

NOTICE OF PLANNING PERMISSION

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

To:

Dylon Kay
JDA Architects
Unit 400
The Vanilla Factory
Fleet Street
Liverpool

On Behalf Of:

Mr Laurie Bradley
PLP Construction
30 Rochdale Lane
Heywood
Oldham
OL10 1PF

PART 1 - Particulars of Application

Application Number: 71302

Date of Registration: 29/10/2024

Proposal:

Variation of Condition No. 7 (drainage) of planning permission 69602 from approved from Foul & Surface Water Drainage Design Drawing C-0001, Rev P02 to Foul Surface Water Drainage Design Drawing C-0001, Rev P07.

Location:

50 Willow Street, Bury, BL9 7QZ

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 20th September 2026.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered C-0001 Rev P07 and C-0008 P04 received 4th November 2024 and 1264-JDA-Z1-00-DR-A-0001 P3, 1264-JDA-Z1-00-DR-A-0002 P2, 1264-JDA-Z1-ZZ-DR-A-0003, 1264-JDA-Z1-00-DR-A-0004 P3, 1264-JDA-Z1-ZZ-DR-A-0005 P1, 1264-JDA-Z1-ZZ-DR-A-0006 P1, 1264-JDA-Z1-XX-DR-A-0007, C-0002 P01, 41598MCLS-01, 669.02, C-0004 P03, C-0003 P01, Planning Statement received 29/08/2023, Affordable Housing Statement received 27/04/2023, Drainage Strategy & Maintenance Document Rev: P01, Preliminary Ecological Appraisal Report 80-819-R1-1, Bat Survey 80-819-R2-1, P1989 - Transport Statement, Crime Impact Statement 2022/0480/CIS/01, Design and Access Statement 1264, Arboricultural Planning Statement - 1051694_JDA_Irwell Valley - Willow Street_APS, ADAS_1051694_JDA_Irwell Valey - Willow St, Bury_TCP of application 69602 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 Development Plan listed.

- 3 The development hereby approved shall only be developed by or on behalf of the applicant as units to be retained as social rent units. The affordable housing provision shall be provided in accordance with the approved Affordable Housing Statement received on 27/04/2023 under 69602.
Reason. The proposed development has been granted given the particular circumstances of the applicant which provides an opportunity to promote increased affordable housing pursuant to Bury Unitary Development Plan Policy H4/1 - Affordable Housing.
- 4 Only the materials/bricks approved under condition 4 of application 69602 shall be used for the construction of the development.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/2 - Townscape and Built Design.
- 5 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.
- 6 Following the provisions of Condition 5 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.
- 7 The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted drawings C-0001 Rev P07 and C-0008 P04 prepared by Shape. For the avoidance of doubt surface water must drain at the restricted rate of 5 l/s.

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. To promote sustainable development and reduce flood risk 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.

- 8 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 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.
- 9 All trees to be retained on site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction" and Section 8 of the Arboricultural Planning Statement ref 1051694_JDA_Irwell Valley – Willow Street_APS approved under application 69602. The development shall not commence unless and until the tree protection measures required by the British Standard and the Arboricultural Planning Statement are implemented and all measures required shall remain in situ until the development has been completed.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
- 10 The proposed resident allotments set out within the Planning Statement received on the 29/08/2023 and landscaping scheme drawing 669.02 of application 69602 shall implemented and made available for use prior to first occupation of the building hereby approved. The identified resident allotments shall not be built upon or used for any other use other than allotments and shall be managed and maintained in accordance with a maintenance scheme that shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the building hereby approved.
Reason. In order to make provision for the recreational needs of prospective residents pursuant to Bury Unitary Development Plan Policy RT2/2 - Recreation Provision in New Housing Development and Supplementary Planning Document 1- Open Space, Sport and Recreation Provision in New Housing Development.
- 11 The landscaping scheme approved under application 69602 shall be implemented not later than 12 months from the date the building(s) is first occupied. 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..
- 12 The Construction Traffic Management Plan (CTMP) approved under condition 12 of application 69602 shall be adhered to throughout the demolition/construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition and construction periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/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 Development Plan Policies EN1/2 - Townscape and Built Design and JP-C5 - Streets for All and JP-C6 - Walking and Cycling.

- 13 The proposal shall be implemented in accordance with the details approved under condition 13 of application 69602.
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 Development Plan Policies Plan Policies H1/2 - Further Housing Development, EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development and JP- C5 - Streets for All and JP-C6 - Walking and Cycling.
- 14 The turning facilities indicated on the approved plans of application 69602 shall be provided before the development is first occupied 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 Plan Policies H1/2 - Further Housing Development, EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development and JP- C5 - Streets for All and JP-C6 - Walking and Cycling.
- 15 The car parking indicated on the approved plans of application 69602 shall be surfaced, demarcated and made available for use prior to each dwelling/part of the site to which it relates being occupied 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.
- 16 Bin storage arrangements shall be provided within the curtilage of the site in accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments'.
Reason. To ensure that adequate bin storage arrangements are provided within the curtilage of each dwelling/part of the site pursuant to Bury Unitary Development Plan Policies H1/2 - Further Housing Development, EN1/2 - Townscape and Built Design and H2/2 - The Layout of New Residential Development.
- 17 Prior to occupation the applicant shall provide one electric vehicle (EV) charging point (minimum 7kW*) per unit (dwelling with dedicated parking) or a minimum 20% EV chargepoints (minimum 7kW*) (for unallocated parking).
- *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.

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
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
HT2/4	HT2/4 - Car Parking and New Development
RT2/2	RT2/2 - Recreation Provision in New Housing Development
JP-P1	Sustainable Places
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-S4	Flood Risk and the Water Environment
JP-G7	Trees and Woodland
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-H1	Scale of New Housing Development
JP-H2	Affordability of New Housing
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
SPD6	Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury
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
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:

C-0001 Rev P07 and C-0008 P04

NOTES TO APPLICANT

1. **INFORMATIVE - The Control of Noise (Appeals) Regulations 1975, Section 60. Control of Noise on Construction Sites**

Works carried out in connection with the planning permission shall comply with the above regulations which require the following:

1. All works and ancillary operations which are audible at the boundary of the nearest house or noise receptor, or at such other place as may be agreed with the Council, shall be carried out only between the hours of 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1400 on Saturdays and at no time on Sundays and Bank Holidays.

2. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.

3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturer's instructions.

4. Any emergency deviation from the above (1 - 3) shall be notified to Bury Council without delay.

Any contravention of these requirements will trigger the serving of a Notice under Section 60 of The Control of Noise Regulations 1975.

2. **UNITED UTILITIES**

Please see Appendix Supporting information for the decision maker, applicant, developers and any other interested party, reference DC/24/2761 published on the LPAs website on the 3rd December 2024.

3. 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.

4. The applicant's attention is drawn to the requirements of Section 179 of the Highways Act 1980 which prohibits the construction of any foundations required for the boundary railings under the adjacent adopted highway.

5. 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 and the specification for the proposed refuse collection facilities at the interface with the adopted highway.

6. ***The local planning authority considers that approval of a BIODIVERSITY GAIN PLAN WILL NOT 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 development of land in England is deemed to have been granted subject to the condition (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 not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

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:

iv) the application for planning permission was made before 2 April 2024;

v) planning permission is granted which has effect before 2 April 2024; or

vi) 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:

iii) 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

iv) 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).

4.6 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.

4.7 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).

4.8 Self and Custom Build Development, meaning development which:

- iv) consists of no more than 9 dwellings;
- v) is carried out on a site which has an area no larger than 0.5 hectares; and
- vi) 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.

7. 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>

Signed:



9 of 9

.....
On behalf of the Council

Date of Decision: 13/01/2025