



Dealt with by: Environmental Health

Our Ref: smd/2024/0317

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Date: 13th September 2024

MEMORANDUM: PLANNING CONSULTATION
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LOCATION

**113 Mill Street
Leek**

PROPOSED DEVELOPMENT

Mixed use developments of apartments and retails units

Potential Areas Of Environmental Concern.

1. Construction Impacts (Condition)
2. Noise – Plant and Machinery/Breakout Noise (Insufficient Information)
3. Noise – Car Parking and Delivery Area (Insufficient Information)
4. Hours of operation (Insufficient information)

Additional

5. Air Quality (Condition)
6. Odour and Cooking Smells (Condition)
7. External Lighting (Condition)
8. Unexpected Contamination (Condition)
9. Sound Insulation between units (Building Regulations)

Noise – From a noise impact perspective this appears to have reduced risk compared to the previous drive thru application though further clarification is required. There are residential properties in close proximity and could be adversely impacted by commercial and car park noise. The proposed new residential units should also be insulated against external commercial, car park and road traffic noise . There is no noise impact assessment provided and the hours of operation have not been submitted. We would advise the noise assessment

submitted for drive thru application could be revised to address the noise impacts of this development.

Recommendation

Environmental Health recommend refusal due to insufficient information being submitted to assess the impact of the development with regard to noise.

Additional Comments

Further to the above (which must be addressed)

Air Quality -

No Air Quality assessment has been submitted in support of the application.

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

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

There are two main areas where a development may have a significant impact on air quality, and hence require assessment:

- (1) If the development is likely to cause a deterioration in local air quality
- (2) Where the proposed development is to be located in an area of poor air quality

With regard to (1), It is not considered likely that the development is of sufficient magnitude to satisfy (1), as the number of proposed vehicles is unlikely to significantly affect the level of pollution on the road particularly, if the developer includes EV recharging infrastructure within the development to offset these impacts

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

- (2) Part of the site, notably with proposed ground floor flats sits adjacent to Mill Steet, which is part of Leeks AQMA so does qualify for (2), therefore, an air quality assessment (AQA) is required.

It is considered that this can be conditioned as the authority does hold some air quality data near to the proposed development, which indicates that the site would likely be below AQ objects. This though this needs to be formally assessed, in the context of the new environment, to ensure future residents are not exposed to AQ levels above local Air Quality Objectives by the incorporation of suitable mitigation into the design if necessary (condition recommended).

Therefore, the applicant needs to undertake an air quality assessment to whether the development will expose future occupiers to unacceptable levels of air pollution, defined as

the exceedance of an air quality standard at the receptor location, and ensure that their development's potential benefits to air quality and health are maximised.

Contamination: The site is a former garage (popular garage) so the potential for potential historic contamination at the site exists. Whilst it is unlikely that the contamination is of sufficient magnitude to compromise the suitability of the development for the proposed use, it is recommended that a contaminated land risk assessment be undertaken to ensure that any risks that may exist are identified are remediated to ensure the site is suitable for the proposed use.

Proposed conditions relating to additional Comments

Air Quality Protection Plan

1. Prior to the commencement of development an air quality assessment shall be carried out for the proposed development and a scheme for protecting the future residential occupiers of the buildings from the effects of nitrogen dioxide arising from road traffic has been submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed prior to the occupation of the buildings hereby approved, and thereafter maintained for the lifetime of the development.

Reason: *In order to safeguard the amenities of the occupiers of the proposed dwelling[s] in respect of atmospheric pollution.*

2. Contamination

- i. No development, with the exception of site clearance and demolition, shall take place 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.
- ii. If the site risk assessment (i) indicates that potential risks exist, development shall not commence, until a detailed remediation strategy to mitigate the identified risks and ensure the site is remediated to a condition suitable for the intended use has been submitted and approved in writing by the Local Planning Authority.
- iii. The agreed remediation strategy (ii) shall be adhered to throughout the development.
- iv. Following completion of the site remediation and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted and approved in writing by the Local Planning Authority.

3. Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition (4) , and where

remediation is necessary a remediation scheme must be prepared in accordance with the requirements of that condition, which 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.

4. Soil Importation

No soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing to by the Local Planning Authority.

Reason (common to 2-4):- *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.*

5. Lighting

The artificial lighting incorporated into this site in connection to this application shall not cause glare or 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*

6. Cooking Smells

Suitable ventilation and filtration equipment shall be installed to suppress and disperse fumes and/or smell created from cooking activities on the premises. (The equipment shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the proposed use continues). Details of the equipment shall be submitted to and approved by the Local Planning Authority in writing prior to commencement of this development. Equipment shall be installed and in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use. (Any system installed must be by suitably qualified competent engineers and the canopy must meet all relevant Health and Safety requirements including the use of Gas Interlocks. The provision of a commissioning certificate issued by a Gas Safe registered engineer should be available for inspection.)

Reason: *To ensure that unsatisfactory cooking odours outside the premises are minimised, in the interest of the amenity of occupiers of nearby properties.*

Informative/Other Matters

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, PROP: New residential Development 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_uisance.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)
- 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