

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:

C/O agent
Bury Council
C/O Agent
C/O agent
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PART 1 - Particulars of Application

Application Number: 70903

Date of Registration: 02/07/2024

Proposal:

Land remediation works, construction of vehicular access road and footway from Market Street with associated infrastructure and structural works

Location:

Land at Pyramid Park, Market Street, Bury, BL9 0BG

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 and documents
Site Location Plan (Dwg No. 4000 P1)
General Arrangement (Dwg No. 5002 P01)
Biodiversity Enhancement Planting Plan (Dwg No. D9302.02.001A)
Contour Plan & Sections (Dwg no. 5012 P3)
Preliminary Earthworks Cut and Fill (Dwg no. 5013 P3)
Site Remediation Plan (Dwg no. 4001 P4)
Remediation Strategy (Doc. Ref. 14111-CRH-XX-XX-RP-LQ-0001 P02)
and the development shall not be carried out except in accordance with the drawings and documents 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 Details of the materials to be used in the retaining structure 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

- 4 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 (Doc. Ref. 14111-CRH-XX-XX-RP-LQ-0001 P02). 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 180(f), 189 and 190 of the National Planning Policy Framework (December 2023).
- 5 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, JP-G8: A Net Enhancement of Biodiversity and Geodiversity of the Places for Everyone Joint Development Plan Document and the National Planning Policy Framework.
- 6 Prior to any earthworks or vegetation clearance a precaution measures working method statement for bats, badger, mammals and amphibians shall be submitted to and agreed in writing by the local planning authority. Thereafter, the development shall be implemented in full accordance with the approved precaution measures statements.
Reason. To ensure that appropriate measures are implemented as part of the development to mitigate the impact of operations during the remediation and construction phases of development and to ensure that the development does not adversely affect the favourable conservation status of protected species in accordance with the requirements of Policies JP-P1: Sustainable Places; JP-G7: Trees and Woodland and JP-G8: A Net Enhancement of Biodiversity and Geodiversity of the Places for Everyone Joint Development Plan Document and the National Planning Policy Framework.
- 7 Prior to any earthworks, a resurvey for invasive plant species, including japanese knotweed and himalayan balsam, shall be undertaken and the findings and a method statement detailing avoidance, control and eradication measures for any invasive species present shall be submitted to and agreed in writing with the local planning authority. Thereafter, the development shall be implemented in full accordance with the approved details and measures.
Reason. To ensure the removal/check the spread of species that are listed as invasive non-native species under the Wildlife and Countryside Act 1981 and in order to safeguard the biodiversity of the site and its surroundings, pursuant to Policies JP-P1: Sustainable Places and JP-G8: A Net Enhancement of Biodiversity and Geodiversity of the Places for Everyone Joint Development Plan Document and the

National Planning Policy Framework.

- 8 Notwithstanding the details indicated on the approved plans, no development shall commence on the access road, infrastructure or structural works unless and until full details of the following have been submitted on a topographical survey of the site and adjacent adopted highways to the Local Planning Authority:

- (1) An 'Approval In Principle' (AIP) for all proposed works in the vicinity of the existing Market Street Bridge structure, incorporating full structural, construction and drainage details, calculations, pedestrian protection measures and a detailed construction method statement;
- (2) Formation of the proposed site access alterations and pedestrian improvements on Market Street to a scope and specification to be agreed, incorporating revised junction radii tying into the existing adopted footway, tactile paved crossing point, demarcation of the limits of the adopted highway, and all associated highway and highway drainage remedial works;
- (3) Scheme of carriageway resurfacing works on Market Street in the vicinity of the revised junction to a scope and specification to be agreed;
- (4) Provision of new give-way markings at the revised junction in a position to be agreed and all required additional new markings and alterations to existing road markings.

The details subsequently approved shall be implemented to an agreed programme and to the satisfaction of the Local Planning Authority.

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 Bury Unitary Development Plan Policies EN1/2 and HT6/1 and Places for Everyone Joint Development Plan Document Policy JP-C8.

- 9 No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include:

- (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;
- (2) Access route for all construction vehicles to the site from the Key Route Network;
- (3) Access point/arrangements for construction traffic, taking into consideration the need to maintain safe pedestrian facilities on Market Street and all temporary works required to facilitate access for construction vehicles;
- (4) Hours of work for site preparation, delivery of materials and construction and number of vehicle movements;
- (5) Arrangements for the parking of vehicles for site operatives on land within the applicant's control, together with storage on site or on land within the applicant's control of construction materials;
- (6) Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres including details of areas designated for the loading, unloading and storage of plant and materials;
- (7) Details of the siting, height and maintenance of any security hoarding clear of the adopted footway on Market Street;
- (8) The provision, where necessary, of temporary pedestrian facilities/protection measures on the adopted highway;

- (9) A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access;
- (10) Arrangements for the provision of wheel washing facilities for vehicles accessing/egressing the site;
- (11) 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 control the emission of noise, dust and dirt during construction;
- (12) A scheme for recycling/disposing of waste resulting from construction works.

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. 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 Bury Unitary Development Plan Policies EN1/2 and HT6/1 and Places for Everyone Joint Development Plan Document Policy JP-C8.

- 10 In the event that it is intended for the proposed access roads to be considered for adoption by the Council, notwithstanding the details indicated on the approved plans, no development shall commence on the access road, infrastructure or structural works until full details of the following have been submitted on a topographical based survey of the site and adjacent adopted highways to the Local Planning Authority:

- (1) An 'Approval In Principle' (AIP) for all proposed retaining structures and vehicle containment measures that abut/are sited in close proximity to the proposed adopted highway, incorporating full structural, construction and drainage details, calculations, pedestrian protection measures and a detailed construction method statement;
- (2) Formation of the proposed access road (including any necessary land filling operations and method of compaction), incorporating minimum carriageway and footway widths to be agreed;
- (3) Provision of long sections and cross sections at positions to be agreed through the proposed estate roads and turning head to ensure that adoptable gradients will not exceed 1 in 14 for the purposes of adoption and incorporating a maximum 1 in 20 plateau at each junction within the development and at the interface with the adopted highway;
- (4) Revised turning head details (or replacement junction) in the position shown indicatively on the approved plans, following the undertaking of a swept path analysis of appropriate refuse collection/delivery vehicles;
- (5) Demarcation of the limits of adoption at all relevant locations;
- (6) Provision of visibility splays and forward visibility envelopes appropriate for a design speed of 20mph at all internal junctions and bends in accordance with the standards in Manual for Streets with no obstructions above the height of 0.6m within them;
- (7) Proposed planting/surfacing details and management/maintenance arrangements for all landscaped areas abutting the proposed adopted highway.

The details subsequently approved shall be implemented to an agreed programme and to the written satisfaction of the Local Planning Authority.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the future adopted highway, all in the interests of highway safety, pursuant to Bury Unitary Development Plan Policies EN1/2 and HT6/1 and Places for Everyone Joint Development Plan

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:

JP-Strat Main Town Centres

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JP-S1 Sustainable Development

JP-S4 Flood Risk and the Water Environment

JP-G7 Trees and Woodland

JP-G8 A Net Enhancement of Biodiversity and Geodiversity

JP-P1 Sustainable Places

JP-C5 Streets For All

JP-C6 Walking and Cycling

JP-C8 Transport Requirements of New Development

EC1/2 Land Suitable for Business (B1) and Office Use

EN1/2 EN1/2 - Townscape and Built Design

EN6/2 EN6/2 - Sites of Nature Conservation Interest (LNR's and Grade B and C SBI's)

EN7/3 EN7/3 - Water Pollution

EN7/4 EN7/4 - Groundwater Protection

HT6/1 HT6/1 - Pedestrian and Cyclist Movement

CF2/1 CF2/1 - Bury College

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:

Site Location Plan (Dwg No. 4000 P1)

General Arrangement (Dwg No. 5002 P01)

Biodiversity Enhancement Planting Plan (Dwg No. D9302.02.001A)

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Site Remediation Plan (Dwg no. 4001 P4)

NOTES TO APPLICANT

1. ***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.

3. INFORMATIVE - The Control of Noise Regulations 1974, 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 1974.

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:

A handwritten signature in black ink, appearing to read 'for havi'.

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On behalf of the Council

Date of Decision: 19/12/2024