

Dealt with by: Environmental Health

Our Ref: SMD/2021/0483

Direct Dial: (01538) 395400

Your Ref: *as above*

Email: n/a

Date: 12th January 2022

MEMORANDUM: PLANNING CONSULTATION
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LOCATION

**Wayfields Farm Rownall Road
Wetley Rocks**

PROPOSED DEVELOPMENT

Change of use of land and buildings from agricultural to business uses falling within use Classes E and B8 including the associated development for new openings in the existing buildings.

Potential Areas Of Environmental Concern.

1. Industrial Noise (Refusal)
2. Artificial Lighting (Condition)
3. Plant and Machinery Noise (Condition)
4. Air Quality (Condition)

Comments

The buildings currently exist for agricultural storage. This proposal is a significant change from that use. It is to permission 7 different current storage units into potentially 7 light industrial units. The noise assessment predicts impacts to residential amenity. This prediction is based on a moderate increase in noise but this cannot be guaranteed as some light industrial units can cause significant noise which would far exceed the low rural background sound levels in this area. The Environmental Health Department currently advise that new commercial and industrial developments do not increase pre-existing background sound levels, this development would not meet that advice even with the conservative levels predicted by the assessment.

Noise breakout and external work noise will be inevitable given the broad range of uses which might be permitted. Movement of delivery/collection vehicles, doors to industrial units opening and inevitable noise breakout happening would compromise sound levels. The retro fitting of sound insulation into these agricultural storage buildings would be difficult and expensive so as to facilitate industrial and manufacturing uses.

The recommendation to address the predicted increases, proposes that light industrial/manufacturing units be placed further away from the residential properties while retaining units closer to the residential properties for office and storage use. It also recommends each unit would submit a noise assessment prior to first use. This is essentially an application for a small industrial estate in a rural area, the local noise environment is likely to be adversely changed. Would it be realistic to require each new occupancy to submit a noise assessment for

unique approval prior to first occupation? Would it also be realistic to restrict units 1 and 2 to light industrial use if demand for this type of use increased? These are short term mitigation measures which could become unenforceable as time progresses or each time occupancy changed.

An application for office use could be conditioned so that residential amenity is not adversely impacted but this broad proposed use appears too significant for this rural area. The nearest residential properties are very close and their amenity is predicted to be significantly impacted.

Recommendation:

The Environmental Health Department recommend refusal of the application due to the adverse impact to residential amenity this development would likely cause.

Advisory Note/ Informative:

Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

- A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition of the existing buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you contact them directly to discuss their requirements: <http://www.hse.gov.uk/>
- Any approved noise scheme and measurements should pay due regard to the Professional Guidance on Planning and Noise (ProPG), British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice), BS4142:2014 Methods for rating and assessing industrial or commercial sound and/or the Building Regulations 2010 Document E or other appropriate guidance
- Any approved foul drainage system should meet the British Standard 6297:2007+A1:2008: Code of practice for the design and installation of drainage fields for use in wastewater treatment <http://www.bsigroup.com>
- Advice on controlling flies and light can be found in: Statutory Nuisance from Insects and Artificial Light (defra 2005) available as a free download <http://archive.defra.gov.uk/environment/quality/local/legislation/cnea/documents/statnuisance.pdf>
- During any demolition and construction activities (including landscaping) the contractor shall take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.
 - The control of dust and emissions from construction and demolition Best Practice Guidance, produced by the greater London councils <http://www.london.gov.uk/sites/default/files/BPGcontrolofdustandemissions.pdf>
 - Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456)
- If required, contamination risk assessments shall be carried out in accordance with UK policy and with the procedural guidance relating to the contaminated land regime, and

should be in accordance with Planning Policy Statement 23 and the CLR Report Series 1-12.

- Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.
- The Local Planning Authority will determine the acceptability of reports on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post development, where the applicant had prior knowledge of the contamination, the applicant is likely to be liable under Part II (a) of the Environmental Protection Act 1990 and as such become an “appropriate person”. In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.
- Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this, the applicant or those acting on behalf of the applicant will be liable under part II (a) of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.
- During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public property and the environment are protected against noise, dust, odour and fumes
- The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of in an appropriately licensed landfill site.
- Staffordshire Moorlands District Council is keen to liaise with all stakeholders involved in this application. As such, we recommend that a proposed scope of works is forwarded to the Environmental Protection Department and agreed in principle prior to site investigation works being undertaken. The Environmental Protection Department is also prepared to review draft copies of reports prior to final submission to the Planning Department in order to ensure that works undertaken are sufficient to discharge the contaminated land conditions.

Regards,

Environmental Health