



Environmental Health – Planning Consultation

Date: 6 August 2021

My Ref: HPK20210145

Dealt with by: Matthew Rhodes

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CC:

APPLICATION NUMBER: HPK/2021/0145

LOCATION: Land At Foxlow Farm, Harpur Hill Road, Harpur Hill, Buxton, Derbyshire,

PROPOSED DEVELOPMENT: Full planning application for the development of a Local Centre comprising a foodstore (Use Class E (a)), children's day nursery (Use Class E (f)) and flexible commercial/retail units (Use Class E and Sui Generis (hot food takeaway, veterinary surgery, public house/drinking establishment)) along with parking, access and other associated works

CONSULTATION DATE: 8 April 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

COMMENTS: Land Contamination

The contaminated land assessment reports submitted in support of the application may be accepted

- BSP Consulting, *"Phase II Exploratory Investigation Report"* (ref: FWBN-BSP-ZZ-XX-RP-X-001-PO1), dated 28th August 2020.
- AECOM Environmental, *"Foxlow Farm, Buxton Phase 1 Geo-Environmental Desk Study Report"* (ref: 60286491), dated June 2013.

The reports indicate that contamination remediation works will not be required.

It should be noted that the site is within a radon action area, and this is outside the scope of land contamination assessment. Basic radon protection measure are likely required for the site.

COMMENTS: Artificial Lighting

The submitted lighting impact assessment (Loveday, *"External Lighting Impact Assessment"* (ref: LL1260 revA), dated 2nd March 2021) identifies the site as Environmental Zone E3

E2	Rural	Low district brightness (SQM ~15 to 20)	Sparsely inhabited rural areas, village or relatively dark outer suburban locations
E3	Suburban	Medium district brightness	Well inhabited rural and urban settlements, small town centres of suburban locations

To protect local amenity the site should more properly be assessed against the E2 Environmental Zone, that borders it. Condition 1 is therefore recommended.

COMMENTS: Noise

The submitted noise impact assessment (Sharps Redmore, *"Environmental Noise Assessment for mixed use development"*, (ref: 2120139), dated 14th July 2021) may be accepted. In light of the report and to protect public amenity the following conditions 2 and 3 are 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 4 to 7 are suggested.

Conditions

1. LGD05 - ARTIFICIAL LIGHTING (EXTERNAL)

To restrict the intensity of the illumination on either or both amenity/public safety grounds:

Any artificial lighting associated with the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone - E2 contained within Table 1 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01-21.

2. NS07 - NOISE RATING LEVEL: INDUSTRIAL PREMISES

The maximum rated noise level emitted from the site (excluding customer road vehicles utilising the car park area) shall not exceed the following levels when measured at the boundary of any residential premises

- a) 45 dB LAeq (1 hr) (freefield) for any period of one hour between 07:00 – 19:00 hrs
- b) 40 dB LAeq (1 hr) (freefield) for any period of one hour between 19:00 – 23:00hrs
- c) 35 dB LAeq(15 mins) (freefield) for any period of 5 minutes between 23:00 – 07:00

All measurements shall be made in accordance with the methodology of BS4142: 2014 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.

3. Acoustic Screen

The children's nursery shall be screened in accordance with the approved acoustic report

- Sharps Redmore, "Environmental Noise Assessment for mixed use development", (ref: 2120139), dated 14th July 20212

This shall consist of an acoustic barrier not less than 2m high, offering not less than 8dB of attenuation.

Acoustic fencing utilised for noise mitigation shall be of solid construction, with good quality timber (no warping, knot holes or damage) of at least 20mm thickness in all places, including where the boards overlap. Boards shall continue across the front of posts to minimise gaps and incorporate wide overlaps (minimum 25mm) to allow for timber expansion and contraction whilst minimising the possibility of gaps appearing over time. Fencing shall have a superficial mass not less than 10 kg/m2.

Noise mitigation shall thereafter be maintained for the life of the development.

4. 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).

5. 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.

6. 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.

7. 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.

8. CDD14 - ON SITE RADIO

During construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary.

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)