

NOTICE OF PLANNING PERMISSION

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

To:

Mr Alex Wylie
WSP in the UK
Floor 1
8 First Street
Manchester
M15 4RP

On Behalf Of:

Mrs Anne Shepherd
c/o agent

PART 1 - Particulars of Application

Application Number: 70265

Date of Registration: 28/11/2023

Proposal:

Change of use of field from agricultural land
to domestic keeping of horses (Sui Generis);
Erection of a new stable block, fenced
exercise area and associated access track

Location:

Birch Hey Farm, Turton Road, Tottington,
Bury, BL8 3QG

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.
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- 2 This decision relates to drawings numbered -
Location plan BHF_TR/B-ERC-LP01 rev A
Proposed floor plan and elevations - BHF_TR/B-ERC-PFE01 rev B
Existing site plan - BHF_TR/B-ERC-ESP01
Existing outbuildings - Floor plans and elevations
Revised proposed site plan - BHF_TR/B-ERC-PSP01 Rev E,
Proposed site sections 0000-PLI-ZZ-ZZ-DR-L-0140
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.

- 2 This decision relates to drawings numbered -
Location plan BHF_TR/B-ERC-LP01 rev A
Proposed floor plan and elevations - BHF_TR/B-ERC-PFE01 rev B
Existing site plan - BHF_TR/B-ERC-ESP01
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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 permitted shall be used for domestic purposes only and only in association with resident/s of Birch Hey Farm.
Reason. To ensure the scale of development and associated activities would be commensurate for the location of the site in relation to maintaining the character of the Green Belt and providing acceptable and suitable access to and from the site area in the interests of highway safety pursuant to Bury Unitary Development Plan Policies OL4/7 - Development Involving Horses and HT6/2 - Pedestrian/Vehicular Access and SPD10.
- 3 The development hereby permitted shall be used for domestic purposes only and only in association with resident/s of Birch Hey Farm.
Reason. To ensure the scale of development and associated activities would be commensurate for the location of the site in relation to maintaining the character of the Green Belt and providing acceptable and suitable access to and from the site area in the interests of highway safety pursuant to Bury Unitary Development Plan Policies OL4/7 - Development Involving Horses and HT6/2 - Pedestrian/Vehicular Access and SPD10.
- 4 The development hereby approved shall be carried out in accordance with the materials for the stable block, menage, boundary treatment and access track as detailed on submitted on the proposed site plan BHF-TR/B-ERC-PSP01 rev E.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity and OL4/7 - Development Involving Horses and SPD10.
- 4 The development hereby approved shall be carried out in accordance with the materials for the stable block, menage, boundary treatment and access track as detailed on submitted on the proposed site plan BHF-TR/B-ERC-PSP01 rev E.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity and OL4/7 - Development Involving Horses and SPD10.
- 5 Notwithstanding any details contained within the application, a scheme for the installation of any external lighting for the arena shall be submitted to and approved in writing by the Local Planning Authority before any lighting is installed. The scheme shall include details of the lighting's: (i) position and height (ii) spillage, luminance and angle of installation; and (iii) any hoods to be fixed to the lights. Any external lighting shall only be installed in accordance with the duly approved scheme.
Reason. In the interests of residential and visual amenity and to protect the countryside from light pollution in accordance with UDP Policies EN1/2 - Townscape and Built Design, EN9/1 - Special Landscape Area, OL4/7 - Development Involving Horses and EN7 - Pollution Control.

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- 6 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:

- Photographic dilapidation survey of the adopted abutting the site access in the event that subsequent remedial works are required following construction of the development;
- Access route for all construction vehicles to the site from the Key Route Network;
- Access point/arrangements for construction traffic from Turton Road and all temporary pedestrian facilities/protection measures that may be required to retain safe access to Public Footpath No. 61, Tottington, and any temporary works clear of the Right of Way to facilitate safe access for construction vehicles, including the provision/retention of adequate levels of visibility at the junction with Turton Road, prior to commencement of construction;
- If proposed, details of site hoarding/gate positions, incorporating the provision, where necessary, of on the adopted highway;
- A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access onto Turton Road;
- Confirmation of hours of operation and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres;
- Parking on site or on land within the applicant's control of operatives' and construction vehicles, together with storage on site of construction materials;
- Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways as a result of the groundworks 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 construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period. All highway remedial works identified as a result of the dilapidation survey shall be implemented prior to the development hereby approved being brought into use.

Reason. Information not submitted at application stage. To maintain the integrity of the adopted highway, 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 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.

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7 The car parking and associated turning facilities indicated on approved plan reference BHF_TR/B-ERC-PSP01 Revision E shall be surfaced and made available for use prior to the development hereby approved being occupied and thereafter maintained at all times.

Reason. To ensure adequate off street car parking provision and to minimise the standing and turning movements of vehicles on the site access, in the interests of road safety pursuant to policies HT2/4 - Car Parking and New Development, OL4/7 - Development Involving Horses of the Bury Unitary Development Plan and SPD10.

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- 8 Notwithstanding the landscaping shown on approved site plan BHF_TR/B-ERC-PSP01 Rev E a landscaping scheme shall be submitted to, and approved by the Local Planning Authority prior to the commencement of the development. The contents of the plan should include hedgerow trees and bat/bird box within the new development. The approved scheme shall thereafter be implemented not later than 12 months from the date the building is first brought into use or first occupied or within the first available tree planting season,; and 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 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.

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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.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

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The following policies of the Bury Unitary Development Plan, National and Regional Government were considered relevant:

NPPF	National Planning Policy Framework
EN1/1	EN1/1 - Visual Amenity
EN1/2	EN1/2 - Townscape and Built Design
EN5/1	EN5/1 - New Development and Flood Risk
EN7/4	EN7/4 - Groundwater Protection
EN9/1	EN9/1 - Special Landscape Areas
OL1	OL1 - Green Belt
OL1/2	OL1/2 - New Buildings in the Green Belt
OL4/7	OL4/7 - Development Involving Horses
HT2/4	HT2/4 - Car Parking and New Development
HT6/2	HT6/2 - Pedestrian/Vehicular Conflict
GMMW	GMMWP - Greater Manchester Minerals and Waste Plan
P	
SPD8	Development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt
SPD10	Development Control Policy Guidance Note 10: Planning for Equestrian Development.
EN7	EN7 - Pollution Control
PFE	Places for Everyone

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:

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Proposed floor plan and elevations - BHF_TR/B-ERC-PFE01 rev B
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Proposed site sections 0000-PLI-ZZ-ZZ-DR-L-0140

NOTES TO APPLICANT

INFORMATIVE - The Control of Noise 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.

The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a birds nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

This recommendation relates to the revised plan received by this section.

The applicant must be made aware of the need to safeguard people using public rights of way and that no public rights of way are damaged, widths altered, gates erected across their width (unless authorised by Bury Council the Highway Authority) or obstructed by any other means either during or as a result of development. The applicant must ensure that no changes to land levels/surface water runoff affects a public right of way. If a temporary obstruction of public rights of way is unavoidable, no development must take place until a temporary closure order has been made by Bury Council and a suitable temporary alternative route(s) made available.

The applicant's attention is drawn to the existence of Public Right of Way No. 61, Tottington, which forms the access to and abuts the site. No development should take place which affects the Right of Way in the absence of an appropriate closure or diversion order.

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Signed:



8 of 8

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On behalf of the Council

Date of Decision: 20/03/2024