

Dealt with by: Environmental Health

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Date: 18th December 2025

MEMORANDUM: PLANNING CONSULTATION

LOCATION

**The Old Court House High Street
Leek**

PROPOSED DEVELOPMENT

Proposed Change of Use of use / conversion of un-occupied first and second floor accommodation into 12 residential units

Potential Areas of Environmental Concern.

1. External Noise - Road and Commercial noise (Condition mitigation in noise assessment)
2. Internal transmission of commercial noise from ground floor restaurant and post office—music, plant & machinery, operational and customer noise. (Insufficient information)
3. Internal transmission of noise between residential units (Building Regulations)
4. Operational plant and machinery noise impacts e.g air conditioning units. (Condition)
5. Construction Impacts (Condition)
6. Cooking Smells
7. Air Quality
8. Asbestos (Advisory)

General Comments and Recommendation

Noise Updated – An updated noise impact assessment has been submitted to address outstanding concerns relating to the kitchen extraction fan noise in the proposed residential units Ref. Hepworth Acoustics P24-148-R02 dated 03.11.25 version 3.

This assessment has undertaken investigation into noise from road traffic, and nearby and internal commercial units. The Napoli restaurant and road traffic has been identified as causing noise into the residential units which requires mitigation. Section 5 of the assessment has submitted a scheme of sound insulation designed to ensure compliance with the criteria sound levels set out in section 2. Both the criteria sound levels and scheme of sound insulation can be accepted and should be made conditions of development.

The application acoustician/or an equivalent qualified person appointed should be involved throughout the development phase in order that all required sound insulation is installed. Any changes to the proposed sound insulation should be approved by a suitably acoustician appointed by the developer prior to approval by the LPA. Pre-completion/occupation testing should be undertaken to demonstrate compliance with the approved criteria set out in sections 2.22 -2.25 inclusive where compliance is not proven then further attenuation works should be installed and retesting conducted.

Any plant noise introduced into the development e.g air conditioning units or ASHPs should not increase pre-existing sound levels. A condition is advised.

Note: The issue of amplified music potentially poses a concern. The current Napoli operator made it clear to Environmental Health that music was not a key part of their operation and was only played acoustically on occasional nights. They emphasised their primary concern was the development of the building as it was in a poor state of repair and beginning to impact their business e.g rain water ingress. If the use of live music is limited to acoustic only and all recorded music limited in noise level then there should be no adverse impact to the residential units upstairs. We would perhaps advise a noise limiter is installed into the restaurant taking account of advice from the current operator and acoustician. Any future operator of the restaurant e.g if it changes operator, should be aware of the limitations accepted by the current owner by introducing residential units over this restaurant.

Noise comments 29/04/25

External noise caused by road traffic and commercial noise from High Street can be addressed through the mitigation set out in section 4.0 of the noise assessment (Hepworth Acoustics June 2024 Report No: P24-148-R01v1).

Noise between proposed residential units should be addressed through Building Regulations.

Internal transmission of noise from commercial units into the proposed residential unit remains unaddressed. Under the agent of change principle the onus should be on the developer to install mitigation to address impacts from the exiting commercial operations which might impact future residential amenity. This assessment does not assess or propose site specific sound insulation to mitigate internal transmission of noise from the Napoli restaurant, the Post Office, Chennai restaurant and Adrian Wilson car workshop into the proposed residential units.

The Napoli restaurant is likely cause internal noise transmission through the building from music, plant e.g cooking extraction fans, duct noise, customer noise etc. if appropriate insulation or mitigation is not installed. The Napoli has opening times from noon to Midnight (Monday to Thursday), 12:30am (Friday and Saturday), 11:00pm (Sunday) and under the deregulation of live music, amplified live music can be played at this venue up to 11:00pm without any change in the current licence. This would be likely to cause significant adverse impacts to the proposed residential units during unsocial hours. A robust site-specific breakout noise impact assessment and sound insulation scheme should be completed to address structure borne, airborne, flanking transmission, and transfer of noise through ceilings, floors and walls.

The current Post Office unit has a broad range of potential commercial uses and although unlikely to cause significant level of noise into the upper levels of the building it should be assessed. The range of commercial uses this unit might have could be compromised if the proposed residential units are not appropriately insulated.

The car repair garage and Chennai restaurant share sections of a party wall with the proposed apartments. Noise could transfer through the structure if not sufficiently isolated.

Plant Noise - There is a proposed change to flue, vent and plant arrangements for the Napoli restaurant to facilitate this development this should be considered in any revised noise assessment i.e. impact to existing and proposed residential units. In addition any air conditioning or ASHP to address overheating in the proposed units should be assessed.

Air Quality – updated 16/9/2025

An air quality assessment has been undertaken by [Aeolus Air Quality Consulting Ltd](#) in support of

the application. The report is considered to satisfactorily demonstrate that the proposed development will not significantly affect AQ in the local area and the site itself is suitable for development (in AQ terms) this is accepted. The report also includes recommendations for the control of dust during construction, however these are somewhat generic and not bespoke to this sort of development. Moving forward the applicant should adopt the appropriate mitigation suitable practices highlighted in this report and include them in any future construction management plan.

Odour — updated 16/9/2025 An odour impact assessment been undertaken by Haze Environmental Ltd (V3) in support of the application.

The report is a comprehensive desktop report and assesses the odour potential, from the existing Italian (beneath the proposed flats) and Indian Restaurant adjacent /below), to affect future residents.

It is noted in the report that the odour assessment from the Italian suggested that the exhaust flue should / will? Be moved to discharge at a height 1m above the ridge to allow for adequate dispersion away from receptors. It is this new location that was evaluated in this assessment. It is assumed that the woodfired pizza in question is an approved appliance utilising appropriate fuel (seasoned wood) and does not produce smoke.

The findings of the report indicate that the odour from the Italian should not be an issue (as discharging above the receptors) but the effect of the odour emission from the Indian (Chennai restaurant) on the proposed residential flats could potentially be significant, particularly given new openings are proposed on that side of the building near to Chennai's discharge)

The consultant argues that there are already sensitive receptors located nearer, or at a similar distance to the vent and no complaints have been received which indicates that some odour control equipment is fitted and therefore, the odour risk would reduce to low and the impact on the development would be negligible. In the previous consultation it was noted that there was some merit in this argument, but it would appear to also be one that that could be clearly validated by undertaking an actual site visit to assess the odour from the Indian restaurant during its operation. This, however, does not appear to have taken place but rather the consultants have assumed some moderate impact and recommended that *a mechanical ventilation system with odour filtration, such as activated carbon filters, is installed. This system will ensure effective mitigation by maintaining adequate air exchange without reliance on open windows during periods of high external odour levels, while still allowing for natural ventilation when conditions permit. This approach provides flexibility and comfort for occupants while ensuring compliance with odour control requirements.*

This is agreed / accepted.

However, the no detail around what *"a mechanical ventilation system with odour filtration, such as activated carbon filters"*, has been presented. The only reference to the system appear to be restricted to the supplied schematic (Ref: 22361 AL9B B Elevations proposed) that notes a symbol indicating "New ventilation louvre grille", for windows facing Salisbury street. No reference to any actual odour control (e.g activated carbon) is shown.

Odour — updated 20/11/2025

Further details regarding the installation of the mechanical ventilation system with odour filtration have been supplied to the LA. These note that flats Nos 4, 5 and 9, will be ventilated by mechanical fresh air supply system with activated carbon air quality filtration equipment for particulate removal PM₁₀, type 1 gas filtration plus PM_{2.5}, provided by the product supplier Airclean Ltd, in accordance with schematic diagram (Ref: 22361 AL9B B Elevations proposed)

and supplied Air clean manufacturers product details.

The applicant notes that the system will either operate from proprietary external wall fixed louvre vent grilles approx. 250mm wide/long x 150mm deep, proprietary mechanical suction fan with internal ducting and internal supply grilles into the habitable rooms (living / kitchen rooms, bedroom and bathrooms) etc of each flat in either Positive Input Vent (PIV Mode) or Mechanical Ventilation with Heat Recovery (MVHR Mode) the latter depending on the agreed overall energy performance heat loss/insulation criteria required to comply with the Building Regulations. Exhaust air in either of the optional modes will be ducted from each of the flats to the outside and will be naturally forced or mechanically vented through tile vents in the roof.

Both these proposed schemes are approved.

Recommended Conditions

The Environmental Health Department have 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 deliveries) 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: Construction Method Statement

The development, including demolition hereby permitted shall take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method statement should include the following details:-

- I. A scheme to minimise dust emissions arising from demolition/construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.
- II. a scheme for recycling/disposal of waste resulting from the demolition/construction works;
- III. 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;
- IV. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint.

Once approved, all relevant activities on the site should be carried out in accordance with Construction and Environmental Method Statement throughout the course of the development. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.

Reason: *To protect the amenities of the area from dust*

3. Ventilation

Prior to the occupation of the development, details and verification of the installation of the approved scheme for the mechanical air ventilation system shall be submitted to and approved in writing by the LPA. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions unless otherwise agreed beforehand in writing with the LPA.

Reason: *To protect the amenities of the occupants*

4. Adaptation of an existing building to provide additional sound attenuation

(i) The submitted scheme for sound insulation (ref. Hepworth Acoustics P24-148-R02 dated 03.11.25 version 3 section 5) should be installed in full. All works that form part of the approved scheme shall be completed before first occupation of the permitted development. The approved works shall be retained for the life of the development unless agreed in writing with the planning authority.

(ii) Prior to any part of the development first being occupied pre-completion tests shall be carried out to verify compliance with the submitted and approved Noise Assessment conducted by Hepworth Acoustics P24-148-R02 dated 03.11.25 version 3 section 2. The raw data, calculations and results from the pre completion tests shall be submitted to the Local Planning Authority for its written approval before any of the units hereby approved are occupied.

Reason: *To protect occupiers from noise and safeguard their residential amenities*

5. External Lighting

The artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance or cause 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. External Plant and machinery Noise

The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed background sound levels, taken as a 15 minute LA90 at the nearest sound-sensitive premises. All measurements shall be made in accordance with the methodology of BS 4142 (2014 + A1:2019) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

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.

Any deviations from the LA90 time interval stipulated above shall be agreed upon in writing with the LPA.

Reason: *To protect the amenity of the locality from noise pollution, especially for people living*

and/or working nearby.

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