

NOTICE OF PLANNING PERMISSION

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

To:

Mr Josh Hudson
Watson Construction LTD
Spark Studio
208 - 210 Great Clowes Street
Salford
Manchester
M7 2ZS

PART 1 - Particulars of Application

Application Number: 70333

Date of Registration: 03/01/2024

Proposal:

Variation of condition no. 3 (affordable housing statement) following approval of planning permission 68998 - amendment to the tenure and unit mix

Location:

Land at Green Street, Radcliffe

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 This decision relates to drawings numbered
121305 01 P1, 121305 10 P1, 121305 11 P20,
121305-TADW-11-[-1]-DR-A-0021-P-8, 121305-TADW-00-00-DR-A-0022-P-10,
121305-TADW-00-01-DR-A-0023-P-9, 121305-TADW-00-02-DR-A-0024-P-9,
121305-TADW-00-03-DR-A-0025-P-8, 121305-TADW-00-04-DR-A-0026-P-8,
121305-TADW-00-05-DR-A-0027-P-8, 121305-TADW-00-ZZ-DR-A-0028-P-8,
121305-TADW-00-ZZ-DR-A-0029-P-7, 121305-TADW-00-ZZ-DR-A-0030-P-8,
121305-TADW-00-ZZ-DR-A-0031-P-7, 121305-TADW-00-05-DR-A-0032-P-1,
121305-TADW-00-ZZ-DR-A-0041-P-10, 121305-TADW-00-ZZ-DR-A-0042-P-10,
121305-TADW-00-ZZ-DR-A-0043-P-10, 121305-TADW-00-ZZ-DR-A-0044-P-10,
121305-TADW-00-ZZ-DR-A-0045-P-9, ELL/21164/WH/L/1000 A
Revised Affordable Housing Statement Rev 4 April 2024
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.
- 2 The residential units in Building B and Building C hereby approved shall be occupied at all times as affordable housing as defined in the Revised Affordable Housing Statement Rev 4 April 2024 (received 23/4/24).

Reason. The proposed development has been granted given the particular circumstances of the applicant and the opportunity to provide increased affordable housing, but as a result a recreational contribution pursuant to Supplementary Planning Document 1 (Open Space, Sport and Recreation Provision in New Housing Development) will not be provided. This condition is thereby to ensure that in order to make the development acceptable in planning terms, as a result of not making a recreational contribution the whole development shall instead contribute to satisfying the need for affordable housing provision.

- 3 The development hereby approved shall be carried out in accordance with the details approved under condition 4 of planning permission ref 68998. Only the approved materials shall be used for the construction of the development.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/2 - Townscape and Built Design.

- 4 Following the provisions of Condition 5 of planning permission ref 68998, 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.

- 5 The development hereby approved shall be carried out in accordance with the details approved under condition 7 of planning permission ref 68998.

Reason. In accordance with the principles of 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.

- 6 The development hereby approved shall be carried out in accordance with the details approved under condition 10 of planning permission ref 68998.

Reason. The information is required to reduce the impacts of dust disturbance from the site on the local environment, pursuant to chapter 11 of the NPPF - Conserving and enhancing the natural environment.

- 7 Prior to occupation of the commercial units hereby approved, a scheme for treating, diluting and dispersing fumes from and odours has been submitted to and approved in writing by the Local Planning Authority. The scheme submitted shall include a written statement from a suitably qualified person who is a member of the Heating and Ventilation Contractors Association (HVCA) or an equivalent professional body, stating that the fume treatment to be installed complies with or exceeds the 'Minimum Requirements For Odour Control' provided by the Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems :DEFRA 2005 (or if applicable such superseding guidance as shall prevail at the time of commencement of the development).

The scheme to be submitted shall also include the relevant manufacturer and installer instructions for any associated equipment with details of maintenance requirements.

Reason. The application contains insufficient detail in order to demonstrate that the required scheme would maintain the residential amenities of nearby residential

property from impact upon from fumes and odour pursuant to UDP Policy S2/6 - Food and Drink.

- 8 The mitigation measures identified in the Noise Impact Assessment, dated 16 December 2021 shall be implemented as proposed in full prior to first occupation of the dwellings hereby approved.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy EN7/2 - Noise Pollution of the Bury Unitary Development Plan.
- 9 The construction of the separating floor between the bar and offices (as shown on plan reference 121305-TADW-00-00-DR-A-0022-P-9) hereby approved must achieve an on-site sound insulation value of at least 50dB.
Reason. To protect the amenities of the future occupiers of the offices pursuant to Policy EN7/2 - Noise Pollution of the Bury Unitary Development Plan.
- 10 The construction of the separating floor between the commercial unit (74.4 square metres as shown on plan reference 121305-TADW-00-00-DR-A-0022-P-9) and the residential dwellings hereby approved must achieve an on-site sound insulation value of at least 55dB.
Reason. To protect the residential amenities of the future occupiers of the dwellings pursuant to Policy EN7/2 - Noise Pollution of the Bury Unitary Development Plan.
- 11 The noise levels within the commercial unit (173 square metres as shown on plan reference 121305-TADW-00-00-DR-A-0022-P-9) shall not exceed 85dB(A).
Reason. To protect the residential amenities of the future occupiers of the dwellings pursuant to Policy EN7/2 - Noise Pollution of the Bury Unitary Development Plan.
- 12 The development hereby approved shall be carried out in accordance with the details approved under condition 16 of planning permission ref 68998.
Reason. In the interest of public health and to ensure protection of the public sewer system pursuant to Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan.
- 13 The development hereby approved shall be carried out in accordance with the details approved under condition 17 of planning permission ref 68998.
Reason. To promote sustainable development and reduce flood risk pursuant to Places for Everyone Policy JP-S4 - Flood Risk and the Water Environment, Unitary Development Plan Policies 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.
- 14 The development hereby approved shall be carried out in accordance with the details approved under condition 18 of planning permission ref 68998.
Reason. In the interest of public health and to ensure protection of the public water supply pursuant to Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan.
- 15 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 JP-G8 - A Net Enhancement of Biodiversity and Geodiversity, 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.

- 16 The development hereby approved shall be carried out in accordance with the details approved under condition 20 of planning permission ref 68998.
Reason. To ensure the safe and satisfactory development of the site in the interest of Policy JP-G1 - Landscape Character and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 17 The development hereby approved shall be carried out in accordance with the details approved under condition 21 of planning permission ref 68998.
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.
- 18 The development hereby approved shall be carried out in accordance with the details approved under condition 22 of planning permission ref 68998.
Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to the following Policies of the Bury Unitary Development Plan:
Policy EC6/1 - Assessing New Business, Industrial and Commercial Development
Policy EN1/2 - Townscape and Built Design
Policy H2/2 - The Layout of New Residential Development.
- 19 The development hereby approved shall be carried out in accordance with the details approved under condition 23 of planning permission ref 68998.
Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to the following Policies of the Bury Unitary Development Plan:
Policy EC6/1 - Assessing New Business, Industrial and Commercial Development
Policy EN1/2 - Townscape and Built Design
Policy H2/2 - The Layout of New Residential Development.
- 20 The development hereby approved shall be carried out in accordance with the details approved under condition 24 of planning permission ref 68998.
Reason. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and JpE Policies JP-C5 - Streets for All and JP-C6 - Walking and Cycling.
- 21 The vehicular and pedestrian access arrangements within the curtilage of the site indicated on the approved plans shall be implemented to the satisfaction of the Local Planning Authority before the development hereby approved is brought into use/first occupied.
Reason. To ensure good highway design in the interests of road safety pursuant to the following Policies of the Bury Unitary Development Plan:
Policy EC6/1 - Assessing New Business, Industrial and Commercial Development
Policy EN1/2 - Townscape and Built Design
Policy H2/2 - The Layout of New Residential Development.
- 22 The turning facilities within the curtilage of the site indicated on the approved plans

shall be provided before the development hereby approved is brought into use/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 the following Policies of the Bury Unitary Development Plan:

Policy EC6/1 - Assessing New Business, Industrial and Commercial Development

Policy EN1/2 - Townscape and Built Design

Policy H2/2 - The Layout of New Residential Development.

- 23 The car and cycle parking indicated on the approved plans shall be surfaced, demarcated and made available for use before the development hereby approved is brought into use/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.

- 24 Bin storage arrangements shall be provided within the curtilage of the development for all uses in accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments' before the development hereby approved is brought into use/first occupied and shall thereafter be maintained.

Reason. To ensure adequate provision for the storage and disposal of refuse within the curtilage of the site, clear of the adopted highway pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EC6/1 - Assessing New Business, Industrial and Commercial Development

Policy EN1/2 - Townscape and Built Design

Policy H2/2 - The Layout of New Residential Development.

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:

EC5/2 EC5/2 - Other Centres and Preferred Office Locations

EC6/1 EC6/1 - New Business, Industrial and Commercial Development

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

EN1/4 EN1/4 - Street Furniture

EN1/5 EN1/5 - Crime Prevention

EN1/7 EN1/7 - Throughroutes and Gateways

EN1/8 EN1/8 - Shop Fronts

EN2/3 EN2/3 - Listed Buildings

EN6/3 EN6/3 - Features of Ecological Value

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
S1/2	S1/2 - Shopping in Other Town Centres
S2/1	S2/1 - All New Retail Proposals: Assessment Criteria
S2/6	S2/6 - Food and Drink
HT2/3	HT2/3 - Improvements to Other Roads
HT2/4	HT2/4 - Car Parking and New Development
HT5/1	HT5/1 - Access For Those with Special Needs
TC2	TC2 - Town Centre Enhancement and Development
TC2/2	TC2/2 - Mixed Use Development
TC2/3	TC2/3 - Vacant and Cleared Sites
Area	Area RD2 - Green Street/New Church Street
RD2	
SPD1	Supplementary Planning Document 1 - Open Space, Sport and Recreation Provision in New Housing Development
SPD5	Development Control Policy Guidance Note 5: Affordable Housing Provision in New Residential Developments
SPD6	Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury
NPPF	National Planning Policy Framework
PFE	Places for Everyone
JP-P1	Sustainable Places
JP-P2	Heritage
JP-S4	Flood Risk and the Water Environment
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-S5	Clean Air
JP-G7	Trees and Woodland
JP-C5	Streets For All
JP-C6	Walking and Cycling

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:

121305 01 P1, 121305 10 P1, 121305 11 P20, 121305-TADW-11-[-1]-DR-A-0021-P-8, 121305-TADW-00-00-DR-A-0022-P-10, 121305-TADW-00-01-DR-A-0023-P-9, 121305-TADW-00-02-DR-A-0024-P-9, 121305-TADW-00-03-DR-A-0025-P-8, 121305-TADW-00-04-DR-A-0026-P-8, 121305-TADW-00-05-DR-A-0027-P-8, 121305-TADW-00-ZZ-DR-A-0028-P-8, 121305-TADW-00-ZZ-DR-A-0029-P-7, 121305-TADW-00-ZZ-DR-A-0030-P-8, 121305-TADW-00-ZZ-DR-A-0031-P-7, 121305-TADW-00-05-DR-A-0032-P-1, 121305-TADW-00-ZZ-DR-A-0041-P-10, 121305-TADW-00-ZZ-DR-A-0042-P-10, 121305-TADW-00-ZZ-DR-A-0043-P-10, 121305-TADW-00-ZZ-DR-A-0044-P-10, 121305-TADW-00-ZZ-DR-A-0045-P-9, ELL/21164/WH/L/1000 A

Revised Affordable Housing Statement Rev 4 April 2024

NOTES TO APPLICANT

1. The applicant's attention is drawn to the need to consult the Department of Operations regarding the specification for and implementation of the required highway works. The cost of the works will be the responsibility of the developer.
2. The applicant's attention is drawn to the need to enter into a Section 278 Agreement under the Highways Act 1980 in respect of the works to be carried out on the highway in connection with the proposed development.
3. The Council currently operates a curtilage system of refuse collection. The applicant is advised to liaise with Waste Management, Bradley Fold Depot on 0161 253 6621/7010, regarding the operation of this system.
4. The applicant's attention is drawn to the requirements of Section 179 of the Highways Act 1980 which prohibits the construction of any foundations required for the boundary treatment under the adjacent adopted highway.

Signed:

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

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On behalf of the Council

Date of Decision: 24/04/2024