



Environmental Health – Planning Consultation

Date: 6 October 2017

My Ref: HPK20170353

Dealt with by: Matthew Rhodes

Tel: 01298 28400 Ext 4457

To: planning@highpeak.gov.uk

CC:

APPLICATION NUMBER: HPK/2017/0353

LOCATION: Tann Uk Ltd, Shaw Lane, Dinting, Glossop, Derbyshire, SK13 6EE

PROPOSED DEVELOPMENT: Change of use of unit 2 at the former Tann UK Building to allow for B8 use with trade counter use to form a screw fix store

CONSULTATION DATE: 15 Sep 2017

RECOMMENDATION

The Environmental Health Department has no objection to the proposed development subject to the conditions set out below being applied to any permission granted.

Comments

Contamination -The proposed development is on a site previously occupied by an industrial process permitted under the Environmental Permitting (England and Wales) Regulations 2010, due to the risk presented to the environment. To protect the health of the public and the wider environment from potential land contamination condition 2 is recommended.

Fumes and Odour – Conditions 3 and 4 (and 1) are recommended to protect future amenity of nearby noise and odour sensitive properties.

Artificial Lighting – Condition 5 is recommended to protect local amenity from artificial light pollution

Noise – Conditions 6 to 8 (and 1) are recommended to protect future amenity of nearby noise sensitive properties and the wider environment.

Construction and Demolition - The construction/demolition stage of the development could lead to an increase of noise and dust experienced at sensitive premises and subsequent loss of amenity, for this reason conditions 9 to 11 are suggested.

Conditions

1. COM01 NO ADDITIONS / EXTENSIONS / EXTERNAL ALTERATIONS OR OUTDOOR MACHINERY

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 1995 (as amended by The Town and Country Planning (General Permitted Development) Order 2015) there shall be no additions / extensions / external alterations to any building forming part of the development hereby permitted and no plant or machinery shall be installed outside any such building on the site on the approved plans.

2. CONTAMINATION

Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions **1a** to **1d** have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition **1d** has been complied with in relation to that contamination.

a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and

remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation 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.

d) Reporting of 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 **1a**, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition **1b**, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition **1c**.

3. Cooking Smells

Prior to any commercial cooking taking place on the premises 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 selected with regard to current best practice, guidance and industry standards and shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the prepared 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.

4. Discharges to Atmosphere

No discharges to atmosphere of any gaseous or particulate matter shall take place, arising from the operation of any process or plant, unless in accordance with a scheme of atmospheric pollution control measures to be approved by the Planning Authority. The approved scheme shall be implemented before the use hereby permitted occurs.

5. COM16 DETAILS OF EXTERNAL LIGHTING

No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to

and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

6. COM09 RESTRICT DELIVERY HOURS

The delivery and dispatch of goods to and from the site shall be limited to the hours of 07:00 and 23:00 on Mondays to Fridays, 9:00 and 16:00 on Saturdays, and at no time on Sundays and Bank or Public Holidays.

7. Noise Control

Prior to the first use or occupation of the development as hereby permitted, a noise survey shall be undertaken by a competent person to determine background noise levels the site boundary. The survey shall be submitted to and approved in writing by the LPA.

Noise emitted from the site thereafter shall not exceed a rated value in excess of 5db(A) above the background level determined in the approved survey, when measured *(or calculated where measurement is not possible) at any noise sensitive property. Measurements shall be made in accordance with the current version of British Standard 4142..

8. Construction WORKS: TIME OF OPERATIONS

Unless prior permission has been obtained in writing from the Local Planning Authority, all noise-generating 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 condition, a noise-generating activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is clearly audible at the site boundary.

9. Asbestos Survey

A demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the refurbishment of the existing buildings in accordance with the procedures outlined in HSG264 (<http://www.hse.gov.uk/pUbns/priced/hsg264.pdf>) . If the asbestos risk assessment indicates a risk exists refurbishment should not take place until a and a mitigation plan to reduce risks to potential future occupiers and the wider public, has been agreed with the local authority.

10. MS13 CONSTRUCTION AND DEMOLITION – WASTE DISPOSAL

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.

There shall be no fires lit on the site for purpose of disposing of demolition/construction materials. Any open fires that arise shall be extinguished without delay.

11. MS12 Construction/DEMOLITION – DUST

There shall be no visible dust emissions beyond the site boundary associated with

construction/demolition works undertaken at the site. In controlling dust on site, the contractor shall have due regard to the Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456).

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 British Standard BS8233: 2014 Sound insulation and noise reduction for buildings (Guidance Document), BS4142 Methods for rating and assessing industrial and commercial sound and 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>
- 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 and with the procedural guidance relating to the contaminated land regime, and should be in accordance with Planning Policy Statement 23 and the CLR Report Series 1-12.
 - 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.
- High Peak Borough 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,

Matthew Rhodes

EHO (Pollution Specialist)