

NOTICE OF PLANNING DECISION

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

To:

Miss Maddi Mooney
Triangle Architects
Raven House
113 Fairfield Street
Manchester
M12 6EL

On Behalf Of:

Mr Kaine Bradley
The Genesis Centre
Science Park South
Birchwood
Warrington
WA3 7BH

PART 1 - Particulars of Application

Application Number: 61302

Date of Registration: 24/04/2017

Proposal:

PROPOSAL A - Variation of condition 2 of planning permission 60420 to relocate plots 1-18 to provide easement for sewers
PROPOSAL B - Variation of conditions 10 and 16 to amend surfacing to tarmac of Public Open Space and additional ground cover

Location:

Site of former Civic Centre, Thomas Street/New Church Street, Radcliffe, Manchester, M26 2UD

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 Proposal A hereof in accordance with the application and plans submitted subject to the following conditions and permission has been **REFUSED** for the carrying out of the development referred to in Part 1 Proposal B hereof for the following reason:-

Proposal A - 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 14-009- 01 Rev A, 14-009 02 Rev G, 14-009 03 Rev H 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 The external finishing materials for the proposal hereby approved shall be those

detailed on the materials schedule (14-009/PR05).

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity.

- 4 The remediation strategy approved as part of condition 4 of permission 60420 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 11 - Conserving and enhancing the natural environment.
- 5 The remediation strategy and associated ground gas remediation/protection measures approved as part of condition 4 of permission 60420 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 alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
- 6 The scheme for the disposal of foul drainage as approved as part of condition 7 of permission 59600 shall be constructed and completed in accordance with the approved scheme prior to occupation of the dwellings hereby approved.
Reason: To ensure a satisfactory means of drainage pursuant to Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan.
- 7 The scheme for surface water drainage, approved as part of condition 8 of permission 60420 shall be implemented prior to occupation of the dwellings hereby approved.
Reason. No details of the drainage have been submitted and to ensure a satisfactory means of drainage pursuant to Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan.
- 8 No works of any kind shall be carried out to trees between the months of March to August inclusive, unless and until a survey commissioned by a suitably qualified person to establish that the trees are not being used by nesting birds, has been submitted to and approved in writing by the Local Planning Authority. Where such approval is provided in writing by the Local Planning Authority, then any works subsequently undertaken shall for the purposes of this condition 10 relate only to those trees identified as part of the survey approved and further survey by a suitably qualified person shall be required in relation to any trees where works have not taken place within a period of six months of such approval or where any nesting birds may subsequently have become present.
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 11 - Conserving and enhancing the natural environment.

- 9 The landscaping scheme, including details of replacement trees as approved under condition 11 of permission 59600, shall be implemented not later than 12 months from the date the building(s) is first occupied; 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 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 EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
- 10 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.
- 11 The Construction Traffic Management Plan as approved as part of condition 13 of permission 59600 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. 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, 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.
- 12 The scheme of highway and pedestrian improvements approved under condition 14 of permission 59600 shall be implemented to a programme, which shall be agreed in writing by the Local Planning Authority.
Reason. To ensure good highway design and maintain the integrity of the adopted highway, in the interests of highway safety pursuant to Policy H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan.
- 13 A minimum hardstanding of 5.5m measured between the highway boundary and any proposed garage doors shall be provided and thereafter maintained.
Reason. To enable a vehicle to stand clear of the highway whilst the garage doors are opened and to allow adequate space to maintain a vehicle clear of the highway in the interests of road safety pursuant to Policy H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan.
- 14 The 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 as approved under condition 16 of permission 59600 shall be implemented and maintained thereafter during the period of construction.
Reason. To ensure that the adopted highways are kept free of deposited material from the ground works operations pursuant to Policy H2/2 - The Layout of New

Residential Development of the Bury Unitary Development Plan.

- 15 The scheme for works to the recreation/public open space retained on site approved as part of condition 17 from permission 59600 shall be implemented not later than 6 months from the date a dwelling is first occupied; 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 Policy EN1/2 - Townscape and Built Design, EN8/2 – Woodland and Tree Planting and Policy RT1/1 - Protection of Recreation Provision in the Urban Area of the Bury Unitary Development Plan.

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 Paragraphs 186-187 of the National Planning Policy Framework.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the National Planning Policy Framework.

Proposal B - Reason(s) for refusal.

- 1 The proposed change of surfacing treatment for the footpaths to tarmac is not considered to be of sufficient quality to adequately compensate for the recreational needs of the prospective residents as sought by the approved scheme (reference 59600) pursuant to Policy RT2/2 - Recreation Provision in New Housing Development of the Bury Unitary Development Plan and Section 7 - Requiring Good Design 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
- H4/1 H4/1 - Affordable Housing
- H5/1 H5/1 - Area Improvement
- EN1/1 EN1/1 - Visual Amenity
- EN1/2 EN1/2 - Townscape and Built Design
- EN1/3 EN1/3 - Landscaping Provision
- EN1/5 EN1/5 - Crime Prevention
- EN1/7 EN1/7 - Throughroutes and Gateways
- EN2/3 EN2/3 - Listed Buildings

EN6	EN6 - Conservation of the Natural Environment
EN6/3	EN6/3 - Features of Ecological Value
EN7	EN7 - Pollution Control
EN7/1	EN7/1 - Atmospheric Pollution
EN7/2	EN7/2 - Noise Pollution
EN7/5	EN7/5 - Waste Water Management
EN8	EN8 - Woodland and Trees
EN8/2	EN8/2 - Woodland and Tree Planting
RT1/1	RT1/1 - Protection of Recreation Provision in the Urban Area
RT2/2	RT2/2 - Recreation Provision in New Housing Development
S1/2	S1/2 - Shopping in Other Town Centres
HT2/4	HT2/4 - Car Parking and New Development
HT4	HT4 - New Development
HT5/1	HT5/1 - Access For Those with Special Needs
HT6/2	HT6/2 - Pedestrian/Vehicular Conflict
CF1/1	CF1/1 - Location of New Community Facilities
TC1/1	TC1/1 - Open Space in Town Centres
Area	Area RD2 - Green Street/New Church Street
RD2	
SPD1	Supplementary Planning Document 1 - Open Space, Sport and Recreation Provision in New Housing Development
SPD5	Development Control Policy Guidance Note 5: Affordable Housing Provision in New Residential Developments
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:

14-009- 01 Rev A

14-009 02 Rev G

14-009 03 Rev H

R/1877/1B - landscape masterplan

NOTES TO APPLICANT

Not Applicable

Signed:

A handwritten signature in black ink, appearing to read 'D. Fowler'.

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On behalf of the Council

Date of Decision: 20/07/2017