

NOTICE OF PLANNING PERMISSION

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

To:

Mr Chris Butt
The Planning Bureau Ltd
Unit 1 Edward Court
Altrincham Business Park
Broadheath
Altrincham
WA14 5GL

On Behalf Of:

McCarthy & Stone Retirement Lifestyles Ltd
c/o agent

PART 1 - Particulars of Application

Application Number: 70484

Date of Registration: 20/03/2024

Proposal:

Demolition of existing hotel building and erection of a block of 52 no. retirement living apartments including communal facilities, landscaping and car parking provision

Location:

Fairways Lodge Hotel, George Street,
Prestwich, Manchester, M25 9WS

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 NO-2953-3-AC-PL01 PL1, NO-2953-3-AC-PL02 PL1, NO-2953-03-AC-PL03 PL1, NO-2953-03-AC-PL04 PL1, NO-2953-03-AC-PL05 PL2, NO-2953-03-AC-PL06.2 PL3, NO-2953-03-AC-PL06.1 PL3, NO-2953-03-AC-PL06 PL8, NO-2953-03-AC-PL07 PL3, NO-2953-03-AC-PL08 PL3, NO-2953-03-AC-PL09 PL2, NO-2953-03-AC-PL10 PL2, NO-2953-03-AC-PL11 PL2, NO-2953-03-AC-PL13 PL3, NO-2953-03-AC-PL15 PL2, NO-2953-03-AC-PL16 PL2, NO-2953-03-AC-PL17 PL2, NO-2953-03-AC-PL21 Rev A, NO-2953-03-AC-PL22 Rev A, NO-2953-03-AC-PL23 PL2, NW-2953-3-LA-101 Rev D, NW-2953-3-LA-201 Rev C, 882746 LDE P2, FLP/BS/01, MCS-2953-PRESTWICH, 40-01-LDE-DR-D-01-01-P4, 40-01-LDE-DR-D-01-02-P2, 40-01-LDE-DR-D-01-03-P2, 40-02-LDE-02-01-P4, 40-02-LDE-02-02-P2, 40-02-LDE-02-03-P2 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 Details/Samples of the (materials/bricks) to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before any development above foundation level is commenced. Only the approved materials/bricks 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 UDP Policy EN1/2 - Townscape and Built Design.

- 4 No development other than demolition shall commence unless and until:-
1. A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 2. Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
 3. Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

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.

- 5 Following the provisions of Condition 4 of this planning permission, 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.

- 6 Prior to occupation the applicant shall provide:

1. 1 no. electric vehicle (EV) charging point (minimum 7kW*) per unit for dwellings with dedicated parking; or
2. Electric vehicle (EV) charging points (minimum 7kW*) for a minimum of 20% of car parking spaces for dwellings with unallocated parking; or
3. Electric vehicle (EV) charging points (minimum 7kW*) for a minimum of 20% of the proposed parking spaces.

Photographic evidence of the installation of the agreed electric vehicle charge points shall be submitted to Local Planning Authority for approval prior to the development being brought into use.

*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 61851-1:2019 to be used. Further information regarding minimum standards can be found at

<https://www.gov.uk/transport/low-emission-and-electric-vehicles>.

Reason. To encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable and to safeguard residential amenity, public health and quality of life with respect to Local Air Quality, in accordance with paragraphs 111e, 116e, 180e and 192 of the National Planning Policy Framework (December 2023) and Places for Everyone Policy JP-S5 (Clean Air).

- 7 The removal of tree T1 may have the potential to cause harm to bats as identified in the Preliminary Ecological Appraisal , e3p ref. 81-460-R1-1 and shall not in any circumstances occur unless precautionary measures or further survey have been provided to and agreed in writing by the local planning authority
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.
- 8 No works to trees or shrubs shall occur or demolition commence 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 and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.
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.
- 9 Prior to the commencement of any earthworks full details of a scheme for the control of Himalayan Balsam (*Impatiens Glandulifera*) shall be submitted to and approved in writing by the Local Planning Authority. The approved management plan shall include a timetable for implementation. 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 Himalayan Balsam in the interest of Development Plan Policy JP-G1 - Landscape Character and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 10 The landscaping scheme hereby approved shall be implemented not later than 12 months from the date the building is first occupied and shall include the provision of 2no bat boxes, 3no. bird boxes and swift bricks. 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 to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity and protected species pursuant to Policies EN8/2 – Woodland and Tree Planting and JP-G8 - A Net Enhancement of Biodiversity and Geodiversity of the Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.
- 11 All trees to be retained on site shall be protected in accordance with the approved

Arboricultural Method Statement TRE/FLGSP and 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, JP-G7 - Trees and Woodland and EN8/2 – Woodland and Tree Planting of the Development Plan.

- 12 The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Metric Report dated 5th March 2024 and prepared by e3p and must include:
1. information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
 2. the pre-development biodiversity value of the onsite habitat;
 3. the post-development biodiversity value of the onsite habitat;
 4. any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
 5. any biodiversity credits purchased for the development; and
 6. any such other matters as the Secretary of State may by regulations specify.
- Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

- 13 The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:
1. a non-technical summary;
 2. the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 3. the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 4. the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 5. the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority,

has been submitted to, and approved in writing by, the local planning authority.

Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

- 14 The development hereby approved shall not be occupied unless and until:
1. the habitat creation and enhancement works set out in the approved HMMP have been completed; and
 2. a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

- 15 Monitoring reports shall be submitted to local planning authority in writing in

accordance with the methodology and frequency specified in the approved HMMP.
Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

- 16 Within 6 months of the occupation of the development hereby approved a Travel Plan shall be produced for the development, with the objective of reducing reliance on the private car, particularly single occupancy use and shall be submitted to, and agreed in writing by the Local Planning Authority. The Travel Plan should be designed to raise awareness of opportunities for reducing travel by car and should feature a range of measures and initiatives promoting a choice of transport mode, and a clear monitoring regime with agreed targets.

The details subsequently approved shall be implemented to an agreed programme.
Reason. Information not submitted with the planning application. To encourage sustainable travel choices pursuant to Development Plan Policies JP-C1 - An Integrated Network and JP- C3 - Public Transport.

- 17 The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 40-02-LDE-02-03-P2 Dated December 23 which was prepared by LDE. For the avoidance of doubt surface water must drain at the restricted rate of 6 l/s. No surface water will be permitted to drain directly or indirectly into the public sewer. 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 ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding. To promote sustainable development and reduce flood risk pursuant to 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.

- 18 The dwellings hereby approved shall be built in accordance with the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations.

Reason. To secure the satisfactory development of the site pursuant to Places for Everyone Joint Development Plan Policy JP-H3: Type, Size and Design of New Housing.

- 19 Notwithstanding the details indicated on the approved plans, no development other than demolition 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 the Local Planning Authority:

(1) Formation of the proposed site access alterations and pedestrian improvements on George Street to a scope and specification to be agreed, incorporating revised junction radii, the reinstatement of the redundant car park access, provision of new section of footway tying into the existing adopted footway of a width, where possible, of 2.0m, demarcation of the limits of the adopted highway, and all associated highway and highway drainage remedial works;

(2) Scheme of carriageway resurfacing works on George Street in the vicinity of the revised junction to a scope and specification to be agreed;

(3) Provision of new give-way markings at the revised junction and all required alterations to existing road markings;

(4) Scheme of works to a scope and specification to be agreed to connect the area of 'Gravel' indicated on approved plan NO-2583-03-AC-PL06-PL8 to Public Footpath

No. 9, Prestwich and provision of a route through the remainder of the site, to be maintained free of obstruction and available for use in perpetuity.

The details subsequently approved shall be implemented to an agreed programme.

Reason. To secure the satisfactory development of the site in terms of highway 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 Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.

- 20 The area of 'Gravel' indicated on approved plan NO-2583-03-AC-PL06-PL8 shall remain free of obstruction and be maintained available for use and connect to Public Footpath No. 9, Prestwich, unless in use by a fire appliance.

Reason. To maintain the extent of existing Public Right of Way footpath 9PRE pursuant to Policy RT3/4 - Recreational Routes of the Bury Unitary Development Plan.

- 21 No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include:

(1) 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;

(2) Access route for all demolition/construction vehicles to the site from the Key Route Network;

(3) Access point/arrangements for demolition/construction traffic, taking into consideration the need to maintain safe pedestrian/vehicular access to adjacent residential properties and Public Footpath No. 9, Prestwich, and all temporary works required to facilitate access for demolition/construction vehicles;

(4) Hours of work for site preparation, delivery of materials and construction and number of vehicle movements;

(5) Arrangements for the parking of vehicles for site operatives and visitors on land within the applicant's control, together with storage on site or on land within the applicant's control of demolition/construction materials;

(6) Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres including details of areas designated for the loading, unloading and storage of plant and materials;

(7) Details of the siting, height and maintenance of security hoarding clear of Public Footpath No. 9, Prestwich;

(8) The provision, where necessary, of temporary pedestrian facilities/protection measures on the adopted and unadopted highways and Public Right of Way that crosses the site;

(9) A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access(es);

(10) Arrangements for the provision of wheel washing facilities for vehicles accessing the site;

(11) Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways or Public Right of Way as a result of the groundworks operations or carried on the wheels and chassis of any vehicles leaving the site and measures to control the emission of noise, dust and dirt during construction;

(12) A scheme for recycling/disposing of waste resulting from construction works;

and

(13) A strategy to inform neighbouring occupiers (which as a minimum, shall include those adjoining the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.

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.

Reason. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent highways, 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 pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.

- 22 The various turning facilities indicated on the approved plans shall be provided before the areas of the development to which they relate are 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 Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.

- 23 The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the development hereby approved being 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.

- 24 The refuse storage and access arrangements to be provided within the curtilage of the site shall be made available for use prior to the development hereby approved being brought into use and thereafter maintained at all times.

Reason. To ensure that adequate bin storage arrangements are provided within the curtilage of the site pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.

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:

EC2/1 EC2/1 - Employment Generating Areas
EN1/2 EN1/2 - Townscape and Built Design
EN6/3 EN6/3 - Features of Ecological Value

EN7/3	EN7/3 - Water Pollution
EN7/5	EN7/5 - Waste Water Management
EN8/2	EN8/2 - Woodland and Tree Planting
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
H4/1	H4/1 - Affordable Housing
RT1/1	RT1/1 - Protection of Recreation Provision in the Urban Area
RT2/2	RT2/2 - Recreation Provision in New Housing Development
RT3/3	RT3/3 - Access to the Countryside
RT3/4	RT3/4 - Recreational Routes
HT2/4	HT2/4 - Car Parking and New Development
JP-C1	Our Integrated Network
JP-C2	Digital Connectivity
JP-C3	Our Public Transport
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
JP-S5	Clean Air
JP-P1	Sustainable Places
JP-P6	Health
JP-G7	Trees and Woodland
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-G1	Landscape Character
NPPF	National Planning Policy Framework
SPD1	Supplementary Planning Document 1 - Open Space, Sport and Recreation Provision in New Housing Development
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

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:

Drawings

NO-2953-3-AC-PL01 PL1, NO-2953-3-AC-PL02 PL1, NO-2953-03-AC-PL03 PL1, NO-2953-03-AC-PL04 PL1, NO-2953-03-AC-PL05 PL2, NO-2953-03-AC-PL06.2 PL2, NO-2953-03-AC-PL06.1 PL2, NO-2953-03-AC-PL06 PL7, NO-2953-03-AC-PL07 PL3, NO-2953-03-AC-PL08 PL3, NO-2953-03-AC-PL09 PL2, NO-2953-03-AC-PL10 PL2, NO-2953-03-AC-PL11 PL2, NO-2953-03-AC-PL13 PL2, NO-2953-03-AC-PL15 PL2, NO-2953-03-AC-PL16 PL2, NO-2953-03-AC-PL17 PL2, NO-2953-03-AC-PL21, NO-2953-03-AC-PL22, NO-2953-03-AC-PL23 PL1, NW-2953-3-LA-101 Rev D, NW-2953-3-LA-201 Rev C, 882746 LDE P1. FLP/BS/01, MCS-2953-PRESTWICH, 40-01-LDE-DR-D-01-01-P4, 40-01-LDE-DR-D-01-02-P2, 40-01-LDE-DR-D-01-03-P2, 40-02-LDE-02-01-P4, 40-02-LDE-02-02-P2, 40-02-LDE-02-03-P2

Documents

Planning Statement

Design and Access Statement

Crime Impact Statement January 2024

Transport Statement January 2024

Housing Statement

Financial Viability Assessment dated January 2024

Statement of Community Involvement January 2024

Employment Report dated 20th February 2024

Assessment of demand for a retirement housing scheme January 2024

Method Statement for Construction dated 10th January 2024

Site Waste Management Plan

Energy and Sustainability Statement March 2024

Proposed NDSS Schedule

External Lighting Project dated 04.07.2024

Preliminary Ecological Appraisal Report Reference 81-460-R1-1

Arboricultural Implications Assessment Ref: TRE/FLGSP

Arboricultural Method Statement TRE/FLGSP

Nocturnal Bat Survey Report Reference 81-460

Biodiversity Metric Report 81-460-R2-1

Biodiversity Metric Spreadsheet

Flood Risk Assessment Ref: 6714/R1

SuDs proforma

Drainage simulations

Phase I Geoenvironmental Site Assessment Reference 17-206-R1-1

Phase II Geoenvironmental Site Assessment Reference 17-206-R2-1

Homes for Later Living Brochure - Silver saviours for the high street

Homes for Later Living Brochure - Chain reaction

Homes for Later Living Brochure - Heathier and Happiers

Sustainable Living Brochure

NOTES TO APPLICANT

1. **INFORMATIVE - The Control of Noise 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.

2. The applicant is reminded that, under the Wild Mammal (Protection) Act 1996 it is an offence to inflict unnecessary suffering to wild mammals such as hedgehog. Planning consent does not provide a defence against prosecution under this act.

3. **Biodiversity Net Gain**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Bury Metropolitan Borough Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

- 1. A valid application for planning permission was made before 12 February 2024.
- 2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
- 3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73

planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- i) the application for planning permission was made before 2 April 2024;
- ii) planning permission is granted which has effect before 2 April 2024; or
- iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

** "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.*

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the

adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

4. Whilst the building to be demolished has been found to be low risk for bats, the applicant is reminded that under the 2019 Regulations it is an offence to disturb, harm or kill bats. If a bat is found during demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s).
5. The applicant's attention is drawn to the need to consult the Department of Operations regarding the specification for and implementation of the required highway works. The cost of the works will be the responsibility of the developer.
6. The applicant's attention is drawn to the existence of Public Right of Way (Public Footpath) No. 9, Prestwich, across part of the site. No development should take place which affect the Rights of Way in the absence of an appropriate closure or diversion order.
7. The applicant must be made aware of the need to safeguard people using public rights of way and that no public rights of way are damaged, widths altered, gates erected across their width (unless authorised by Bury Council the Highway Authority) or obstructed by any other means either during or as a result of development. The applicant must ensure that no changes to land levels/surface water runoff affects a public right of way. If a temporary obstruction of public rights of way is unavoidable, no development must take place until a temporary closure order has been made by Bury Council and a suitable temporary alternative route(s) made available.
8. The Council currently operates a curtilage system of refuse collection. The applicant is advised to liaise with Environment & Development Services, Waste Management & Transport - Bradley Fold, on 0161 253 7010/6635, regarding the operation of this system.
9. The Council currently operates a curtilage system of refuse collection. The applicant is advised to liaise with Environment & Development Services, Waste Management & Transport - Bradley Fold, on 0161 253 7010/6635, regarding the operation of this system and the specification for the proposed refuse collection facility at the interface with the adopted highway.
10. **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 the United Utilities letter published 18th July 2024. 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' of the United Utilities letter published 18th July 2024.

Public sewer

A public sewer crosses the site and we will not permit building over it. We require an access strip for maintenance or replacement and this access must not be compromised in any way. The minimum distances that might be acceptable to United Utilities are detailed within Part H of the Building Regulations however, we recommend the applicant determines the precise location, size, depth and condition of the pipeline as this is likely to influence the required stand-off distance from any structure.

- 11. In accordance with S93G of the Town and Country Planning Act 1990 (As amended by Section 111 Levelling Up & Regeneration Act 2023) there is a legal requirement for you to inform the Council of the date when you intend to commence the development on site via submission of a Commencement Notice. This notice is mandatory for all developments and came into effect on 31 March 2024. You can find more information and download a copy of the Commencement Notice under the Before Starting Work section on our website at <https://www.bury.gov.uk/planning-building-control/planning-permission/planning-application-process>
- 12. This planning permission needs to be read in conjunction with the binding S106 Planning Agreement signed on 17th January 2025

Signed:



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On behalf of the Council

Date of Decision: 17/01/2025