

Dealt with by: Environmental Health

Our Ref: SMD/2022/0143&0138

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Your Ref: SMD/2022/0143&0138

Email: **Date:** 24th May 2022

MEMORANDUM: PLANNING CONSULTATION

LOCATION	121 Tunstall Road Knypersley
PROPOSED DEVELOPMENT	Smd/2022/0143 - Variation of conditions 2 & 12 of planning permission SMD/2017/0510 (Plot 2)
PROPOSED DEVELOPMENT	Smd/2022/0138 Variation of Conditions 2 & 12 of Planning Permission SMD/2017/0510 (Plots 1 & 3)

Potential Areas Of Environmental Concern.

1. Noise (Condition)
2. Contamination (Condition)
3. Construction Impacts (CEMP submitted)
4. Asbestos (Advisory)

General Comments.

Application is seeks to vary the current permission for the site the site SMD/2017/0510

Contamination:

The site is in an area that has previously been affected by coal mining, with several shafts possibly present in north of the site. The previous application (SMD/2017/0510 imposed the requirement for a staged contaminated land investigation; e.g. conditions 20 (Investigation), 21 (Remediation Strategy) and 22 (Verification report). Conditions 20 and 21 have been accepted , and the approved reports resubmitted with this application (Ground Investigation : ref: 15 1597); Remediation Strategy ref 15-1597-3 & and Gas membrane details). However, the verification report (condition 22) has not yet been submitted by the applicant.

A condition is therefore recommended

Sound Insulation:

The Environmental Health Department recommended that a sound insulation scheme be submitted under the original permission as the development is bounded by a busy main road, a school and a church/community hall. This was not made a condition of development. Our advice remains that the residential units being developed should be constructed in compliance with BS8233:2014. An amended condition is advised below.

Recommendation and Conditions

The Environmental Health Department have no objection subject to the following conditions being applied to any permission granted.

If consent is granted the following conditions are recommended:

Construction and demolition works: Environmental Method Statement

1. The approved construction management plan should be implemented in full and complied with throughout the construction phase. All piling work should be conducted in compliance with BS 5228-2:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Part1: Noise and Part 2: Vibration.

Contamination

Verification Report

2. No occupation of any phase of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved for each phase.

Unexpected Contamination

3. 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

Soil Importation

4. No soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validity evidence submitted to and approved in writing to by the Local Planning Authority.

Reason (common to 2-4):- 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.

Sound Insulation

5. No phase of the residential development hereby permitted shall be occupied until a site specific sound insulation scheme for protecting the proposed residential units 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 be designed to achieve noise levels of less than 30 dB LAeq in bedrooms (23:00 to 07:00), 35dB LAeq in bedrooms 07:00 to 23:00), less than 40 dBLAeq in living areas and less than 55 dB LAeq in outdoor living areas.

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

Reason: *To safeguard the amenity of future residential occupiers.*

Waste Management

6. 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.*

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 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 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