

Dealt with by: Environmental Health

Our Ref: smd/2022/0253

Direct Dial: (01538) 395400

Your Ref: smd/2022/0253

Email: EHealth.Consultation@highpeak.gov.uk

Date: 12th December 2022

MEMORANDUM: PLANNING CONSULTATION
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LOCATION

Station Works, Station Street, Leek, Staffordshire, ST13 8BP

PROPOSED DEVELOPMENT

Full application for the erection of a business unit for Class B2, B8 and E uses.

Potential Areas of Environmental Concern

1. Noise from plant and machinery (Condition noise assessment and noise emission limits)
2. Fumes (Condition)
3. Construction Impacts (Condition)
4. Outdoor Noise (Condition)
5. Timings (Condition/further information required)
6. Land Contamination (Condition)
7. Delivery timings (Condition)
8. Nuisance (See advisory)

Comments 13th November 2022

A noise assessment by Peak Acoustics Ref. JP1810222NR dated 14/11/22 has been submitted to support the application and address Environmental Health noise impact concerns. The assessment sets 46dB La90 as a representative background for the nearest residential properties. The predicted impact of noise when considered under BS4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound is a rating level is between 78dB and 85db (including character correction +6dB). This would cause a significant adverse impact unless mitigation is used in the development. The assessment proposes that wall, roof and door noise reduction is enhanced (section 6) so that background noise levels are not compromised. There is no specific scheme proposed so we would advise a site specific scheme for mitigation is submitted prior to development commencing which complies with the requirements set out in the assessment(condition).

Further conditions are advised to protect neighbourhood amenity including site timings, plant and machinery noise restrictions and delivery timings. We would recommend the site only

operates during daytime hours to ensure neighbour amenity is protected.

Comments 16th September 2022

1. The information with this application is insufficient to properly assess. Due to the proposed use there are potential adverse risks to amenity which could be caused by noise, odour, light etc. The application form indicates that machinery, timings and trade waste are not relevant to the application which does not appear correct given the proposed uses.

2. A site specific noise assessment should be provided to address amenity concerns. It should be completed in compliance with BS 4142 (2014 +A1:2019)(Method for Rating and assessing industrial and commercial sound).

3. Prior to the closure of the factory in 2018 regular complaints of noise were received against the main factory operations. These primarily related to maintenance, storage and manufacture of product in outside areas and factory doors being left open when loud workings were happening. It would be a concern if an extra industrial unit was developed when noise from the main site when operating has already been subject to complaint.

4. Although the proposed use of the site is of low sensitivity, the site has a history of contaminative uses and was the depot of the former midlands electricity board. The site is also located on a source protection zone. It is recommended that contaminated land risk assessment is undertaken to ensure the site is developed appropriately.

Recommendation

If permission is granted it is recommended the following conditions should be imposed on any permission granted.

1. Construction / refitting works: Time of operations Operation

Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy construction 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 construction 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.*

2. Construction Impacts

- 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*

3. Noise attenuation scheme

Before the development commences, a noise-mitigation scheme shall be submitted in writing and approved in writing by the local planning authority detailing measures that will be implemented to ensure that any noise associated with the development does not cause detriment to amenity or a nuisance, especially to those living and working in the vicinity.

The scheme shall be designed to comply with the mitigation requirements of section 6 of the submitted noise assessment Peak Acoustics Ref. JP1810222NR dated 14/11/22.

Reason: *To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local planning*

4. Plant and Machinery Noise

The machinery, plant or equipment including air condition and ventilation systems ("machinery") installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [15 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142 (2014 +A1:2019)(Method for

Rating and assessing industrial and commercial sound)

Reason:- *To safeguard the amenity of local residents and that of the surrounding area from noise disturbance.*

5. (Fume extraction details)

Prior to the commencement of development, a scheme containing full details of arrangements for internal air extraction, odour control, and discharge to atmosphere from business operations, including any external ducting and flues, shall be submitted to and approved in writing by the local planning authority. The works detailed in the approved scheme shall be installed in their entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when brewing is being carried out unless otherwise agreed beforehand in writing with the local planning authority.

Reason: *To protect the amenities of nearby residents and comply with policy.*

6. Lighting

The artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance at the adjoining light sensitive locations when the light (s) is (are) in operation. Details of all artificial lighting to be installed under this permission should be submitted to and approved by the Local Planning Authority prior to development commencing.

Reason: *To protect the local amenities of the local residents by reason of excess of illuminance*

7. Timings

Unless prior permission has been obtained in writing from the Local Planning Authority the premises shall only be open between the hours 08.00 and 18.00 Mondays to Fridays and from 08.00 to 13.00 on Saturdays and at no times on Sundays, public and Bank Holidays.

7. Outdoor Workings

8. Delivery Timings

No vehicles may arrive, depart, be loaded or unloaded within the general site except between the hours of 08.00 and 18.00 Mondays to Fridays and 08.00 and 13.00 hours on Saturday. And at no time Sundays and Bank Holidays.

9. Outdoor Workings

No power tools or machinery which are audible at the site boundary/ies shall be used outside the fabric of the building. No repairs or maintenance of vehicles or product shall be

carried out in the open air.

Reason (7-9): To ensure that the reasonable residential amenities of adjoining properties are adequately protected from noise pollution.

10. Contaminated land

Development shall not commence until a site risk assessment has been undertaken to assess the nature and extent of any contamination on the site, in accordance with a scheme to be agreed with the Local Planning Authority. Once completed, a written report of the findings and recommendations shall be submitted and approved in writing by the Local Planning Authority.

If the site risk assessment indicates that potential risks exist, development shall not commence, until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been prepared, and is subject to the approval in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: *To protect the health of future occupiers and neighbours of the site from any possible effects of contaminated land*

Informative/Other Matters

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

- The granting of planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of part III of the Environmental Protection Act 1990 be received.
- 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

- 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/statn%20nuisance.pdf>
- Any approved noise scheme and measurements should pay due regard to 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.
- 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.

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 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 Health Department and agreed in principle prior to site investigation works being undertaken. The Environmental Health 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

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