

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/20/03991	Your Ref:	APP/20/00441
EH Case Officer Extn:	44 6666	Date:	19 January 2021
DC Case Officer:	Ms Lesley Wells		
DC Case Officer Extn:	4 223		
Application Number:	APP/20/00441		
Site Address:	Land to rear of superstore, Hulbert Road, Havant, PO9		
Proposed Development:	Outline planning application with all matters reserved except access for the development of up to 120 dwellings and associated improved site access, landscaping, footpaths, SuDS and other associated works on land to the west of Hulbert Road, Havant.		
	RECONSULTATION REQUEST for revised plans and/or documents received		

Observations / Comments:

I refer to the above application under the Town & Country Planning Acts passed to this Service for further comment.

I have studied the additional documentation now provided, including the 'response to noise comments' & the amended noise assessment.

I can now advise that in regard to this application for the development of residential dwellings on this site, it is noted that the site is not in an existing recognized urban area, nor is it listed on the Draft Havant Borough Local Plan 2036 where future proposed development sites are listed. This is possibly because of its proximity to the A3M & Hulbert Road and where sited i.e. some 500 metres from any existing residential area

The additional comments & responses provided, have now given a clearer indication as to the probable impact traffic noise will have on this development, which without significant mitigation measures, can create a severe adverse effect on any future residents, as can be seen in the Table 5.1 below.

As stated in the submitted amended Noise assessment:

Table 5.1 Results of Baseline Noise Monitoring Survey (Average Levels)

<i>Period</i>	<i>ProPG stage 1 Risk assessment Noise levels</i>
<i>Daytime LAeq,16hr</i>	<i>Medium - High</i>
<i>Night-time LAeq,8hr</i>	<i>High</i>

The Stage 1 risk assessment shows that whilst the acoustic challenges at the site are generally high, a good acoustic design process will be required to be followed.

With regard to the ProPG Stage 2 requirements, as the masterplan is predominantly outline in nature, a detailed site layout is not available and, therefore, an Acoustic Design Statement (ADS) is not formally included.

ProPG Planning & Noise guidance recommendations concerning outline Planning permission:

3.12 Details submitted as part of an outline application must be treated by the LPA as forming part of any subsequent “full” application; conditions cannot be used to reserve consideration of these details for subsequent approval unless the applicant has made it clear that they were only illustrative. It is therefore recommended that an initial site noise risk assessment should be undertaken and that LPAs should not grant outline planning permission for new residential developments at sites considered to pose a medium or high noise risk without first being satisfied that good acoustic design will be able to overcome the acoustic challenges.

3.13 In particular, where a site is considered medium or high risk following an initial site noise risk assessment, it is recommended that the examination of acoustically critical issues such as site layout, building heights, materials, landform contouring, detailed design and landscaping, the location of vehicle and pedestrian access, boundary treatments, amenity spaces etc. should not be left for agreement at a later stage. Any changes in acoustically critical issues following grant of outline consent should be fully assessed in an ADS.

Whilst the ground and first floors of the apartments (if these are to be apartments in the shadow of the suggested western boundary mitigation measure), will potentially benefit from the proposed bund / acoustic fence mitigation measure (total height of 4.8 metres) and other proposed measures suggested with windows closed, the top floors of the 3 storey apartments nearest the A3M are unlikely to enjoy the same benefits, without potentially additional mitigation measures, and little likelihood of anyone being able to enjoy the benefits of open windows on any level, especially at night. Also the LA_{max} levels at 8 metres are likely to be higher.

It would appear that the number of LA_{max} events potentially exceeding 80 dB at nearest facades to the A3M (although the number of such events is not provided) especially at night, is likely to exceed 20 events a night, and would potentially lead to sleep disturbance, with windows cracked open. More detail especially in this regard would be necessary in any Acoustic Design Statement.

It would be suggested therefore that a site of this nature with the recorded noise levels provided, should not be left until the referred matter application to confirm all mitigation measures to be employed, and where, and that the details as referred to in 3.13 above are provided at this stage and agreed to.

Whilst the internal amenity areas can potentially meet BS8233:2014 criteria with the mitigation measures being proposed (again with windows closed i.e. sealed facades), I still have concerns related to the external amenity areas.

It is advised that:

Positioning of gardens to the rear of properties to provide mitigation for external amenity areas within the site particularly along the western and eastern boundaries; and

Barriers in the form of close boarded fences, or equivalent with a minimum mass of 10kgm⁻² are recommended along garden boundaries most exposed to traffic noise;

and also:

With regard to noise in private external amenity areas, Section 7.7.3.2 within BS 8233 specifies that it “is desirable that the external noise level does not exceed 50 dB LA_{eq,T} with an upper guideline value of 55 dB LA_{eq},16hours which would be acceptable in noisier environments”. However, BS8233 recognises that these guidelines values “are not achievable in all circumstances **where development may be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest*

practicable levels in these external amenity spaces, but should not be prohibited".

"This approach has been applied within this assessment with the SOAEL for private external amenity spaces set at 60 dB LAeq,16hours".

We would advise that in this particular case, the upper guideline value of 55 dB Laeq (16 hr) needs to be met at all external amenity areas.

I would question the desirability of this stand alone site that is being proposed for development (which is approximately from centre of site, 500 metres from any existing residential area).

With reference to Appendix SK07 which gives an indication of the concept masterplan, the external amenity areas noise levels are depicted as being between 55 - 65 dB(A) at the rear of the properties nearest the bund on the western boundary and in excess of 65 dB(A) for those gardens backing onto the Hulbert Road.

Will close boarded garden fences suitably mitigate against these levels going forward?

As is advised under the ProPG Noise risk assessment chart:

High noise levels indicate that there is an increased risk that development may be refused on noise grounds. This risk may be reduced by following a good acoustic design process that is demonstrated in a detailed ADS. Applicants are strongly advised to seek expert advice.

As noise levels increase, the site is likely to be less suitable from a noise perspective and any subsequent application may be refused unless a good acoustic design process is followed and is demonstrated in an ADS which confirms how the adverse impacts of noise will be mitigated and minimised, and which clearly demonstrate that a significant adverse noise impact will be avoided in the finished development.

As advised above, I don't believe we can objectively state that this proposed development site can deliver long term sustainable residential accommodation, at this time, without the benefit of a detailed masterplan and probably an Acoustic Design Statement, which can indicate clearly which properties will require enhanced glazing, which will need equivalent acoustic trickle vents, or mechanical or passive ventilation systems, which facades will be windowless, what are the best orientation and design layouts required to achieve the most beneficial acoustic environments, exactly how many properties will achieve 50 dB in the external amenity areas, how many 55 dB & also how many will exceed the 55 dB level or even 60dB.

Reference was also made to Planning appeal APP/V2825/15/3028155 (Noise Pg 25) - Northampton Borough Council - appeal dismissed

2 excerpts below:

121. That is the context for the guidance in BS 8233: 2014 (CDK.3). The guidance provides a desirable guideline of 50dBA, in gardens and external amenity areas, with an upper guideline of 55dBA in noisier areas. It is recognised that achievement of those levels may not be possible in some areas where development may be desirable, for example urban areas adjoining the strategic transport network. In such areas, the development should be designed to achieve the lowest practicable levels. In effect, all reasonable efforts should be made to minimise any exceedance of 55 dBA.

&

126. The appropriateness of the 50 and 55dBA guideline levels in BS 8233:2014 is also shown by the WHO guidelines, which state (CDK.4, NBC/1/A) that to prevent the majority of people being moderately annoyed, the outdoor sound level should not exceed 50dBA, and to prevent the majority of people from being seriously annoyed, the outdoor sound level should not exceed 55dBA. It is perhaps an indication of the appellant's approach to this matter that it paraphrased the WHO guidance as saying that "few" people would be seriously annoyed below 55 dBA

(BHL/2/A). That is not what the guidance says. It says that to avoid the majority being seriously annoyed, levels must be kept below 55dBA. This shows the importance of making all reasonable efforts to avoid noise levels above 55dBA, and where that cannot be avoided, keeping exceedance to the lowest practicable level (NBC/CS).

and

Planning Appeal Decision by Herefordshire Council
Appeal decision APP/W1850/W/19/3229484 - dismissed
excerpt below (see Living Conditions - 23 to 28:

26. The noise assessment report goes on to recommend various mitigation measures to address the issue. This includes setting dwellings 18 metres back from the road, gable ends with no windows facing the roads and 2-metre-high garden fences. Bedrooms are expected to be at a high risk of traffic noise at night and therefore fan assisted ventilation is recommended so that windows could remain closed. In terms of external amenity areas, ProPG recommends noise levels should ideally not be above the range 50-55dB. The report suggests that even with the provision of acoustic fences, noise levels would still achieve the lower end of this range. Whilst internal noise levels may achieve the standards with artificial ventilation systems, the external noise levels with mitigation would still be high. Accordingly, I consider that the living conditions of future occupiers would be adversely affected.

Thought will also need to be given to any future maintenance of external mitigation measures, such as who will retain responsibility for ensuring that any defects / breakages of acoustic fences & proposed 'garden fences' will when required be replaced with like for like acoustic qualities, to ensure the ongoing, sustainable acoustic environment, provided by these mitigation measures, be they in communal areas or private.

As advised on my previous response with regard to the potential for overheating, I have included again the paragraph that relates to this:

The fact that the proposed apartment facades facing the A3M are likely to be west facing, as would possibly the front facades of the houses, we would also be requesting a condition requiring an Overheating assessment to be provided at that time, detailing the measures to be employed, to ensure there will be no impact from this factor on future residents, because of a potential inability to have open windows for any reasonable length of time due to noise levels.

I also believe that trying to condition this outline application at this time, without all the relevant information as discussed above, will be counter-productive to trying to condition it or refusing it at referred matters application.

However, if this is not agreeable, and it is deemed necessary and essential that housing can be provided on this site and this outline proposal be approved, then I would advise that at the reserve matters application stage, the following be fully addressed in the Acoustic design statement:

Exact locations on the site, of buildings to be developed, including distance from the edge of the motorway and / or Hulbert Road, to nearest structure facades;

If the three storey apartments are to be approved for development alongside the A3M, good acoustic design must include access corridor layouts on the motorway facing facade, and whether the external opening is to be glazed, positions of all habitable & non-habitable rooms on

all levels and the layout of external amenity areas. Consideration could also be given to having two storey apartment blocks, which may remove our reservations related to the third storey;

Similarly, the good acoustic design will apply to all other proposed residential accommodation, again with properties alongside the Hulbert Road having the facade with the least sensitive rooms, facing that road;

Topography of the site especially for those dwellings alongside the A3M, needs to be depicted in the form of an elevation plan when viewed from the motorway, and must include the bund / acoustic fence and all, as to be constructed apartment blocks;

Clarify all external and internal mitigation measures to be employed on this site, including glazing specifications for each unit and facades, any required acoustic trickle vents, any proposed mechanical ventilation systems, fences for external amenity areas and the details for the proposed 3 metre bund with 1.8 metre fence placed on top of the bund.

Any conditions that may be required at the reserved matters stage, will be provided at that time. Post-validation acoustic testing of specific units will likely be one of the conditions requested.

Please be aware that if the Acoustic design statement at that stage does not comprehensively show that residential accommodation on this site will be sustainable & suitable, there is the possibility of us recommending refusal at that time.

Mr. Mark Moss
Regulatory Officer, Environmental Health