



Environmental Health – Planning Consultation

Date: 9th February 2021

My Ref: HPK20200180

Dealt with by: Matthew Rhodes

Tel:

To:

CC:

HPK/2020/0180

APPLICATION NUMBER:

Land At Bridgemont, Bridgemont, Whaley Bridge, Derbyshire,

LOCATION:

Application for Outline Planning Permission with details of access (all other matters reserved) for erection of 46 affordable dwellings

PROPOSED DEVELOPMENT:

9 February 2021

CONSULTATION DATE:

RECOMMENDATION

The Environmental Health Department has no objection to the proposed development subject to the conditions set out below being applied to any permission granted.

Comments

COMMENT: CONTAMINATION

The submitted phase 1 contamination assessment (Peak Environmental Services, ref: 42056R1, dated April 2020) recommends progression to a Ph2 invasive investigation. For this reason and to protect the health of the public condition 1 is recommended.

COMMENT: CONSTRUCTION

The construction/demolition stage of the development could lead to an increase of noise and dust etc. experienced at sensitive premises and subsequent loss of amenity, for this reason conditions 2 to 8 are suggested.

COMMENT: NOISE

The acoustic report submitted in support of the application may be accepted.

- AEC, Noise and Vibration Assessment (ref: P4235/R01/RDC), dated 12th January 2020

This recommends mitigation measures are adopted to reduce noise level to meet appropriate criteria. For dining rooms etc the 35dB(A)LAeq,16hrs criteria is required as these can be reasonably used as a living room without recourse to development control.

For this reason and to protect the amenity of future residents conditions 9 and 10 are recommended.

COMMENT: Ventilation and Overheating

The acoustic report mitigation requires that windows are kept shut to achieve appropriate levels of noise protection and does not attempt to address issues regarding overheating for this reason condition 11 is recommended.

Conditions

1. CONTAMINATION

Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions **1a** to **1d** have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition **1d** has been complied with in relation to that contamination.

a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. 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.

c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to

carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation 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) Reporting 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 **1a**, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition **1b**, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition **1c**.

2. CDD01 - CONSTRUCTION AND DEMOLITION – DUST

There shall be no visible dust emissions beyond the site boundary associated with construction/demolition works undertaken at the site. In controlling dust on site, the contractor shall have due regard to the Building Research Establishment Document '*Control of Dust from Construction and Demolition Activities*' (BR456) and the Institute of Air Quality Managements '*Assessment of dust from demolition and Construction*' (2014).

3. CDD02 - CONSTRUCTION & DEMOLITION: WASTE DISPOSAL

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.

There shall be no fires lit on the site for purpose of disposing of demolition materials. Any open fires that arise shall be extinguished without delay.

4. NSD12 - BEST PRACTICAL MEANS

The best practicable means, as defined in Section 72 of the Control of Pollution Act 1974 to reduce noise and vibration from the site to a minimum, shall be employed at all times during construction.

5. CDD03 - PILING

If piling is necessary a written method statement shall be submitted to the Local Planning Authority. This method statement should be inline with Environment Agency guidance (Environment Agency (2001), Piling and Penetrative Ground Improvements on Land Affected by Land Contamination NC/99/73). The affects of noise generation (hours of operation) should also be considered, and should include noise mitigation measures consistent with best practical means. No piling shall take place until the method statement has been approved.

6. NOISE CONSTRUCTION: PILING

If piling is necessary, a written method statement shall be submitted to the Local Planning Authority. No piling shall take place until the method statement has been approved.

No piling shall take place outside the hours 09:00 hours to 16:00 hours Mondays to Fridays

7. NS02A - CONSTRUCTION & DEMOLITION WORKS: TIME OF OPERATIONS

Unless prior permission has been obtained in writing from the Local Planning Authority, all noise-generating activities shall be restricted to the following times of operations.

- 07:30 - 18:00 hours (Monday to Friday);
- 08:30 - 14:00 hours (Saturday)
- No working is permitted on Sundays or Bank Holidays.

In this condition, a noise-generating 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.

8. CDD14 - ON SITE RADIO

During construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary.

9. NS04B - NOISE INSULATION: DOMESTIC

Prior to the occupation of any residential unit, noise mitigation consistent with (and no less protective) than that detailed within the approved noise report AEC, Noise and Vibration Assessment (ref: P4235/R01/RDC), dated 12th January 2020 shall be implemented for that unit. Mitigation shall ensure that the following noise criteria are met.

- a) An internal noise level for habitable rooms during the day (0700-2300hrs) of 35dB(A)LAeq,16hrs
- b) An internal noise level for bedrooms during the night (2300-0700hrs) of 30dB(A)LAeq,8hrs and 45dB(A)LAmx
- c) Noise levels within external living areas such as balconies, terraces and gardens during the day (0700-2300hrs) of 50dB(A)LAeq,16hrs

10. ACOUSTIC FENCE

The approved noise report AEC, Noise and Vibration Assessment (ref: P4235/R01/RDC), dated 12th January 2020 includes provision for 1.8m high metre high close boarded timber fencing to reduce noise levels within gardens to below 50dBLAeq,16h. This shall be of solid construction, with good quality timber (no warping, knot holes or damage) of at least 25mm thickness in all places, including where the boards overlap.

Boards shall continue across the front of posts to minimise gaps and wide overlaps (minimum 25mm) allowing for timber expansion and contraction whilst minimising the possibility of gaps appearing over time.

11.OVERHEATING AND VENTILATION

No development shall commence on site until a scheme of ventilation has been submitted to an approved in writing by the LPA. The scheme shall be in accordance with the AVO Guide (AVO,"*Acoustics Ventilation and Overheating Residential Design Guide - version 1.1*", 2020), and shall demonstrate thermal comfort in properties that are require to maintain closed window to mitigate against noise (with reference to condition x9x)

Advisory Note/ Informative:

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

- Any approved noise scheme and measurements should pay due regard to British Standard BS8233: 2014 Sound insulation and noise reduction for buildings (Guidance Document), BS4142 Methods for rating and assessing industrial and commercial sound 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>
- 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/>
- 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 DEFRA Land contamination risk management (LCRM) guidance.

- 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.
- High Peak Borough 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,

Matthew Rhodes

EHO (Pollution Specialist)