

CONTAMINATED LAND – CONDITION.

The site currently comprises a vacant land which had been formerly occupied by domestic garages. The application is situation in a residential area and its geology comprises till overlying middle coal measures secondary aquifer. It is within a coal authority development high risk area and is not classified as being at risk from radon.

It is noted that the land was previously occupied by individual domestic garages (mapping indicates c1971). The application form notes that these have been demolished. There is the potential that asbestos may have been present in the construction of these garages and it is not known how carefully they were removed. As such it is recommended that a watching brief for potential signs of asbestos containing material is carried out during construction. This maybe on the surface or buried. Photos previously submitted indicate that concrete has already been laid at the site and that some aspects of this application maybe retrospective, but this condition should remain as a precaution.

In line with the National Planning Policy Framework, there is the potential for contamination on this site therefore we recommend that the following contaminated land conditions are placed on any grant of permission:

CL04 - CONTAMINATED LAND CONDITION 04: UNEXPECTED CONTAMINATION

The development hereby permitted within any approved phase shall not be occupied/brought into use until written confirmation is provided to the Local Planning Authority that unexpected or previously unidentified contamination was not encountered during the course of development works.

If, during development, unexpected contamination is found to be present on the site, no further works shall be carried out at the affected location until the following are submitted to the Local Planning Authority for approval:

- I. Risk Assessment (GQRA or DQRA);
- II. Remediation Strategy & Verification Plan;

Where remediation is required, it shall be carried out in accordance with the approved Remediation Strategy. Upon completion of remediation works, a Verification Report shall be submitted for approval. The Verification Report must include information validating all remediation works carried out; details of imported materials (source/quantity/suitability); details of exported materials; and details of any unexpected contamination.

Reason: To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

The Coal Authority previously requested a mining risk assessment, which has now been submitted. The report recommends that intrusive investigation is

completed. If suspected contamination is encountered, soil testing should be completed and this Section contacted.

AIR QUALITY – CONDITION

The site is not located within an Air Quality Management Area. Due to the scale of the development, it is considered very 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.

The proposed development is for off-street parking; electric vehicle charging does not appear to have been considered in the application. 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 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 any grant of permission:

AQ01 - AIR QUALITY CONDITION 01: ELECTRIC VEHICLE CHARGE POINTS

Prior to occupation the applicant shall provide:

- A minimum of 1 no. electric vehicle (EV) charging point (minimum 7kW*) per 10 parking spaces and at least one in every five remaining parking spaces must be provided with cable routes.

Certification and photographic evidence of the installation of the agreed electric vehicle charge points shall be submitted to Local Planning Authority for approval prior to the development being brought into use. The infrastructure shall be maintained and operational in perpetuity.

*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: To encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable and to safeguard residential amenity, public health and quality of life with respect to Local Air Quality, in accordance with paragraphs 112e, 117e, 187e and 199 of the National Planning Policy Framework (December 2024) and Places for Everyone Policy JP-S5 (Clean Air).

INFORMATIVE - The Control of Noise Regulations 1974, 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 1974.

Operations – Environment Section.
18 February 2025