

NOTICE OF PLANNING PERMISSION

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

To:

Mrs Hayley Knight
SATPLAN Ltd
The Bridgewater Complex
36 Canal Street
Liverpool
L20 8AH

On Behalf Of:

Harworth Group
c/o Satplan Ltd
The Bridgewater Complex
36 Canal Street
Liverpool
L20 8AH

PART 1 - Particulars of Application

Application Number: 67864

Date of Registration: 02/12/2021

Proposal:

Removal of condition no. 2 (to remove the requirement for the submission of a reserved matters application prior to commencement of works); and variation to condition 5 (coal), condition 6 (drainage), condition 7 (highways), condition 8 (construction traffic management plan) of p/p 66064 (Reserved Matters for means of access to the site (Bury Council) and outline planning application for the demolition of the existing structures on the site, and redevelopment of the site for a future residential development of up to 132 no. dwellings and associated public open space, with all matters reserved except for access (Bolton Council))

Location:

Former Tarmac Building Materials Ltd,
Stopes Road, Radcliffe, Bolton, BL3 1NR

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 from the date of the grant of planning permission reference 66064 (date of decision 21/4/21).
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings -
Site location plan HAR001LP01/Rev B; Topographical survey sheets 1-4, reference 55335_01_01 to 55335_01_04; Constraints plan HAR001CP01 Rev D; Parameters plan HAR001PP01 Rev G; Proposed site access VN201653-D108 Rev A; Proposed emergency vehicle access arrangement VN201653-D104; Emergency Vehicle

Strategy Plan VN201653-D107 Rev A

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 hereby approved shall be carried out in accordance with the approved scheme and documents received 3/12/21 for dust control measures and methods to monitor emissions of dust arising from the development.

Reason. The information is required to reduce the impacts of dust disturbance from the site on the local environment, pursuant to chapter 11 of the NPPF - Conserving and enhancing the natural environment.

- 4 No development (excluding demolition, remediation and enabling works) shall commence unless and until the following has been carried out:

1. a scheme for the undertaking of intrusive site investigations, designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity (shallow mining / mine entries) has been submitted to and approved by the Local Planning Authority.

2. the submission of a report of findings arising from the intrusive site investigations and any remedial and / or measures necessary, including the submission of the proposed layout plan which identifies the location of any on-site mine entries (if found present) including appropriate zones of influence for all mine entries, and the definition of a suitable 'no-build' zone;

3. The implementation of any remedial works required to an approved timetable.

Reason. The undertaking of intrusive site investigations is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework

- 5 No development, other than demolition, site investigations, groundworks and remediation shall take place unless and until details of a drainage scheme has been submitted to and approved by the Local Planning Authority. The scheme must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed maintenance arrangements should also be provided. The approved scheme only shall be implemented prior to first occupation and thereafter maintained.

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.

- 6 No development other than demolition, site investigations, groundworks and remediation, shall take place unless and until full details of the following highway aspects have been submitted on a topographical survey of the site and adjacent adopted highways to the Local Planning Authority:

- Identification of all areas of existing adopted highway within the Bury Borough boundary affected by the proposed access to the development site;

- Formation of the proposed site access onto Stopes Road in a revised position relative to the westerly/northerly kerblines to be formed on the bend in Stopes Road following the undertaking of a full swept path analysis of the bend;
- Provision of a level/1 in 40 plateau at the junction onto the existing adopted highway;
- Scheme of works to a scope to be agreed to reinstate the areas of redundant access/block paved hardstanding to adjacent footway levels, incorporating all reconstruction/accommodation works on both approaches to the site access and the proposed secondary emergency access to the residential site onto Stopes Road;
- Scheme of measures/bollards to prevent vehicular access onto/use of the footway areas to be created;
- Alteration of/improvements to the existing pedestrian refuge at the junction of A6053 Stopes Road/Stopes Road junction;
- Scheme of works to a scope and specification to be agreed to provide the proposed remote secondary emergency access in an agreed position at the easterly end of the unclassified section of Stopes Road incorporating fixed and removable bollards and all associated highway remedial works, as shown indicatively on plan reference VN201653-D104;
- Proposals for the introduction of waiting restrictions to scope to be agreed at and in the vicinity of the junction of the proposed site access to be formed with Stopes Road, following a review of on-street parking at, and on the approaches to, the bend;
- Demarcation of the limits of the existing/future adopted highway and all associated highway and highway drainage remedial works required as a result of the construction of the proposed development, boundary treatment removal and statutory undertakers connections;
- White lining scheme for the proposed junction onto Stopes Road, the proposed estate roads and on the bend, to a scope to be agreed, incorporating all necessary alterations to existing road marking/lining required as a result of the proposed development.

The highway works subsequently approved shall be implemented to an agreed specification and programme and to the written satisfaction of 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 Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H1/2 - Further Housing Development, H2/2 - The Layout of New Residential Development, HT4 - New Development and HT6/2 - Pedestrian/Vehicular Conflict.

- 7 No development other than demolition, site investigations, groundworks and remediation, shall commence unless and until a 'Construction Traffic Management Plan' (CTMP) has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:

- Dilapidation survey of the footways and carriageways leading to and abutting the site in the event that subsequent remedial works are required following the demolition works and construction of the development;
- Access route for vehicles from the highway network;
- Access point(s) to the site including any temporary works required to facilitate vehicular access;
- Hours of operation and number of vehicle movements;
- Proposed site hoarding/gate positions clear of appropriate visibility splays onto

- Stopes Road;
- A scheme of appropriate warning/speed limit signage in the vicinity of the demolition/construction site access;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
- Parking on site of demolition, operatives' and construction vehicles together with storage on site of demolition and construction materials;
- Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

The approved plan shall be adhered to throughout the demolition and construction periods and the measures shall be retained and facilities used for the intended purpose for the duration of both periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of construction materials.

Reason. 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 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
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
EN1/2	EN1/2 - Townscape and Built Design
EN5/1	EN5/1 - New Development and Flood Risk
EN6/3	EN6/3 - Features of Ecological Value
HT2/1	HT2/1 - The Strategic Route Network
HT2/3	HT2/3 - Improvements to Other Roads
HT2/4	HT2/4 - Car Parking and New Development
HT6/2	HT6/2 - Pedestrian/Vehicular Conflict
HT4	HT4 - New Development
OL1	OL1 - Green Belt

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 HAR001LP01/Rev B; Topographical survey sheets 1-4, reference 55335_01_01 to 55335_01_04; Constraints plan HAR001CP01 Rev D; Parameters plan HAR001PP01 Rev G; Proposed site access VN201653-D108 Rev A; Proposed emergency vehicle access arrangement VN201653-D104; Emergency Vehicle Strategy Plan VN201653-D107 Rev A

NOTES TO APPLICANT**9. DRAINAGE**

United Utilities has no objection to a variation of the condition to enable access and basic site works to commence, however, any variation to the condition must ensure that nothing should occur other than access and basic site works, before a detailed drainage plan is submitted to and approved in writing by the local planning authority. We request that a copy of this letter is made available to the applicant. The applicant can discuss further details of the site drainage proposals with Developer Engineer, Shoaib Tauqeer, by email at wastewaterdeveloperservices@uuplc.co.uk.

Useful information for the applicant:

1. WATER AND WASTEWATER SERVICES

If the applicant intends to receive water and/or wastewater services from United Utilities, they should visit our website or contact the Developer Services team for advice. This includes seeking confirmation of the required metering arrangements for the proposed development. If the proposed development site benefits from existing water and wastewater connections, the applicant should not assume that the arrangements will be suitable for the new proposal. In some circumstances we may require a compulsory meter is fitted. For detailed guidance on whether the development will require a compulsory meter please visit <https://www.unitedutilities.com/my-account/your-bill/our-household-charges-20212022/> and go to section 7.7 for compulsory metering. If reinforcement of the water network is required to meet potential demand, this could be a significant project and the design and construction period should be accounted for. To avoid any unnecessary costs and delays being incurred by the applicant or any subsequent developer, we strongly recommend the applicant seeks advice regarding water and wastewater services, and metering arrangements, at the earliest opportunity. Please see 'Contacts' section below.

2. UNITED UTILITIES PROPERTY, ASSETS AND INFRASTRUCTURE

United Utilities will not allow building over or in close proximity to a water main. United Utilities may not allow building over or in close proximity to a public sewer. It is the applicant's responsibility to demonstrate the exact relationship between any United

Utilities' assets and the proposed development. Developer's should investigate the existence and the precise location of water and wastewater pipelines as soon as possible as this could significantly impact the preferred site layout and/or diversion of the asset(s) may be required.

Where United Utilities' assets cross the proposed red line boundary, developers must contact our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition.

Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion of assets to accommodate development, will be at the applicant/developer's expense. In some circumstances, usually related to the size and nature of the assets impacted by proposals, developers may discover the cost of diversion is prohibitive in the context of their development scheme.

Where United Utilities' assets exist, the level of cover to United Utilities pipelines and apparatus must not be compromised either during or after construction and there should be no additional load bearing capacity on pipelines without prior agreement from United Utilities. This would include earth movement and the transport and position of construction equipment and vehicles.

Consideration should also be applied to United Utilities assets which may be located outside the applicant's red line boundary. Any construction activities in the vicinity of our assets must comply with our 'Standard Conditions for Works Adjacent to Pipelines' or national building standards.

The applicant or developer should contact our Developer Services team for advice if their proposal is in the vicinity of water or wastewater pipelines and apparatus. It is their responsibility to ensure that United Utilities' required access is provided within their layout and that our infrastructure is appropriately protected. The developer would be liable for the cost of any damage to United Utilities' assets resulting from their activity. Please see 'Contacts' section below.

3. CONTACTS

Website

For detailed guidance on water and wastewater services, including application forms and the opportunity to talk to the Developer Services team using the 'Live Chat' function, please visit:

<http://www.unitedutilities.com/builders-developers.aspx>

Email

For advice on water and wastewater services or to discuss proposals near to pipelines, email the Developer Services team as follows:

Water mains and water supply, including metering -
DeveloperServicesWater@uuplc.co.uk
Public sewers and drainage - WastewaterDeveloperServices@uuplc.co.uk
Telephone - 0345 072 6067

Property Searches (for asset maps):

A number of providers offer a paid for mapping service including United Utilities. For more

information, or to purchase a sewer and water plan from United Utilities, please visit <https://www.unitedutilities.com/property-searches/>

Water and sewer records can be viewed for free at our Warrington Head Office by calling 0370

751 0101. Appointments must be made in advance. Public sewer records can be viewed at local

authority offices. Arrangements should be made directly with the local authority.

The position of the underground apparatus shown on asset maps is approximate only and is

given in accordance with the best information currently available. United Utilities Water will not

accept liability for any loss or damage caused by the actual position being different from those

shown on the map.

1. Cadent response and advisory

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

Your Responsibilities and Obligations

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or

undertaking your scheduled activities at this location.

It is your responsibility to ensure that the information you have submitted is accurate and that all relevant

documents including links are provided to all persons (either direct labour or contractors) working for you near Cadent and/or National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to Cadent Gas Limited, National Grid Electricity Transmission plc (NGET) and National Grid Gas Transmission plc (NGGT) and apparatus. This assessment does NOT include:

Cadent and/or National Grid's legal interest (easements or wayleaves) in the land which restricts

activity in proximity to Cadent and/or National Grid's assets in private land. You must obtain details of

any such restrictions from the landowner in the first instance and if in doubt contact Plant Protection.

Gas service pipes and related apparatus

Recently installed apparatus

Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity

companies, other utilities, etc.

It is YOUR responsibility to take into account whether the items listed above may be

present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on either the National Grid or Cadent website.

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to Cadent and/or National Grid's easements or wayleaves nor any planning or building regulations applications.

Cadent Gas Limited, NGGT and NGET or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you require further assistance please contact the Plant Protection team via e-mail ([click here](#)) or via the contact details at the top of this response.

2. Electricity North west response

We have considered the above planning application submitted on 20th October 2020 and find it could have an impact on our infrastructure.

The development is shown to be adjacent to or affect Electricity North West's operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Land Rights & Consents, Frederick Road, Salford, Manchester M6 6QH.

The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity.

The applicant should also be referred to two relevant documents produced by the Health and Safety Executive, which are available from The Stationery Office Publications Centre and The Stationery Office Bookshops, and advised to follow the guidance given.

The documents are as follows:-

HS(G)47 - Avoiding danger from underground services.

GS6 - Avoidance of danger from overhead electric lines.

The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works; the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter any of our distribution equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night. Our Electricity Services Desk (Tel No. 0800 195 4141) will advise on any issues regarding diversions or modifications. Electricity North West offers a fully supported mapping service, at a modest cost, for our electricity assets. This is a service which is constantly updated by our Data Management Team who can be contacted by telephone on 0800 195 4141 or access

the website <http://www.enwl.co.uk/our-services/know-before-you-dig>

It is recommended that the applicant gives early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets that may cross the site and any proposed development.

3. 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>

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Where development is proposed over areas of coal and past coal workings at shallow depth, the Coal Authority is of the opinion that applicants should consider wherever possible removing the remnant shallow coal. This will enable the land to be stabilised and treated by a more sustainable method; rather than by attempting to grout fill any voids and consequently unnecessarily sterilising the nation's asset. Prior extraction of surface coal requires an Incidental Coal Agreement from the Coal Authority. Further information can be found at:

<https://www.gov.uk/get-a-licence-for-coal-mining>

The consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

In formulating this response The Coal Authority has taken full account of the

professional conclusions reached by the competent person who has prepared the Coal Mining Risk Assessment or other similar report. In the event that any future claim for liability arises in relation to this development The Coal Authority will take full account of the views, conclusions and mitigation previously expressed by the professional advisers for this development in relation to ground conditions and the acceptability of development.

4. Asbestos - Prior to demolition of the structures on site an asbestos survey is to be carried out by an appropriately qualified contractor. Any asbestos identified shall be disposed of in an appropriate manner.
5. Waste on-site

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/ or land development works are waste or have ceased to be waste. Under the Code of Practice:

- " excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- " treated materials can be transferred between sites as part of a hub and cluster project
- " some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommends that developers should refer to:

- " the position statement on the Definition of Waste: Development Industry Code of Practice
- " The waste management page on GOV.UK

Waste to be taken off-site

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- " Duty of Care Regulations 1991
- " Hazardous Waste (England and Wales) Regulations 2005
- " Environmental Permitting (England and Wales) Regulations 2016
- " The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.

6. This recommendation relates to the email of 16 April 2012¹ from GMFRS confirming that the proposed Emergency Vehicle Strategy would be deemed acceptable, subject to:
- Details of how the emergency access provision on the eastern end of Stopes Road will be accessible in the event of an emergency (for example: removable bollards that are maintained to ensure access is available when required);
 - Confirmation that the emergency access road will be designed and constructed to meet the requirements of Table 13.1 of Approved Document B, Volume 1: Carrying capacity 12.5 tonnes, Minimum width 3.7m;
 - Details of how the emergency access road will be maintained to ensure it will be suitable for use
7. 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 and implementation of any required traffic regulation order. The cost of the works will be the responsibility of the developer.
8. The applicant's attention is drawn to the need to enter into a Section 278 Agreement under the Highways Act 1980 in respect of the works to be carried out on the highway in connection with the proposed development.

Signed:



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On behalf of the Council

Date of Decision: 16/06/2022