STAFFORDSHIRE moorlands DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Dealt with by: Environmental Health

Our Ref: SMD/2021/0647

Your Ref: SMD/2021/0647

Date: 15th November 2021

MEMORANDUM: PLANNING CONSULTATION

LOCATION	**Bargain Booze, 28 - 30 Tunstall Road, Biddulph**
PROPOSED DEVELOPMENT	**Proposed single storey rear/ side extension forming Store Room**

Potential Areas of Environmental Concern.

1. Construction Impacts (Condition)
2. Unexpected Contamination (Condition)
3. Plant and machinery noise (Refrigeration/Condenser units)
4. Lighting (Condition)

General Comments;

Contamination: The site is in a high risk coal mining area, and it is noted that the coal authority require a coal risk assessment to be undertaken. If voids / old working are present beneath the site then there is a possibility that it could be affected by mine gas. A gas risk assessment is therefore recommended**

** These are often undertaken as part of amine investigation . It is noted that a couple of investigations near to the site may have taken place previously (pre 2013), which may give some insight to the likely issues. However, copies of the original risk assessment could not be found (pre 2013),

http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=133787

Noise: Although no plant or machinery is proposed it maybe prudent to impose the following plant noise condition on any permission granted as there maybe a requirement to install commercial refrigeration units into the proposed store.

Lighting: Condition

Nuisance: The proposed development is near to existing properties, so care needs to be taken during the construction phase to ensure these activities do not cause unreasonably disruption to the neighbour's enjoyment of their properties.

Recommendation and Conditions

The Environmental Health Department have no objection to the application subject to condition.

Construction Management Plan

1. No phase of the development hereby permitted shall take place until a Demolition and Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

- **i.** the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;
- **ii.** the arrangements for prior notification to the occupiers of potentially affected properties;
- **iii.** the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
- **iv.** a scheme to minimise dust emissions arising from 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. The approved dust suppression measures shall be maintained in a fully functional condition for the duration of the construction phase;
- **v.** a scheme for recycling/disposal of waste resulting from the construction works;
- **vi.** During construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary.
- **vii.** 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.

***Reason**: To protect the amenities of the area.*

Lighting

2. 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 safeguard the amenity of residents and that of the surrounding area from noise disturbance.*

Plant and Machinery Noise

3. The machinery, plant or equipment including 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. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014. The details and location of any plant or machinery to be installed under this permission should be submitted to and approved of in writing by the Local Planning Authority.

***Reason**:- To safeguard the amenity of local residents and that of the surrounding area from noise disturbance.*

Ground Gas Assessment

4. Development should not commence until either:

- A ground gas risk assessment has been completed in accordance with a scheme to be agreed with the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted and agreed in writing with the Local Planning Authority. If the risk assessment indicates that gas protection measures are required, details of the gas protection scheme must be submitted and agreed in writing with the Local Planning Authority prior to installation.

Or

- A moderate ground gas risk inline with that defined as a Characteristic 3 situation ((as defined in CIRIA C665; Assessing Risks Posed by Hazardous Ground Gases to Buildings, London CIRIA, 2007) is assumed and details of the appropriate gas protection scheme submitted and agreed in writing with the Local Planning Authority prior to installation.

Prior to the development being first brought into use, a validation report demonstrating completion of the works set out in the approved gas protection scheme shall be submitted to and approved in writing by the local planning authority.

Unexpected Contamination

5. In the event that contamination including surface coal measures 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.

***Reason** (common to 4 & 5); 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.*

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 or conversions 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 the Professional Guidance on Planning and Noise (ProPG), 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 and "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