

# NOTICE OF PLANNING PERMISSION

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

**To:**

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

**On Behalf Of:**

Mr Gary Spillard  
41 Arthur Lane  
Ainsworth  
Bolton  
BL2 5PR

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### PART 1 - Particulars of Application

**Application Number:** 70626

**Date of Registration:** 15/05/2024

**Proposal:**

Demolition of existing stables/outbuildings  
and erection of 1 no. dwelling

**Location:**

Land at 7 Arthur Lane, Ainsworth, Bolton,  
BL2 5PW

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### 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 GS.270324.B2, GS-26-03-24-A3, GS-26-03-25-B4, GS-26-03-25-C, 3189-001 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 and Places for Everyone Joint 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 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 EN1/2 - Townscape and Built Design

- 4 No development hereby permitted (except demolition and site clearance) within any approved phase shall take place until the works relating to land contamination detailed below are fully completed:  
With consideration to human health, controlled waters and the wider environment, the following documents shall be completed to characterise potential risk to sensitive receptors and submitted to the Local Planning Authority for approval:
- I. Preliminary Risk Assessment (PRA). Submission of this document is the minimum requirement.
  - II. Generic Quantitative Risk Assessment (GQRA). Submission of this document only if PRA requires it.
  - III. Detailed Quantitative Risk Assessment (DQRA). Submission of this document if GQRA requires it.
- Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).
- 5 No development hereby permitted (except demolition and site clearance) within any approved phase shall take place until the works relating to land contamination detailed below are fully completed:  
In accordance with the findings of site characterisation and risk assessment as previously approved, documents from the following shall be submitted to the Local Planning Authority for approval:
- I. Remedial Options Appraisal.
  - II. Remediation Strategy.
  - III. Verification Plan.
- Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).
- 6 The development hereby permitted within any approved phase shall not be occupied/brought into use until the works relating to land contamination detailed below are fully completed:  
Where remediation is required, it shall be carried out in full accordance with the approved Remediation Strategy.  
A Verification Report must be submitted to the Local Planning Authority for approval upon completion of remediation works. The Verification Report must include information validating all remediation works carried out; details of imported materials (source/quantity/suitability); details of exported materials; and details of any unexpected contamination.  
Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).
- 7 Prior to occupation/first use the applicant shall provide:  
one electric vehicle (EV) charging point (minimum 7kW\*) per unit (dwelling with dedicated parking).  
Certification and photographic evidence of the installation of the agreed electric vehicle charge points shall be submitted.  
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 112e, 117e, 187e and 199 of the National Planning Policy Framework (December 2024) and Places for Everyone Policy JP-S5 (Clean Air).

- 8 No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been submitted to and approved in writing by 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.
- 9 A landscaping scheme, which shall include 7 new trees and an enhanced area of grassland, shall be submitted to, and approved by the Local Planning Authority prior to the commencement of the development. The contents of the plan should include native tree and shrub planting and the provision of bat bricks/tubes within the new development and bat and bird boxes. The approved scheme shall thereafter 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 NPPF.
- 10 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 and unadopted shared access to the Local Planning Authority:
1. Formation of the proposed new access onto Arthur Lane to a scope and specification to be agreed, incorporating the visibility splays at the junction shown in accordance with the standards in Manual for Streets and removal of a sufficient section of the existing hedge to achieve the visibility splays required;
  2. Proposed new access and hardstanding in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adjacent adopted highway;
  3. Reinstatement of the redundant vehicular access onto Arthur Lane to a scope and specification to be agreed, incorporating the planting of a replacement hedge to a specification to be agreed with the Local Planning Authority clear of the adopted highway and the required visibility splay to the right on egress at the junction of the proposed new access with Arthur Lane;
  4. Reinstatement of the redundant agricultural access onto the unadopted access to the north of the site to a scope and specification to be agreed with the Local Planning Authority, incorporating appropriate boundary treatment and any associated works within the 'agricultural land' indicated;

The highway works subsequently approved shall be implemented to an agreed programme and to the satisfaction of the Local Planning Authority before the dwelling hereby approved is first occupied.

Reason. To ensure good highway design and the intervisibility of the users of the site and the adjacent highways 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

- 11 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local Planning Authority and shall confirm/provide the following:
1. Photographic dilapidation survey of the adopted and unadopted highways leading to and abutting the site in the event that subsequent remedial works are required following construction of the development, replacement of all boundary features and as a result of statutory undertakers connections to the site;
  2. Access route for all construction vehicles to the site from the Key Route Network;
  3. Access point/arrangements for construction traffic and all temporary works required to facilitate access for construction vehicles;
  4. If proposed, details of site hoarding/gate positions, incorporating the provision of adequate levels of visibility at any junction;
  5. A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access onto Arthur Lane;
  6. Confirmation of hours of operation, delivery & construction vehicle sizes that can be accommodated within the curtilage of the site and number of vehicle movements;
  7. Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site to ensure that they can enter and leave in a forward gear and/or measures to control/manage delivery vehicle manoeuvres;
  8. Parking on site or on land within the applicant's control of operatives' and construction vehicles, together with storage on site of construction materials;
  9. Measures to ensure that all mud and other loose materials are not spread onto the adjacent 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 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. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials.

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

- 12 The 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 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

- 13 The car parking facilities indicated on the approved plans shall be surfaced, and made available for use/implemented prior to first occupation of the dwelling hereby approved 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.
- 14 The refuse storage and access arrangements to be provided within the curtilage of the site for the new dwelling shall be made available for use to the satisfaction of the Local Planning Authority prior to first occupation of the dwelling hereby approved and thereafter maintained at all times.  
Reason. To ensure that adequate bin storage arrangements are provided within the curtilage of each dwelling 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
- 15 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.

**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:**

- H1/2 H1/2 - Further Housing Development
- H1/2 H1/2 - Further Housing Development
- H2/2 H2/2 - The Layout of New Residential Development
- EN1/2 EN1/2 - Townscape and Built Design
- EN6/3 EN6/3 - Features of Ecological Value
- EN7/5 EN7/5 - Waste Water Management
- EN8/2 EN8/2 - Woodland and Tree Planting

|       |                                                                                                         |
|-------|---------------------------------------------------------------------------------------------------------|
| OL1/2 | OL1/2 - New Buildings in the Green Belt                                                                 |
| HT2/3 | HT2/3 - Improvements to Other Roads                                                                     |
| HT2/4 | HT2/4 - Car Parking and New Development                                                                 |
| JP-S2 | Carbon and Energy                                                                                       |
| JP-S4 | Flood Risk and the Water Environment                                                                    |
| JP-S5 | Clean Air                                                                                               |
| JP-H3 | Type, Size and Design of New Housing                                                                    |
| JP-H4 | Density of New Housing                                                                                  |
| JP-G7 | Trees and Woodland                                                                                      |
| JP-G9 | The Green Belt                                                                                          |
| JP-P1 | Sustainable Places                                                                                      |
| JP-C2 | Digital Connectivity                                                                                    |
| JP-C5 | Streets For All                                                                                         |
| JP-C6 | Walking and Cycling                                                                                     |
| SPD6  | Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.               |
| SPD8  | Development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt |
| SPD11 | Development Control Policy Guidance Note 11 - Parking Standards 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:**

GS.270324.B2  
GS-26-03-24-A3  
GS-26-03-25-B4  
GS-26-03-25-C  
3189-001

**NOTES TO APPLICANT**

**1. 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.

We recommend the applicant visits our website for further information on how to investigate the existence of water and wastewater pipelines and what to do next if a pipeline crosses or is close to their red line boundary: Working near our pipes - United Utilities

United Utilities will not allow building over or in close proximity to a water main. United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. Nb. Proposals to extend domestic properties either above, or in close proximity to a public sewer will be reviewed on a case by case basis by either by a building control professional or following a direct application to United Utilities.

Any construction activities in the vicinity of United Utilities' pipelines, including pipelines that may be outside the applicant's red line boundary, must comply with national building and construction standards and where applicable, our 'Standard

Conditions for Works Adjacent to Pipelines' which can also be found on our website: [standard-conditions-for-works-adjacent-to-pipelines-issued-july-2015.pdf](#) ([unitedutilities.com](#))

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. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout. 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.

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.

## **DRAINAGE**

We strongly encourage all developments to include sustainable drainage systems to help manage surface water and to offer new opportunities for wildlife to flourish. We request that Local Planning Authorities and applicants do all they can to avoid surface water entering the public sewer. The flows that come from this surface water are very large when compared with the foul water that comes from toilets, showers, baths, washing machines, etc. It is the surface water that uses up a lot of capacity in our sewers and results in the unnecessary pumping and treatment of surface water at our pumping stations and treatment works. If new developments can manage flows through sustainable drainage systems that discharge to an alternative to the public sewer, it will help to minimise the likelihood of sewers spilling into watercourses and the flooding of homes and businesses.

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

The applicant should consider their drainage plans in accordance with the drainage hierarchy outlined above.

In the event that the applicant, or any subsequent developer, approaches United Utilities regarding a connection for surface water to the public sewer, it is likely that we will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable. This will be managed through either our 'S106 Sewer Connections' or 'S104 Adoptions' processes.

## **CONTACT DETAILS FOR ANY QUERIES WHICH MAY RESULT FROM THIS EMAIL:**

For applicants / developers:

Drainage / wastewater infrastructure: [SewerAdoptions@uuplc.co.uk](mailto:SewerAdoptions@uuplc.co.uk)

Water supply / water infrastructure: [DeveloperServicesWater@uuplc.co.uk](mailto:DeveloperServicesWater@uuplc.co.uk)

2. **INFORMATIVE - The Control of Noise Regulations 1974, 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 1974.

3. This recommendation relates to the revised plan received by this Section on 12 May 2025.
4. 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 applicant/developer.
5. 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.
6. Whilst the buildings to be demolished/converted have 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).

Signed:



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On behalf of the Council

**Date of Decision:** 13/06/2025