

# NOTICE OF PLANNING PERMISSION

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

**To:**

Rachael Gildert  
Proffitts - Investing in Communities  
363 Holcombe Road  
Greenmount  
BL8 4DT

**On Behalf Of:**

Rachael Gildert  
Proffitts - Investing in Communities  
363 Holcombe Road  
Greenmount  
BL8 4DT

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### PART 1 - Particulars of Application

**Application Number:** 67535

**Date of Registration:** 13/09/2021

**Proposal:**

Works to formalise the existing overspill car park and improve pedestrian access along Woodhill Road including - Resurfacing of the road and parking bays; Creation of a new pedestrian footpath between the car park and Woodhill Road; Creation of a new pavement on the western side of Woodhill Road; New zebra crossing across Woodhill Road; Widening vehicular and pedestrian accesses into the car park area including removal of hedgerow and associated landscaping

**Location:**

Burrs Country Park, Woodhill Road, Bury,  
BL8 1BU

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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 Block plan 233/BL01; Location plan 233/L01; Overall layout plan 233/L02 v2; Layout plan for phase 1 233/L03 v3; Footpath plan 237/FP01 v2; Road section plan ref TR21-3704 RUR V1 3/3; Management and Maintenance Proposals for Overspill Car Park and Associated Paths at Burrs Country Park dated November 2021' 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 'Construction Traffic

Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:

- Photographic dilapidation survey of Public Right of Way No. 152, Bury (Woodhill Road) abutting the site in the event that subsequent remedial works are required following construction of the development;
- Access and egress point(s) for construction traffic from/onto Public Right of Way 152, Bury;
- Proposed site hoardings (if proposed) clear of adequate visibility splays onto Public Right of Way No. 152, Bury;
- Hours of operation and number of vehicle movements;
- A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site, including any requisite phasing of the development to accommodate this;
- Parking on site (or on land under the applicant's control) of operatives' and construction vehicles together with storage on site of construction materials, including any requisite phasing of the development to accommodate this;
- Measures to ensure that all mud and other loose materials are not spread onto the adjacent 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 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 parking of vehicles and storage of demolition/construction materials. All highway remedial works identified as a result of the dilapidation survey shall be implemented to the written satisfaction of the Local Planning Authority prior to the development hereby approved being occupied.

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.

- 4 No development shall commence unless and until improvements to visibility at the junction of the proposed car park exit onto Public Right of Way No. 152, Bury (Woodhill Road) shown indicatively on the approved plans have been agreed on site with the Local Planning Authority/Highway Authority. The improvements agreed, incorporating the partial removal and/or trimming back of the existing hedge and all associated works, shall be implemented before the development is brought into use and subsequently maintained free of obstruction.

Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.

- 5 The one way access/egress arrangements indicated on the approved plans, incorporating the use of defined access/egress points and all associated markings and signage, shall be implemented prior to the development hereby approved being brought into use in the phases proposed.

Reason. Information not submitted at application stage. To ensure good highway

design in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.

- 6 The car parking indicated on the approved plans shall be surfaced and demarcated as detailed in the approved plans prior to the first use of the development hereby approved.  
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.
- 7 The measures and future maintenance arrangements indicated in the submitted document entitled 'Management and Maintenance Proposals for Overspill Car Park and Associated Paths at Burrs Country Park dated November 2021' shall be implemented to the satisfaction of the Local Planning Authority.  
Reason. To ensure that the paths serving the car park are maintained to an acceptable standard in the interests of pedestrian safety HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.
- 8 No development to Phase 2 works 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.
- 9 Following the provisions of Condition 8 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.
- 10 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 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 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.

- 11 Prior to any earthworks or site clearance a survey for invasive plant species including Japanese knotweed and Himalayan balsam will occur and the findings supplied to and agreed in writing to the Local Planning Authority. If any invasive species are present a method statement detailing avoidance, control and eradication measures should also be supplied to and agreed in writing by the LPA, prior to any earthworks.  
Reason. The scheme does not provide full details of the actual extent of Japanese Knotweed and Himalayan Balsam in the interest of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
- 12 Details of any landscaping to be carried out in relation to the Phase 1 works hereby approved shall be submitted to, and approved by the Local Planning Authority prior to the commencement of any works or site clearance.  
Details of the landscaping in relation to Phase 2 shall be submitted to and approved by the Local Planning Authority prior to the completion of the Phase 1 works hereby approved and before the commencement of any phase 2 works hereby approved.  
The contents of the landscaping plans should include timetables for the implementation and maintenance of each element of the landscaping proposals, native tree and shrub planting and the provision of bat bricks/tubes within the new development and bat and bird boxes. 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.

**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                                 |
| EN1/1 | EN1/1 - Visual Amenity                                             |
| EN6   | EN6 - Conservation of the Natural Environment                      |
| EN6/4 | EN6/4 - Wildlife Links and Corridors                               |
| EN9/1 | EN9/1 - Special Landscape Areas                                    |
| OL1   | OL1 - Green Belt                                                   |
| OL1/5 | OL1/5 - Mineral Extraction and Other Development in the Green Belt |
| OL5/2 | OL5/2 - Development in River Valleys                               |
| RT3/2 | RT3/2 - Additional Provision for Recreation in the Countryside     |
| HT2/4 | HT2/4 - Car Parking and New Development                            |
| HT6/2 | HT6/2 - Pedestrian/Vehicular Conflict                              |
| EN2/3 | EN2/3 - Listed Buildings                                           |

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:**

Block plan 233/BL01; Location plan 233/L01; Overall layout plan 233/L02 v2; Layout plan for phase 1 233/L03 v3; Footpath plan 237/FP01 v2; Road section plan ref TR21-3704 RUR V1 3/3; Management and Maintenance Proposals for Overspill Car Park and Associated Paths at Burrs Country Park dated November 2021'

**NOTES TO APPLICANT**

- . The applicant's attention is drawn to the existence of Public Right of Way No.152, Bury, which forms the access to and abuts the site. No development should take place which affects the Right of Way in the absence of an appropriate closure or diversion order.
- . The applicant's attention is drawn to the need to consult the Department of Operations regarding the specification for and implementation of any highway remedial works that may be required as a result of the proposed development. The cost of the works will be the responsibility of the applicant.

. **AIR QUALITY - INFORMATIVE**

Bury Council has been identified by DEFRA as an area requiring to significantly improve air quality. The Government report, 'UK Plan for Tackling Roadside NO2', published in July 2017, identified Bury Council as an area having one or more roads with concentrations of NO2 above statutory limits, according to more recent modelling results. Bury is therefore required to address these exceedances and we are currently engaging with Government on our proposed plans to reduce NO2 concentrations across the borough.

In line with the principles of Good Practice set out in the EPUK Guidance, we would welcome proposals to mitigate any potential impact on local air quality through the provision of electric vehicle charging points to encourage the use of low emission vehicles.

This is 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, in accordance with the NPPF.

Reason: In accordance with the NPPF, 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.

- . For clarity and in relation to the conditions, the development shall be carried out in a Phased development, phase 1 and Phase 2, as shown on approved plan 233/L02 v2.

Signed:

A handwritten signature in black ink, appearing to read "Joe Kahan", is positioned in the upper left area of the page.

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On behalf of the Council

**Date of Decision:** 11/01/2022