

Memorandum

HIGH PEAK BOROUGH COUNCIL

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Environmental Health – Planning Consultation

Date: 13 May 2021

My Ref: HPK20210116

Dealt with by: Matthew Rhodes

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To: planning@highpeak.gov.uk

CC:

APPLICATION NUMBER: HPK/2021/0116

LOCATION: 1, The Old Pump House, George Street, Buxton, Derbyshire, SK17 6AY

PROPOSED DEVELOPMENT: Change of use of former office/stores to bar/restaurant with deli

CONSULTATION DATE: 15 March 2021

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

Conditions 1 to 3 are recommended to protect local amenity with regard to noise and odour.

Conditions

1. FED08 - FUME EXTRACTION – ODOUR

Prior to the use hereby permitted commencing, a scheme for the installation of equipment to control the emission of fumes and odour from the premises shall be submitted to and approved in writing by the local planning authority. The scheme shall demonstrate compliance with, and be consistent with EMAQ Industry Guidance, "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018)". The approved schemes shall be implemented in full. All equipment installed as part of the odour control scheme shall thereafter be operated and maintained to ensure compliance with EMAQ (2018) and in accordance with the manufacturer's instructions.

Inlet ventilation provision shall be of an adequate capacity, capable of achieving 40 air changes per hour in the kitchen and connected to a variable fan speed control switch.

2. FED09 - FUME EXTRACTION - NOISE CONTROL

Prior to the use hereby permitted commencing, a report detailing the noise emissions from the proposed extract ventilation system shall be submitted to the Local Planning Authority for approval. This shall incorporate noise assessment and monitoring undertaken inline with BS4142.

Where significant loss of amenity is identified in the approved report the cooking equipment extract shall be fitted with effective silencers in accordance with an acoustic specification to be agreed with the Local Planning Authority. The approved silencers shall be installed prior to commencement of the use of the development hereby approved and subsequently maintained.

The extraction system serving cooking equipment shall incorporate anti-vibration mounts and flexible couplings to prevent structure-borne noise to adjoining occupiers.

3. HR02 - HOURS OF USE: RESTAURANT

The use hereby permitted shall not be open to customers other than between the hours of 08:00 to 00:00 on any day.

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 the National Planning Policy Framework and DEFRA Land Contamination Risk Management (LCRM) guidance.
 - 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)