

BOROUGH OF NEWCASTLE – UNDER-LYME

FROM: REGENERATION & PLANNING SERVICES ENVIRONMENTAL HEALTH DIVISION		TO: HEAD OF REGENERATION AND PLANNING SERVICES For the attention of Planning Applications
LOCATION: T K Phillips Workshop Moss Lane Madeley Newcastle Under Lyme, Stafford CW3 9PR	APPLICATION NO: 14/00691/FUL	
	OUR REF: APP084269 / Case Officer: Environmental Health Officer – Andrea Baker 01782 742572	
DEVELOPMENT:	Erection of dwelling	

1. POTENTIAL LOSS OF AMENITY TO THIRD PARTIES:

Groundworks / Construction Phase

No comment

Occupied / Operational Phase

The nearby railway line has the potential to cause noise nuisance to the residents in the proposed property. Although a noise assessment has not been submitted with this application, a noise assessment has been completed, submitted with 07/01009/OUT, undertaken by Wardell Armstrong, report number NL08793 (J01), dated June 2007. The recommendations outlined in this report are to be implemented. See condition below. The proposed measures include a 2.5m high acoustic fence between the property and the railway and that there are no windows facing out towards the railway.

2. OTHER RELEVANT PLANNING COMMENTS IMPACTING ON DEVELOPMENT:

Contaminated Land

The proposed development is located on the site of an historic workshop and therefore there is the potential for contamination to be present. Accordingly, and in line with the requirements of the National Planning Policy Framework, the application should be accompanied by a desk study and site reconnaissance as a minimum. Applications which do not include this information should not be validated.

Should the Council be minded to grant planning permission, it is recommended that full contamination conditions be attached.

3. DIVISIONAL RECOMMENDATION:

There are no objections to this application subject to the following conditions which are designed to meet with current planning polices and the NPPF.

Contaminated Land (Please notify Building Control of these Conditions)

Development should not commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, is 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:

1. Site Characterisation

Development should not commence until a further investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development. The report of the findings shall include;

- (i) A survey of the extent, scale and nature of any contamination;
- (ii) An assessment of the potential risks to:
 - Human health;
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes;
 - Adjoining land;
 - Ground and surface waters;
 - Ecological systems; and,
 - 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'.

2. Submission of a Remediation Statement

Development shall not commence until 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 has been 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.

3. Implementation of Agreed 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 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.

4. Report 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 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 2, 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.

5. Importation of Soil/Material

No top 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 all):

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework].

Advisory Notes:

The site is known to be/suspected to be contaminated. Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

- a) Tiered risk assessment 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 the National Planning Policy Framework and the CLR Report Series 1-12.
- b) 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.
- c) The Local Planning Authority will determine the application 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 2A 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.
- d) 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 2A of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.
- e) 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

- f) 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.
- g) Newcastle under Lyme 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 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. Further information regarding the requirements of Newcastle under Lyme Borough Council can be obtained from <http://www.newcastle-staffs.gov.uk/contaminatedland> or 01782 742595

Noise

In relation to the development hereby permitted, the recommendations outlined in the noise assessment, submitted with 07/01009/OUT, undertaken by Wardell Armstrong, report number NL08793 (J01), dated June 2007 are to be incorporated into the construction of the development to ensure the following noise levels are met.

<p>Internal noise levels (to be achieved in all habitable areas attributable to external noise sources. Where windows need to be kept shut, adequate sound attenuated ventilation provision in accordance with the current building regulations must also be demonstrated)</p>	<p>30 dBL_{Aeq} between 07:00 and 23:00 30 dBL_{Aeq} between 23:00 and 07:00 45 dB L_{AMax} between 23:00 and 07:00</p>
<p>External Noise levels (to be achieved in garden areas, balconies, terraces)</p>	<p>50 dBL_{Aeq} between 07.00 and 23.00</p>



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23 September 2014

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