

NOTICE OF PLANNING PERMISSION

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

To:

Mr Gordon Nash
Nash Building Consultants Limited
38 Heath Lane
Lowton
WA3 1JA

On Behalf Of:

Mr Murphy
T.J Murphy Limited
Moss Lane
Off Sharp Street
Worsley
M28 3LY

PART 1 - Particulars of Application

Application Number: 70353

Date of Registration: 06/02/2024

Proposal:

Demolition of end terraced dwelling (2 Kestrel Close) and construction of 1no. detached dwelling; Two storey side extension to 4 Kestrel Close.

Location:

2-4 Kestrel Close, Whitefield, Manchester, M45 6SB

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:
2020/881-01, 2020/881-02 Rev A, 2020/881-03, 2020/881-04 - Proposed first floor plans, 2020/881-04 Rev A - Proposed elevations and ground floor plans, 2020/881-06, 2020/881-07
Supporting Documents:
National Space Standards, Carbon and Energy and Digital Connectivity Statement - received 28th March 2024
Bat Survey Report dated 12th January 2024
Design and Access Statement received 12th December 2023
Heritage Statement CDC/Kestrel/23
Validation of Soils in Residential Garden report received 20th December 2023
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.

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- 3 The external finishing materials for the proposal hereby approved shall match those of the existing building namely:

Render

Bricks: TBS Buff Fleck and Autumn Fleck

Roof: Marley Ludlow tiles

Doors and Windows: UPVC

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

- 4 A biodiversity enhancement scheme shall be submitted to, and approved by the Local Planning Authority prior to the commencement of the development. The contents of the plan should include native tree and shrub planting and the provision of a bat box and swift bricks. The approved scheme shall thereafter be implemented not later than 12 months from the date the buildings are 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 in the interests of visual amenity and a net enhancement of biodiversity resources 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, Policy JP-G8: A Net Enhancement of Biodiversity and Geodiversity of Places for Everyone Joint Development Plan and Chapter 15 - Conserving and enhancing the natural environment of the NPPF.

- 5 Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

1. An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
2. (A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
3. Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
4. Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
5. Foul and surface water shall drain on separate systems.
6. The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

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

EN7/3 - Water Pollution and EN7/5 - Waste Water Management, Places for Everyone Joint Development Plan Policy JP-S4 Flood Risk and Water Environment and Chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

- 6 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 validatory 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 National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 7 Where during any works on site, unforeseen contamination is suspected or found, or contamination is caused, works on the site shall cease and the Local Planning Authority shall be notified immediately. The developer shall then produce a risk assessment and submit remediation proposals, if required, for approval to the Local Planning Authority. On approval of the remediation strategy, the development shall then be carried out in accordance with the approved details and process including any required timescales.

Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 8 Prior to occupation the applicant shall provide one electric vehicle (EV) charging point (minimum 7kW*) per unit (dwelling with dedicated parking). Photographic evidence of the installation of the agreed electric vehicle charge points shall be submitted.

*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. 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 Places for Everyone Joint Development Plan Policy Policy JP-S2: Carbon and Energy.

- 9 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local Planning Authority and shall confirm/provide the following:

1. Photographic dilapidation survey of the adopted highway abutting the site in the event that subsequent remedial works are required following construction of, and statutory undertakers connections to, the dwelling;
2. Access route for all demolition/construction vehicles to the site from the Key Route Network;
3. If proposed, details of site hoarding/gate positions, taking into consideration the

- need to maintain vehicular access to the adjacent residential properties;
- 4. The provision, where necessary, of temporary pedestrian facilities/protection measures on the highway;
- 5. A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access;
- 6. Confirmation of hours of operation, demolition, delivery & construction vehicle sizes that can be accommodated on the adjacent cul-de-sac that serves the site and number of vehicle movements;
- 7. Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres;
- 8. Parking on site or on land within the applicant's control of operatives' and demolition/construction vehicles, together with storage on site of demolition/construction materials;
- 9. Measures to ensure that all mud and other loose materials are not spread onto the adjacent highways as a result of the demolition works and groundworks operations or carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

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

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policy EN1/2 - Townscape and Built Design and Places for Everyone Joint Development Plan Policies JP-C5: Streets for All and JP-C6: Walking and Cycling.

- 10 The revised access arrangements indicated on approved plan reference 2020/881-02 Revision A, incorporating the provision of a new service strip crossing in a position to be agreed on site with the Highway Authority, demarcation of the limits of the adopted highway, new driveway in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway and all highway remedial works required to reinstate the adopted highway to its condition prior to commencement of the development, shall be implemented prior to the new driveway/dwelling hereby approved being brought into use/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.
- 11 The dwelling hereby approved shall be built in accordance with the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations.
Reason. To secure the satisfactory development of the site pursuant to Places for Everyone Joint Development Plan Policy JP-H3: Type, Size and Design of New Housing.

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:

EN1/2	EN1/2 - Townscape and Built Design
EN2/2	EN2/2 - Conservation Area Control
EN2/1	EN2/1 - Character of Conservation Areas
EN6/3	EN6/3 - Features of Ecological Value
EN7/5	EN7/5 - Waste Water Management
EN8/2	EN8/2 - Woodland and Tree Planting
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
H2/3	H2/3 - Extensions and Alterations
HT2/4	HT2/4 - Car Parking and New Development
JP-H1	Scale of New Housing Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-P1	Sustainable Places
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
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:

2020/881-01, 2020/881-02 Rev A, 2020/881-03, 2020/881-04 - Proposed first floor plans, 2020/881-04 Rev A - Proposed elevations and ground floor plans, 2020/881-06, 2020/881-07

Supporting Documents:

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NOTES TO APPLICANT

1. Whilst the building to be demolished has been assessed as negligible risk for bats, the applicant is reminded that under the 2019 Regulations it is an offence to disturb,

harm or kill bats. If a bat is found during demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s).

2. **Development Low Risk Area - Standing Advice**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2023 until 31st December 2024

3. **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 with this letter. 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'

Water main

A water main is located in the vicinity of the site. It must not be built over, or our access to the pipeline compromised in any way. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', which can be found on our website:

<https://www.unitedutilities.com/builders-developers/your-development/planning/building-over-or-working-near-our-assets/working-near-our-pipes/>. The applicant must comply with this document to ensure pipelines are adequately protected both during and after the construction period.

Following our review of the proposed site layout, it appears that our required access to the water main is provided. This is based solely on the information contained with the submitted plan PROPOSED LAYOUT.pdf. The acceptability of any proposal is dependent upon the applicant knowing the exact location (line and depth) of the asset in question, confirmed through their site specific investigations. The precise location of United Utilities assets is critical as this could be material to the detail of the final site design; including any proposed crossings of the asset with either above or below ground features (including utility services).

Should the scheme be approved and it is later discovered that an approved plan is not accurate (in relation to the proximity of proposed development to United Utilities

infrastructure), the proposals may not be acceptable to United Utilities. In these circumstances, we will liaise directly with the developer to find a satisfactory resolution.

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.

4. **INFORMATIVE - The Control of Noise Regulations 1975, Section 60. Control of Noise on Construction Sites**

Works carried out in connection with the planning permission shall comply with the above regulations which require the following:

1. All works and ancillary operations which are audible at the boundary of the nearest house or noise receptor, or at such other place as may be agreed with the Council, shall be carried out only between the hours of 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1400 on Saturdays and at no time on Sundays and Bank Holidays.

2. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.

3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturer's instructions.

4. Any emergency deviation from the above (1 - 3) shall be notified to Bury Council without delay.

Any contravention of these requirements will trigger the serving of a Notice under Section 60 of The Control of Noise Regulations 1975.

5. The applicant's attention is drawn to the need to consult the Department of Operations regarding the specification for and implementation of the service strip crossing and all associated highway remedial works. The cost of the works will be the responsibility of the applicant.

Signed:



7 of 7

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On behalf of the Council

Date of Decision: 17/04/2024