

From: Jones, Rebecca (Environmental Protection)

Sent: Thursday, December 21, 2023 11:28 AM

To: Clapworthy, Dean <D.Clapworthy@bury.gov.uk>

Subject: FW: Initial Consultation on Planning Application - Performance House, Heywood Street, Bury, BL9 7DZ, 70202 - Contaminated Land, Air Quality and COPA

Dean,

Please find my comments below.

CONTAMINATED LAND – CONDITION.

The site is currently occupied by a former car showroom. Surrounding land uses include retail, industrial and commercial premises, housing and a mosque. The site was formerly used as a yard (by 1910), followed by a garage (by 1975). The current building was constructed between 1997 and 2000. Former uses in the surrounding area include a machinery works, brewery, iron works, timber yard and saw mill, factories, warehouses, a depot and infilled reservoirs. The site is not within 250m of a known landfill site and is not located in close proximity to any major surface watercourses. The site lies above the Lower Coal Measures Secondary A aquifer, which is overlain by fluvioglacial sand and gravel deposits. The site is not located within a Radon Affected Area.

The proposal is for the change of use (car showroom to retail) and extension to an existing building. The potential risks from ground gas and to human health are considered low. Although a former reservoir was located immediately to the west of the site, this was infilled over 100 years ago and is very unlikely to be a significant source of gas. The site covered by hardstanding.

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:

CLA5 - Unforeseen Contamination 2 (where CLA1 and CLA2 are NOT on as conditions).

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 100 AADT (annual average daily traffic) from its current use. Therefore, in line with the EPUK Guidance, an air quality assessment will not be required.

It is understood that the proposal includes 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 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. 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.

**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.
21 December 2023.**

Regards,

Rebecca.

Rebecca Jones
Environmental Protection Officer
Department of Operations