

CONTAMINATED LAND – CONDITIONS.

The site is currently occupied by a detached dwelling and garden. Surrounding current uses include residential properties, open land and a high school. Previous land uses at the site have include open land before the current property was constructed in the 1970s. Previous uses in the surrounding area have included a tank, infilled ponds and coal mining (a former shaft is located 150m to the NW). The site is not located within 250 metres of a registered landfill site or in close proximity to any major surface watercourse. The site is situated on glacial till over the Lower Coal Measures Secondary A Aquifer. Two faults are located within the vicinity of the site.

It is understood that the proposal is to construct a residential property in an existing domestic garden. A desk study has been submitted and reviewed (Phase 1 Desk Study, Land at 12 Owlerbarrow Road, Bury, BL8 1RD, Demeter Environmental, Reference: 18-03-05 Rev 0, March 2018). Whilst this report has been submitted for the previous two applications and is 8 years old, given the nature of the existing development and that no development appears to have been undertaken in the intervening years the report is still relevant. The report recommends that a watching brief be kept to identify and deal with any previously unforeseen contamination (see attached response letter CL1004.011222.1). Additionally, if any topsoil is to be imported for use in garden areas, chemical testing will be required to demonstrate that it is clean and suitable for use. Waste transfer documentation will be required for any excess soil material removed from site.

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:

CL04 - UNEXPECTED CONTAMINATION

CL05 - IMPORTED SOIL

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 1990 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. 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:

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.
23/01/2025