

## Planning Consultation Memo

Date	Planning Officer	Environmental Health Officer
13/07/2022	Mr David Elmore	Terry Vincent
Planning Application Number	Worksheet Number	
6/2022/1355/MAJ	WK131706	

**Address:** Former Beales Hotel Comet Way Hatfield AL10 9NG

**Application Details:** Demolition of existing building and construction of 145 residential units (Use Class C3) with private and communal amenity space, landscaping, access, associated car and cycle parking, refuse and recycling storage and supporting infrastructure.

### Considerations relevant to Environmental Health for this application

Noise from construction works  
Noise from road traffic  
Noise from commercial operations  
Contaminated Land  
Air quality

### Description of site and discussion of considerations

#### Noise from road traffic and commercial operations:

A noise impact assessment has been submitted in support of the application. External noise levels are elevated especially individual LAMax levels. The report refers to good acoustic design, and this is supported. However, internal noise levels are achieved by keeping windows closed. This presents some issues in that if occupants are given the choice of opening windows, then they will do so.

The noise report fails to assess the potential impact of commercial noise in the locality. The proposed development site is located close to several commercial operations at Parkhouse court, one these being a public house. I am not satisfied that noise from these commercial operations have been assessed using the appropriate methods. A BS4142 assessment should be undertaken to specifically focus on noise from commercial operations. Noise from commercial operations can include multiple noise sources which have to be considered.

As part of the commercial assessment, consideration must be given the NPPF and agent of change. The existing commercial operators must be protected, and it is the applicants responsibly to mitigate against commercial noise effectively. It is key to note that in terms of commercial noise, relying upon occupants to keep windows closed and make use of mechanical ventilation is not an appropriate solution. If windows are openable then occupants will open them. If noise from commercial operations gives rise to noise complaints, the environmental health team have a legal duty to investigate and action such complaints. If it is deemed that a statutory

noise nuisance is occurring, the council has a legal duty to serve a noise abatement notice. In relation to mitigation against a statutory nuisance, the council is not able to tell occupants to close windows to mitigate noise, in fact having to close windows is a key indicator of a statutory nuisance occurring and material interference.

I will recommend specific conditions which will deal with the matters mentioned above. I would like to see a detail noise model and site layout which shows façade levels and indicates how good acoustic has been adopted for this site. This typically means that habitable rooms such as living rooms and bedrooms are located as far away from the noise sources as possible.

In relation to noise from road traffic, I will recommend that preoccupation noise testing takes place as well as an assessment of noise from any mechanical ventilation. This will ensure that appropriate mitigation has been adopted across the development where necessary.

If the development requires the installation of any external plant or equipment, noise levels will need to meet the requirements set by the council. I will recommend this as a condition.

### **Contaminated Land:**

A phase 1 report has been submitted with this application. The contents are noted, and I would like to specifically refer to the conclusions and recommendations section within the report, which are listed in the executive summary table.

It states that confirmation of the expected ground and contamination conditions should be determined by a site investigation.

I will recommend a condition advising that a site investigation takes place.

### **Air quality:**

The air quality report submitted in support of the application states that there will be no issues in relation to this development.

I recommend that facilities to enable green travel are incorporated into development. This will encourage the use of green travel and make it easier for future occupants to travel using greener alternatives if they wish to do so. I will recommend a condition for such a scheme to be implemented.

### **Conclusion**

Recommend planning application is permitted	<input type="checkbox"/>
Recommend planning application is permitted but with conditions	<input checked="" type="checkbox"/>
Recommend planning application is refused	<input type="checkbox"/>

### **Conditions:**

### **Noise from demolition/construction works:**

All noisy works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of:

8.00am and 6.00pm on Mondays to Fridays  
8.00am and 1.00pm Saturdays  
and at no time on Sundays and Bank Holidays

If noisy works must be carried out beyond these times, then an application must be made for consideration by environmental health under the Control of Pollution Act 1974 (Section 61 application).

Reason – to protect residents from noise from construction works beyond reasonable times

### **Sound Insulation pre occupation testing for road traffic:**

Prior to the first occupation of the development, pre-completion testing must take place which shows compliance with the following:

Noise tests must show that indoor ambient noise levels in living rooms and bedrooms meet the standards within BS 8233:2014. Internal L<sub>Amax</sub> levels should not exceed 45dB more than ten times a night in bedrooms.

Noise testing must show that the outdoor communal amenity space complies with the 55dB WHO Community Noise Guideline Level, if outdoor amenity areas cannot comply, then it must be shown through testing that a suitable place is available within 5 minutes walk from the development that complies with the amenity noise level.

A pre occupation testing report must be supplied and approved in writing by the Local Planning Authority. Non-compliance with these levels will require additional mitigation measures to be incorporated into the development prior to the occupation of the development and that additional work shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied.

Reason – to protect the occupants of the new development from noise disturbance.

### **Mechanical ventilation pre occupation noise testing:**

Prior to the first occupation of the development, pre-completion testing must take place which shows compliance with the following:

Noise testing must show that indoor ambient noise levels in living rooms and bedrooms meet the standards within BS 8233:2014 (with the mechanical ventilation system off, on and on maximum boost setting).

A pre occupation testing report must be supplied and approved in writing by the Local Planning Authority. Non-compliance with these levels will require additional mitigation measures to be incorporated into the development prior to the occupation

of the development and that additional work shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied.

Reason – to protect the occupants of the new development from noise disturbance.

### **New Plant and equipment:**

Prior to first occupation of the development the applicant shall submit to, for approval in writing by the Local Planning Authority, details relating to a scheme to mitigate the noise from new plant and equipment. The impact of new plant and equipment should be assessed in accordance with BS4142: 2014+A1:2019. When noise sources show signs of tonality we require noise levels to be 10dB below background noise level at the nearest receptor location. In instances where the noise source presents no tonality we require the noise level to be 5dB below the background noise level at the nearest receptor location.

Reason – to protect neighbours from noise disturbance.

### **Commercial noise:**

#### **Noise from nearby existing commercial operations:**

Prior to any above ground development the applicant shall submit to, for approval in writing by the Local Planning Authority, details relating to a scheme to mitigate the noise from nearby commercial activities, deliveries, plant and equipment, and general operations to ensure that there will be no adverse impact to future residents. Assessment for noise from commercial operations must be in accordance with BS4142: 2014+A1:2019.

Indoor ambient noise levels in living rooms and bedrooms from commercial noise sources must be 10dB below the standards within BS 8233:2014 (Living rooms daytime – 25dB and bedrooms at night – 20dB) and LAmax levels must not to exceed 40dB internally with windows closed. Internal noise levels with habitable windows open must also be considered.

Consideration must be given to the Nation Planning Policy Framework and the agent of change.

A noise modelling plan should be produced and submitted for review to show façade noise levels at habitable rooms (living rooms and bedrooms) from commercial operations.

Reason – to protect the occupants of the new development from noise disturbance

### **Contaminated land:**

1. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the

risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- i) A site investigation scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.
- ii) The site investigation results and the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

2. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

The above must be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' guidance, available online at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>.

### **Unexpected finds:**

1. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously

identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 2, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 2.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

2. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- i) A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
  
- ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.
  
- iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  
- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

3. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

The above must be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' guidance, available online at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>.

#### **Air quality - Promotion of green travel:**

Prior to first occupation of the development, the applicant shall submit to, for approval in writing by the Local Planning Authority, details relating to the promotion of green travel. This should include the provision of cycle storage, and the provision of electric vehicle charging points. Information must be provided to demonstrate that these facilities have been installed.

Reason – to facilitate and encourage the use of green travel.

#### **Informative:**

#### **Demolition/construction works**

1. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times
2. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions
3. All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.
4. All machines in intermittent use shall be shut down during intervening periods between work, or throttled down to a minimum. Noise emitting equipment, which

is required to operate continuously, shall be housed in suitable acoustic enclosures.

5. Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.
6. All pile driving shall be carried out by a recognised noise reducing system.
7. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material
8. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
9. 'BS 5228 Noise Control on Construction Sites' should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any sub contractors.
10. Any emergency deviation from these conditions shall be notified to the Council without delay
11. Any planned deviations from these conditions for special technical reasons, shall be negotiated with Council at least 14 days prior to the commencement of the specific work.
12. Permissible noise levels are not specified at this stage.

### **Dust control**

1. All efforts shall be made to reduce dust generation to a minimum
2. Stock piles of materials for use on the site or disposal, that are likely to generate dust, shall be sited so as to minimise any nuisance to residents or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible.
3. Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.