

NOTICE OF PLANNING PERMISSION

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

To:

Mrs Suzanne Asher
Hive Land and Planning
47 North Star Drive
Salford
M3 5LJ

On Behalf Of:

Mr Peter Lynas
Great Places
2A Derwent Ave
Didsbury
Manchester
M21 7QS

PART 1 - Particulars of Application

Application Number: 70015

Date of Registration: 22/08/2023

Proposal:

Erection of 18 no. supported living apartments (Class C2) and 25 no. dwellings (Class C3), construction of a new vehicle access point and associated parking and landscaping.

Location:

Kemp Heaton Avenue, situated between Bury Cemetery to the north and Peachment Place Extra Care apartments to the south.

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 12551-AEW-XX-XX-DR-A-0501 P02, 12551-AEW-SI-XX-DR-A-0502 P02, 12551-AEW-XX-XX-DR-A-6002 P04, 12551-AEW-B1-XX-DR-A-0550 P02, 12551-AEW-XX-XX-DR-A-6001 P05, 12551-AEW-AB-XX-DR-A-0520 P02, 12551-AEW-CF-XX-DR-A-0540 P02, 12551-AEW-AB-XX-DR-A-0521 P02, 12551-AEW-AB-XX-DR-A-0523 P02, 12551-AEW-AB-XX-DR-A-0522 P02, 12551-AEW-SI-XX-DR-A-0504 P02, 12551-AEW-SI-XX-DR-A-0503 P22, 12551-AEW-SI-XX-DR-A-0505 P04, 12551-AEW-H1-XX-DR-A-0530 P02, 12551-AEW-XX-XX-DR-A-6000-S2-P04 , 12551-AEW-XX-XX-PP-A-006-P04, 387 03 P, 387 04 J, 387-05E, 387-05F, KHAB/MS/01, Existing topographical and utility Survey (Dwg No. S23-0219) 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 EN1/2 - Townscape and Built Design.

- 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, electric vehicle charging points shall be installed and made available for use. EV chargepoints shall be 7kW* as a minimum.

*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.

- 7 No development shall commence until;
1. scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
 2. any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in

accordance with authoritative UK guidance.

Reason. The scheme does not provide full details of the actual risk from coal mining and subsequent remediation, which is required 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 the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
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.
- 9 Prior to commencement of earthworks, a survey of the site and the surrounding 30 metres for badger setts shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation measures identified shall be implemented in full during the course of the development.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to Policy 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.
- 10 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.
- 11 The development hereby approved shall only be carried out in accordance with the measures in Section 4.4.2 to 4.4.4 of the Preliminary Ecological Appraisal relating to amphibians, hedgehogs and badgers.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to Policy 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.
- 12 No development shall commence until a survey for invasive plant species including Giant Hogweed, Japanese Knotweed and Himalayan Balsam has been submitted to and approved in writing by the Local Planning Authority. If any invasive species are present, a method statement detailing avoidance, control and eradication measures must be provided and approved in writing before any development can commence. The development hereby approved shall only be carried out in accordance with the approved details.
Reason. The scheme does not provide full details of the actual extent of invasive species and mitigation pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 13 No development shall commence unless or until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the

Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason. In order to ensure that no harm is caused to a Protected Species and to the wider environment pursuant to Policy 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.

- 14 The landscaping scheme (plan references 387 03 P, 387 05 E, 387 06 E) hereby approved shall be implemented 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.
- 15 The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 13753-5050, Rev P1 - Dated 09/08/2023 which was prepared by Campbell Reith. For the avoidance of doubt surface water must drain at the restricted rate of 6.17l/s.
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: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.
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.
- 16 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:
1. Photographic dilapidation survey of the footways and carriageways leading to and 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 site/new dwellings;
 2. Access route for all construction vehicles to the site from the Key Route Network;
 3. Access point(s)/arrangements for construction traffic from St. Peter's Road/Kemp Heaton Avenue, taking into consideration the need to maintain safe pedestrian and/or vehicular access to the adjacent Peachment Place Extra Care Scheme and non-definitive right of way that crosses the site at its northern boundary and all temporary works required to facilitate access for construction vehicles;
 4. If proposed, details of site hoarding/gate positions, taking into consideration the need to maintain safe pedestrian and/or vehicular access to the adjacent Peachment Place Extra Care Scheme and non-definitive right of way that crosses the site at its northern boundary;
 5. The provision, where necessary, of temporary pedestrian facilities/protection measures;
 6. A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access onto/along St. Peter's Road/Kemp Heaton Avenue;
 7. Confirmation of hours of operation and number of vehicle movements;
 8. Arrangements for the turning and manoeuvring of vehicles within the curtilage of

- the site and/or measures to control/manage delivery vehicle manoeuvres;
9. Parking on site or on land within the applicant's control of operatives' and construction vehicles, together with storage on site of construction materials;
 10. Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways as a result of the 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 construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period.

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent highways, 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 pursuant to Policies EN1/2, JP-C5 and JP-C6.

- 17 Notwithstanding the details indicated on the approved plans, no above ground works shall commence unless and until full details of the following have been submitted to a scope and specification to be agreed on a topographical based survey of the site and adjacent highways to the Local Planning Authority:
 1. Formation of the proposed accesses onto St. Peter's Road/Kemp Heaton Avenue, incorporating the provision of adequate footway arrangements at the interface with the access to the Supported Living Apartments, required rubbing strip to the north of the extension of St. Peter's Road and proposed bridleway/upgrading and improvement of the non-definitive right of way that crosses the site and all associated accommodated works, provision of visibility splays appropriate for a design speed of 20mph, demarcation of the limits of the adopted highway, removal of existing/provision of new tactile paved crossing points, give-way markings and alterations to existing road markings (subject to the requirements of the scheme of 20mph traffic calming measures) and all associated highway and highway drainage remedial works;
 2. In connection with the above, revised dropped crossing arrangements/positions (and if required, any revised driveway and hardstanding arrangements/positions) for Plots P1 - 5 in order to review the ability for residents and visitors to be able to park on A scheme of 20mph traffic calming measures on St. Peter's Road/Kemp Heaton Avenue to a scope and specification to be agreed, incorporating all measures, road markings and signage as required.

The details subsequently approved shall be implemented to an agreed programme.

Reason. Information not submitted at application stage. 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 Policies EN1/2, H2/2, JP-C5 and JP-C6.

- 18 In the event that it is not intended for the proposed residential estate roads to be considered for adoption by the Council, or in the event that an agreement has not been reached with the Local Highway Authority to secure adoption, prior to occupation details of the proposed arrangements for future management and maintenance of the proposed estate road within the development shall be submitted to and approved by the local planning authority. The estate road shall thereafter be

maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

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 Policies EN1/2, H2/2, JP-C5 and JP-C6.

- 19 The various 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 Policies EN1/2, H2/2, JP-C5 and JP-C6.
- 20 The various 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 Policies EN1/2, H2/2, JP-C5 and JP-C6.
- 21 Minimum hardstanding lengths of 5.0m at all dwellings shall be provided 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 Policies EN1/2 and H2/2.
- 22 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 Policies EN1/2 and H2/4.
- 23 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 Policies EN1/2 and H2/2.
- 24 A scheme for the inclusion of swift bricks shall be submitted to, and agreed in writing by the Local Planning Authority on commencement of development and shall be carried out in accordance with the approved details.
Reason. To secure the satisfactory development of the site and in the interests of protected species pursuant to Policy 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.
- 25 Notwithstanding the provisions of the approved layout of the site plan approved, a scheme to provide additional disabled parking allocation to serve the site shall be submitted to and approved by the Local Planning Authority. The scheme shall be submitted on first submission of any condition discharge request and the approved

details only shall be carried out.

Reason - To make an uplift to the presently proposed disabled parking provision pursuant to HT5/1 - Access for those with special needs.

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 pre-application discussions 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
H4/1	H4/1 - Affordable Housing
EN1/2	EN1/2 - Townscape and Built Design
EN6/3	EN6/3 - Features of Ecological Value
EN6/4	EN6/4 - Wildlife Links and Corridors
EN7/2	EN7/2 - Noise Pollution
EN7/5	EN7/5 - Waste Water Management
EN8/2	EN8/2 - Woodland and Tree Planting
RT2/2	RT2/2 - Recreation Provision in New Housing Development
RT3/3	RT3/3 - Access to the Countryside
RT3/4	RT3/4 - Recreational Routes
HT2/4	HT2/4 - Car Parking and New Development
HT5/1	HT5/1 - Access For Those with Special Needs
HT6/2	HT6/2 - Pedestrian/Vehicular Conflict
SPD 9	Development Control Policy Guidance Note 9 - Conversion and Re-use of Buildings in the Green Belt
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
JP-S2	Carbon and Energy
JP-S5	Clean Air
JP-H2	Affordability of New Housing
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-P1	Sustainable Places
JP-G7	Trees and Woodland
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
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:

12551-AEW-XX-XX-DR-A-0501 P02
12551-AEW-S1-XX-DR-A-0502 P02
12551-AEW-XX-XX-DR-A-6002 P02
12551-AEW-B1-XX-DR-A-0550 P02
12551-AEW-XX-XX-DR-A-6001 P03
12551-AEW-AB-XX-DR-A-0520 P02
12551-AEW-CF-XX-DR-A-0540 P02
12551-AEW-AB-XX-DR-A-0521 P02
12551-AEW-AB-XX-DR-A-0523 P02
12551-AEW-AB-XX-DR-A-0522 P02
12551-AEW-S1-XX-DR-A-0504 P02
12551-AEW-S1-XX-DR-A-0503 P22
12551-AEW-S1-XX-DR-A-0505 P02
12551-AEW-H1-XX-DR-A-0530 P02
12551-AEW-S1-XX-DR-A-0513 P01
5000 P6
387 03 P
387 04 J
387 05 E
387 06 E
KHAB/MS/01
Existing topographical and utility Survey (Dwg No. S23-0219)
Detailed Planting Proposals 1 of 2 (Dwg No. 387 05)
Detailed Planting Proposals 1 of 2 (Dwg no. 387-06 REV.A)
Detailed Planting Proposals 2 of 2 (Dwg No.387-06 REV.A)

NOTES TO APPLICANT

1. 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 adhere to the minimum safety clearances contained within the Energy Network Associations Guidance.

Furthermore, should there be a requirement to divert the apparatus because of the proposed works, the applicant should be advised that 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 PACE Team (Tel No. 0800 988 1730) 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)

It is recommended that the applicant gives early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets and rights that may cross the site and any proposed development.

2. In accordance with S93G of the Town and Country Planning Act 1990 (As amended by Section 111 Levelling Up & Regeneration Act 2023) there is a legal requirement for you to inform the Council of the date when you intend to commence the development on site via submission of a Commencement Notice. This notice is mandatory for all developments and came into effect on 31 March 2024. You can find more information and download a copy of the Commencement Notice under the Before Starting Work section on our website at <https://www.bury.gov.uk/planning-building-control/planning-permission/planning-application-process>

Signed:



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On behalf of the Council

Date of Decision: 12/07/2024