

NOTICE OF PLANNING PERMISSION

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

To:

MCK Associates Limited
Burnaby Villa
48 Watling Street Road
Fulwood
Preston
PR2 8BP

On Behalf Of:

Hive Homes (Greater Manchester) LLP
Greater Manchester Housing Providers Joint
Venture
2a Derwent Avenue
Chorlton
Manchester
M21 7QP

PART 1 - Particulars of Application

Application Number: 70715

Date of Registration: 07/05/2024

Proposal:

Variation of conditions 3 & 10 following approval of planning permission 69079 : Plot 20 has been handed; Plots 56-57 have been handed; Parking provisions for plots 62 - 67 have been amended; Footpath in front of plots 47-51 has been removed and additional hard standing added for refuse (Condition 3); no trees have been removed but tree locations have been updated and additional hedging added (Condition 10)

Location:

Land off Parkinson Street, Bury, BL9 6NY

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 11th October 2026.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 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 EN1/2 - Townscape and Built Design
- 3 This decision relates to drawings numbered LS-002 Rev H, LS-002-Rev H, PL-01

Rev V, FB01, TA-01 Rev B, SBS-01 Rev A, NB-01 Rev C, CS01 Rev E, CS01 Rev F 1 of 1, CS01 Rev F Sheet 2 of 2, RM01 Rev H, LU01 Rev H, MP01 Rev H, SS01 Rev G, BD01 Rev H, HL01 Rev I, PL-01 Rev V 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.

- 4 No development other than demolition 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 Each dwelling hereby approved shall be provided with 1 electric vehicle (EV) charge point (minimum 7kW*) prior to its occupation.

*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.

Reason. 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 National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 7 Prior to occupation of the proposed development, the drainage schemes approved under condition 7 of application 69079 shall be implemented and available for use in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason. 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.
- 8 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:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. 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.

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 pursuant to Development Plan Policies JP-S4 - 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.

- 9 The development hereby approved shall be designed and constructed in accordance with the recommendations and specification set out in sections 3 and 4 of Crime Impact Statement, ref.2022/0007/CIS/01, Version A dated 06.09.22, unless otherwise agreed in writing by the Local Planning Authority, and the agreed measures shall be retained and maintained thereafter.

Reason. In the interests of crime prevention and community safety, having regard to the National Planning Policy Framework Chapter 8 - Promoting healthy and safe communities.

- 10 The landscaping scheme hereby approved shall be implemented not later than 12 months from the date the buildings are 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. The bat and bird boxes approved under condition 10 of application 69079 shall be implemented prior to the occupation of the buildings.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity to Policies EN8/2 – Woodland and Tree Planting 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.

- 11 Tree works and protection measures shall be implemented in accordance with the Tree Impact Assessment and Protection Scheme February 2024 approved under condition 11 of application 69079. 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.

- 12 All trees to be retained on site shall be protected during demolition 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, JP-G7 - Trees and Woodland and EN8/2 – Woodland and Tree Planting of the Development Plan.

- 13 No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided

that no active bird nests are present which has been agreed in writing by the Local Planning Authority.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies 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.

- 14 The development shall be carried out in accordance with the lighting scheme approved under condition 14 of application 69079.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies P-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.
- 15 The development shall be undertaken in accordance with the Invasive Weed management Plan received 18th January 2024 and Invasive Weed Management Plan NIG/DN20190 Revision B approved under condition 15 of application 69079. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority.
Reason. To control the spread of Himalayan Balsam in the interest of Development Plan Policy JP-G1 - Landscape Character and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 16 The development shall be carried out in accordance with the Biodiversity Offset Management Plan received on the 26th February 2024 approved under condition 16 of application 69079.
Reason. To ensure improvements in the biodiversity of the site pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 17 The demolition shall be completed in accordance with the Demolition & Environmental Management Plan October 2023 approved under application 69079. A further Construction and Environmental Management Plan (CEMP) shall be submitted to and approved by the Local Planning Authority for the remaining phases of development. The plan shall delineate the construction zone and set out measures to be taken to minimise the possibility of pollution and tree damage during construction. The approved plan only shall be implemented prior to the commencement of any works and maintained for the duration of the build out of the development. This condition can be satisfied in phases.
Reason. Information not submitted at application stage. To ensure a safe and satisfactory development of the site in relation to the protection of the trees and woodland within the site from any pollutants and construction disturbance which may cause risk, 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 and Chapter 15 - Conserving and enhancing the natural environment of the NPPF.
- 18 Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 of Schedule 2 of the Order and Classes A to F of Part 2 of Schedule 2 of the Order, without the submission and approval of a relevant planning application.
Reason. To avoid the loss of habitats created through biodiversity net gain mitigation which are of amenity value to the area pursuant to Chapter 15 - Conserving and enhancing the natural environment of the NPPF.

- 19 The residential accommodation hereby approved for plots 62-84 shall include acoustic glazing and acoustically treated ventilation in accordance with the submitted Ambient Noise & Building Envelope Assessment Report Reference No. J004383-7028-TD-01. The acoustic attenuation scheme hereby approved shall be implemented in full and available for use before use of the residential 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.

- 20 The proposal shall be carried out in accordance with the details agreed for condition 20 of application 69079 and shall include a scheme of 20mph traffic calming measures on the proposed estate roads to a scope and specification to be agreed, incorporating the formation of speed tables at all appropriate junctions, road markings and signage as required.

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, ensure the intervisibility of the users of the site and the adjacent highways and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to Development Plan Policies Plan Policies H1/2 - Further Housing Development, EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, JP-C5 Streets for All and JP-C6 - Walking and Cycling.

- 21 In the event that it is intended for the proposed residential estate roads to be considered for adoption by the Council, the proposal shall be carried out in accordance with the details agreed as part of condition 21 of application 69079 and shall include provision of adequate levels of visibility at the back edge of the footway at Plots 27, 38 & 39. 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, ensure the intervisibility of the users of the site and the adjacent highways and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to Development Plan Policies Plan Policies H1/2 - Further Housing Development, EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development JP-C5 Streets for All and JP-C6 - Walking and Cycling.

- 22 The demolition shall be carried out in accordance with the Demolition/Construction Traffic Management Plan July 2023 approved under condition 22 of application 69079. The development shall be carried out in accordance with the Construction and Environmental Management Plan Rev 1 June 2024 approved under condition 22 of application 69079.

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 Development Plan Policies

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

- 23 Notwithstanding the details indicated on approved plan reference 21-040 SPS-01, prior to first occupation of the relevant plots hereby approved, a sprinkler/misting system to meet the requirements of BS 9251:2014 or other subsequent standard that meets the requirements of Greater Manchester Fire and Rescue Service and deemed suitable to overcome the site's emergency access deficiencies, shall be installed in all dwellings located in excess of 250m from the junction of Parkinson Street with Seedfield Road and shall thereafter be maintained at all times.
Reason. In the interests of fire safety and to ensure the safe and satisfactory development of the site and for its future occupiers pursuant to Bury Unitary Development Plan Policies Plan Policies H1/2 - Further Housing Development, EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development and National Planning Policy Framework Chapter 8 - Promoting healthy and safe communities.
- 24 Notwithstanding the details shown on the approved plans, the existing car park to the north of the entrance to the site shall be retained and made available for use at all time for users of the playing fields until the new car park can be constructed and/or similar provision is made available for use. Details of the construction of the new car park, including details of closure, time scales for construction, and a scheme prepared in consultation with the local highways authority for offsetting the parking needs of the users of the playing fields during construction shall be submitted to, and approved in writing by the Local Planning Authority prior to commencement of this aspect of the development.
Reason. To ensure adequate off-street car parking provision for the adjacent Seedfield football pitches, in the interests of road safety pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, RT1/1 - Protection of Recreation Provision in the Urban Area, HT2/4 - Car Parking and New Development, JP-C5 Streets for All and JP-C6 - Walking and Cycling.
- 25 Details of the proposed arrangements for future management and maintenance of the proposed estate road within the development shall be carried out in accordance with the details approved under condition 25 of application 69079.
Reason. To ensure that the unadopted estate road serving the development is maintained to an acceptable standard in the interest of residential/highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway pursuant to Development Plan Policies H1/2 - Further Housing Development, EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, JP-C5 Streets for All and JP-C6 - Walking and Cycling.
- 26 The turning facilities indicated on the approved plans shall be provided before the areas of the development to which they relate are first occupied 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 H1/2 - Further Housing Development, EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, JP-C5 Streets for All and JP-C6 - Walking and Cycling.
- 27 Minimum hardstanding lengths of 5.0m at all dwellings (10.0m when in tandem) shall be provided to the written satisfaction of the Local Planning Authority and thereafter

maintained.

Reason. To enable a vehicle to stand clear of the highway whilst the garage doors are opened and/or to allow adequate space to maintain a vehicle clear of the highway in the interests of pedestrian safety pursuant to Development Plan Policies H1/2 - Further Housing Development, EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, JP-C5 Streets for All and JP-C6 - Walking and Cycling.

- 28 The car parking indicated on the approved plans shall be surfaced and made available for use prior to the each dwelling/part of the site to which it relates being occupied 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.

- 29 Bin storage arrangements shall be provided within the curtilage of each dwelling in accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments'.

Reason. To ensure that adequate bin storage arrangements are provided within the curtilage of each dwelling pursuant to Bury Unitary Development Plan Policies H1/2 - Further Housing Development, EN1/2 - Townscape and Built Design and H2/2 - The Layout of New Residential Development.

- 30 Within 6 months of the first occupation of the dwellings hereby approved a Residential Travel Plan shall be submitted to, and agreed in writing by the Local Planning Authority. A Residential Travel Plan should include:

1. A Travel Plan budget and resources for the implementation and day to day management of travel plan measures;
2. Appropriate management structures;
3. Detailed time frames for the delivery;
4. Handover arrangements for the travel plan or its components, when the developer's responsibility ceases; and
5. Targets and monitoring arrangements.

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 Policy JP-C1 - An Integrated Network and JP-C3 - Public Transport.

- 31 No development, other than demolition, shall commence on site until the access arrangements onto the playing field and the car parking as approved under planning permission ref: 69387 have been implemented in full and made available for use at all times for all users of the playing field.

Reason. To ensure the satisfactory accessibility of compensatory provision which secures a continuity of use of the playing field and to accord with paragraph 99 of the NPPF.

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
JP-P1	Sustainable Places
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
H3/2	H3/2 - Existing Incompatible Uses
H4/1	H4/1 - Affordable Housing
EN1/2	EN1/2 - Townscape and Built Design
EN5/1	EN5/1 - New Development and Flood Risk
JP-S4	Flood Risk and the Water Environment
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
EN6/3	EN6/3 - Features of Ecological Value
EN6/4	EN6/4 - Wildlife Links and Corridors
JP-P1	Sustainable Places
EN7/2	EN7/2 - Noise Pollution
JP-G7	Trees and Woodland
EN8/2	EN8/2 - Woodland and Tree Planting
JP-G1	Landscape Character
JP-P7	Sport and Recreation
RT1/1	RT1/1 - Protection of Recreation Provision in the Urban Area
RT1/2	RT1/2 - Improvement of Recreation Facilities
RT2/2	RT2/2 - Recreation Provision in New Housing Development
HT2/4	HT2/4 - Car Parking and New Development
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C1	Our Integrated Network
JP-C3	Our Public Transport
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:

LS-002 Rev H, LS-002-Rev H, PL-01 Rev V, FB01, TA-01 Rev B, SBS-01 Rev A, NB-01 Rev C, CS01 Rev E, CS01 Rev F 1 of 1, CS01 Rev F Sheet 2 of 2, RM01 Rev H, LU01 Rev H, MP01 Rev H, SS01 Rev G, BD01 Rev H, HL01 Rev I, PL-01 Rev V.

NOTES TO APPLICANT

1. **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.

2. -Prior to demolition of the structures, the identified asbestos containing material shall be removed by an appropriately qualified contractor, in line with the Demolition Method Statement submitted with this application. Substantiating evidence, including copies of waste transfer documentation and a photographic record of the works, shall be submitted to demonstrate that the asbestos containing material has been disposed of in an appropriate manner.

3. **United Utilities**

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, their proposed detailed design will be subject to a technical appraisal by our Developer Services team and must meet the requirements outlined in 'Sewerage Sector Guidance Appendix C – Design and Construction Guidance v2-2' dated 29 June 2022 or any subsequent iteration. This is important as drainage design can be a key determining factor of site levels and layout.

Acceptance of a drainage strategy does not infer that a detailed drainage design will meet the requirements for a successful adoption application. We strongly recommend that no construction commences until the detailed drainage design, has been assessed and accepted in writing by United Utilities. Any work carried out prior to the technical assessment being approved is done entirely at the developer's own risk and could be subject to change.

WATER AND WASTEWATER SERVICES

the applicant intends to receive water and/or wastewater services from United Utilities, they should visit our website or contact the Developer Services team for advice. This includes seeking confirmation of the required metering arrangements for the proposed development.

If the proposed development site benefits from existing water and wastewater connections, the applicant should not assume that the arrangements will be suitable for the new proposal.

In some circumstances we may require a compulsory meter is fitted. For detailed guidance on whether the development will require a compulsory meter please visit <https://www.unitedutilities.com/my-account/your-bill/our-household-charges-2021202>

2/ and go to section 7.7 for compulsory metering.

If reinforcement of the water network is required to meet potential demand, this could be a significant project and the design and construction period should be accounted for.

To avoid any unnecessary costs and delays being incurred by the applicant or any subsequent developer, we strongly recommend the applicant seeks advice regarding water and wastewater services, and metering arrangements, at the earliest opportunity. Please see 'Contacts' section below.

UNITED UTILITIES PROPERTY, ASSETS AND INFRASTRUCTURE

Water pipelines

United Utilities will not allow building over or in close proximity to a water main.

Wastewater pipelines

United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. This will only be reviewed in exceptional circumstances.

Nb. Proposals to extend domestic properties either above, or in close proximity to a public sewer will be reviewed on a case by case basis by either by a building control professional or following a direct application to United Utilities (see our website for further details).

Public sewers cross the site. We require an access strip for maintenance or replacement of each sewer. 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 each pipeline as this is likely to influence the required stand-off distance from any structure and/or whether diversion or building over might be considered.

Following our review of the proposed site layout, we have concerns regarding the sewer diversion of proposed development to our wastewater asset(s). We request the applicant submits a S185 Sewer diversion application if not submitted yet.
<https://www.unitedutilities.com/builders-developers/larger-developments/wastewater/sewer-diversions/>

For this reason, and to avoid any unnecessary delays or costs for the applicant, we request that the proposed drainage strategy is not approved until such time as all concerns are resolved. The applicant should contact our Wastewater Developer Services team regarding this matter. See Contact details below.

4. Electricity North West

The development is shown to be adjacent to or affect Electricity North West's operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Land Rights & Consents, Frederick Road, Salford, Manchester M6 6QH.

The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity.

The applicant should also be referred to two relevant documents produced by the Health and Safety Executive, which are available from The Stationery Office Publications Centre and The Stationery Office Bookshops, and advised to follow the guidance given.

The documents are as follows:-

HS(G)47 - Avoiding danger from underground services.

GS6 - Avoidance of danger from overhead electric lines.

The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter any of our distribution equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night. Our Electricity Services Desk (Tel No. 0800 195 4141) will advise on any issues regarding diversions or modifications.

Electricity North West offers a fully supported mapping service, at a modest cost, for our electricity assets. This is a service which is constantly updated by our Data Management Team who can be contacted by telephone on 0800 195 4141 or access the website Know before you dig (enwl.co.uk)

5. 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

6. Whilst the buildings to be demolished and adjacent trees are low 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 all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.
7. 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 and implementation of any required traffic regulation orders. The cost of the works will be the responsibility of the developer.
8. The applicant's attention is drawn to the need to complete a Section 38 Agreement under the Highways Act 1980, and a Section 104 Agreement under the Water Industry Act 1991, regarding the future adoption of the proposed roads and sewers.
9. 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.
10. It would be advantageous for the land affected by the highway proposals to be in the control of the Highway Authority. An appropriate course of action would be the free dedication of the land to the Highway Authority by the freeholder.
11. It is brought to the attention of the applicant that if the proposed estate roads are not

eligible for adoption by the Council, the applicant is advised that to discharge the relevant condition regarding future maintenance of the estate roads, the Local Planning Authority will details of a private management and maintenance company confirming funding, management and maintenance regimes.

12. 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 and the specification for the proposed refuse collection facility at the interface with the adopted highway.
13. ***The local planning authority considers that approval of a BIODIVERSITY GAIN PLAN WILL NOT 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 development of land in England is deemed to have been granted subject to the condition (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 not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

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:

- iv) the application for planning permission was made before 2 April 2024;
- v) planning permission is granted which has effect before 2 April 2024; or
- vi) 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:

- iii) 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
- iv) 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).

4.6 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.

4.7 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).

4.8 Self and Custom Build Development, meaning development which:

- iv) consists of no more than 9 dwellings;
- v) is carried out on a site which has an area no larger than 0.5 hectares; and
- vi) 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.

Signed:

A handwritten signature in black ink, appearing to read "Joe Kahan", written in a cursive style.

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On behalf of the Council

Date of Decision: 01/11/2024