

NOTICE OF PLANNING PERMISSION

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

To:

Mr DK Seddon
Howard & Seddon ARIBA
64 Washway Road
Sale
M33 7RE

On Behalf Of:

Mr Yazdanpanah
Dream Home Construction
1 Milton Street
Manchester
M7 1UQ

PART 1 - Particulars of Application

Application Number: 70070

Date of Registration: 12/09/2023

Proposal:

Change of use from nursery building to 3 no. dwellings with associated car parking & external works

Location:

Freisner Day Nursery, Earl Street, Prestwich, Manchester, M25 1GQ

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 RBS/19/1577/001, RBS/20/2031/001, 14/347-OS/B, 14/347-39, 14/347-40, 14/347-41, 14/347-42, 14/347-101/B, 14/347-100/E, 14/347-102/B and 14/347-103A
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 Details of the (materials/bricks) to be used in the external elevations, boundary walls, railings and fences and areas of hardstanding 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 No development 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:

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, and statutory undertakers connection to, the development;
2. Access route for demolition and construction vehicles from the Key Route Network;
3. Access point(s) to the site, including all temporary works and measures required to protect highway users and facilitate vehicular access;
4. Confirmation of demolition, delivery & construction vehicle sizes that can be accommodated on the residential estate roads leading to the site, number of vehicle movements and hours of operation;
5. If proposed, site hoarding/gate positions clear of appropriate visibility splays onto the adopted highway;
6. A scheme of appropriate warning/speed limit signage in the vicinity of the construction site access;
7. Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site, including any requisite phasing of the development to accommodate this;
8. Parking on site of operatives' and demolition/construction vehicles together with storage on site of demolition/construction materials, including any requisite phasing of the development to accommodate this;
9. Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways as a result of the ground work operations or 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 the 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 highways, 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.

- 5 The use hereby approved shall not be commenced unless and until the pedestrian access improvements indicated on approved plan reference 14347 100/E, incorporating all associated highway remedial works that may be required as a direct result of the proposed development to reinstate the adopted highway to the condition it was in prior to commencement of the development, have been implemented 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 and maintain the integrity of the adopted highway, all in the interests of highway safety.

- 6 The car parking and turning facilities indicated on approved plan reference 14347 100/E shall be surfaced in permeable materials, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the use hereby approved commencing and thereafter maintained at all times.

Reason. To ensure adequate off-street car parking and to allow adequate space to maintain a vehicle clear of the highway in the interests of road safety.

- 7 The turning facilities indicated on approved plan reference 14347 100/E shall be

provided before the use hereby approved commences and 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.

- 8 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' prior to the use hereby approved commencing and thereafter maintained at all times.
Reason. To ensure that adequate bin storage arrangements are provided within the curtilage of each dwelling pursuant to UDP Policy H2/2 The Layout of New Residential Development.
- 9 If the development hereby approved does not commence before 30th April 2024, the building will be resurveyed for bats and the findings supplied to and agreed in writing by the LPA.
Reason. In order to protect any bats that may be using the building, and pursuant to ecology and UDP Policy EN6 Conservation of the Natural Environment.
- 10 No works to trees or shrubs shall occur or works to the building 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 LPA.
Reason. In order to protect nesting birds in the interest of ecology pursuant to UDP Policy EN6 Conservation of the Natural Environment.
- 11 No development shall commence until full details of a scheme for the eradication and/or control of Japanese Knotweed and Himalayan Balsam within the site and backland area outlined in blue on the site plan, is submitted to and approved in writing by the Local Planning Authority. The approved management plan shall include a timetable for implementation. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority.
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.
- 12 Prior to commencement of development, details of the landscaping scheme shall be submitted to, and approved by the Local Planning Authority. Details shall include all low level grass and shrub planting and the provision of bat/swift bricks/tubes within the new development and bat and bird boxes. The approved scheme shall thereafter be implemented not later than 12 months from the date the building is first occupied or within the first available tree planting season,; and any 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, EN1/3 Landscaping and chapter 15 Conserving and enhancing the natural environment of the NPPF.
- 13 Prior to the commencement of development, a level 2 recording shall be submitted in

accordance with Historic England's – Understanding Historic Buildings – A Guide to Good Recording Practice (Historic England May 2016). It should include a drawn and photographic record of all internal floors and basement and external elevations to be submitted to the written satisfaction of the local planning authority before the commencement of any development.

Reason. In the interests of heritage conservation pursuant to the NPPF and UDP Policies EN2 Conservation and Listed Buildings and EN2/3 Listed Buildings.

- 14 Prior the commencement of development, a detailed plan with accompanying method statement, detailing how the chimney breast and stack will be relocated to the newly created north gable end, shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include only the existing original brick work, reconstituted in its original form in accordance with a submitted plan and method statement. Any replacement brick shall be submitted to the local planning authority for written approval and only that which is approved shall be used in the development.

Reason. In the interests of heritage conservation pursuant to the NPPF and UDP Policies EN2 Conservation and Listed Buildings and EN2/3 Listed Buildings.

- 15 Prior to commencement of development, a detailed plan and method statement indicating how the existing datestone in the front elevation shall be re-positioned in the front elevation, shall be submitted and agreed in writing with the Local Planning Authority. All works shall be completed in accordance with the agreed plan.

Reason. In the interests of heritage conservation pursuant to the NPPF and UDP Policies EN2 Conservation and Listed Buildings and EN2/3 Listed Buildings.

- 16 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.

- 17 Following the provisions of Condition 16 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.

- 18 Prior to first occupation, one electric vehicle (EV) charging point (minimum 7kW*) per unit (dwelling with dedicated parking) or a minimum 20% EV charge-points (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.

- 19 Prior to the commencement of development (excluding site clearance/ demolition), 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, 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; and
 - (v) Foul and surface water shall drain on separate systems within the site.
- 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 and no surface water shall discharge to the public sewer either directly or indirectly.

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, secure proper drainage and to manage the risk of flooding and pollution pursuant to the NPPF and UDP Policies EN5/1 New Development and Flood Risk and EN7 Pollution Control.

- 20 Foul and surface water shall be drained on separate systems.
- Reason: To secure proper drainage and to manage the risk of flooding and pollution pursuant to the NPPF and UDP Policies EN5/1 New Development and Flood Risk and EN7 Pollution Control..

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
EN1/2 EN1/2 - Townscape and Built Design

EN1/3	EN1/3 - Landscaping Provision
EN2/3	EN2/3 - Listed Buildings
EN8	EN8 - Woodland and Trees
EN7	EN7 - Pollution Control
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
H2/4	H2/4 - Conversions
HT2/4	HT2/4 - Car Parking and New Development
HT6/2	HT6/2 - Pedestrian/Vehicular Conflict
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury
SPD15	Development Control Policy Guidance Note 15 - Residential Conversions
SPD3	Development Control Policy Guidance Note 3: Planning Out Crime in New Development
EN6	EN6 - Conservation of the Natural Environment

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:

Drawings numbered RBS/19/1577/001, RBS/20/2031/001, 14/347-OS/B, 14/347-39, 14/347-40, 14/347-41, 14/347-42, 14/347-101/B, 14/347-100/E, 14/347-102/B and 14/347-103A

NOTES TO APPLICANT

1. Whilst the building to be converted has been found to be low risk for bats, the applicant is reminded that under the 2019 Regulations it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.
2. It is an offence under the Wildlife & Countryside Act 1981, as amended to introduce, plant or cause to grow wild any plant listed in Schedule 9 part 2 of the Act. Species such as Japanese knotweed and variegated yellow-archangel are included within this schedule. If any such species will be disturbed as a result of this development a suitably experienced consultant should be employed to advise on how to avoid an offence
3. 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. The applicant should contact United Utilities regarding a potential water supply or connection to public sewers. Additional information is available on UU website <http://www.unitedutilities.com/builders-developers.aspx>

Signed:

A handwritten signature in black ink, appearing to read 'P. H. H.', is written over a dotted line.

7 of 7

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On behalf of the Council

Date of Decision: 20/03/2024