

Dealt with by: Environmental Health

Our Ref: DET/2021/0019

Your Ref: DET/2020/0019

Date: 3rd June 2021

MEMORANDUM: PLANNING CONSULTATION
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LOCATION	Willowshaw Farm Cloudside Congleton
PROPOSED DEVELOPMENT	Change of use of agricultural buildings to 4 dwellinghouses

Potential Areas of Environmental Concern -

1. Construction Impacts (condition)
2. Land contamination (condition)
3. Lighting Impacts (condition)
4. Drainage (Building Standards)
5. Noise (Advisory)

General Comments

- **Asbestos:** 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/>
- **Sound:** It would be worthy that the applicant consider a good level of sound insulation into the building to future proof it for noise reduction. Further advice is contained in BS8233:2014 see advisory. The residential dwellings would be adjacent to agricultural land and so at times maybe subject to early working but with a good standard of sound insulation reasonable amenity would be maintained. If any part of the existing farm operation is remaining then a sound insulation scheme should be a condition of development.
- **Contamination:** The site has historically been used as an out building / hardstanding and may have some associated contamination (chemicals / asbestos from old buildings). A full contamination assessment would appear to onerous, however, it would be advisable that all soft landscaped / garden areas are tested for contaminants (including Asbestos screen) to ensure suitability of use areas conditions are recommended.

Recommendation – If permission is granted please find recommended conditions.

1. Construction & Demolition works: Time of operations

Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy 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 instance a noisy 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.

Reason: *To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.*

2. Construction & Demolition: Construction Method Statement

The development, including demolition hereby permitted shall take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method statement should include the following details:-

- I. A scheme to minimise dust emissions arising from demolition/construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.
- II. Details of wheel washing facilities. All demolition/construction vehicles shall have their wheels cleaned before leaving the site;
- III. a scheme for recycling/disposal of waste resulting from the demolition/construction works;
- IV. 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.
- V. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;

Once approved, all relevant activities on the site should be carried out in accordance with Construction and Environmental Method Statement throughout the course of the development. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.

Reason: *To protect the amenities of the area from dust*

3. Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development should not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exists to any identified receptors, development shall

not commence until 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 has been prepared, and is subject to the approval in writing of 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.

4. Soil Tests

Prior to bringing the development into first use, all soils that are intended to be used for the proposed garden/ soft landscaping areas should be tested for contamination and assessed for their suitability for the proposed use. Prior to sampling, a suitable methodology for testing the soil should be submitted to and agreed by the Local Planning Authority and should include the sampling frequency, testing schedules, and criteria against which the analytical results will be assessed.

The results of the soil tests should be submitted and approved in writing by the Local Planning Authority. If soil results indicates that a potential risks exists, 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 subject to the approval in writing by the Local Planning Authority.

Reason (common to 3-4): - *To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.*

5. Lighting

The artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance at the adjoining light sensitive locations when the light (s) is (are) in operation. Details of all artificial lighting to be installed under this permission should be submitted to and approved by the Local Planning Authority prior to development commencing.

Reason: *To protect the local amenities of the local residents by reason of excess of illuminance*

6. Sound Insulation (if farm operation is remaining otherwise please consider as an advisory)

Development shall not commence until a site specific scheme for protecting the proposed residential units from noise, has been submitted to, and approved in writing by the Local Planning Authority.

The submitted scheme shall have due regard for the British Standard BS8233:2014 Guidance on Sound Insulation for Buildings and be designed to achieve noise levels of less than 35 dB LAeq in bedrooms, less than 40 dB LAeq in living areas and 55dB LAeq in outside living areas..

A report shall be produced containing all raw data and showing how calculations have been made. A copy of such report shall be submitted to the Local Planning Authority for its approval.

Reason: *To protect occupiers from noise and safeguard their residential amenities.*

Advisory Note/ Informative:

Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

WIND TURBING GUIDANCE DOCUMENTS (FINANCIAL INVOLVEMENT)

1. ETSU-r-97 The Assessment & Rating of Noise from Wind Farms
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/49869/ETSU_Full_copy_Searchable_.pdf

The key sections are in the summary, section 24 pg Viii

“24. The Noise Working Group recommends that both day- and night-time lower fixed limits can be increased to 45dB(A) and that consideration should be given to increasing the permissible margin above background where the occupier of the property has **some financial involvement** in the wind farm.”

Pg66 Main Text

“It is widely accepted that the level of disturbance or annoyance caused by a noise source is not only dependent upon the level and character of the noise but also on the receiver's attitude towards the noise source in general. If the residents at the noise-sensitive properties were financially involved in the project then higher noise limits will be appropriate, particularly if a tie could be made between the wind farm and the property, such as giving the developer first option to buy the property if it came up for sale. We recommend that both day- and night time lower fixed limits can be increased to 45dB(A) and that consideration should be given to increasing the permissible margin above background where the occupier of the property has **some financial involvement** in the wind farm.”

2. Institute of Acoustics (IOA) A GOOD PRACTICE GUIDE TO THE APPLICATION OF ETSU-R-97 FOR THE ASSESSMENT AND RATING OF WIND TURBINE NOISE
<https://www.ioa.org.uk/sites/default/files/IOA%20Good%20Practice%20Guide%20on%20Wind%20Turbine%20Noise%20-%20May%202013.pdf>

Financially Involved Noise Limit -

“3.2.10 ETSU-R-97 considers it appropriate to allow a higher level of incident noise associated with turbine operation for properties with occupants that have an interest in the development, both as a higher fixed level (45 dB) and/or a higher level above the prevailing background noise level. It is considered that the **occupants of a financially involved property should be direct beneficiaries to allow an increase to the fixed limit noise levels.**”

- 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/>
- Any approved foul drainage system should meet the British Standard 6297:2007+A1:2008: Code of practice for the design and installation of drainage fields for use in wastewater treatment <http://www.bsigroup.com>
- Any approved noise scheme and measurements should pay due regard to British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice), BS4142:2014 Methods for rating and assessing industrial or commercial sound and/or 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>
- 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.
- Staffordshire Moorlands District 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,

Environmental Health