

Dealt with by: Environmental Health

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Date: 12th July 2022

MEMORANDUM: PLANNING CONSULTATION
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LOCATION

**Adderley Mill Adderley
Cheadle**

PROPOSED DEVELOPMENT

**Demolition of disused industrial buildings; erection
of 4 detached houses, and re-location of site access**

Potential Areas Of Environmental Concern.

1. Noise – Industrial noise (Condition)
2. Contamination – Former use of the mill for potentially contaminative uses, including manufacture of materials for the pottery industry. (Condition)

General Comments.

Comments on noise assessment 11th June 2021

A noise assessment has been provided to support the application (Peak acoustics report ref. NM1906206NR Rev 1.0 23/10/2020)

It is clear from the noise assessment that relatively high levels of industrial, commercial noise and road traffic noise dominate the site.

The sound level readings at M2 (Plots 1 and 2) clearly make this area of the site unsuitable for residential dwellings - 61dBA daytime and 53dBA night time. The report cites road noise but there is a commercial/ agricultural site on the opposite side of the road to M2. Mitigation including enhanced glazing is proposed but residents living in these properties would reasonably expect to open windows at night for ventilation, the reported noise levels would most likely prevent this happening without sleep disturbance. Ground floor level noise barriers would have negligible attenuation effect on noise transmission into 1st floor bedrooms. This is a mainly rural area and residents should reasonably expect to use open windows as a means for ventilation.

The readings at M1 (plots 3 and 4) adjacent to a light industrial site have been assessed under

BS4142. The results indicate significant adverse impacts. The noise causes in particular are likely to cause disturbance to future occupiers including grinder noise, materials being dropped, worker radio noise, HGV engine noise. Mitigation is proposed in the form of a 3m high fence but given the type of noise, range of sources and size of the business area (large yard and building) noise is likely to diffract over the fence and still cause annoyance and likely complaint especially in garden areas. Night time noise does not appear to be an issue in this area. There appears to be a time restriction on the site under SMD/2009/0019 condition 3.

The assessment proposes mitigation to minimise adverse noise impacts which is not an elimination of adverse impacts. Based on current night time noise levels in the area of plots 1 and 2 and the noise types and levels for plots 3 and 4 this site is currently unsuitable for residential development. It is difficult to consider what mitigation would adequately address the types and levels of noise given the proximities of the sources. Complaints against existing commercial operations would be likely if permission was granted.

Comments re. Updated Noise Assessment 8th February 2022

A site visit was made to the area. The industrial unit was operating and noise from it was audible at the site boundary, it was not masked by road traffic noise as reported in the updated noise assessment. One door was open and loud industrial work was ongoing. The industrial unit was not at capacity so from a noise perspective it could be likely to increase as demand for services increase.

The type of industrial noise likely is grinding, drilling, hammering, reversing beepers and HGV engines idling. There will also be ancillary noise caused by staff radios and shouting etc. Some outdoor working is required.

An updated BS4142 assessment has been submitted with this application, this assessment significantly differs from the previous noise assessment provided with this application. It predicts the noise rating level (noise level + penalty) will be significantly lower than the representative background sound levels. The previous assessment predicted that the rating level would exceed background noise significantly, we would tend to say this is more representative of the situation we witnessed. This updated lower level appears to be caused by the use of an extended shared garage as a barrier along a portion of the boundary but noise will not be eliminated in total. Plot 4 is on the site boundary and noise from the industrial will inevitably be audible inside the house. Noise will likely diffract over the barrier and impact plots 2 and 3 to some extent.

Both assessments require that the rating level at the residential units does not exceed 48dB La90 in order to satisfy amenity requirements, how will achieving this level always be possible when noise emissions are controlled in the main by the industrial operator. If this level is exceeded then the implication is amenity will be compromised and so complaint likely. This appears by default to place a noise limit on the industrial unit and potentially restrict how the operator can develop their business.

The high levels of noise reported in the area of unit 1 is reportedly caused by road traffic noise and can be addressed through the proposed sound insulation.

It is our opinion that developing Adderley Mill into a residential site will likely compromise the neighbouring light industrial unit operations and place noise restrictions on its activities.

Revised Comments - Development redesign and provision of new information from Planning Department and Agent 12th July 2022.

The applicant has detailed the design modifications they have made to address noise concerns. These include no 2nd floor window facing directly to the workshop in unit 4, the construction of a 2 storey garage/home offices to block noise transmission across the boundary to units 2 and 3 and the relocation of the garden area for unit 4. They have supplemented this with their understanding that noise controlling conditions are in place at the industrial unit. The specific conditions which have been highlighted are SMD/2018/0704 condition 10 (Outside workings restricted) and SMD/2009/1133 condition 4 (timings and industrial unit doors shut during noisy workings). If these conditions are adhered to then noise emissions from the site can be considered to be reasonably controlled. The Planning Enforcement team have confirmed condition 4 from smd/2009/1133 remains in place. Our concerns about placing undue restrictions on the industrial unit are removed by the existence of this condition as they already exist.

The applicant has also provided agreement to undertake compliance measurements prior to first occupation, these compliance measures should show required levels set out in the noise assessment are met, where the requirements of the report are not met then improved mitigation must be installed, a condition is advised.

Contamination: A Phase I Geo Environmental Desk, Report No. A2746/18 (September 2018) by Earth Environmental & Geotechnical Ltd. Is submitted in support of the application.

The report is considered to extremely preliminary but accepted for the submission purpose despite some flaws, notably, that the **River Tean** flows along the western boundary of the site and should clearly be included as a potential receptor and lack of detail of the site history.

In terms of sources of contamination, the information is little generalised and lacks detail, though it does identify the infilled pond (though as a ground gas source) and plenty of asbestos, and notes the associated (contaminative) chemicals with the use of the site by Goonvean Ceramic Out B Bone Mil. Though the later is not noted in the conclusions, though the presence of fuel and chemical drums is. The potential for unrecorded coal mining, voids is not noted as a source of potential ground gas??

An improved desk study / conceptual site model will be required as part of the intrusive investigation. It is considered that reference to the heritage assessment submitted with this report would aid this process e.g this is a statement from that report, not the inclusion of both a printing works and paint shop (both potentially contaminative uses not identified in the desk study

“Historic uses of the site include, during the 20th century, bone grinding mills (bone was used in the production of bone china) and the processing of materials associated with the manufacture of

ceramics, including kiln firing of bone, which had to be heated at high temperature to break down the structure, and then grinding before being added to clay. There is also some hearsay that the site may have been also used as a colour mill, but no records of this. It was most recently occupied by J.D Blasting & Printing Services Ltd, a paint shop. The extent of contamination of the site is not known, including the presence of any heavy metals during use for manufacturing colour pigments for the ceramics industry and the potential for high levels of dust, but will need to be determined as part of the decontamination during redevelopment. The kind of industrial processes which have taken place on the site since the cornmill stopped working include the use of the former cornmill building for bone and other raw materials connected with the ceramics industry. This was last used by Goonvean Ceramic Materials Ltd., which was incorporated in 1923 and based in St. Austell. The company was dissolved in 1990 but subsidiaries still operate under ‘Goonvean’.

It is also noted in the report the recommendations “*As part of the geotechnical investigation, it is recommended that samples of soil are recovered for analysis for soil, ground gas and groundwater contamination testing*”. Whilst I may have misinterpreted this recommendation by taking it literally. The location of samples for the intrusive investigation should be entirely by the (improved in detail) CSM not dictated solely by the needs of the geotechnical sampling.

Full contamination conditions are recommended

Recommendation and Conditions

The Environmental Health Department withdraw its objection subject to the following conditions being imposed on any permission granted.

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: Pollution Control

- I. During construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary;
- II. 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. All waste transfer records should be retained for inspection by officers of the Local Planning Authority;
- III. No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely affect adjacent residential properties and/or other sensitive uses and/or the local environment. In the event dust is caused to escape the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient water resources on site for dust suppression. These should be made available for inspection when required by officers of the Local Planning Authority

Reason: *To protect the amenities of the area during construction*

3. Sound Insulation Compliance Testing

The development should be completed in compliance with the Noise Assessment Report (Peak Acoustics Ref. NM1906206NR Rev 2.0) and approved details contained within.

Prior to first occupation, pre-completion tests shall be carried out to verify compliance with this noise report. A report shall be produced 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: *To protect occupiers from noise and safeguard their residential amenities.*

4 Contamination Investigation and Remediation

No development, with the exception of demolition, approved by this planning permission, shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, property (existing or proposed including buildings, crops, livestock, pets, woodland, service lines and pipes; buildings), adjoining land and ground and surface waters has been submitted to and approved in writing by the Local Planning Authority.

The scheme must include:

- a. An updated site conceptual model/ desk study and based on this, a detailed site investigation, carried out by a competent person, to support a detailed assessment of contamination risks to all receptors that may be affected, including those off site.
- b. The results of the site investigation and the detailed risk assessment referred to in (a & b) and, based on these, an options appraisal and a remediation strategy giving full details of remediation objectives and remediation criteria.
- c. A validation plan providing details of the data that will be collected in order to demonstrate that the all works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

5. Implementation of Approved Remediation Scheme

Prior to bringing the development into first use, a validation report demonstrating completion of the 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 validation 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 validation plan, and for the reporting of this to the local planning authority.

6. Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation, risk assessment remediation strategy must be undertaken in accordance with the requirements of **condition 4**, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with **condition 5**.

7. Importation of Soil/Material

No top 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

validatory evidence submitted to and approved in writing to by the Local Planning Authority.

Reason (common to 4-7): 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.

8. 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 luminance*

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) and the Building Regulations 2010 Document E or other appropriate guidance.
- CIRIA C665 (2007) "Assessing Risks Posed by Hazardous Ground Gases to Buildings".
- 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

