@westberks.gov.uk>
Subject: RE: Kennet Centre Noise Response

Hi Both,

The agent has sent through some thoughts as below, could be something to touch on later.

1. Regarding Noise, we agreed that the best way forward at present will be to have a round table meeting with your EHO to discuss how this matter can be mitigated. As discussed, there are a number of factors at play:
 - The noise environment is only unacceptable when music is played at The Newbury. At all other times there is no amenity issue. – [agreed although as the noise assessment was only carried out for one night in November we don't have a clear understanding of the typical frequency and duration of the music events. The Licence permits recorded music outdoors Monday to Sunday until midnight so in theory the premises could operate in that way. A further noise](#)

assessment over a longer period may provide further insight in terms of noise levels and frequency. A week long assessment was discussed. It does need to be acknowledged that this would still be a snapshot in time and may not reflect typical or future operations.

- The **only** option for noise mitigation to the residential units closest to The Newbury is set out in the Noise Report dated 25th January. An internal alternative layout is not feasible as the scheme is designed with units coming off a central corridor. The proposed glazing, wall insulation and Winter Garden solution will result in an acceptable internal amenity environment for the residents, and this can be conditioned accordingly. – [will the winter gardens be usable spaces when entertainment is taking place? My concern is that these are being used as an additional layer of sound insulation rather than usable spaces. Is it still proposed that there will be some balconies and how will these be affected? It would be useful to have further elevations plans showing the facades at The Newbury and how it interacts with the rest of the development. It would also be useful to have a plan of the proposed mitigation for each property. Is it considered acceptable that people won't be able to open windows at the times when entertainment is taking place without being exposed to loud music? It is likely that future residents be aware when entertainment is taking place at the Newbury even within the sealed units. How will future noise complaints be responded to if this is considered to be an acceptable situation?](#)
- The external podium amenity space closest to The Newbury will not meet amenity standards during the times that music is played at The Newbury but will at all other times. The roof terraces surrounding this amenity space on Blocks B, F and S will all retain an acceptable noise environment and provide easily accessible open space for residents in the blocks that would otherwise use the podium amenity space closest to The Newbury. [No comments](#)
- We have explored a barrier around The Newbury – this is not practicable and would need to be circa 10m high. [No comments](#)
- Access to the podium amenity space could be restricted so that it is only open outside of events – the scheme is a Build to Rent development with permanent on-site management allowing for this to be easily and sensibly managed. Alternatively, the podium could be provided as a biodiverse/ green roof instead with no access for residents. This could be conditioned. [What is the definition of events? Entertainment may not necessarily be the same every week, I am not sure how this would be managed in practice.](#)
- The scheme will not, however, be ready for residential occupation for at least 3 years following permission. This allows time for further discussions with The Newbury which is not possible during the timeframe of the application. Conditions could be drafted that propose a staged approach to dealing with the amenity space/ noise issue with assessments and updates at certain points to see if the amenity space can be opened permanently.
- I also understand that there have been a number of complaints in relation to the noise from The Newbury from nearby residents including the retirement development opposite and that the license is being amended as a result. – [this is not correct. There have previously been complaints which were resolved by action that The Newbury took to reduce the volume and finish earlier but no further action is being taken. There are no current complaints. The complaints did not come from a retirement development.](#)

Kind Regards

Matthew Shepherd
Senior Planning Officer
Development & Regulation West Berkshire Council
Market Street, Newbury, RG14 5LD
01635 519583 |
Matthew.Shepherd@westberks.gov.uk
www.westberks.gov.uk

From: Kate Powell (Culture and Environmental Protection) <Kate.Powell@westberks.gov.uk>
Sent: Wednesday, May 8, 2024 3:57 PM
To: Matthew Shepherd <Matthew.Shepherd@westberks.gov.uk>
Subject: RE: Kennet Centre Noise Response

Yes that's done

From: Matthew Shepherd <Matthew.Shepherd@westberks.gov.uk>
Sent: Wednesday, May 8, 2024 3:03 PM
To: Kate Powell (Culture and Environmental Protection) <Kate.Powell@westberks.gov.uk>
Cc: Suzanne McLaughlin <Suzanne.McLaughlin@westberks.gov.uk>; Debra Inston <Debra.Inston@westberks.gov.uk>
Subject: RE: Kennet Centre Noise Response

Can you send Debra the invite too please. We can chat about this tomorrow and then set a time to discuss with the applicant in the future

Thanks
Matt

Kind Regards

Matthew Shepherd
Senior Planning Officer
Development & Regulation West Berkshire Council
Market Street, Newbury, RG14 5LD
01635 519583 |
Matthew.Shepherd@westberks.gov.uk
www.westberks.gov.uk

From: Kate Powell (Culture and Environmental Protection) <Kate.Powell@westberks.gov.uk>
Sent: Wednesday, May 8, 2024 2:55 PM
To: Matthew Shepherd <Matthew.Shepherd@westberks.gov.uk>
Cc: Suzanne McLaughlin <Suzanne.McLaughlin@westberks.gov.uk>; Debra Inston <Debra.Inston@westberks.gov.uk>
Subject: RE: Kennet Centre Noise Response

OK thanks, I will set up a Teams meeting. I think it is a good idea for us to have a chat first before meeting with the applicant, if that is what you think should happen. I am not sure what further advice I am able to give on this to be honest ...

From: Matthew Shepherd <Matthew.Shepherd@westberks.gov.uk>
Sent: Wednesday, May 8, 2024 2:49 PM
To: Kate Powell (Culture and Environmental Protection) <Kate.Powell@westberks.gov.uk>
Cc: Suzanne McLaughlin <Suzanne.McLaughlin@westberks.gov.uk>; Debra Inston <Debra.Inston@westberks.gov.uk>
Subject: RE: Kennet Centre Noise Response

Hi Katem

2:30 tomorrow is fine, is this for a pre meet or do you want me to see if the applicant is free for the meeting?

Kind Regards

Matthew Shepherd
Senior Planning Officer
Development & Regulation West Berkshire Council
Market Street, Newbury, RG14 5LD
01635 519583 |
Matthew.Shepherd@westberks.gov.uk
www.westberks.gov.uk

From: Kate Powell (Culture and Environmental Protection) <Kate.Powell@westberks.gov.uk>
Sent: Wednesday, May 8, 2024 2:22 PM
To: Matthew Shepherd <Matthew.Shepherd@westberks.gov.uk>
Cc: Suzanne McLaughlin <Suzanne.McLaughlin@westberks.gov.uk>; Debra Inston <Debra.Inston@westberks.gov.uk>
Subject: RE: Kennet Centre Noise Response

Hi Matthew

Suzanne and I are free for a teams chat tomorrow at 9:30 am or after 2:30 pm if that is any good for you?

Thanks

Kate

From: Matthew Shepherd <Matthew.Shepherd@westberks.gov.uk>
Sent: Tuesday, May 7, 2024 3:51 PM
To: Kate Powell (Culture and Environmental Protection) <Kate.Powell@westberks.gov.uk>
Cc: Suzanne McLaughlin <Suzanne.McLaughlin@westberks.gov.uk>; Debra Inston <Debra.Inston@westberks.gov.uk>
Subject: RE: Kennet Centre Noise Response

Hi Kate,

Thank you for your comments on this application. We have been considering the comments with the agents for the last couple of weeks. The agents have asked whether you would be willing to have a round table discussion with them on the noise issue? The main solution is to remove access to the amenity space's affected and therefore remove the chance of the 'agent of change' principle affecting the Newbury. This is not a very appealing solution to planners though. The agents are cautious with approaching the Newbury to offer to mitigate the noise at source given the legal, contractual, and timing issues associated with this (I can understand this). The design of the flats cannot really be changed given the current layout.

I think a roundtable discussion would be beneficial as it would help all of us to tackle the issue to discuss if there is a resolution or what might be changed. It would also help us understand the severity of the problem, how it may be dealt with or not. All this information would assist us in our planning balance decision on the application.

Have you got any dates for a meeting in the next two weeks or so? Happy to meet up prior to discuss internally if needed.

Kind Regards

Matthew Shepherd
Senior Planning Officer
Development & Regulation West Berkshire Council
Market Street, Newbury, RG14 5LD
01635 519583 |
Matthew.Shepherd@westberks.gov.uk
www.westberks.gov.uk

From: Suzanne McLaughlin <Suzanne.McLaughlin@westberks.gov.uk>
Sent: Monday, April 8, 2024 3:36 PM
To: Matthew Shepherd <Matthew.Shepherd@westberks.gov.uk>
Cc: Kate Powell (Culture and Environmental Protection) <Kate.Powell@westberks.gov.uk>
Subject: FW: Kennet Centre Noise Response

Good afternoon Matthew

Kate is now on leave until 16/4/24. I am in agreement of her response below following the response from Lochailort (dated 15/3/24) and the Noise Impact Assessment by Anderson Acoustics (7129_001M_6-0_DM) 9dated 15/3/24)

Regards

Suzanne McLaughlin
Principal Officer
Public Protection Partnership
01635 519851
suzanne.mclaughlin@westberks.gov.uk

Please note I work Monday-Thursday

Website: www.publicprotectionpartnership.org.uk
Facebook: [@PublicProtectionPartnershipUK](https://www.facebook.com/PublicProtectionPartnershipUK)
Twitter: [@PublicPP_UK](https://twitter.com/PublicPP_UK)

Public Protection Partnership | **Bracknell Forest West Berkshire**



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From: Kate Powell (Culture and Environmental Protection) <Kate.Powell@westberks.gov.uk>
Sent: Friday, April 5, 2024 10:30 PM

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

Having considered the consultant's comments my response is as follows:

No further information regarding noise levels from music on the terrace at The Newbury has been provided. We therefore still do not have robust information upon which to base a response. The consultant has not reported that the noise from a DJ would be any lower than the band which was assessed therefore I will have to take the noise levels contained within their report as being representative of the future noise climate for the development. The current premises licence permits the use of the terrace each night until 1:30 am with recorded music until midnight.

A condition has been proposed for internal noise levels *"To protect the amenity of future occupants, noise intrusion should be limited to not exceed a level of NR 25 and LAeq 27 dB inside habitable rooms of the new apartments."*

This would be a reasonable internal noise level for future occupants. I expect that some future residents may still hear low level music noise inside their property however given that this is a town centre location and that the music would not continue past midnight I do not consider this unreasonable. To achieve this the apartments will require high specification glazing and sound insulation to the exposed facades as well as acoustically treated mechanical heat and ventilation systems to allow residents to keep their windows closed. The most exposed facades would also require winter gardens. The communal spaces within blocks B, E and F would exceed recommended noise levels at the times when entertainment was taking place. I accept that alternative communal spaces area available but would question whether it is a reasonable expectation for residents to use them.

I do remain concerned that there would be conflict between the future occupiers and the current business. I anticipate that future occupiers would be restricted in the use of their property, unable to open windows and restricted in the enjoyment of the winter gardens and communal areas. It is also foreseeable that pressure could end up being put on The Newbury to alter their operations.

It is my belief that the issue with noise from the use of the terrace at The Newbury was only identified late in the design stage for the development which meant that an existing design was adapted rather than a systematic approach to acoustic design being taken. The response was to insulate the exposed facades rather than consider how the development as a whole could be designed in line with good acoustic design. I would consider what has been proposed as the last resort position if other options are not viable however it does not appear that other options have been considered in accordance with the guidance set out in BS8233:2014 and ProPG Stage 2 Full Assessment.

If you are minded to approve the application as proposed, I believe that the above noise condition would achieve satisfactory internal noise levels however I find it foreseeable that it will result in future tension between residents and the commercial use due to the high noise level in the surrounding area.

I would recommend consideration of the following options:

1. The developer approaches The Newbury outside of the planning process to establish whether there are any options for further managing the noise at the source, e.g. enclosing the terrace.
2. The affected section of the development is redesigned to protect amenity spaces and minimise noise sensitive facades

The following guidance on good acoustic design is relevant.

ProPG: Planning and Noise, New Residential Development, Supplementary Document 2 Good Acoustic Design May 2017

It advises *[good acoustic design should help produce sustainable buildings that provide healthy conditions for future occupants, that are sensitive to the likely expectations of future occupants and to the acoustic characteristics of the location, they are efficient in the use of resources and energy both during construction and subsequent occupation, and that they are matched by an appearance that demonstrates good aesthetics as far as possible.*

Too often in the past internal noise levels within a noise-sensitive room have been regarded as the only factor that matters in the acoustic design of a noise-sensitive building, and this has led to schemes being put forward that simply relied on the building envelope to achieve a high sound insulation performance, when other means could have been used to achieve an overall good design.]

It goes on to say ...*[The LPA should be satisfied that any proposal for new housing has followed a good acoustic design process. LPAs should require applicants to demonstrate in an Acoustic Design Statement how the acoustic design process was conducted and how the proposed design evolved. Where a number of different designs were considered, applicants should set out the reasons why the favoured design has been selected. For example, where the scheme relies on windows being closed to achieve good internal noise conditions, the Acoustic Design Statement should include or refer to an explanatory statement detailing why this approach has arisen and how the use of layout, orientation, spatial design and non-building envelope mitigation has been used to minimise the need for reliance upon closed windows.]*

There is a hierarchy of noise management measures which should be considered:

- i. Maximising the spatial separation of noise source(s) and receptor(s).
- ii. Investigating the necessity and feasibility of reducing existing noise levels and relocating existing noise sources.
- iii. Using existing topography and existing structures (that are likely to last the expected life of the noise-sensitive scheme) to screen the proposed development site from significant sources of noise.
- iv. Incorporating noise barriers as part of the scheme to screen the proposed development site from significant sources of noise.
- v. Using the layout of the scheme to reduce noise propagation across the site.
- vi. Using the orientation of buildings to reduce the noise exposure of noise sensitive rooms.
- vii. Using the building envelope to mitigate noise to acceptable levels.

In conclusion, I do not feel that the ProPG guidance has been followed to take account of the existing environment and my recommendation is that alternative options should be explored before accepting what I would consider the last resort.

From: Matthew Shepherd <Matthew.Shepherd@westberks.gov.uk>
Sent: Thursday, April 4, 2024 4:32 PM
To: Kate Powell (Culture and Environmental Protection) <Kate.Powell@westberks.gov.uk>
Subject: FW: Kennet Centre Noise Response

Hi Kate,

Have you been able to review this further information?

Apologies I haven't been able to organise formal re-consultation on this but hopefully you can just take it from my below email.

Thanks
Matt

Kind Regards

Matthew Shepherd
Senior Planning Officer
Development & Regulation West Berkshire Council
Market Street, Newbury, RG14 5LD
01635 519583 |
Matthew.Shepherd@westberks.gov.uk
www.westberks.gov.uk

From: Matthew Shepherd <Matthew.Shepherd@westberks.gov.uk>
Sent: Friday, March 22, 2024 11:53 AM
To: Kate Powell (Culture and Environmental Protection) <Kate.Powell@westberks.gov.uk>
Subject: FW: Kennet Centre Noise Response

Hi Kate,

Please find attached the agent's response to your latest comments (attached for ease). Can you please review and let me know your thoughts? I will organise formal re-consultation but if you could provide a response in the next 21 days that would be appreciated.

Happy to discuss if needed

Kind Regards

Matthew Shepherd
Senior Planning Officer
Development & Regulation West Berkshire Council
Market Street, Newbury, RG14 5LD
01635 519583 |
Matthew.Shepherd@westberks.gov.uk
www.westberks.gov.uk

From: Sarah Ballantyne-Way <Sarah@lochailort-investments.com>
Sent: Thursday, March 21, 2024 11:46 AM
To: Matthew Shepherd <Matthew.Shepherd@westberks.gov.uk>
Cc: Rudra Rhodes <Rudra@lochailort-investments.com>
Subject: Kennet Centre Noise Response

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Hi Matthew,

Please find attached the updated Noise Report and response to your EHO’s comments.

Kind regards

Sarah

Sarah Ballantyne-Way MSc MRTPI
Planning Director



Lochailort Investments Ltd, Eagle House, 108–110 Jermyn Street, London SW1Y 6EE
Tel: 020 3468 4933 | Mob: 07766 311 513

Email: sarah@lochailort-investments.com www.lochailort-investments.com

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