

CONTAMINATED LAND – CONDITION.

We previously considered the application under (withdrawn) [69710](#) and [70561](#) (refused). Our comments are still applicable so will reiterate them here with our current planning conditions.

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 include 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:

CL01 - SITE CHARACTERISATION & RISK ASSESSMENT (omit preliminary risk assessment)

CL02 - REMEDIATION STRATEGY & VERIFICATION

CL03- REMEDIATION & VERIFICATION

CL04 - UNEXPECTED CONTAMINATION

CL05 - IMPORTED SOIL

Informative

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).

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. To support the principles of the Greater Manchester Clean Air Plan in reducing levels of nitrogen dioxide and in order to manage current and future levels of air pollution Bury Council is encouraging the use of cleaner vehicles. As such and in line 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 - ELECTRIC VEHICLE CHARGE POINTS

- 1 no. electric vehicle (EV) charging point (minimum 7kW*) per dwelling/parking space.

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.

17th March 2025