

## **Environmental Health Consultee Comments for Planning**

Application Number: UTT/23/0966/PINS

PINS reference: S62A/2023/0018

**PROPOSAL:** The development of up to 31 no residential dwellings with all matters reserved for subsequent approval, except for vehicular access from Pines Hill which is submitted in detail.

**LOCATION:** Land East of Pines Hill, Stansted Mountfitchet, CM24 8EY.

### **Lead Consultee**

Name: J Mann

Title: Senior Environmental Health Officer

Tel: [REDACTED]

Email: [REDACTED]

Date: 23 May 2023

### **Comments;**

#### **Noise:**

The applicants have submitted a Climate Acoustics Noise Impact Assessment Report Ref CL/0239/R1/Rev D dated 20 August 2021.

The noise impact assessment survey undertaken included unattended noise monitoring from 7 pm on Thursday 17 June 2021 to 10:30 am on Wednesday 23 June 2021 and attended monitoring from 1.07 pm to 5.10 pm on Monday 5 July 2021. Noise sources impacting the site included road noise from the B1383 (Pines Hill) to the west of the site, Stoney Common Road to the north, rail noise from the mainline railway to the east and industrial noise from R & N Engineering, a steel fabricator to the southeast of the site.

The report gives further details regarding R & N Engineering Steel Fabrications Specialist (Commercial Unit): "Noise from machinery inside three commercial bays including metal plate puncher, disc sander, disc cutter, nut runner, hammering and guillotine. Note: The current operating hours are 8 am to 7 pm on Monday to Friday and closed on Saturday and Sunday."

Section 4.3.1 of the report assesses the impact of the industrial steel fabricators on future residents. It states that noise from the commercial premises is dominant and a BS4142 assessment has therefore been undertaken. However full details of the BS4142 assessment are not provided within the report. There is attended monitoring data for the commercial premises in Appendix A3 but there is a lack of detail regarding the description

of each of the noise sources, hours of operation, mode of operation, and location. It is not clear how the report author has obtained the rating levels stated. Section 12 of BS4142 clearly sets out the information to be reported in an assessment and the missing details should be provided.

The report also provides details of the National Planning Practice Guidance on Page 10 section 2.2.2 and it quotes as follows;

*“How can the risk of conflict between new development and existing businesses or facilities be addressed?”*

*Development proposed in the vicinity of existing businesses, community facilities or other activities may need to put suitable mitigation measures in place to avoid those activities having a significant adverse effect on residents or users of the proposed scheme. In these circumstances the applicant (or ‘agent of change’) will need to clearly identify the effects of existing businesses that may cause a nuisance (including noise, but also dust, odours, vibration and other sources of pollution) and the likelihood that they could have a significant adverse effect on new residents/users. In doing so, the agent of change will need to take into account not only the current activities that may cause a nuisance, but also those activities that businesses or other facilities are permitted to carry out, even if they are not occurring at the time of the application being made. The agent of change will also need to define clearly the mitigation being proposed to address any potential significant adverse effects that are identified. Adopting this approach may not prevent all complaints from the new residents/users about noise or other effects, but can help to achieve a satisfactory living or working environment, and help to mitigate the risk of a statutory nuisance being found if the new development is used as designed (for example, keeping windows closed and using alternative ventilation systems when the noise or other effects are occurring). It can be helpful for developers to provide information to prospective purchasers or occupants about mitigation measures that have been put in place, to raise awareness and reduce the risk of post-purchase/occupancy complaints”*

However, the report author has not provided information on what activities the commercial premises is permitted to carry out. It appears that the assessment is based on the working hours of 8 am to 7pm Monday to Friday. The report does not support this with details of planning conditions limiting hours of operation or other restrictions. In my experience of investigating noise complaints businesses will frequently work longer hours/weekends or both to fulfil a particular order and may permanently increase hours to meet business demands. I note that Planning Permission UTT/1071/93/FUL Land to the South of Stoney Common Road for The Erection of an replacement Industrial Unit, appears to have no restrictions on hours of use/operation.

Notwithstanding the above concerns regarding the robustness and detail of the BS4142 assessment section 4.3 indicates the predicted noise rating levels at plots 24, 25 and 26-31 range from +24 to +28 dB. This is indicative of a Significant Adverse Impact on future residents of the proposed dwellings. The predicted noise rating levels for dwellings slightly further away from the commercial premises are not provided. It would be helpful if the report provided details of the rating levels across the site because I am concerned that the plots assessed are not the only ones who would potentially suffer a Significant Adverse Impact or Adverse Impact from commercial noise. As

section 2.3.3 of the report details a rating level of +10 dB would be indicative of a significant adverse impact and +5 dB would be indicative of an Adverse impact depending on the context.

The report proposes noise mitigation measures for road, rail and commercial noise in sections 4.4.1 and appendix C3 and C4 for garden and balcony areas and gives glazing and ventilation requirements in section 4.5.2 and requirements for plant noise at the development site in section 4.6.

Generally the proposed noise mitigation comprises

- a solid barrier (e.g. acoustic fence) to surround the boundary of gardens to Units 24 & 25 with a minimum height 2.2 metres with a minimum surface density of 12.5 kg/m<sup>2</sup> . This is understood to screen the gardens from the commercial premises. (sound reduction of barrier not stated)
- a basic close-boarded fence of a minimum height 1.8 metres shown in appendix C3 to protect gardens from road traffic noise (Predicted sound reduction 5 dB)
- screening to balconies shown in appendix C4 (Predicted sound reduction of between 5dB–10dB)
- double glazing/acoustic glazing/acoustic trickle vents/mechanical ventilation shown in Figure 3 on page 25 (to reduce internal noise levels) .

It is noted that internal noise levels are achieved for some of these plots with windows closed. The report and indicative layout does not appear to have considered the principles of good acoustic design such as layout and orientation of dwellings to locate amenity areas in areas shielded from the noise sources and habitable rooms on facades facing away from noise sources. The applicant is referred to section 14.13 of the Uttlesford DC Noise Technical Guidance which states the following;

*“In keeping with the guidance, Uttlesford District Council will request designers to achieve the internal guidelines set out within the ProPG and BS8233:2014 with windows open. Where this is not possible, full justification will be given in keeping with the principles of good acoustic design.”*

The report also fails to explain why despite not achieving the good noise standards in BS8233 in amenity areas and balconies the indicative design is said to have achieved the lowest practicable noise levels.

With respect to commercial noise although the sound reduction to be achieved by the acoustic fence is not stated, from experience, a typical barrier is likely to achieve in the region of 10-15 dB sound reduction, that would still result in a rating level of over 10 dB for plots 24, 25 and 26-31 and therefore this will remain a Significant Adverse Impact.

Looking at Appendix 3 there appears to be significant max noise levels from some of the noise sources at the steel fabricators such as disc cutting , guillotine, hammering metal on metal and metal plate puncher. It is also evident that noise sources will cut in and out (intermittent). The report has applied a +2 dB acoustic feature correction to the rating level. The report does not indicate what acoustic feature this correction relates to (tonality, impulsivity, intermittency, other) or give any explanation as to why it is considered appropriate for the steel fabrication business noise sources. It may be appropriate to reassess the acoustic feature correction to ensure that it complies fully with the methodology in BS4142 because additional character corrections may be needed.

The report has also not modelled noise impacts based upon LA max noise levels from any of the sources and it is not clear if the proposed noise mitigation will achieve appropriate internal L<sub>Amax</sub> noise levels at night.

In conclusion I am concerned that residents of the proposed development will suffer Significant Adverse Impact from noise despite the noise mitigation measures proposed. In particular there is concern that the existing steel fabrication business may become subject to complaints from future occupants of the new noise sensitive development and may be at risk of having to modify operations and/or incur additional costs as a result of the development.

As detailed above there is also insufficient detail in the report in some areas including the BS4142 assessment, the use of good acoustic design to minimise noise impacts and details regarding L<sub>Amax</sub> noise levels and sound reduction from mitigation proposed.

Whilst it is acknowledged that the application is for outline permission, it is our opinion that the additional information is required prior to determining the application. Changes to the indicative layout and orientation required to implement a good acoustic design and ensure that the commercial operations are not put at risk by the development are likely to impact on the number and type of dwellings that could be achieved at the site. Parts of the site may not be suitable for residential development.

We would like to object to the proposed development because we are concerned that future residents would be subjected to unacceptable noise impacts. We are unable to recommend suitable noise conditions based on the submitted information.

We would be willing to reconsider our position if additional information is submitted to address the above concerns.

### **Land contamination:**

The applicants have submitted a Brown 2 Green Phase 1 Geo- Environmental Desk Study and preliminary risk assessment. Dated August 2021. Ref no 2691/Rpt 1 v 4.

The desk study has identified the current use as vacant land with historic agricultural use and anecdotal evidence for previous use of land growing Xmas trees. The report has identified a small commercial metal fabrication works to the southeast of the site and a number of potentially infilled pits within 200m of the site.

The conceptual site model on page 18 identifies potential risk from the metal fabricators and the historic landfills but indicates that these risks are now inactive. It is not entirely clear how this conclusion has been reached without any intrusive investigation and soil/gas sampling to verify assumptions.

There appears to be no consideration of potential pollution sources from past agricultural use including use of pesticides/fertilisers etc

The report does not recommend any further investigative works with respect to land contamination. Reference is made to a Phase 1 assessment by ST Consult for the subject site in connection with Planning application reference UTT/14/0151. Having looked at the ST Consult report it identified an above ground heating oil tank and flammables store at the metal fabrication premises and recommended a Phase 2 investigation including soil sampling and assessment of gas regime.

The application is for residential with gardens and therefore to ensure that the site is suitable for the intended use, and no future action is required under part 2A of The Environmental Protection Act 1990 (Contaminated Land regime), I would advise that the following condition is attached to any permission granted.

## **1. Land Contamination**

The following works shall be conducted by competent persons and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and The Environment Agency Land Contamination Risk Management (LCRM) and other current guidance deemed authoritative for the purposes. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

### **A. Site Characterisation**

Notwithstanding the details submitted with this application, no development shall commence other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent

persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - Human health,
  - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - Adjoining land,
  - Groundwaters and surface waters,
  - Ecological systems
  - Archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

## **B. Site Remediation Scheme**

The development hereby permitted shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

## **C. Remediation Implementation and Verification**

The development hereby permitted shall not commence other than that required to carry out the agreed remediation until the measures set out in the approved Remediation scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

## **D. 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, and where

remediation is necessary a remediation scheme must be prepared submitted for 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.

#### **E. Long Term Monitoring and Maintenance**

If found to be necessary from the Phase 2 investigation and remediation scheme, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time to be agreed with the Local Planning Authority, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority.]

#### **Reason**

To ensure that the proposed development does not cause harm to human health,

the water environment and other receptors in accordance with Policy GEN2 ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

#### **Air Quality.**

An Air Quality assessment was not submitted with the application. Whilst it is acknowledged that the scale of the development is less than 75 dwellings and therefore a full Air Quality Assessment is not required the applicant should have regard to the Uttlesford District Council Air Quality Technical Planning Guidance dated June 2018 which states in paragraph 5.1

“In the case of small-scale developments which do not require an air quality assessment, a statement on mitigation measures will be expected, to demonstrate compliance with planning policies related to air quality. This will include how the development will promote sustainable modes of transport, for example walking, cycling and public transport, to help reduce the number of car journeys”

Section 5 of UDC's Air Quality Technical Guidance requires that Type 1 mitigation measures listed in Guidance are appropriate for the Proposed Development. The following conditions are recommended.

1. Electric vehicle charging points (EVCP) shall be provided for 20% of the car parking spaces and passive provision shall be made available for the remaining 80% of the spaces in the development, so that the spaces are capable of being readily converted to electric vehicle charging points. The location of the EVCP spaces and charging points, and a specification for passive provision shall be submitted to and approved in writing by the local planning authority before any of the residential units are first brought into use. The EVCP shall thereafter be constructed and marked out and the charging points installed prior to any of the residential units being brought into use and thereafter retained permanently to serve the vehicles of occupiers.

Reason: To protect local air quality and residential amenity of existing neighbouring and future occupiers of the development.

2. Development shall not commence until a travel pack, setting out public transport options, and promoting routes for cycling and walking, to be made available to new occupants, has been submitted to the Local Planning Authority and approved in writing. The approved travel pack shall be fully implemented and maintained thereafter.

Reason: To protect local air quality and residential amenity of existing neighbouring and future occupiers of the development.

### **Construction Noise & Dust**

In view of the scale of the development as proposed, it is recommended that the following Construction Environmental Management Plan condition is attached to any consent granted to ensure that construction impacts on nearby residential occupiers are suitably controlled and mitigated:

Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of materials
- c) Details of any highway works necessary to enable construction to take place

- d) Parking and loading arrangements
- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

The CEMP shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice.

All works shall be carried out in accordance with the approved CEMP thereafter.

REASON: In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).