

Consultee Comments for Planning Application 26/1162/S62A

Application Summary

Application Number: 26/1162/S62A

Address: Maple House, 1 To 7 Princes Parade, 8-16 (evens), And 30 - 32 High Street Potters Bar Hertfordshire

Proposal: Partial demolition of existing buildings (with retention of existing two-storey car park and substation) and redevelopment of the site to provide a mixed-use development comprising residential apartments (class C3) and flexible commercial floorspace (class E) across 4 blocks and associated internal roads, parking, drainage, landscaping, amenity space and associated works (PINS reference S62A/2026/0159).

Case Officer: [REDACTED]

Consultee Details

Name: Environmental Protection

Address: Civic Offices, Elstree Way, Borehamwood, Hertfordshire WD6 1WA

Email: Not Available

On Behalf Of: Environmental Health & Licensing

Comments

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Considerations relevant to Environmental Health for this application

Noise from Traffic

Noise from Existing Commercial Premises

Noise and Odour from Proposed Commercial Premises

Contaminated Land

Air Quality

Description of site and discussion of considerations

Noise from traffic

The noise impact assessment gives an overview of the main noise climate along with the noise levels that will impact the proposed development.

Levels on some facades will require windows to be kept closed at night to comply with Part O, as is expected from a town location. An overheating assessment has been provided in this respect.

In terms of outdoor amenity space, they advise some of the balconies will not comply with the BS8233 level, although, shared private amenity spaces are provided which will meet the criteria.

Noise from Existing Commercial Premises

The acoustic report does not contain a full BS4142 assessment, only overall noise levels. We would want to see more detail in relation to commercial noise and don't believe that residents will keep their windows closed all of the time, even with an MVHR system in place. Some additional mitigation is recommended, for instance working with Tesco in reducing the noise at source.

Future occupants of this development will be expected to put up with noise from existing commercial premises, it is important that this amount of noise is not at a level which leads to complaints and a potential impact on the operations of the commercial premises. As the levels shown in the BS4142 section of the report are not significantly above the background noise level, a recommendation for refusal is not being made.

Noise and Odour from Proposed Commercial Premises

The type of business is unknown, however, any food businesses will need to have suitable odour abatement and all plant and equipment (including kitchen extract systems) will need to be chosen and sited so that it does not cause an impact on amenity at existing and proposed residential properties in the area.

Activities, such as deliveries may also need to be controlled to suitable hours, however, without knowing more detail on the businesses which will be operating it is difficult to provide suitable conditions in this respect.

Other aspects of the businesses may be controllable through the licensing regime.

Contaminated land

The Phase one Contamination report provided with the application recommends that a ground investigation should take place.

Therefore conditions with respect to land contamination will be necessary.

Air Quality

The AQ impact assessment does not raise any significant concerns regarding air quality impacts on the proposed development or those which the development will bring on the area.

Conclusion

Recommend planning application is permitted

Recommend planning application is permitted but with conditions x

Recommend planning application is refused

Conditions

Sound Insulation (including ventilation)

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 protect the proposed development from noise due to transport sources which shall be implemented before any part of the accommodation hereby approved is occupied, unless the Local Planning Authority otherwise agrees in writing.

The scheme shall ensure that indoor ambient noise levels in living rooms and bedrooms meet the standards within BS 8233:2014. Internal L_{Amax} levels should not exceed 45dB more than ten times a night in bedrooms. Good acoustic design should be implemented throughout the development to reduce façade noise levels as much as possible.

Where opening windows raises the internal noise levels above those within BS8233, other methods of ventilation/attenuation will have to be implemented. To assess overheating with windows closed, a CIBSE TM59 (Fixed Temperature method -CIBSE Guide A (2015a)) overheating assessment must be undertaken and submitted for review and approval.

If mechanical ventilation is going to be installed, details of the system being installed must be provided such as the ventilation rates that the system can deliver. Ventilation rates for the development must comply with the latest building regulation requirements.

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

Sound Insulation (including ventilation)

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 protect the proposed development from noise due to the commercial properties in the area which shall be implemented before any part of the accommodation hereby approved is occupied, unless the Local Planning Authority otherwise agrees in writing.

The sound insulation scheme must be informed through the results of a BS4142 assessment (and internal noise measurements) along with the impact of discreet events during daytime hours in terms of L_{Amax}.

Where significant noise levels are found through the BS4142 assessment, and where opening windows raises the likelihood of complaints to be made, other methods of ventilation/attenuation will have to be implemented so that they can be kept closed.

To assess overheating with windows closed, a CIBSE TM59 (Fixed Temperature method -CIBSE Guide A (2015a)) overheating assessment must be undertaken and submitted for review and

approval.

If mechanical ventilation is going to be installed, details of the system being installed must be provided such as the ventilation rates that the system can deliver.

Ventilation rates for the development must at least comply with the latest building regulation requirements.

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

Noise from plant and equipment

Noise from plant and equipment associated with the development shall be 10dB (LAeq) below the background noise level (LA90) at the nearest residential properties (5dB below the background noise level if evidence is provided which shows that no tonality or other character is present).

Reason to protect the amenity of residents in the locality

Land Contamination

Condition 1: NO DEVELOPMENT SHALL TAKE PLACE BEFORE an investigation and risk assessment, in addition to any assessment provided with the planning application, is completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include: i) a survey of the 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 proposals of the preferred option(s). This must be conducted in accordance with DEFRA and Environment Agency's 'Land Condition and Risk Management (LCRM).

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.

Condition 2: NO DEVELOPMENT SHALL TAKE PLACE BEFORE a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, buildings and other property and the natural and historic environment identified in the investigation and risk assessment, submitted in accordance with Condition 1, has been submitted to and approved in writing of the Local Planning Authority, if required. 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.

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.

Condition 3: NO DEVELOPMENT SHALL TAKE PLACE BEFORE the remediation scheme approved under condition 2, if required, is carried out in accordance with its terms, 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 (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted PRIOR TO FIRST OCCUPATION and is subject to the approval in writing of the Local Planning Authority.

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.

Unexpected Contamination

Condition: In the event contamination is found at any time when carrying out the approved development, which 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 details to be agreed in writing with the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

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.

Imported Soil

Condition: In the event soil is imported from an outside site, a scheme shall be submitted to, and approved in writing by the Local Planning Authority, verifying that any imported topsoil, is certified as suitable for use, prior to the first site usage.

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.

Note:

Where polyethylene, ductile iron, steel or copper pipes are to be laid on land potentially affected by contamination (whether or not it has been remediated) and where the concentrations exceed the generic guideline values set out in Table 3.1 within the UKWIR Guidance for the selection of water supply pipes to be used in brownfield sites, Report Ref: 10/WM/03/21 (1) the developer shall provide either:

- a) a robust risk assessment to show how any contaminants will not significantly impact on proposed water supplies or buried assets over the lifetime of the assets; or
- b) more suitable pipe materials, for example Barrier Pipe; or
- c) an engineering solution to protect the pipe work backed up by an adequate assessment of the risk.

When designing pipe routes on land potentially affected by contamination, new preferential contamination pathways along the route of new water pipes shall not be created. Particular measures may be required to prevent the possible migration of contamination through pipe bedding and into controlled waters.

References

- 1) UKWIR Guidance for the selection of water supply pipes to be used in brownfield sites, Report Ref: 10/WM/03/21
<https://ukwir.org/eng/reports/10-WM-03-21/67108/Guidance-for-the-Selection-of-Water-Supply-Pipes-to-be-used-in-Brownfield-Sites>

Informatives

Noise control

1. All 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
2. 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

3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers instructions
4. 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.
5. 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.
6. 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.
7. All pile driving shall be carried out by a recognised noise reducing system.
8. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material
9. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
10. 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.
11. Any emergency deviation from these conditions shall be notified to the Council without delay
12. 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.
13. Permissible noise levels are not specified at this stage.

Dust control

1. All efforts shall be made to reduce dust generation to a minimum
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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.