

NOTICE OF PLANNING PERMISSION

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

To:

Mr 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: 71388

Date of Registration: 18/12/2024

Proposal:

Variation of Conditions 2, 5, 6 and 7 (approved plans) of planning permission 70070 Change of use from nursery building to 3 no. dwellings with associated car parking & external works – to facilitate the retention of the existing chimney. Removal of condition 14 to allow for retention of existing chimney

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 20th March 2027.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered 14347 204 Rev A, 14,347 203 Rev A, 14,347 202 Rev A, 14,347 201 Rev A, 14347 205 Rev A, 14,347/OS Rev B, 14,347 200 Rev C.
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 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 in the interests of highway safety pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 - Streets for All, and JP-C6 - Walking and Cycling.

- 5 The use hereby approved shall not be commenced unless and until the pedestrian access improvements indicated on approved plan reference 14,347 200 Rev C, 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.
- 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 H2/2 - The Layout of New Residential Development, JP-C5 - Streets for All, and JP-C6 - Walking and Cycling.
- 6 The car parking and turning facilities indicated on approved plan reference 14,347

200 Rev C shall be surfaced in permeable materials, demarcated and made available for use 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 pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

- 7 The turning facilities indicated on approved plan reference 14,347 200 Rev C 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 pursuant to Development Plan Policies H2/2 - The Layout of New Residential Development, JP-C5 - Streets for All, and JP-C6 - Walking and Cycling.

- 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 Local Planning Authority.

Reason. In order to protect any bats that may be using the building, and pursuant to policies JP-G8 – A Net Enhancement of Biodiversity and Geodiversity and EN6/3 – Features of Ecological Value of the Development Plan and Section 11 of the National Planning Policy Framework.

- 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 Local Planning Authority.

Reason. In order to protect nesting birds in the interest of ecology 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.

- 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 Development Plan Policy JP-G1 - Landscape Character 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 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.
- 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 Development Plan Policies JP-P2 - Heritage and Listed Buildings and EN2/3 Listed Buildings.
- 14 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 Development Plan Policies JP-P2 - Heritage and Listed Buildings and EN2/3 Listed Buildings.
- 15 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.
- 16 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.

- 17 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.

- 18 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 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.

- 19 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 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.

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:

EN1/2	EN1/2 - Townscape and Built Design
EN2/3	EN2/3 - Listed Buildings
EN7/3	EN7/3 - Water Pollution
EN7/5	EN7/5 - Waste Water Management
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
JP-P1	Sustainable Places
JP-P2	Heritage
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-G1	Landscape Character
JP-G7	Trees and Woodland
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-S4	Flood Risk and the Water Environment
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
SPD6	Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
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:

14347 204 Rev A, 14,347 203 Rev A, 14,347 202 Rev A, 14,347 201 Rev A, 14347 205 Rev A, 14,347/OS Rev B, 14,347 200 Rev C.

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>
5. 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>
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.

Signed:

A handwritten signature in black ink, appearing to read 'Paul Harris', written in a cursive style.

10 of 10

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On behalf of the Council

Date of Decision: 29/01/2025