

**To:** Development Control  
**From:** James Allen  
**Tel:** [REDACTED]  
**Date:** 26<sup>th</sup> October 2023  
**Planning Ref:** 3/23/1447/OUT  
**Subject:** Land East Of The A10, Buntingford, Hertfordshire

Notice is hereby given that the Environmental Health Department:

- a)  does not wish to restrict the grant of permission.
- b)  recommends that permission be refused for reasons set out below.  
However in the event that the application is given approval, the conditions below should be applied.
- c)  advises that any permission which the Planning Authority may give shall include the conditions below.

I have considered the above application 3/23/1447/OUT for up to 350 dwellings, up to 4,400 sqm of commercial and services floorspace (Use Class E and B8), and up to 500 sqm of retail floorspace (Use Classes E) and other associated works including drainage, access into the site from the A10 and Luynes Rise (but not access within the site), allotments, public open space and landscaping at Land East Of The A10, Buntingford, Hertfordshire and on behalf of Environmental Health (**Noise & Nuisance**) can confirm that I would have no objections subject to the conditions below being attached to any approval.

#### **Separation of noise sensitive rooms in neighbouring flats**

##### **Condition**

Prior to erection of above ground superstructure of the proposed development, details shall be submitted to and approved in writing by the Local Planning Authority, of an enhanced sound insulation value  $D_{nT,w}$  and  $L_{nT,w}$  of at least 5dB above the Building Regulations value for the wall and floor structures separating different types of rooms / uses in adjoining dwellings e.g. between the kitchen / living areas of one dwelling and the bedroom of a separate dwelling. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

##### **Reason**

In order to ensure an adequate level of amenity for future occupiers of the proposed development in accordance with Policy EQ2 Noise Pollution and DES4 Design of Development of the adopted East Herts District Plan 2018.

##### **Justification**

Sound insulation between converted properties can be less than desired, which can lead to intrusive noise from one flat having a detrimental effect on the occupiers of another, especially where 'stacking arrangements' are incompatible e.g. living rooms / kitchens / bathrooms of one property adjacent to the bedroom of a separate property. Noise from 'ordinary living' often falls short of being regarded as a statutory noise nuisance for the purposes of the Environmental Protection Act 1990 but can still affect the living amenity of occupiers. Retro-fitting sound insulation between properties is usually difficult, disruptive to occupiers and costly, and may not be as effective as being done at the design / construction stage.

## **Separation of commercial and noise sensitive premises**

### **Condition**

Prior to erection of above ground superstructure of the development, details shall be submitted to and approved in writing by the Council, of the sound insulation of the wall & floor / ceiling separating the commercial part(s) of the premises from dwellings. Details shall demonstrate that the sound insulation value  $D_{nT,w}$  is enhanced by at least 10dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within the dwellings. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

### **Reason**

In order to ensure an adequate level of amenity for future occupiers of the proposed development in accordance with Policy EQ2 Noise Pollution of the adopted East Herts District Plan 2018.

### **Justification**

Commercial premises, the use of which can change over time, can be the source of a variety of intrusive noises, which can then give rise to statutory nuisance under the Environmental Protection Act 1990 so should therefore be avoided (and retro-fitting sound attenuation measures is often difficult and may not be as effective as being done at the design / construction stage).

## **Sound Insulation Scheme**

### **Condition**

Prior to erection of the above ground superstructure at the development, an acoustic design scheme including insulation and mitigation proposals recommended under recommendations within RPS Report ref. JAJ03857-REPT-01-R2 shall be submitted to and approved in writing by the Local Planning Authority as necessary to achieve the 'good' internal room and external space amenity noise standards in accordance with the criteria of BS 8233:2014 '*Guidance on sound insulation and noise reduction for buildings*'. This scheme shall include recommendations made in the aforementioned report for good acoustic design and take into account the ventilation strategy of the development. Approved details shall be implemented prior to first occupation of the development and thereafter be permanently retained.

### **Reason**

In order to ensure an adequate level of amenity for future occupiers of the proposed development in accordance with Policy EQ2 Noise Pollution and DES4 Design of Development of the adopted East Herts District Plan 2018.

### **Justification**

Noise from transport and / or other external sources can have both short and long-term physical and mental health effects on the occupiers of properties; these can be avoided by having properly designed, well sound-insulated properties, which must also be capable of being suitably ventilated to provide comfortable living alongside amenable room standards for noise.

## **Internal and external noise criteria for noise sensitive premises**

### **Condition**

Prior to occupation of the development, a post-completion noise assessment shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the building envelope achieves an adequate level of protection in order to achieve the 'good' internal room and external space amenity noise standards in accordance with the criteria of BS 8233:2014 '*Guidance on sound insulation and noise reduction for buildings*'. These levels must also be met whilst taking any building services/ equipment into account.

### **Reason**

In order to ensure an adequate level of amenity for future occupiers of the proposed development in accordance with Policy EQ2 Noise Pollution and DES4 Design of Development of the adopted East Herts District Plan 2018.

### **Justification**

Noise from transport and / or other external sources can have both short and long-term physical and mental health effects on the occupiers of properties; these can be avoided by having properly designed, well sound-insulated properties, which must also be capable of being suitably ventilated to provide comfortable living alongside amenable room standards for noise.

## **External noise from air source heat pumps**

**Condition**

Prior to erection of above ground superstructure of the development hereby approved, a report must be submitted to and approved in writing by the Local Planning Authority, demonstrating that the noise from air source heat pumps does not exceed 35dB at the nearest and / or at the most affected noise sensitive premises inclusive of a 6dB tonal penalty. The guidance published by the Institute of Acoustics and Chartered Institute of Environmental Health should be used to determine appropriate mitigation measures.

**Reason**

In order to ensure an adequate level of amenity for occupiers in the vicinity of the proposed development in accordance with Policy EQ2 Noise Pollution of the adopted East Herts District Plan 2018.

**Justification**

Excessive noise from external plant / equipment can have both short and long-term physical and mental health effects on the occupiers of properties and give rise to statutory nuisance under the Environmental Protection Act 1990 so should therefore be avoided. Retro-fitting sound attenuation measures is often difficult and / or can be expensive, so it is better to design and install appropriate equipment for the circumstances at the planning / implementation stage.

**External noise from other plant / machinery****Condition**

The rating level of noise emitted from all external fixed plant and equipment at the development hereby approved shall not exceed 10dB below the background noise level when measured or calculated at 1 metre from the façade of the nearest noise sensitive property. The measurements and assessment shall be made according to BS 4142:2014+A1:2019 *'Methods for rating and assessing industrial and commercial sound'* at the nearest and / or most affected noise sensitive premises, with all plant / equipment operating together at maximum capacity and inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics.

**Reason**

In order to ensure an adequate level of amenity for occupiers in the vicinity of the proposed development in accordance with Policy EQ2 Noise Pollution of the adopted East Herts District Plan 2018.

**Justification**

Excessive noise from external plant / machinery can have both short and long-term physical and mental health effects on the occupiers of properties and give rise to statutory nuisance under the Environmental Protection Act 1990 so should therefore be avoided. Retro-fitting sound attenuation measures is often difficult and / or can be expensive, so it is better to design and install appropriate equipment for the circumstances at the planning / implementation stage.

**Permitted hours for building work****Condition**

In connection with all site preparation, demolition, construction, conversion and ancillary activities, working hours shall be restricted to 08:00 – 18:00 hours on Monday to Friday, 08:00 – 13:00 hours on Saturdays, and not at all on Sundays or Bank / Public Holidays. Vehicles arriving at and leaving the site must do so within these working hours.

**Reason**

In order to ensure an adequate level of amenity for nearby residents in accordance with Policy EQ2 Noise Pollution of the adopted East Herts District Plan 2018.

**Justification**

Noise from site preparation, demolition or construction works can have significant effects on the occupiers of nearby properties and the Control of Pollution Act 1974 therefore provides a power to local authorities to prescribe times outside of which there should be no noise from these or any other ancillary activities (such as deliveries / collections etc) related to such works.

## **Notification to neighbours of building works**

### **Condition**

At least 21 days prior to the commencement of any site works, all occupiers surrounding the site shall be notified in writing of the nature and duration of works to be undertaken. The name and contact details of a person responsible for the site works shall be made available for enquiries and complaints for the entire duration of the works and updates of work should be provided regularly. Any complaints shall be properly addressed as quickly as possible.

### **Reason**

In order to ensure an adequate level of amenity for nearby residents in accordance with Policy EQ2 Noise Pollution of the adopted East Herts District Plan 2018.

### **Justification**

Members of the public should be able to raise matters of concern with an identifiable person such as a Site Manager or for larger companies a Head Office contact etc, and good neighbour relations can help construction projects avoid complaints in the first place. Where complaints are received, a swift resolution is often in the interests of both parties i.e. the complainant and the developer.

## **Dust**

### **Condition**

Best Practicable Means (BPM) shall be used in controlling dust emissions during all site preparation, demolition, construction and ancillary activities. In times of exceptionally dry weather, additional measures should be put in place to mitigate against the spread of dust.

### **Reason**

In order to ensure an adequate level of amenity for nearby residents in accordance with Policy EQ4 Air Quality of the adopted East Herts District Plan 2018.

### **Justification**

Unreasonable dust emissions can constitute a statutory nuisance under the Environmental Protection Act 1990 so should therefore be avoided.

## **Waste management and disposal**

### **Condition**

All waste materials and rubbish associated with site preparation, demolition or construction shall be contained on site in appropriate containers which, when full, should be promptly removed to a licensed disposal site.

### **Reason**

In order to ensure an adequate level of amenity for nearby residents in accordance with Policy EQ4 Air Quality of the adopted East Herts District Plan 2018.

### **Justification**

The Hertfordshire Waste Local Plan prepared by Hertfordshire County Council forms part of the Development Plan for East Herts. As such, applications will be determined having regard to the Waste Local Plan, which details policies involving the management of refuse or waste materials other than mineral waste. The Plan contains a hierarchy of disposal, focusing on encouraging waste minimisation, re-use, recycling and the use of waste as fuel and thereby considers the disposal of waste by landfill as a last resort.

## **Floodlights, security lights and decorative external lighting**

### **Condition**

Any external artificial lighting at the development hereby approved shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals Guidance Note 01/20 'Guidance notes for the reduction of obtrusive light'. Lighting should be minimized and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Note.

### **Reason**

In order to ensure an adequate level of amenity for the occupants of nearby properties in accordance with Policy EQ3 Light Pollution and DES4 Design of Development of the adopted East Herts District Plan 2018.

### **Justification**

Light pollution can cause annoyance, sleep disturbance and amount to a statutory nuisance under the Environmental Protection Act 1990 so should therefore be avoided. Dark night skies are important for health and wellbeing, and for the conservation of natural habitats and the behaviour of nocturnal animals and birds. In addition to impacting upon human health and natural habitats, light pollution is a sign of wasted energy from excessive lighting. Lighting schemes must therefore be designed carefully as part of the overall development proposal to prevent light spillage and glare and to represent the minimum necessary for safety and security purposes.

## **Illuminated signs and advertisements (absolute)**

### **Condition**

The illumination of the signs shall comply with the recommendations of the Institution of Lighting Professionals Guidance Note 01/20 'Guidance notes for the reduction of obtrusive light' and the 'Professional Lighting Guide 05 (PLG05) 'The Brightness of Illuminated Advertisements'.

### **Reason**

In order to ensure an adequate level of amenity for the occupants of nearby properties in accordance with Policy EQ3 Light Pollution and DES4 Design of Development of the adopted East Herts District Plan 2018.

### **Justification**

Light pollution can cause annoyance, sleep disturbance and amount to a statutory nuisance under the Environmental Protection Act 1990 so should therefore be avoided. This is caused by the brightening of the night sky over inhabited areas and excessive brightness from light causing high levels of glare. Dark night skies are important for health and wellbeing, and for the conservation of natural habitats and the behaviour of nocturnal animals and birds. In addition to impacting upon human health and natural habitats, light pollution is a sign of wasted energy from excessive lighting. Lighting schemes must therefore be designed carefully as part of the overall development proposal to prevent light spillage and glare and to represent the minimum necessary for commercial and security purposes.

## **Light patterns**

### **Condition**

Any illumination shall not be intermittent and there shall be no moving parts or changing light pattern.

### **Reason**

In order to ensure an adequate level of amenity for the occupants of nearby properties in accordance with Policy EQ3 Light Pollution and DES4 Design of Development of the adopted East Herts District Plan 2018.

## **Informative for noise and vibration control**

During any site preparation, demolition and construction phase the guidance in BS 5228-1:2009+A1:2014 '*Code of practice for noise and vibration control on construction and open sites*' should be adhered to.

## **Should any commercial unit be Use Class E(d), I would recommend that the following additional conditions are applied.**

Gymnasiums & other Class E(d) uses can be a source of a variety of different noises and, consequently, can cause a nuisance to the occupiers of surrounding properties, whether these be residential or commercial / industrial.

Should the premises be used for Class E(d) uses in the future, I would be primarily concerned for the amenity of the occupiers of both nearby residential dwellings. However, my concerns would extend to any existing and future commercial units which could equally be affected by intrusive noise emanating from gymnasiums in the absence of appropriate control measures. I am satisfied these concerns can be mitigated via appropriate conditions.

I therefore recommend the following additional conditions are attached to any permission granted in the interests of preventing any significant adverse impact from the proposed development on the living / working amenity of the occupiers of the surrounding residential / commercial properties:

### **Sound Insulation**

Prior to any of the commercial floorspace being used as a gymnasium, details shall be submitted to and approved in writing by the Local Planning Authority of the sound insulation of the doors, windows, walls and roof structure. Details shall demonstrate that the sound insulation value  $D_{nT,w}$  is enhanced by at least 20dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to ensure that airborne and structure borne noise and vibration from gym activities including the use of gym equipment, weight machines / free weights and amplified music / television or gym instructor voices are not audible at noise sensitive premises. Approved details shall be implemented prior to first use of the development and thereafter be permanently retained.

### **Reason**

In order to ensure an adequate level of amenity for the residential and commercial occupiers of surrounding properties / units of the proposed development in accordance with Policy EQ2 Noise Pollution and DES4 Design of Development of the adopted East Herts District Plan 2018.

### **Justification**

Noise from gymnasiums can be particularly intrusive, particularly from low-frequency sources such as gym equipment / loud music and impact sounds from weight machines / free weights – this is because low frequency noise is harder to contain and can ingress into neighbouring properties more easily due to its wavelength. As with any noise, low frequency noise can have both short and long-term physical and mental health effects on the occupiers of properties; these can be avoided by having properly designed, well sound-insulated properties.

### **Noise Management Plan**

Prior to any of the commercial floorspace being used as a gymnasium, a Noise & Vibration Management Plan shall be submitted to and approved by the Local Planning Authority. The Noise & Vibration Management Plan shall include but is not limited to:

- Measures for the effective isolation of exercise equipment, loudspeakers and plant with regards to vibration.

- Details of self-closing devices to all external doors and any further measures to ensure that no external doors or windows are fixed in an open position while gym activities are in progress.

The Noise & Vibration Management Plan shall be fully implemented as approved prior to first use and any approved details shall thereafter be permanently retained.

### **Reason**

In order to ensure an adequate level of amenity for the residential and commercial occupiers of surrounding properties / units of the proposed development in accordance with Policy EQ2 Noise Pollution and DES4 Design of Development of the adopted East Herts District Plan 2018.

### **Justification**

Noise from gymnasiums can be particularly intrusive, particularly from low-frequency sources such as gym equipment / loud music and impact sounds from weight machines / free weights – this is because low frequency noise is harder to contain and can ingress into neighbouring properties more easily due to its wavelength. As with any noise, low frequency noise can have both short and long-term physical and mental health effects on the occupiers of properties; these can be avoided by having properly designed, well sound-insulated properties.

**ENDS**

Kind regards,

James Allen  
Senior Technical Officer (Environment)  
**Environmental Health**