

NOTICE OF PLANNING PERMISSION

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

To:

Mr Thomas Humphreys
Iceni Projects
Wework Dalton Place
29 John Dalton Street
Manchester
M2 6FW

On Behalf Of:

Rigby
Cairnwell Developments
Fernham House
Kimberworth Road
Rotherham
South Yorkshire
S61 1AJ

PART 1 - Particulars of Application

Application Number: 70565

Date of Registration: 29/04/2024

Proposal:

Hybrid application comprising Full application for specialist care home (Class C2) with associated parking, landscaping and infrastructure and Outline application for care home (Class C2) with all matters reserved.

Location:

Former Bury Police Office HQ, Irwell Street, Bury, BL9 0HE

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 CONDITIONS RELATING TO ALL PARTS OF THE PLANNING APPLICATION
(SITE 1 AND SITE 2)**

- 2 This decision relates to drawings numbered:
IRWEL WBA SI ZZ DR A PL-001 P1, IRWEL WBA SI ZZ DR A PL-002 P1, IRWEL WBA SI ZZ DR A PL-003 P15, IRWEL-WBA-NB-00-DR-A-PL_100 P5, IRWEL-WBA-NB-01-DR-A-PL_101 P5, IRWEL-WBA-NB-02-DR-A-PL_102 P5, IRWEL-WBA-NB-RF-DR-A-PL_103 P3, IRWEL-WBA-NB-ZZ-DR-A-PL 201 P4, IRWEL-WBA-NB-ZZ-DR-A-PL 202 P4, IRWEL-WBA-NB-ZZ-DR-A-PL_203 P3, IRWEL WBA SI ZZ DR A PL-205, IRWEL WBA SI ZZ DR A PL-205 P1, IRWEL-WBA-NB-ZZ-DR-A-PL_206 P1, 23389-DCE-XX-XX-D-C-101-P03, 23389-DCE-XX-XX-D-C-102 P02, 23389-DCE-XX-XX-D-C-103 P02, 23389-DCE-XX-XX-D-X-104 P02, 23389-DCE-XX-XX-D-C-156 P01, 23389-DCE-XX-XX-D-C-155-P05, AT.24.11879.101 R.07, AT.24.11879.102. R.08, AT.24.11879.103. R.01, TR-01 V1, 60307MCLS-01B Revision B, 24-016-LXX-63-300 P1.

Supporting Documents

Planning Statement March 2024
 Noise Impact Assessment 18th March 2024 NIA-11288-24-11502-v2
 Extended Phase One Habitat Survey (Preliminary Ecological Appraisal) 11761 Bury
 PEA - RW – V1– 08.12.23
 Potential roost feature inspection surveys - trees 08/12/2023
 Arboricultural Impact Assessment 28.02.2024
 Air Quality Assessment March 2024
 Design and Access Statement
 Site 1 Drainage Strategy and Calculations 14/03/2024
 Combined Phase 1 Desk Study and Phase 2 Geo-Environmental Ground
 Investigation Report 3842-01
 Crime Impact Statement 2024/0095/CIS/01
 Health Impact Statement May 2024
 Transport Statement TS01B July 2024
 Full Fibre Broadband Statement 29th July 2024
 Assessment of Biodiversity - Biodiversity Net Gain (BNG) Version 5 29/08/2024
 The Biodiversity Metric 4.0 -Technical Annex 1: Condition Assessment Sheets and
 Methodology
 Statutory Biodiversity Metric Calculator - Full Site
 Statutory Biodiversity Metric Calculator - Outline site
 Energy/Sustainability Statement Version 1.1

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 Development Plan listed.

- 3 Prior to 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:
 - (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - (ii) 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. This condition can be satisfied in phases.

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.

- 4 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.

This condition can be satisfied in Phases.

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.

- 5 Following the provisions of Condition 4 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.

This condition can be satisfied in Phases.

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.

- 6 Prior to occupation the applicant shall provide:

Electric vehicle (EV) charging points (minimum 7kW*) for a minimum of 20% of the proposed parking spaces.

Certification and photographic evidence of the installation of the agreed electric vehicle charge points shall be submitted to Local Planning Authority for approval prior to the development being brought into use.

*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 61851-1:2019 to be used. Further information regarding minimum standards can be found at <https://www.gov.uk/transport/low-emission-and-electric-vehicles>.

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 111e, 116e, 180e and 192 of the National Planning Policy Framework (December 2023) and Places for Everyone Policy JP-S5 (Clean Air).

- 7 No development shall commence unless and until a scheme to minimise dust emissions arising from the construction process has been submitted to and approved

in writing by the Local Planning Authority. The scheme shall include details of all dust control measures to be used during any associated construction phase within the application site and to include the methods to monitor emissions of dust arising from the development. The development shall be implemented in accordance with the approved scheme with the approved dust control measures being retained and maintained in a fully functional condition for the duration of the development hereby approved. This condition can be satisfied in Phases.

Reason. The information is required to reduce the impacts of dust disturbance from the site on the local environment, pursuant to chapter 15 of the NPPF - Conserving and enhancing the natural environment.

- 8 No works to trees or shrubs shall occur or demolition commence 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 JP-G8 - A Net Enhancement of Biodiversity and Geodiversity and EN6/3 - Features of Ecological Value of the Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 9 An Overall Biodiversity Gain Plan shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The Biodiversity Gain Plan shall be prepared in accordance with the Assessment of Biodiversity - Biodiversity Net Gain (BNG) Version 5 29/08/2024 prepared by Simon Brain and must include:

1. information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
2. the pre-development biodiversity value of the entire onsite habitat;
3. any registered offsite biodiversity gain allocated or proposed to be allocated to the entire development and the biodiversity value of that gain in relation to the development;
4. any biodiversity credits purchased or proposed to be purchased for the entire development; and
5. the post-development biodiversity value of the onsite habitat for the entire development and each phase of development.

Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Places for Everyone Joint Development Plan Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

- 10 The development shall not commence until a Habitat Management and Monitoring

Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:

1. a non-technical summary;
2. the roles and responsibilities of the people or organisation(s) delivering the HMMP;
3. the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
4. the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
5. the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

has been submitted to, and approved in writing by, the local planning authority. This condition can be satisfied in phases.

Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Places for Everyone Joint Development Plan Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

- 11 The development hereby approved shall not be occupied unless and until:

1. the habitat creation and enhancement works set out in the approved HMMP have been completed; and
2. a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. This condition can be satisfied in phases.

Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Places for Everyone Joint Development Plan Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

- 12 Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP. This condition can be satisfied in phases.

Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Places for Everyone Joint Development Plan Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

- 13 Notwithstanding the details indicated on the approved plans, no development shall commence unless and until full details and programme of implementation of the

following have been submitted on a topographical survey of the site and adjacent adopted highways to the Local Planning Authority:

1. Swept path analysis of the amended site access onto Irwell Street and proposed turning facilities serving both the full and outline proposals to ensure that appropriately sized delivery and refuse collection vehicles can enter and leave the site in a forward gear and access the proposed bin store positions, including any associated alterations to the access and car parking arrangements shown.
2. Following the above exercise, formation of the proposed site access alterations and pedestrian improvements on Irwell Street and Lower Bank Street to a scope and specification to be agreed, incorporating revised access width and junction radii onto Irwell Street, the reinstatement of the redundant vehicular access to adjacent footway levels on Lower Bank Street, demarcation of the limits of the adopted highway, and all associated highway and highway drainage remedial works required as a result of the construction of the full and outline developments and any statutory undertakers connections to/works at the site;
3. Scheme of site perimeter footway remedial works on Irwell Street and Lower Bank Street to a scope and specification to be agreed, required as a result of the demolition of the former police station and works at the interface with the adopted highway to form the proposed site boundary, incorporating the demarcation of the limits of the adopted highway and all proposed boundary treatment.
4. Provision and retention of adequate levels of visibility at the junctions of the site access and Lower Bank Street with Irwell Street in accordance with the guidance in Manual for Streets, with no obstructions, including proposed boundary railings/treatment, above the height of 0.6m within the splays (other than on-street parking with the existing bays to be retained).

The details subsequently approved shall be implemented to an agreed programme.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design, minimise the standing and turning movements of vehicles on the highway, maintain the integrity of the adopted highway and ensure the intervisibility of the users of the site and the adjacent highways, all in the interests of highway safety pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.

- 14 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 footways and carriageways leading to and abutting the site in the event that subsequent remedial works are required following construction of the development and as a result of statutory undertakers connections to the site, including, if required, a review of the surveyed information between the full and outline application phases.
2. Access route for all construction vehicles to the site from the Key Route Network.
3. Access point/arrangements for construction traffic, taking into consideration the need to maintain safe pedestrian/vehicular access to adjacent residential properties and Castle Leisure Centre, and all temporary works required to facilitate access for construction vehicles.
4. Hours of work for site preparation, delivery of materials and construction and number of vehicle movements.
5. Arrangements for the parking of vehicles for site operatives and visitors on land within the applicant's control, together with storage on site or on land within the applicant's control of construction materials.
6. Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres,

- including details of areas designated for the loading, unloading and storage of plant and materials.
7. Details of the siting, height and maintenance of any site hoardings.
 8. The provision, where necessary, of temporary pedestrian facilities/protection measures on the adopted highway.
 9. A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access(es).
 10. Arrangements for the provision of wheel washing facilities for vehicles accessing the site.
 11. 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 control the emission of noise, dust and dirt during construction.
 12. A scheme for recycling/disposing of waste resulting from construction works.

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. The condition can be satisfied in phases.

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 Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.

15 CONDITIONS RELATING TO THE FULL PLANNING PERMISSION (SITE 1)

- 16 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.

- 17 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 prior to the commencement of above groundworks of the development. 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

- 18 The drainage for the development hereby approved, shall be carried out in accordance with the principles set out in the submitted Foul & Surface Water Drainage Design Drawing 23389-DCE-XX-XX-D-C-101 Rev P03 which was prepared by DUDLEYS. For the avoidance of doubt surface water on site 1 must drain at the

restricted rate of 3.0 l/s. 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 ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding. To promote sustainable development and reduce flood risk pursuant to Development Plan Policies JP-S4 - Flood Risk and the Water Environment, 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.

- 19 The landscaping scheme (softworks and planting plan AT.24.11879.102 Rev R.08) hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building is first occupied and shall include the provision of integrated bat boxes and swift bricks. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.

Reason. To secure the satisfactory development in the interests of visual amenity and to ensure provision for protected species pursuant to policies JP-G8: A Net Enhancement of Biodiversity and Geodiversity and EN6/3 - Features of Ecological Value of the Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 20 A Phase Biodiversity Gain Plan shall be submitted to and approved in writing by the Local Planning Authority before the development of site 1 is commenced. The Phase Biodiversity Gain Plan shall include:

1. the post-development biodiversity value of the onsite habitat for the phase of the development (which is the subject of the Plan);
2. the post-development biodiversity value of the onsite habitat for each other phase of development (whether begun or otherwise);
3. any registered offsite biodiversity gain allocated to the entire development and the biodiversity value of that gain for the development prior to submission of the phase plan;
4. any registered offsite biodiversity gain which is proposed to be allocated to the entire development and the biodiversity value of that gain in relation to the development;
5. any biodiversity credits purchased for the entire development prior to submission of the phase plan; and
6. any biodiversity credits proposed to be purchased for the entire development.

Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Places for Everyone Joint Development Plan Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

- 21 The accommodation hereby approved shall include double glazing rated at 28 dB Rw+C with acoustic wall vents rated at least 43 dB Dn,e,w per 5000 mm² (vent open) in accordance with the submitted Noise Impact Assessment ref NIA-11288-24-11502-v2. The acoustic attenuation scheme hereby approved shall be

implemented in full and available for use before use of the premises first commences.

Reason. To protect the amenity of the occupants of the premises once the development hereby approved is occupied pursuant to Bury Unitary Development Plan Policy EN7/2 - Noise Pollution.

- 22 Within 6 months of the occupation of the development hereby approved a Travel Plan shall be produced for the development, with the objective of reducing reliance on the private car, particularly single occupancy use and shall be submitted to, and agreed in writing by the Local Planning Authority. The Travel Plan should be designed to raise awareness of opportunities for reducing travel by car and should feature a range of measures and initiatives promoting a choice of transport mode, and a clear monitoring regime with agreed targets.

The details subsequently approved shall be implemented to an agreed programme.

Reason. Information not submitted with the planning application. To encourage sustainable travel choices pursuant to Development Plan Policies JP-C1 - An Integrated Network and JP- C3 - Public Transport.

- 23 Subject to the provisions of Condition 13, 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 Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.

- 24 Subject to the provisions of Condition 13, the car, TWMV and cycle parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the development hereby approved being brought into use 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 and Supplementary Planning Document 11: Parking Standards in Bury.

- 25 Subject to the provisions of Condition 13, the refuse storage and access arrangements to be provided within the curtilage of the site shall be made available for use prior to the development hereby approved being brought into use and thereafter maintained at all times.

Reason. To ensure that adequate bin storage arrangements are provided within the curtilage of the site, clear of the adopted highway To ensure that adequate bin storage arrangements are provided within the curtilage of the site, clear of the adopted highway pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.

- 26 **CONDITIONS RELATING TO THE OUTLINE PART OF THE PLANNING APPLICATION (SITE 2)**

- 27 Applications for approval of reserved matters must be made not later than:

- the expiration of three years beginning with the date of the grant of outline planning permission; and
- that the development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

- 28 Before the development is commenced, the applicant shall submit detailed plans and particulars to the Local Planning Authority, and obtain their approval under the Town and Country Planning Acts, of the following reserved matters;

- the layout;
- scale;
- appearance;
- access thereto; and
- the landscaping of the site.

Reason. To ensure the satisfactory development of the site and because this application is in outline only.

- 29 As part of a Reserved matters application relating to appearance, details of the materials 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 prior to construction of the building hereby approved. Only the approved materials shall be used for the construction of the development.

Reason. In the interests of visual amenity and to ensure a high quality and satisfactory development pursuant to Development Plan Policy EN1/2 - Townscape and Built Design

- 30 As part of the Reserved Matters for landscaping a scheme shall be submitted that includes native tree and shrub planting, the provision bird boxes on the retained trees and integrated bat boxes and swift bricks. 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 EN8/2 – Woodland and Tree Planting, EN6/3 – Features of Ecological Value of the Development Plan and JP-G8 - A Net Enhancement of Biodiversity and Geodiversity of the Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

- 31 A Phase Biodiversity Gain Plan shall be submitted to and approved in writing by the Local Planning Authority as part of the first Reserved Matters for the site. The Phase Biodiversity Gain Plan shall include:

1. the post-development biodiversity value of the onsite habitat for the phase of the

- development (which is the subject of the Plan);
- 2. the post-development biodiversity value of the onsite habitat for each other phase of development (whether begun or otherwise);
- 3. any registered offsite biodiversity gain allocated to the entire development and the biodiversity value of that gain for the development prior to submission of the phase plan;
- 4. any registered offsite biodiversity gain which is proposed to be allocated to the entire development and the biodiversity value of that gain in relation to the development;
- 5. any biodiversity credits purchased for the entire development prior to submission of the phase plan; and
- 6. any biodiversity credits proposed to be purchased for the entire development.

Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Places for Everyone Joint Development Plan Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

- 32 Notwithstanding the details contained within the Arboricultural Impact Assessment 28/02/2024 at first Reserved Matters an Arboricultural Method Statement shall be submitted to and produced in accordance with BS5837. The method statement shall include:

- 1. A Tree Protection Plan showing trees that would be retained in the context of the final layout;
- 2. The arrangement of temporary protection measures that would be installed prior to commencement and maintained during construction;
- 3. The location of all proposed structures and surfaces, level changes, excavations and access requirements that could harm retained trees;
- 4. A methodology and/or details for all activities identified at point 3 that will be followed to avoid harm to retained trees;
- 5. A detail for any temporary construction measures, products or construction methods that are specified;
- 6. Details of any proposed watching brief, monitoring or reporting;
- 7. A schedule of works proposed to trees to be retained on site and reasons for those works

The works shall be implemented in accordance with the approved details.

Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design, JP-G7 - Trees and Woodland and EN8/2 – Woodland and Tree Planting of the Development Plan.

- 33 As part of the reserved matters for layout a scheme of acoustic attenuation shall be submitted in accordance with the findings of the approved Noise Impact Assessment ref NIA-11288-24-11502-v2. Only the details of the approved acoustic attenuation scheme shall be implemented in full and available for use before use of the premises

first commences.

Reason. To protect the amenity of the occupants of the premises once the development hereby approved is occupied pursuant to Bury Unitary Development Plan Policy EN7/2 - Noise Pollution.

- 34 Provision shall be made within the curtilage of the site for the loading and unloading of vehicles and the parking of cars which visit the site in connection with the use hereby approved. The approved parking and servicing shall be demarcated and available for use before the building hereby approved within the outline area is first occupied.
Reason. To minimise the standing and turning movements of vehicles on the highway and to ensure adequate off-street car parking provision, in the interests of highway safety pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 - Streets for All, JP-C6 - Walking and Cycling HT2/4 - Car Parking and New Development and Supplementary Planning Document 11: Parking Standards in Bury.
- 35 Provision shall be made within the site to enable vehicles to enter and leave the site in forward gear and shall subsequently be maintained free of obstruction.
Reason. To minimise the standing and turning movements of vehicles on the highway and to ensure adequate off-street car parking provision, in the interests of highway safety pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.
- 36 Provision shall be made within the curtilage of the site for adequate refuse storage and access arrangements in connection with the use hereby approved.
Reason. To ensure that adequate bin storage arrangements are provided within the curtilage of the outline site, clear of the adopted highway pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.
- 37 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) in accordance with the principles set out within the submitted Foul and Surface Water Drainage Design Drawing 23389-DCE-XX-XX-D-C-102 Rev P02. This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. For the avoidance of doubt surface water on site 2 must drain at the restricted rate of 2.4 l/s. 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. 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:

CF1/1	CF1/1 - Location of New Community Facilities
CF3/1	CF3/1 - Residential Care Homes and Nursing Homes
EN1/2	EN1/2 - Townscape and Built Design
EN6/3	EN6/3 - Features of Ecological Value
EN7/2	EN7/2 - Noise Pollution
EN7/3	EN7/3 - Water Pollution
EN7/5	EN7/5 - Waste Water Management
JP-C1	Our Integrated Network
EN8/2	EN8/2 - Woodland and Tree Planting
HT2/4	HT2/4 - Car Parking and New Development
H4/2	H4/2 - Special Needs Housing
JP-C2	Digital Connectivity
JP-C3	Our Public Transport
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-H3	Type, Size and Design of New Housing
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
JP-S5	Clean Air
JP-P1	Sustainable Places
JP-P6	Health
JP-G7	Trees and Woodland
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-G1	Landscape Character
NPPF	National Planning Policy Framework
SPD6	Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
SPD11	Development Control Policy Guidance Note 11 - Parking Standards 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:

Drawings

IRWEL WBA SI ZZ DR A PL-001 P1, IRWEL WBA SI ZZ DR A PL-002 P1, IRWEL WBA SI ZZ DR A PL-003 P15, IRWEL-WBA-NB-00-DR-A-PL_100 P5, IRWEL-WBA-NB-01-DR-A-PL_101 P5, IRWEL-WBA-NB-02-DR-A-PL_102 P5, IRWEL-WBA-NB-RF-DR-A-PL_103 P3, IRWEL-WBA-NB-ZZ-DR-A-PL 201 P4, IRWEL-WBA-NB-ZZ-DR-A-PL 202 P4, IRWEL-WBA-NB-ZZ-DR-A-PL 203 P3, IRWEL WBA SI ZZ DR A PL-205, IRWEL WBA SI ZZ DR A PL-205 P1, IRWEL-WBA-NB-ZZ-DR-A-PL_206 P1, 23389-DCE-XX-XX-D-C-101-P03, 23389-DCE-XX-XX-D-C-102 P02, 23389-DCE-XX-XX-D-C-103 P02, 23389-DCE-XX-XX-D-X-104 P02, 23389-DCE-XX-XX-D-C-156 P01,

23389-DCE-XX-XX-D-X-155-P05, AT.24.11879.101 R.07, AT.24.11879.102. R.08, AT.24.11879.103. R.01, TR-01 V1, 60307MCLS-01B Revision B.

Supporting Documents

Planning Statement March 2024

Noise Impact Assessment 18th March 2024 NIA-11288-24-11502-v2

Extended Phase One Habitat Survey (Preliminary Ecological Appraisal) 11761 Bury PEA - RW – V1– 08.12.23

Potential roost feature inspection surveys - trees 08/12/2023

Arboricultural Impact Assessment 28.02.2024

Air Quality Assessment March 2024

Design and Access Statement

Site 1 Drainage Strategy and Calculations 14/03/2024

Combined Phase 1 Desk Study and Phase 2 Geo-Environmental Ground Investigation Report 3842-01

Crime Impact Statement 2024/0095/CIS/01

Health Impact Statement May 2024

Transport Statement TS01B July 2024

Full Fibre Broadband Statement 29th July 2024

Assessment of Biodiversity - Biodiversity Net Gain (BNG) Version 5 29/08/2024

The Biodiversity Metric 4.0 -Technical Annex 1: Condition Assessment Sheets and Methodology

Statutory Biodiversity Metric Calculator - Full Site

Statutory Biodiversity Metric Calculator - Outline site

Energy/Sustainability Statement Version 1.1

NOTES TO APPLICANT

1. 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 developer.
2. 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.
3. The applicant's attention is drawn to Section 167 of the Highways Act 1980 which requires Highway Authority approval of all structural details and calculations of retaining structures adjacent to the highway, prior to works commencing.

4. 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. The applicant should not rely solely on the detail contained

within asset maps when considering a proposed layout.

It is important that the supporting information contained in the Appendix, Section 2.0 'United Utilities' Property, Assets and Infrastructure', is read in conjunction within the United Utilities letter published on the Bury MBC website on the 7th Jun2 2024. This provides information that might impact a proposed layout and additional guidance that an applicant or developer must consider when United Utilities assets are located in, or in the locality of, the proposed site.

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. See Appendix, Section 4.0 'Contacts' within the United Utilities letter published on the Bury MBC website on the 7th Jun2 2024.

Public Sewer

A public sewer crosses the site and we will not permit building over it. We require an access strip for maintenance or replacement and this access must not be compromised in any way. The minimum distances that might be acceptable to United Utilities are detailed within Part H of the Building Regulations however, we recommend the applicant determines the precise location, size, depth and condition of the pipeline as this is likely to influence the required stand-off distance from any structure.

Following our review of the submitted drainage plan, it is noted that the existing sewer is proposed to be abandoned following approval of a section 116 sewer closure application. Should the abandonment proposals change, the developer can contact our Developer Services team by email at SewerAdoptions@uuplc.co.uk.

5. It is an offence under the Wildlife & Countryside Act 1981, as amended to introduce, plant or cause to grow wild any plant listed in Schedule 9 part 2 of the Act. Certain species of Cotoneaster are included within this schedule. If any such species will be disturbed as a result of this development a suitably experienced consultant should be employed to advise on how to avoid an offence.
6. **COPA INFORMATIVE 01 - THE CONTROL OF POLLUTION 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 Pollution Regulations 1974.

7. In order to discharge conditions, the actions required by Conditions 5 and 6 shall be completed in full accordance with the following guidance: Land Contamination Risk Management (Environment Agency, 2023).

The applicant is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2023 and the Building Control Regulations with regards to contaminated land. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

Purchasers, where applicable, are advised that they should satisfy themselves that land contamination issues, if present, have been satisfactorily discharged given that the Council expects full compliance with any contaminated land requirements prior to the occupation of the site. Upon occupation such matters could then be the responsibility of the owner to remedy.

8. In accordance with S93G of the Town and Country Planning Act 1990 (As amended by Section 111 Levelling Up & Regeneration Act 2023) there is a legal requirement for you to inform the Council of the date when you intend to commence the development on site via submission of a Commencement Notice. This notice is mandatory for all developments and came into effect on 31 March 2024. You can find more information and download a copy of the Commencement Notice under the Before Starting Work section on our website at <https://www.bury.gov.uk/planning-building-control/planning-permission/planning-application-process>

9. ***The local planning authority considers that approval of a BIODIVERSITY GAIN PLAN WILL BE REQUIRED BEFORE DEVELOPMENT COMMENCES***

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Bury Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

The permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
 - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
 - 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another

development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:
i) consists of no more than 9 dwellings;
ii) is carried out on a site which has an area no larger than 0.5 hectares; and
iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain

Plan.

Signed:

A handwritten signature in black ink, appearing to read 'Paul Harris', written in a cursive style.

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On behalf of the Council

Date of Decision: 30/09/2024