

From: Fiona Fitzgerald
Sent: 20 February 2019 15:33
To: Planning.Responses
Cc: Richard Castro-Parker
Subject: LU/7/19/PD

Dear Richard,

Environmental Health **strongly** object to this application on noise grounds. The acoustic report (180801-R001E, dated January 2019 by ACA Acoustics) states that “without suitable mitigation measures, noise from commercial equipment is likely to have a significant adverse impact to future residents of the development”. It then goes on to state that the suitable mitigation measures would include high performance acoustic double glazing, and appropriate facade and roof insulation - and crucially - mechanical ventilation such as MVHR or similar. Therefore, presumably meaning if the building is acoustically sealed up, the residents would not be impacted by the significant noise from the commercial noise outside.

However, the NPPF states at paragraph 180 that:

Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life

Clearly being unable to open windows will have a negative impact on living conditions and quality of life. This has been proved in Planning Inspectorate Appeal Decisions such as APP/D0121/A/14/2221207 and APP/J3720/W/16/3160816 where similar situations have arisen. The development is not appropriate for its location on account of the noise and the resulting living conditions due to the mitigation measures proposed. Therefore the application clearly does not fully comply with Paragraph 180 of the NPPF.

It is Environmental Health’s opinion that the application does not comply with Paragraph 170 of the NPPF as:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

Future residents will adversely affected by noise pollution externally to the premises, and the mitigation measures described above will result in a material change in behaviour due to the noise environment - that of being unable to open windows in a residential environmental without the noise environment of the dwelling being seriously compromised by the external noise.

The report also states (page 23) that BS4142:2014 Section 11 advises: “....will incorporate design measures that secure good internal and/or outdoor acoustic conditions such as ventilation and/or cooling that will reduce the need to have windows open so as to provide rapid or purge ventilation:”. The report then goes on to assume that ‘reduce the need to have windows open’ means ‘without needing to open windows’.

Please also refer to the statements from Private Sector Housing which were documented in my email of 5/12/18 at 12.34pm on LU/286/18/PD and apply them also to this application.

Regards

Fiona Fitzgerald

Sent from my iPad