

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:

Great Places
c/o agent

PART 1 - Particulars of Application

Application Number: 71532

Date of Registration: 16/01/2025

Proposal:

Variation of condition no. 2 (approved plans) and condition 15 (drainage design) of planning permission 70015 - removal of louvres from windows of the houses, bungalows and cottage flats; amendments to landscaping and additional information added to drainage design and layout

Location:

Kemp Heaton Avenue, situated between Bury Cemetery to the north and Peachment Place Extra Care apartments to the south.

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 12 July 2027.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered 12551-AEW-SI-XX-DR-A-0503 P26, 1251-AEW-B1-XX-DR-A-0550 P03, 1251-AEW-SI-XX-DR-A-0504 P03, 13753-CRH-ZZ-XX-DR-C-5500 P4, 13753-CRH-ZZ-XX-DR-C-5501 P4, 13753-CRH-ZZ-XX-DR-C-5502 P5, 12551-AEW-CF-XX-DR-A-0540 P03, 12551-AEW-H1-XX-DR-A-0530 P03, 387 03 U, 387 04 P, 387 05 K, 387 06 K, 387 07 A, 387 08 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 The development shall only be carried out in accordance with the details approved under condition 3 of permission 70015.
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 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. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required 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 15 - Conserving and enhancing the natural environment.

- 5 Following the provisions of Condition 4 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 15 - Conserving and enhancing the natural environment.

- 6 Prior to occupation, electric vehicle charging points shall be installed and made available for use. EV chargepoints shall be 7kW* as a minimum.

*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. In accordance with 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.

- 7 The development shall only be carried out in accordance with the details approved under condition 7 of permission 70015.

Reason. The scheme does not provide full details of the actual risk from coal mining and subsequent remediation, which is required 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 15 - Conserving and enhancing the natural environment.

- 8 Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

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 15 - Conserving and enhancing the natural environment.

- 9 The development shall only be carried out in accordance with the details approved under condition 9 of permission 70015. Any mitigation measures identified shall be implemented in full during the course of the development.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to Policy 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.
- 10 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 and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 11 The development hereby approved shall only be carried out in accordance with the measures in Section 4.4.2 to 4.4.4 of the Preliminary Ecological Appraisal relating to amphibians, hedgehogs and badgers.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to Policy 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.
- 12 The development shall only be carried out in accordance with the details approved under condition 12 of permission 70015.
Reason. The scheme does not provide full details of the actual extent of invasive species and mitigation pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 13 The development shall only be carried out in accordance with the details approved under condition 13 of permission 70015.
Reason. In order to ensure that no harm is caused to a Protected Species and to the wider environment pursuant to Policy 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.
- 14 The landscaping scheme (plan references 387 03 P, 387 05 E, 387 06 E) hereby approved shall be implemented not later than 12 months from the date the building(s) is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and 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 EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
- 15 The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 13753-5050, Rev P1 - Dated 09/08/2023 which was prepared by Campbell Reith. For the avoidance of doubt surface water must drain at the restricted rate of 6.17l/s.
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: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

Reason. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , 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.

- 16 The development shall only be carried out in accordance with the details approved under condition 16 of permission 70015.
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, JP-C5 and JP-C6.
- 17 The development shall only be carried out in accordance with the details approved under condition 17 of permission 70015.
The details subsequently approved shall be implemented to an agreed programme.
Reason. Information not submitted at application stage. 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 Policies EN1/2, H2/2, JP-C5 and JP-C6.
- 18 In the event that it is not intended for the proposed residential estate roads to be considered for adoption by the Council, or in the event that an agreement has not been reached with the Local Highway Authority to secure adoption, prior to occupation details of the proposed arrangements for future management and maintenance of the proposed estate road within the development shall be submitted to and approved by the local planning authority. The estate road shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.
Reason. To ensure that the unadopted estate road serving the development is maintained to an acceptable standard in the interest of residential/highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway pursuant to Policies EN1/2, H2/2, JP-C5 and JP-C6.
- 19 The various turning facilities indicated on the approved plans shall be provided before the areas of the development to which they relate are 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 Policies EN1/2, H2/2, JP-C5 and JP-C6.
- 20 The various turning facilities indicated on the approved plans shall be provided before the areas of the development to which they relate are 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 Policies EN1/2, H2/2, JP-C5 and JP-C6.

- 21 Minimum hardstanding lengths of 5.0m at all dwellings shall be provided and thereafter maintained.
Reason. To enable a vehicle to stand clear of the highway whilst the garage doors are opened and/or to allow adequate space to maintain a vehicle clear of the highway in the interests of pedestrian safety pursuant to Policies EN1/2 and H2/2.
- 22 The car parking indicated on the approved plans shall be surfaced and made available for use prior to the each dwelling/part of the site to which it relates being occupied and thereafter maintained at all times.
Reason. To ensure adequate off-street car parking provision in the interests of road safety pursuant to Policies EN1/2 and H2/4.
- 23 Bin storage arrangements shall be provided within the curtilage of each dwelling in accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments'.
Reason. To ensure that adequate bin storage arrangements are provided within the curtilage of each dwelling pursuant to Policies EN1/2 and H2/2.
- 24 The development shall only be carried out in accordance with the details approved under condition 24 of permission 70015.
Reason. To secure the satisfactory development of the site and in the interests of protected species pursuant to Policy JP-G8 - A Net Enhancement of Biodiversity and Geodiversity of the Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.
- 25 The development shall only be carried out in accordance with the details approved under condition 25 of permission 70015.
Reason. - To make an uplift to the presently proposed disabled parking provision pursuant to HT5/1 - Access for those with special needs.

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:

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|-------|--|
| 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 |
| EN6/3 | EN6/3 - Features of Ecological Value |
| EN6/4 | EN6/4 - Wildlife Links and Corridors |
| 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
 RT3/3 RT3/3 - Access to the Countryside
 RT3/4 RT3/4 - Recreational Routes
 HT2/4 HT2/4 - Car Parking and New Development
 HT5/1 HT5/1 - Access For Those with Special Needs
 HT6/2 HT6/2 - Pedestrian/Vehicular Conflict
 SPD 9 Development Control Policy Guidance Note 9 - Conversion and Re-use of Buildings in the Green Belt
 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
 JP-S2 Carbon and Energy
 JP-S5 Clean Air
 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-G7 Trees and Woodland
 JP-C2 Digital Connectivity
 JP-C5 Streets For All
 JP-C6 Walking and Cycling
 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:

12551-AEW-SI-XX-DR-A-0503 P26
 1251-AEW-B1-XX-DR-A-0550 P03
 1251-AEW-SI-XX-DR-A-0504 P03
 13753-CRH-ZZ-XX-DR-C-5500 P4
 13753-CRH-ZZ-XX-DR-C-5501 P4
 13753-CRH-ZZ-XX-DR-C-5502 P5
 12551-AEW-CF-XX-DR-A-0540 P03
 12551-AEW-H1-XX-DR-A-0530 P03
 387 03 U
 387 04 P
 387 05 K
 387 06 K
 387 07 A
 387 08

NOTES TO APPLICANT

Not Applicable

Signed:

A handwritten signature in black ink, appearing to read "For Kaitiaki".

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On behalf of the Council

Date of Decision: 08/07/2025