

# NOTICE OF PLANNING PERMISSION

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

**To:**

Mrs Worden  
Focus Town Planning Limited  
Egerton House  
Towers Business Park  
Didsbury  
Manchester  
M20 2DX

**On Behalf Of:**

Mr Watson  
c/o agent

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### PART 1 - Particulars of Application

**Application Number:** 72240

**Date of Registration:** 26/08/2025

**Proposal:**

Demolition of existing buildings, site clearance works including removal of areas of hardstanding and the erection of two blocks of apartments, comprising 60 no. residential units, relocation of existing site access, and associated landscaping

**Location:**

Spurr House, Pole Lane, Bury, BL9 8QL

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### PART 2 - Particulars of Decision

Bury Metropolitan Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been **GRANTED** for the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:-

- 1 The development must be begun not later than 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 -

Location plan 0001 P2  
Existing site plan 0002 P5  
Proposed security fencing 0003-P1  
Proposed site plan 0010 P13  
Proposed site plan showing roof plan 0011 P10  
Proposed ground floor plan GA 0050 P8  
Proposed first floor plan GA 0051 P7  
Proposed second floor plan GA 0052 P7  
Proposed third floor plan GA 0053 P7  
Proposed roof floor plan GA - Block B 0054 P5  
Proposed elevations - Block A 0060 P9

Proposed elevations - Block B Sheet 1 0065 P8  
Proposed elevations - Block B Sheet 20066 P8  
Proposed site section and street scene elevation 0067 P7  
Design sections 0070-P1  
Fire plan Block A - ground and first floor 0080 P2  
Fire plan Block A - second floor and roof 0081 P2  
Fire plan Block B - ground and first floor 0082 P1  
Fire plan Block B - second and third floor 0083 P1  
Fire plan Block B - Roof plan 0084 P1

Proposed landscaping plan by tba 7560.01 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 and Places for Everyone Joint Development Plan listed.

- 3 The development hereby permitted within any approved phase shall not be occupied/brought into use until the works relating to land contamination detailed below are fully completed:  
Where remediation is required, it shall be carried out in full accordance with the approved Remediation Strategy.  
A Verification Report must be submitted to the Local Planning Authority for approval upon completion of remediation works. The Verification Report must include information validating all remediation works carried out; details of imported materials (source/quantity/suitability); details of exported materials; and details of any unexpected contamination.

Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

- 4 The development hereby approved within any approved phase shall not be brought into use until written confirmation is provided to the Local Planning Authority that unexpected or previously unidentified contamination was not encountered during the course of development works.

If, during development, unexpected contamination is found to be present on the site, no further works shall be carried out at the affected location until the following are submitted to the Local Planning Authority for approval:

- I. Risk Assessment (GQRA or DQRA);
- II. Remediation Strategy & Verification Plan;

If remediation is required, it shall be carried out in accordance with the approved Remediation Strategy. Upon completion of remediation works, a Verification Report shall be submitted for approval. The Verification Report must include information validating all remediation works carried out; details of imported materials (source/quantity/suitability); details of exported materials; and details of any unexpected contamination.

Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

- 5 Prior to occupation the applicant shall provide:

- 1 no. electric vehicle (EV) charging point (minimum 7kW\*) per dwelling
- Cable routes to be provided for all parking spaces which do not have access to an electric vehicle charging point.

Certification and photographic evidence of the installation of the agreed electric vehicle charge points shall be submitted to Local Planning Authority for approval prior to the development being brought into use. The infrastructure shall be maintained and operational in perpetuity.

\*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. To encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable and to safeguard residential amenity, public health and quality of life with respect to Local Air Quality, in accordance with paragraphs 112e, 117e, 187e and 199 of the National Planning Policy Framework (December 2024) and Places for Everyone Policy JP-S5 (Clean Air).

- 6 Prior to the commencement of development, except demolition and site clearance, 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:
- (i) An investigation of the hierarchy of drainage options in the National Standards for Sustainable Drainage Systems (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
  - (ii) 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);
  - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
  - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
  - (v) Foul and surface water shall drain on separate systems.
- The approved schemes shall be in accordance with the National Standards for Sustainable Drainage Systems (2025) 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 Policies EN7/3 - Water Pollution and EN7/5 - Waste Water Management, JP-S4 - Flood Risk and the Water Environment and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

- 7 No development shall commence unless and until a detailed and comprehensive arboricultural method statement for tree protection measures including details of 'no-dig' methodologies, incorporation of a suitable cellular confinement system and timetable for implementation has been submitted for approval. The development shall thereafter be carried out in accordance with the approved method statement

and the approved timetable 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 and Policy JP-G8.

- 8 If demolition has not occurred prior to 31st April 2026 further dusk emergence bat survey shall be carried out between May and July in any year and the findings provided to and agreed in writing by the LPA. Demolition timings shall then be subsequently carried out in accordance with approved timetable.  
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 Section 11 of the National Planning Policy Framework.
- 9 The removal of trees T1- T8 may have the potential to cause harm to bats as identified in the Aerial Tree Assessment Thomson Environmental Consultants ref. WAT005-001-009/001/001. No tree under any circumstances shall be felled unless for that tree, further surveys in the case of T1 or T2 have occurred or precautionary working measures for removal of trees in the case of T3 -T8 have been provided to and agreed in writing by the local planning authority. The approved measures only shall thereafter be implemented.  
Reason. To ensure the works would not damage the surrounding woodland or trees and ensure the safe and satisfactory development of the site pursuant to policies EN8/2 and JP-G7.
- 10 No works to trees or shrubs shall occur or building works commence 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.  
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6/3 - Features of Ecological Value and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 11 Prior to any vegetation clearance or earthworks a reasonable avoidance measures method statement for mammals such as hedgehog, amphibians and other wildlife covering both the site clearance and construction phases shall be provided to and agreed in writing by the LPA. The approved measures shall thereafter be implemented.  
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6/3 - Features of Ecological Value and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 12 The development hereby approved shall provide bird and bat provision on either the new build or retained trees, provision of swift bricks in the new build and creation of hibernacular in the woodlands for amphibians prior to the occupation of the development hereby approved.  
The provisions shall be thereafter maintained.  
Reason. To secure the satisfactory development of the site and in the interests of visual amenity 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 and chapter 15 - Conserving and enhancing the natural environment of the NPPF.
- 13 Prior to any earthworks, apart from demolition, clearance of buildings, hardstandings, hardcore and drainage, a method statement detailing eradication and/or control and/or avoidance measures for Himalayan balsam and Cotoneaster spp should be

supplied to and agreed in writing to the LPA. The agreed method statement shall be adhered to and implemented in full.

Reason. The scheme does not provide full details of the actual extent of invasive species pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 14 The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Statutory Biodiversity Gain Plan and including:
1. a non-technical summary;
  2. the roles and responsibilities of the people or organisation(s) delivering the HMMP;
  3. the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
  4. the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
  5. the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.
- has been submitted to, and approved in writing by, the local planning authority.
- Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Places for Everyone Joint Development Plan Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

- 15 The development hereby approved shall not be occupied unless and until:
1. the habitat creation and enhancement works set out in the approved HMMP have been completed; and
  2. a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority
- The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.
- Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Places for Everyone Joint Development Plan Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

- 16 The development has the potential to cause harm to great crested newts and is proposed for entry into District Level Licensing.

Prior to development confirmation that:

- no changes to this mitigation approach have occurred or;
- if changes have occurred further information on the new mitigation approach to be provided to and agreed in writing by the LPA. The agreed details shall thereafter be implemented.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6/3 - Features of Ecological Value and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 17 No above ground development shall commence unless and until details/samples of the materials 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 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

- 18 No development shall commence unless and until a 'Demolition/Construction Traffic Management Plan', 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 demolition operations, construction of the development and as a result of any statutory undertakers connections to the site/new dwellings;
2. Access route for all demolition and construction vehicles to the site from the Key Route Network;
3. Access point(s)/arrangements for construction traffic from Pole Lane, taking into consideration the need to maintain safe pedestrian and/or vehicular access to adjacent residential properties and all temporary works required to facilitate access for demolition/construction vehicles;
4. If proposed, details of site hoarding/gate positions, taking into consideration the need to maintain safe pedestrian and/or vehicular access adjacent to residential properties and retention of adequate levels of visibility onto Pole Lane;
5. The provision, where necessary, of temporary pedestrian facilities/protection measures on the adopted highway;
6. A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access onto Pole Lane;
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 demolition/delivery vehicle manoeuvres;
9. 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;
10. Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways as a result of the demolition/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 - Townscape and Built Design and JP-C8.

- 19 Notwithstanding details of the pedestrian and vehicular access alterations shown indicatively on the approved plans, no above ground development shall commence unless and until full details of the following have been submitted to a scope and specification to be agreed with the Highway Authority on a topographical based survey of the site and adjacent highways to the Local Planning Authority:

1. Reinstatement of the redundant site access to adjacent footway levels;
2. Reconstruction of the easterly Pole Lane footway abutting the site as a result of the proposed demolition works, construction of the development, boundary treatment alterations and any statutory undertakers connections to the site;
3. Demarcation of the limits of the adopted highway;
4. Formation of the new vehicular access perpendicular to Pole Lane;
5. Formation of the new pedestrian access, level with the back of footway on Pole Lane;
6. Provision of a tactile paved pedestrian crossing point at the junction;
7. 2.4m x 43m visibility splays at the junction with Pole Lane;
8. Measures to prevent the discharge of surface water from the proposed access/car park onto the adopted highway;
9. All associated highway and highway drainage remedial works, including the relocation/replacement of any affected highway gullies.

The details subsequently approved shall be implemented to an agreed programme and to the satisfaction of the Local Planning Authority and fully completed prior to first occupation of the development. The visibility splays shall be implemented before the access and parking area is brought into use and subsequently maintained free of obstruction above the height of 0.6m.

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 JP-C5, JP-C6 and JP-C8.

- 20 The development hereby approved shall not be occupied unless and until a review of the need for any Traffic Regulation Orders in the vicinity of the site, with a view to introducing additional parking restrictions as appropriate, including, if required, all necessary road markings and signage, in addition to ensuring that existing parking restrictions remain in place and are refreshed accordingly has been submitted to and approved by the Local Planning Authority. The details subsequently approved shall be implemented to an agreed programme.  
Reason. To ensure good highway design in the interests of road safety and mitigate any overspill parking from the proposed facility pursuant to policies JP-C5 and JP-C8.
- 21 The turning facilities within the curtilage of the site indicated on the approved plans shall be provided before the access and car park is brought into use 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 JP-C5 and JP-C8.
- 22 The car and cycle parking indicated on the approved plans shall be surfaced, demarcated (as appropriate) and made available for use prior to the development hereby approved being first 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.
- 23 Bin storage arrangements shall be provided within the curtilage of the site in accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments' and shall be made available prior to first occupation and thereafter maintained.  
Reason. To ensure that adequate bin storage arrangements are provided within the curtilage of the site pursuant to policies H2/2 and JP-C8.

- 24 The dwellings 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.
- 25 Where development is to be carried out in a phased manner, the developer shall submit a phasing plan as to how the development would proceed. The conditions subject to this permission can be applied for in phases.  
Reason. To ensure conditions to make the development acceptable are achievable and reasonable to deliver pursuant to the principles of the NPPF.
- 26 The development hereby approved shall incorporate a number of security measures including recommendations from the Crime Impact Statement, 'Building for a Healthy Life Assessment' and Building Regulations Approved Document Q.  
Reason. To ensure safety for residents' and adjacent occupiers to meet the requirements of Places for Everyone JP-P1 - Sustainable Places and the principles of the NPPF.

**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:**

|       |                                                         |
|-------|---------------------------------------------------------|
| NPPF  | National Planning Policy Framework                      |
| 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                      |
| RT2/2 | RT2/2 - Recreation Provision in New Housing Development |
| HT2/4 | HT2/4 - Car Parking and New Development                 |
| HT5/1 | HT5/1 - Access For Those with Special Needs             |
| JP-C1 | Our Integrated Network                                  |
| JP-C2 | Digital Connectivity                                    |
| JP-C5 | Streets For All                                         |
| JP-C6 | Walking and Cycling                                     |
| JP-C8 | Transport Requirements of New Development               |
| JP-D2 | Developer Contributions                                 |
| JP-G8 | A Net Enhancement of Biodiversity and Geodiversity      |
| JP-H1 | Scale of New Housing Development                        |
| 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-S1 | Sustainable Development                                 |
| JP-S2 | Carbon and Energy                                       |

JP-S3 Heat and Energy Networks  
 JP-S4 Flood Risk and the Water Environment  
 JP-S5 Clean Air  
 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  
 SPD11 Development Control Policy Guidance Note 11 - Parking Standards in Bury  
 EN6/3 EN6/3 - Features of Ecological Value

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:**

Location plan 0001 P2  
 Existing site plan 0002 P5  
 Proposed security fencing 0003-P1  
 Proposed site plan 0010 P13  
 Proposed site plan showing roof plan 0011 P10  
 Proposed ground floor plan GA 0050 P8  
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Proposed landscaping plan by tba 7560.01 rev H

### **NOTES TO APPLICANT**

1. **Design for security response**  
 Recommend the inclusion of a condition requiring the scheme is design and constructed in accordance with Sections 3.3 & 4 of the submitted Crime Impact Statement (Ref: 2022/0482/CIS/02, Version B: 25/07/2025) and/or achieves the Secured by Design (SBD) Award.
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-appli>

cation-process

3. ***The local planning authority considers that approval of a BIODIVERSITY GAIN PLAN WILL 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 the development of land in England is deemed to have been granted subject to the condition “(the 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 require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.**

The permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).]

**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:

- i) the application for planning permission was made before 2 April 2024;
- ii) planning permission is granted which has effect before 2 April 2024; or
- iii) 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:

- i) 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
- ii) 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).

4.3 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.

4.4 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).

4.5 Self and Custom Build Development, meaning development which:

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

#### *Irreplaceable habitat*

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat,

information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

*The effect of section 73D of the Town and Country Planning Act 1990*

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

4. EH Contam land

If permission is granted, in order for this Section to be satisfied that this development does not pose a risk to human health or the environment, the following information needs to be submitted to the Council for approval:

- (i) A enabling works site assessment and investigation proposal.
- (ii) Confirmation of remedial actions post enabling works.
- (iii) A materials management plan, if the CL:AIRE Definition of Waste Code of Practice is to be used.
- (iv) After completion of site works, a verification report is required to validate that the work undertaken conforms to the remediation proposals received and agreed by this Section.

- 5. The applicant's attention is drawn to the need to consult the Department for Place regarding the specification for and implementation of the required highway works and TRO review. The cost of the physical and legal works will be the responsibility of the developer.
- 6. The applicant's attention is drawn to Section 80 of the Building Act 1984 and the need to give six weeks prior written notice to the Department for Place detailing any proposed demolition works in connection with the proposed development
- 7. 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.

8. In order to discharge conditions 3 and 4 the actions required by Conditions shall be completed in accordance with the following guidance: Land Contamination Risk Management (Environment Agency, 2023).

The applicant is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2024 and the Building Control Regulations with regards to contaminated land. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

Purchasers, where applicable, are advised that they should satisfy themselves that land contamination issues, if present, have been satisfactorily discharged given that the Council expects full compliance with any contaminated land requirements prior to the occupation of the site. Upon occupation such matters could then be the responsibility of the owner to remedy.

Signed:

A handwritten signature in black ink, appearing to read 'Paul Harris', is written over a dotted line.

13 of 13

.....  
On behalf of the Council

**Date of Decision:** 18/03/2026