

MEMORANDUM

To: Development Management **From:** Marieke Koller
Environmental Compliance

Our Ref: WK/20206470 **Your Ref:** 5/2020/3022

Date: 15th February 2021

Subject: Land To Rear Of Burston Garden Centre North Orbital Road Chiswell Green St
Albans Hertfordshire

Demolition of all existing buildings, structures and hardstanding and redevelopment of the site to provide a new retirement community comprising 80 assisted living apartments with community facilities and 44 bungalows together with associated access, bridleway extension, landscaping, amenity space, car parking and associated and ancillary works.

Notice is hereby given that the Legal, Democratic & Regulatory Services 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 overleaf should be applied.
- c) ☒ advises that any permission which the Planning Authority may give shall include the conditions overleaf.

REASONS for the advice given at b) above:

CONDITIONS

Noise issues:

1. BS4142: 2014 assessment – Plant and Machinery

Condition:

Before the use commences a noise assessment should be carried out in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound to establish whether the (plant/machinery) that are to be installed or operated in connection with carrying out this permission are likely to give rise to complaints at any adjoining or nearby noise sensitive premises. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise from the (plant/machinery) does not, at any time, increase the ambient equivalent continuous noise level.

The rating level of any plant/machinery/equipment to be used shall not exceed the background sound level.

Reason:

To protect the amenities of adjoining development. To comply with Policy 70 of the St. Albans District Local Plan Review 1994.

2. BS8233:2014 - Noise impact assessment

Condition:

Before the use commences a noise assessment should be carried out in accordance with BS8233: 2014 Guidance on sound insulation and noise reduction for buildings to establish the potential impact of noise from [road traffic, aircraft, railways, industry, construction, wind farms] on the proposed development.

Sound insulation measures shall be incorporated into the design of the proposed development so that the indoor ambient noise criteria described in BS8233:2014 are achieved within all habitable rooms.

In general, for steady external noise sources, it is desirable that the internal ambient noise level does not exceed the guideline values in the table below:

Internal ambient noise levels for dwellings

Activity	Location	0700 to 2300	2300 to 0700
Resting	Living room	35 dB Laeq, 16 hour	
Dining	Dining room/area	40 dB Laeq, 16 hour	
Sleeping (daytime resting)	Bedroom	35 dB Laeq, 16 hour	30 dB Laeq, 8 hour

The levels shown in the above table are based on the existing guidelines issued by the World Health Organisation.

The L_{Amax,f} for night time noise in bedrooms should be below 45dBA; this is not included in the 2014 standard but note 4 allows an L_{Amax,f} to be set. 45dBA and over is recognised by the World Health Organisation to be noise that is likely to cause disturbance to sleep.

Reason:

To protect the amenities of adjoining development. To comply with Policy 70 of the St. Albans District Local Plan Review 1994.

3. Noise Monitoring Post Construction - Residential Dwellings

Condition:

The units hereby approved shall not be occupied unless details of noise and vibration levels within a selection of the most affected units/flats' living rooms and bedrooms and within the external amenity space (post completion of the building works) have been submitted to and approved in writing by the Local Planning Authority in the form of an acoustic report demonstrating that "reasonable" resting levels of noise attenuation have been achieved in accordance with standards set out within BS8233: 2014 Guidance on sound insulation and noise reduction for buildings. The selection of the most affected premises shall be made by a competent person.

If "reasonable" noise levels have not been achieved, the report will details what additional measures will be undertaken to ensure that they are achieved. These additional measures shall be implemented prior to the occupation of the building in accordance with details so approved.

Reason:

To ensure that adequate precautions are implemented to avoid noise nuisance, in accordance with Policies 82 and 83 of the St. Albans District Local Plan Review 1994.

4. Piling Works

Condition:

If piling is considered the most appropriate method of foundation construction, prior to commencement of development, a method statement detailing the type of piling and noise emissions, shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details.

Reason:

In the interests of the amenities of residents of neighbouring properties. To comply with Policy 70 of the St. Albans District Local Plan Review 1994.

Kitchen Extraction System – Odour Control

Condition:

The kitchens of the approved building shall be fitted in accordance with a scheme detailing the equipment for the purpose of extraction, filtration and abatement of fumes and odours which has first been submitted and approved in writing by the Local Planning Authority. This shall include noise and vibration mitigation systems. The approved extraction/filtration/abatement equipment shall be installed before the use hereby permitted is commenced and shall be maintained including deep cleaning and operated thereafter in accordance with manufacturer specification to ensure its continued satisfactory operation.

Reason:

To protect the amenities of nearby properties in accordance with Policy 70 of the St. Albans District Local Plan Review 1994.

6. Hours of Delivery

Condition:

No deliveries shall be taken at or dispatched from the premises outside the following times, before 07:00 hours or after 22:00 hours Monday to Saturday, and none on Sundays or Bank Holidays.

Reason:

In the interests of the amenity of nearby residential properties. To comply with Policy 9 of the St. Albans District Local Plan Review 1994.

15. Unsuspected Contamination

Condition:

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 necessary a remediation scheme must be prepared, subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason:

To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

INFORMATIVES

Hours of Demolition/Construction Works

No demolition or construction works relating to this permission should be carried out on any Sunday or Bank Holiday nor before 07.30 hours or after 18.00 hours on any days nor on any Saturday before 08.00 hours or after 13.00 hours.

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

Noise Insulation - Conversion

The attention of the applicant is drawn to The Building Regulations 2010, Approved Document E 'Resistance to the passage of sound', Section 0: Performance.

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Dust

Dust from operations on the site should be minimised by spraying water or by carrying out other such works necessary to contain/suppress dust. Visual monitoring of dust should be carried out continuously and Best Practical Means (BPM) should be employed at all times.

The applicant is advised to consider the document entitled 'The control of dust and emissions from construction and demolition - Best Practice Guidance', produced in partnership by the Greater London Authority and London Councils.

Bonfires

Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of following the proper duty of care and should not be burnt on the site. All such refuse should be disposed of by suitable alternative methods. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted.

Lighting details

Details of any external lighting proposed in connection with the development should be submitted to and approved by the Local Planning Authority prior to the commencement of development.

Contaminated Land

Where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner.

Asbestos

Prior to works commencing it is recommended that the applicant carry out a survey to identify the presence of any asbestos containing materials on the site, either bonded with cement or unbonded. If asbestos cement products are found they should be dismantled carefully, using water to dampen down, and removed from site. If unbonded asbestos is found the Health and Safety Executive at Woodlands, Manton Lane, Manton Lane Industrial Estate, Bedford, MK41 7LW should be contacted and the asbestos should be removed by a licensed contractor.

SUGGESTED MINIMUM CONDITIONS FOR A3 EXTRACTION AND FILTRATION SYSTEMS

1. INTRODUCTION

The type of filter, fan and ductwork all depend on the nature of the food to be cooked.

2. FILTERS

It is the grease content of the food that influences the type of filter that needs to be installed. Most premises, for example, European, Chinese or Indian restaurants, all give rise to cooking odours. Most of these can be controlled by the installation of either carbon filters, masking agents, electrostatic precipitation or a high flue.

Carbon filters - These are also known as biological filters and work as the flue gases are neutralised as they pass over activated carbon. In order for carbon filters to be effective the flue gases must be free from grease and below 40°C. It is therefore necessary for the flue gases to pass through prefilters in order to take out grease particles and allow the flue gas temperature to drop. The carbon filters have to be replaced periodically and prefilters have to be changed very regularly. The length of time between changes depends on the amount of use, however, once monthly for prefilters and every 8-12 months for carbon filters would seem reasonable.

Masking Agents - This process involves the injection of a chemical masking agent into the ducting as the flue gases pass by. Essentially, as the name suggests, the cooking odour is neutralised by the chemical. This method is not successful on its own when the flue gases are primarily smoke or greased based. The masking agent needs to be topped up every four weeks.

Electrostatic Precipitation - This is the best method for neutralising odours associated with cooking processes that involve smoke or grease, e.g., fish and chip shops. It is most effective when combined with a masking agent as described above. Essentially, particles become electrically charged and become attached to a metal plate as they pass through the unit. Unlike carbon filters and prefilters there unit does not become less effective over time provided that the metal plates are cleaned regularly.

Height of Flue - The presence of a canopy and a flue high enough to discharge odours away from neighbouring premises may be sufficient to prevent odour nuisance to neighbouring properties. This method should be treated with caution however, as weather conditions can cause flue gases to be blown back down to ground level. If a premises is relatively isolated, there are no tall buildings, hills or other obstructions close by, than the installation

of a flue may be sufficient. In cases where an alternative method is to be employed, e.g. carbon filters; it is still worthwhile having the flue termination one metre above the eaves level of the nearest highest building.

3. FANS

For both carbon filters and electrostatic precipitators (ESP), the fan should be installed after the unit. The fan should have sufficient power to draw air through the units. There will be a degree of resistance associated with the ESP and the fan will have to be powerful enough to overcome this. With the carbon filter, there needs to be sufficient contact time between the filter and the flue gases and the fan should be selected to allow this.

4. DUCTWORK

The internal surface of ductwork should be smooth so that grease cannot build up. The presence of grease in ducting is not only a fire risk, but increases resistance and thus the

velocity of flue gases. There should not be any sharp bends in the ducting as this will also reduce the velocity of gases. An ideal efflux velocity is 15 metres per second.