

# NOTICE OF APPROVAL OF RESERVED MATTERS

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

**To:**

Mr Eccles  
JPE Consultancy Limited  
9 Woodend Drive  
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Cheshire  
SK15 2SF

**On Behalf Of:**

Mr Choudhry  
c/o Agent  
9 Woodend Drive  
Stalybridge  
Cheshire  
SK15 2SF

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### PART 1 - Particulars of Application

**Application Number:** 71840

**Date of Registration:** 07/04/2025

**Proposal:**

Application for reserved matters (access, appearance, landscaping, layout and scale) following outline approval (68086) for demolition of existing dwelling and outbuildings and replacement of 1 no. dwelling

**Location:**

The Nurseries, Leigh Lane, Bury, BL8 1RL

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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 the expiration of two years beginning with the date of this permission.  
Reason. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004
- 2 This decision relates to drawings numbered 1128\_02, 25/1327/101B, 112, 113, 201, 212, 213, TRI-4779-01, 02, 03, 04, 05, and 06 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 The landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building(s) is first occupied. 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 of the site and in the interests of visual amenity pursuant to Policy EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan..

- 4 No trees subject to a Tree Preservation Order, unless indicated otherwise on the approved plans, shall be felled, lopped or topped before, during or after the construction period without the previous written consent of the Local Planning Authority.

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

- 5 All trees to be retained on site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall remain in situ until the development has been completed.

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

- 6 No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a precautionary working method statement for nesting birds by a suitably experienced ecologist has been supplied to and agreed in writing by the LPA pursuant to UDP Policy EN6/3 Features of Ecological Value.

- 7 Prior to commencement of construction, the existing buildings on the site shall be demolished and all materials removed from the site.

Reason. In order to maintain the openness of the Green Belt and in the interests of proper planning practice pursuant to the NPPF and UDP Policies OL1/2 New Buildings in the Green Belt.

- 8 Full details of the the proposed road improvements to the south side of Leigh Lane, indicated on the approved plans, shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed prior to first occupation of the dwelling.

Reason. In order to secure improvements to the highway in the interests of highway safety pursuant to UDP Policy H2/2 The Layout of New Residential Development.

- 9 The proposed parking and turning facilities shall be completed and maintained without obstruction prior to first occupation of the dwelling.

Reason. To ensure adequate off street car parking provision and to minimise the standing and turning movements of vehicles on the highway, in the interests of road safety pursuant to UDP Policy H2/2 The Layout of New Residential Development.

- 10 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:

- Access route for demolition/construction traffic from the highway network;
- 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;

- Parking on site of operatives' and demolition/construction vehicles together with storage on site of demolition/construction materials;

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 demolition/construction periods and the measures shall be retained and facilities used for the intended purpose for the duration of the both 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. To mitigate the impact of the demolition/construction traffic generated by the proposed development on the adjacent residential streets, ensure adequate off street car parking provision and materials storage arrangements for the duration of the demolition/construction periods and ensure that the adjacent highways are kept free of deposited material from the ground works operations, in the interests of highway safety.

11 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 11 - Conserving and enhancing the natural environment.

12 Following the provisions of Condition 11 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 Planning Policy Statement 23 - Planning and Pollution Control.

13 Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;

The approved contamination testing shall then be carried out and validity evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason. To secure the satisfactory development of the site in terms of human health,

controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

- 14 All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:
- Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;
  - A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.
- Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to UDP Policy EN7 Pollution Control.
- 15 Prior to any demolition two emergence and dawn surveys shall be carried out to confirm number and location of any bat roosts. Survey work will inform an EPS licence application as necessary and no demolition will be undertaken prior to a Natural England EPS Development Licence application being successful.
- Reason. In order to protect bats that could be utilising the building pursuant to UDP Policy EN6/3 Features of Ecological Value.
- 16 Prior to demolition, bird and bat mitigation and enhancement proposals shall be submitted to and agreed in writing by the LPA. The measures shall be implemented in full, prior to first occupation of the dwelling.
- Reason. In the interests of bat/bird protection, pursuant to UDP Policy EN6 Conservation of the Natural Environment.
- 17 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.
- 18 The proposed electric vehicle charging point shall be implemented prior to first occupation of the dwellinghouse.
- Reason. In the interests of sustainable development pursuant to UDP Policy H2/2 The Layout of New Residential Development.

**Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015**

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

**The following policies of the Bury Unitary Development Plan, National and Regional Government were considered relevant:**

|       |                                                                                                         |
|-------|---------------------------------------------------------------------------------------------------------|
| H1/2  | H1/2 - Further Housing Development                                                                      |
| H2/1  | H2/1 - The Form of New Residential Development                                                          |
| H2/2  | H2/2 - The Layout of New Residential Development                                                        |
| EN1/2 | EN1/2 - Townscape and Built Design                                                                      |
| EN6/2 | EN6/2 - Sites of Nature Conservation Interest (LNR's and Grade B and C SBI's)                           |
| EN6/3 | EN6/3 - Features of Ecological Value                                                                    |
| EN6/4 | EN6/4 - Wildlife Links and Corridors                                                                    |
| EN8   | EN8 - Woodland and Trees                                                                                |
| EN9/1 | EN9/1 - Special Landscape Areas                                                                         |
| OL1/2 | OL1/2 - New Buildings in the Green Belt                                                                 |
| HT2/4 | HT2/4 - Car Parking and New Development                                                                 |
| HT4   | HT4 - New Development                                                                                   |
| 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 |
| NPPF  | National Planning Policy Framework                                                                      |
| JP-G9 | The Green Belt                                                                                          |
| JP-G7 | Trees and Woodland                                                                                      |
| JP-P1 | Sustainable Places                                                                                      |

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 numbered 1128\_02, 25/1327/101B, 112, 113, 201, 212, 213, TRI-4779-01, 02, 03, 04, 05, and 06

**NOTES TO APPLICANT**

Not Applicable

Signed:

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

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On behalf of the Council

**Date of Decision:** 29/05/2025