



Environmental Health – Planning Consultation

Date: 13 May 2021

My Ref: HPK20210130

Dealt with by: Matthew Rhodes

Tel:

CC:

APPLICATION NUMBER: HPK/2021/0130

LOCATION: Victoria Works, Hyde Bank Road, New Mills, Derbyshire,
SK22 4BP

PROPOSED DEVELOPMENT: Proposed conversion of first floor of existing commercial
building to form 3 no dwellings.

CONSULTATION DATE: 1 April 2021

RECOMMENDATION

REFUSAL OF APPLICATION

Refusal of the application is recommended on the following grounds:

- The industrial unit below is unrestricted in its planning use, and could be utilised for heavy industry without recourse to development control. This presents an unacceptable loss of amenity to future residents with regard to noise and vibration, odour, fumes and dust.
- Surrounding industrial use has historically given rise to complaints of noise nuisance from existing residential premises.

Sufficient information is not presented as to how these issues are to be resolved, and conditions attached to an approval are likely to render the development unfeasible.

Should you be minded to approve the application the following conditions are suggested.

Comments

COMMENT: CL SENSITIVE USE

The proposed end use of the development is particularly sensitive to the presence of land contamination, for this reason the following conditions 1 is recommended.

COMMENT – NOISE

The change of use at the site may give rise to issues of noise, particularly with reference to the local industry (HGV yard, vehicle repair garage, general industrial use), to protect this amenity conditions 2 is recommended.

COMMENT: CONSTRUCTION

The construction/demolition stage of the development could lead to an increase of noise and dust etc. experienced at sensitive premises and subsequent loss of amenity, for this reason conditions 3 to 7 are suggested.

Conditions

1. CL03 CONTAMINATED LAND FOR SMALL/ SIMPLE APPLICATIONS

Development shall not commence until a site risk assessment has been undertaken in to assess the nature and extent of any contamination on the site in accordance with a scheme to be agreed with the Local Planning Authority. Once completed, a written report of the findings and recommendations shall be submitted and approved in writing by the Local Planning Authority.

If the site risk assessment indicates that potential risks exist, development shall not commence until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been prepared, and is subject to the approval in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification 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.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

2. NS04B - NOISE INSULATION: DOMESTIC

Prior to the occupation of any residential unit, a scheme of sound insulation shall be submitted to and approved by the Local Planning Authority. The scheme shall adequately demonstrate a system of sound insulation between commercial and residential uses, that is designed to achieve an airborne sound insulation value of no less than:

- Airborne Sound Insulation 53 DnT,w+Ctr dB
- Impact Sound Insulation 64 L'nT,w dB

The scheme shall also ensure that the following internal noise criteria are met:

- a) An internal noise level for habitable rooms during the day (0700-2300hrs) of 35dB(A)LAeq,16hrs
- b) An internal noise level for bedrooms during the night (2300-0700hrs) of 30dB(A)LAeq,8hrs and 45dB(A)LAmx
- c) Noise levels within external living areas such as balconies, terraces and gardens during the day (0700-2300hrs) of 50dB(A)LAeq,16hrs

The scheme shall be based on an assessment made in accordance with the current version of British Standard 4142 and other relevant guidance and standards (for example ProPG) and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority.

The approved scheme shall be implemented and completed in full before the building is first occupied and shall be retained at all times thereafter.

3. CDD01 - CONSTRUCTION AND 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 Document '*Control of Dust from Construction and Demolition Activities*' (BR456) and the Institute of Air Quality Managements '*Assessment of dust from demolition and Construction*' (2014).

4. CDD02 - CONSTRUCTION & 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 materials. Any open fires that arise shall be extinguished without delay.

5. NSD12 - BEST PRACTICAL MEANS

The best practicable means, as defined in Section 72 of the Control of Pollution Act 1974 to reduce noise and vibration from the site to a minimum, shall be employed at all times during construction.

6. NS02A - CONSTRUCTION & DEMOLITION 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.

- 07:30 - 18:00 hours (Monday to Friday);
- 08:30 - 14:00 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 audible at the site boundary.

7. CLD11 - ASBESTOS: REQUEST FOR INFO

Prior to commencement of development the developer must either submit evidence that the building was built post 2000 or submit a intrusive refurbishment asbestos survey in accordance with HSG264 and a mitigation plan to reduce risks to potential occupiers and the wider public. The report shall be approved in writing by the LPA.

NB it should be noted a management survey report is unlikely to be acceptable as this does not meet the requirements of the guidance.

The approved mitigation scheme must be carried out in accordance with its terms prior to the commencement of development.

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)