

# Consultee Comments for Planning Application 22/0971/OUT

## Application Summary

Application Number: 22/0971/OUT

Address: Land Adjacent And To The Rear Of 52 Harris Lane Shenley Hertfordshire

Proposal: Construction of up to 46 dwellings with associated landscaping and open space to include access from Harris Lane. (Outline Application with Appearance, Landscaping, Layout and Scale Reserved).

Case Officer: Georgia O'Brien

## Consultee Details

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On Behalf Of: Environmental Health & Licensing

## Comments

Address: Land Adjacent And To The Rear Of 52, Harris Lane, Shenley, Hertfordshire,

Application Details: Construction of 46 dwellings with associated landscaping and open space to include access from Harris Lane. (Outline Application with Appearance, Landscaping, Layout and Scale Reserved)

Considerations relevant to Environmental Health for this application

Noise from traffic

Noise from commercial/industrial premises

Lighting

Contaminated Land

Description of site and discussion of considerations

Comments amended following acoustic report being provided by applicant.

Noise from traffic

The noise impact assessment included an attended reading of 30mins. Normally the shortest reading stipulated within the CRTN guidance is 3hrs.

We would expect to see at least this guidance method complied with or a full time period assessment at a roadside location.

As per the previous consultation response:

If opening windows raises noise levels above those within BS8233, then a ventilation system (passive or mechanical) will need to be installed which provides at least 4ACH to habitable rooms. The noise impact assessment must include details on the level of mitigation that each property will require to meet the above requirements.

Information within the design and access statement advises that there will be temperature control through passive means within the sustainability section. The suitability of which will be determined by external noise levels.

Outdoor amenity spaces will need to meet the 55dB WHO Guidelines for Community Noise Level (this is for road traffic only, commercial noise sources would have to be a reasonable level in terms of the background noise level).

#### Noise from commercial/industrial premises

Following the information within the acoustic report, the initial concerns regarding noise from the existing commercial/industrial site (landscaping company) have been confirmed.

To make it clear, environmental health do not believe that future occupants of the site are entitled to silence, and they would be expected to put up with some noise from the landscaping company, although a 36dB internal noise with a partially open window is likely to result in complaints (the character of the noise is not known, but assumed to cause additional annoyance due to the use of cutting tools etc). Experience from assessing nuisance complaints has shown issues at lower levels than this. 36dB is would also be a best case scenario if it has been averaged over a 16hr period and it is expected that there will be much louder occurrences during the day from the use of certain pieces of equipment or carrying out processes such as wood chipping.

In terms of outdoor amenity spaces, there is a short paragraph which states that the level would be 15dB above the background noise level within gardens which is a very high level and would most likely result in complaints, limiting the use of the gardens. A 2.4m high fence is proposed to be erected to reduce this noise level.

However, there is not very much detail on this, a new level of 41dB is provided, but not compared to the background noise. It is not clear what the underlying background noise level is and in turn what potential impact that this will actually have on future residents.

The information within the report raises more questions, and we would want to see a full BS4142 assessment before we are confident that the development would not result in complaints against the existing business (agent of change principle).

There may be options which the developer can look into, such as mitigating the noise at source by working with the landscaping company.

Occupants of the proposed development cannot be expected to keep their windows closed during the day to avoid noise from the landscaping company, especially during the summer months and if they have to alter their behavior due to noise from the landscaping company, they would then be more inclined to make a formal complaint which will require investigation.

Levels within BS833/The WHO guidelines for community noise are not wholly appropriate for assessing the impact of noise from commercial/industrial sources as they are more suitable for anonymous noise sources, such as traffic, or general local area noise.

With noise starting at 7am, this further raises additional concerns regarding the potential sensitives at that time, it is also not clear if the landscaping company would have occasions of starting work earlier than this or later into the evening depending on demand for services and weather constraints along with weekend working.

Once built and inhabited, it would be very difficult to then resolve noise issues without impacting the business.

Comments within previous consultation response:

The potential impact by this commercial property is the most important aspect of the development in terms of noise impact, as if there is a significant noise source which pushes future residents to close their windows, then a suitable way of minimising the noise either at source (by working with the business) or via the layout of the site will need to take place. Otherwise the site will not be seen as suitable for development.

This is in line with the agent of change principle, and the proposed development should not impact on the existing business due to complaints made by future residents and potential enforcement action due to nuisance by this local authority.

#### Lighting

Any external lighting will need to comply with the ILP Guidance note for the reduction of obtrusive light. In particular the levels in relation to light trespass into windows.

A lighting impact assessment will need to be provided for the proposed lighting scheme which must include vertical lux levels at existing neighbouring residential windows.

#### Contaminated land

A phase one report submitted with the outline planning application recommends that a ground investigation and subsequent phase 2 report must be produced. We would expect to see this take place and where relevant a remediation strategy provided.

#### Conclusion

Concerns raised within the previous consultation response in relation to noise from the landscaping company are still there, and further detail is required on the sources of noise with a requirement for a full BS4142 assessment. There is also the need of a more suitable traffic noise assessment.

Before environmental health can recommend approval with conditions, the above information will be required.