

Dealt with by: Environmental Health

Our Ref: SMD/2023/0067

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Date: 28th March 2023

MEMORANDUM: PLANNING CONSULTATION
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LOCATION	Land Adj Knott Inn, Station Lane, Rushton Spencer, Staffordshire,
PROPOSED DEVELOPMENT	Erection of new detached dwelling and associated landscaping works

Potential Areas Of Environmental Concern.

1. Construction and Demolition Impacts (Condition)
2. Soil Contamination (Condition)
3. Lighting (Condition)
4. Noise From pub/ Sound insulation (Condition)
5. Drainage (Inspector's Condition and Building regulations)

Comments

The site already has outline planning permission: [SMD/2020/0295](#) - Outline planning application for residential development of a detached dwelling with all matters apart from access reserved and demolition of existing agricultural building – APPROVED VIA APPEAL

- Contamination: The site has historically been used as an out building / hardstanding and may have some associated contamination (chemicals / asbestos from old buildings). From human health perspective a full contamination assessment would appear to be onerous, however, it would be advisable that all soft landscaped / garden areas are tested for contaminants (including Asbestos screening) to ensure suitability of use areas. Conditions are recommended. However, the site is also in a source protection zone so the EA will require a full intrusive investigation to investigate the impact on ground water. It is recommended therefore that the [Inspector's Recommended Conditions 7-9](#) are applied with this consent.
- Noise: the proposed dwelling is adjacent to a public house and car park. Noise caused by normal pub operations, cars, plant and customers may impact future amenity. We would recommend the following condition is imposed on any permission granted to ensure sound insulation is installed into the development. It is noted the planning inspector did not recommend a noise condition on the appeal permission but we would

continue to recommend this condition is imposed in order to protect future amenity and the operation of the public house from complaint in the future.

- **Lighting Condition:** Any artificial lighting installed into the proposed dwelling should not cause adverse impacts to pre-existing residential properties. Condition advised.
- **Construction Impacts:** The development is adjacent to nearby commercial and residential properties. We would advise the following conditions are imposed to reduce adverse impacts caused during the construction phase.

Recommendation and Conditions

Environmental Health have no objection to the proposed application subject condition.

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 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. – 4. Contamination ([Inspector's Recommended Conditions 7-9](#))

5. 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 illuminance*

6. Sound Insulation

Development shall not commence until a site specific scheme for protecting the proposed residential units from 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 BS8233:2014 Guidance on Sound Insulation for Buildings and be designed to achieve noise levels of less than 30 dB LAeq in bedrooms (Night time), less than 35 dB LAeq (Daytime), less than 40 dBLAeq in living areas and 55dB LAeq in outside living areas.

A report shall be produced containing all raw data and showing how calculations have been made. A copy of such report shall be submitted to the Local Planning Authority for its approval.

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

7. Drainage

[Inspector's condition 10](#)

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), ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise New Residential Development, 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

