

NOTICE OF PLANNING PERMISSION

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

To:

Mr Robert MacKenzie
MacMarshalls
112A-116 Hamill House
Chorley New Road
Botton
BL1 4DH

On Behalf Of:

AC & RJ MacKenzie
Tom Nook Farm
Turton Road
Tottington
Bury
BL8 3QG

PART 1 - Particulars of Application

Application Number: 68930

Date of Registration: 29/09/2022

Proposal:

Erection of goat shelter; Extension of agricultural bale storage area following the piping of a small ditch and the importation of approximately 256 m3 of inert material

Location:

Tom Nook Farm, Turton Road, Tottington, Bury, BL8 3QG

PART 2 - Particulars of Decision

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

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings;
Location Plan dated 29/09/2022
Proposed Site Plan dated 29/09/2022
Proposed Plans (Dwg no. C11-001 A)
Topographical Land Survey - Ditch Quantification (Dwg No. MM.TS.17)
and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 3 The external finishing materials for the proposal hereby approved shall be as detailed within the approved application particulars.
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.

- 4 Any materials brought to site for use in-filling and level raising shall be tested for contamination and suitability for use on site. 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 and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and; The approved contamination testing shall then be carried out and validatory evidence (soil descriptions, laboratory certificates, photographs etc) 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 Policy EN7 - Pollution Control of the Bury Unitary Development Plan.

- 5 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 Public Footpath No. 63, Tottington leading to and abutting the site in the event that subsequent remedial works are required following construction of the development and as a result of its use for the importation of inert material;
- Measures to ensure that adequate levels of visibility are provided/maintained at the junction of the site access with Turton Road during construction of the development/material importation;
- Access point(s) for construction traffic from Public Footpath No. 63, Tottington and all temporary works required to facilitate access for ground works/construction vehicles;
- The provision, where necessary, of temporary pedestrian facilities/protection measures on Public Footpath No. 63, Tottington;
- A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access onto Turton Road;
- Confirmation of hours of operation, delivery, construction and material importation vehicle sizes that can be accommodated on the Public Right of Way that serves the site, and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres;
- Parking on site or on land within the applicant's control of operatives' and construction vehicles, together with storage on site of construction materials;
- Measures to ensure that all mud and other loose materials are not spread onto the adjacent Public Right of Way/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 turning/parking of vehicles and storage of construction materials. All highway remedial works identified as a result of the dilapidation survey shall be implemented to the written satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use.

Reason. To maintain the integrity of the adopted highway, mitigate the impact of the

construction traffic generated by the proposed development on the adjacent residential streets, 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, in the interests of highway safety, pursuant to Policy EN1/2 of the Bury Unitary Development Plan.

- 6 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.
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.
- 7 Prior to any earthworks, a method statement detailing biosecurity measures for himalayan balsam shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter, the development shall be implemented in full accordance with the agreed method statement unless otherwise agreed in writing by the Local Planning Authority.
Reason. To ensure the removal/check to the spread of species that are listed as invasive non-native species under the Wildlife and Countryside Act 1981, in order to safeguard the biodiversity of the site and its surroundings, pursuant to Policy 6/4 of the Bury Unitary Development Plan and Section 15 of the National Planning Policy Framework.
- 8 Prior to the erection of any external wall of the development hereby approved, a biodiversity mitigation enhancement plan shall be submitted to and agreed in writing with the Local Planning Authority for the ditch upstream of the section to be culverted. Thereafter, the agreed mitigation enhancements shall be implemented in full within 12 months of the completion of the building hereby approved.
Reason. In order to provide biodiversity net gain pursuant to Section 15 of the National Planning Policy Framework.

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:

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|-------|---|
| OL1 | OL1 - Green Belt |
| OL1/2 | OL1/2 - New Buildings in the Green Belt |
| OL7/2 | OL7/2 - West Pennine Moors |
| EN9/1 | EN9/1 - Special Landscape Areas |
| EN1/1 | EN1/1 - Visual Amenity |
| EN7 | EN7 - Pollution Control |
| SPD8 | Development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt |

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 dated 29/09/2022

Proposed Site Plan dated 29/09/2022

Proposed Plans (Dwg no. C11-001 A)

Topographical Land Survey - Ditch Quantification (Dwg No. MM.TS.17)

NOTES TO APPLICANT

1. Highway Officer advice

1. The applicant's attention is drawn to the existence of Public Right of Way No. No. 63, Tottington, which forms the access to and abuts the site. No development should take place which affects the Right of Way in the absence of an appropriate closure or diversion order.

2. The developer should be 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.

3. The applicant's attention is drawn to the need to consult the Department of Operations regarding the specification for and implementation of any required highway remedial works. The cost of the works will be the responsibility of the developer.

2. Greater Manchester Ecology advice

Nesting birds - Condition 6

The consultant assessed the site as having bird nesting potential. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended.

Himalayan Balsam - Condition 7

Himalayan balsam was identified on-site. Species such as Himalayan balsam are included within schedule 9 part 2 of the Wildlife & Countryside Act 1981, as amended. It is an offence to introduce or cause to grow wild any plant listed under this schedule. I assume that the balsam extends up the ditch, therefore eradication is unlikely to be an option, though burial of the plants is likely to eradicate the plant within the development footprint. The main risk is therefore spread off-site by vehicles and work personnel.

Contributing to and Enhancing the Natural Environment - Condition 8

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will

result in the loss of rough neutral grassland, tall herb and scrub and any associated bird nesting habitat as well as culverting a section of ditch. It is recommended that mitigation in the ditch upstream of the development site is enhanced, through for instance removal of invasive species and enhancements such as willow scrub or tree planting, installation of leaky dams to hold back water in the ditch and vary the microhabitats etc.

Signed:

A handwritten signature in black ink, appearing to read 'P. H. H.', is written over a dotted line.

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On behalf of the Council

Date of Decision: 08/12/2022