

Dealt with by: Environmental Health

Our Ref: smd/2021/0664

Direct Dial:

Your Ref: as above

Email:

Date: 20th November 2023

MEMORANDUM: PLANNING CONSULTATION
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PROPOSED DEVELOPMENT: Conversion of three existing local heritage buildings to form a single dwelling house

LOCATION: Land at, Thornccliffe Lane, Blackshaw Moor, Leek, Staffordshire,

Potential Areas Of Environmental Concern:

1. Noise: Shooting ground (Condition)
2. Contamination (Condition)
3. Construction Impacts (Condition)
4. Lighting (condition)
5. Drainage (Building Regulations)
6. Asbestos (Advisory)

General Comments.

Noise: Comments as per previous app smd/2018/0775. Note it is approx. 4 years since this noise assessment was completed which is a concern but it predates the planning application by 2 years. A condition is advised below requiring pre-completion sound testing to show compliance with the noise assessment.

1. A noise assessment (Nova Acoustics Proj. no. 3248MD) has been submitted in support of this application. The report summarises that with good acoustic design the site can be suitable for residential development. The assessment has been primarily considered under BS8233:2014, CIEH Clay Pigeon Shooting Guidance and PROPG.

2. The assessment proposes that the internal requirements of BS8233:2014 can be met with good quality acoustic design set out in section 4.3.2, external sound levels were compliant with BS8233:2014 without further attenuation. Road traffic noise was not considered an issue under the criteria set out in PROPG.

3. The acoustician was requested to also assess the shooting noise under the CIEH Clay Pigeon Shooting Guidelines. It is understood this guidance is not proposed for use on shooting grounds such as Leek Shooting Club but in the absence of any other suitable guidance or standard it is deemed the most appropriate to determine typical shooting noise level at the site and provide context in objective terms as to how shooting noise will impact the subject site.
4. The shooting noise levels reported in the assessment are between 58-62dB dependant on the plot. The acoustician proposes 60dBA as an appropriate shooting noise level for noise impacts at the site. The acoustician determines that frequency of shooting events and that the noise source is pre-existing will mean the site is suitable for residential development and allow tolerance for future occupiers for these levels.
5. The shooting club has no record of complaint against its current operation. There are residential houses approx. 220m away and 270m away. The nearest plots to the shooting club on this site will be approx. 260m away. There is also a house behind the proposed development site at approx. 350m.
6. The Supreme Court Case – Coventry V Lawrence 2014 is relevant to this case. There is no record of complaint against the shooting club from existing residents and no evidence it is causing a nuisance in the locality though there is a clear recognition noise from shooting is audible in the vicinity of the proposed development site. The developer proposes to change the use of their land so standard consideration under nuisance will not be applicable per the above cited case. The acoustician states that gun shot noise is typical of the area and future residents will be aware of these emissions.
7. There is a mitigation scheme set out in the noise assessment which we would expect to be installed completely into any the housing scheme. There would also be an expectation that a pre-completion acoustic test to show compliance with the report is conducted prior to first occupancy of the proposed residential units.

Lighting: There is a property adjacent to the proposed site and it would important that their amenity is protected in light terms so any new artificial lighting installed into the development does not adversely impact local luminance levels.

Contamination: A desktop site assessment has been submitted in support of the application by Argyll environment this assessment is primarily for “liability” risk associated with the existing site conditions. It considers the site to be low to moderate risk but notes “unknowns” regarding the military history. Given that there is a military history with the site and tanks / asbestos buildings on site any redevelopment requires that an intrusive contaminated land risk assessment be completed.

If the applicant fails to agree to these conditions then they must submit a preliminary (intrusive) contaminated land risk assessment in order for the potential risks from the identified contamination to be assessed appropriately.

If consent is granted the following conditions are recommended:

Recommendation and Conditions

The Environmental Health Department have no objection to the proposed development subject to condition.

1. Construction and Environmental Management Plan:

No phase of the development hereby permitted shall take place 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 ensure construction and demolition activities on the site do not 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;
- 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 amenity of local residents and that of the surrounding area from noise*

disturbance.

Contamination

2. 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 (a) 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.
 - d. 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.

Validation

1. 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.

Unexpected Contamination

4. 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 (X) , and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (20), 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.

Soil Importation

5. 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 validatory 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.

Lighting

6. 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*

Sound Insulation Compliance

7. Prior to any part of the development first being occupied pre-completion tests (Internally and externally) shall be carried out to verify compliance with the submitted and approved own noise survey and mitigation scheme. (Nova Acoustics: Noise Survey of a Residential Development 3248MD)

The raw data, calculations and results from the pre completion tests shall be submitted to the Local Planning Authority for its written approval before any of the units hereby approved are occupied.

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

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.

- Any approved foul drainage system should meet the British Standard 6297:2007+A1:2008: Code of practice for the design and installation of drainage fields for use in wastewater treatment <http://www.bsigroup.com>
- 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 and with the procedural guidance relating to the contaminated land regime, and should be in accordance with Planning Policy Statement 23 and the CLR Report Series 1-12.
 - 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