

NOTICE OF PLANNING PERMISSION

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

To:

Mr David Hamer
Bradshaw Gass and Hope LLP
21 Silverwell Street
Bolton
BL1 1PR

On Behalf Of:

S Horrocks
Bury Council
3 Knowsley Place
Bury
BL9 0AW

PART 1 - Particulars of Application

Application Number: 70576

Date of Registration: 15/03/2024

Proposal:

Variation of condition no.14 (tree protection plan) following approval of planning permission 70195; Remove an additional 10 no. trees and replace them with 24 no. native trees

Location:

Millwood Primary Special School, School Street, Radcliffe, Manchester, M26 3BW

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 20th December 2026.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered 2128.32.1201 Rev P3, 2493_01 Rev A, 2493_02 Rev A, 2493_03 Rev A, MSE-BGH-XX-XX-DR-A-2004 Rev P1 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 Development Plan listed.
- 3 Only the approved materials/bricks referenced in the condition discharge application for condition 3 of 70195 shall be used for the construction of the development.
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to Development Plan Policy JP-P1 - Sustainable Places.
- 4 Following the provisions of Condition 4 of planning permission 70195, 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 (excluding demolition, site clearance and enabling works) shall commence unless and until any remediation works and/or mitigation measures to address the shallow mine workings, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

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.

- 6 Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by the recorded mine entry.

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.

- 7 The development shall be implemented in accordance with the Construction Traffic Management Plan (CTMP) approved under the condition discharge application for condition 8 of 70195.

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 Development Plan Policies EN1/2 - Townscape and Built Design, JP- C5 - Streets and All and JP-C6 Walking and Cycling.

- 8 The turning facilities indicated on the approved plans for application 70195 shall be provided before the development hereby approved is brought into use 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 Policy CF1/1 - Location of New Community Facilities and Policy EN1/2 - Townscape and Built Design of the Bury

Unitary Development Plan.

- 9 The car parking indicated on the approved plans for application 70195 shall be surfaced, demarcated and made available for use to the satisfaction of the Local Planning Authority before the development hereby approved is brought into use 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.
- 10 The surface water drainage scheme approved as part of the condition discharge application for condition 11 of 70195 only shall be implemented prior to first occupation and thereafter maintained.
Reason. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies JP-S4 - Flood Risk and the Water Environment , 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.
- 11 The CEMP approved under the condition discharge application for condition 12 of 70195 shall be in place prior to works commencing and for the duration of the works.
Reason. In order to ensure that no harm is caused to the Manchester, Bolton and Bury canal pursuant to Development Plan Policies JP-G8 - A Net Enhancement of Biodiversity and Geodiversity and EN6/3 - Features of Ecological Value and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 12 The landscaping scheme hereby approved shall be implemented not later than 12 months from the date the building is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and 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 EN8/2 – Woodland and Tree Planting and Policy JP-G7: Trees and Woodland of the Development Plan.
- 13 All trees to be retained on site as shown on the tree removal/retention plan and tree protection drawing 2493_01 Rev A shall be protected 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, EN8/2 – Woodland and Tree Planting and JP-G7 Trees and Woodlands of the Development Plan.
- 14 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 JP-G8: A Net Enhancement of Biodiversity and Geodiversity and EN6/3 - Features of Ecological Value of the Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 15 The biodiversity mitigation and enhancement plan approved under the condition

discharge application for condition 16 of 70195 shall be implemented in accordance with the approved details.

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.

- 16 Prior to occupation, electric vehicle charging points for 20% of the proposed parking spaces shall be provided and available for use. The electric vehicle charge points shall be 7KW as a minimum

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 pursuant to Policy JP-S5: Clean Air of the Development Plan.

- 17 A precautionary inspection for bats shall be undertaken for trees T1, T2 and T6 by a bat-licenced ecologist (tree climbing qualified) immediately prior to tree felling. On the low chance that evidence of bats is identified, works to the tree in question shall be postponed until after appropriate surveys have been undertaken and all necessary licensing and mitigation is in place.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies JP-G8: A Net Enhancement of Biodiversity and Geodiversity and EN6/3 – Features of Ecological Value of the Development Plan and Section 11 of the National Planning Policy Framework.

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 pre-application discussions 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:

- EN1/2 EN1/2 - Townscape and Built Design
- EN1/4 EN1/4 - Street Furniture
- EN1/5 EN1/5 - Crime Prevention
- EN6/3 EN6/3 - Features of Ecological Value
- EN7/2 EN7/2 - Noise Pollution
- EN7/5 EN7/5 - Waste Water Management
- EN8/2 EN8/2 - Woodland and Tree Planting
- HT2/4 HT2/4 - Car Parking and New Development
- HT5/1 HT5/1 - Access For Those with Special Needs
- CF1/1 CF1/1 - Location of New Community Facilities
- 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
- JP-P1 Sustainable Places
- JP-G8 A Net Enhancement of Biodiversity and Geodiversity

JP-G7 Trees and Woodland
JP-C8 Transport Requirements of New Development
JP-C5 Streets For All
JP-C6 Walking and Cycling
JP-P5 Education, Skills and Knowledge
JP-S4 Flood Risk and the Water Environment
JP-S5 Clean Air

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:

2128.32.1201 Rev P3, 2493_01 Rev A, 2493_02 Rev A, 2493_03 Rev A,
MSE-BGH-XX-XX-DR-A-2004 Rev P1

NOTES TO APPLICANT

Not Applicable

Signed:

A handwritten signature in dark ink, appearing to read 'J. H. H.', is written over a horizontal dotted line.

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On behalf of the Council

Date of Decision: 14/06/2024