

NOTICE OF PLANNING PERMISSION

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

To:

Mr James Webster
Jay Ashall Partnership
108 London Road
Holmes Chapel
Crewe
CW4 7BD

On Behalf Of:

Mr Mike Corfield
Prestwich and North Western Housing
Association
24 Rectory Green
Prestwich
Manchester
M25 1BQ

PART 1 - Particulars of Application

Application Number: 71563

Date of Registration: 24/01/2025

Proposal:

Variation of condition nos. 1, 14, 15 and 16 of planning permission 63805 in accordance with revised drawings submitted.

Location:

Site of Whittaker House, Whittaker Street,
Radcliffe, Manchester, M26 2TD

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 This decision relates to drawings numbered -

930 L01 P1,
930 100 P1,
930 101 P3,
930 102 P2,
930 103 P0,
930 104 P1,
2711-SCE-PH01-L-DR-C-0001-P01,
2711-SCE-PH01-L-DR-C-0002-P01,
2711-SCE-PH01-L-DR-C-0003-P01,
2711-SCE-PH01-L-DR-C-0004-P010,
2711-SCE-PH01-L-DR-C-0005-P01,
2711-SCE-PH01-L-DR-C-0006-P01,
2711-SCE-PH01-L-DR-C-0007-P07
2711-SCE-PH01-L-DR-C-0014

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.

- 2 The development hereby approved shall only be developed by or on behalf of the applicant as an affordable housing scheme and each and every residential dwelling constructed as part of the scheme shall subsequently be occupied only and at all times as affordable housing, as defined in Supplementary Planning Document 5 - Affordable Housing Provision in New Residential Developments.

Reason - The development has been granted given the particular circumstances of the applicant which provides an opportunity to promote increased affordable housing, but as a result a recreational contribution pursuant to Supplementary Planning Document 1 (Open Space, Sport and Recreation Provision in New Housing Development) will not be provided. This condition is thereby to ensure that in order to make the development acceptable in planning terms, as a result of not making a recreational contribution the whole development shall instead contribute to satisfying the need for affordable housing provision.
- 3 The remediation strategy approved as part of condition 4 of permission 57710 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 11 - Conserving and enhancing the natural environment.
- 4 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 11 - Conserving and enhancing the natural environment.
- 5 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 11 - Conserving and enhancing the natural environment.
- 6 The Remediation Strategy approved as part of condition 8 of permission 57710 must

be implemented in full prior to the occupation of the dwellings hereby approved.

Reason. To secure the satisfactory development of the site in terms of human health, mine gas and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

- 7 The external finishing materials shall be those materials approved as part of condition 9 of permission 57710.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 8 No trees, unless indicated on approved plan reference - TPP.12171.02, shall be felled, lopped or topped before or during the construction period.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
- 9 All trees to be retained on site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall remain in situ until the development has been completed.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
- 10 The landscaping scheme approved as part of condition 12 of permission 57710 shall be implemented not later than 12 months from the date the dwelling(s) are first occupied; 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 Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
- 11 The scheme for the eradication of Japanese Knotweed and Himalayan Balsam approved as part of condition 13 of permission 57710 shall be implemented in full prior to the dwellings hereby approved being first occupied.
Reason. To ensure that the site is free from Japanese Knotweed and Himalayan Balsam in the interest of UDP Policy EN9 - Landscape.
- 12 No works shall be carried out to the trees that would disturb nesting birds between 1st March and 31st August inclusive in any year.
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 11 - Conserving and enhancing the natural environment.
- 13 The boundary treatments approved as part of condition 16 of permission 57710 shall be implemented as part of the approved development.
Reason. - To secure the satisfactory development of the site and in the interests of the visual amenities of the area pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 14 The finished floor levels shall be as stated on approved plan 2711-SCE-PH01-L-DR-C-0002-P01.

Reason: To secure the satisfactory development of the site and the assimilation of the new dwellings into the locality pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

- 15 The scheme of foul and surface water drainage shown on drawings 2711-SCE-PH01-L-DR-C-0001-P01 and 2711-SCE-PH01-L-DR-C-0006-P01 shall be implemented in full prior to the occupation of the dwellings hereby approved.

Reason: To ensure a satisfactory means of drainage pursuant to Policy JP-S4 - Flood Risk and the Water Environment.

- 16 The development hereby approved shall be carried out in accordance with the details submitted on the approved plans (Vehicle tracking plan 2711-SCE-PH01-L-DR-C-0014, Levels 2711-SCE-PH01-L-DR-C-0002-P01, Section 38 Agreement Plan 2711-SCE-PH01-DR-C-0004 rev P10 and Highway construction details 2711-SCE-PH01-L-DR-C 0007 rev P07) to provide:

1. Access alterations at the junction of Whittaker Street and Shirebrook Drive;
2. Works to connect the footway to the rear of No.'s 1 - 11 Kingsmoor Avenue;
3. Approved road and turning head;
4. Adequate parking arrangements for plot 1;
5. Street lighting scheme;
6. Swept path analysis for refuse collection.

The approved details shall be implemented and completed prior to the first occupation of the development hereby approved.

Reason. To ensure good highway design in the interests of road safety and to maintain the integrity of the adopted highway pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EN1/2 - Townscape and Built Design

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development.

- 17 A visibility splay measuring 2.4 metres by 25 metres shall be provided at the junction of Shirebrook Drive with extension of Whittaker Street before the development is first occupied and shall subsequently be 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 road safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EN1/2 - Townscape and Built Design

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development.

- 18 The turning facilities indicated on the approved plans (or similar alternative provision that enables construction traffic to enter and leave the site in a forward gear) 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 during construction of the development and thereafter pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EN1/2 - Townscape and Built Design

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development.

- 19 The scheme to prevent mud from passing onto the highway approved as part of condition 24 of permission 57710 shall be implemented and maintained thereafter

during the period of construction.

Reason. To ensure that the adopted highways are kept free of deposited material from the ground works operations pursuant to Policy H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan.

- 20 Minimum hardstandings lengths of 5.0m measured from the future highway boundary shall be provided at all dwellings to the written satisfaction of the Local Planning Authority and thereafter maintained.

Reason. To allow adequate space to maintain a vehicle clear of the highway in the interests of pedestrian safety pursuant to policies HT2/4 and associated Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

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:

- H1/2 H1/2 - Further Housing Development
- H2/1 H2/1 - The Form of New Residential Development
- OL5/3 OL5/3 - Riverside and Canalside Development in Urban Areas
- H4/1 H4/1 - Affordable Housing
- EN1/2 EN1/2 - Townscape and Built Design
- EN6/1 EN6/1 - Sites of Nature Conservation Interest (SSSI's, NNR's and Grade A SBI's)
- EN6/4 EN6/4 - Wildlife Links and Corridors
- EN8/2 EN8/2 - Woodland and Tree Planting
- EN10/2 EN10/2 - Riverside and Canalside Improvement in Urban Areas
- OL5/2 OL5/2 - Development in River Valleys
- RT2/2 RT2/2 - Recreation Provision in New Housing Development
- RT4/7 RT4/7 - The Manchester, Bolton and Bury Canal
- HT2/4 HT2/4 - Car Parking and New Development
- HT5/1 HT5/1 - Access For Those with Special Needs
- 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
- NPPF National Planning Policy Framework
- JP-C2 Digital Connectivity
- JP-C5 Streets For All
- JP-C6 Walking and Cycling
- JP-C8 Transport Requirements of New Development
- JP-H2 Affordability of New Housing
- JP-H4 Density of New Housing
- JP-S2 Carbon and Energy
- JP-S4 Flood Risk and the Water Environment

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:

930 L01 P1,
930 100 P1,
930 101 P3,
930 102 P2,
930 103 P0,
930 104 P1,
2711-SCE-PH01-L-DR-C-0001-P01,
2711-SCE-PH01-L-DR-C-0002-P01,
2711-SCE-PH01-L-DR-C-0003-P01,
2711-SCE-PH01-L-DR-C-0004-P010,
2711-SCE-PH01-L-DR-C-0005-P01,
2711-SCE-PH01-L-DR-C-0006-P01,
2711-SCE-PH01-L-DR-C-0007-P07
2711-SCE-PH01-L-DR-C-0014

NOTES TO APPLICANT

1. The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer or to divert a culverted watercourse. Such permission should be sought direct from United Utilities. Buildings are not normally allowed within 4.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.
2. Whilst the building to be demolished has been assessed as low risk for bats, the applicant is reminded that under the Habitat Regulation 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.
3. The applicant's attention is drawn to the existence of the non-definitive right of way to the rear of No.'s 1 – 11 Kingsmoor Avenue that abuts and forms a connection with the site. No development should take place which affects the Right of Way in the absence of an appropriate closure or diversion order.
4. The applicant's attention is drawn to the need to consult the Department for Place regarding the specification for and implementation of the proposed access alterations and associated works. The cost of the works will be the responsibility of the applicant.
5. The applicant's attention is drawn to the need to complete a Section 38 Agreement under the Highways Act 1980, and a Section 104 Agreement under the Water Industry Act 1991, regarding the future adoption of the proposed roads and sewers.
6. 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.
7. 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

6189/6650, regarding the operation of this system.

Signed:

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7 of 7

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On behalf of the Council

Date of Decision: 18/09/2025