
From: Rhodes, Matthew
Sent: 04 August 2023 12:37
To: Planning (HPBC)
Cc: Stannard, James
Subject: DET/2023/0013 Environmental Health Consultation#

Categories:

Dear Planning

Application number	DET/2023/0013	Application type	Notification - Change of Use Prior Approval
Site address	1, Chapel Road, Whaley Bridge, Derbyshire, SK23 7JZ	Proposal	Prior Approval application for conversion of vacant shop premises to 3 flats

COMMENTS:

The Environmental Health Department has no objection to the proposed development subject to the conditions set out below being applied to any permission granted. Consideration should be given towards removing permitted development rights for the commercial unit below, if this is possible, and if PD could prejudice amenity.

Sensitive Use

The proposed end use of the development is particularly sensitive to the presence of land contamination, for this reason the following condition 1 is recommended. A potential risk remains with regard to gases (methane, CO and VOCs) migrating from the adjacent land. This risk is reduced by the presence of a commercial unit beneath the proposed development. It's not clear from the submission what the layout is for the commercial unit below, and whether this forms a ventilated space beneath the full development footprint; however the risk presented remains low.

Noise

Given the busy junction at the front and the commercial space below and to the rear, provision should be made for adequate sound insulation, and possibly mechanical ventilation if appropriate noise standards cannot be met with windows open. The development also needs adequate protection from the commercial unit below.

Conditions 2 and 3 are recommended to protect the amenity of future residents.

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 9 are suggested.

INF12 – DEMOLITION/REFURBISHMENT: ASBESTOS INFORMATIVE

A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition/renovation 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/>

CONDITIONS:

1. CL05 CONTAMINATED LAND – IF FOUND DURING DEVELOPMENT

If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, then the applicant shall submit a written scheme to identify and control that contamination. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA, and appropriate remediation proposals, and shall be submitted to the Local Planning Authority without delay. The approved remediation scheme shall be implemented to the satisfaction of the Local Planning Authority.

2. NS04 - 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 ensure that the following internal noise measurements 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. Where internal noise levels can only be achieved with windows shut other adequate means of ventilation shall be provided, and shall also ensure thermal comfort, this shall be detailed within the submitted assessment.

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. NSD10 - ACOUSTIC INSULATION FOR FLAT OVER COMMERCIAL

No part of the development hereby permitted shall be brought into use until full details of a sound insulation scheme has been submitted to and approved, in writing 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 approved scheme shall then be implemented prior to the permission being brought into use, to the written satisfaction of the Local Planning Authority, and maintained in use for the life of the development.

4. CDD01B - CONSTRUCTION AND DEMOLITION – DUST

No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely adjacent residential properties and/or other sensitive uses and/or the local environment. In the event dust is caused to escape the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient water resources on site for dust suppression. These should be made available for inspection when required by officers of the Local Planning Authority

CDD01 – condition with reference to technical documents

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. NSD02B - NOISE CONSTRUCTION: PILING 2

If piling is necessary, a written piling options assessment shall be submitted to the Local Planning Authority, to demonstrate noise and vibration mitigation measures consistent with best practical means.

The assessment shall consider Environment Agency guidance (*Environment Agency (2001), Piling and Penetrative Ground Improvements on Land Affected by Land Contamination NC/99/73*) where land contamination is suspected or proven. No piling shall take place until the piling options assessment has been approved.

No piling shall take place outside the hours 09:00 hours to 16:00 hours Mondays to Fridays.

8. 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.

9. CDD14 - ON SITE RADIO

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

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