STAFFORDSHIRE moorlands DISTRICT COUNCIL

ACHIEVING • EXCELLENCE

Dealt with by: Environmental Health

Our Ref: SMD/2023/0314

Direct Dial:

Your Ref*:*

Email: n/a

Date: 27th July 2023

MEMORANDUM: PLANNING CONSULTATION

LOCATION	**LAND SOUTH WEST OF Uttoxeter Road Draycott In The Moors**
PROPOSED DEVELOPMENT	**Proposed general purpose storage building**

Potential Areas of Environmental Concern

1. Noise from plant and machinery (Condition)
2. Construction Impacts (Condition)
3. Outdoor Noise (Condition)
4. Timings (Condition)
5. Fume extraction (Condition)
6. Land Contamination (Condition)
7. Delivery timings (Condition)

Comments

The proposal is for a general purpose storage building. There is limited information provided on what exactly is proposed other than storage of chemicals associated with the business of the applicant. There are no timings proposed and no plant/ machinery indicated on the application but we would recommend the following conditions are imposed to ensure neighbourhood amenity is protected. Access to the site is adjacent to residential properties so vehicle access times should also be restricted.

Note: 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. The safe operation of the site is the responsibility of the operator.

Recommendation

Environmental Health do not object subject to the following conditions being placed on any permission granted to protect local amenity.

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 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. 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*.

4. (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.*

5. Lighting

The artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance or glare 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*

6. 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. 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.

8. Outdoor and Breakout Noise

No power tools or machinery which are audible at the site boundary/ies shall be used outside the fabric of the building. All doors and windows to the premises shall be kept closed at all times except for the explicit purpose of entry to or exit from the premises or for loading and unloading purposes.

Reason (6-8):- *To safeguard the amenity of local residents and that of the surrounding area from noise disturbance*.

9. Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development should not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exists to any identified receptors, development shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment has been prepared, and is subject to the approval in writing of 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.

Reason: **-** *To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks*

Informative/Other Matters

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

- 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), BS 4142 (2014 +A1:2019)(Method for Rating and assessing industrial and 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/statnuisance.pdf

- Asbestos: A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition/renovation 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/

- 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 and "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