

**INTERNAL CONSULTATION RESPONSE**

**Regulatory Services and Health**

Cheshire East Council

Tel: 0300 123 5015 / E-mail: environmentalprotection@cheshireeast.gov.uk

<b>SITE LOCATION</b>	Ryton House Farm, Wrenbury Heath Road, Wrenbury, Nantwich, CW5 8BT
<b>APPLICATION No.:</b>	<b>19/5816N</b>
<b>PROPOSAL:</b>	Conversion of agricultural barn to single dwelling
<b>TO:</b>	Cheshire East Planning
<b>PLANNING OFFICER:</b>	
<b>DATE:</b>	10 January 2020
<b>OUR REF:</b>	065230

Regulatory Services and Health has considered this application and would make the following comments with regards to **AMENITY, AIR QUALITY** and **CONTAMINATED LAND**. The recommendations are intended to provide sufficient information to guide planning officers to adequately word conditions. Where the planning officer considers that the recommendations should be substantially altered, or not included in the decision notice, it is requested that he/she discusses the matter with the relevant officer in this Service.

**AMENITY COMMENTS**

Mark Vyse

Tel: 07943 811185

***ENVIRONMENTAL HEALTH INFORMATIVES***

**Informative comments are designed to assist developers in the prevention, minimisation and control of noise and dust arising from the construction phases of the development for the purpose of protecting the residential amenity of occupiers of nearby dwellings. The Environmental Health team would appreciate contact from developers prior to the commencement of development as regards the following:**

**CONSTRUCTION WORKS: DAYS / HOURS OF OPERATION – Noise Generative Works**

Under the Control of Pollution Act 1974, Environmental Health recommend that the hours of noise generative\* demolition / groundworks / construction works taking place during the development (and associated deliveries to and from the site) are restricted to:

Monday – Friday	08:00 to 18:00 hrs
Saturday	09:00 to 14:00 hrs
Sundays and Public Holidays	Nil

Noise generative\* works outside of these hours may result in action by the Environmental Protection Team to serve a legal notice on the property or construction site under the Control of Pollution Act 1974.

\*"Noise Generative" is defined as any works of a construction / demolition nature (including ancillary works such as deliveries) which are likely to generate noise beyond the boundary of the site.

### **PILE FOUNDATIONS**

Piling work shall be undertaken using a system which will cause the least possible degree of noise and vibration in the locality - given the ground conditions – as a means to minimise the impact of noise and vibration to the occupiers of nearby dwellings. It is recommended that nearby residents and the Regulatory & Health Services are provided with the following information :-

1. Commencement date of the piling work
2. Days / hours of work
3. Duration of the pile driving operations ( i.e. the expected completion date)
4. Full contact details of a responsible person (e.g. site manager / office) who could be contacted in the event of a complaint.

Due to the known degree of disturbance from piling work, the following working times are recommended as a measure to minimise the noise and disturbance during more sensitive hours.

Monday – Friday	09:00 – 17:30 hrs
Saturday	09:00 – 13:00 hrs
Sunday and Public Holidays	Nil

### **SITE SPECIFIC DUST MANAGEMENT PLAN (DMP)**

In order to minimise dust emissions arising during the development, including: site preparations / demolition/ construction activities at the site.

A copy of a 'site specific DMP' shall be retained at the development site; and made available for inspection upon request by Cheshire East Borough Council Officers.

The site specific DMP shall identify the fugitive dust sources at the development site and describe in detail the dust mitigation measures to be employed.

The DMP shall include details:

- of all dust suppression measures
- the methods to monitor emissions of dust arising for the duration of the project

The demolition / construction phase of the development, shall be completed in full compliance with the site specific DMP.

The dust suppression measures shall be maintained and fully operational for the duration of the demolition / construction phase of the development.

The Dust Management Plan shall contain the records of inspections and visual assessments.

Records shall be:

- kept on site **and**
- made available for examination upon request by a Cheshire East Borough Council Officer.

Where visible airborne emissions are brought to the attention of the contractor by:

- pro-active dust monitoring of the site or
- upon receipt of a dust complaint from a member of the public

The contractor shall:

- identify the cause and extent of the dust emission
- detail the remedial dust corrective course of action
- inform Cheshire East Borough Council, Environmental Protection Department of the corrective action and proposed monitoring to assess compliance and prevent a recurrence. For this purpose contact:
  - Ø 0300 123 5015
  - Ø [environmentalprotection@cheshireeast.gov.uk](mailto:environmentalprotection@cheshireeast.gov.uk)
- Any corrective action shall be recorded in the site log/ DMP retained on site.

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## **AIR QUALITY COMMENTS**

**Martin Brown**

**Tel: 07717 356687**

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Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 181 of the NPPF and the Government's Air Quality Strategy.

When assessing the impact of a development on Local Air Quality, this office has regard to (amongst other things) the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality January 2017)

This proposal is for the construction of a new dwelling. Whilst this scheme itself is of a small scale, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

Modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern, sustainable properties.

### **Electric Vehicle Infrastructure**

#### **CONDITION AQ1**

In order to ensure that sustainable vehicle technology is a real option for future occupants at the property the following condition is required:

- Prior to first occupation of the property, the developer shall provide Electric Vehicle Infrastructure to the following specification:
  - A single Mode 3 compliant Electric Vehicle Charging Point for the property with off road parking. The charging point shall be independently wired to a 30A spur to enable minimum 7kW Fast charging or the best available given the electrical infrastructure.
  - Should the infrastructure not be available, written confirmation of such from the electrical supplier shall be submitted to this office prior to discharge.
  - Where there is insufficient infrastructure, Mode 2 compliant charging may be deemed acceptable subject to the previous being submitted.

The infrastructure shall be maintained and operational in perpetuity.

*Reason: In accordance with paragraph 110e of the NPPF, to encourage the uptake of ultra-low*

*emission vehicles and ensure the development is sustainable. To safeguard residential amenity, public health and quality of life with respect to Local Air Quality and in accordance with minimum good design standards as set out In the EPUK Guidance Land-Use Planning and Development Control: Planning for Air Quality.*

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## **CONTAMINATED LAND COMMENTS**

**Rebekah Norbury**

**Tel: 07805 694792**

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The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:

- Residential developments are a sensitive end use and could be affected by any contamination present or brought onto the site.
- The application area has a history of agricultural use and therefore the land may be contaminated.
- No information relating to land contamination has been submitted in support of the planning application. It appears that garden areas are proposed to the north, west and south of the barn proposed for conversion. From available photographs of the site, it appears that there is softstanding already in these areas. These garden areas should be suitable for their proposed use, should any adverse ground conditions be encountered such as made ground or impacted soils, all work in that area should cease and this section be contacted for advice.
- Should any soil be imported to site for use in residential garden areas, this should be demonstrated to be chemically suitable for its proposed use.

As such, and in accordance with the NPPF, this section recommends that the following conditions, reasons and notes be attached should planning permission be granted:

### **CONDITION 1**

- (a) Any soil or soil forming materials to be brought to site for use in garden areas or soft landscaping shall be tested for contamination and suitability for use prior to importation to site.
- (b) Prior to occupation, evidence and verification information (for example, laboratory certificates) shall be submitted to, and approved in writing by, the LPA.

### **CONDITION 2**

If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

### **REASON RCLC1**

-To ensure the development is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of the development.

### **REASON RCLC5**

-The actions are considered necessary as a result of a proposed change of use to a more sensitive land use.

INFORMATIVE NCLC1

- The applicant is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2018 and the current Building Control Regulations with regards to contaminated land. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.
- Purchasers, where applicable, are advised that they should satisfy themselves that land contamination issues, if present, have been satisfactorily discharged given that the Council expects full compliance with any contaminated land requirements prior to the occupation of the site. Upon occupation such matters could then be the responsibility of the owner to remedy.

This section has used all reasonable endeavours to recommend the most appropriate measures regarding potential contamination risks. However, this recommendation should not be taken to imply that the land is safe or otherwise suitable for this or any other development.

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If you have any queries, please contact the relevant Officer.