

NOTICE OF PLANNING PERMISSION

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

To:

C Hatchman
Neil Pike Architects
Michigan House
17-19 Chorley New Road
Bolton
BL1 4QR

On Behalf Of:

Mr Eisenberg
C/o Neil Pike Architects
17-19 Chorley New Road
Bolton
BL14QR

PART 1 - Particulars of Application

Application Number: 67625

Date of Registration: 18/01/2022

Proposal:

Demolition of existing building and erection of
24 no. apartments and 1 no. retail unit with
23 no. car parking spaces

Location:

121-131 Bell Lane, Bury, BL9 6BB

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
Location Plan dated 22/12/2021
Proposed Site Plan (Dwg No. PL K987/01 J)
Proposed Ground and First Floor Plan (Dwg No. PL K987/02 I)
Proposed Second and Third Floor Plan (Dwg No. PL K987/03 D)
Proposed Fourth Floor Plan (Dwg No. PL K987/04 D)
Proposed Elevations (Dwg No. PL K987/05 H)
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 No development shall commence unless and until:-
 - 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;
 - 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;

- 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.

- 4 Following the provisions of Condition 3 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.

- 5 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). In the event of surface water discharging to the public combined sewer, the rate of discharge shall be restricted to 2 l/s;
 - (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.

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, pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and Section 14 - Meeting the challenge of climate change, flooding and coastal change of the National Planning Policy Framework.

- 6 Prior to the first occupation of the development, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason. To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development, pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and Section 14 - Meeting the challenge of climate change, flooding and coastal change of the National Planning Policy Framework.

- 7 No development comprising the erection of any external walls shall take place until details of the materials to be used in the construction of the external surfaces of the development, including the roof, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and the materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved details.

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 EN1/1 Visual Amenity.

- 8 Notwithstanding the details indicated on the approved plans, no development shall commence unless and until full details of the following have been submitted on a topographical based survey of the site and adjacent adopted highways to the Local Planning Authority:

- A scheme of footway and highway drainage remedial works along the southerly site boundary to a scope and specification to be agreed, incorporating the provision of a tactile paved crossing point across the northerly arm of the Bell Lane/Parsonage Street mini-roundabout, removal of redundant paved access routes to the existing building and all measures required to suit appropriate threshold levels and/or form level accesses into the ground floor retail unit doors;
- Proposed building/boundary treatment foundations and surface water drainage arrangements for the building and car park to ensure that no encroachment under, or discharge onto, the adjacent adopted highway will occur;
- Formation of the proposed car park to the easterly gable of the building, incorporating all associated boundary treatment alterations to form a barrier clear of the adopted highway to prevent vehicle encroachment of the adjacent footway and all associated highway remedial works.

The details subsequently approved shall be implemented to an agreed programme and to the written satisfaction of the Local Planning Authority.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety, pursuant to policies H2/2, EN1/2 and HT6/2 of the Bury Unitary Development Plan.

- 9 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority for each phase of the development and shall confirm/provide the following:

- 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, and statutory undertakes connections to, the proposed development;

- Access route for construction traffic from the highway network;
- Hours of operation and number of vehicle movements;
- Access point for construction traffic from the existing site access/northerly arm of the Bell Lane/Parsonage Street mini-roundabout and any temporary works required to facilitate access for ground works/construction vehicles,
- If proposed, details of site hoarding/gate positions clear of required visibility splays onto the adopted highway;
- The provision, where necessary, of temporary pedestrian facilities/protection measures on the highway;
- A scheme of appropriate warning/construction traffic warning signage in the vicinity of the site and its access onto the adopted highway;
- Confirmation of hours of operation and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and measures to control/manage delivery vehicle manoeuvres;
- Parking on site or on land within the applicant's control of operatives' and construction vehicles, together with storage on site of construction materials;
- Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways as a result of the groundworks operations or carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

The approved plan shall be adhered to throughout the construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of construction materials.

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 policies H2/2, EN1/2 and HT6/2 of the Bury Unitary Development Plan.

- 10 The vehicular and pedestrian access arrangements within the curtilage of the site indicated on the approved plans shall be implemented in full before the development is first occupied.

Reason. To ensure good highway design in the interests of road and pedestrian safety, pursuant to policies H2/2, EN1/2 and HT6/2 of the Bury Unitary Development Plan.

- 11 The turning facilities within the curtilage of the site indicated on the approved plans shall be provided before the development is first occupied 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 policies H2/2, EN1/2 and HT6/2 of the Bury Unitary Development Plan.

- 12 The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use before the development is first occupied 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 of the Bury Unitary Development Plan.

- 13 The secure cycle storage measures indicated in the approved plans shall be provided before the development hereby approved is first occupied and shall thereafter remain available for use for the lifetime of the development.
Reason. To ensure adequate cycle storage and in order to promote sustainable means of travel pursuant to policy HT6/1 of the Bury Unitary Development Plan.
- 14 Bin storage arrangements shall be provided within the curtilage of the development for the residential and commercial uses in accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments' prior to first occupation and shall thereafter be maintained.
Reason. To ensure adequate provision for the storage and disposal of refuse within the curtilage of the site, clear of the adopted highway, pursuant to policy EN1/2 of the Bury Unitary Development Plan.
- 15 Four car parking spaces shall be provided with electric vehicle (EV) charging points (minimum 7kW*) prior to the first occupation of any residential unit.
*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 61851-1:2011 to be used (note this version is due to be replaced by BS EN 61851-1:2019 on 5 July 2022).
Reason. 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 National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 16 No development comprising the erection of any external walls shall take place until a scheme of noise mitigation measures that would achieve the internal acoustic performance set out at tables 8.1, 8.2 and 8.3 of the submitted Noise Exposure Assessment (Report 16917-NEA-01) by Clement Acoustics has been submitted to and agreed in writing with the Local Planning Authority. Thereafter, the development shall be completed in full accordance with the approved noise mitigation measures and a verification report prepared by a suitably qualified person, confirming full implementation of the approved noise mitigation measures, shall be submitted to and approved by the Local Planning Authority prior to the occupation of first residential unit.
Reason. In order to ensure that the amenities of the future occupants of the proposed properties are not adversely impacted by noise from nearby road traffic in accordance with Policy EN7/2 of the Bury Unitary Development Plan and the Section 15 of the National Planning Policy Framework.
- 17 No demolition shall occur at any time and no works to trees or shrubs shall occur between the 1st March and 31st August unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately demolition and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority unless the species present is feral pigeon in which case a general license issued by Natural England authorising destruction of feral nests should be provided to the Local Planning Authority.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 18 No development comprising the erection of any external walls shall take place until a landscaping scheme has been submitted to and agreed in writing by the Local Planning Authority. The contents of the plan should include details of boundary fences and gates, native tree and shrub planting and the provision of bird boxes within the new development. The approved fencing, gates and bird boxes shall be

installed prior to the occupation of the first residential unit and the approved planting 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 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 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 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	EC2 - Existing Industrial Areas and Premises
EC2/1	EC2/1 - Employment Generating Areas
EC3	EC3 - Improvement of Older Industrial Areas and Premises
EC3/1	EC3/1 - Measures to Improve Industrial 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
H4/1	H4/1 - Affordable Housing
EN1	EN1 - Built Environment
EN1/2	EN1/2 - Townscape and Built Design
EN1/3	EN1/3 - Landscaping Provision
EN1/5	EN1/5 - Crime Prevention
EN1/7	EN1/7 - Throughroutes and Gateways
EN2	EN2 - Conservation and Listed Buildings
EN2/3	EN2/3 - Listed Buildings
EN5	EN5 - Flood Protection and Defence
EN5/1	EN5/1 - New Development and Flood Risk
EN6	EN6 - Conservation of the Natural Environment
EN6/3	EN6/3 - Features of Ecological Value
EN7	EN7 - Pollution Control
EN7/2	EN7/2 - Noise Pollution
EN7/5	EN7/5 - Waste Water Management
EN8	EN8 - Woodland and Trees
EN8/2	EN8/2 - Woodland and Tree Planting
RT2	RT2 - New Provision for Recreation in the Urban Area
RT2/2	RT2/2 - Recreation Provision in New Housing Development
S4	S4 - New Retail Development Outside Town and District Centres
S4/1	S4/1 - Retail Development Outside Town and District Centres
HT2	HT2 - Highway Network
HT2/4	HT2/4 - Car Parking and New Development
HT4	HT4 - New Development

HT5	HT5 - Accessibility For Those With Special Needs
HT5/1	HT5/1 - Access For Those with Special Needs
HT6	HT6 - Pedestrians and Cyclists
HT6/1	HT6/1 - Pedestrian and Cyclist Movement
SPD1	Supplementary Planning Document 1 - Open Space, Sport and Recreation Provision in New Housing Development
SPD3	Development Control Policy Guidance Note 3: Planning Out Crime in New Development
SPD5	Development Control Policy Guidance Note 5: Affordable Housing Provision in New Residential Developments
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury
SPD14	Development Control Policy Guidance Note 14 - Employment Land and Premises
SPD16	Development Control Policy Guidance Note 16 - Design and Layout of New Development 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:

Location Plan dated 22/12/2021

Proposed Site Plan (Dwg No. PL K987/01 J)

Proposed Ground and First Floor Plan (Dwg No. PL K987/02 I)

Proposed Second and Third Floor Plan (Dwg No. PL K987/03 D)

Proposed Fourth Floor Plan (Dwg No. PL K987/04 D)

Proposed Elevations (Dwg No. PL K987/05 H)

NOTES TO APPLICANT

1. Contaminated Land advice

Prior to demolition of the structures on site an asbestos survey is to be carried out by an appropriately qualified contractor. Any asbestos identified shall be disposed of in an appropriate manner.

2. Highway Officer advice

1. The developer's attention is drawn to the need to consult the Department for Operations regarding the construction of a footway crossing. The cost of the construction will be the responsibility of the developer.

2. The applicant's attention is drawn to the need to enter into a Section 278 Agreement under the Highways Act 1980 in respect of the works to be carried out on the highway in connection with the proposed development.

3. The Council currently operates a curtilage system of refuse collection. The applicant is advised to liaise with Waste Management, Bradley Fold Depot on 0161 253 6621/7010, regarding the operation of this system.

4. The applicant's attention is drawn to the requirements of Section 153 of the Highways Act 1980 which prohibits the opening of doors, gates or bars outwards onto the adopted highway.

5. The applicant's attention is drawn to the requirements of Section 179 of the Highways Act 1980 which prohibits the construction of any foundations required for

the boundary fencing under the adjacent adopted highway.

3. **United Utilities advice**

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, their proposed detailed design will be subject to a technical appraisal by our Developer Services team and must meet the requirements outlined in 'Sewers for Adoption and United Utilities' Asset Standards'. This is important as drainage design can be a key determining factor of site levels and layout.

Acceptance of a drainage strategy does not infer that a detailed drainage design will meet the requirements for a successful adoption application. We strongly recommend that no construction commences until the detailed drainage design, has been assessed and accepted in writing by United Utilities. Any work carried out prior to the technical assessment being approved is done entirely at the developer's own risk and could be subject to change.

Management and Maintenance of Sustainable Drainage Systems

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances.

WATER AND WASTEWATER SERVICES

If the applicant intends to receive water and/or wastewater services from United Utilities, they should visit our website or contact the Developer Services team for advice. This includes seeking confirmation of the required metering arrangements for the proposed development.

If the proposed development site benefits from existing water and wastewater connections, the applicant should not assume that the arrangements will be suitable for the new proposal.

In some circumstances we may require a compulsory meter is fitted. For detailed guidance on whether the development will require a compulsory meter please visit <https://www.unitedutilities.com/my-account/your-bill/our-household-charges-20212022/> and go to section 7.7 for compulsory metering.

If reinforcement of the water network is required to meet potential demand, this could be a significant project and the design and construction period should be accounted for.

To avoid any unnecessary costs and delays being incurred by the applicant or any subsequent developer, we strongly recommend the applicant seeks advice regarding water and wastewater services, and metering arrangements, at the earliest opportunity. Please see 'Contacts' section below.

UNITED UTILITIES PROPERTY, ASSETS AND INFRASTRUCTURE

United Utilities will not allow building over or in close proximity to a water main.

United Utilities may not allow building over or in close proximity to a public sewer.

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. Developer's should investigate the existence and the precise location of water and wastewater pipelines

as soon as possible as this could significantly impact the preferred site layout and/or diversion of the asset(s) may be required. Where United Utilities' assets cross the proposed red line boundary, developers must contact our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition.

Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion of assets to accommodate development, will be at the applicant/developer's expense. In some circumstances, usually related to the size and nature of the assets impacted by proposals, developers may discover the cost of diversion is prohibitive in the context of their development scheme.

Where United Utilities' assets exist, the level of cover to United Utilities pipelines and apparatus must not be compromised either during or after construction and there should be no additional load bearing capacity on pipelines without prior agreement from United Utilities. This would include earth movement and the transport and position of construction equipment and vehicles.

Consideration should also be applied to United Utilities assets which may be located outside the applicant's red line boundary. Any construction activities in the vicinity of our assets must comply with our 'Standard Conditions for Works Adjacent to Pipelines' or national building standards.

The applicant or developer should contact our Developer Services team for advice if their proposal is in the vicinity of water or wastewater pipelines and apparatus. It is their responsibility to ensure that United Utilities' required access is provided within their layout and that our infrastructure is appropriately protected. The developer would be liable for the cost of any damage to United Utilities' assets resulting from their activity. See 'Contacts' section below.

CONTACTS

Website

For detailed guidance on water and wastewater services, including application forms and the opportunity to talk to the Developer Services team using the 'Live Chat' function, please visit:

<http://www.unitedutilities.com/builders-developers.aspx>

Email

For advice on water and wastewater services or to discuss proposals near to pipelines, email the Developer Services team as follows:

Water mains and water supply, including metering -
DeveloperServicesWater@uuplc.co.uk

Public sewers and drainage - WastewaterDeveloperServices@uuplc.co.uk
Telephone - 0345 072 6067

Property Searches (for asset maps):

A number of providers offer a paid for mapping service including United Utilities. For more information, or to purchase a sewer and water plan from United Utilities, please visit <https://www.unitedutilities.com/property-searches/>

Water and sewer records can be viewed for free at our Warrington Head Office by calling 0370 751 0101. Appointments must be made in advance. Public sewer

records can be viewed at local authority offices. Arrangements should be made directly with the local authority.

The position of the underground apparatus shown on asset maps is approximate only and is given in accordance with the best information currently available. United Utilities Water will not accept liability for any loss or damage caused by the actual position being different from those shown on the map.

4. Whilst the building to be demolished has been assessed as negligible 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). Natural England should also be informed.
5. This planning permission needs to be read in conjunction with the binding S106 Planning Agreement signed on 05/10/2023.

Signed:



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On behalf of the Council

Date of Decision: 06/10/2023