

From: Scott, Judith
Sent: Monday, April 24, 2023 10:13 AM
To: Booth, Claire
Subject: RE: Initial Consultation on Planning Application 69164

Hi Claire

[Pleas see my comments below and letter response attached.](#)

CONTAMINATED LAND – CONDITIONS.

The site was historically occupied by a petrol filling station, a car wash, car sales garage and an electricity substation. Adjacent land use includes housing, retail premises and allotments. Previous land uses on and adjacent to the site have included buildings associated with a large residential property known as Egerton Lodge, a garage colony, a possible commercial building, residential and allotment gardens. The site does not lie within 250 metres of any known landfill sites and is not in close proximity to any major surface watercourses. The site lies above fluvioglacial sand and gravel deposits over the Sherwood Sandstone Principal Aquifer.

The filling station tanks were decommissioned (foam filled) in 2016 and in 2021 the above ground structures were demolished. Three underground petrol tanks were removed in August 2021. The report states that the excavations found no hydrocarbons in the tanks or in the ground around the tanks. The resultant void after tank removal was backfilled with imported granular material (recycled 6F2). Surface concrete and former foundation have been removed below the footprint of the proposed building.

It is understood that the proposed development comprises the construction of a retail unit and synagogue with associated car parking and landscaping.

A Phase 1 Desk Study and Preliminary Risk Assessment Report and a Site Investigation Report has previously been received and commented on by this Section.

In line with the National Planning Policy Framework, the site is proposed for a sensitive end use we recommend that the following contaminated land conditions are placed on any grant of permission:

CLA1 - Contaminated Land Preliminary Risk Assessment, Site Investigation, Detailed Risk Assessment and Remediation Strategy.

CLA2 - Contaminated Land implementation of Remediation Strategy and Site Verification Report.

Reason: This is to secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to the National Planning Policy Framework.

AIR QUALITY – CONDITION – Electric Vehicle Charge Points

The site is located close an Air Quality Management Area. Due to the scale of the development, it is considered unlikely that the development would create an increase of more than 500 AADT (annual average daily traffic). Therefore, in line with the EPUK Guidance, an air quality assessment will not be required.

Bury Council has been identified by DEFRA as an area requiring to significantly improve air quality. The required measures to do this are currently under discussion. Due to this requirement, and the requirements of the new building regulations (The Building Regulations 2010, Approved Document S, Infrastructure for the charging of electric vehicles), this Section recommends the following condition to be placed on are placed on any grant of permission:

- **Commercial with 10 or more parking spaces:** Prior to occupation the applicant shall provide electric vehicle (EV) charging points for 20% of the proposed parking spaces. EV chargepoints shall be 7kW* as a minimum.

*Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2019 to be used. Further information regarding minimum standards can be found at <https://www.gov.uk/transport/low-emission-and-electric-vehicles>.

Reason: In accordance with 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.

INFORMATIVE - The Control of Noise (Appeals) Regulations 1975, Section 60. Control of Noise on Construction Sites

Works carried out in connection with the planning permission shall comply with the above regulations which require the following:

1. All works and ancillary operations which are audible at the boundary of the nearest house or noise receptor, or at such other place as may be agreed with the Council, shall be carried out only between the hours of 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1400 on Saturdays and at no time on Sundays and Bank Holidays.
2. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.
3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturer's instructions.
4. Any emergency deviation from the above (1 – 3) shall be notified to Bury Council without delay.

Any contravention of these requirements will trigger the serving of a Notice under Section 60 of The Control of Noise Regulations 1975.

Thank you

Operations – Environment Section.
24 April 2023

Regards

Judith Scott
Environmental Protection Officer
Department of Operations