

Dealt with by: Environmental Health

Our Ref: SMD/2024/0164

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Date: 13th June 2024

MEMORANDUM: PLANNING CONSULTATION
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LOCATION

**3 The Smithfield Centre Ashbourne Road
Leek**

PROPOSED DEVELOPMENT

**Application for Variation of Condition 3 in relation to
SMD/2018/0546**

Potential Areas of Environmental Concern -

1. Noise – plant and machinery, customer and delivery noise

General Comments

Noise Assessment - A noise impact assessment has been submitted to support this application, it was conducted by SBM Safety Solutions Ltd (Date: 25/1/24 ref. E20424). The assessment determines low impact caused by Tiger Bite in section 7. Recommendations for noise control are set out in section 9, we would recommend these are made a condition of any permission granted.

The premises was recently granted a licence to operate till 3am by the Council Licensing Committee after an objection from the Environmental Health Department. This licence was granted subject to the conditions set out below, these conditions were volunteered by the applicant Tiger Bite. I would advise these or similar conditions are replicated onto the planning permission to prevent contradiction. The conditions in summary require the premises to close its public area and front doors at midnight and only operate as a food preparation and delivery site. It is only to operate using its own delivery drivers and all deliveries shall be made from the rear of the premises. It also requires all external signage lighting to be turned off at midnight.

Licence Conditions -

10. Access and service in person to members of the public shall cease at midnight. At midnight the door(s) to the serving area to the front of the premises to the A523 shall be locked. Blinds to the front windows and door(s) shall be installed and closed at midnight so as to prevent views from outside of any activity in the premises, the illuminated sign to the frontage shall be extinguished.

11. From midnight the premises shall operate strictly as a delivery only service. Deliveries shall take place via the premises' rear door utilising the premises' own employed drivers only and delivering exclusively to a fixed place of abode or business premises.

Recommendation – There is no objection from Environmental Health to the timing variation subject to condition to protect neighbourhood amenity.

Conditions –

1. Access and service in person to members of the public shall cease at midnight. At midnight the door(s) to the serving area to the front of the premises to the A523 shall be locked. Blinds to the front windows and door(s) shall be installed and closed at midnight so as to prevent views from outside of any activity in the premises, the illuminated sign to the frontage shall be extinguished. (Licensing)
2. From midnight the premises shall operate strictly as a delivery only service. Deliveries shall take place via the premises' rear door utilising the premises' own employed drivers only and delivering exclusively to a fixed place of abode or business premises. (Licensing)
3. The noise control recommendations in section 9 of the submitted Noise Impact Assessment by SBM Safety Solutions Ltd (Date: 25/1/24 ref. E20424) should be implemented in full and maintained throughout the lifetime of the permission. (REF: Noise impacts Assessment)

Reason: *To protect the amenity of neighbouring properties.*

Advisory:

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 foul drainage system should meet the British Standard 6297:2007+A1:2008: Code of practice for the design and installation of drainage fields for use in wastewater treatment <http://www.bsigroup.com>
- 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+A1:2019 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/statnuisance.pdf>
- The lighting scheme should comply with the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light 2011(or later versions). It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage.

Illuminated area m ²	Zone E1	Zone E2	Zone E3	Zone E4
Up to 10.00	100	600	800	1000
Over 10.00	n/a	300	600	600

Environmental Zones			
Zone	Surrounding	Lighting Environment	Examples
E0	Protected	Dark	UNESCO Starlight Reserves, IDA Dark Sky Parks
E1	Natural	Intrinsically dark	National Parks, Areas of Outstanding Natural Beauty etc.
E2	Rural	Low district brightness	Village or relatively dark outer suburban locations
E3	Suburban	Medium district brightness	Small town centres or suburban locations
E4	Urban	High district brightness	Town/city centres with high levels of night-time activity

The guidance advises that, where an area to be lit lies on the boundary of two zones or can be observed from another zone, the limits used should be those applicable to the most rigorous zone.

- 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>
 - Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456)

Regards,
Environmental Health