

# NOTICE OF PLANNING PERMISSION

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

**To:**

Mr John Hodkinson  
20 Westgate Avenue  
Ramsbottom  
Bury  
BL0 9SS

**On Behalf Of:**

Mr James Walmsley  
42 Watling Street  
Affetside  
Bury  
Lancs  
BL8 3QW

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### PART 1 - Particulars of Application

**Application Number:** 70976

**Date of Registration:** 30/07/2024

**Proposal:**

Erection of 1 no. detached dwelling to replace existing

**Location:**

Burnt House Farm, Turton Road, Tottington, Bury, BL8 3QF

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### 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  
Location plan BHF:020522.A  
Existing site plan LC-09-03-20-A  
Proposed site plan BHF-24-03-22-C amended 10/1/23 (overlay of existing and proposed)  
Proposed site plan illustrating access field and field boundaries BHF-24-03-22-E  
Proposed plans and elevations 24/770/01A - Windows modified 17/7/2024  
Desk based coal mining report LKC 22 1267  
Carbon and energy statement

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 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.

- 4 Following the provisions of Condition 3 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.

- 5 One electric vehicle (EV) charging point (minimum 7kW\*) per unit (dwelling with dedicated parking) shall be provided as a minimum.

\*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 61851-1:2011 to be used (note this version is due to be replaced by BS EN 61851-1:2019 on 5 July 2022).

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.

- 6 No development shall commence unless and until;  
a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;  
b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 189 and 190 of the National Planning Policy Framework.

- 7 Prior to the occupation of the development, or it being taken into beneficial use, a

signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 189 and 190 of the National Planning Policy Framework.

8 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 Public Rights of Way abutting and forming the access to the site in the event that subsequent remedial works are required following construction of the development and as a result of any statutory undertakers connections to the new dwelling;
- Access point for construction traffic from the adopted highway and measures to retain adequate levels of visibility at the Turton Road junction;
- Site hoardings (if proposed) clear of the adjacent Public Rights of Way;
- Hours of operation, confirmation of delivery and construction vehicle sizes that can be accommodated on the Public Rights of Way that serve the site and number of vehicle movements;
- The provision, where necessary, of temporary pedestrian facilities/protection measures on the adjacent Public Rights of Way;
- A scheme of appropriate warning/construction traffic signage in the vicinity of the site and its access;
- Parking on site (or on land under the applicant's control) of operatives' and construction vehicles together with storage on site of construction materials, including any requisite phasing of the development to accommodate this;
- Measures to ensure that all mud and other loose materials are not spread onto the adjacent Public Right of Way and 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.

The areas identified shall not be used for any other purposes other than the parking of vehicles and storage of demolition/construction materials. All highway remedial works identified as a result of the dilapidation survey shall be implemented prior to the development hereby approved being occupied.

Reason. To maintain the integrity of the adjacent Public Rights of Way and adopted highway, mitigate the impact of the construction traffic generated by the proposed development on the adjacent highway network, ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and ensure that the Public Rights of Way and adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Development Plan Policies EN1/2 and JP-C8.

- 9 Prior to first occupation of the development hereby approved, a sprinkler/misting system to meet the requirements of BS 9251:2014 or other subsequent standard that meets the requirements of Greater Manchester Fire and Rescue Service and deemed suitable to overcome the site's emergency access deficiencies, shall be installed in the dwelling hereby approved and shall thereafter be maintained at all times.  
Reason. In the interests of fire safety and to ensure the safe and satisfactory development of the site and for its future occupiers pursuant to Bury Unitary Development Plan Policies H1/2 - Further Housing Development, H2/2 - The Layout of New Residential Development and EN1/2 - Townscape and Built Design.
- 10 The development hereby approved shall not be first occupied unless and until the car parking, driveway and pedestrian access arrangements shown clear of the adjacent Public Rights of Way on approved plan reference BHF-24-03-22 Revision C as amended have been implemented.  
Reason. To ensure adequate off street car parking provision and to allow adequate space to maintain a vehicle clear of the adjacent Public Rights of Way, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies HT2/4 - Car Parking and New Development, H2/2 - The Layout of New Residential Development and EN1/2 - Townscape and Built Design.
- 11 Prior to demolition at any time, the building shall be checked for barn owl immediately prior to demolition by a suitably experienced ecologist. If demolition occurs between the 1st March and 31st August in any one year, the building shall be checked for nesting barn owl and the findings supplied to and approved in writing by the Local Planning Authority. The approved findings and any approved mitigation measures shall thereafter be implemented to an approved timetable.  
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6/3 – Features of Ecological Value, JP-G8 and Section 11 of the National Planning Policy Framework.
- 12 No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.  
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies 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.
- 13 Prior to any site clearance a reasonable avoidance measures method statement for mammals and amphibians will be provided to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be implemented to an approved timetable.  
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies 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.
- 14 No development shall take place until it can be demonstrated that there will be no negative impacts on the ecological status/potential of the Brook resulting from the disposal of foul water and surface water post-development submitted to and approved in writing by the Local Planning Authority. The details, as approved, shall

be implemented in full in accordance with a timetable which has first been agreed in writing by the Local Planning Authority.

Reason. To ensure the development is carried out in a safe and secure manner so as not to cause harm to the ecological status or importance of the Brook or any protected species pursuant to policies EN6/3 - Features of Ecological Value and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 15 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 native tree and shrub planting to be incorporated into the garden design, the provision of bat and bird boxes/bricks incorporated into the new build and two barn owl boxes provided for the loss of roosting habitat. 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 chapter 15 - Conserving and enhancing the natural environment of the NPPF.
- 16 Details/Samples of the materials to be used in the external elevations, and details of the surfacing materials for the hardstanding and parking areas together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials 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 Policy H2/1 - The Form of New Residential Development and SPD8.
- 17 Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 and Class A and Class C of Part 2 of Schedule 2 of the Order, without the submission and approval of a relevant planning application.  
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed.
- 18 Prior to any earthworks a method statement detailing control and biosecurity measures for Himalayan Balsam should be supplied to and agreed in writing to the LPA. The agreed method statement shall be adhered to and implemented in full.  
Reason. The scheme does not provide full details of the actual extent of Japanese Knotweed and Himalayan Balsam pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 19 The dwelling hereby approved shall be built in accordance with the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations.  
Reason. To secure the satisfactory development of the site pursuant to Places for Everyone Joint Development Plan Policy JP-H3: Type, Size and Design of New Housing.
- 20 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.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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                                                        |
| EN1/2 | EN1/2 - Townscape and Built Design                                                                      |
| EN6/3 | EN6/3 - Features of Ecological Value                                                                    |
| EN6/4 | EN6/4 - Wildlife Links and Corridors                                                                    |
| EN7/5 | EN7/5 - Waste Water Management                                                                          |
| OL1/2 | OL1/2 - New Buildings in the Green Belt                                                                 |
| OL5/2 | OL5/2 - Development in River Valleys                                                                    |
| OL7/2 | OL7/2 - West Pennine Moors                                                                              |
| RT3/3 | RT3/3 - Access to the Countryside                                                                       |
| HT2/4 | HT2/4 - Car Parking and New Development                                                                 |
| SPD6  | Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.               |
| SPD8  | Development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt |
| NPPF  | National Planning Policy Framework                                                                      |
| SPD11 | Development Control Policy Guidance Note 11 - Parking Standards in Bury                                 |
| JP-C2 | Digital Connectivity                                                                                    |
| JP-C5 | Streets For All                                                                                         |
| JP-C6 | Walking and Cycling                                                                                     |
| JP-C8 | Transport Requirements of New Development                                                               |
| JP-G1 | Landscape Character                                                                                     |
| JP-G9 | The Green Belt                                                                                          |
| JP-H3 | Type, Size and Design of New Housing                                                                    |
| JP-H4 | Density of New Housing                                                                                  |
| JP-P1 | Sustainable Places                                                                                      |
| 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:**

Location plan BHF:020522.A

Existing site plan LC-09-03-20-A

Proposed site plan BHF-24-03-22-C amended 10/1/23 (overlay of existing and proposed)

Proposed site plan illustrating access field and field boundaries BHF-24-03-22-E

Proposed plans and elevations 24/770/01A - Windows modified 17/7/2024

Desk based coal mining report LKC 22 1267

Carbon and energy statement

**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.

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

For applicants / developers:

Drainage / wastewater infrastructure: [SewerAdoptions@uuplc.co.uk](mailto:SewerAdoptions@uuplc.co.uk)

Water supply / water infrastructure: [DeveloperServicesWater@uuplc.co.uk](mailto:DeveloperServicesWater@uuplc.co.uk)

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

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

1. All works and ancillary operations which are audible at the boundary of the nearest house or noise receptor, or at such other place as may be agreed with the Council, shall be carried out only between the hours of 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1400 on Saturdays and at no time on Sundays and Bank Holidays.
2. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.
3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturer's instructions.
4. Any emergency deviation from the above (1 - 3) shall be notified to Bury Council without delay.

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

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>

#### 1 - Ground Investigations

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission to enter or disturb our property may result in the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: [www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property)

#### 2 - Shallow coal seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

The applicant's attention is drawn to the existence of Public Rights of Way (Public Footpath) No.'s 18 & 24, Tottington, that form the access to and abut the site. No development should take place which affect the Rights 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.

The full details of a scheme of mitigation measures required by Greater Manchester Fire and Rescue Service to overcome the site's emergency access deficiencies should be discussed with the fire service. The details/measures should incorporate the installation of a residential sprinkler/misting system in the dwelling to current appropriate standards as conditioned, as well as ensure that the recognised Approved Document requirements for Fire Service access will be met:

- Vehicular access for a fire appliance to within 45m of all points within the

- dwelling;
- The access road should be a minimum width of 4.5m and capable of carrying 12.5 tonnes;
  - As the access road is more than 20m long, a turning circle, hammerhead, or other turning point for fire appliances will be required;
  - There should be a suitable fire hydrant within 165m of the dwelling.

The details/measures subsequently agreed should be implemented to the satisfaction of GMFRS before the dwelling is first occupied and thereafter maintained at all times.

. The applicant's attention is drawn to the need to consult the Department of Operations regarding the specification for and implementation of any highway remedial works that may be necessary as a result of the construction of the proposed development. The cost of the works will be the responsibility of the applicant

. 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

. Whilst the building to be demolished has been assessed as 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 during demolition 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

Signed:



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On behalf of the Council

**Date of Decision:** 20/09/2024