

NOTICE OF PLANNING PERMISSION

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

To:

Eleanor McCallum
Pozzoni Architecture Limited
Woodville House
2 Woodville Road
Altrincham
WA14 2FH

On Behalf Of:

Mr Dominic Conway
Bolton at Home
98 Waters Meeting Road
Bolton
BL1 8SW

PART 1 - Particulars of Application

Application Number: 70805

Date of Registration: 20/06/2024

Proposal:

Erection of 4 no. bungalows and a block of 39 no. apartments for the over 55s including communal facilities, landscaping and car parking provision

Location:

Land off Fletcher Fold Road, Bury, BL9 9RX

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 6071-POZ-00-ZZ-DR-A-1100 Rev P03, 6071-POZ-XX-ZZ-DR-A-1200 Rev P09, 6071-POZ-XX-ZZ-DR-A-1210 Rev P04, 6071-POZ-XX-ZZ-DR-A-1211 Rev P03, 6071-POZ-XX-ZZ-DR-A-1220 Rev P03, 6071-POZ-XX-ZZ-DR-A-1221 Rev P03, 6071-POZ-XX-ZZ-DR-A-1230 Rev P04, 6071-POZ-00-ZZ-DR-A-1350 Rev P04, 6071-POZ-XX-ZZ-DR-A-1351 Rev P02, PAL-00-ZZ-DR-A-1400 Rev P01, 6071-POZ-00-ZZ-DR-A-1900 Rev P01, 6071-POZ-XX-ZZ-VS-A-1212 Rev P02, 6071-POZ-XX-ZZ-VS-A-1213 Rev P01, S23-0937 Rev A, S23-0938, 23-B-13947-100 Rev A, 23-B-13947-200 Rev B, D10188.001 Rev P01, D10188.002 Rev P01, D10188.100 Rev P01, D10188.201 Rev P01.

Supporting Documents

Building Mass and overshadowing study
Coal Mining Risk Assessment 23-12-115972/CMRA1
Report on Coal Mining related site investigation works - 8th March 2024
Planting Schedule D10188.200 P01

Energy Statement Z63439
 Crime Impact Statement 2023/0563/CIS/01
 Ground Investigation Report 23-12-115972/GIR1 Rev B
 Flood Risk Assessment and Drainage Strategy Report 23-B-13497
 Arboricultural Impact Assessment April 2024
 Protected Species Report: Amphibians 10188.003
 Ecological Assessment Report 10188.002
 Ecological Desk Study 10088.001
 Planning Statement May 2024
 Heritage Statement March 2024
 Affordable Housing Statement
 Design and Access Statement 6071-POZ-XX-XX-PP-A-1000-P02
 Micro Drainage Analysis Rev B
 Drainage Maintenance Plan
 Biodiversity Net Gain Impact Assessment and Design Stage Report 10188.003
 UK Urban Habitat Assessment sheets
 The Statutory Biodiversity metric
 Transport Statement 1911/1/B
 SuDs Suitability Assessment 13947
 Financial Viability Report

Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Development Plan listed.

- 3 Details/Samples of the (materials/bricks) 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. 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 The removal of certain trees may have the potential to cause harm to bats as identified in the Ecological Assessment TEP ref. 10188.002 version 2.0 Table 4 and shall not in any circumstances occur unless further information has been provided 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 JP-G8 - A Net Enhancement of Biodiversity and Geodiversity and EN6/3 - Features of Ecological Value of the Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 5 Prior to any earthworks a method statement detailing control measures for himalayan balsam, japanese knotweed, monbretia and Cotoneaster should be supplied to and agreed in writing by the Local Planning Authority. The agreed method statement shall be adhered to and implemented in full.
Reason. The scheme does not provide full details of the actual extent of Japanese Knotweed, Himalayan Balsam, monbretia and Cotoneaster in the interest of Development Plan Policy JP-G1 - Landscape Character and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 5 No works to trees or shrubs shall occur or demolition commence 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 and written confirmation provided that no active bird nests are present which has been

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 JP-G8 - A Net Enhancement of Biodiversity and Geodiversity and EN6/3 - Features of Ecological Value of the Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 6 The landscaping scheme hereby approved shall be implemented not later than 12 months from the date the buildings is first occupied and shall include the provision of bird and bat boxes and swift bricks. 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 and to ensure provision for protected species pursuant to policies JP-G8: A Net Enhancement of Biodiversity and Geodiversity and EN6/3 - Features of Ecological Value of the Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 7 Prior to any further earthworks or vegetation clearance a precautionary working measures strategy for mammals such as hedgehog and badger and amphibians such as common toad will be provided to and agreed in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.
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 Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 8 The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Impact Assessment and Design Stage Report reference 10188.003 prepared by The Environment Partnership and must include:
 1. information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
 2. the pre-development biodiversity value of the onsite habitat;
 3. the post-development biodiversity value of the onsite habitat;
 4. any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
 5. any biodiversity credits purchased for the development; and
 6. any such other matters as the Secretary of State may by regulations specify.Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Places for Everyone Joint Development Plan Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.
- 9 The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:
 1. a non-technical summary;
 2. the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 3. the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 4. the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 5. the monitoring methodology and frequency in respect of the created or enhanced

habitat to be submitted to the local planning authority.

has been submitted to, and approved in writing by, the local planning authority.

Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Places for Everyone Joint Development Plan Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

- 10 The development hereby approved shall not be occupied unless and until:
1. the habitat creation and enhancement works set out in the approved HMMP have been completed; and
 2. a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Places for Everyone Joint Development Plan Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

- 11 Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.
- Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Places for Everyone Joint Development Plan Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.
- 12 Notwithstanding the details contained within the Arboricultural Impact Statement April 2024, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development and shall be produced in accordance with BS5837. The method statement shall include:

1. A Tree Protection Plan showing trees that would be retained in the context of the final layout;
2. The arrangement of temporary protection measures that would be installed prior to commencement and maintained during construction;
3. The location of all proposed structures and surfaces, level changes, excavations and access requirements that could harm retained trees;
4. A methodology and/or details for all activities identified at point (3) that will be followed to avoid harm to retained trees;
5. A detail for any temporary construction measures, products or construction methods that are specified;
6. Details of any proposed watching brief, monitoring or reporting;
7. A schedule of works proposed to trees to be retained on site and those overhanging Public Right of Way Footpath 71BUR, including the reason for such works.

The works shall be implemented in accordance with the approved details.

Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design, JP-G7 - Trees and Woodland and EN8/2 - Woodland and Tree Planting of the Development Plan.

- 13 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 Development Plan Policies JP-S4 - Flood Risk and the Water Environment, 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 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.

15 Following the provisions of Condition 14 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.

- 16 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 15 - Conserving and enhancing the natural environment.

- 17 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 15 - Conserving and enhancing the natural environment.

- 18 Prior to occupation/first use the applicant shall provide:
1. one electric vehicle (EV) charging point (minimum 7kW*) per unit (dwelling with dedicated parking).
 2. electric vehicle (EV) charging points (minimum 7kW*) for a minimum of 20% of car parking spaces for dwellings with unallocated parking.

Certification and photographic evidence of the installation of the agreed electric vehicle charge points shall be submitted.

*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.

- 19 Notwithstanding the details indicated on the approved plans, no development shall commence unless and until full details for a scheme of protection for Public Footpath 71BUR indicated as "existing footpath" on drawing number 6071-POZ-XX-ZZ-DR-A-1200 P09 that crosses the site have been submitted to and agreed in writing by the Local Authority. The scheme shall include:
1. Submission of a dilapidation survey of the existing public right of way;

2. A scheme of surface improvements along the public right of way that runs through the site to a scope and specification to be agreed;

3. The arrangement of temporary protection measures that would be installed prior to commencement, to maintain provision of the public right of way through the site, to be maintained free of obstruction and maintained during construction;

4. Submission of a drawing, based on a topographical survey that indicates the existing width and levels of the public right of way and adjacent land;

5. Details of how the public right of way will be maintained free of obstruction, and at its existing width following construction as identified under bullet point 4 above. The details subsequently approved shall be implemented to an agreed programme.

Reason. To maintain the extent of existing Public Right of Way footpath 71BUR pursuant to Policy RT3/4 - Recreational Routes of the Bury Unitary Development Plan.

- 20 If a temporary obstruction of the public right of way Footpath 71BUR is required during development no development shall take place unless and until a closure order has been made to Bury Council and a suitable temporary alternative route(s) made available.

Reason. To maintain the extent of existing Public Right of Way footpath 71BUR pursuant to Policy RT3/4 - Recreational Routes of the Bury Unitary Development Plan.

- 21 The turning facilities indicated on the approved plans shall be provided before the areas of the development to which they relate are 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 in the interests of road safety pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.

- 22 The car parking 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 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 and Supplementary Planning Document 11: Parking Standards in Bury.

- 23 The refuse storage and access arrangements to be provided within the curtilage of the site shall be made available for use 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 the site, clear of the adopted highway To ensure that adequate bin storage arrangements are provided within the curtilage of the site, clear of the adopted highway pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.

- 24 Notwithstanding the details contained within the approved Construction Traffic Management Plan dated 11th September 2024 no development shall commence unless and until the following have been submitted to, and approved in writing by the Local Planning Authority:

1. Photographic dilapidation survey of the footways and carriageways leading to and abutting the site in the event that subsequent remedial works are required following construction of the development and as a result of statutory undertakers connections to the site;
2. Access route for all construction vehicles to the site from the Key Route Network;
3. Access point/arrangements for construction traffic, taking into consideration the need to maintain safe pedestrian/vehicular access to adjacent residential properties and Public Footpath No. 71, Bury, and all temporary works required to facilitate access for construction vehicles;
4. Hours of work for site preparation, delivery of materials and construction and number of vehicle movements;
5. Arrangements for the parking of vehicles for site operatives and visitors on land within the applicant's control, together with storage on site or on land within the applicant's control of construction materials;
6. Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres including details of areas designated for the loading, unloading and storage of plant and materials;
7. Details of the siting, height and maintenance of all security hoardings clear of the adopted highway and (in the absence of any temporary closure) Public Footpath No. 71, Bury;
8. The provision, where necessary, of temporary pedestrian facilities/protection measures on the adopted and unadopted highways and Public Right of Way that crosses the site;
9. A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access(es);
10. Arrangements for the provision of wheel washing facilities for vehicles accessing the site;
11. Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways or Public Right of Way as a result of the groundworks operations or carried on the wheels and chassis of any vehicles leaving the site and measures to control the emission of noise, dust and dirt during construction;
12. A scheme for recycling/disposing of waste resulting from construction works; and
13. A strategy to inform neighbouring occupiers (which as a minimum, shall include those adjoining the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.

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. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of construction materials. All highway remedial works identified as a result of the dilapidation survey shall be implemented to the written satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use.

Reason. Information not submitted at application stage. 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 Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.

- 25 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 of the proposed site access alterations and pedestrian improvements on Fletcher Fold Road at the junction with Goshen Lane to a scope and specification to be agreed, incorporating works at/beyond the limits of the adopted highway to form adequate arrangements for pedestrians across Goshen Lane, demarcation of the limits of the adopted highway, and all associated highway and highway drainage remedial works;
2. Scheme of carriageway resurfacing works on Fletcher Fold Road in the vicinity of the revised access to a scope and specification to be agreed;

The details subsequently approved shall be implemented to an agreed programme and to the satisfaction of the Local Planning Authority.

Reason. 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 Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.

- 26 The dwellings hereby approved shall be built in accordance with the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations.

Reason. To secure the satisfactory development of the site pursuant to Places for Everyone Joint Development Plan Policy JP-H3: Type, Size and Design of New Housing.

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:

EN1/2	EN1/2 - Townscape and Built Design
EN2/3	EN2/3 - Listed Buildings
EN6/3	EN6/3 - Features of Ecological Value
EN7/3	EN7/3 - Water Pollution
EN7/5	EN7/5 - Waste Water Management
EN8/2	EN8/2 - Woodland and Tree Planting
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
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
JP-C1	Our Integrated Network
JP-C2	Digital Connectivity

JP-C3 Our Public Transport
 JP-C5 Streets For All
 JP-C6 Walking and Cycling
 JP-C8 Transport Requirements of New Development
 JP-H3 Type, Size and Design of New Housing
 JP-H4 Density of New Housing
 JP-S2 Carbon and Energy
 JP-S4 Flood Risk and the Water Environment
 JP-S5 Clean Air
 JP-P1 Sustainable Places
 JP-P6 Health
 JP-G7 Trees and Woodland
 JP-G8 A Net Enhancement of Biodiversity and Geodiversity
 JP-G1 Landscape Character
 NPPF National Planning Policy Framework
 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

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:

6071-POZ-00-ZZ-DR-A-1100 Rev P03, 6071-POZ-XX-ZZ-DR-A-1200 Rev P09,
 6071-POZ-XX-ZZ-DR-A-1210 Rev P04, 6071-POZ-XX-ZZ-DR-A-1211 Rev P03,
 6071-POZ-XX-ZZ-DR-A-1220 Rev P03, 6071-POZ-XX-ZZ-DR-A-1221 Rev P03,
 6071-POZ-XX-ZZ-DR-A-1230 Rev P04, 6071-POZ-00-ZZ-DR-A-1350 Rev P04,
 6071-POZ-XX-ZZ-DR-A-1351 Rev P02, PAL-00-ZZ-DR-A-1400 Rev P01,
 6071-POZ-00-ZZ-DR-A-1900 Rev P01, 6071-POZ-XX-ZZ-VS-A-1212 Rev P02,
 6071-POZ-XX-ZZ-VS-A-1213 Rev P01, S23-0937 Rev A, S23-0938, 23-B-13947-100 Rev A,
 23-B-13947-200 Rev B, D10188.001 Rev P01, D10188.002 Rev P01, D10188.100 Rev P01,
 D10188.201 Rev P01.

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Financial Viability Report

NOTES TO APPLICANT

1. If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0800 288 4242. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority
2. ***The local planning authority considers that approval of a BIODIVERSITY GAIN PLAN WILL BE REQUIRED BEFORE DEVELOPMENT COMMENCES***

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority,
and
(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Bury Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

The permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).]

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
 - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
 - 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).
 - 4.5 Self and Custom Build Development, meaning development which:
 - i) consists of no more than 9 dwellings;
 - ii) is carried out on a site which has an area no larger than 0.5 hectares; and
 - iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).
 - 4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

3. **INFORMATIVE - The Control of Noise 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.

4. In accordance with S93G of the Town and Country Planning Act 1990 (As amended by Section 111 Levelling Up & Regeneration Act 2023) there is a legal requirement for you to inform the Council of the date when you intend to commence the development on site via submission of a Commencement Notice. This notice is mandatory for all developments and came into effect on 31 March 2024. You can find more information and download a copy of the Commencement Notice under the Before Starting Work section on our website at <https://www.bury.gov.uk/planning-building-control/planning-permission/planning-application-process>
5. 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.
6. The applicant's attention is drawn to the existence of Public Rights of Way (Public Footpaths) No.'s 70 & 71, Bury, that abuts/crosses part of the site. No development should take place which affect the Rights of Way in the absence of an appropriate closure or diversion order.
7. The applicant must be made aware of the need to safeguard people using public rights of way and that no public rights of way are damaged, widths altered, gates erected across their width (unless authorised by Bury Council the Highway Authority) or obstructed by any other means either during or as a result of development. The applicant must ensure that no changes to land levels/surface water runoff affects a public right of way. If a temporary obstruction of public rights of way is unavoidable, no development must take place until a temporary closure order has been made by Bury Council and a suitable temporary alternative route(s) made available.
8. 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.
9. This planning permission needs to be read in conjunction with the binding S111Planning Agreement signed on 13th December 2024

Signed:



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On behalf of the Council

Date of Decision: 17/12/2024

