

## Environmental Control and Protection - Planning Consultation Response

To: Planning Officer: Alex Smith

From: Tessa Hares  
Environmental Health Officer

Date: 5<sup>th</sup> October 2016

Planning Application Reference:	<b>16/07288/OUT</b>
Environmental Health Reference:	WK/201620393
Description of Proposal:	<b>Outline planning application (all matters reserved except means of access) for residential development, including the construction of up to 71 dwellings, the creation of new vehicular access with footways and cycleways and ancillary road infrastructure, public open spaces, children's play area, landscape planting, surface water attenuation and associated infrastructure.</b>
Address:	Land South Of Filands Road, Malmesbury, Wiltshire
Site Visited:	No
Amenity Including noise, lighting, odour, smoke.	Officer: Tessa Hares

The proposed development is to the North of Malmesbury and adjoins 15/05015/REM and 16/01206/VAR on two sides. It is currently farmland and part of the countryside fringe of the town. The Cotswold AONB is 1.5km from the site boundary. The impacts considered within this section will be lighting, noise, smoke and dust.

### Lighting

Given the setting of this development, further detail regarding lighting levels would be helpful. The LVIA discusses visual impacts and mentions planting and siting of dwellings, however lighting will potentially be visible and have an impact on night skies. It would be helpful to see a scheme which takes into account light pollution and sky glow, to limit impacts. The applicant may find it helpful to consult the Institute of Lighting Professionals "Guidance Notes for the Reduction of Obtrusive Light" for further advice.

## **Construction**

### Noise

Since the proposal is for dwellings and children's play areas, the main period for noise disturbance is likely to be during construction. It is accepted that construction is noisy. This is best addressed through an hours of construction condition, to allow nearby residents some periods when they may enjoy their homes and gardens. Carrying out noisy works outside of these hours is likely to lead to complaints.

No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

### Smoke and Dust

Should planning permission be granted, this site will potentially be bordered by dwellings currently being built on 15/05015/REM and 16/01206/VAR. There are also some existing dwellings on Filands Road. Dust from spoil heaps, cutting of materials, etc, will need to be controlled. Disposal of waste materials needs to be appropriate and burning of vegetation or odd pieces of timber may cause complaints. All of these matters may be dealt with under a Construction Management Plan which should include the following:

No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- i. The movement of construction vehicles;
- ii. The cutting or other processing of building materials on site;
- iii. Wheel washing and vehicle wash down facilities;
- iv. The transportation and storage of waste and building materials;
- v. The recycling of waste materials (if any)
- vi. No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.
- vii. The loading and unloading of equipment and materials
- viii. The location and use of generators and temporary site accommodation
- ix. Pile driving (If it is to be within 200m of residential properties)

The construction/demolition phase of the development will be carried out fully in accordance with the construction management plan at all times.

Air Quality

Officer: Steven Manning

Whilst the location of the proposed development is not one identified as being of poor air quality, development pressure on Malmesbury and air quality concerns necessitate that an Air Quality Assessment is undertaken for all major new development.

Suggested conditions are therefore given below:

1. *The applicant must undertake an Air Quality Assessment (AQA) to be approved by the LPA prior to commencement of construction. This must quantify the effect of the development on existing local authority air quality monitoring locations and sensitive receptors as well as the proposed development. It must also identify and make adjustments for all core strategy based development in the developments locality. The effect of any proposed mitigation must be quantified in terms of its contribution to the reduction of oxides of nitrogen and PM*

2.5 in the developments' locality. Use of CURED data in the AQA is expected along with any other currently accepted approaches to AQA.

**Reason:** Core Policy55; Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.

2. Prior to the first occupation of any dwelling on site full details must be submitted to and approved in writing by the Local Planning Authority specifying a scheme of air quality mitigation measures that will contribute to the reduction of oxides of nitrogen and PM 2.5 in the developments' locality or at least an air quality neutral outcome. This must include but not be limited to the provision of Electric Vehicle (EV) charging infrastructure. Within 6 months of the occupation of 90% of the dwellings, monitoring of air quality within the site and immediate locality (as identified within approved AQA) must be undertaken and the results submitted to, and approved in writing by the LPA, demonstrating that the above mitigation has made a contribution to air quality improvement. Should the submitted reports not demonstrate an air quality neutral outcome a programme of mitigation must be submitted to and approved in writing by the LPA and the actions carried out in accordance with that plan.

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Notwithstanding the findings of an AQA that may suggest impacts will not be significant, the desired scenario in terms of air quality and development is one that contributes to a reduction in potential air quality impacts locally. Our overriding concern here in Wiltshire is for the satisfaction of our adopted Core Policy, Air Quality Strategy, Air Quality Action Plan and draft SPD which work towards achieving contributions to the reduction of oxides nitrogen across the county irrespective of the existence of an AQA.

Copies of our Core policy, Air Quality Strategy, SPD and Air Quality Action Plan are accessible at [www.wiltshireairquality.org.uk](http://www.wiltshireairquality.org.uk)

Contaminated Land	Officer: Steven Manning
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The site appears to be predominantly free from former uses of a potentially contaminative nature, however one polygon of unknown filled ground is identified which may be of significance to the proposed development (see below). In view of this a contaminated land condition is warranted.

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The following condition should be applied where permission is granted:

No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully 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 step (iv) has been complied with in full in relation to that contamination.

**Step (i) Site Characterisation:**

An investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
- 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,

- groundwater and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

**This must be conducted in accordance with DEFRA and the Environment Agency’s “Model Procedures for the Management of Land Contamination, CLR 11” and other authoritative guidance.**

**Step (ii) Submission of Remediation Scheme:**

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

**Step (iii) Implementation of Approved Remediation Scheme:**

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

**Step (iv) 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 should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

**Step (v) Verification of remedial works:**

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the

remediation scheme have been approved at stage (ii) above).

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

**Step (vi) Long Term Monitoring and Maintenance:**

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

**REASON:** 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.

**Core Policy 56:**

Other Matters  
Including drainage provision,  
food safety, health and  
safety, licensing.

Officer:

Recommendation:

**Conditions:**

- 1) No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

2) Construction Management Plan

No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase

of the development. It shall include details of the following:

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The construction/demolition phase of the development will be carried out fully in accordance with the construction management plan at all times.

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**Reason:** *Core Policy55; Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.*

*4) Prior to the first occupation of any dwelling on site full details must be submitted to and approved in writing by the Local Planning Authority specifying a scheme of air quality mitigation measures that will contribute to the reduction of oxides of nitrogen and PM 2.5 in the developments' locality or at least an air quality neutral outcome. This must include but not be limited to the provision of Electric Vehicle (EV) charging infrastructure. Within 6 months of the occupation of 90% of the dwellings, monitoring of air quality within the site and immediate locality (as identified within approved AQA) must be undertaken and the results submitted to, and approved in writing by the LPA, demonstrating that the above mitigation has made a contribution to air quality improvement. Should the submitted reports not demonstrate an air quality neutral outcome a programme of mitigation must be submitted to and approved in writing by the LPA and the actions carried out in accordance with that plan.*

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**Core Policy 56:**

Please contact the Environmental Control and Protection Officer should you wish to discuss these comments.