

NOTICE OF PLANNING PERMISSION

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

To:

Mr Gary Griffiths
Hna Architects Ltd
Temple House
Temple Street
Oldham
OL1 3NJ

On Behalf Of:

Mr Mark Sexton
Wiggett Construction
449 Middleton Road
Chadderton
Oldham
OL9 9LB

PART 1 - Particulars of Application

Application Number: 69413

Date of Registration: 17/04/2023

Proposal:

Variation of condition nos.2 (approved plans), 5 (materials), 15 (car parking) and 22 (turning facilities) of planning permission ref. 67431:

Location:

Land off Poppythorn Lane, Heys Road,
Prestwich, M25 1JY

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 three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered 1420/P/001 A, 1420/C/201, 1420/C/SK02, 1420/C/101 G, 1420/C/201 K, 1420/C/102 J and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 3 The remediation strategy approved as part of condition 4 of permission 67431 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 The external finishing materials for the proposal hereby approved shall be as per the External Materials Specification, dated February 2023.
Reason: In the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity.
- 6 Prior to occupation the applicant shall provide one 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 61851-1:2011 to be used (note this version is due to be replaced by BS EN 61851-1:2019 on 5 July 2022).
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.
- 7 The surface water drainage scheme approved as part of condition 7 of permission 67431 shall be implemented prior to first occupation of the dwellings hereby approved 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 NPPF.
- 8 Foul and surface water shall be drained on separate systems.
Reason: To secure proper drainage, to promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.
- 9 The development shall be carried out in accordance with the Construction Management Plan approved under condition 9 of permission 67431.
Reason: To ensure that the developer complies with all the necessary system clearances and agrees safe methods of working to meet the safety requirements of working above and adjacent to the Metrolink system pursuant to the following Policies of the Bury Unitary Development Plan:
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
Policy EN1/2 - Townscape and Built Design.
- 10 The development shall only be carried out in accordance with the details approved under condition 10 of permission 67431.
Reason: To protect the integrity of Metrolink infrastructure pursuant to the following Policies of the Bury Unitary Development Plan:
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
Policy EN1/2 - Townscape and Built Design.
- 11 The development shall only be carried out in accordance with the details approved under condition 11 of permission 67431. The approved details only shall be implemented prior to first occupation of the building hereby approved.
Reason: To ensure that an appropriate boundary treatment is installed on the boundary of the Metrolink tramway pursuant to the following Policies of the Bury Unitary Development Plan:
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
Policy EN1/2 - Townscape and Built Design

- 12 The development shall only be carried out in accordance with the details approved under condition 12 of permission 67431.
Reason: To manage the risks associated with water run-off onto Metrolink land and infrastructure pursuant to the following Policies of the Bury Unitary Development Plan:
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
Policy EN1/2 - Townscape and Built Design.
- 13 The development shall only be carried out in accordance with the details approved under condition 13 of permission 67431. The approved noise insulation scheme shall be completed before the use of the development commences.
Reason: To secure a reduction in noise from Metrolink in order to protect future residents from noise nuisance pursuant to the following Policies of the Bury Unitary Development Plan:
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
Policy EN1/2 - Townscape and Built Design.
- 14 The development shall only be carried out in accordance with the details approved under condition 10 of permission 67431.
Reason: To protect trees against root damage and to maintain the status quo with regards the stability of the embankment pursuant to the following Policies of the Bury Unitary Development Plan:
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
Policy EN1/2 - Townscape and Built Design.
- 15 The car parking indicated on approved plan reference 1420/P/001 A, shall be surfaced, demarcated 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.
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.
- 16 The development hereby approved shall be carried out in accordance with the lighting scheme (plan reference P183-655-02) which shall be implemented before the building hereby approved is first occupied.
Reason: To ensure the lighting causes no harm to the wildlife corridor 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 Section 15 - Conserving and enhancing the natural environment.
- 17 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 Section 15 - Conserving and enhancing the natural environment.
- 18 The development shall only be carried out in accordance with the scheme for the eradication and/or control of Virginia Creeper and Wall Cotoneaster approved as part of condition 18 of permission 67431. Should a delay of more than one year occur

between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority.

Reason. The scheme does not provide full details of the actual extent of Japanese Knotweed and Himalayan Balsam in the interest of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

- 19 The development shall only be carried out in accordance with the landscaping scheme approved as part of condition 19 of permission 67431.
The approved scheme shall thereafter be implemented not later than 12 months from the date the building(s) is first occupied or within the first available tree planting season,; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

- 20 Notwithstanding the details indicated on approved plan references 1420/P/001 A, no development shall commence unless and until full details of the following have been submitted on a topographical survey of the site and adjacent adopted highways to and approved in writing by the Local Planning Authority:

- Formation of the proposed site access onto the Poppythorn Lane/Heys Road junction and private access road, incorporating accommodation/remedial works on the existing adopted highway to a scope and specification to be agreed;
- Scheme of surface water drainage works/access road materials to ensure that surface water will not be discharged from the site onto the adjacent adopted highway;
- Provision of 1.8m (minimum) wide segregated pedestrian facilities between the Poppythorn Lane/Heys Road junction and the 'Existing Cricket Club Parking Area', incorporating measures to ensure access is maintained to any affected accesses, garages and the parking area;
- Demarcation of the limits of the adopted highway;
- Scheme of surfacing works on the access to be retained at the rear of No.'s 8-28 Heys Road, position and operation of the proposed gates to the rear of No.28 and provision of visibility splays in accordance with the guidance in Manual for Streets at the junction created;
- Scheme of traffic calming and associated markings, signage and surfacing materials shown indicatively on submitted plan reference 2951-F01 Revision H;
- Provision of a street lighting assessment of Poppythorn Lane/Heys Road junction and private access road, and, if required, subsequent scheme of improvements to existing street lighting on the adopted highway;
- Review of the existing and need for the provision of new waiting/loading restrictions on the private access road/turning head to ensure that the proposed access arrangements can be safely implemented from the adopted highway, including details of the measures proposed, all necessary modifications to road markings and signage and a timetable for implementation.

The details subsequently approved shall be implemented to an agreed programme and to the written satisfaction of the Local Planning Authority with all highway works completed prior to the development hereby approved being occupied.

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 pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EN1/2 - Townscape and Built Design

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

- 21 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local Planning Authority and shall confirm/provide the following:

- Photographic dilapidation survey of the footways and carriageways leading to and abutting the site in the event that subsequent remedial works are required following construction of the development and as a result of statutory undertakers connections to the site;
- Access point(s) for demolition and construction traffic and all temporary works required to facilitate access for ground works/construction vehicles;
- 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 or on land within the applicant's control of operatives' and demolition/construction vehicles together with storage on site of demolition/construction materials, including any requisite phasing of the development to accommodate this;
- If proposed, site hoarding/gate positions, including the provision, where necessary, of temporary pedestrian facilities/protection measures on any retained route(s) to Prestwich Cricket Club;
- Measures to ensure that all mud and other loose materials are not spread onto the adjacent private access road and adopted highways as a result of the groundworks operations or 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 demolition/construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition and construction periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials.

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, 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.

- 22 The turning facilities indicated on approved plan reference 1420/P/001 A 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.

Reason. To minimise the standing and turning movements of vehicles on the

highway in the interests of road safety pursuant to the following Policies of the Bury Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development

- 23 The bin storage arrangements indicated on the approved plans shall be implemented before the development hereby approved is 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 pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EN1/2 - Townscape and Built Design
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development.

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:

EC2/2	EC2/2 - Employment Land and Premises Outside the Employment Generating Areas
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
H4/1	H4/1 - Affordable Housing
EN1/1	EN1/1 - Visual Amenity
EN1/2	EN1/2 - Townscape and Built Design
EN1/3	EN1/3 - Landscaping Provision
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
EN7/1	EN7/1 - Atmospheric Pollution
EN7/2	EN7/2 - Noise Pollution
EN7/5	EN7/5 - Waste Water Management
EN8	EN8 - Woodland and Trees
RT1/1	RT1/1 - Protection of Recreation Provision in the Urban Area
RT1/2	RT1/2 - Improvement of Recreation Facilities
RT2/2	RT2/2 - Recreation Provision in New Housing Development
HT2/3	HT2/3 - Improvements to Other Roads
HT2/4	HT2/4 - Car Parking and New Development
HT3/4	HT3/4 - Schemes to Assist Metrolink
HT4	HT4 - New Development
HT5/1	HT5/1 - Access For Those with Special Needs
HT6/2	HT6/2 - Pedestrian/Vehicular Conflict

TC2/3	TC2/3 - Vacant and Cleared Sites
Area	Area PR1 - The Longfield Centre/Bury New Road
PR1	
SPD1	Supplementary Planning Document 1 - Open Space, Sport and Recreation Provision in New Housing Development
SPD2	Development Control Policy Guidance Note 2: Wildlife Links & Corridors
SPD5	Development Control Policy Guidance Note 5: Affordable Housing Provision in New Residential Developments
SPD6	Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury
SPD14	Development Control Policy Guidance Note 14 - Employment Land and Premises
SPD16	Development Control Policy Guidance Note 16 - Design and Layout of New Development 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:

1420/P/001 A
1420/C/201
1420/C/SK02
1420/C/101 G
1420/C/201 K
1420/C/102 J

NOTES TO APPLICANT

1. This planning permission needs to be read in conjunction with the binding S106 Planning Agreement signed on 12 December 2023.

Signed:

A handwritten signature in black ink, appearing to read 'P. H. H.', written in a cursive style.

8 of 8

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On behalf of the Council

Date of Decision: 21/12/2023