

NOTICE OF PLANNING PERMISSION

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

To:

Ms Rachael Gildert
Proffitts - Investing in Communities
363 Holcombe Road
Greenmount
Bury
BL8 4DT

On Behalf Of:

Ms Rachael Gildert
Proffitts - Investing in Communities
363 Holcombe Road
Greenmount
Bury
BL8 4DT

PART 1 - Particulars of Application

Application Number: 69195

Date of Registration: 04/05/2023

Proposal:

Refurbishment of gardens including upgrading drainage and footpaths; New pedestrian ramp access; Rebuild stage area; Creation of terraces along the bank of the stream and Tree works across the site

Location:

Whitehead Gardens, Chapel Street, Tottington, BL8 4AL

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 Location plan 223/L01v1; Block plan 223/L02; Whitehead gardens proposals plan December 2023 v4; Proposed tree works matrix dated December 2023; Planting proposals matrix dated May 2023 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 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.

- 4 Where during any works on site, unforeseen contamination is suspected or found, or contamination is caused, works on the site shall cease and the Local Planning Authority shall be notified immediately. The developer shall then produce a risk assessment and submit remediation proposals, if required, for approval to the Local Planning Authority. On approval of the remediation strategy, the development shall then be carried out in accordance with the approved details and process including any required timescales.

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.

- 5 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 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 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.

- 6 Reasonable avoidance measures to ensure there are no impacts to bat roosting potential shall be implemented for all trees proposed for removal and for all works to trees.

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 Section 11 of the National Planning Policy Framework.

- 7 Prior to any earthworks a method statement detailing control and/or avoidance measures for Himalayan balsam, rhododendron and any other invasive species shall be supplied to and agreed in writing to the Local Planning Authority. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason. The scheme does not provide full details of the actual extent of invasive species in the interest of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 8 No development, site clearance, earth moving shall take place or material or machinery brought on site until a method statement to protect the Brook from accidental spillages, sediment dust and debris has been supplied to and agreed by the LPA. All measures will be implemented and maintained for the duration of the construction period in accordance with the approved details.

Reason. Information not submitted at application stage. To ensure a safe and satisfactory development of the site in relation to the protection of the Brook from any pollutants and construction disturbance which may cause risk, pursuant to chapter

15 - Conserving and enhancing the natural environment of the NPPF.

- 9 No development shall take place until it can be demonstrated that there will be no negative impacts on the ecological potential of the Brook resulting from the disposal of surface water post-development submitted to and approved in writing by the Local Planning Authority. The details, as approved, shall be implemented in full in accordance with a timetable which has first been agreed in writing by the Local Planning Authority.
Reason. Information not submitted at application stage. To ensure a safe and satisfactory development of the site in relation to the protection of the Brook from post development surface water which may cause risk, pursuant to chapter 15 - Conserving and enhancing the natural environment of the NPPF.
- 10 The development hereby approved shall be carried out in accordance with the proposed landscaping scheme indicate on the proposals plan December 2023 v4 and planting proposals matrix May 2023. Bird and bat boxes should also be provided in some trees to be retained on site. The approved scheme shall thereafter be implemented not later than 12 months from the date of the commencement of works on site or within the first available tree planting season. 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 H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.
- 11 Prior to the commencement of works to the pathways, details of the surfacing material of the paths shall be provided to the Local Planning Authority for approval. The approved details only shall thereafter be implemented.
Reason. To preserve the setting and the special character of the Non-Designated Heritage Asset pursuant to chapter 16 - Conserving and Enhancing the historic environment of the NPPF.
- 12 The development hereby approved shall not be commenced unless and until facilities for the storage of construction materials have been provided within the curtilage of the site or on land within the applicant's control. The facilities shall be retained for the intended purpose and the area identified shall not be used for any other purposes other than the storage of construction materials for the duration of the construction period.
Reason. To maintain the integrity of the adopted highway and ensure adequate off highway materials storage arrangements are provided for the duration of the construction period, 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 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
OL1	OL1 - Green Belt
OL5/2	OL5/2 - Development in River Valleys
OL7/2	OL7/2 - West Pennine Moors
EN1/2	EN1/2 - Townscape and Built Design
EN2/3	EN2/3 - Listed Buildings
EN9/1	EN9/1 - Special Landscape Areas
EN1/3	EN1/3 - Landscaping Provision
EN5/1	EN5/1 - New Development and Flood Risk

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 223/L01v1; Block plan 223/L02; Whitehead gardens proposals plan December 2023 v4; Proposed tree works matrix dated December 2023; Planting proposals matrix dated May 2023.

NOTES TO APPLICANT

Not Applicable

Signed:



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On behalf of the Council

Date of Decision: 11/12/2023