

Site: Units 2 &3, Botley Road, Fair Oak

Subject: Eastleigh Borough Council Planning Ref: F/22/94393
Proposed Change of Use from Betting Shop to Hot Food Takeaway

Date: 5 June 2023

Title: Additional Response to Pollution Control Team Comments

1 Introduction

- 1.1 A planning application is currently being determined for the proposed change of use of Units 2 and 3, Botley Road, Fair Oak from use as a betting shop (sui generis) to hot foot takeaway (sui generis). An acoustic report prepared by Mayer Brown Limited was submitted to address consultation comments received from EBC's Pollution Control Team.
- 1.2 Following a review of this report, the Pollution Control Team made various additional comments. Responses to these comments were provided in a Technical Note prepared by Mayer Brown Limited dated 23 February 2023.
- 1.3 Notwithstanding the additional information and clarification provided, the Environmental Health Team continued to maintain an objection to the scheme, the Case Office advising *"I believe their concern still lies with the cumulative impact of fumes, odour, noise and air draught this would produce for nearby dwellings"*.
- 1.4 In order to resolve outstanding concerns, a number of attempts to discuss the additional information/clarification that would be of assistance to address the EH Teams concerns were made. A helpful telephone discussion in this regard was had on 1 June 2023 (Paul Gray of Mayer Brown Limited and Jon Pyke of Eastleigh Borough Council). Based on these discussions, this technical note seeks to provide additional clarity and information relating to four residual acoustic concerns:
- (1) *The sound insulation of the separating floor between the proposed takeaway and existing first floor residential use;*

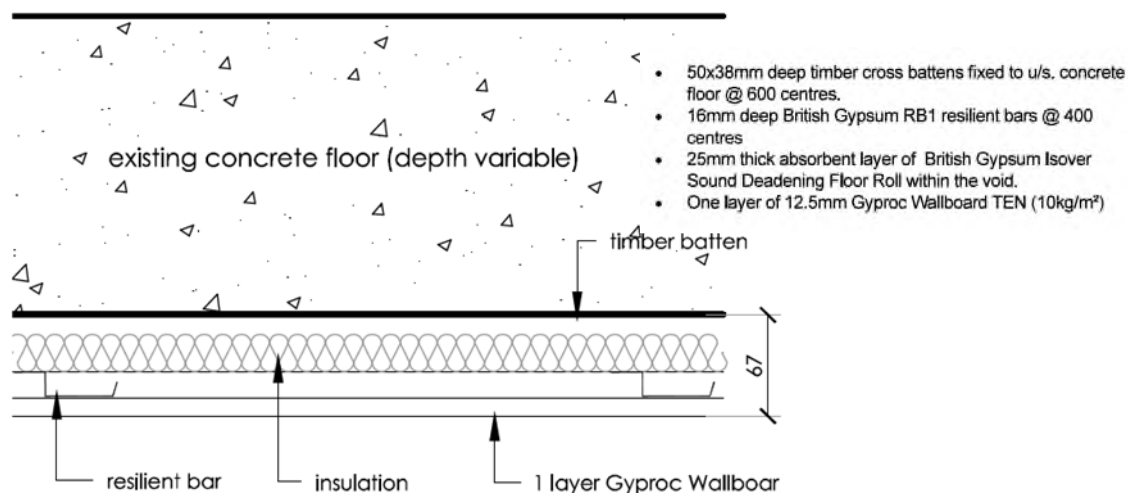
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- (2) *The control of environmental noise emissions from proposed building services plant;*
- (3) *The control of potential structureborne noise and vibration from proposed building services plant;*
- (4) *The potential “in the moment” noise impact of front of house activities, in particular delivery related noise (including mopeds) and the general control of customer related activities.*

Separating Floor

- 1.5 A sound insulation test has been undertaken between the existing shop unit and the existing first floor flat.
- 1.6 The test demonstrates that the existing separating structure maintains an airborne sound insulation performance of $57 \text{ dB } D_{nT,w} + C_{tr}$.
- 1.7 To put this existing level of sound insulation into context, separating floors between new build dwellings in the UK need to maintain a minimum airborne sound insulation performance of $45 \text{ dB } D_{nT,w} + C_{tr}$. It follows that the existing separating structure subjectively offers a sound insulation performance that is more than twice as good as the standard required for new build dwellings. It is, therefore, clear that the existing residential use above the proposed ground floor takeaway unit benefits from an inherently high degree of acoustic protection.
- 1.8 Notwithstanding this, the proposed fit-out of the unit will actually further enhance the acoustic performance of the separating structure. This will be achieved by the removal of the existing lay ion grid ceiling within the betting shop, and its replacement with a new additional plasterboard ceiling, in accordance with Dominos standard (tried and tested) acoustic enhancement works which are implemented in their stores to prevent noise nuisance to residential neighbours.
- 1.9 The proposed enhancement works are shown in **Figure 1** overleaf:

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- 1.10 This construction will then be underdrawn with a **further** suspended mineral fibre type ceiling.
- 1.11 In light of the above, it is clear that the appropriate controls have been put in place to ensure the effective integration of the proposed store with the existing residential use above, in line with the standard good practice measures Dominos implement as a matter of course to ensure the neighbourliness of their operations.
- 1.12 Notwithstanding the above, if the EH Team have any residual concerns in this regard, Dominos are content to accept a pre-commencement condition requiring finalised details of the proposed sound insulation scheme to be submitted and approved prior to commencement of the use and/or for the final scheme of sound insulation to be tested on site.

Plant Noise Emissions

- 1.13 A detailed plant noise assessment (which included manufacturer's data for plant, the identification of noise sensitive receptors, determination of typical background noise levels, assessment of plant noise emissions and proposed noise control) is presented in Section 6 of MBL's report submitted with the original application. This concludes that noise emissions from the plant should have no observed adverse effect on the amenity of existing residents. This is achieved through:
- The inclusion of attenuators (silencers) on the oven extract system and fresh air supply air handling unit (both of these pieces of equipment are located internally within the building and ducted to external louvres which exhaust/intake over the car park and service area to the rear.

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- The positioning of external condenser units adjacent to the rear wall of the unit to benefit from the inherent screening afforded by the set back to the first floor flats created by the walkway and also minimisation of reflections through the installation of an acoustically absorptive wall lining; and
- Installing all equipment on appropriately selected anti-vibration mountings.

1.14 With the above mitigation in place, noise levels incident on the most exposed residential window are calculated to be:

Assessment Time	Predicted Rating Noise Level, $L_{Aeq,T}$ dB
Daytime (07.00 to 23.00 hours)	35
Night-time (23.00 to 07.00 hours)	33

1.15 Detailed calculation supporting the above values can be found in Appendix D of the Noise Assessment submitted with the application.

1.16 Based on the results of noise monitoring on the terrace at the rear of the Flat at 2 Botley Road, the typical daytime (07.00 to 23.00 hours) and night-time (23.00 to 07.00 hours) background sound level are assessed to be:

- Daytime: 44dB $L_{A90,15mins}$
- Night-time: 47dB $L_{A90,15mins}$

1.17 It follows that noise emissions from the proposed plant will be controlled to a level 9dB(A) **below** the typical daytime background sound level and 12 dB(A) **below** the typical background night-time sound level.

1.18 With regard to the assessment of the potential significance of commercial noise, the guidance of BS 4142: 2014 + A1: 2019 advises:

- A difference of around +10 dB or more is likely to be an indication of a significant adverse impact, depending on the context.
- A difference of around +5 dB is likely to be an indication of an adverse impact, depending on the context.
- The lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact. Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context.

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- 1.19 In light of the above, it can be concluded that the plant will have a low impact given that predicted sound levels are significantly (9-12dBA) below typical background noise levels.
- 1.20 It can, therefore, also be concluded that the proposed plant complies fully with paragraph 185 of the NPPF which imposes a requirement to *“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 quality of life”*.
- 1.21 Indeed, information relating to the proposed noise control (e.g. use of in-duct attenuators and acoustic wall lining) has been provided to demonstrate how noise levels will be mitigated and reduced to a minimum in line with appropriate industry standard good practice and design guidance.
- 1.22 Notwithstanding this, if the EH Team have any residual concerns in this regard, Dominos are content to accept an operative noise condition reflecting the above proposals or a pre-commencement condition requiring finalised details of the proposed noise control hardware to be submitted and approved and/or for the effectiveness of such works to be tested on site prior to use.

Vibration Isolation

- 1.23 The EH Team has raised concerns regarding the potential transmission of structureborne noise and vibration from proposed mechanical services plant to the adjoining residential property. As highlighted in the Noise Assessment accompanying the planning application, all plant will be isolated in accordance with industry standard good practice including:
- All plant to be installed on proprietary anti-vibration mountings offering a minimum isolation efficiency of 95% under proposed operating conditions;
 - Flexible connections are made between fans and ductwork;
 - Ductwork suspended from the first floor structure and fixed to external walls are resiliently supported to avoid vibration transmission;
 - Duct penetrations are appropriately sealed to minimise flanking sound transmission/vibration transmission;
 - Electrical connections to plant are made via looped flexible conduit.
- 1.24 The above provisions are expected to effectively remove the risk of structureborne noise and vibration transmission and are implemented by Dominos as a matter of course to ensure the neighbourliness of their operations.
- 1.25 Notwithstanding the above, if the EH Team have any residual concerns in this regard, Dominos are content to accept a pre-commencement condition requiring finalised details

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of the proposed vibration isolation hardware and controls to be submitted and approved and/or for the effectiveness of such works to be tested on site prior to use.

Operational Impacts (Front of House and Deliveries)

- 1.26 The noise assessment submitted with the Planning Application made a worst case assumption that all deliveries would be made by passenger vehicle (which normally gives an initial worst case assessment). This assessment concluded that It is therefore concludes that residents living in the vicinity of the Dominos takeaway should not perceive any change to existing ambient noise levels characterising the locality and noise is unlikely to be perceived as being obtrusive in the context of the existing noise environment (which is dominated by traffic noise on Botley Road).
- 1.27 An updated assessment was included in our Technical Note of 23 February 2023, based on a revised estimate of modal delivery profiles (including bicycles and mopeds), as outlined below:
- | | |
|----------|-----|
| Bicycle: | 40% |
| Car: | 20% |
| Moped: | 20% |
- 1.28 The remaining 20% of activity relates to collections by car. This revised assessment again concluded that delivery activities would not have an unacceptable impact on the amenity of existing dwellings.
- 1.29 This conclusion is largely reached on the basis of (a) the actual number of deliveries /collections serviced by the store and (b) the existing ambient noise environment experienced by residents of the flats overlooking Botley Road.
- 1.30 With regard to the number of deliveries, it is considered important to note that Dominos peak trading period occurs during the early evening (18.00 to 19.00 hours), as shown in **Figure 1** overleaf, which shows the expected trip generation during the day and evening.

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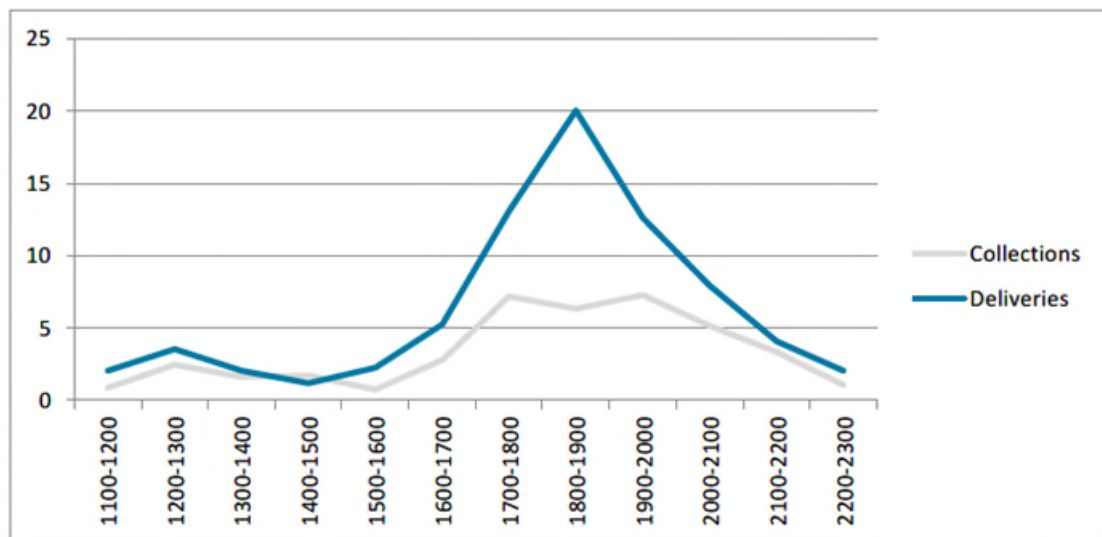


Figure 1: Expected Trip Generation

- 1.31 The above clearly shows the period of peak trading in the early evening. The figure also shown the significant reduction in both collections and deliveries as the evening progresses reduce to around 3 deliveries/collection during the final trading hour (22.00 to 23.00 hours). It is therefore clear that the type of takeaway /collection service provided by Dominos does not attract significant late evening activity (which can be a concern for some types of takeaway, particularly those focussed on serving the later night entertainment economies).
- 1.32 In order to provide some additional context to how individual activities will be perceived (*"in the moment"* and in the context of existing ambient noise levels), more detailed time history graphs (in terms of $L_{Amax,fast}$ sound levels, logged at 1 second intervals) showing the variation of noise levels currently experienced by the existing first floor flats overlooking Botley Road are presented at **Appendix A**.
- 1.33 The data attached at **Appendix A** clearly shows a high number of vehicle pass-by events on Botley Road. Between 18.00 and 19.00, it is estimated that there are in excess of 150 events with an $L_{Amax,fast}$ sound level exceeding 70dB(A). Between 22.00 and 23.00 hours, there are around 68 events exceeding 70dB(A).
- 1.34 As noted earlier, during the worst case hour, up to 49dB deliveries and collections are anticipated. As also noted in our Technical Note of 23 February 2023, only 20% of deliveries are likely to made by mopeds (it is expected that 40% will be undertaken by bike, and 20% by car). In real terms, this means that in the worst case hour, therefore are likely to be around 10 moped deliveries, reducing to around 1 moped delivery during the terminal hour. The incident sound level of a moped is calculated to be 74dB $L_{Amax,fast}$. It follows that whilst the sound of a moped may be audible, both its magnitude and the

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number of deliveries (10 in the worst case hour and 1 in the terminal hour) would not be perceived as being significant in the context of the far more significant number of events exceeding 70dB(A) which already characterise the ambient noise environment experienced by existing residents overlooking Botley Road. It is therefore concluded moped deliveries should not have any adverse impact on the existing amenity of flats above/adjacent to the takeaway.

- 1.35 As noted in the Technical Note previously submitted, the EH Team raised earlier concerns that mopeds may be driven in such a way that they are likely to increase disturbance *“as commonly associated with meal collection and delivery”*. Whilst any vehicle can be driven in an anti-social manner, such practices are not condoned by responsible delivery operators such as Dominos and appropriately well maintained and driven mopeds are not considered to have any particular noise characteristics that would make them obtrusive in the context of general traffic flows. In order to seek to provide additional comfort in relation to this matter, a draft Management Plan for the store is provided at **Appendix B**.
- 1.36 It is also important to note that the number of deliveries likely to be fulfilled by moped is relatively low with the majority of deliveries being made either by “silent” forms of delivery (push/e-bikes) or by cars (the noise of which already forms the dominant component of noise characterising the site).
- 1.37 In addition to noise associated with vehicle movements, the EH Team has also queried potential noise impacts associated with driver / customer conversation.
- 1.38 Delivery drivers do not typically need to converse outside of the shop when making deliveries. If communication is required, this would be undertaken using a normal conversational level of vocal effort, in line with controls proposed in the draft Management Plan.
- 1.39 Customers collecting orders may be also be in conversation whilst approaching the store. An assessment of such noise was presented in Mayer Brown's technical note. Normal conversational speech typically occurs at a level of around 60dB(A) at a distance of 1m. It follows that the sound level incident on the first floor flats (not making allowance for any directivity effects, which could further reduce sound levels) is likely to be in the order of 50dB(A). Such levels are substantially lower than other types of event sound level associated with passing road traffic on Botley Road. The number of events is also low in the context of the number of general pass-by movements.
- 1.40 It is understood that the operating hours and relatively low footfall associated with Dominos trading, particularly during the later evening, does not typically act as a magnet

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for any significant gathering of persons or the creation of an environment likely to engender anti-social behaviour (e.g. the store is not open after 23.00 hours and will not therefore contribute to servicing any night-time economy in the area).

- 1.41 Notwithstanding the above, all staff are fully trained to assist them in monitoring and taking appropriate actions where any unreasonable or anti-social behaviour may be occurring or have the potential to occur (including alerting any emergency response in the event of any difficulties). The store would also have a local crime risk assessment prior to commencing its operations which will set out the specific local control measures that will be adopted to ensure the store engenders the respect and neighbourliness of its activities to existing residential neighbours. The management of the store are also encouraged to pro-actively engage with residential neighbours, including the provision of contact details in order that neighbours can discuss any concerns.
- 1.42 As highlighted in the Noise Assessment submitted with the application, the proposed store includes a customer waiting area which will further minimise the risk of customers “loitering” outside of the unit and which will be enforced through appropriate management control and supervision.
- 1.43 Whilst the opening and closing of doors can potentially be a source of structureborne and airborne sound transmission, any impacts can be avoided through the appropriate specification of door closers (to prevent doors “thudding”) and routine maintenance.
- 1.44 As such, the operation of the store should not have any unacceptable adverse impact on those residing above the unit.
- 1.45 If these operational matters are considered to be a residual concern for the Council’s Pollution Control Team, it is understood that Dominos would be happy to accept a further planning condition which requires the submission and approval of a final Management Plan which includes the detailed management controls that will be implemented at the store to ensure that all staff are respectful of the site neighbours; the operational policies to minimise noise associated with customer comings and goings and general engineering measures (e.g. door closers) that will be used.

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Position: Technical Director

Date: 5 June 2023

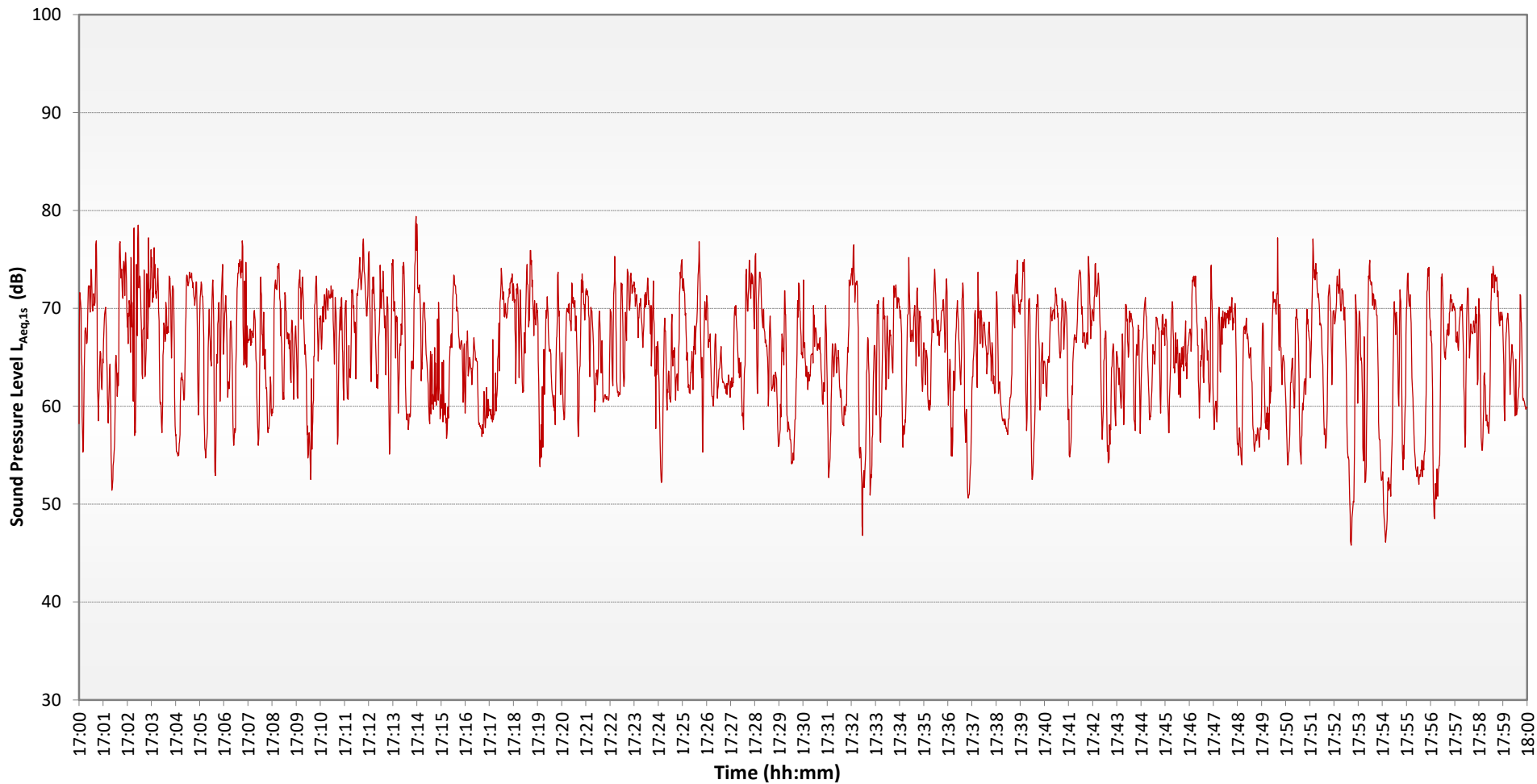
APPENDIX A – Detailed "In the Moment" Time History Graphs

Time History Graph

Project: Units 2 & 3, Botley Road, Fair Oak

Measurement: A2 - Overlooking Botley Road

Date: Friday 10 February 2023 Time: 17.00 - 18.00 hours



KEY: — L_Amax,fast (1 second)

Lion House, Oriental Road, Woking, Surrey GU22 8AP
Telephone: 01483 750508 Fax: 01483 750437

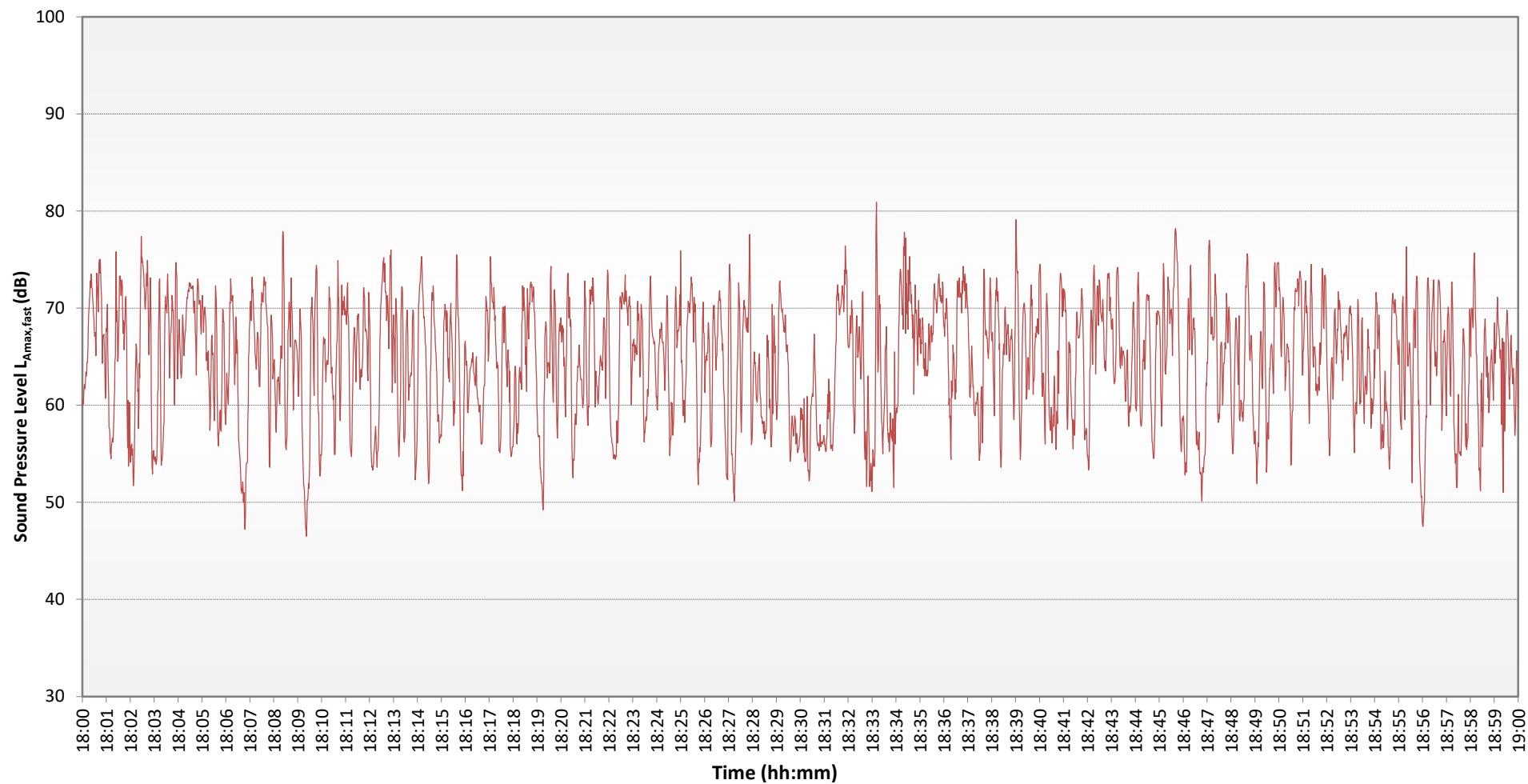
Time History Graph

Project: Units 2 & 3, Botley Road, Fair Oak

Measurement: A2 - Overlooking Botley Road

Date: Friday 10 February 2023

Time: 18.00 - 19.00 hours



KEY:

— $L_{Amax,fast}$ (1 second)

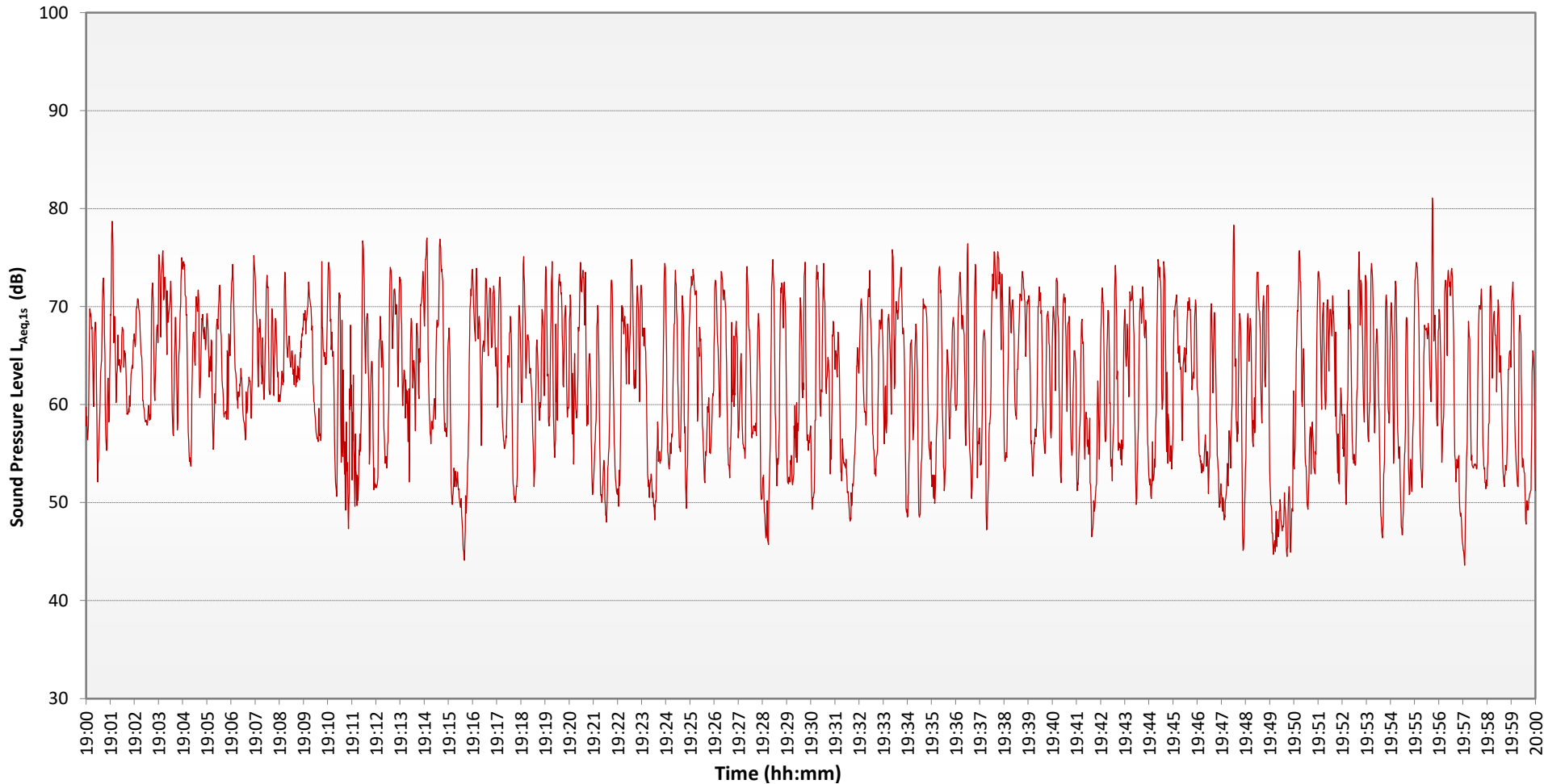
Lion House, Oriental Road, Woking, Surrey GU22 8AP
Telephone: 01483 750508 Fax: 01483 750437

Time History Graph

Project: Units 2 & 3, Botley Road, Fair Oak

Measurement: A2 - Overlooking Botley Road

Date: Friday 10 February 2023



KEY: — L_Amax,fast (1 second)

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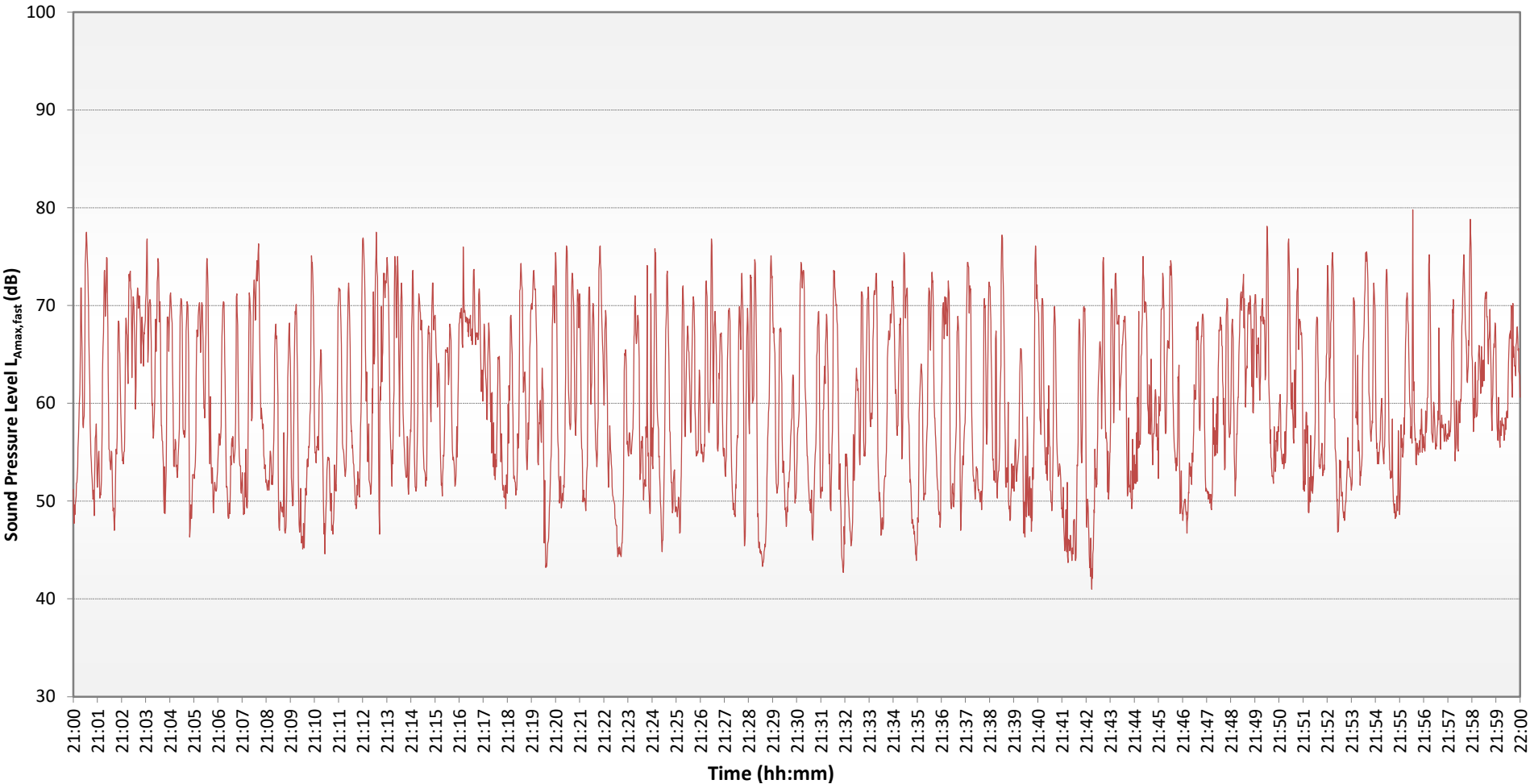
Time History Graph



Project: Units 2 & 3, Botley Road, Fair Oak

Measurement: A2 - Overlooking Botley Road

Date: Friday 10 February 2023 Time: 20.00 - 21.00 hours



KEY: Front Facade West Side, LAeq,1s

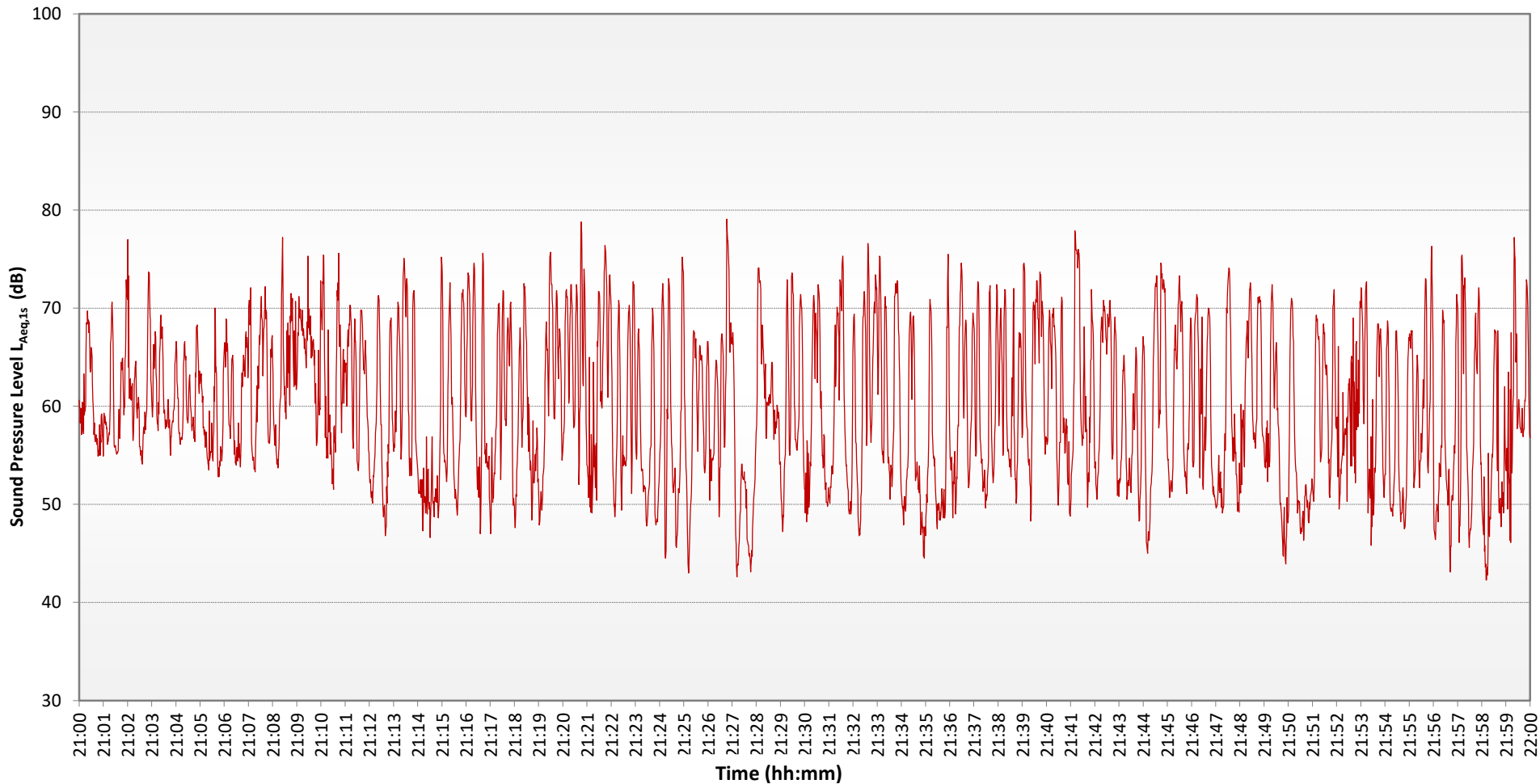
Lion House, Oriental Road, Woking, Surrey GU22 8AP
Telephone: 01483 750508 Fax: 01483 750437

Time History Graph

Project: Units 2 & 3, Botley Road, Fair Oak

Measurement: A2 - Overlooking Botley Road

Date: Friday 10 February 2023 Time: 21.00 - 22.00 hours



KEY: — L_Amax,fast (1 second)

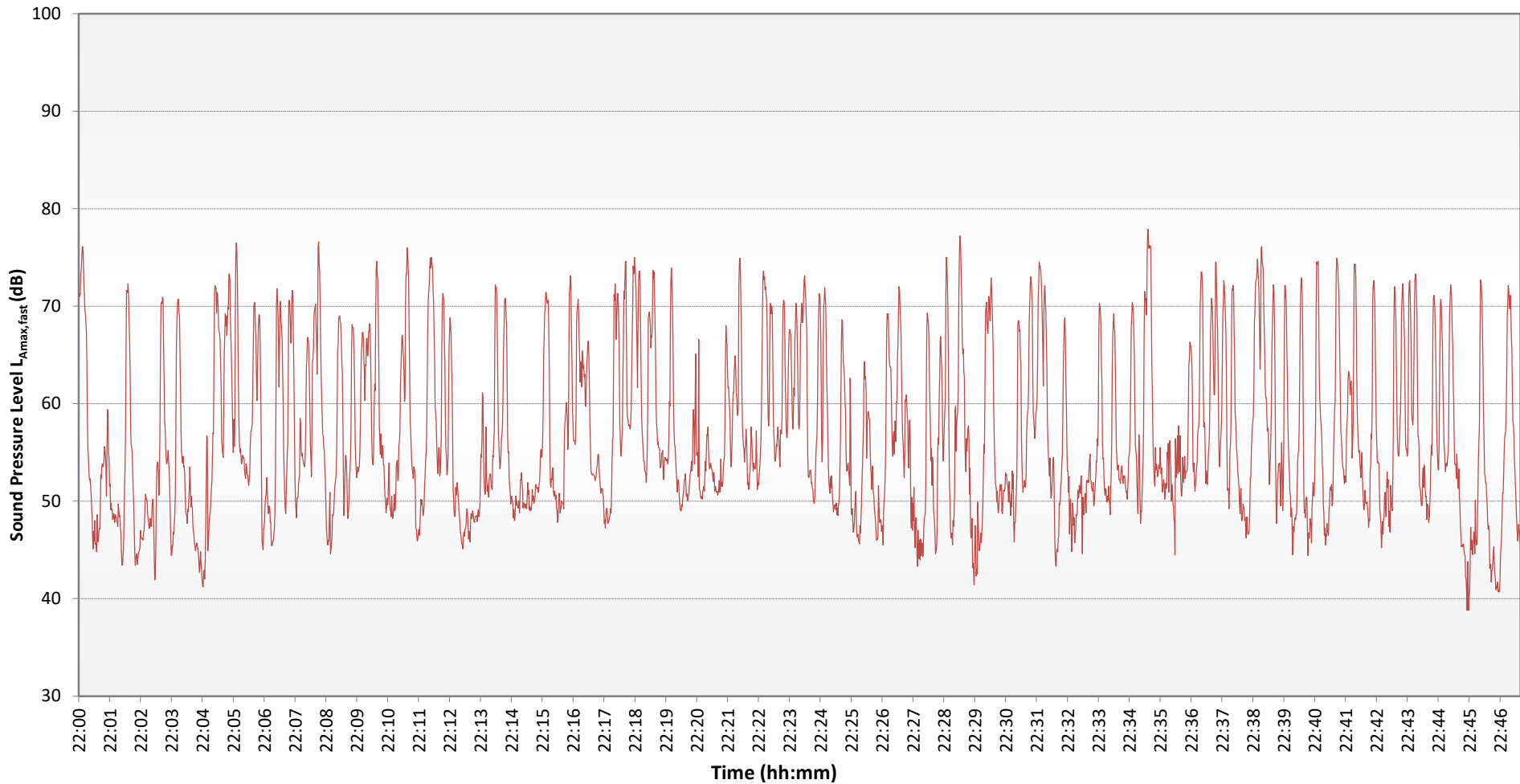
Lion House, Oriental Road, Woking, Surrey GU22 8AP
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Time History Graph

Project: Units 2 & 3, Botley Road, Fair Oak

Measurement: A2 - Overlooking Botley Road

Date: Friday 10 February 2023 Time: 22.00 - 23.00 hours



KEY: — L_Amax,fast (1 second)

Lion House, Oriental Road, Woking, Surrey GU22 8AP
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APPENDIX B – Noise Monitoring Results



Management Plan (Draft)

Introduction

This note has been produced on behalf of Domino's Pizza UK & Ireland Ltd to commit to a set of criteria for standard behaviour and good management controls expected of delivery drivers and employees operating at all stores.

Standards for Delivery Drivers

- Any required parking permits will be obtained and clearly displayed.
- Deliveries are to be undertaken in such a way to cause the minimum disturbance to neighbours.
- If mopeds are stored in an off-road parking area they will have their engines switched off before they are wheeled off the highway.
- Vehicles will engage gears quietly.
- Engine revs will be kept to a minimum.
- Car drivers will close the driver's door of the vehicle quietly.
- Drivers will ensure that the vehicle engine is switched off once the vehicle is stationary, vehicle engines will not be left running between delivery trips.
- Under no circumstances will delivery vehicles be parked illegally and/or in any way cause an obstruction to pedestrians and/or other road users.
- Under no circumstances will delivery vehicles be parked illegally and/or in any way cause an obstruction to pedestrians and/or other road users.
- Drivers communicating outside of the unit shall converse using normal vocal effort – staff shall not use raised voices / shout, unless in a bona fide emergency situation
- Highway Law will be adhered to at all times.

Customer Conduct

- Prior to commencement of the use, the store will conduct a “Local Crime Risk Assessment” and will implement any additional reasonable controls indicated by the assessment.
- All staff shall be appropriately inducted prior to commencement of their service, to ensure familiarity with protocols to monitor unreasonable/anti-social behaviour and appropriate escalation protocols, including circumstances requiring emergency assistance.
- Customers will be encouraged to make use of the internal waiting area within the store and appropriate signage will be placed within the store further encouraging this and respect for the site’s residential neighbours.
- Customers will be requested to refrain from smoking outside of the store.

Back of House

- Staff must not use radios in external areas.
- The rear door of the premises should remain closed, other than when in use or receiving deliveries/servicing.
- Staff taking breaks externally shall do so in the approved area to the rear of the ground floor extension, away from the existing flats.
- Staff must act with respect to the stores residential neighbours, conversing at normal speech volumes and shall not act in an inconsiderate or unreasonable manner.

Servicing

- Deliveries and collections shall be undertaken with due consideration for neighbouring dwellings to minimise noise.
- Lorry radios shall be switched off during deliveries.
- The disposal of waste/recycling at more sensitive times of the day shall be avoided.

Complaints Procedure

Prior to the commencement of operation, neighbouring residents will be provided with the contact name and number to whom any concerns regarding the operation of the store can be communicated.

All complaints will be formally logged in a complaints register, which will also record the store’s investigation of the complaint and any resulting corrective actions implemented.

Details of the complaint should include:

- Name of complainant
- Address of affected property
- Contact phone number
- Date and time of complaint
- Method of notification (i.e. complaint line, email, letter)
- Type of complaint
- Details of complaint
- Any previous or related complaints

The store will ensure that any complaint is responded to within 3 working days.

Store name/location: _____

Signed on behalf of Domino's Pizza UK & Ireland Ltd: _____

Date: _____