

NOTICE OF PLANNING PERMISSION

Town and Country Planning Act 1990 Town and Country Planning (Development Management Procedure) Order 2010

To:

Mrs Jackson
Ruth Jackson Planning Ltd
Queens Chambers
5 John Dalton Street
Manchester
M2 6ET

On Behalf Of:

Mr McElhone
7 Sandgate Road
Whitefield
Manchester
M45 6WG

PART 1 - Particulars of Application

Application Number: 58405

Date of Registration: 30/01/2015

Proposal:

Demolition of two structures and erection of
four new dwellings

Location:

Nutt Farm, Nutt Lane, Prestwich,
Manchester, M25 2SJ

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 -
Figure 1 site location OS plan; Proposed site layout - M 28.02.15; Elevations to Nutt Lane - G 02.02.2015; Existing and proposed elevations to Nutt Lane C 02.02.2015; House type 1 - C 02.02.2015; House type 2 - G 08.03.2014; House types 3 and 4 - D 20.02.2015; Proposed site access arrangement - TPMA1270_105 Rev A; General arrangement - LO1 P2; Planting plan - LO P1; Wall, fence and gate elevation - LO3 Rev A; Access and Circulation plan; Topographical Survey SSL:16068:200:1:1 Planning, Design and Access Statement 30th January 2015; Report of Bat Survey GMEU dated 25/9/2014; Arboricultural Report Urban Green January 2015; Preliminary Ecological Appraisal Urban Green January 2015; Report on the Structure Healey Consulting, 15067/PMH/KLH January 2015; Worms Eye PRA Report 27 January 2015,
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/roof tiles/windows) 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. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

- 4 Should demolition of the buildings not commence before 30th April 2015, the buildings shall be resurveyed for bats and the findings supplied to and agreed in writing by the Local Planning Authority.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies 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.
- 5 No trees or shrubs shall be removed or demolition of the buildings commence between 1st March and 31st August inclusive in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and demolition and written confirmation provided that no active bird nests are present, which has been agreed by the Local Planning Authority.
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.
- 6 All trees to be retained on site, identified in the Arboricultural Report by Urban Green January 2015, 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.
- 7 Notwithstanding the submitted proposed landscaping scheme, as shown on Planting plan LO2 P1, a landscaping scheme, to include native, mature or wildlife friendly trees and hedgerow species shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. It 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.
- 8 Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995, as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed.
- 9 The garages and carports associated with the development hereby approved shall

be maintained as such and shall not be converted to additional living accommodation.

Reason. To ensure adequate car parking provision is retained pursuant to Policy H2/3 -Extensions and Alterations, HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan and Associated Supplementary Guidance Note 6- Extensions and Alterations and 11 - Parking Standards in Bury.

- 10 No development shall commence unless and until details of foul and surface water drainage aspects have been submitted to and approved by the Local Planning Authority. This must include assessment of potential SuDS options for surface water drainage with appropriate calculations to support the chosen solution.
Reason. To reduce the risk of flooding and ensure the satisfactory treatment of surface water drainage pursuant to Chapter 10 of the National Planning Policy Framework - Meeting the Challenge of Climate Change, Flooding and Coastal Change and Unitary Development Plan Policy EN5/1 - New Development and Flood Risk.
- 11 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. 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 11 - Conserving and enhancing the natural environment.
- 12 Following the provisions of Condition 11 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 11 - Conserving and enhancing the natural environment.
- 13 Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;
The approved contamination testing shall then be carried out and validity evidence (soil descriptions, laboratory certificates, photographs etc) 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.

- 14 All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:
- Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;
 - A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.
- 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 11 - Conserving and enhancing the natural environment.
- 15 The development hereby approved shall not be first occupied unless and until the widening of Nutt Lane and provision of a footway clear of the existing limits of the adopted highway as indicated on the approved plans, incorporating all associated highway remedial works and the relocation/replacement of the affected street lighting column as necessary, have been implemented in full to the written satisfaction of 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 Bury Unitary Development Plan Policies H2/2 - The Layout of New Residential Development and HT6/2 - Pedestrian and Vehicular Conflict.
- 16 The visibility splays indicated on the approved plans shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use and subsequently maintained free of obstruction above the height of 0.6m
- Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety pursuant to Bury Unitary Development Plan Policies H2/2 - The Layout of New Residential Development and HT6/2 - Pedestrian/Vehicular Conflict.
- 17 The turning facilities indicated on the approved plans shall be provided before the development is first occupied and 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 Bury Unitary Development Plan Policies H2/2 - The Layout of New Residential Development.
- 18 The car parking (including car ports) indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the development hereby approved being brought into use and thereafter maintained available for use at all times. .
- Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policies H2/2 - The Layout of New Residential Development and HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
- 19 No development shall commence unless and until the Developer, has submitted a scheme for approval by the Local Planning Authority to demonstrate provision to be made from parking on site of operatives' and construction vehicles together with storage on site of construction of materials. The approved scheme and provision

only shall be retained and used for the intended purpose for the duration of the construction period and that area shall not be used for any other purposes than the parking of vehicles and storage of construction materials respectively.

Reason. To 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 Bury Unitary Development Plan Policies H2/2 - The Layout of New Residential Development and EN1/2 - Townscape and Built Design.

Statement in accordance with Article 31 Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2012

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 Paragraphs 186-187 of the National Planning Policy Framework.

The following policies of the Bury Unitary Development Plan, National and Regional Government were considered relevant:

OL1	OL1 - Green Belt
OL1/2	OL1/2 - New Buildings in the Green Belt
EN1/2	EN1/2 - Townscape and Built Design
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
HT2/4	HT2/4 - Car Parking and New Development
EN6	EN6 - Conservation of the Natural Environment
EN8	EN8 - Woodland and Trees
OL1/3	OL1/3 - Infilling in Existing Villages in the Green Belt
SPD6	Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
SPD1	Supplementary Planning Document 1 - Open Space, Sport and Recreation Provision in New Housing Development
NPPF	National Planning Policy Framework
SPD8	Development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury
HT6/2	HT6/2 - Pedestrian/Vehicular Conflict
EN8/2	EN8/2 - Woodland and Tree Planting
H2/6	H2/6 - Garden and Backland Development
SPD16	Development Control Policy Guidance Note 16 - Design and Layout of New Development in Bury

This decision relates only to the Town and Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

Applicant Plan Numbers:

Figure 1 site location OS plan; Proposed site layout - M 28.02.15; Elevations to Nutt Lane - G 02.02.2015; Existing and proposed elevations to Nutt Lane C 02.02.2015; House type 1 - C 02.02.2015; House type 2 - G 08.03.2014; House types 3 and 4 - D 20.02.2015; Proposed site access arrangement - TPMA1270_105 Rev A; General arrangement - LO1 P2; Planting plan - LO2 P1; Wall, fence and gate elevation - LO3 Rev A; Access and Circulation plan; Topographical Survey SSL:16068:200:1:1

Planning, Design and Access Statement 30th January 2015; Report of Bat Survey GMEU

dated 25/9/2014; Arboricultural Report Urban Green January 2015; Preliminary Ecological Appraisal Urban Green January 2015; Report on the Structure Healey Consulting, 15067/PMH/KLH January 2015; Worms Eye PRA Report 27 January 2015

NOTES TO APPLICANT

1. Whilst no evidence of bats roosting was detected in the buildings to be demolished, the applicant is reminded that under the Habitat Regulation it is an offence to disturb, harm or kill bats. If a bat is found during demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.
2. Whilst there is only a low risk of Great Crested Newts being present, the applicant is reminded that under the Habitat
3. The site is to be drained on a separate system of drainage with surface water and foul sewage being combined at the last manhole before connection to public sewer.
4. Surface water discharge to be limited to existing flow from site less a minimum 30% reduction in run-off to allow for climate change to prevent surcharge of public sewerage system downstream of the proposed development Chapter 10 of the National Planning Policy Framework - Meeting the Challenge of Climate Change, Flooding and Coastal Change and Unitary Development Plan Policy EN5/1 - New Development and Flood Risk and its associated SPD 16 Design and Layout of New Development in Bury.
5. Application forms for permission to connect to the public sewer should be obtained by telephoning United Utilities PLC on 08456 020406 or on line at www.unitedutilities.com
6. Approval for a surface water connection to the watercourse should be obtained from:
Main River - Environment Agency, Appleton House, 430 Birchwood Boulevard, Birchwood, Warrington, WA3 7WD. Tel: 08708 506506.
Ordinary Watercourse - Engineering Design & Construction Group, Bury Council, 3 Knowsley Place, Duke Street, Bury, BL9 0EJ, 0161 253 5847.
7. With regards to Condition 2, the approved plan labelled 'Planting plan LO2 P1' and Access and Circulation plan' received 2/2/2015, relates to landscaping and access details only and not the proposed footprint of the dwellings hereby approved.
8. This recommendation relates to the revised plans received by this section on 4 march 2015
9. The applicant's attention is drawn to the need to consult the Department for Resources and Regulation regarding the proposed footway, carriageway and street lighting works. The cost of the works will be the responsibility of the developer.
10. It would be advantageous for the land affected by the highway proposals to be in the control of the Highway Authority. An appropriate course of action would be the free dedication of the land to the Highway Authority
11. 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 Resources and

Regulation detailing any proposed demolition works in connection with the proposed development.

12. A system shall be employed to ensure that the adopted highways are kept free of deposited material from the ground works operations to the satisfaction of the Local Planning Authority.

Signed:

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On behalf of the Council

Date of Decision: 18/03/2015