

Dealt with by: Environmental Health

Our Ref: SMD/2022/0340

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Date: 5th Feb 2022

MEMORANDUM: PLANNING CONSULTATION
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LOCATION

158 The Miners Rest, Froghall Road, Cheadle

PROPOSED DEVELOPMENT

Approval of all reserved matters in relation to outline planning permission SMD/2020/0413. Redevelopment of former public house and associated car parking to eight residential houses.

Potential Areas of Environmental Concern.

1. Construction and Demolition Impacts
2. Asbestos in buildings (Advisory)
3. Coal Mining Authority
4. Soil Contamination (Condition)
5. Unexpected Contamination (Condition)
6. Lighting (Condition)

General Comments: There are pre-commencement environmental health conditions set out in the outline permission (smd/2020/0413) which should be addressed and discharged prior to development starting on this site.

Pre-Commencement Environmental Health Conditions which can be considered discharged are 14 and 17.

- Condition 14 – CEMP – This is a little vague but would appear to be generally enforceable. Advise discharge subject to radio noise not being audible at the nearest noise sensitive properties which was not included in the CEMP.
- Condition 17 – Recommend discharge subject to mitigation set out in Noise Impact assessment being implemented into the final construction. (Peak Acoustics Ref. No. JP0704225NR)

Contamination: The applicant has submitted a [phase 2 investigation](#) undertaken by Strat renewables. The investigation is considered limited in the number of samples it has undertaken for a site of this size (4 sample locations – TP1-TP4) and it is not clear what dictated the choice of locations (not related to a conceptual site model - CSM), with the majority located in areas of future hardstanding, and only TP4 taken from the garden areas.

This would indicate that the sample locations were probably dictated by geotechnical reasons/ constraints rather than a CSM. In addition, although TP1 is noted in the report as being taken at 0.3m below ground it also states “*TP1 was excavated through the existing pub cellar. The base was approximately 2.20m*”. It is not clear therefore how this sample relates to final site levels?

In terms of the findings. The authors report exceedances of Polycyclic Aromatic Hydrocarbons (PAH) in TP2 and then exceedances of Chromium across the site. This is not accurate.

Whilst the results for PAH are correct, the GAC for Chromium (6) and the more toxic Hexavalent Chromium (910) have been incorrectly ascribed in the report (wrong way round). Therefore the results actually indicate no exceedances of Chromium.

The report does not make any further recommendations or conclusions regarding the results. However, the applicants also submitted a document called “[Chromium](#)”.

This appears to have been done by the applicant (document author). In this document, the author proposes a tentative remediation strategy, which is essentially a cap of clean soil for garden areas. While this may be acceptable it lacks significant detail regarding how this will be achieved and validated, and cannot be accepted.

Update August 2023

The applicant has submitted a second phase 2 intrusive investigation produced by [georisk management](#). The investigation essentially took a further 6 surface samples and confirmed the presence of contamination across the site. The author also dismisses the potential for ground gas to be present on site due to the findings of the intrusive coal investigation, which did not indicate the presence of any unrecorded voids. This is accepted.

In this document, the author proposes a tentative remediation strategy, which is essentially a cap of clean soil for garden areas. While this is accepted in principle it lacks significant detail regarding how this will be achieved and validated, and cannot be accepted fully in its current form.

This should be submitted as a separate document in accordance with condition 15 of the outline condition:

ii. If the site risk assessment (i) indicates that potential risks exist, development shall not commence, *until a detailed remediation strategy to mitigate the identified risks and ensure the site is remediated to a condition suitable for the intended use has been submitted and approved in writing by the Local Planning Authority.*

Therefore, condition 15ii (onwards) of outline- smd/2020/0413) cannot be discharged at this time.

Recommendation and Conditions

The Environmental Health Department have no objection subject to the retention of the Environmental Health conditions being applied to any permission granted

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 the Professional Guidance on Planning and Noise (ProPG), 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>
- 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 Health Department and agreed in principle prior to site investigation works being undertaken. The Environmental Health 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