

## NOTICE OF PERMISSION IN PRINCIPLE

### Town and Country Planning Act 1990 Town and Country Planning (Permission in Principle) Order 2017 as amended

**To:**

Mrs Pet Twigg  
Planning Angel Ltd  
Holmcroft  
Townfield Lane  
Tarvin  
Cheshire  
CH5 8EG

**On Behalf Of:**

Mr Hedley Hill  
Ainsworth Road Garage  
4 Ainsworth Road  
Radcliffe  
Manchester  
M26 4DJ

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#### PART 1 - Particulars of Application

**Application Number:** 70364

**Date of Registration:** 04/01/2024

**Proposal:**

Application for permission in principle for residential development of up to 7 no. dwellings

**Location:**

Ainsworth Road Garage, 4 Ainsworth Road, Radcliffe, Manchester, M26 4DJ

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#### 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.

The Principle of Permission hereby granted is for a period of 3 years from the date of this decision. This is the prescribed period as set out in the Town & Country Planning Act 199, Town and Country Planning (Permission in Principle) Order 2017 as amended. The "Notes to Applicant" below provides guidance on what the detailed proposals should include at the Technical Details Stage.

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

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  
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  
EN7 EN7 - Pollution Control  
EN7/1 EN7/1 - Atmospheric Pollution  
EN7/2 EN7/2 - Noise Pollution  
EN7/5 EN7/5 - Waste Water Management

|       |                                                                                           |
|-------|-------------------------------------------------------------------------------------------|
| HT2/4 | HT2/4 - Car Parking and New Development                                                   |
| HT5/1 | HT5/1 - Access For Those with Special Needs                                               |
| HT6/2 | HT6/2 - Pedestrian/Vehicular Conflict                                                     |
| 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**

### **1. Traffic Section**

As part of the subsequent technical details consent stage, full details of the following should be submitted:

1. Proposed access to the site from the existing site access position;
2. Improvements to the site access to assist pedestrian crossing movements at the junction;
3. Provision/retention of adequate levels of visibility at back edge of the footway and at the junction of the site access with Ainsworth Road in accordance with the standards in Manual for Streets;
4. Provision of adequate facilities within the curtilage of the site to enable vehicles to enter and leave the site in forward gear;
5. Provision of parking facilities within the curtilage of the site in accordance with the standards in Supplementary Planning Document 11 - Parking Standards in Bury;
6. Provision of bin storage arrangements within the curtilage of the site and/or each dwelling in accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments' 3. The applicant is advised to liaise with Waste Management, Bradley Fold Depot on 0161 253 6621/7010, regarding the operation of this curtilage system of refuse collection.

### **2. Coal Authority**

Any application for approval of technical details consent should be supported by a Coal Mining Risk Assessment which should make an assessment of the coal mining legacy risks present on the site and inform any remedial works necessary to address any identified land instability issues. Any remedial works necessary should be undertaken prior to the commencement of the built development.

#### SUDs

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

### Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

### 3. **United Utilities**

Following our review of the submitted drainage documents; Drainage Strategy, the plans are not acceptable to United Utilities. This is because we have not seen robust evidence that the drainage hierarchy has been thoroughly investigated and the proposals are not in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems.

Should planning permission be granted we request the following condition is attached to any subsequent Decision Notice:

#### **REQUESTED CONDITION**

***Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:***

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;***
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);***
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;***
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and***
- (v) Foul and surface water shall drain on separate systems.***

***The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.***

***Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.***

***Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.***

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as a main river).

To discuss their drainage proposals the applicant should contact our Developer Services team by email at [SewerAdoptions@uuplc.co.uk](mailto:SewerAdoptions@uuplc.co.uk). Alternative ways to contact

the team are detailed in the Appendix, Section 4.0 'Contacts'.

### **Management and maintenance of Sustainable Drainage Systems (SuDS)**

Without effective management and maintenance SuDS can fail or become ineffective which may have a detrimental impact on the surrounding area. There is also a risk ineffective SuDS could impact the performance of the public sewer network where the two systems interact. Therefore, when SuDS is included in a proposed development, we recommend the Local Authority include a condition relating to SuDS management and maintenance in any subsequent Decision Notice. We provide an example condition below that may be suitable in many circumstances.

Please note United Utilities cannot provide comment on an asset that is owned by a third party management and maintenance company. Therefore, whilst we recommend the inclusion of a management and maintenance condition, United Utilities would not be involved in its discharge.

### **UNITED UTILITIES' PROPERTY, ASSETS AND INFRASTRUCTURE**

**It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Utilities' assets and the proposed development. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout.**

It is important that the supporting information contained in the Appendix, Section 2.0 'United Utilities' Property, Assets and Infrastructure', is read in conjunction with this letter. This provides information that might impact a proposed layout and additional guidance that an applicant or developer must consider when United Utilities assets are located in, or in the locality of, the proposed site.

Where United Utilities' assets exist, it is essential that the applicant, or any subsequent developer, contacts our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition. See Appendix, Section 4.0 'Contacts'

**A copy of the United Utilities letter and the Appendix is made available on the planning website under reference 70364.**

#### **4. Environmental Health - Pollution Control**

A suitable noise investigation shall be conducted to the satisfaction of the Local Planning Authority (LPA) to determine the suitability of the site for the proposed development. For further information, the applicant is advised to contact the Environmental Services Division of the Local Authority.

If determined suitable for development an assessment shall be made of the acoustic insulation and independent ventilation scheme requirements for any dwellings. Conditions proposed are:

#### **Traffic noise – windows: soundproofing/insulation**

No development shall take place unless and until a scheme to soundproof the building against traffic noise has been submitted to and approved by the Local Planning Authority so as to achieve an internal level of L10 40dBA (18 hour)\* and such works that form the approved scheme shall be completed before the relevant properties are brought into use.

\* The Noise Insulation Regulations 1975 as amended by the 1988 Regulations.

#### **Insulation between dwellings/buildings**

No development shall take place unless and until a scheme to soundproof between each property has been submitted to and approved by the Local Planning Authority. The levels of acoustic insulation to be provided shall be, as a minimum, those deemed to be acceptable and specified as standards of construction in current Building Regulations. Such works that form the approved scheme shall be completed before the development is brought into use.

7. The applicant is advised of the submission of information at a technical details stage, which would include:  
Existing and proposed site plans  
Proposed site layout and elevation plans  
Boundary treatment and landscaping  
Section plans

together with the requisite reports and information.

5. **Environmental Health Contaminated land**

Would require the submission of a Preliminary Risk Assessment report and remediation works as required.

6. **Ecology and Biodiversity Net Gain**

As part of any technical details application, a preliminary ecological appraisal and a bat survey report would be required in relation to the existing garage building.

A biodiversity net gain assessment may be required as it is likely that 10% net gain would be mandatory by the time any application for technical details came forward.

Signed:



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On behalf of the Council

**Date of Decision:** 07/02/2024