

NOTICE OF PLANNING PERMISSION

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

To:

Mr Barry Cullen
Barry Cullen
Flat 27
Brookside Court
101 Slade Lane
Levenshulme, Manchester
M19 2AH

On Behalf Of:

Mr Mohsen Rodfar
12 Owlerbarrow Road
Bury
BL8 1RD

PART 1 - Particulars of Application

Application Number: 71278

Date of Registration: 09/01/2025

Proposal:

Erection of 1 no. dwelling at rear

Location:

12 Owlerbarrow Road, Bury, BL8 1RD

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 -
Revised proposed red edge site location plan received 11/3/25
Existing dwelling side elevations/fence detail ref no 1407 received 7/3/25
Revised proposed site plan ref 1407 rev 4
Proposed elevations and floor plans ref 1407 Proposal
Digital connectivity and Carbon and energy statement
Bat survey report dated 17/12/24 by Angela Graham Bat Consultancy Service.
Arboricultural Method Statement dated 27 October 2024 ref TRE/12OR/Rev E

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 and Places for Everyone Joint Development Plan listed.

- 3 The development hereby approved within any approved phase shall not be brought into use until written confirmation is provided to the Local Planning Authority that

unexpected or previously unidentified contamination was not encountered during the course of development works.

If, during development, unexpected contamination is found to be present on the site, no further works shall be carried out at the affected location until the following are submitted to the Local Planning Authority for approval:

- I. Risk Assessment (GQRA or DQRA);
- II. Remediation Strategy & Verification Plan;

If remediation is required, it shall be carried out in accordance with the approved Remediation Strategy. Upon completion of remediation works, a Verification Report shall be submitted for approval. The Verification Report must include information validating all remediation works carried out; details of imported materials (source/quantity/suitability); details of exported materials; and details of any unexpected contamination.

Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

- 4 Any soil or soil forming materials to be brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use.

Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to the Local Planning Authority for approval prior to any soil or soil forming materials being brought onto site.

The approved contamination testing shall then be carried out and validity evidence (soil descriptions, laboratory certificates, photographs etc.) submitted to Local Planning Authority for approval prior to the development being brought into use.

Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

- 5 Prior to occupation the applicant shall provide:

- 1 no. electric vehicle (EV) charging point (minimum 7kW*).

Certification and photographic evidence of the installation of the agreed electric vehicle charge points shall be submitted to Local Planning Authority for approval prior to the development being brought into use. The infrastructure shall be maintained and operational in perpetuity.

*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. To encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable and to safeguard residential amenity, public health and quality of life with respect to Local Air Quality, in accordance with paragraphs 112e, 117e, 187e and 199 of the National Planning Policy Framework (December 2024) and Places for Everyone Policy JP-S5 (Clean Air).

- 6 The dwelling hereby approved shall be built to the accessible and adaptable standard in Part M4(2) of Building Regulations unless site specific conditions make it impracticable and which are justifiable.
Reason. To ensure the residential dwelling hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with the PfE Joint Development Plan Document Policy JP-H3: Type, Size and Design of New Housing and the National Planning Policy Framework.
- 7 All trees to be retained on site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". The development shall not commence unless and until the measures required by the British Standard 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.
- 8 The removal of trees within Group G2 may have the potential to cause harm to bats as identified in Bat Survey Report Angela Graham Bat Consultancy Service Report Date 17/12/24 and shall not in any circumstances occur unless a bat consultant is present during felling or a precautionary working measures method statement has been provided to and approved in writing by the local planning authority and thereafter implemented as approved.
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 Section 11 of the National Planning Policy Framework.
- 9 No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a precautionary working method statement for nesting birds by a suitably experienced ecologist has been supplied to and agreed in writing by the LPA.
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.
- 10 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 replacement tree planting of a native species (two trees for every one tree removed), hedge and shrub planting and the provision of bat and bird boxes. The approved scheme shall thereafter be implemented not later than 12 months from the date the building(s) is 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 H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and JP- G8 and chapter 15 - Conserving and enhancing the natural environment of the NPPF.
- 11 The residential unit ('unit') in the development hereby permitted shall be constructed as a self-build dwelling within the definition of self-build and custom build housing in the 2015 Act:
(i) The first occupation of the unit in the development hereby permitted

shall be by a person or persons who had a primary input into the design and layout of the unit and who intends to live in the unit for at least 3 years;

(ii) The Council shall be notified of the persons who intend to take up first occupation of the unit in the development hereby permitted at least two months prior to first occupation.

Reason . The scheme as submitted and subsequently determined, is specifically based upon the scheme being a Small Scale Self-Build and Custom Housebuilding scheme, which benefits from The Biodiversity Gain Requirements (Exemptions) Regulations 2024 to otherwise provide for Biodiversity Net Gain.

- 12 No development shall commence unless and until details of surface water drainage proposals have 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. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. To promote sustainable development and reduce flood risk pursuant to PfE Policy JP-S4 and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

- 13 Notwithstanding the details indicated on the approved plans including the retention of the existing hedge shown, no development shall commence unless and until full details of the following have been submitted on a topographical based survey of the site and adjacent adopted highways, unadopted shared access and Public Footpath No. 144, Bury to the Local Planning Authority:

1. Scheme of resurfacing and highway remedial works on the unadopted section of Owlerbarrow Road, at the interface with the adopted section of Owlerbarrow Road and westerly end of the adopted footway on Owlerbarrow Road to a scope, extents and specification to be agreed, incorporating the provision of edge of carriageway/give-way markings in a position to be agreed;

2. Formation of the proposed new access onto the unadopted section of Owlerbarrow Road to serve the new driveway for the existing dwelling to a scope and specification to be agreed, incorporating works at the interface with the shared private access to demarcate the extents of the carriageway, adequate levels of visibility at the junction in accordance with the standards in Manual for Streets and removal of a sufficient section of the existing hedge to achieve the visibility splays required;

3. Proposed new hardstanding in a porous/permeable material and/or measures to prevent the discharge of surface water on the unadopted and adopted sections of Owlerbarrow Road;

4. Extents of the proposed 1.8m high timber overlap fence and concrete posts along the 'entire eastern site boundary', to be sited clear of the adjacent Public Right of Way;

5. In association with the above, construction method statement for the erection of the fence incorporating appropriate pedestrian protection measures and retention of adequate pedestrian facilities/access arrangements on Public Footpath No. 144, Bury, that abuts the site.

The highway works subsequently approved shall be implemented to an agreed

programme and to the satisfaction of the Local Planning Authority before the dwelling hereby approved is first occupied and the measures subsequently approved in relation to the works abutting the Public Right of Way shall be implemented to the satisfaction of the Local Planning Authority and maintained for the duration of the works.

Reason. To ensure good highway design and the intervisibility of the users of the site and the adjacent highways in the interests of road safety and to maintain the integrity of the adopted highway pursuant to Policies H2/1, H2/2, JP-S4, JP-C5 and JP-C8.

- 14 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 the development, replacement of all boundary features and as a result of statutory undertakers connections to the site;
2. Access route for all construction vehicles to the site from the Key Route Network;
3. Access point/arrangements for construction traffic from Owlerbarrow Road, all temporary works required to facilitate access for construction vehicles and retain access for existing residents;
4. If proposed, details of site hoarding/gate positions, incorporating the provision, where necessary, of temporary pedestrian facilities/protection measures;
5. A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its accesses onto Hollins Close/Hollins Lane;
6. Confirmation of hours of operation, delivery & construction vehicle sizes that can be accommodated on/enter and leave Owlerbarrow Road in a forward gear and number of vehicle movements;
7. Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site/Hollins Close and/or measures to control/manage delivery vehicle manoeuvres;
8. Parking on site or on land within the applicant's control of operatives' and construction vehicles, together with storage on site of construction materials;
9. Measures to ensure that all mud and other loose materials are not spread onto the adjacent 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.

Reason. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets and private shared access, ensure adequate off-street car parking provision and materials storage arrangements for the duration of the construction period and ensure that the adopted highways are kept free of deposited material from the ground works operations, all in the interests of highway safety pursuant to policies EN1/2 and JP-C8.

- 15 The turning facilities indicated on the approved plans shall be provided before the areas of the development to which they relate are brought into use 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/new access road in the interests of road safety pursuant to policies JP-C5 and JP-C8.

- 16 The car parking and alterations to the existing dwelling to abandon the integral parking facilities indicated on the approved plans shall be surfaced, and made available for use/implemented to the satisfaction of the Local Planning Authority prior to first occupation of the dwelling hereby approved 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.

- 17 The refuse storage and access arrangements to be provided within the curtilage of the site for the new and existing dwellings shall be made available for use to the satisfaction of the Local Planning Authority prior to first occupation of the dwelling hereby approved and thereafter maintained at all times.

Reason. To ensure that adequate bin storage arrangements are provided within the curtilage of each dwelling pursuant to policies EN1/2 and JP-C8.

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:

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
H2/6	H2/6 - Garden and Backland Development
EN1/2	EN1/2 - Townscape and Built Design
EN6/3	EN6/3 - Features of Ecological Value
HT2/4	HT2/4 - Car Parking and New Development
SPD6	Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury
NPPF	National Planning Policy Framework
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water 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:

Revised proposed red edge site location plan received 11/3/25

Existing dwelling side elevations/fence detail ref no 1407 received 7/3/25

Revised proposed site plan ref 1407 rev 4

Proposed elevations and floor plans ref 1407 Proposal

Digital connectivity and Carbon and energy statement

Bat survey report dated 17/12/24 by Angela Graham Bat Consultancy Service.

Arboricultural Method Statement dated 27 October 2024 ref TRE/12OR/Rev E

NOTES TO APPLICANT

United Utilities' Property, Assets and Infrastructure

It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Utilities' assets and the proposed development.

We recommend the applicant visits our website for further information on how to investigate the existence of water and wastewater pipelines and what to do next if a pipeline crosses or is close to their red line boundary: Working near our pipes - United Utilities

United Utilities will not allow building over or in close proximity to a water main. United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. Nb. Proposals to extend domestic properties either above, or in close proximity to a public sewer will be reviewed on a case by case basis by either by a building control professional or following a direct application to United Utilities.

Any construction activities in the vicinity of United Utilities' pipelines, including pipelines that may be outside the applicant's red line boundary, must comply with national building and construction standards and where applicable, our 'Standard Conditions for Works Adjacent to Pipelines' which can also be found on our website: [standard-conditions-for-works-adjacent-to-pipelines-issued-july-2015.pdf](#) ([unitedutilities.com](#))

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. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout. 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.

Where United Utilities' assets exist, it is essential that the applicant, or any subsequent developer, contacts our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition.

DRAINAGE

We strongly encourage all developments to include sustainable drainage systems to help manage surface water and to offer new opportunities for wildlife to flourish. We request that Local Planning Authorities and applicants do all they can to avoid surface water entering the public sewer. The flows that come from this surface

water are very large when compared with the foul water that comes from toilets, showers, baths, washing machines, etc. It is the surface water that uses up a lot of capacity in our sewers and results in the unnecessary pumping and treatment of surface water at our pumping stations and treatment works. If new developments can manage flows through sustainable drainage systems that discharge to an alternative to the public sewer, it will help to minimise the likelihood of sewers spilling into watercourses and the flooding of homes and businesses.

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

The applicant should consider their drainage plans in accordance with the drainage hierarchy outlined above.

In the event that the applicant, or any subsequent developer, approaches United Utilities regarding a connection for surface water to the public sewer, it is likely that we will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable. This will be managed through either our 'S106 Sewer Connections' or 'S104 Adoptions' processes.

WATER EFFICIENCY IN NEW DEVELOPMENT

Local planning authorities have the option to set additional technical requirements in respect of water use for the construction of new build dwellings, exceeding the minimum standards required by Building Regulations. All new homes are required to meet the mandatory national standard of 125 litres of water used per person per day as set out in Building Regulations Approved Document G. Where there is a clear local need, a local planning authority's development plan policies can require new-build dwellings to meet the tighter Building Regulations optional requirement of 110 litres of water used per person per day. If your adopted development plan includes a policy that implements the tighter water efficiency standard for new-build dwellings in Part 3 of Building Regulations, you should ensure that this is a condition of any planning permission you may grant. You should also consider whether there is any adopted development plan policy relating to a water efficiency in the construction of non-residential development. As this is a matter for the local planning authority / building control body, United Utilities would not be involved in the discharge of conditions relating to water efficiency.

CONTACT DETAILS FOR ANY QUERIES WHICH MAY RESULT FROM THIS EMAIL:

For applicants / developers:

Drainage / wastewater infrastructure: SewerAdoptions@uuplc.co.uk

Water supply / water infrastructure: DeveloperServicesWater@uuplc.co.uk

Local planning authorities / Planning Officers: Planning.Liaison@uuplc.co.uk

To enable us to answer enquiries as quickly as possible, we request enquiries are not sent to multiple mailboxes - this will delay our response.

. Development Low Risk Area - Standing Advice

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

. INFORMATIVE - The Control of Noise Regulations 1974, 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 1974.

. The site is to be drained on a separate system of drainage with surface water and foul sewage being combined at the last manhole before connection to public sewer

. Surface water discharge to be limited to existing flow from site less a minimum 40% reduction in run-off to allow for climate change to prevent surcharge of public sewerage system downstream of the proposed development of the National Planning Policy Framework - Meeting the Challenge of Climate Change, Flooding and Coastal Change and PfE Policy JP-S4 and SPD 16 Design and Layout of New Development in Bury. Climate change allowance should be increased to 70% for sites which fall within Flood Zone 3

. Application forms for permission to connect to the public sewer should be obtained by telephoning United Utilities PLC on 08456 020406 or online at www.unitedutilities.com

. This recommendation relates to the revised plan received by this section on 11 March 2025

- . 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 road markings. The cost of the works will be the responsibility of the applicant/developer
- . The Council currently operates a curtilage system of refuse collection. The applicant is advised to liaise with Waste Management, Bradley Fold Depot on 0161 253 6621/7010, regarding the operation of this system
- . The applicant's attention is drawn to the existence of Public Right of Way No. 144, Bury, that abuts the site. No development should take place which affects the Right of Way in the absence of an appropriate closure or diversion order
- . 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.

Signed:



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On behalf of the Council

Date of Decision: 20/03/2025