

NOTICE OF PLANNING PERMISSION

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

To:

Mr Steven Hartley
HP & DA Ltd
Swallow Barn
Lower Chapel Hill
Hurst Lane
Rawtenstall
BB4 8TB

On Behalf Of:

Mr C Balfe
Windacre Farm
Mather Road
Bury
BL9 6RB

PART 1 - Particulars of Application

Application Number: 70632

Date of Registration: 27/03/2024

Proposal:

Variation of condition 2 following approval of original planning permission 64651 (and variations 66958/70252) - to amend the design of plots 2, 3 & 4

Location:

Windacre Farm, Mather Road, Bury, BL9 6RB

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:-

- 2 This decision relates to the Location Plan and drawings CB-09-03-A, CB09-03-24B, CB09-03-24C, CB09-03-24D and CB09-03-24E 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.
- 5 Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;
The approved contamination testing shall then be carried out and validity evidence (soil descriptions, laboratory certificates, photographs etc) 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.

- 6 All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:
- Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;
 - A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.
- Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 7 The landscaping scheme, approved under planning reference 66958, shall be implemented not later than 12 months from the date the buildings are 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 and chapter 15 - Conserving and enhancing the natural environment of the NPPF.
- 8 The surface water drainage scheme, approved under planning reference 66958, which shall ensure that there is no infiltration of surface water drainage into the ground where contamination is suspected and based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions, shall be completed in accordance with the approved details. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 20 l/s.
- Reason: Information not submitted at application stage to ensure a satisfactory means of drainage, promote sustainable development and to manage the risk of flooding and pollution pursuant to Policy EN5/1 - New Development and Flood Risk and Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan and Section 10 of the National Planning Policy Framework.
- 9 A programme of works with details of the following (to be agreed on site where appropriate) shall be submitted to and agreed in writing by the Local Planning Authority:
- Existing conditions survey of the carriageway abutting the site in the event that subsequent remedial works are required following construction of the development;
 - Formation of the proposed site access onto Mather Road/Public Right of Way No. 20, Bury;
 - Construction of the new footway, build-outs, bollards and boundary walls adjacent to Mather Road/Public Right of Way No. 20, Bury, incorporating all necessary accommodation works required to tie into existing footways and carriageways;
 - Provision of all drainage remedial works on Mather Road, including an ACO drain

to an appropriate specification for use in the carriageway;

- Provision of visibility splays in accordance with the standards in Manual for Streets at the back edge of the footway and at the junctions of the proposed site accesses with Mather Road, with no obstructions above the height of 0.6m within them, including all necessary alterations to the boundary wall details submitted;
- Foundation details for all boundary walls;
- A scheme for improvement of the surface of Mather Road between the existing limits of adoption to the south of No. 101 Mather Road to the northerly site boundary.

The approved works shall be implemented to the satisfaction of the Local Planning Authority before the occupation of the final (fourth) dwelling, or, in the event that the approved development as a whole is not completed by 31st January 2026, by that date (whichever is the sooner of those dates).

Reason. To secure the satisfactory development of the site in terms of highway and fire safety, ensure good highway design, ensure the intervisibility of the users of the site and the adjacent highways and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to the following Policies of the Bury Unitary Development Plan Policy H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design.

- 10 The 'Construction Traffic Management Plan' (CTMP), as approved under planning reference 6695, shall confirm the following:

- Access route for demolition/construction traffic from the highway network;
- Hours of operation and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
- 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.
- Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site.
- 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/construction period. 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. 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, in the interests of highway safety pursuant to the following Policies of the Bury Unitary Development Plan Policies, H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design.

- 11 The car parking and turning facilities for each dwelling indicated on approved plan reference CB6-02 Revision B shall be implemented in a permeable material and provided before the dwelling to which they relate are first occupied and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.

Reason. To mitigate the discharge of water onto the adjacent adopted highway, minimise the standing and turning movements of vehicles on the highway and ensure adequate off street car parking provision in the interests of road safety.

- 12 Foul and surface water shall be drained on separate systems.
Reason: To secure proper drainage and to manage the risk of flooding and pollution pursuant to Policy EN5/1 - New Development and Flood Risk and Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan and Section 10 of the National Planning Policy Framework.
- 13 No infiltration of surface water drainage into the ground where adverse concentrations of land contamination are known or suspected to be present is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
Reasons: For the future protection of the Water Environment from risks arising from land contamination pursuant to UDP Policy EN7/4 Groundwater Protection.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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:

OL5/2	OL5/2 - Development in River Valleys
NPPF	National Planning Policy Framework
EN7	EN7 - Pollution Control
EN7/3	EN7/3 - Water Pollution
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
EN7/3	EN7/3 - Water Pollution
HT2/4	HT2/4 - Car Parking and New Development
EN1/2	EN1/2 - Townscape and Built Design
EN7/1	EN7/1 - Atmospheric Pollution
EN5/1	EN5/1 - New Development and Flood Risk
HT2/4	HT2/4 - Car Parking and New Development
HT6/2	HT6/2 - Pedestrian/Vehicular Conflict
RT3/4	RT3/4 - Recreational Routes
PFE	Places for Everyone

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:

Location Plan and drawings CB-09-03-A, CB09-03-24B, CB09-03-24C, CB09-03-24D and CB09-03-24E.

NOTES TO APPLICANT

Not Applicable

Signed:

A handwritten signature in black ink, appearing to read "for havi".

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On behalf of the Council

Date of Decision: 07/05/2024