

NOTICE OF PLANNING PERMISSION

Town and Country Planning Act 1990 Town and Country Planning (Development Management Procedure) (England) Order 2015

To:

Mr James Scott
SKY Design and Consulting Limited
4 Arundel Close
Bury
BL8 1YB

On Behalf Of:

Mrs Kim Fletcher
406 Tottington Road
Bury
BL8 1TU

PART 1 - Particulars of Application

Application Number: 70188

Date of Registration: 08/12/2023

Proposal:

Proposed dormer bungalow (Use Class C3) and associated car parking within rear garden area of 406 Tottington Road, with associated vehicular access from Bowes Close

Location:

406 Tottington Road, Bury, BL8 1TU

PART 2 - Particulars of Decision

Bury Metropolitan Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been **GRANTED** for the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:-

- 1 The development must be begun not later than the expiration of three years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 This permission relates to the following plans and documents:

Drawing No. 32008 - 001 Rev. A: Location and Existing Site Plan;
Drawing No. 23008 - 101 Rev.C: Proposed Site Plan;
Drawing No. 23008 - 103 Rev.A: Topographical Survey with Plan Overlay;
Drawing No. 23008 - 106: Proposed Site Entrance Details;
Drawing No. 23008 - 102: Proposed Floor Plans and Elevations;
Drawing No. 23008 - 105: Proposed Street Scene;
Drawing No. TPP.14711: Tree Protection Plan;
Pennine Ecology Preliminary Ecological Appraisal, dated November 2023; and,
Goodwins Tree Surveys Arboricultural Impact Assessment and Method Statement, dated 18 October 2023 – Project No. AIA.13711.01,

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings and documents.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Local Plan and the National Planning Policy Framework.

3 No development shall commence unless and until:-

- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
- Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
- Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

4 Following the provisions of Condition 3 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and a Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

5 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:

- Photographic dilapidation survey of the footways and carriageways abutting the site in the event that subsequent remedial works are required following construction of the development, works to the site access and boundary and as a result of statutory undertakers connections to the site;
- Access point and route for construction traffic from the adopted highway and Key Route Network;
- Hours of operation and number of vehicle movements;
- A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site, including any requisite phasing of the development to accommodate this;
- Parking on site of operatives' and construction vehicles together with storage on

site of construction materials, including any requisite phasing of the development to accommodate this;

- If proposed, site hoarding/gate positions clear of the existing shared access, including the provision, where necessary, of temporary pedestrian facilities/protection measures;
- Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

The approved plan shall be adhered to throughout the construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of construction materials. All highway remedial works identified as a result of the dilapidation survey shall be implemented to the written satisfaction of the Local Planning Authority prior to the development hereby approved being occupied.

Reason. Information not submitted at application stage. To maintain the integrity of the adopted highway, mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and ensure that the adopted highways are kept free of deposited material from the demolition/ground works operations, in the interests of highway safety in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

- 6 No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework.

- 7 Notwithstanding any description of materials in the application and the requirements of condition 2 [approved plans] of this permission, no above ground works shall take place until samples or full details of all materials to be used on the external surfaces of the dwelling hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials and details of the manufacturer. The development shall thereafter be implemented in accordance with the duly approved materials.

Reason. No material samples have been submitted - To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Bury Unitary Development Plan Policy EN1/2 – Townscape and Built Design, and the National Planning Policy Framework.

- 8 The development hereby approved shall be carried out in strict accordance with the tree protection measures detailed in the Arboricultural Method Statement which forms Section 4 of the Arboricultural Impact Assessment Report by Goodwins and Drawing no. TPP/13711 Rev. 01 of the same report. The identified tree protection

measures shall be implemented before any development takes place and maintained as such thereafter for the entirety of the construction period.

Reason: To ensure that adequate measures are put in place to protect existing trees which are to be retained as part of the development and the neighbours hedge before any construction works commence in accordance with the requirements of Policy EN8 of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 9 The development hereby approved shall be carried out in accordance with the measures specified within Section 4 (Arboricultural Method Statement) of the Arboricultural Impact Assessment Report by Goodwins to ensure construction within the Root Protection Areas is carried out by hand and the hardsurfaces and services within the root protection areas of any trees and adjacent to the neighbours hedge, are constructed in accordance with the methods stated.

Reason: To ensure that appropriate precautionary measures are put in place to limit the impact of tree works on adjoining occupiers in the interests of good arboricultural practice in accordance with the requirements of Policy EN8 of the Bury Unitary Development Plan and the requirements of BS5837 (2012): Trees in relation to design, demolition and construction.

- 10 The development hereby approved shall not be first occupied unless and until the formation of the proposed site access onto Bowes Close indicated on the approved plans, incorporating works to a specification to be agreed with the Highway Authority at the back of the footway to form the access to the site from the existing footway crossing, provision of new edgings to demarcate the limits of the adopted highway and crossing of the hard landscaped strip at the back of the footway, and all associated highway and highway drainage remedial works required as a result of the development, has been implemented to an agreed scope and specification and to the written satisfaction of the Local Planning Authority.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, in the interests of highway safety.

- 11 The visibility splays at the interface with the adopted highway indicated on the approved plans shall be implemented to the satisfaction of the Local Planning Authority before the development is first occupied and subsequently maintained free of obstruction above the height of 0.6m.

Reason: To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety.

- 12 The turning facilities indicated on the approved plans shall be provided before the development is first occupied and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times. (HY14 Amended)

Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety and ensure that the turning facilities are not obstructed by parked vehicles.

- 13 The car parking indicated on the approved plans shall be surfaced and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved being occupied and thereafter maintained at all times. (CAR1 Amended)

Reason. To ensure adequate off-street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

- 14 The bin storage arrangements indicated on the approved plans shall be implemented to the written satisfaction of the Local Planning Authority prior to the development hereby approved being first occupied and thereafter be maintained available for use at all times.

Reason. To ensure adequate off-highway bin storage arrangements are provided within the curtilage of the site, in the interests of highway safety, in the interests of good design, to ensure that adequate bin storage arrangements are provided within the curtilage of the property pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and EN4/1 - New Development, the National Planning Policy Framework and the National Design Guide.

- 15 The development hereby approved shall be carried out in accordance with a surface water drainage scheme which shall be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include provision of potential SuDS options for surface water drainage. The drainage scheme shall be implemented prior to first occupation and thereafter maintained.

Reason. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk, EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the National Planning Policy Framework.

- 16 The bat and sparrow nesting boxes illustrated within the Pennine Ecological Preliminary Ecological Appraisal shall be implemented in full before the development is first brought into use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that bird and bat species are protected and their habitat is mitigated, in accordance with the National Planning Policy Framework and Wildlife & Countryside Act 1981 as amended.

- 17 Prior to occupation the applicant shall provide at least 1 Electric Vehicle Chargepoint (minimum 7kW*) for the dwelling. Photographic evidence of the installation of the agreed electric vehicle charge points shall be submitted to the Local Planning Authority.

*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, to safeguard residential amenity, public health and quality of life, in accordance with the National Planning Policy Framework.

- 18 Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 of Schedule 2 of the Order, without the submission and approval of a relevant planning application.

Reason. To ensure that future inappropriate alterations or extensions do not occur in the interests of the amenity of neighbouring occupiers, visual amenity and highway safety (due to the lack of satisfactory car parking on the site), in accordance with Policy EN1/2 - Townscape and Built Design.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

The following policies of the Bury Unitary Development Plan, National and Regional Government were considered relevant:

H2	H2 - Housing Environment and Design
H1/2	H1/2 - Further Housing Development
H2/1	H2/1 - The Form of New Residential Development
H2/2	H2/2 - The Layout of New Residential Development
H2/6	H2/6 - Garden and Backland Development
EN1	EN1 - Built Environment
EN1/1	EN1/1 - Visual Amenity
EN1/2	EN1/2 - Townscape and Built Design
EN1/3	EN1/3 - Landscaping Provision
EN4/2	EN4/2 - Energy Efficiency
EN5/1	EN5/1 - New Development and Flood Risk
EN6	EN6 - Conservation of the Natural Environment
EN6/3	EN6/3 - Features of Ecological Value
EN7	EN7 - Pollution Control
EN7/5	EN7/5 - Waste Water Management
EN8	EN8 - Woodland and Trees
HT2/4	HT2/4 - Car Parking and New Development
HT4	HT4 - New Development
SPD6	Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury
NPPF	National Planning Policy Framework

This decision relates only to the Town and Country Planning Acts and does not include any

consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

Applicant Plan Numbers:

NOTES TO APPLICANT

3. THE CONTROL OF NOISE 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.

1. BAT PROTECTION

Whilst the site has been assessed as low risk for bats, the applicant is reminded that under the Habitat Regulations it is an offence to disturb, harm or kill bats. If a bat is found during demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

2. BIRD NESTING PROTECTION

The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a bird's nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

4. SITE ACCESS: CONSENT OF LOCAL HIGHWAY AUTHORITY

The applicant's attention is drawn to the need to consult the Department of Operations regarding the specification for and implementation of the site access alterations and any associated highway remedial works. The cost of the works will be the responsibility of the applicant.

5. REFUSE COLLECTION

The Council currently operate a curtilage system of refuse collection. The applicant is advised to liaise with Waste Management & Transport - Bradley Fold, on 0161 253 7010/6621 regarding the operation of this system.

Signed:

A handwritten signature in black ink, appearing to read 'P. H. H.', is written over a dotted line.

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On behalf of the Council

Date of Decision: 19/03/2024