

NOTICE OF PLANNING PERMISSION

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

To:

Mr Gareth Salthouse
Emery Planning
1-4 South Park Business Court
Hobson Street
Macclesfield
SK11 8BS

On Behalf Of:

Mr & Mrs Vause
c/o agent

PART 1 - Particulars of Application

Application Number: 69792

Date of Registration: 21/06/2023

Proposal:

Erection of a 1 no. dwelling with associated works

Location:

Ainsworth Hall Farm, Ainsworth Hall Road,
Ainsworth, Radcliffe, Bolton, BL2 5QT

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 -

2250-G&T-Z0-00--DR-A-1000 A - Site location plan
2250-G&T-Z0-00DR-A -1001 - Existing plans and elevations (partially built)
2250-G&T-Z0-00DR-A -1002 A - Proposed plans
2250-G&T-A Z0-00DR-A -1003 - Proposed elevations
2250-G&T-Z0-00--DR-A-1005 A- Existing site plan and topographical
2250-G&T-Z0-00--DR-A - 1006 C - Proposed site plan (full site)
2250-G&T-Z0-00--DR-A -1008 A - Proposed refurbishment (for new cottage dwelling)
2250-G&T-Z0-00--DR-A-1009 B - Proposed domestic cutilage plan
2250-G&T-Z0-00DR-A -1013 A - Existing plans and elevations (historic)
2250-G&T-Z0-00DR-A -1014 - Overlay plans and elevations
2250-G&T-Z0-00DR-A-1106 - Arbtech TPP01 - Tree Protection plan
2250-G&T-Z0-00DR-A-1106 - Arbtech AIA 01 - Arboricultural Impact Assessment
File Note dated April 2024 for Policies JP-S2 and JP-C2 of the GM PfE Plan

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 4 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 Prior to occupation the applicant shall provide one electric vehicle (EV) charging point (minimum 7kW*).

*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.

- 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 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.

- 7 Prior to any further earthworks or vegetation clearance a timetable and method

statement detailing control or avoidance measures for himalayan balsam, rhododendron and japanese knotweed should be supplied to and agreed in writing to the LPA. The agreed method statement and timetable shall be adhered to and implemented in full by the Local Planning Authority.

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

- 8 Prior to any further vegetation or groundworks on site, or prior to the occupation of the development hereby approved, which ever is the sooner, a Biodiversity Net Gain Design Stage Report shall be submitted to and approved in writing by the local planning authority which provides a measurable biodiversity net gain, using the DEFRA Biodiversity Metric 4.0 or any successor.

The content of the Biodiversity Net Gain report should include the following:

- Baseline data collection and assessment of current conditions on site;
- A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity;
- Provision of the full BNG calculations, with detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;
- Details of the implementation measures, timetable for implementation and management of proposals;
- Details of the monitoring and auditing measures.

The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason. To ensure the development delivers a biodiversity net gain and in accordance with Policies EN1/2 - Townscape and Built Design, EN8/2 - Woodland and Tree Planting, JP-G7 - Trees and Woodland and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

- 9 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 that abut and serve the site in the event that subsequent remedial works are required following construction of the development;
- Proposed site hoardings and gates positions (if proposed);
- Hours of operation, confirmation of delivery & construction vehicle sizes that can be accommodated on the Public Rights of Way leading to the site and number of vehicle movements;
- Parking on site of operatives' 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 Rights 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 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 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 brought into use.

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent 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 JP-C5 and JP-C6.

- 10 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 Policies H2/2 - The Layout of New Residential Development and EN1/2 - Townscape and built Design.

- 11 The car parking indicated on the approved plans shall be made available for use prior to the first occupation of the dwelling hereby approved and thereafter maintained available for use at all times.

Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

- 12 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 listed.

- 13 The development hereby approved shall be carried out in a manner to ensure the dwelling hereby permitted complies fully with Building Regulation M4(2) 'accessible and adaptable dwellings' before they are first occupied.

Reason. To ensure the development hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with the NPPF (2023) and Places for Everyone Policy JP-H3 - Type, Size and Design of New Housing.

- 14 All trees to be retained on site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall remain in situ until the development has been completed.

Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

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:

NPPF	National Planning Policy Framework
EN1/2	EN1/2 - Townscape and Built Design
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
EN6/3	EN6/3 - Features of Ecological Value
OL1/2	OL1/2 - New Buildings in the Green Belt
HT2/4	HT2/4 - Car Parking and New Development
JP-P1	Sustainable Places
JP-P2	Heritage
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-G1	Landscape Character
JP-G7	Trees and Woodland
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-G9	The Green Belt
JP-H1	Scale of New Housing Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
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
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury
GMMW	GMMWP - Greater Manchester Minerals and Waste Plan
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JP-Strat	Strategic Green Infrastructure
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JP-S1	Sustainable Development
JP-C1	Our Integrated Network

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.

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NOTES TO APPLICANT

- . 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.

- . This recommendation relates to the requirements of Greater Manchester Fire and Rescue Service detailed in their response dated 27 October 2023.

- . 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 in accordance with the requirememnts of GMFRS before the dwelling is first occupied and thereafter

maintained at all times.

- . 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 applicant's attention is drawn to the existence of Public Rights of Way No.'s 15 & 18, Christ Church, Radcliffe, 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 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.
- . Asbestos Condition - Prior to demolition of the structures on site an asbestos survey is to be carried out by an appropriately qualified contractor. Any asbestos identified shall be disposed of in an appropriate manner.

Reason: This is to secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to the National Planning Policy Framework.

Signed:



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On behalf of the Council

Date of Decision: 19/04/2024