



**Environmental Health Detailed Response to Consultation Paper**

The following paper addresses detailed environment health issues in response to the DCLG proposal to relax the requirements for change of use from commercial to residential, and namely B classes to C classes. This is in an attempt to make more housing available and bring into use many vacant premises/properties.

It is understood that B1 to C3 would automatically convert over, however, the B2 and B8 uses would require some specific method of control and this would seem to be via a type of permitted development, potentially with a style of condition attached to it.

On this basis the following are considered to the key concerns.

**Noise**

Noise is a large issue which the department invest a lot of effort into the planning regime, ensuring that new developments through the planning regime protect both the residents they seek to introduce, but importantly, that their design does not inadvertently inconvenience nearby by or existing residents. Noise may be broken down into a number of areas which all require careful management.

- Noise from plant and machinery (could be as simple as a condenser unit, a wind turbine or some pumping mechanism)
- Noise from road traffic noise, railways and indeed ports and associated port development
- Noise from construction.
- Noise from other adjacent or sources, ie below, where it is specifically requested that enhanced protection is achieved to protect residents, in excess of the current levels contained within the building regulations. Commercial premises often fall into such categories.
- Noise from sources below or adjacent such as bin stores, lift rooms, commercial units etc.
- Noise from deliveries, servicing, vehicle traffic, reversing alarms, delivery areas etc etc.
- Noise from PA systems, people noise

**Guidance and documents.**

Various standards and guidance exist which dictate what should afford residents restful sleep or peaceful daytime noise levels, and this is often the starting point in when developers are considering a scheme and protection is built around this.

National guidance also dictates that a process is undertaken to ensure that the site or plot is actually suitable for development and this is through the PPG24 process. In summary, it involves a noise consultant identifying the relevant background levels for both night and day and from this determining the noise exposure category for the build. These range from A to D, with A being that the site is satisfactory and with D being that planning permission should normally be refused as it would be inappropriate.

It is important to note at this stage that the reason that such a survey is undertaken is since Environmental Health and indeed no other professional bodies have any powers to deal with sources of noise such as road traffic noise, railways or even that from aircraft and port related activities. It is for this reason that it is so critically important to ensure that the design protects the end users and residents and does not inadvertently introduce new problems.

Therefore, with regards to noise and the items listed above, it is apparent that the planning regime is critical in the Environmental Health department being able to approximately assess and address noise issues. With a removal or relaxation in the use classes, it is feared that Environmental Health's workload would rise and that there would be an implicit expectation that we would pick up the issues created through our statutory legislation. (Without additional resources this may become unmanageable and some measures are not possible to retrofit)

Other points to consider with regards to noise include as follows:

**Location** : what would happen with units which change to residential and other commercial units remain either above, adjacent or below and by their nature they could be noisy, have extended hours of use, deliveries to or from the site, increased traffic (especially with regards to B8).

Partial developments or those where, some new residential housing exists, and another part of the build after 5 years has converted back to a B class, thus now presenting an issue for residents.

Would all conversions automatically be subject to part E of the building regs?

Noise links nicely onto the matter of air quality.

### **Air Quality**

Some developments, in their assessments at a planning stage deem that the development must have their windows closed to protect residents from high ambient noise levels (often as a result of heavy road traffic noise). This can often have knock on effects on how a property will be ventilated. Whilst most sites can and often do employ a standard trickle ventilation in accordance with Building regs, some more complicated sites, often adjacent to busy roads and arterial routes with poor air quality require more elaborate schemes to ensure that poor ambient air is not drawn into the development. Mitigation measures can take some time to resolve and are often complicated, as they depend heavily on the screening or detailed assessments made by air quality professionals.

With such a removal or relaxation in planning guidance, the opportunity to effect such measures as above are easily lost and if not considered carefully, can have an adverse impact on the end users of the scheme.

### **Potential Land Contamination**

The other matter which could easily impact on such a relaxation was also hinted at in the document and concerned potentially contaminated land. B class sites by their very nature can often have or employ practices or chemicals/uses which could and in some instances do cause localised contamination. Whilst it is appreciated that there are a plethora of work live scenarios in the City, some B classes will inevitably be considered as potentially contaminated land. The end use will ultimately dictate the level of assessment necessary, but this can often be expensive and professional work which requires time and consultants to carry out effectively. The length of time and sometimes historical uses in B classes may even be unknown and without reference to specialist databases, such uses can easily be overlooked. A useful example of how contamination might affect a build might be as follows:

1. Furniture workshop. This process used a lot of glues and solvents in the preparation of upholstery and finishing processes. The use, storage and disposal of such solvents, liquids, paints, varnishes, etc etc, can cause vapour hazards, which if not identified could cause human health issues. Additionally, by their disposal through conventional means, ie mains drainage, the possibility remains of them having contaminated service runs and utilities trenches. This creates the knock on effect of potentially causing contamination of a mains water supply into the premises. Lots of new developments, especially on such sites, use barrier systems and enhanced pipes to protect against such eventualities, but the point is that with the system relaxed, such proposals can easily slip the net.

Additionally, with sites which are likely to be identified as having had uses which may have contributed to localised contamination, one must also consider the scheme of the changes/developments proposed. With basements and changes to services, ie new mains water, mains drainage channels being dug or intrusive changes to floor surfaces, one may also inadvertently mobilise previously historic and dormant contaminants. Currently, when the Environmental Health department assess such sites, these are done on a case by case basis with an assessment of a number of assessments including principally human health, and building fabric including service pipes etc. The Environment Agency consider eco systems and the potential impact on ground water or aquifers.

