



Dealt with by: Environmental Health

Our Ref: smd/2022/0051

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Date: 2nd August 2022

MEMORANDUM: PLANNING CONSULTATION
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LOCATION

**113 Mill Street
Leek**

PROPOSED DEVELOPMENT

Construction of a drive through restaurant

Potential Areas Of Environmental Concern.

1. Noise/ Vibration (Construction Phases)
2. Noise – Plant and Machinery (Operational)
3. Noise – Customer Vehicles (Drive through) & Deliveries
4. Noise – Car Parking Area
5. Noise – Car radios
6. Local Air Quality
7. Odour and Cooking Smells
8. External Lighting
9. Unexpected Contamination

Recommendation

Environmental Health recommend refusal due to insufficient information being submitted to assess the impact of the development with regard to noise, air quality and other potential nuisance.

Further detail on the reasons for this recommendation are presented in the comments below.

Comments 2nd August 2022

Noise – Amended assessment KP Acoustics Report 23383.NIA.01 REV B

1. Insufficient source information provided for drive through source noise levels, (Section 6.2). The level used is 70dBA. It states the data was measured at a comparable drive through site, (Where, when, how many cars, nature of noise etc.)
2. The updated assessment proposes a screen to protect Wesleyan Court. There is limited detail provided other than it would provide 8dB noise reduction at the receptor. The submitted site plans and elevations do not appear to display proposed line of sight screening. Further detail required
3. The drive through noise should be subject to a BS4142 assessment.
4. The plant BS4142 assessment does not appear to include any tonal penalty.
5. The noise monitoring position was undertaken next to a vehicle repair workshop. Noise monitoring should be undertaken at the Wesleyan Court side of the site adjacent to the residential unit furthest away from the main road.
6. The daytime representative background La90 in table 6.3 is supported by figure 23383.TH1. Can this be supported with the actual logging data?
7. Noise monitoring should include weekends, both Saturday and Sunday to obtain representative weekend background sound levels. One day of midweek noise monitoring is insufficient to represent prevailing background noise levels especially for a development which proposes to operate during the weekend.
8. We raised concerns about the predicted number of cars using the drive thru per hour. Can this be confirmed?
9. There continues to be no proposed timings for this drive through restaurant.

The revised assessment is insufficient to confirm this development will not adversely impact the nearest noise sensitive receptors. Further detail should be provided in order to provide clarity on how predicted noise impacts have been determined.

Air Quality – No information provided to address air quality concerns raised in previous consultation memo.

Comments 25th April 2022

Noise

A noise assessment (KP Acoustics Ref. 23383 20/12/21) has been submitted with this application. The assessment states that updating is required when plant acoustic detail is provided. It determines that subject to mitigation BS8233:2014 would be complied with and background sound levels would not be significantly impacted. The assessment has focused on a noise sensitive property at 120 Belle Vue Road.

The noise sensitive residential units at Wesleyan Court, Mill Street and 118 Belle Vue, Leek have not been considered in the assessment. There are approximately 12 residential units in this building with many facing towards the proposed site and the residence at 118 Belle Vue overlooks the site. These units are directly adjacent to the drive thru access road and

ordering/paying booths where queuing cars is likely to happen during peak periods or service issues. The residential properties in Wesleyan Court are at significant risk of disturbance if planning permission is granted and should have been considered in the assessment.

The assessment assumes 15 vehicles taking 4 minutes to move around the restaurant per hour. It is our experience that these type of sites are heavily used and 15 cars per hour is not representative of what would be the reality. Of course the level of traffic through the site will be dependent on the type of or brand of restaurant which would operate at the site and the time of day. We would expect clearer explanation and evidence of where this 15 vehicles per hour has been sourced. Additionally there is no advice contained on car with loud radios or modified exhausts which are likely to cause significantly high levels of noise even for a short period.

There are no timings for operation set out in the assessment. Road traffic noise during the day is relatively high in the vicinity of this site but decreases significantly between 20:00 and 07:00. The noise breakout at the receptors caused by vehicles even with the conservative 15 cars per hour is 42dB which is 12 db over night time levels and would also be significantly over current evening levels between 20:00 and 23:00. Levels would be obviously higher at Wesleyan Court which is next to the proposed drive through area.

The plant noise assessment is limited due to a lack of information supplied to the acoustician. Due to the proximity of the site to residential properties and the fact that most of these properties overlook the development site, attenuation of plant and fan noise could be problematic. A plant and fan noise assessment should be supplied up front with the application, it should be conducted in compliance with BS4142:2014.

It is our opinion that this assessment lacks sufficient detail on the impacts to all adjacent residential properties. The assessment should be updated with timings, all noise impacts to all likely impacted residential properties and evidence on vehicle numbers and noise levels. Additionally a plant and fan noise assessment should be included in any updated assessment.

Air Quality

No Air Quality assessment has been submitted in support of the application and it is noted that the transport assessment has yet to be approved by the Staffordshire Highways.

The primary road network in Leek has been has been designated as a AQMA.

https://www.laqmportal.co.uk/aqma_maps//1815_1815_SMDC%20AQMA%20Order%20%20No.%201%20Leek.JPG

Whilst this development is not in an area where the emissions from road traffic are currently considered likely to affect receptors beyond the road boundary, there is a need (in accordance with the NFPPF) to determine if the development will directly introduce new sources of pollution (drive thru traffic) into an area of possible existing poor air quality

and/or compound existing air quality issues (indirectly) at other locations on this part of the road network if it alters traffic flows, by increasing traffic and/or traffic queuing on this road.

It is noted that this would appear to be a small site with limited parking facilities and therefore there would appear to be considerable scope for it to disrupt the network at peak times. There is also no mention of if the facility will offer a delivery service (uber, just eat etc) which would likely cause a further reduction in available car parking spaces.

There is also no reference to EV charge points. The applicant should be aware that with the new building regs that come into force in June, that will make the installation of EV charge points a mandatory requirement;

<https://www.gov.uk/government/publications/infrastructure-for-charging-electric-vehicles-approved-document-s>

Lighting and Timings

There is also limited information on the proposed lighting scheme and also the timings of the operation (as noted in reference to noise assessment)

Informative/Other Matters

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

- Guidance for control of dust and emissions for construction can be found: in
 - 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)
- 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>

Regards,
Environmental Health