

69863

CONTAMINATED LAND – CONDITIONS.

The site is irregular in shape and covers an approximate area of 1,820 square metres. The site is currently vacant but is used as a small rear car park to the neighbouring public house and a permit holder car park which is fenced off. The majority of the site is covered in tarmacadam hardstanding with areas of landscaping around the perimeter. The site is generally flat but slopes gently towards the southwest towards the River Roch. The site is bounded by Croft Lane to the east, a chemist to the north, the River Roch to the west and residential housing to the south.

Historically the site has been an undeveloped piece of land until the 1950s when the site appeared to be in use as a car park. Surrounding historic uses have included a reservoir, a bleach works, a dye works, a perfume works, glue and gelatine works, engineering works, foam and rubber works and residential.

The underlying bedrock consists of the Trencherbone Sandstone Secondary A Aquifer on the south and the Pennine Lower Coal Measures Formation in the north, both overlain by Glacial Till. A geological fault runs across the site in the northern area of the site. The River Roch is situated 50m to the west of the site. The site is situated within 250m of a historical landfill.

It is understood that the development proposal includes the construction of a three-storey children's nursery which includes areas of soft landscaping to be used as a play area and paved areas for vehicle parking.

A desk study report and site investigation report has been received and commented on by this Section (please see attached response). A detailed remediation strategy is required.

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.
(Requirements for Preliminary Risk Assessment, Site Investigation and Detailed Risk Assessment can be removed)

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 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 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.

**Operations – Environment Section.
4 August 2023.**