

CONTAMINATED LAND – CONDITION

The site is currently occupied by The Swan public house which has been present at the site since prior to 1893. Adjacent land use includes housing and commercial buildings. Previous uses at the site have included terraced housing. Previous land uses in the surrounding area have included a rope walk, colliery and spoil heaps, bleaching, finishing and dyeing works, paper mills and infilled reservoirs. The site does not lie within 250 metres of any known landfill sites, but there are a number of infilled features in the surrounding area. The site is situated approximately 160 metres from a tributary of the River Irwell. The site lies above fluvioglacial sand and gravel deposits over the Nob End Rock and Middle Coal Measures Secondary A aquifer. A fault is thought to lie close to the site. The site situated within a former coal mining area. The site is situated within a Class 2 Radon Affected Area (1-3% of homes are estimated to exceed the Action Level).

It is understood that the application is for the construction of a two-storey building with retail unit at ground floor and 3 no. apartments at first floor with associated parking and landscaping.

A desk study and preliminary risk assessment has not been submitted with the application and is required as a minimum.

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 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:

Prior to occupation the applicant shall provide one electric vehicle (EV) charging point (minimum 7kW*) per unit (dwelling with dedicated

parking) or a minimum 20% EV chargepoints (minimum 7kW*) (for unallocated parking).

*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.
13 April 2023.**