

Dealt with by: Environmental Health

Our Ref: smd/2022/0249

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Date: 21st February 2023

MEMORANDUM: PLANNING CONSULTATION
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LOCATION

Land Off Cheadle Road
Upper Tean

PROPOSED DEVELOPMENT

Full Planning Application for residential development of 67 houses with a mix of two and two and a half storey dwellings, consisting of new access to Cheadle Road, new public open space, sustainable urban drainage, landscaping, pumping Station and associated works

Potential Areas of Environmental Concern.

1. Construction Impacts (Condition)
2. Air Quality (Insufficient information)
3. Land Contamination (Condition)
4. Sound insulation (Condition assessment)
5. Pumping station noise (Condition)
6. Artificial Lighting (Condition)

Noise:

Revised Noise assessment: A revised noise assessment dated 9th January 2023 (ref.18620-HYD-XX-XX-RP-Y-0001, P02) has been submitted with minor amendments to take account of an amended layout.

It proposes mitigation in sections 4 and 5 to ensure noise in the residential units (External and internal) are compliant with BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings criteria noise levels. The assessment can be accepted as representative of the site at present but it would be essential that the sound insulation scheme proposed is installed as set out in the assessment.

We would also recommend pre-completion testing is undertaken in units consistent with the assessments monitoring points ML1, 2 and 3 prior to first occupation to ensure construction is compliant with BS8233:2014 criteria sound levels. See condition.

Pump Noise: There is no acoustic data provided for the proposed on site pumping station. We would recommend it is installed, attenuated and maintained so as not to increase

background noise levels at the nearest i.e units 60 and 61. (Condition advised).

Original noise assessment: A noise assessment conducted by Hydrock dated 4/10/2022 (ref.18620-HYD-XX-XX-RP-Y-0001) has been provided with the application. This assessment has assessed noise impacts from the main road adjacent to the site, the nearby public house and the industrial estate known as Croft Works. The descriptions of these impacts are set out in section 3.4. It proposes mitigation in section 5 to ensure noise in the residential units (External and internal) is compliant with BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings criteria noise levels. The assessment can be accepted as representative of the site at present but it would be essential that the sound insulation scheme proposed is installed as set out in the assessment.

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Air Quality: An [AQ Report Ref: P21-1771](#) produced by the Pegasus group was submitted in support of the application. This would be considered a screening exercise rather than an assessment, though does not really reference any screening criteria, which typically (outside of an AQMA) would be if the development increased vehicle movements by 500 LDV 24 hour AADT threshold set out in IAQM and EPUK guidance. This report (as does the TA) only appears to state the increase in traffic during peak hours 8am - 9am and 5pm - 6pm of 33 and 31 vehicles, respectfully, rather than a 24hr daily average.

Given this is the presumed peak vehicle movement then it might be assumed that this does not translate to 500 vehicle movements per day but this should be confirmed by the applicant, and be accepted by the Highways Authority before this report can be accepted.

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](#)

Contamination: No contaminated land assessment accompanies this application, despite there being a requirement for further contaminated land investigation in the previous permission ([SMD/2015/0424](#)). This previous submission was accompanied by a phase 1 contaminated land assessment [REC Report: 45241p1r1](#). This report submitted identifies that the site has been occupied by an unspecified building, mill race and used for drying grounds associated with a adjacent tape dyeing and bleaching mill. Such land use has the potential to have caused contamination. The proposed conceptual site model indicated that the site is likely to poses a low to moderate risk to future site user but that a detailed Phase II intrusive Geo-Environmental ground investigation should be undertaken in order to confirm these findings. This was agreed and conditions recommended. The EA also noted that the site is located on Triassic Sherwood Sandstone which is designated a 'Principal

Aquifer' by the Environment Agency. Superficial Alluvium and River Terrace deposits are indicated for the site which are designated as 'Secondary (A) Aquifers' by the Environment Agency. Furthermore the site is located within Source Protection Zones 2 and 3. The site is also located adjacent to the River Tean. Such land use has the potential to have caused contamination which may currently be impacting 'Controlled Waters' receptors of the groundwater in the underlying Principal and Secondary Aquifers and the River Tean. Furthermore there is potential for re-mobilisation of any contaminants during site development.

A contaminated land risk assessment is therefore required prior to ensure the any risks posed by the possible contamination are mitigated.

Site Construction Nuisance: The proposed development is close 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. All construction activities should pay due care to the advice set out in BS 5228:1 and 2 in order that noise and vibration impacts are minimised during site preparation and construction phases.

Provisional Recommended Conditions

Should EH objection be resolved (aside from any additional AQ conditions) the Environmental Health Department have no objection to the development subject to the following conditions being applied to any permission granted.

1. Construction and Environmental Management Plan:

No phase of the development hereby permitted shall take place except for works of site clearance and demolition until a Construction and Environmental Management Plan for that phase of the site 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 method and duration of any pile driving operations (including expected starting date and completion date);
- III. pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank Holidays;
- IV. the arrangements for prior notification to the occupiers of potentially affected properties;

- V. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
- VI. a scheme to minimise dust emissions arising from construction activities on the site.
- VII. a scheme for recycling/disposal of waste resulting from the construction works;
- VIII. the parking of vehicles of site operatives and visitors;
- IX. the loading and unloading of plant and materials;
- X. the storage of plant and materials used in constructing the development;
- XI. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- XII. details of measures to protect the public footpaths and amenity of users of the public footpaths crossing the site during the construction works,
- XIII. 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,
- XIV. the details of any generator/s to be used on site. They should be sufficiently attenuated so that any noise generated shall be inaudible inside any nearby noise sensitive premise,
- XV. during construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary.

All works shall be carried out in accordance with the approved details. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.

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

amenity of local residents and that of the surrounding area from noise disturbance.

2. Contamination Risk Assessment

No development 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. A site investigation scheme, based on the information already provided to support a detailed assessment of 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 (1) 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 (a) 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.

3. Contamination Validation

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.

4. Report of 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 and risk assessment must be undertaken in accordance with the requirements of condition (3) , and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (3)*, which 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.

5. Importation of Soil/Material

No top soil or fill material 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 2-5):- *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.

6. 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.*

7. Sound insulation

Prior to any part of the development first being occupied pre-completion tests shall be carried out to verify compliance with the submitted and approved Noise Assessment prepared by Hydrock dated 9/1/2023 (ref.18620-HYD-XX-XX-RP-Y-0001). A report containing all raw data and showing how calculations have been made, shall be submitted to the Local Planning Authority for approval. No dwelling within the development hereby permitted shall be occupied until that report has been approved.

Reason: *To protect occupiers from noise and safeguard their residential amenities.*

8. Pump System/Station Noise

The rating level of sound emitted from the pumping station associated with the development shall not exceed background sound levels by more than 5 dB(A) between the hours of 07.00–23.00 (taken as a 15 minute LA90 at the nearest sound-sensitive premises) and shall not exceed the background sound level between 23.00–07.00 (taken as a 15 minute LA90 at the nearest/any sound-sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014 + A1:2019) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound-sensitive property.

Any deviations from the LA90 time interval stipulated above shall be agreed upon in writing with the local planning authority.

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

Advisory Note/ Informative:

Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

- All lighting details should be provided with predicted LUX levels at the cartilage of the nearest residential receptors. This should be undertaken in line with the Institute of Lighting Engineers Guidance on intrusive lighting.
- 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 BS8233:2014 Sound insulation and noise reduction for buildings (Code of Practice), and 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 should 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