

CONTAMINATED LAND – CONDITION.

We previously considered the application under (withdrawn) [69710](#). Our comments are still applicable so will reiterate them here.

The site is currently a grassed area with a number of small trees. Current uses in the surrounding area include retail and commercial premises, a repair garage, housing, a metrolink station and Heaton Park. Previous land uses at the site have included a number of buildings of known use which were built prior to 1893 and demolished prior to 1979. Within the surrounding area previous uses have included a works, a cotton mill, railway land and infilled ponds. The site does not lie within 250 metres of any known landfill sites and is not in close proximity to any major surface watercourse. The site lies above the Collyhurst Sandstone Principal Aquifer, overlain by Glaciofluvial Sand and Gravel deposits. The site is not situated within a Radon Affected Area. A preliminary risk assessment report has been submitted, which has recommended that an intrusive investigation be undertaken (see attached letter CL1060.150923.1).

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

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 will have off-street parking. 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:

***Prior to occupation/first use the applicant shall provide:
electric vehicle (EV) charging points (minimum 7kW*) for a minimum of
20% of car parking spaces for dwellings with unallocated parking.
Certification and photographic evidence of the installation of the agreed
electric vehicle charge points shall be submitted.***

**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.

A copy of plan showing the proposed location of 1 no. EV charger has been provided. Details of the charger make and model to be installed (including the specification sheet/document) are required. Photographic evidence that the chargers have been installed will be required.

**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.
23rd July 2024