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To: Planning, Town Hall, Long Eaton **Cc:**
From: Environmental Health **Your ref:** ERE/0722/0038
Date: 11th August 2022 **Our ref:** LW/116911

APPLICATION NUMBER	ERE/0722/0038
PROPOSED DEVELOPMENT	Outline Application for up to 196 dwellings with all matters reserved other than the means of access.
LOCATION	Land North West Of 1 To 12 Sowbrook Lane Stanton By Dale Derbyshire

I write with respect to the above planning application. On the basis of the information contained in the application, I would offer the following observations:-

Environmental Protection

The assessment has included a Noise Assessment (Hepworth Acoustics Ltd ref: P21-283-R01v2 dated April 2022). Noise monitoring was carried out over a 24 hour period in November 2021 in one location and 9 other locations have had short-term monitoring undertaken to allow L_{Aeq} levels to be estimated for both day and night time.

The report has identified that there are a number of noise sources within the area that could significantly affect the proposed properties including the road noise, adjacent industrial estates and a nearby substation.

The current layout is outline only so there are limited details available with respect to specific noise levels for properties.

It is unclear exactly how the L_{Amax} levels at night have been calculated but it is assumed that this is based on the short-term monitored daytime noise data which introduces a level of uncertainty regarding the accuracy of the calculated data.

However, it is clear from the data submitted, that the current noise levels are high when viewed in terms of what would be considered to be a good amenity standard and we would agree that mitigation will be required, particularly for properties facing Ilkeston Road and properties on Sowbrook Road that are most affected by noise from the sub-station.

The assessment has identified that the proposed properties on Ilkeston Road should be set back at least 10m but, even at that distance, the properties are in the ProPG medium risk category during the day with the night time assessment as potentially high risk.

Whilst some mitigation has been proposed, it is clear that to achieve suitable internal noise levels, windows will need to remain closed. A variety of suggestions have been made in terms of good acoustic design such as orientating buildings to minimise bedrooms directly facing high noise levels but no details are currently available in terms of suggested layouts. This type of mitigation can be effective but difficult to achieve in modern design layouts.

Due to the noise levels identified, it is considered that a more detailed sound insulation scheme will be required when further details of the layout are known. If windows are to remain closed, then a further overheating assessment should also be submitted to demonstrate that the ventilation proposed is suitable so that the occupants of the buildings do not have to compromise on the acoustic environment for thermal comfort, particularly during warmer months. A well designed layout should be able to minimise the number of properties where windows will need to remain closed, including the use of barriers and room orientations etc. We would therefore encourage the applicant to engage their acoustic consultant in discussions regarding the overall design prior to the submission of any reserved matters application.

We do have concerns that whilst the noise from the industrial estates have been considered, the Council have recently granted planning permission for the adjacent New Stanton Park development. This is highly likely to increase noise levels within the area as the proposed development site was not identified as a sensitive receptor within the noise assessments that were carried out for the New Stanton Park application as it was a vacant site. The noise assessment for this proposed development should therefore also consider the potential impact of the proposed industrial development as this will be an additional source of noise, particularly at night. In addition, whilst the noise on Sowbrook Road has considered the existing noise from the adjacent Sateba premises, there is a current planning application for an external storage area that will potentially increase noise levels, which is likely to be particularly noticeable at night when there is a lower background noise level.

The BS4142 assessment has identified that the sound from the substation is significant and suitable mitigation will be required for properties on Sowbrook Road. We would concur with the reasoning set out in terms of the BS4142 assessment that lower internal and external levels of noise should be required for properties on Sowbrook Road due to the tonality of the substation noise.

Therefore, we would consider that further detailed consideration of the external noise sources is required prior to the masterplan being finalised. The report has stated that the precise acoustic specification should be part of a detailed design matter and we would concur with that conclusion and would agree with their assessment that it would be appropriate to secure the sound insulation scheme via an appropriate planning condition. Good acoustic design is essential in ensuring that the best possible amenity can be achieved. External noise sources and the acoustic environment are important considerations in terms of whether the site will represent a suitable amenity for the proposed residents and as noise is a material planning considerations, it is considered appropriate to secure this via appropriate planning conditions.

The NPPF has been revised to reflect the agent of change principle.

It is the responsibility of the developer to ensure that the local residents are not adversely impacted by increased noise levels, particularly in areas where there is already high levels of noise. There is also a responsibility for developers to demonstrate that any new developments are not adversely affected by unacceptable levels of noise pollution. Environmental Protection are therefore of the opinion, that the levels specified within the Noise Policy Statement for England and BS8223 demonstrate a suitable level of amenity that is likely to meet the requirements of the NPPF.

We would therefore consider that the following condition should be attached to any planning permission granted:

- Prior to the commencement of development hereby approved a scheme of sound insulation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed following the completion of a sound survey undertaken by a competent person. The scheme shall take account of the need to provide adequate ventilation, which will be by mechanical means where an open window would not achieve the following criteria. The scheme shall be designed to achieve the following criteria with the ventilation operating:

Bedrooms	30 dB LA _{eq} (15 Minutes) (2300 hrs – 0700 hrs)
Living/Bedrooms	35 dB LA _{eq} (15 Minutes) (0700 hrs – 2300 hrs)
All Other Habitable Rooms	40 dB LA _{eq} (15 Minutes) (0700 hrs – 2300 hrs)

All Habitable Rooms 45 dB LA_{max} to occur no more than 10 times per night (2300 hrs – 0700 hrs)

Any outdoor amenity areas 55 dB LA_{eq} (1 hour) (0700 hrs – 2300 hrs)

For the properties facing Sowbrook Road or where the substation is the dominant sound, the following criteria will be achieved with the ventilation operating:

Bedrooms	24 dB LA _{eq} (15 Minutes) (2300 hrs – 0700 hrs)
Living/Bedrooms	29 dB LA _{eq} (15 Minutes) (0700 hrs – 2300 hrs)
All Other Habitable Rooms	34 dB LA _{eq} (15 Minutes) (0700 hrs – 2300 hrs)

All Habitable Rooms 45 dB LA_{max} to occur no more than 10 times per night (2300 hrs – 0700 hrs)

Any outdoor amenity areas 49 dB LA_{eq} (1 hour) (0700 hrs – 2300 hrs)

The scheme as approved shall be validated by a competent person and a validation report submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full and retained thereafter.

In addition, due to the proximity of local residents and the size and nature of the development, there is the potential for long term disturbance to the amenity of existing local residents as a result of the construction phase of the development, particularly in the event that piling is required.

We would therefore recommend that a construction environmental management plan is required via condition to ensure that best practicable means are employed in controlling noise, dust and vibration from the site as well as ensuring that a suitable waste management plan and working hours are in place for the duration of the construction works.

We would suggest that the following wording for a condition:

- Prior to the commencement of each phase of development, a construction environmental management plan shall be submitted and approved in writing that details how dust, noise and vibration resulting from the development hereby approved will be controlled and mitigated. This shall include, but not be restricted to, suitable working hours, details of the proposed communication strategy, any monitoring required and a waste storage and removal strategy. The agreed plan will be implemented and maintained throughout the course of the construction of the development.

Due to the close proximity of local residents, we would advise that our recommended working hours would be as follows:

- In order to minimise noise disturbance to the occupiers of adjacent residential property construction work and deliveries to the site should only be permitted between the following hours:

7.30 am and 6.00pm, Monday to Friday,
8.00am and 1.00pm Saturday, and
no work on Sundays, Bank and Public Holidays

- No burning of any waste should be carried out on site.

We would further recommend that any construction environmental management plan has due regard to BS5228 – Code of Practice for Noise and Vibration Control on Construction and Open Sites and Guidance on the assessment of dust from demolition and construction (IAQM 2014)

Contaminated Land

I have reviewed the Desk Study Report (Southern Testing Laboratories Ltd ref: JN1643 dated 28th January 2022) that has been submitted in support of this application.

The report has been compiled in line with current guidance and has considered the previous historical use of the site in conjunction with a walkover survey.

The report states that the site has predominantly been used as an agricultural field but there is evidence of former ponds that have been infilled with unknown materials. The coal mining risk assessment has identified that these ponds may be evidence of former mining activity and the site is identified as likely to be affected by shallow coal measures.

A number of sources of contamination have been identified, including made ground and asbestos so the report has concluded that a further intrusive investigation is required, including a consideration of ground gas risk.

We would concur with the recommendation for further investigation works and would comment that any ground gas assessment will need to have regard to the Good Practice for Risk Assessment for Coal Mine Gas Emissions (CL:AIRE 2021) when carrying out the coal mining assessment.

Therefore, due to the proposed sensitive end use and the identified need for further investigation, we would recommend the following conditions be attached to any planning permission granted:

1. Notwithstanding any information previously submitted, the development shall not commence until a contaminated land assessment to identify and control any environmental risk, including that posed by ground gases, is submitted to and agreed in writing by the Local Planning Authority. This will include a Phase I Desk Study and where potential risks or pollutant linkages are identified, an intrusive investigation (Phase II Investigation) will be undertaken as required. The assessment will be carried out by a competent person in line with current guidance and will consider all risks to potentially sensitive receptors, including human health, groundwater, buildings and ecological systems. In reaching its decision to approve such proposals the Planning Authority will have regard to currently pertaining government guidance including *Environment Agency Guidance - LCRM (Land Contamination Risk Management)*.
2. Where the site investigation identifies potentially unacceptable levels of contamination, a Remediation Strategy detailing the requirements to deal with any environmental risks associated with this site shall be submitted and approved by the Local Planning Authority prior to commencement of the remedial works. The Strategy should be written by a competent person in line with current guidance. All requirements shall be implemented according to the schedule of works indicated on the Remediation Strategy. The Remediation Strategy shall include a Discovery strategy which details how any unexpected contamination identified during development will be dealt with and verification details for any soil to be imported to site to demonstrate that it is suitable for the intended use. As a minimum, the remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
3. Prior to the development first being brought into use, a Verification Report must be submitted to, and agreed in writing by, the Local Planning Authority. The report shall provide verification that the remediation works have been carried out in accordance with the approved Remediation Strategy and that the Remediation Objectives have been achieved.

Reasons: 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.



Lucy Withers
Contaminated Land Officer
Environmental Protection Team