

NOTICE OF PLANNING PERMISSION

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

To:

Mr John Bridge
Studio John Bridge Ltd
42 Lune Street
Preston
PR1 2NN

On Behalf Of:

Mr Paul Warner
58 Boothroydon Road
Blackley
Manchester
M90 SL

PART 1 - Particulars of Application

Application Number: 69455

Date of Registration: 24/10/2023

Proposal:

Redevelopment of existing cottage/stables into 1 no. dwelling and 11 no. replacement stables with shared access and car parking; Conversion of existing barn to create 6 no. dwellings with new rear orangeries, gardens and parking provision

Location:

Jackson Fold Farm, Pilsworth Road, Bury, BL9 8QZ

PART 2 - Particulars of Decision

Bury Metropolitan Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been **GRANTED** for the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:-

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered 2139-L01, 2239-S01, 2239-S02 Revision A, 2239-S03, 2239-S04, 2239-S05, 2239-S06, 2239-S07, 2239-S10, 2239-P01 Revision B, 2239-P02 Revision A, 2239-P03 Revision A, 2239-P04, 2239-P05, 2239-P06, 2239-P07, 2239-P08, 2239-P09, 2239-P10

Documents:

Phase 1 Environmental Assessment Report ES02614
Full Arboricultural Assessment for Development - July 2023
Bat Scoping Assessment - 7th February 2023
SUDS for Planning (including FRA for completeness) - July 2023
Planning Statement
Heritage Statement June 2023
Limited Structural Report 25th August 2023
Crime Impact Statement URN2023/0479/CIS/01
Further Bat Survey Addendum 27th October 2023

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 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 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.
- 4 Details/Samples of the (materials/bricks) to be used in the external elevations, 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/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 EN1/1 Visual Amenity.
- 5 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.
- 6 Following the provisions of Condition 5 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.
- 7 Prior to occupation the applicant shall provide one electric vehicle (EV) charging point (minimum 7kW*) per unit (dwelling with dedicated parking) or a minimum 20%

EV chargepoints (minimum 7kW*) (for unallocated parking). Photographic evidence of the installation of the agreed electric vehicle charge points shall be submitted.

*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.

- 8 No works to trees or shrubs shall occur or building and demolition works 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 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.

- 9 Prior to any development, demolition or vegetation clearance a management strategy for Himalayan Balsam shall be supplied to and agreed in writing to the Local Planning Authority. The agreed management shall be adhered to and implemented in full.

Reason. The scheme does not provide full details of the actual extent of Himalayan Balsam in the interest of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 10 No development shall commence unless and until a Landscape and Ecological Management Plan (LEMP) (or equivalent) has been submitted to approved in writing by the Local Planning Authority. The contents of the LEMP shall include information which demonstrates the creation or management of habitats to secure a meaningful and measurable net gain for biodiversity, in line with the principles established in Ecology Briefing Note dated 24th January 2024. The approved plan will be implemented in accordance with the approved details.

Reason. To ensure improvements in the biodiversity of the site pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 11 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 and the provision of 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 EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving

and enhancing the natural environment of the NPPF.

- 12 Notwithstanding the details indicated on approved plan reference 2239-P01 Revision B, no development shall commence unless and until full details of the following have been submitted to and agreed in writing with the Local Planning Authority:

1. proposed site access modifications on a topographical survey on the site and adjacent adopted highway incorporating the formation of a 90 degree junction with the adopted highway;
2. kerb radii, a minimum access width of 5.5m, section of segregated footway(s) from the junction with Pilsworth Road, both within the proposed sightline(s) and within the site, of an appropriate width and length to serve the number of residential units proposed and turning facilities suitable for use by the Council's 18.5m long refuse collection vehicle;
3. associated swept path analysis to ensure that a refuse collection vehicle can enter and leave the site in a forward gear, with the areas identified for the manoeuvring of the vehicle within the site subsequently maintained free of obstruction at all times;
4. improvements to visibility at the reconfigured junction to ensure that the proposed 2.4m x 120m visibility splay to the right on egress can be provided and subsequently maintained free of obstruction above the height of 0.6m, incorporating the relocation of the existing telegraph pole if located within the splay and removal/cutting back as necessary of the affected hedgerow.

The details subsequently approved shall be implemented prior to the occupation of the development.

Reason. To ensure good highway design, the intervisibility of the users of the site and the adjacent highways and to minimise the standing and turning movements of vehicles on the highway, all in the interests of road safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development and HT6/2 - Pedestrian/Vehicular Conflict.

- 13 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local Planning Authority and shall confirm/provide the following:

1. Photographic dilapidation survey of the adopted abutting the site in the event that subsequent remedial works are required following construction of the development, replacement/alteration of all affected boundary features and as a result of any 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 Pilsworth Road and all temporary works required to facilitate access for construction vehicles and provision of the approved visibility splays prior to commencement of construction;
4. If proposed, details of site hoarding/gate positions, incorporating the provision, where necessary, of temporary pedestrian facilities/protection measures on the adopted highway;
5. A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access onto Pilsworth Road;
6. Confirmation of hours of operation and number of vehicle movements;
7. Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site 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 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 demolition/construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition and construction periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials.

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and 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.

- 14 The car parking and associated turning facilities indicated on approved plan reference 2239-P01 Revision B shall be surfaced, demarcated 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 in the interests of road safety pursuant to policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, HT6/2 - Pedestrian/Vehicular Conflict, HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan..
- 15 No development shall commence unless and until surface water drainage proposals have been submitted to and approved in writing by the Local Planning Authority. The scheme should be in accordance with the submitted Surface Water Sustainable Drainage Assessment and 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 Unitary Development Plan Policies EN5/1- New Development and Flood Risk , 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.
- 16 The stables hereby approved shall be removed from site to the written satisfaction of the Local planning Authority within six months of it ceasing operation.
Reason: In the interests of the visual amenity pursuant to Policies H3/1 – Assessing Non-Conforming Uses, OL1/2 – New Buildings in the Green Belt of the Bury Unitary Development Plan, OL4/7 Development involving Horses and SPD10 Equestrian Development.
- 17 No development approved by this permission shall be commenced until, a scheme for the containment and storage of manure, has been approved by the Local Planning Authority. Such a scheme shall be constructed and completed, in accordance with approved plans.

Reason. To prevent the pollution of the environment pursuant to Policies H3/1 – Assessing Non-Conforming Uses, OL1/2 – New Buildings in the Green Belt of the Bury Unitary Development Plan, OL4/7 Development involving Horses and SPD10 Equestrian Development.

- 18 Before the first occupation of the dwellinghouse shown on drawing number 2239-P06 hereby approved, the ground floor window on the east gable shall be fitted with obscured glazing (min obscurity level 3) and shall be permanently retained in that condition thereafter.

Reason. To protect the privacy of future occupiers and neighbours pursuant to UDP Policy H2/1 The Form of New Residential Development.

- 19 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

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:

OL1/2	OL1/2 - New Buildings in the Green Belt
OL1/4	OL1/4 - Conversion and Re-use of Buildings in the Green Belt
OL4/7	OL4/7 - Development Involving Horses
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
H3/1	H3/1 - Assessing Non-Conforming Uses
EN1/1	EN1/1 - Visual Amenity
EN1/2	EN1/2 - Townscape and Built Design
EN1/3	EN1/3 - Landscaping Provision
NPPF	National Planning Policy Framework
EN9/1	EN9/1 - Special Landscape Areas
EN6	EN6 - Conservation of the Natural Environment
EN6/3	EN6/3 - Features of Ecological Value
EN8/2	EN8/2 - Woodland and Tree Planting
EN7/5	EN7/5 - Waste Water Management
EN5/1	EN5/1 - New Development and Flood Risk
EN7/3	EN7/3 - Water Pollution
EN7	EN7 - Pollution Control

HT2/4	HT2/4 - Car Parking and New Development
HT6/2	HT6/2 - Pedestrian/Vehicular Conflict
RT3/4	RT3/4 - Recreational Routes
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
SPD 9	Development Control Policy Guidance Note 9 - Conversion and Re-use of Buildings in the Green Belt
SPD10	Development Control Policy Guidance Note 10: Planning for Equestrian Development.
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury
SPD16	Development Control Policy Guidance Note 16 - Design and Layout of New Development in Bury

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:

2139-L01, 2239-S01, 2239-S02 Revision A, 2239-S03, 2239-S04, 2239-S05, 2239-S06, 2239-S07, 2239-S10, 2239-P01 Revision B, 2239-P02 Revision A, 2239-P03 Revision A, 2239-P04, 2239-P05, 2239-P06, 2239-P07, 2239-P08, 2239-P09, 2239-P10

Documents:

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 Ecology Briefing Note 24th January 2024
 Existing Habitats
 Biodiversity Metric 24th January 2024

NOTES TO APPLICANT

1. **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.
2. The applicant's attention is drawn to the need to consult the Department for Operations regarding the proposed access modifications. The cost of the works will be the responsibility of the developer.
3. The Council currently operates a curtilage system of refuse collection. The applicant is advised to liaise with Environment & Development Services, Waste Management & Transport - Bradley Fold, on 0161 253 7010/6635, regarding the operation of this system.
4. This recommendation relates to the requirements of Greater Manchester Fire and Rescue Service detailed in their response dated 02 February 2024.
5. Whilst the development has been found to be very 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).
6. If owls are utilising trees/ buildings a Licence will be required from the Department of the Environment, Food and Rural Affairs for the felling / demolition to occur.

Signed:



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On behalf of the Council

Date of Decision: 12/02/2024