



Dealt with by: Environmental Health

Our Ref: smd/2022/0438

Your Ref: smd/2022/0438

Date: 7th November 2022

MEMORANDUM: PLANNING CONSULTATION
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LOCATION	Stonehouse Farm, Ash Bank Road, Werrington, Staffordshire, ST9 0JR
PROPOSED DEVELOPMENT	Demolition of existing buildings on site and erection of a Class E retail unit, alongside access, car parking and associated works..

Potential Areas of Environmental Concern

1. Construction Impacts (Condition)
2. Noise from plant and machinery (Condition)
3. Lighting (condition)
4. Land Contamination (Condition)
5. Asbestos (Advisory)

Comments

EV infrastructure (building Control)

The applicant is reminded that they will be required to instal EV / EV infrastructure in accordance with [Approved Document S: infrastructure for charging electric vehicles](#)

Air Quality

It would have been desirable if the applicant had submitted an AQ screen assessment in support of the application. However a TA is included indicates that given that this is a store relocation, it will generate minimal additional traffic outside of the immediate area. This would appear to be a logical conclusion.

What is not known is impact of the site access on traffic flows the junction on queuing traffic and it would be helpful to see the Highways response to this model.

Noise

A noise assessment (Noise Solutions Ltd doc. ref. 90229/NIA) is submitted to address plant noise emissions. The predictions indicated there will be no exceedance over current background noise levels. Mitigation is advised which should be installed as part of the development. The assessment was undertaken in consideration of BS4142:2014+A1:2019 A condition is advised. The assessment does not consider delivery or yard noise but we would recommend delivery timings are conditioned to protect residential amenity.

Contamination

A [Phase I Geo-Environmental Assessment](#) was submitted by the applicant in support of the application. The report is considered to be a good preliminary desktop study and makes recommendations for further intrusive work and gas monitoring. This is agreed. A condition is recommended to secure this investigation.

Recommendation

Environmental Health have no objections in principle subject to the following conditions be placed 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. No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely 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

- II. All demolition/construction vehicles shall have their wheels cleaned before leaving the site
- III. 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;
- IV. During construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary;

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

3. Lighting Condition

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 illuminance*

4. Contamination

- 4(a) Development shall not commence until a further site risk assessment has been undertaken to assess the nature and extent of any contamination on the site, Once completed, a written report of the findings and recommendations shall be submitted and approved in writing by the Local Planning Authority.
- (b) If the site risk assessment (a) indicates that potential risks exist, development shall not commence, until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been prepared, and is subject to the approval in writing by the Local Planning Authority.
- (c) Following completion of measures identified in the approved remediation scheme (b) 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.
- (d) If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

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

Reason (common to 3-4): 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.

6. Plant and Machinery Noise

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+A1:2019. 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.*

7. Delivery Timings

There shall be no deliveries (with the exception of newspaper deliveries) between the hours of 20:00 and 07:00 hours Monday to Saturday inclusive and not between the hours of 20:00 and 10:00 on Sundays and Public or Bank Holidays.

Reason: *To avoid the risk of disturbance to neighbouring dwellings during unsocial hours.*

Informative/Other Matters

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/>

- Guidance for control of dust and emissions for construction can be found in:
 - 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)
- 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>
- 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.
- 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.

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