

NOTICE OF PLANNING PERMISSION
Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England)
Order 2015

To:
Mr Richard Shuttleworth
Equilibrium Architects Ltd
435-437 Walmersley Road
Bury
BL9 5EU

On Behalf Of:
Mr Geoff Bilton
Falcon Interiors Ltd
Duckworth Farm
Ashworth Road
OL11 5UP

PART 1 - Particulars of Application

Application Number: 66156

Date of Registration: 18/11/2020

Proposal:
Erection of 2 no. dwellings

Location:
Land adjacent to 101 Mather Road, Bury,
BL9 6RD

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 R-0611-SLP, R-0611-01 A, R-0611-04 , R-0611-05, R-0611-11, R-0611-12, R-0611-13, TRI-3021-01 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 3 Details/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 EN1/1 Visual Amenity.
- 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.

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.

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 of the dwellings hereby approved, the applicant shall provide Electric Vehicle charging points for the properties. The EV chargepoints shall be chosen from the Electric Vehicle Homecharge Scheme approved chargepoint model list.

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 pursuant to Policy EN7/1 - Air Quality of the Bury Unitary Development Plan.

- 7 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.

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.

- 8 A landscaping scheme shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. The contents of the plan should include details of boundary treatments, including any retaining walls, 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.

- 9 In addition to the details and measures included in the written 'Proposed Construction and Environmental Method Statement' submitted as part of this

proposal, no development shall commence unless and until full details of the following have been submitted (in plan form where appropriate) to, and approved in writing by, the Local Planning Authority:

- Photographic dilapidation survey of the adopted highways abutting the site in the event that subsequent remedial works are required following construction of the development and as a result of any statutory undertakers connections to the new dwellings;
- Access point(s) for construction traffic from the adopted highway;
- Proposed site hoardings (if proposed) clear of the visibility splays indicated on approved site plan reference R-0611-01 Revision C;
- A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access;
- Parking on site 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 carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

The approved plan shall be adhered to throughout the construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of construction materials.

Reason. 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.

- 10 The development hereby approved shall not be first occupied unless and until the shared access and bin storage arrangements indicated on approved plan references R-0611-01 Revision C and R-0611-13, incorporating the provision of a 1.8m (minimum) wide footway abutting the site to a scope and specification to be agreed, formation of the proposed shared footway crossing, 0.9m high (maximum) boundary wall and pillars with foundations that do not encroach under the adjacent existing/future adopted highway, demarcation of the limits of the adopted highway as a result of the highway works and new driveway in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway, have been implemented in full.

Reason. To ensure good highway design, the intervisibility of the users of the site and the adjacent highways and maintain the integrity of the adopted highway in the interests of highway safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design

- 11 The visibility splays indicated on approved plan reference R-0611-01 Revision C shall be implemented before the development hereby approved is first occupied and subsequently maintained free of obstruction above the height of 0.9m

Reason. To ensure the intervisibility of the users of the site and the adjacent

highways in the interests of road safety pursuant to the following Policies of the Bury Unitary Development Plan:
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
Policy EN1/2 - Townscape and Built Design

- 12 The shared turning facilities indicated on approved plan reference R-0611-01 Revision C shall be provided before the development hereby approved is first occupied and 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 H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
Policy EN1/2 - Townscape and Built Design
- 13 The car parking, including two garage spaces, indicated on approved plan reference R-0611-01 Revision C shall be made available for use prior to the dwellings hereby approved being first occupied and thereafter maintained available for use 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 development hereby approved shall be carried out in accordance with the Drainage Layout, reference R-0611-11 and foul and surface water shall be drained on separate systems. The drainage shall be implemented prior to first occupation and thereafter maintained.
Reason. 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.
- 15 The development hereby approved shall be carried out in accordance with the Flood Risk Mitigation Strategy Revision 1 (March 2021)
Reason. To ensure that the development is subject to minimum risk of flooding in accordance with Policy EN5/1 - New Development and Flood Risk of the Bury Unitary Development Plan and the National Planning Policy Framework.

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
H2/1 H2/1 - The Form of New Residential Development
H2/2 H2/2 - The Layout of New Residential Development
EN1/2 EN1/2 - Townscape and Built Design
EN1/3 EN1/3 - Landscaping Provision

EN5/1 EN5/1 - New Development and Flood Risk
EN7 EN7 - Pollution Control
EN7/2 EN7/2 - Noise Pollution
EN7/5 EN7/5 - Waste Water Management
EN6 EN6 - Conservation of the Natural Environment
EN6/4 EN6/4 - Wildlife Links and Corridors
OL5/2 OL5/2 - Development in River Valleys
HT2/4 HT2/4 - Car Parking and New Development
HT4 HT4 - New Development
HT6/2 HT6/2 - Pedestrian/Vehicular Conflict
SPD6 Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
SPD11 Development Control Policy Guidance Note 11 - Parking Standards in Bury
NPPF National Planning Policy Framework

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:

R-0611-SLP
R-0611-01 A
R-0611-04
R-0611-05
R-0611-11
R-0611-12
R-0611-13
TRI-3021-01

NOTES TO APPLICANT

Not Applicable

Signed:



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On behalf of the Council

Date of Decision: 17/08/2021

