

Planning Consultation Memo

Date	Planning Officer	Environmental Health Officer
21/12/2022	Ms Kirsty Shirley	Terry Vincent
Planning Application Number	Worksheet Number	
6/2022/2759/FULL	WK135368	

Address: Plot 5610 Gypsy Moth Avenue Hatfield AL10 9BS

Application Details: Erection of two industrial units for light industrial processes (E(g)(iii)) / general industrial (B2) / storage & distribution purposes (B8) and ancillary office space, with associated parking, access and supporting infrastructure

Considerations relevant to Environmental Health for this application

Noise
Contaminated land

Description of site and discussion of considerations

Noise:

The noise impact assessment provides some information regarding the intended site use. However, it appears that the exact final use is not yet confirmed. It appears likely that some form of delivery and distribution process will take place. Predicted noise levels have been provided for this process, but there is a level of uncertainty with this because predicted noise levels have been taken from activities elsewhere. The residents within the locality already experience high levels of noise from existing distribution depots. This means that noise levels are very much on the limit of acceptability, especially during the evening and nighttime hours. Therefore, increasing current noise levels is not considered to be acceptable. I note within the noise report that the site is only likely to operate during the daytime hours. I would support a condition-based restriction on this which is something I would recommend. At this stage, there is too much uncertainty in relation to the exact noise levels generated by the site for me to be satisfied that nighttime operation would not cause potential noise issues. Once the site is occupied, and more information is known, an application could be submitted with noise data to vary the condition.

I will also recommend a condition based on noise from plant and equipment.

Contaminated land:

Due to historic site use, the ground at the proposed site could be contaminated. Therefore, a desktop study to determine specific site history and likely a site investigation will need to take place to determine whether remediation measures are required to ensure that the site is suitable for occupation. I will recommend a condition on this basis.

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

Noise:

The activity of deliveries, loading and unloading at the site, and the movement of vehicles for the purpose of the distribution of goods, must only take place between the hours of 06:00 and 23:00.

Pre commencement condition for plant/equipment:

Before the development hereby approved is brought into use, a manned measured noise survey must be carried out and a report of the findings submitted to and approved in writing by the Local Planning Authority. The noise survey must include reference to measured background noise level at monitoring locations agreed by the Local Planning Authority. The noise emitted must be measured at 1.0m from the facade of the nearest residential premises to demonstrate that the noise emitted by the combined operation of all external building services plant hereby permitted does not exceed 10db below background noise level at any time when the plant is operating. Measurement parameters must include the LA90, LAeq, LA Max and frequency analysis.

Should the plant fail to comply with this condition at any time, it shall be switched off and not used again until it is able to comply. The use of the equipment must not commence or re-commence until a fully detailed noise survey and report has been submitted to and approved in writing by the Local Planning Authority and approved mitigation measures such as acoustic screening or silencers have been implemented. The plant shall be serviced regularly in accordance with

manufacturer's instructions and as necessary to ensure that the requirements of the condition are always maintained. Should the plant and equipment fail to comply with this condition at any time, it shall be switched off and not used again until it is able to comply.

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 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.

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>.

3. 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 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 1, 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.

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.