

Osmond, Gary

From: Wedgbury, Stuart
Sent: 01 May 2024 11:47
To: Osmond, Gary
Subject: DC/24/97225 REGAL BUILDINGS, MARKET STREET, EASTLEIGH, SO50 5RL

Follow Up Flag: Follow up
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Dear Gary

DC/24/97225 - REGAL BUILDINGS, MARKET STREET, EASTLEIGH, SO50 5RL: Proposal: Discharge of Conditions 4 (Drainage), 5 (Noise), 6 (Method Statement), 9 (Materials) and 10 (Lighting) of Planning Permission F/22/92939 for the conversion of former nightclub to form 4no. commercial units at ground floor and 11no. one bedroom, 5no. two bedroom and 2no. three bedroom residential flats above and associated external works Our Ref: PR202404-104240

Thank you for consulting Environmental Health upon the above proposal. I will comment upon matters relating to Condition 5, 6e and f and 10 only. I comment as follows::

5 No works to the exterior of the building shall start until a Noise and Odour Assessment as been submitted to and approved in writing by the Local Planning Authority. This assessment shall include details of measures to protect future residential occupiers from noise and odour disturbance resulting from neighbouring uses, together with potential retail/commercial uses within the building itself. No residential units shall be occupied until these agreed measures have been installed/implemented in full and shall be maintained throughout the lifetime of the development. Reason: To protect the amenities of future residential occupiers.

I have reviewed the submitted DAA Group report dated 13/3/24. The report covers a range of acoustic issues outside the scope of the planning condition. I shall comment only on the matters controlled by the condition as drafted. I shall comment upon the measures proposed, but note the condition also requires implementation and as such you will need to secure reliable confirmation of this during the building fit out.

1. Assessment of the impact of odour from existing and proposed commercial uses upon residential amenity and proposed measures to protect residents.

There is no assessment of odour submitted and therefore no (explicit) proposals regarding measures to protect residents.

The main issues here in order of priority are:

- The acoustic report specifically references a proposed new low level outlet for a cooking extract on the east elevation with residential windows and balconies immediately above (see Figure 7.2 of the referenced report). The approved amended elevation plans on file F/22/92939 show no such detail. The risk to amenity from such a terminus position is high. The significance will also depend upon the type of cooking to take place and this is uncontrolled by condition. As such, this poses a significant risk to residential amenity in my opinion. Usually it is best for extract terminus to be located at high level to allow natural dispersion and to incorporate odour abatement technology. EMAQ produce guidance on suitable designs ([Course: Control of odour and noise from commercial kitchen exhaust systems - Purchase the report \(ricardo.com\)](#)).
- More generally, if as appears the case, uses within class E(b) are permitted in any of the ground floor commercial units further risks may be posed by future proposals, unless separate planning consent is required for any future cooking extract outlets.

- An existing cooking extract is positioned to the North of the site about five premises removed. This seems to serve the Istanbul Grill kebab and pizza house (from Googlemap). This may pose a risk to amenity. Without more information I cannot be sure. The DAA acoustic report also references an extract system to the South at 46 Market Street and there is no information upon its relationship to residential windows.

2. Assessment of the impact of noise from existing commercial uses upon residential amenity and proposed measures to protect residents.

This is addressed in Section 4.2 of the submitted report. It is stated that: *'It was not possible to carry out this method due to having no control of the units and access. We have therefore used typical noise levels of the various noise sources for our calculations.'*

It is not clear what is meant here or what method has been adopted and how information has been sourced. This assessment submitted will not necessarily be representative of noise conditions on this site. Whilst a modelled approach might be appropriate if some plant is rarely operational; the need for such an approach can only be assessed by site visits. In this case there does not appear to have been any attempt to carry out a manned assessment. In any case, the reporting of the BS4142 assessment falls far short of that expected as set out in Section 12 of the Standard. The reporting method should set out how and why decisions have been made in the conduct of the assessment. In short, I cannot offer an informed view of the risk to amenity from existing plant based upon the information supplied.

3. Assessment of the impact of noise from proposed commercial uses upon residential amenity and proposed measures to protect residents.

This is a difficult requirement for the applicant to address given the range of possible uses that might constitute Use Class E. In my experience, where noise may be primarily internally transmitted (as I expect would be the case here) the most problematic uses are those in Use Class E(d) which generally I would not recommend in mixed used buildings. Overall there are too many unknowns to usefully assess this risk with any rigour.

Some control can be exercised through the provision of a certain level of sound insulation between the commercial uses and the residential uses. How simple this will be to achieve in practice in a conversion will depend on the degree to which flanking sound transmission (sound transmitted through existing walls rather than through the separating ceiling / floors) is significant in this building. This risk could only be assessed by site inspection and/or sound insulation testing.

The acoustic report considers in Section 7 that the current proposed uses will be retail except for Unit 4 that is to be a restaurant. Provided such uses do not change to more problematic uses, this would typically represent a relatively lower risks to amenity.

The report identifies the cooking extract fan as an item of potential concern; predicts the likely impact in Section 7.4 and proposes remedial measures to achieve the recommended acoustic design. These are acceptable. You will need to obtain post implementation confirmation from the consultant that his recommendations in 7.5.1 and 7.4.2 have been implemented satisfactorily before discharging this element.

Section 9 of the report considers the sound insulation between the commercial uses and the residential use above. This shows an example constructional cross section and predicts an airborne sound insulation of 59-61dB Dntw between the residential and commercial uses. This if achieved, would be a good standard and should minimise the risks to amenity from noise generated within the commercial units for most uses typical of Class E. You will need to obtain post implementation confirmation from the consultant that the construction has met with his recommendations to be satisfied that insulation values of the order of those suggested have been achieved.

6 No construction or demolition work shall start until a Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. Demolition and construction work shall only take place in accordance with

the approved method statement which shall include: a) location of temporary site buildings, compounds, construction material and plant storage areas used during demolition and construction; b) the arrangements for the routing/ turning of lorries and details for construction traffic access to the site; c) the arrangements for deliveries associated with all construction works, loading/ unloading of plant & materials and restoration of any damage to the highway; d) the parking of vehicles of site operatives and visitors; e) measures to control the emission of dust and dirt generated by demolition and construction; f) a scheme for controlling noise and vibration from demolition and construction activities (to include piling); g) provision for storage, collection, and disposal of rubbish from the development during construction period; h) measures to prevent mud and dust on the highway during demolition and construction; i) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; j) temporary lighting; and k) protection of pedestrian routes during construction. Reason: To limit the impact the development has on the amenity of the locality.

The method statement is typical of the type usually submitted to LPA. It is not detailed, but I have no specific comment to make upon it.

10 No works to the exterior of the building shall take place until details of external lighting and security measures for future occupants has been provided and approved in writing by the Local Planning Authority. The development shall not be occupied until these agreed measures are installed and in full working order. Reason: In the interests of the amenity of the locality and future occupiers.

I can not see any submissions on the planning file relating to this condition.

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