

Dealt with by: Environmental Health

Our Ref: SMD/2021/0113

Your Ref: smd/2021/0113

Date: 26th May 2021

MEMORANDUM: PLANNING CONSULTATION
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PROPOSED DEVELOPMENT:

Erection of 12 bungalows

LOCATION:

Land At Bridge End, Macclesfield Road, Leek,
Staffordshire, ST13 8LG

Potential Areas Of Environmental Concern.

1. Noise
 - a. Construction
 - b. Importation of fill material /stabilisation/ vehicle movement
 - c. Post Construction
2. Dust/Air Quality
 - a. Construction
 - b. Importation of fill material/ vehicle movement
3. Contamination
 - a. Importation of fill material/
 - b. Unexpected Contamination
4. Waste (advisory)

General Comments for smd/2013/1009 remain relevant

Please note acoustic standards have been updated since original application in 2013 so any noise assessment should take account .

Contamination: The EA has removed its previous objection to the proposal at it has been demonstrated that the only former use of the site is, in effect a clean water store. However, in order to fill the void of the reservoir will require the importation of significant quantities of fill material/ topsoil? This material should be tested to ensure it is suitable for its proposed use.

Dust: General It is not clear exactly how much material will be required to be imported to fill the reservoir such that it can be used to build on. There would seem significant potential for dust

nuisance on site:

Noise and vibration: From a noise point of view there is the potential for noise causing adverse amenity issues for future residents of this site without appropriate mitigation and/or sound insulation being installed at the properties. A site specific noise assessment should be provided for this proposal with an appropriate scheme for mitigation.

The assessment should at least take account of road noise from A523, nearby industrial workings and the Cricket Clubhouse. The assessment should take account of the relevant guidance for such as BS 4142:2014 and other guidance available at the time of assessment in the absence of PPG24.

The submitted scheme shall have due regard for the British Standard 8233:1999 (Sound insulation and noise reduction for buildings - Code of Practice), PROPG; New Residential Development and be designed to achieve noise levels of less than 35 dB LAeq in bedrooms, less than 40 dBLAeq in indoor living areas and less than 55 dB LAeq in outdoor living areas.

The proposed development is near existing properties so care needs to be taken during construction phase to ensure these activities do not cause unreasonably disruption to the neighbour's enjoyment of their properties. In particular the large amount of imported material required and the impact which large vehicle movements, piling and general construction/demolition noise will have on nearby noise sensitive properties should be considered. There should also be due regard for the vibration impacts which may occur during the construction phase.

Recommendation and Conditions

If planning is granted the conditions as set out by the inspector in the Appeal Decision APP/B3438/A/14/2223254 should be placed on any permission granted. Specifically from an Environmental Health perspective conditions – 10, 11, 12, 15, 16, 17 and 18.

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: Sound insulation and noise reduction for buildings (Code of Practice), BS4142:2014, PROPG; New Residential Development and the Building Regulations 2010 Document E or other appropriate guidance. Any construction noise and vibration assessment should take account of BS 5228: Parts 1 & 2 Code of practice for noise and vibration control on construction and open sites.
- 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