

INTERNAL CONSULTATION RESPONSE	
Regulatory Services and Health Cheshire East Council Tel: 0300 123 5015 / E-mail: environmentalprotection@cheshireeast.gov.uk	
SITE LOCATION	White Lodge, Chester Road, Acton, Cheshire, CW5 8LA
APPLICATION No.:	22/1679N
PROPOSAL:	Outline application with all matters reserved to erect a single detached dwelling with garage on land adjacent White Lodge
TO:	Cheshire East Planning
PLANNING OFFICER:	
DATE:	7 June 2022
OUR REF:	075800

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

Amy Chilver

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.

AIR QUALITY COMMENTS

Martin Brown

This outline 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.

Nantwich has an Air Quality Management Area and, as such, the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

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 site 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 112e and 186 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.

CONTAMINATED LAND COMMENTS

Rebekah Norbury

Email: rebekah.norbury@cheshireeast.gov.uk

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

- The application is for a proposed use that would be particularly vulnerable to the presence of contamination.
- Residential properties 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.
- A Phase I Preliminary Risk Assessment (Report Ref: 22-01-11 Rev 1, Demeter Environmental, April 2022) has been submitted in support of the planning application.
 - The report has identified a low potential risk of contamination capable of affecting the application site.
 - A watching brief has been recommended for adverse ground conditions. Should any adverse ground conditions be encountered during excavation works, all work in that area should cease and this section be contacted for advice.
- Should any soil be imported to site for use in areas of garden/landscaping, this should be demonstrated to be chemically suitable for its proposed use in line with our [Developer's Guide](#), in the absence of any other agreement for the site

As such, and in accordance with paragraphs 174, 183 and 184 of the NPPF 2021, 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 in line with the current version of 'Developing Land within Cheshire East Council – A Guide to Submitting Planning Applications, Land Contamination' (in the absence of any other agreement for the development), which can be found on the Development and Contaminated Land page of Cheshire East Council's website.
- (b) Prior to occupation, evidence and verification information (for example: quantity/source of material, laboratory certificates, depth measurements, photographs) shall be submitted to, and approved in writing by, the Local Planning Authority (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 2021 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.