

NOTICE OF PLANNING PERMISSION

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

To:

Mr Rashid Mehmood
I. Planning Services
2A Cook Street
Bury
BL9 0RP

On Behalf Of:

Mr Rizman Suleman
124 Walmersley Road
Bury
BL9 6DX

PART 1 - Particulars of Application

Application Number: 69459

Date of Registration: 17/04/2023

Proposal:

Erection of 2 no. terraced dwellings

Location:

Land adjacent to 35 Hilton Street, Bury, BL9 6LT

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 revised drawings numbered 5a/G, 5F, 6F, 7F and 9F 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 Details of the materials to be used in the external elevations, and boundaries, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development 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 EN1/1 Visual Amenity.
- 4 Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, as subsequently amended, no development

shall be carried out within the terms of Classes A to G of Part 1 and Class A of Part 2 of Schedule 2 of the Order, without the submission and approval of a relevant planning application.

Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed.

- 5 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.

- 6 Following the provisions of Condition 5 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.

- 7 No development shall commence unless and until surface water drainage proposals have been submitted to and approved in writing by the Local Planning Authority. The scheme should be in accordance with the submitted Surface Water Sustainable Drainage Assessment and must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed maintenance arrangements should also be provided. The approved scheme 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 EN5/1- New Development and Flood Risk, 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.

- 8 A landscaping scheme shall be submitted to, and approved by the Local Planning Authority prior to the commencement of the development. The approved scheme shall thereafter be implemented not later than 12 months from the date the dwellings are first occupied or within the first available 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.

- 9 Notwithstanding the details indicated on the approved plans, no development shall commence unless and until full details of the following have been submitted to the Local Planning Authority:
1. Foundation details for the dwellings and boundary walls confirming no encroachment under the adjacent adopted highway;
 2. Surface water drainage details confirming no projection into or discharge onto the adjacent adopted highway;
 3. Highway remedial works around the perimeter of the site to 'expose/reintroduce' edgings at the back of the footway to demarcate the limits of the adopted highway and following removal of the affected pedestrian guardrailing, to a scope and specification to be agreed;
 4. Treatment of the area between the proposed edgings and the side/rear gable and garden walls and adjacent to the existing street lighting column.

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

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.

- 10 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 and shall provide the following:
1. 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 undertakers connection to, the development;
 2. Access route for construction vehicles from the Key Route Network;
 3. Access point(s) to the site, including all temporary works and measures required to protect highway users and facilitate access;
 4. Hours of operation and type and number of vehicle movements that can be accommodated on the adjacent residential streets;
 5. If proposed, site hoarding position clear of the visibility splay indicated on approved plan reference SHT 5a;
 6. A scheme of appropriate warning/speed limit signage in the vicinity of the construction site access(es);
 7. Arrangements for the management of deliveries to the site;
 8. Storage within the curtilage of the site of construction materials, including any requisite phasing of the development to accommodate this;
 9. Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways as a result of the ground work 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 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.

- 11 The visibility splay indicated on approved plan reference SHT 5a/G shall be implemented to the written satisfaction of the Local Planning Authority before the development is first occupied and subsequently maintained free of obstruction above the height of 0.6m.

Reason. To ensure the intervisibility of the users of the site and the adjacent highways, in the interests of highway safety.

- 12 The bin storage area/arrangements indicated on approved plan reference 7F, incorporating the 450mm high boundary wall shown with foundations that do not encroach under the adjacent adopted highway, access onto Back Walmersley Road East and measures to prevent the discharge of surface water onto the adjacent adopted highway, shall be provided to the satisfaction of the Local Planning Authority before the dwellings hereby approved are first occupied and subsequently maintained available for this use.

Reason. To ensure that adequate bin storage arrangements are provided within the curtilage of each dwelling

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:

NPPF	National Planning Policy Framework
EN1/2	EN1/2 - Townscape and Built Design
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
HT2/4	HT2/4 - Car Parking and New Development
EN7	EN7 - Pollution Control
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury
SPD16	Development Control Policy Guidance Note 16 - Design and Layout of New Development in Bury
SPD7	Development Control Policy Guidance Note 7 - Managing the Supply of Housing Land In Bury

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:

Revised drawings numbered 5a/G, 5F, 6F, 7F and 9F

NOTES TO APPLICANT

1.

The Control of Noise (Appeals) 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.

Signed:



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On behalf of the Council

Date of Decision: 26/07/2023