

Dealt with by: Environmental Health

Our Ref: SMD/2024/0377_0378

Direct Dial: (01538) 395400

Your Ref: smd/2024/0377_0378

Email: EHealth.Consultation@highpeak.gov.uk

Date: 23rd October 2024

MEMORANDUM: PLANNING CONSULTATION
--

LOCATION	The Spice Merchant, Cross Street Mill Cross Street Leek
PROPOSED DEVELOPMENT	Single storey side extension

Potential Areas of Environmental Concern.

1. Construction Impacts (Condition)
2. Plant Noise (Condition)
3. Cooking Smells (Condition)
4. Contamination – (Condition)
5. Food Registration (See Advisory)
6. Asbestos (See Advisory)
7. Timings (Condition)

General Comments:

Noise: The current kitchen extraction arrangement is not ideal. The loud fan noise and discharge of grease from a flue directed towards the ground requires alteration. At present there are no immediate residents adversely impacted by these impacts. But as planning permission has been granted for residential development in the adjacent London Mill, if the extraction is not improved complaint could be likely in the future. The proposed development provides an opportunity to remedy these issues. The proposal will mean moving the flue further away from London Mill and there should be an updating to low noise equipment which normally would mean an automatic reduction in impact noise levels. Noise limits are proposed to take account of future residential amenity in London Mill ref. BS8233:2014 7.7.2 Indoor Ambient Noise Levels for Dwellings and any tonal noise caused by the fan. If this condition cannot be accepted then we would advise a noise assessment is submitted to determine the noise impacts on the nearest noise sensitive premises.

Cooking Smells: The proposal to discharge cooking smells through the roof is an improvement but further detail should be provided prior to work commencing if permission is granted. There are no details provided regarding plant and machinery which are to be installed as part of this permission i.e kitchen extraction fans, condensing units, air conditioning, flue noise etc. We would recommend a noise controlling condition is placed on any permission to require the construction of the unit and operation of any plant under this permission does not exceed background noise when measured under BS4142:2014+A1:2019, condition advised.

Additionally we would advise details of extraction, filtration and cooking smell abatement are submitted for approval prior to installation. The cooking smell abatement scheme should be compliant with EMAQ+ Guidance on Odour and Noise from Commercial Kitchen Exhaust Systems and the Council's Planning Practice Note: Commercial Kitchen Extraction Systems.

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.

Contamination: The site is a former silk mill / general industrial area. It is likely to have significant made ground across the site due to the presence of former buildings. However, it is going to a low sensitive end use, with no associated soft landscaping, therefore the post construction risk from contamination at the site is considered minimal. The unexpected contamination condition is included as a precaution, should anything unexpected / significant is encountered when doing the foundation excavations.

Recommendation

No objection subject to the following conditions being applied to any permission granted.

1. Construction & Demolition Works: Time of operations

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.

2. Construction & Demolition: Pollution Control

- 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. Cooking Smells

Prior to the commencement of development, a scheme containing full details of arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking 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 cooking is being carried out unless otherwise agreed beforehand in writing with the local planning authority. The 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.*

4. Plant and Machinery

The machinery, plant or equipment including air condition, kitchen extraction 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 'rating' level of noise generated by the operation of the machinery shall not exceed $L_{ar,Tr}$ 50dB [1hour] (day time 07:00-23:00 hours) and/or (b) $L_{ar,Tr}$ 45dB [15 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation.

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).

Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound-sensitive property.

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

5. Delivery Hours

No deliveries shall be made to the site between the hours 21:00 to 07:00 hours Monday to Saturday and between the hours 19:00 hours to 10:00 hours on Sunday and Bank Holidays.

Reason: *To protect the amenities of neighbouring residents*

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. Hours of Opening

The premises hereby permitted shall only be open to customers between the hours of 17:00 to 23:00 Monday to Saturday and 17:00 to 22:00 on Sundays.

Reason: *To protect the amenities of neighbouring residents*

8. 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. If after consultation with the Local Planning Authority the contamination is considered to pose a possible risk, to human health, buildings and other property and the natural and historical environment (receptors), development should not commence further until a site investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority. If the contamination investigation and risk assessment indicates that potential risks exist to 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 the receptors has been prepared, 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.*

Advisory Note/ Informative:

- 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), 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
- A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition and conversion 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/>

- Food Registration: Under Regulation (EC) No 852/2004 Article 6 Paras 1 and 2 every food business operator shall cooperate with and notify the appropriate competent authority by completion of a food establishment registration form for each establishment under its control that carries out any of the stages of production, processing and distribution of food, with a view to the registration of each establishment. Food business operators shall also ensure that the competent authority always has up-to-date information on establishments, including by notifying any significant change in activities and any closure of an existing establishment.

The applicant is advised to contact the Environmental Health Department, Staffordshire Moorlands District Council, Moorlands House, Stockwell Street, Leek, Staffordshire Moorlands Tel: 01538 395400 Fax: 01538 388393
Email: environmental.health@staffsmoorlands.gov.uk

- 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/>
- 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 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

Appendix 1

From: Freya Hoyle <Freya.Hoyle@bwbconsulting.com>

Sent: 09 December 2022 14:29

To: Mccrory, Daniel <Daniel.Mccrory@staffs Moorlands.gov.uk>

Cc: Catherine O'Toole <Catherine.OToole@pegasusgroup.co.uk>

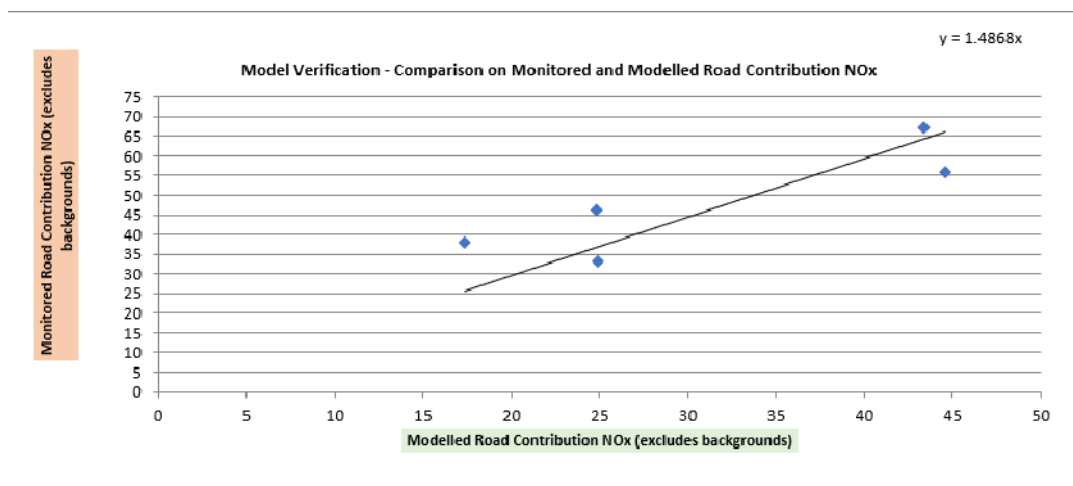
Subject: Broad Street, Leek - air quality

Good afternoon Dan.

I hope you're well?

I've been provided with some queries from yourself on the air quality assessment we prepared for the proposed development on Broad Street in Leek. I've provided these below with responses which I hope will assist you.

- The model set up appears generally** acceptable but does not present or discuss the initial Root Mean Square Error, this is desirable because if the initial RMSE was $> \pm 25\%$ then one would anticipate the model inputs (e.g. adopted speed @ 42) are reviewed prior to applying a correction factor. It would also be desirable to view the correlation in graphical form. It is noted that the RMSE improved to around 10% with the application of a correction factor, which is acceptable (though the error is not consistent both underpredict (42) /overpredict).
- When comparing the unadjusted total NO₂ derived from the model to the monitored concentrations, an RMSE of 21.2% was derived. I have provided below the graph of the model verification plotting each of the monitoring locations utilised in the assessment. The unadjusted model output RMSE falls within the acceptable 25% range, and further improves with adjustment and therefore it is considered that the model is performing statistically well and that the use of the adjustment factor provides robust results in the impact assessment.



- **On this note, the actual adopted speeds (and associated justification), around this junction and on the approaches need to be included.

Currently the report states *“Consideration was given to the speeds at which vehicles are likely to travel within the study area. Free flowing traffic conditions were modelled at the average speeds provided by the Transport Consultants for the project.*

*Where these were unavailable roads were modelled at their respective speed limits. Queuing sections were modelled in accordance with Defra guidance11.” This is just too vague***. Please supply the info and reasons inline with 7.266 onwards of the LAQM Tech guidance.*

With regard to the speeds utilised in the air dispersion model, Broad Street was modelled utilising the recorded speed provided from the ATC undertaken on the link (21.5mph). This was considered to represent the 'normal' conditions and this speed was then reduced at the junction with the A520 by 20kph to reflect the congestion experienced at this junction in accordance with paragraph 7.291 of Defra LAQM.TG(22), for a distance of 50m to account for the longer than average queues identified in aerial imagery. For other links of this junction, that same methodology was applied where speeds were reduced by 20kph for a distance of 50m from the junction.

- Further to the above the above, it is assumed the same speeds/congestion adopted for the validation and base year without development, are essentially the same. Can they confirm if speeds were adjusted to reflect and potential changes in congestion / vehicle movements as a result with the development. If they weren't please can you present your reasoning on this. To reflect the addition of a new access point onto Broad Street, traffic either side of the site access was slowed in the 'with development' scenario for a distance of 25m to represent potential queuing of vehicles accessing the site / vehicles pulling out of the site, by 10kph.
- ***This is because the volume of traffic and congestion at this location (junction of A53 Broad Street, A53 Brook Street, A52 St Edward Road and A52 Compton) has been identified as the key contributor to elevated levels of NO₂ annual mean concentrations within the AQMA and measures to reduce this congestion have been identified as key component of our action plan to bringing levels down.

I hope the above information is of assistance but should you have any further queries or wish to discuss anything, please do let me know.

Best regards,

Freya

Freya Hoyle MSc BSc (Hons) MIAQM MEnvSc

Associate Air Quality Consultant | Team Leader | BWB Consulting Limited

M 07858 518 152 W www.bwbconsulting.com