

Mr C Johnston
Staffordshire Moorlands District Council
Moorlands House
Stockwell Street
Leek
ST13 6HQ

18 February 2022

Dear Mr Johnston

NOISE IMPACT RESPONSE - SMD/2021/0483 WAYFIELDS FARM, ROWNALL ROAD, WETLEY ROCKS

Thank you for your ongoing liaison regarding the application at Wayfields Farm. I refer to your email from 20 January 2022 enclosing an updated consultation response from Staffordshire Moorlands Council Environmental Health dated 12 January 2022.

Four potential areas of environmental concern are identified, namely:

1. Industrial Noise
2. Artificial lighting
3. Plant and Machinery Noise
4. Air Quality

Industrial Noise is the area of concern prompting the Environmental Health to recommend refusal. This letter focuses on this matter only.

As a starting point, the site has lawful and unrestricted agricultural use, not just for storage. This is considered materially different from the 'agricultural storage' referred to in the opening line of the Environmental Health response. As a result, there are no restrictions on the timing of movements, operations within the site or resulting noise impacts. Although not referred to within the Environmental Health response, this is considered a key material consideration. Therefore, it is not a sterile or new site that proposes activities in the vicinity of residential receptors where they are currently none.

The concerns of the Environmental Health officer are noted, and neither is it the applicants' intention to cause undue disturbance to the lives of the neighbouring properties.

It is further acknowledged that the exact nature of the proposed businesses that would occupy the proposed units are unknown. However, they would be required to fulfil the uses classes E and B8. Of use Class E, the proposed uses can be required to fall specifically within E(g). Class E(g) is defined as:

Class E. Commercial, Business and Service

(g) for –

- (i) an office to carry out any operations or administrative functions,
- (ii) the research and development of products or processes, or
- (iii) any industrial process,

Being a use, which can be **carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.**

The very nature of the proposed use class within which the proposal will fall provides built-in safeguards for residential amenity. To fall within use class E(g), it is explicit that it must be able to be carried out in **'any residential area without detriment to the amenity...'**. Therefore, if a disturbance was caused, then an assessment of the operation would ascertain whether it fell within the relevant use class and it could be enforced by the Council.

Submitted alongside this addendum is a letter from NoiseAir Consultants. It provides further commentary on the noise impact assessment, but also the use of a noise management plan.

With the content of this supplement and the letter from NoiseAir Consultants, it is proposed that a series of suitably worded planning conditions would safeguard residential amenity. Furthermore, they would provide the Council with enforcement measures for the site and enhanced control over the existing, unrestrained use.

A series of proposed conditions for consideration are set out below.

1. The development hereby approved shall be limited to uses falling within use classes E(g) and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended).
Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), no change of use of the site shall take place without the express consent of the Local Planning Authority.

Reason: For the avoidance of doubt, to safeguard the amenity of residential amenity.

Condition 1, set out above, is considered to safeguard the amenity of the surrounding occupiers to uses that are compatible with '*any residential area*'. Furthermore, the condition prevents further changes of use without the Council being able to assess the impacts.

2. No machinery shall be operated, no process shall be carried out, and no deliveries taken at or dispatched from the site outside the following times 07:30hrs – 18:00hrs.

Reason: To safeguard residential amenity

Condition 2 is considered to provide a further layer of safeguard to residential amenity to ensure that the hours of operation are within the daytime hours of residential use. This is as well as the uses in the first instance being those compatible with residential areas.

3. Within three months of the grant of this permission, a noise management plan shall be submitted to the Local Planning Authority. Site operations shall then be carried out in accordance with the approved noise management plan.

The noise management plan shall contain the following:

- Identification of noise mitigating signage
- Staff training for noise management strategies
- Complaints procedure, including operational management contacts for the site

Reason: To safeguard residential amenity

Condition three is considered to provide a further safeguard to ensure that operations are carried out to protect residential amenity. This is in addition to the uses already being compatible with '*any residential area*' and controlled by a time condition.

Conclusion

In conclusion, it is considered that the context and unrestricted use of the site is a material planning consideration. It goes beyond agricultural storage suggested in the Environmental Health response and can be used for any agricultural operation at any time and duration throughout the day or night.

The proposed uses are those that are commonly accepted within a residential area. Indeed the use class definition for E(g) states that it is for a use which can be '***carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit***'. There are, therefore, built-in safeguards within the proposed use class. Deviation from these uses classes would be enforceable by the Local Planning Authority.

The additional conditions set out provide further, precise, enforceable backstops to safeguard residential amenity in a reasonable manner. Furthermore, the proposals provide the Council and nearby occupiers with controls to the environment above and beyond the current lawful, unrestricted operation of the site.

Therefore, it is opined that with the use of appropriate planning conditions, the proposed site operations can take place while safeguarding residential amenity. It is, therefore, considered to be in accordance with the relevant planning policy.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ben Kettle', with a stylized flourish at the end.

Ben Kettle *BSc (Hons.) MSc MCD MRTPI*

CHARTERED TOWN PLANNER | PLANNING CONSULTANT

Appended – NoiseAir Consultants letter dated 18 February 2022