

Dealt with by: Environmental Health

Our Ref: smd/2021/0536 & 0538

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Date: 11th October 2021

MEMORANDUM: PLANNING CONSULTATION
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LOCATION

**Land at Barnfields Industrial Estate Sunnyhills Road
Leek**

PROPOSED DEVELOPMENT

Smd/2021/0536 - Reserved matters application for approval of appearance, landscaping, layout, and scale to provide: 157 residential dwellings (Class C3) providing a mix of

two, three and four bedroom houses, and two bedroom apartments; 6 x live / work units (Sui Generis); 1 x public house / restaurant / café (Sui Generis / Class E(b)); a marina / basin and associated boating facilities with 13 berths; associated works including internal road network, associated highway works, drainage infrastructure, landscaping, open space, play area, pedestrian, and cyclist links; land reserved for future railway station with associated heritage / railway activities building/s and car parking; and land reserved for future link road including associated landscaping. The application is submitted pursuant to outline planning permission SMD/2014/0750.

Smd/2021/0538 - Reserved matters application for approval of appearance, landscaping, and scale to provide: Class E(g)(iii) Industrial processes/ B2 general industrial development pursuant to outline planning permission SMD/2014/0750

Potential Areas Of Environmental Concern.

1. Construction Impacts
2. Sound insulation – Residential and Commercial Units
3. Plant and Machinery Noise
4. Air Quality
5. Land Contamination

General Comments.

Noise and Sound Insulation - Conditions 23, 24 and 25: These should be amended to the wording set out below. These are updated to take account of changes in relevant British

Standards and for clarification.

Recommendation and Conditions

The Environmental Health Department have no objection to the reserved matters subject to the retention of Environmental Health conditions and appropriate amendments to the conditions which are set out below -

If consent is granted the following conditions are recommended:

23.No phase of the residential development hereby permitted shall take place except for works of site clearance and demolition until a site specific noise assessment and scheme for protecting the proposed residential units for that phase of the site from external 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 8233:2014 (Sound insulation and noise reduction for buildings) and shall be so designed to achieve noise levels of less than 30dB LAeq in bedrooms (night time), 35dB LAeq in bedrooms (daytime), less than 40 dBLAeq in living areas and 55dB LAeq in outside living areas.

Pre-completion tests shall be carried out to verify compliance with this condition. A report shall be provided containing all raw data and showing how calculations have been made. No dwelling within that phase hereby permitted shall be occupied until the approved works to that dwelling have been completed in accordance with the approved details.

Reason:- *In the interests of the general amenities of the area.*

24.The design and construction criteria of the non-residential development hereby approved shall achieve sufficient noise reduction to ensure that the noise from the activities generated inside the fabric of the relevant buildings / premises shall not increase the background sound levels during day time expressed as LA90 [1hour] (07:00-23:00 hours) and / or (b) LA90 [15 mins] during night time (23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014.

The design criteria shall have regard to BS 8233:2014 (British Standard 8233:2014 Sound insulation and BS4142 (2014 + A1:2019) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments noise reduction for buildings).

Reason:- *In the interests of the general amenities of the area.*

25.For the non-residential floorspace hereby approved, the machinery, plant or equipment ("machinery") installed or operated in connection with the carrying out of this permission shall be so enclosed and / or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and / or (b) LA90 [15 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. Noise measurements for the purpose of this condition shall be pursuant to BS4142 (2014 + A1:2019) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. The plant and machinery shall not be operated until any approved soundproofing scheme has been implemented in accordance with the approved details.

Reason:- *In the interests of the general amenities of the area.*

Advisory Note/ Informative:

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

- 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 noise scheme and measurements should pay due regard to British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice), BS4142 (2014 + A1:2019) (Methods for rating and assessing industrial and commercial sound) and the Building Regulations 2010 Document E.
- 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 the Land contamination risk management framework (LCRM), published by the Environment Agency <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>
 - 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