

NOTICE OF PLANNING PERMISSION

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

To:

Mr Jack Smith
Mott Macdonald
33 Stamford Street
Altrincham
WA14 1ES

On Behalf Of:

Mr Rob Van
Environment Agency
Richard Fairclough House
Knutsford Road
WA14 1HT

PART 1 - Particulars of Application

Application Number: 68541

Date of Registration: 09/06/2022

Proposal:

Construction of an earth embankment to connect an existing low flood defence wall to the north to high ground to the south - the structure will act to complete a flood defence structure to the private premises to the north

Location:

Land to west of Bury Road/WarhRoad/Hardys Gate/York Street, Radcliffe, M26 2GL

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 ENV0000389C-BMM-DZ-4BP-DR-T-0805017 P01, ENV0000389C-BMM-DZ-4BP-DR-T-0213657 P03 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 Following the provisions of Condition 3 of permission 66353, 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 scheme for the eradication of Japanese Knotweed and Himalayan Balsam approved under condition 6 of permission 66353.
Reason. To ensure the removal of Japanese Knotweed and Himalayan Balsam in the interest of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 6 The development hereby approved shall be carried out in accordance with the method statement to protect the River Irwell approved as part of condition 7 of permission 66353. All measures will be implemented and maintained for the duration of the construction period in accordance with the approved details.
Reason. To ensure no debris, sediment or pollutants enter the River Irwell pursuant to Policy EN6 - Conservation of the Natural Environment of the Bury Unitary Development Plan.
- 7 The site access arrangements, measures and facilities detailed in the approved 'Traffic Management Plan - Radcliffe & Redvales FRMS Phase 2' dated 09.09.2022, along with measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the sites and measures to minimise dust nuisance caused by the operations, shall be adhered to throughout the construction period.
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 HT6/2 - Pedestrian/Vehicular Conflict.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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:

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|--------|---|
| EC1/1 | EC1/1 - Land For Business (B1), General Industrial (B2) and Warehousing Uses (B8) |
| EC2/1 | EC2/1 - Employment Generating Areas |
| EN1/1 | EN1/1 - Visual Amenity |
| EN1/2 | EN1/2 - Townscape and Built Design |
| EN1/3 | EN1/3 - Landscaping Provision |
| EN1/11 | EN1/11 - Public Utility Infrastructure |
| EN3 | EN3 - Archaeology |
| EN5 | EN5 - Flood Protection and Defence |
| EN5/1 | EN5/1 - New Development and Flood Risk |
| EN6 | EN6 - Conservation of the Natural Environment |
| EN6/3 | EN6/3 - Features of Ecological Value |
| EN7 | EN7 - Pollution Control |
| EN7/1 | EN7/1 - Atmospheric Pollution |

EN7/2	EN7/2 - Noise Pollution
EN7/5	EN7/5 - Waste Water Management
EN8/2	EN8/2 - Woodland and Tree Planting
OL5/2	OL5/2 - Development in River Valleys
RT1/1	RT1/1 - Protection of Recreation Provision in the Urban Area
RT3/4	RT3/4 - Recreational Routes
HT2/4	HT2/4 - Car Parking and New Development
SPD6	Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
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:

ENV0000389C-BMM-DZ-4BP-DR-T-0805017 P01
 ENV0000389C-BMM-DZ-4BP-DR-T-0213657 P03

NOTES TO APPLICANT

1. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further

information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

2. This recommendation relates to the revised plan received by this section on 14 September 2022

Signed:

A handwritten signature in black ink, appearing to read 'Paul Harris', written in a cursive style.

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On behalf of the Council

Date of Decision: 06/10/2022