

# NOTICE OF PLANNING PERMISSION

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

**To:**

Mr Holden  
Mott MacDonald  
Spring Bank House  
33 Stamford Street  
Altrincham  
WA14 1ES

**On Behalf Of:**

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

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### PART 1 - Particulars of Application

**Application Number:** 66697

**Date of Registration:** 11/03/2021

**Proposal:**

Construction of an earth embankment approximately 37m in length which will raise the ground level to 71.9mAOD. Erection of a concrete step 200mm in height raising the ground level to 71.77mAOD. Installation of two 8mm weathering plates at the upstream face of Hutchinsons goit culvert.

**Location:**

Land at Hutchinson's Goit, Bury Road, Radcliffe

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### 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 and reports referenced/numbered
  - Site location plan ENV0000389C-BMM-DZ-4WR-DR-T-0213623-S2-P01
  - ENV0000389C-BMM-DZ-4WR-DR-S-0213437-A-C02
  - General arrangement plan ENV0000389C-BMM-DZ-4WR-DR-S-0213437-S3-P03
  - Preliminary Ecological Appraisal Report  
ENV0000389C-BMM-DZ-4ZZ-RP-EN-0301061
  - Cultural Heritage Desk Based Assessment  
ENV0000389C-BMM-DZ-4ZZ-RP-HE-03020020
  - Flood Risk Assessment ENV0000389C-BMM-DZ-4ZZ-RP-Z-0215016

- Traffic Management Plan – Radcliffe & Redvales FRMS Phase 2' dated 31/01/22
- BAA.2050 Radcliffe and Redvales FRMS Phase 2 Highways dilapidation survey Bury Road for EA works at Hutchinson's Goit Date: 02/02/2022 Version: 1.0
- Radcliffe and Redvales FRMS Phase 3 - Swan Lodge Preliminary Ecological Appraisal Report 28 October 2020

and the development shall not be carried out except in accordance with the drawings and reports 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 be carried out in accordance with the scope of the dilapidation survey of the footways and carriageways leading to and abutting the proposed site as set out in the report BAA.2050 Radcliffe and Redvales FRMS Phase 2 Highways dilapidation survey Bury Road for EA works at Hutchinson's Goit Date: 02/02/2022 Version: 1.0. Following completion of the development a validation survey shall be undertaken and any required remedial works shall be implemented to an approved scope, specification and programme as approved by the Local Planning Authority.  
Reason - To ensure good highway design and to maintain the integrity of the adopted highway/highway structure and surrounding road network pursuant to UDP Policy HT6/2 - Pedestrian/Vehicular Conflict
- 4 The site access arrangements, measures and facilities detailed in the approved 'Traffic Management Plan – Radcliffe & Redvales FRMS Phase 2' dated 31/01/22 along with measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the sites and measures to minimise dust nuisance caused by the operations, shall be adhered to throughout the construction period.  
Reason - To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, 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 UDP Policy HT6/2 - Pedestrian/Vehicular Conflict.
- 5 The development shall be carried out in accordance with the report BAA.2050 Radcliffe and Redvales FRMS Phase 2 Invasive Species Management Plan Hutchinson's Goit – Bury Road concerning the eradication and/or control of Japanese Knotweed (*Fallonia Japonica*, *Rouse Decraene*, *Polygonum Cuspidatum*) and Himalayan Balsam (*Impatiens Glandulifera*).  
Reason. The scheme does not provide full details of the actual extent of Japanese Knotweed and Himalayan Balsam in the interest of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 6 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.

- 7 The development shall be carried out in accordance with the measures as set out within BAA.2050 Radcliffe and Redvales FRMS Phase 2 Dust, Debris & Spill Mitigation for EA works at Hutchinson's Goit Date: 03/02/2022 Version: 1.0 in order to ensure that Hutchinson's Goit and the River Irwell remain protected from construction debris and spillage. On completion of the works, the non-natural mitigation measures shall be removed from site.
- Reason: To protect the Hutchinson's Goit and the River Irwell and prevent debris and construction material from encroaching into this area pursuant to UDP Policies EN9 - Landscape, EN6/3 - Features of Ecological Value and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 8 The development shall be carried out in accordance with all the mitigation measures as outlined within Radcliffe and Redvales FRMS Phase 3 - Swan Lodge Preliminary Ecological Appraisal Report 28 October 2020; which shall include preliminary checks for fauna within the areas affected by the development. Such checks should be undertaken so as not to cause harm to protected River Fauna known to be associated with the immediate locality of the site.
- Reason: to Ensure that appropriate and informed checks are undertaken in line with good ecological practice and to prevent harm to protected and important species pursuant to NPPF Chapter 15 - Conserving and Enhancing the Natural Environment.
- 9 The landscaping scheme as shown on ENV0000389C-BMM-DZ-4WR-DR-S-0213437-A-C02 Hutchinsons Goit GA Layout shall be implemented within the first available planting season which shall be confirmed on implementation of the scheme. 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..

**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:**

- EN1/1 EN1/1 - Visual Amenity
- EN1/2 EN1/2 - Townscape and Built Design
- EN1/3 EN1/3 - Landscaping Provision
- EN5/1 EN5/1 - New Development and Flood Risk
- EN6 EN6 - Conservation of the Natural Environment
- EN6/3 EN6/3 - Features of Ecological Value

|       |                                                              |
|-------|--------------------------------------------------------------|
| EN7   | EN7 - Pollution Control                                      |
| EN7/2 | EN7/2 - Noise Pollution                                      |
| EN7/5 | EN7/5 - Waste Water Management                               |
| EN8   | EN8 - Woodland and Trees                                     |
| OL5/2 | OL5/2 - Development in River Valleys                         |
| RT1/1 | RT1/1 - Protection of Recreation Provision in the Urban Area |
| HT2/4 | HT2/4 - Car Parking and New Development                      |
| HT4   | HT4 - New Development                                        |
| HT6/2 | HT6/2 - Pedestrian/Vehicular Conflict                        |
| 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:**

- Site location plan ENV0000389C-BMM-DZ-4WR-DR-T-0213623-S2-P01
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Radcliffe and Redvales FRMS Phase 3 - Swan Lodge Preliminary Ecological Appraisal Report 28 October 2020

#### **NOTES TO APPLICANT**

- The applicant's attention is drawn to the need to consult the Department for Operations regarding the implementation of the proposed traffic management measures on the adopted highway and specification for and implementation of any required highway remedial works. The cost of all works will be the responsibility of the applicant.

Signed:

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

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On behalf of the Council

**Date of Decision:** 16/02/2022