

## **PLANNING CONSULTATION RESPONSE**

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| <b>Responding Officer:</b>         | Elizabeth Bruce  |
| <b>Date:</b>                       | 3 <sup>rd</sup> June 2025  |
| <b>Planning Ref No:</b>            | 23/04380/FUL   |
| <b>Tascomi Ref No:</b>             | 9497/25  |
| <b>Description of Development:</b> | <p>Land at Ditton Walk, Cambridge</p> <p>Erection of 12 dwellings, including 3 affordable dwellings, and associated works including alterations to access to the site and creation of second access.</p> <p><b>Additional Information:</b></p> <p><b>Applicant Rebuttal Document titled:</b></p> <p><b>23/04380/FUL 139 Ditton Walk, Cambridge - Response to LPA Comments (Ref: 82306-SRL-RP-YA-02-S2-P3)', prepared by SRL Technical Services Ltd</b></p> |

### **Cross one:**

- ☐ The development proposed is **acceptable** subject to the imposition of the condition(s)/informative(s) outlined below.
- ☒ The development proposed is **unacceptable** and should be refused for the reason(s) set out below.
- ☐ It is not possible to comment on the proposed development and the additional information set out below will be required in order to provide comments.

## **Reasons for Recommending Refusal**

### **Noise & Planning**

The application concerns the development of 12 residential dwellings immediately adjacent to an existing industrial / commercial noise source. The site is bordered by the Certas Energy fuel depot to the west at 37 Ditton Walk, residential properties to the south and east, and open land with a railway line to the north.

Following concerns raised by Environmental Health in earlier comments dated 21<sup>st</sup> December 2023 and 26<sup>th</sup> July 2024 a revised '*Noise Impact Assessment* (Ref:82306-SRL-RP-YA-01-S2-P2) produced by SRL Technical Services Ltd and dated 29<sup>th</sup> October 2024 (hereafter referred to as the 'SRL-NIA: 29-10-24') was submitted to address outstanding issues.

Environmental Health issued a recommendation for refusal (comments dated 21st February 2025), stating that the applicant had not sufficiently demonstrated that future noise-sensitive receptors would be protected from unacceptable adverse noise impact / levels.

These comments are in response to the rebuttal submitted by the applicant titled *23/04380/FUL 139 Ditton Walk, Cambridge - Response to LPA Comments (Ref: 82306-SRL-RP-YA-02-S2-P3)*, prepared by SRL Technical Services Ltd and dated 18th March 2025 (hereafter referred to as the SRL – 18-03-25).

The key areas of dispute / disagreement lie around the most appropriate application of national planning practice guidance and national / industry noise guidance at this site and whether this aligns with the requirements of both local and national planning policy. This is very much a professional judgement in terms of potential adverse noise impacts, as adverse noise impacts / effects is not an exact science.

It is important to note that concerns regarding the operational noise impact of the adjacent fuel depot on future residential amenity, as well as the application of the Agent of Change principle, have been consistently raised by this service throughout this application and the previous (now withdrawn) application (21/01151/FUL).

I have the following comments to make:

#### Local & National Noise Planning Policy

Having reviewed the rebuttal Environmental Health are still of the view that this application should be refused, as in its current form the proposed development will fail to protect future users from unacceptable adverse noise impacts / levels.

In our view this is contrary to Paragraphs 135. f), 187. e) and 198. a) of the NPPF (Dec 2024), Policy 35 of Cambridge Local Plan (2018) and the Greater Cambridge Sustainable Design & Construction SPD (2020). Additionally, the Agent of Change principle is deemed applicable to this location, as outlined in Paragraph 200 of the NPPF (2024).

#### Application of Guidance – BS4142 Vs BS8233 & ProPG

We consider '*BS4142:2014 + A1:2019 Methods for rating and assessing industrial and commercial sound*' (hereafter referred to as a 'BS 4142') to be the most appropriate and up-to-date guidance for assessing commercial / industrial noise sources. The Scope of BS4142 in section 1.2 states that:

*'This standard is applicable to the determination of the following levels at outdoor locations:*

*3) assessing sound at proposed new dwellings or premises used for residential purposes.'*

The design of the development and any proposed mitigation measures should be informed by the results of such a BS 4142 assessment. This approach is consistent with the approach detailed in the Sustainable Design & Construction SPD (2020).

Section 6.2 of the SRL-NIA: 29-10-24 completes a BS4142 assessment pre mitigation with results in BS 4142 sound / noise ratings levels ranging from +22dB to +32dB at the worst impacted dwelling.

The applicant has applied appropriate acoustic feature /character corrections for each of the individual noise sources (See Table 5, Page 21 of SRL-NIA: 29-10-24) with the level of these corrections acknowledging the scale of the impact from the adjacent off-site noise sources.

For example, an acoustic feature /character correction of + 12dB has been applied for the fuel pump (+3dB for slightly perceptible tonality, +6dB for clearly perceptible impulsivity and +3dB for intermittency) which is located immediately adjacent to the boundary approximately 20m from the façade of the closest proposed noise sensitive receptor.

Further to this there is still in the view of Environmental Health some uncertainty in the background noise levels applied in this assessment which could be underestimating the final potential impact.

Other than this initial BS4142 assessment, which demonstrated a significant adverse impact without mitigation, the applicant has yet to provide evidence that acceptable noise levels can be achieved with mitigation when assessed against BS4142.

Instead, the application has opted to apply the criteria applied in '*BS8233: 2014 Guidance on sound insulation and noise reduction for building*' (hereafter referred to as 'BS8233'), that is designed for anonymous noise such as traffic. In our view, even with the proposed mitigation measures in place, some dwellings—including external amenity areas—are likely to be subject to a significant adverse noise impact under BS4142 criteria. The applicant has failed to demonstrate otherwise.

The scale of the acoustic feature / character corrections alongside the lack of a robust BS4142 assessment both pre and post mitigation demonstrating that acceptable noise levels can be achieved when assessed against BS4142 reinforces our view that BS8233 (designed for anonymous noise sources such as traffic) is not an appropriate assessment methodology or appropriate noise levels in this instance.

#### Use of Lowest Observable Adverse Effect Level (LOAEL) & significant Observable Adverse Effect Level (SOAEL)

The applicant has applied BS8233 internal noise levels with a selected SOAEL of 25dB(A) (5dB below BS8233 recommended criteria) for internal noise levels and 55dB(A) for gardens.

Our view is that BS8233 is more appropriate for anonymous noise sources and is not considered the most appropriate method of assessment of industrial / commercial noise. It fails to take account of the nature and acoustic feature / character of the noise in question, and whilst we acknowledge the SOAEL for internal noise is set at 5dB below the BS8233 levels, our view remains that the acoustic feature / character and nature of the noise are subsequently overlooked or understated.

Section 3.0 of the SRL – 18-03-25 states that by requiring the noise to be assessed against BS4142 we are contradicting our own policy.

Whilst we acknowledge that note VIII of table 3.10 'Internal Ambient Noise Levels for dwellings' within the Sustainable Design & Construction SPD (2020) acknowledges that where noise has a specific sound feature or character lower noise limits might be appropriate, the applicant has taken this as a standalone statement out of context without considering the wider advice within the SPD pertaining to commercial noise, most notably Table 2 'Guideline Relative Sound Levels standards for non-anonymous noise'; of Annex C, Appendix 8 as referenced in Section 3.6.73 of the SPD.

Whilst the use of reduced internal noise levels in some cases may be deemed appropriate, it is our view that this is not the case for this site given the scale of the adverse impact.

Further to this the applicant goes on to reference BS4142, (Section 11 Assessment of the impacts, commentary on 11) and the consideration of context.

Whilst we acknowledge the reference to context and that the applicant has proposed a package of noise mitigation, it is our view that despite these proposals the applicant has failed to demonstrate that future on site noise sensitive receptors will not be exposed to unacceptable adverse noise impacts / levels.

The applicant reiterates in multiple locations that this development is the introduction of new noise sensitive receptors adjacent to an existing commercial noise source as opposed to the introduction of a new noise source adjacent to existing residential and therefore the same level of controls does not need to be applied.

We question this rationale as it is still necessary for a development to protect future on site users from unacceptable adverse noise impacts, and further to this ensure that the operation of the existing commercial business is not compromised as per the NPPF agent of change principal.

Whilst there is always a degree of Caveat Emptor (Buyer Beware), our service still has a responsibility to ensure unacceptable adverse noise impacts should be avoided on health and quality of life / amenity and avoid a future statutory noise nuisance arising.

Based on the potential scale of the noise impact and acoustic feature / character of the existing noise sources (acknowledged by the applicant in the level of character corrections applied in the BS4142 assessment), it is not possible to make an informed decision on whether the reduced noise levels (in this case 5dB below BS8233 criteria) is appropriate, as the applicant has failed to fully assess and quantify the impact of the commercial noise at the closest noise sensitive receptor (both at the façade and centre of external amenity area) in accordance with the methodology in BS 4142 and actual sound / noise rating levels which determines the significance of adverse noise impact subject to context. Without this information we have insufficient information to take a view on whether the reduced noise level for internal noise levels will adequately protect future on site users.

Further to this it is not considered appropriate to assess external amenity areas against a noise level of 55dB as this is based on anonymous noise and takes no account for the impact of the specific noise acoustic features / characters.

We are unable to recommend an alternative value until such time as a robust BS4142 assessment has been completed demonstrating that future noise sensitive receptors will not be exposed to significant/adverse impacts

### Agent of Change Principal

We believe the Agent of Change principal as per Paragraph 200 NPPF (2024) applies for this application site, which is immediately adjacent to an existing industrial / commercial business at 137 Ditton Walk, with operations occurring during the night time hours of 05:00 and 07:00, one of the most noise sensitive times of the day. We do not support the view of the applicant that the provision of mitigation without demonstrating acceptable noise levels against appropriate BS 4142 assessment methodology meets the responsibility of the applicant when it comes to this issue.

Should the local authority receive noise complaints in the future and if a statutory noise nuisance is witnessed exposing future residents to unacceptable noise from industrial / commercial activities / plant, we would have a duty to serve a legal notice on the offending premises requiring noise abatement. If abatement works were required, this may result in unreasonable restrictions being placed on the existing business and/or adding to the costs and administrative burdens upon them unduly. This would be contrary to the Agent of Change principle. We understand the business at 137 Ditton Walk has no planning restrictions limiting operations and can effectively operate 24/7.

Section 6.0, Page 11 of SRL – 18-03-25 states that future occupiers will not be exposed to greater noise levels than existing residents at Fairfield End, approx. 35m and Ditton Walk, 70m. Just by the nature of the proximity and acoustic feature / character of the noise source future occupants will be exposed to greater variation in noise. It is worth noting that noise complaints have been received from Fairfield End relating to the operation of this site and that residents on Ditton Walk are substantially further away and there will be an element of shielding from the fuel depot building.

The applicant has proposed as part of the mitigation package the provision of Mechanical Ventilation with Heat Recovery (MVHR) systems to negate the need to open windows (Section 4.0, SRL – 18-03-25). Whilst this approach is considered appropriate where the noise source is anonymous it is not considered appropriate for commercial noise of this magnitude, as referenced in previous comments. The applicant references a development in Cambridge (23/01966/PRIOR) where this approach has been approved. It is worth noting that this approach was only approved for the façade impact by high traffic noise. For the façade impacted by commercial noise windows are sealed shut. It is also unacceptable for third parties such as future residents to keep windows closed during adverse noise occurrences. Quality development should allow future residents to open windows at any time.

### Noise Mitigation Measures – As Proposed

The proposed mitigations takes the form of no windows on the façade adjacent to the operational fuel depot on Plot 12, with other plots moved further back and the access road located along this boundary. Alongside mitigation through design a 2.5m barrier along the boundary of the development site adjacent to the fuel depot is proposed with all dwellings having whole house MVHR systems.

Following a meeting between the applicant and Environmental Health on 2<sup>nd</sup> May 2025 modelling was completed for a 3.5m boundary fence as detailed in '23/04380/FUL 139 *Ditton Walk, Cambridge – Additional Mitigation* (Ref: 82306-SRL-RP-YA-03-S2-P1) produced by SRL and dated 12<sup>th</sup> May 2025.

The industrial / commercial noise associated with the operation of the adjoining fuel depot has been modelled using the CadnaA software, before and after mitigation with results applied to the BS8233 criteria.

As stated previously we do not support the use of BS8233 methodology and do not agree with the applicants reasoning that BS8233 is a more appropriate assessment criteria in this specific context. The adjacent noise source has distinct acoustic feature / character features and BS8233 fails to take account of the impact these have on the health and quality of life / amenity of noise sensitive receptors. Therefore, looking at absolute levels, designed for anonymous noise cannot be considered appropriate at this location given the level of the rating level above background prior to mitigation.

In order to establish the suitability of the site for development assessment against BS4142 is required both pre and post mitigation.

### Conclusion

Environmental Health recommend refusal of this application in its current form as in our view it is contrary to paragraphs 135. f), 187. e), 198. a) and 200 of the NPPF (Dec 2024), Policy 35 of Cambridge Local Plan (2018) and the Greater Cambridge Sustainable Design & Construction SPD (2020).

The applicant has failed to adequately assess the adverse noise impact of the adjacent industrial / commercial premises on the future noise sensitive receptors against appropriate BS4142 methodology and is contrary to the requirements detailed in the assessment for non-anonymous noise in the Sustainable Design and Construction SPD (2020). It has not been demonstrated that significant adverse noise impacts / effect will not arise on health and quality of life / amenity.

We do not support the applicants use of BS8233 criteria as acceptable at this site given the scale of the significant adverse noise impact prior to mitigation or post mitigation proposals considering the scale of acoustic feature / character corrections applied.

In the absence of a robust BS4142 assessment it is not possible to establish if the package of noise mitigation proposed is satisfactory in mitigating the potential adverse noise impacts for future occupants both externally and internally.

Further to this it is our view that the agent of change principal applies at this site as the applicant has failed to demonstrate that any future adverse noise impacts have been satisfactorily mitigated against appropriate assessment methodology appropriate for the non-anonymous noise at this site. This development may result in unreasonable restrictions being placed on the existing business at 137 Ditton Walk, Cambridge, CB5 8QD and/or adding to the costs and operational administrative burdens upon them unduly.

Kind Regards,

Elizabeth Bruce  
Scientific Officer

Environmental Quality & Growth Team  
Cambridge City Council