

Dealt with by: Environmental Health

Our Ref: SMD/2024/0511

Your Ref: as above

Date: 16th December 2024

MEMORANDUM: PLANNING CONSULTATION
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LOCATION	83 Haywood Street Leek
PROPOSED DEVELOPMENT	Change of use of former bank to public house and function room (sui generis use) including external & internal alterations

Potential Areas of Environmental Concern -

1. Construction Impacts (condition)
2. Noise impacts (Insufficient information)
3. Lighting Impacts (condition)
4. Cooking Smells and ventilation(Condition)
5. Asbestos (Advisory)

General Comments

Noise:

1. Typical noise from a venue as proposed include loud amplified sound and music, low frequency noise caused by amplified music, plant internal and external noise, customer noise and structure borne noise. The previous use was a bank so there would have been negligible noise during the evening, nights and weekends. The proposed development will significantly change that if granted permission. A noise impact assessment has been submitted to support this application undertaken by Peak Acoustics ref. 1309244NR dated 29/10/2024 to assess and propose mitigation to reduce and prevent adverse noise impacts

2. The most likely impacted residents live over the restaurant Thai Siam 77-81 Haywood Street, the most likely impacted commercial operation would be the restaurant Thai Siam 77-81 Haywood Street (NSR1 in the assessment. Other potential impacted residents live at the rear of Derby Street (NSR2 in the assessment). The assessment has considered these NSRs. As there NSR1 share a party wall,

3. Current Background sound levels have been assessed at representative points for NSR1 and These can be accepted subject to the data logged to provide these levels are submitted to the LPA.

4. The applicant has advised live music will generally take place between 8pm and 11pm with recorded music till 01:00. The applicant has submitted noise source levels from a company data library. It is unclear from the submission where these have been sourced and used in predictions. Have these levels been obtained in-situ or are they from an acoustic test, for example Live Music is set at 85dBA does this include a bar full of people perhaps conversing or singing along or sat just observing a performer in silence? Bar and function room speech, would this also include music and at what level. Have the bar and function room been considered operating together with multiple noise sources considered?

5. The breakout noise from the normal internal pub operations on to the street can be reduced though improved glazing, closed doors and setting music noise levels through a sound limiter.

6. The transmission of noise into the adjacent property NSR1 remains a concern this could include external noise from the street e.g customers congregating, any breakout noise where previous mentioned controls fail or more likely internal transmission through the party wall or structure borne noise. The applicant's submission recognises that it contains significant omissions in relation to noise transfer to the neighbouring property – section 13 ***“Noise breakout from the site has been calculated via partition sound insulation modelling which is of limited accuracy with an inherent margin for error of 3 – 5dB for airborne sound insulation performance. Additionally, the contribution of flanking pathways and ground or structure borne vibration has not been considered.”***

There is no guarantee the existing party wall and an proposed mitigation will protect the existing residential amenity of the neighbours – Section 13 – ***“The criteria utilised within the report are based on levels that should not cause a disturbance however this is not ‘inaudibility’, and it may be possible to hear the site from the NSR’s while the criteria are achieved.”***

The party walls of old buildings such as these may have been compromised over time as the properties have been renovated e.g drilling, building works etc. The fact that no sound test has been conducted means there is a concern about the noise reduction specification assumed in the report. The acoustician recommends a sound test in the report.

7. There is no consideration for the low frequency music noise impacts especially as the acoustic integrity of the party wall is unknown.

8. There is no consideration of plant noise e.g cellar cooling fans, air-conditioning system, cooking extraction units, air extraction fans, toilet fans, kitchen noise, noise caused by customer dispersal onto Haywood Street at closing time.

9. Unless the development site 83 Haywood Street can be acoustically sealed and all potential structure borne noise transfer prevented into 77-81 Haywood Street then it is likely to cause adverse impacts to amenity and complaint to the LA. The information provided does not sufficiently demonstrate this. Any complaints received would inevitably compromise the operations of the bar and potentially its viability.

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/>

Recommendation – Environmental Health recommend refusal due to insufficient information being provided to address the noise impacts from the proposed development into the adjacent property including both commercial and residential areas of that property.

Advisory:

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

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- 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)
- 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