

NOTICE OF PLANNING PERMISSION

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

To:

Mr Rostron
Ryder Architecture
Suite 1E
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M3 2JA

On Behalf Of:

Mr Dentith
Bury Council
Bury Council
3 Knowsley Place
Duke Street
Manchester
BL9 0EJ

PART 1 - Particulars of Application

Application Number: 71228

Date of Registration: 16/12/2024

Proposal:

Provide a temporary (4 year period) modular school to accommodate approx. 50 pupils, with associated car parking, landscaping and boundary treatment

Location:

7 Whittaker Street, Radcliffe, Manchester, M26 2DT

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 Permission is hereby granted for a limited period only, namely for a period expiring 4 years from the date of this decision notice, and the building, works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued at the end of the said period and the land reinstated to its former condition within 4 months of the cessation of the use.
Reason. In view of the temporary nature of the development and in order to retain control over its continued use having regard to the particular nature of the site and surroundings pursuant to The National Planning Policy Framework.

- 2 This decision relates to drawings -

Location plan P-001
Proposed site/block plan P-002 rev D
Proposed layout plan P-100 rev C
Existing and proposed context elevations P-102 rev c
Proposed elevations/section P-101 rev C
Proposed plan with topo survey R360 P-003 rev A1
Elevations sheet 1 of 3 R360 105 rev A2
Elevations sheet 2 of 3 R360 106 rev A2

Revised Planning Statement revision 3 (dated received 30-1-25)
Noise Impact Assessment 10 December 2024 - 36689-HML-XX-XX-RP-O-500001
Issue P01

Desk based coal mining risk assessment LKC241673 January 2025

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 and Places for Everyone Joint Development Plan listed.

- 3 The development hereby approved within any approved phase shall not be brought into use until written confirmation is provided to the Local Planning Authority that unexpected or previously unidentified contamination was not encountered during the course of development works.

If, during development, unexpected contamination is found to be present on the site, no further works shall be carried out at the affected location until the following are submitted to the Local Planning Authority for approval:

- I. Risk Assessment (GQRA or DQRA);
- II. Remediation Strategy & Verification Plan;

If remediation is required, it shall be carried out in accordance with the approved Remediation Strategy. Upon completion of remediation works, a Verification Report shall be submitted for approval. 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 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

- 4 Any soil or soil forming materials to be brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use.

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 the Local Planning Authority for approval prior to any soil or soil forming materials being brought onto site.

The approved contamination testing shall then be carried out and validity evidence (soil descriptions, laboratory certificates, photographs etc.) submitted to Local Planning Authority for approval prior to the development being brought into use.

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 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

- 5 Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and

approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

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. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution pursuant to PfE Policy JP-S4 - Flood Risk and the Water Environment and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

- 6 A soft landscaping scheme and biodiversity enhancement measures (bat/bird boxes) shall be submitted to, and approved by the Local Planning Authority prior to the commencement of the development. The approved scheme shall thereafter be implemented not later than 12 months from the date the building(s) is first occupied or within the first available tree planting season,; 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.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies EC6/3 of the UDP, Policy JP-G8 of the Joint PfE and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

- 7 Notwithstanding the details indicated on the approved plans, no development shall commence 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) Formation and widening of the proposed southerly car park access onto Whittaker Street to a scope and specification to be agreed, incorporating a sufficient width to allow two cars to pass each other, junction radii to replicate the existing arrangements to the north, alterations to the proposed fence lines and all associated highway remedial works;
- (2) Formation of the proposed pedestrian access to the site and reinstatement of the existing northerly car park access onto Whittaker Street to adjacent footway levels to a scope and specification to be agreed, incorporating all associated highway remedial works;
- (3) Works between the proposed vehicular and pedestrians accesses on Whittaker Street to retain the back edge of the footway exposed following removal of the former boundary treatment/stone plinths, to a scope and specification to be agreed, incorporating all associated highway remedial works;

(4) Foundation details for all proposed boundary fencing confirming no encroachment under the adjacent adopted highway.

The details subsequently approved shall be implemented to an agreed programme with 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 adopted highway, all in the interests of highway safety pursuant to Places for Everyone Policies JP-C5, JP-C6 and JP-C8.

- 8 The development hereby approved shall not be commenced unless and until a method statement has been submitted to and approved by the Local Planning Authority for the placement/erection of the temporary modular building on the site, incorporating adequate access arrangements for the delivery/construction vehicles involved. The measures subsequently approved shall be implemented and maintained for the duration of the works.
Reason. In the interests of pedestrian and road safety and to mitigate the impact of the construction traffic generated by the proposed development on the adjacent highways pursuant to Places for Everyone Policies JP-C5, JP-C6 and JP-C8.
- 9 The servicing arrangements and turning facilities indicated on the approved plans shall be provided before the development is brought into use 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/new access road, in the interests of road safety pursuant to Places for Everyone Policies JP-C5, JP-C6 and JP-C8
- 10 The car parking indicated on the approved plans shall be surfaced as shown, demarcated and made available for use prior to the development hereby approved being brought into use 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.
- 11 The refuse storage and access arrangements to be provided within the curtilage of the site shall be made available for use to the satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use and thereafter maintained at all times.
Reason. To ensure that adequate bin storage arrangements are provided within the curtilage of each dwelling pursuant to Places for Everyone Policy JP-C8.
- 12 The development thereby approved shall incorporate double glazing and trickle ventilation as stated in the Executive Summary of the Noise Assessment and plant equipment shall not exceed noise levels stated in Table 6.1 of the Noise Assessment. The measures shall be implemented prior to first occupation and maintained for the duration of the development hereby approved.
Reason. To protect the amenity of adjacent occupiers pursuant to Bury Unitary Development Plan Policy EN7/2 - Noise Pollution.
- 13 Notwithstanding the plans hereby approved, 3 of the 21 car parking spaces shall be provided as accessible spaces and shall be made available prior to the first

use/occupation of the development hereby approved and shall thereafter be maintained for the duration of the approved development.

Reason. To ensure the development provides satisfactory levels of accessibility for users of the car park and development pursuant to Policies HT2/4 - Car Parking and New Development, HT5/1 - Access for Those with Special Needs and PfE Policy JP-C8 - Transport Requirements of New 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:

NPPF	National Planning Policy Framework
H5/1	H5/1 - Area Improvement
EN1/2	EN1/2 - Townscape and Built Design
EN1/5	EN1/5 - Crime Prevention
EN7/2	EN7/2 - Noise Pollution
EN7/5	EN7/5 - Waste Water Management
HT2/4	HT2/4 - Car Parking and New Development
HT5/1	HT5/1 - Access For Those with Special Needs
CF1/1	CF1/1 - Location of New Community Facilities
JP-S2	Carbon and Energy
JP-P1	Sustainable Places
JP-P3	Cultural Facilities
JP-P5	Education, Skills and Knowledge
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
SPD3	Development Control Policy Guidance Note 3: Planning Out Crime in New Development
SPD11	Development Control Policy Guidance Note 11 - Parking Standards 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:

Location plan P-001
Proposed site/block plan P-002 rev D
Proposed layout plan P-100 rev C
Existing and proposed context elevations P-102 rev c
Proposed elevations/section P-101 rev C
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Elevations sheet 2 of 3 R360 106 rev A2
Elevations sheet 3 of 3 R360 109 rev A1

NOTES TO APPLICANT

United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as a main river).

To discuss their drainage proposals the applicant should contact our Developer Services team by email at SewerAdoptions@uuplc.co.uk. Alternative ways to contact the team are detailed in the Appendix, Section 4.0 'Contacts'.

When considering their drainage proposal, the applicant should investigate the existence of any pipelines and/or apparatus that might impact their detailed design (see Section 'UNITED UTILITIES' PROPERTY, ASSETS AND INFRASTRUCTURE').

United Utilities will not carry out an assessment on the acceptability of submitted drainage proposals in relation to our water pipelines when responding to a planning application. It is the applicant's responsibility to ensure that any detailed drainage plans comply with our 'Standard Conditions for Works Adjacent to Pipelines' which can be found on our website: Working near our pipes - United Utilities. Failure to consider existing pipelines when designing a drainage proposal may result in the applicant having to redesign proposals at a later date.

Management and maintenance of Sustainable Drainage Systems (SuDS)

Without effective management and maintenance SuDS can fail or become ineffective which may have a detrimental impact on the surrounding area. There is also a risk ineffective SuDS could impact the performance of the public sewer network where the two systems interact. Therefore, when SuDS is included in a proposed development, we recommend the Local Authority include a condition relating to SuDS management and maintenance in any subsequent Decision Notice. We provide an example condition below that may be suitable in many circumstances.

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

(i)

Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and

(ii)

Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Please note United Utilities cannot provide comment on an asset that is owned by a third-party management and maintenance company. Therefore, whilst we recommend the inclusion of a management and maintenance condition, United

Utilities would not be involved in its discharge.

UNITED UTILITIES' PROPERTY, ASSETS AND INFRASTRUCTURE

It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Utilities' assets and the proposed development. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout.

It is important that the supporting information contained in the Appendix, Section 2.0 'United Utilities' Property, Assets and Infrastructure', is read in conjunction with this letter. This provides information that might impact a proposed layout and additional guidance that an applicant or developer must consider when United Utilities assets are located in, or in the locality of, the proposed site.

Where United Utilities' assets exist, it is essential that the applicant, or any subsequent developer, contacts our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition. See Appendix, Section 4.0 'Contacts'

Water main

A water main is located in the vicinity of the site. It must not be built over, or our access to the pipeline compromised in any way. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', which can be found on our website:

<https://www.unitedutilities.com/builders-developers/your-development/planning/building-over-or-working-near-our-assets/working-near-our-pipes/>. The applicant must comply with this document to ensure pipelines are adequately protected both during and after the construction period.

WATER EFFICIENCY IN NEW DEVELOPMENT

Local planning authorities have the option to set additional technical requirements in respect of water use for the construction of new build dwellings, exceeding the minimum standards required by Building Regulations. All new homes are required to meet the mandatory national standard of 125 litres of water used per person per day as set out in Building Regulations Approved Document G. Where there is a clear local need, a local planning authority's development plan policies can require new-build dwellings to meet the tighter Building Regulations optional requirement of 110 litres of water used per person per day. If your adopted development plan includes a policy that implements the tighter water efficiency standard for new-build dwellings in Part 3 of Building Regulations, you should ensure that this is a condition of any planning permission you may grant. You should also consider whether there is any adopted development plan policy relating to a water efficiency in the construction of non-residential development. As this is a matter for the local planning authority / building control body, United Utilities would not be involved in the discharge of conditions relating to water efficiency.

Coal Authority informatives

1 – Ground Investigations

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission to enter or disturb our property will result in the potential for court action. In the event that you are proposing to undertake such

work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website
at:www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

2 – Shallow Coal Seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

To check your site for coal mining features on or near to the surface the Coal Authority interactive map viewer allows you to view selected coal mining information in your browser graphically. To check a particular location either enter a post code or use your mouse to zoom in to view the surrounding area.

General Information for the Applicant

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

<https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

Requirement for Incidental Coal Agreements

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required from the Coal Authority. Further information regarding Incidental Coal Agreements can be found here -

<https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

Permit Terms and Conditions at Coal mining permit terms and conditions - GOV.UK (www.gov.uk)

Guidance which is in form of FAQs in section 10 at What is a permit and how to get one? - GOV.UK (www.gov.uk)

INFORMATIVE - The Control of Noise (Appeals) Regulations 1975, 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 1975.

- . This recommendation relates to the revised plans received by this Section on 30 January 2025.
- . 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.
- . The Council currently operates a curtilage system of refuse collection. The applicant is advised to liaise with Environment & Development Services, Waste Management & Transport - Bradley Fold, on 0161 253 7010/6635, regarding the operation of this system.

Signed:



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On behalf of the Council

Date of Decision: 19/02/2025