

Dealt with by: Environmental Health

Our Ref: smd/2022/0114

Direct Dial:

Your Ref: as above

Email: n/a

Date: 15th September 2022

MEMORANDUM: PLANNING CONSULTATION
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LOCATION	4A Transformer House Well Street Leek
PROPOSED DEVELOPMENT	Proposed extension to the first floor.

Potential Areas of Environmental Concern.

1. Construction Impacts (condition)
2. Noise and Vibration Transfer to Neighbouring residential Property
3. Timings of use (condition)

General Comments

The proposed development is for a storage area adjoining a neighbouring property along a party wall. This means a commercial storage unit will be created directly next to a neighbouring property along a shared wall. There is no advice contained how transmission of noise will be prevented into the neighbouring property. It is noted the premises currently requires access 24 hours per day (sign on ground floor door) which may mean access to this room would be required 24 hours per day. There is a proposed stairwell along the party wall. The application form states timings are not relevant to this application which in our opinion may not be correct and further information should be provided.

There is no sound insulation detail contained within the design to demonstrate how transmission of noise will be prevented into the adjoining property. A site specific sound insulation scheme should be submitted to demonstrate how noise transfer into the neighbouring property will be prevented.

Recommendation and Conditions

The Environmental Health Department recommend **refusal** of the application due to insufficient detail being provided to address potential noise impacts to the adjacent property.

Conditions if permission is granted

Construction & Demolition works: Time of operations

1. Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times of operations.
 - 08:00 - 18:00 hours (Monday to Friday);
 - 08:00 - 13:00 hours (Saturday)
 - No working is permitted on Sundays or Bank Holidays.

In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.

Reason: To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

Construction & Demolition: Control

2.
 - I. During construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary;
 - II. Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment. All waste transfer records should be retained for inspection by officers of the Local Planning Authority;
 - III. No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely affect adjacent residential properties and/or other sensitive uses and/or the local environment. In the event dust is caused to escape the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient water resources on site for dust suppression. These should be made available for inspection when required by officers of the Local Planning Authority

Reason: *To protect the amenities of the area during construction*

Restriction on hours of operation

3.

The storage room hereby approved shall not be used before 08:00 hours or after 18.00 Monday to Saturday and not at all on Sundays and public holidays.

Reason: *To protect the amenities of the surrounding residents*

Sound insulation

4.

A site specific sound insulation scheme to attenuate both airborne and impact sound shall be provided for separating walls and floors to ensure the transmission of noise and vibration into any adjoining property/ies is prevented. It should also include detailed particulars of the levels of noise to be generated within the building and of the

times during which noise producing activities will be carried out in the building. The scheme shall be submitted to and approved by the Local Planning Authority before development works commence. The development shall be used in every respect in accordance with the submitted application, plans and such approved details.

Reason: *To protect the amenities of the adjoining residents*

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 British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice) and the Building Regulations 2010 Document E or other appropriate guidance.
- 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>
- If required, Contamination risk assessments shall be carried out in accordance with UK policy the Land contamination risk management framework (LCRM), published by the Environment Agency <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>
 - 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