

NOTICE OF PLANNING PERMISSION

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

To:

Mr Simon Ward
SKW Construction Ltd
49 Filey road
Gristhorpe
Filey
North Yorkshire
YO14 9PH

On Behalf Of:

Mr Simon Ward
SKW Construction Ltd
49 Filey Road
Gristhorpe
North Yorkshire
YO14 9PH

PART 1 - Particulars of Application

Application Number: 70078

Date of Registration: 04/10/2023

Proposal:

Provision of a new SEN classroom unit

Location:

Woodbank County Primary School,
Brandlesholme Road, Bury, BL8 1AX

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 Existing site and location plan E 22308E A 01; Existing layout plan E 22308 A 02; Revised proposed site and location plan E 22308P A 01 B; General Arrangement 5433.001 GA; Elevations 5433.002 rev A. 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 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.
 - Substantiating validation data that should include where appropriate:
 - Confirmation that no unforeseen contamination was encountered during the development. This should include a photographic record of the development and should focus particularly on the excavations for the foundations in order to

illustrate the ground conditions encountered.

- Details of any imported topsoil / subsoil imported to site including details of the source site for the topsoil, any chemical testing carried out and assessment criteria used to show that the material is suitable for use.

- Details of any soil material excavated and removed from site including copies of waste management records.

- Confirmation that remediation objectives have been met.

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.

- 4 Tree protection measures to the trees along the northern boundary of the site shall be implemented in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall remain in situ until the development has been completed.

Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

- 5 The landscaping scheme shown on proposed site and location plan E 22308P A 01 B shall 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 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.

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:

NPPF	National Planning Policy Framework
EN1/2	EN1/2 - Townscape and Built Design
EN7/2	EN7/2 - Noise Pollution
EN8/1	EN8/1 - Tree Preservation Orders
CF1	CF1 - Proposals for New and Improved Community Facilities
CF2	CF2 - Education Land and Buildings

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:

Existing site and location plan E 22308E A 01; Existing layout plan E 22308 A 02; Revised proposed site and location plan E 22308P A 01 B; General Arrangement 5433.001 GA; Elevations 5433.002 rev A.

NOTES TO APPLICANT

- . With regards to condition 3, the site verification report would be expected to include the following -
 - Summary of desk study, site investigation report and remediation strategy.
 - Details of who carried out the work.
 - Details and justification of any changes from original remediation strategy.
 - Substantiating validation data that should include where appropriate:
 - Confirmation that no unforeseen contamination was encountered during the development. This should include a photographic record of the development and should focus particularly on the excavations for the foundations in order to illustrate the ground conditions encountered.
 - Details of any imported topsoil / subsoil imported to site including details of the source site for the topsoil, any chemical testing carried out and assessment criteria used to show that the material is suitable for use.
 - Details of any soil material excavated and removed from site including copies of waste management records.
 - Confirmation that remediation objectives have been met.

- . 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.

- . No works (including pruning, crown reduction or removal) to the trees beyond the northern boundary of the site which are subject to a Tree Preservation Order shall be carried out without a valid tree works application.
- . Development Low Risk Area - Standing Advice

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Signed:



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On behalf of the Council

Date of Decision: 19/12/2023