

NOTICE OF PLANNING PERMISSION

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

To:

Mr Jamie Wildgoose
AHR Building Consultancy Ltd
5th Floor
55 Princess Street
Manchester
M24EW

On Behalf Of:

Samantha Horrocks
Bury Council - Department for Children and
Young People
Educational Services
Knowsley Street
Bury
BL9 0SW

PART 1 - Particulars of Application

Application Number: 69361

Date of Registration: 27/02/2023

Proposal:

Conversion of short stay residential home
(Class C2) to a pupil referral unit (Class F1)
for educational use; Single storey extensions
and associated landscaping, additional
parking and external works

Location:

Spurr House, Pole Lane, Bury, BL9 8QL

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 (Dwg No. SH-20-P-001 B)
Proposed Site Plan (Dwg No. SH-20-P-004 G)
Block Plan (Dwg No. SH-20-P-002 B)
Proposed Ground Floor Plan (Dwg No. SH-20-P-007 C)
Proposed Elevations (Dwg No. SH-20-P-008 B)
Proposed External Works Construction Details (Dwg No. 081241 CUR ZZ ZZ D C 91-0002 P02)
Proposed Sections (Dwg No. SH-20-P-009 B)
Proposed Drainage Layout (Dwg No. 081241 CUR ZZ ZZ D C 92-0002 P02)
Proposed Drainage Construction Details (Dwg No. 081241 CUR ZZ ZZ D C 92-0003 P01)
MUGA Pitch Layout and Fence Details (Dwg No. SH-21-P-004)
Proposed Security Layout (Dwg No. 220244-CPW-XX-XX-DR-E-50001 P01)

Proposed Electrical External Works (Dwg No. 220244-CPW-ZZ-XX-DR-M-EXT01 S3 P01)

Landscaping & Fencing Details (Dwg No. SH-21-P-003 E)

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. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

- 4 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.

- 5 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.

- 6 No development shall commence unless and until a scheme to minimise dust emissions has been submitted to and approved in writing by the Local Planning Authority, as outlined in Table 20 Fugitive Dust Emissions Mitigation Measures, of the report (Air Quality Assessment for Pole Lane, Bury, Redmore Environmental, Reference: 6294r1, 20 January 2023). The scheme shall include details of all dust control measures and the methods to monitor emissions of dust arising from the development. The development shall be implemented in accordance with the approved scheme with the approved dust control measures being retained and maintained in a fully functional condition for the duration of the development hereby approved.

Reason: The information is required prior to the commencement of development to reduce the impacts of dust disturbance from the site on the local environment, pursuant to Section 15 of the NPPF - Conserving and enhancing the natural environment.

- 7 Two car parking spaces shall be provided with electric vehicle (EV) charging points (minimum 7kW*) prior to the use of those spaces.

*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. 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 pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 8 Within 6 months of the development hereby approved being brought into use, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

- A travel plan budget and resources for the implementation and day to day management of travel plan measures;
- Appropriate management strategy;
- Detailed time frames for delivery;
- Handover arrangements for the travel plan or its components when the developer's responsibility ceases; and
- Targets and monitoring arrangements.

The Travel Plan shall thereafter be operated in accordance with the agreed details.

Reason. In order to deliver sustainable transport objectives in accordance with Chapter 9 - Promoting sustainable development of the National Planning Policy Framework.

- 9 Notwithstanding the details indicated on the approved plans and in the submitted 'Highway Response', no development shall commence unless and until full details of the following have been submitted on a topographical based survey of the site and adjacent adopted highways (where appropriate) to the Local Planning Authority:

- Dilapidation survey of the footways and carriageways leading to and abutting the site in the event that subsequent remedial works are required following as a direct result of the proposed development and conversion works;
- Alteration of the vehicular access to the site from Pole Lane to a specification to be agreed, incorporating the identification of the existing kerb radii positions and extent of highway works proposed, new kerb radii and extension of the northerly footway on both side of the revised junction, 2.4m x 43m visibility splays at the junction with Pole Lane, provision of tactile paved pedestrians crossing points, demarcation of the limits of the adopted highway, measures to prevent the discharge of surface water from the enlarged car park onto the adopted highway and all associated highway and highway drainage remedial works.

The details subsequently approved shall be implemented to a programme to be agreed with the Local Planning Authority. The visibility splays shall be implemented in full accordance with the approved details before the access and parking area is brought into use and subsequently maintained free of obstruction above the height of 0.6m.

Reason. To secure the satisfactory development of the site in terms of highway safety, to ensure good highway design, ensure the intervisibility of the users of the site and the adjacent highways and maintain the integrity of the adopted highway, all in the interests of highway safety, pursuant to policies EN1/2 and CF1/1 of the Bury Unitary Development Plan.

- 10 The use hereby approved shall not be commenced unless and until a review of the

need for any Traffic Regulation Orders in the vicinity of the site, with a view to introducing additional parking restrictions as appropriate, including, if required, all necessary road markings and signage, in addition to ensuring that existing parking restrictions remain in place and are refreshed accordingly. The details subsequently approved shall be implemented to a programme agreed with the Local Planning Authority.

Reason. To ensure good highway design in the interests of road safety and to mitigate any overspill parking from the proposed facility, pursuant to policies EN1/2 and CF1/1 of the Bury Unitary Development Plan.

- 11 The turning facilities indicated on the approved plans shall be provided before the development is brought into use 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 policies EN1/2 and CF1/1 of the Bury Unitary Development Plan.
- 12 The car and cycle parking indicated on the approved plans shall be surfaced, demarcated as appropriate 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 provision in the interests of road safety, pursuant to policies HT2/4 and CF1/1 of the Bury Unitary Development Plan.
- 13 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.
- 14 Prior to any vegetation clearance or earthworks a reasonable avoidance measures method statement for mammals such as hedgehog, amphibians and other wildlife covering both the site clearance and construction phases will be provided to and agreed in writing by the Local Planning Authority. Thereafter, the agreed reasonable avoidance measures shall be fully implemented and adhered to until completion of the development.
Reason. This information is required prior to the commencement of development to ensure that development activity does not cause harm to a Protected Species, pursuant to policies EN6 and EN6/3 of the Bury Unitary Development Plan and Section 11 of the National Planning Policy Framework.
- 15 Prior to any earthworks a method statement detailing eradication and/or control and/or avoidance measures for himalayan balsam shall be submitted to and agreed in writing with Local Planning Authority. The agreed method statement shall thereafter be fully implemented and adhered to in full for the duration of the construction of the development.
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.
- 16 Prior to the commencement of development, a biodiversity mitigation and enhancement plan for habitat creation and enhancement and measures to enhance the site for nesting birds and amphibians, with a timetable for implementation, shall

be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the agreed measures shall be implemented in full accordance approved details and implementation timetable.

Reason. In order to ensure that development activity does not cause harm to a Protected Species, pursuant to policies EN6 and EN6/3 of the Bury Unitary Development Plan and Section 15 of the National Planning Policy Framework.

- 17 A landscaping scheme shall be submitted to, and approved by the Local Planning Authority prior to the first occupation of the development, that should include native tree and shrub planting. 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 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.

- 18 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:

EN1/1	EN1/1 - Visual Amenity
EN1/2	EN1/2 - Townscape and Built Design
EN1/3	EN1/3 - Landscaping Provision
EN1/5	EN1/5 - Crime Prevention
EN6	EN6 - Conservation of the Natural Environment
EN6/3	EN6/3 - Features of Ecological Value
EN7	EN7 - Pollution Control
EN7/1	EN7/1 - Atmospheric Pollution
EN7/2	EN7/2 - Noise Pollution
EN8	EN8 - Woodland and Trees
EN8/2	EN8/2 - Woodland and Tree Planting
HT2/4	HT2/4 - Car Parking and New Development
HT4	HT4 - New Development
HT5	HT5 - Accessibility For Those With Special Needs

HT5/1	HT5/1 - Access For Those with Special Needs
HT6	HT6 - Pedestrians and Cyclists
HT6/1	HT6/1 - Pedestrian and Cyclist Movement
CF1	CF1 - Proposals for New and Improved Community Facilities
CF1/1	CF1/1 - Location of New Community Facilities
CF2	CF2 - Education Land and Buildings
SPD3	Development Control Policy Guidance Note 3: Planning Out Crime in New Development
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury
SPD12	Development Control Policy Guidance Note 12 - Travel Plans in Bury
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:

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NOTES TO APPLICANT

1. **Environmental Protection advice**
Prior to demolition of the structures, the identified asbestos containing material shall be removed by an appropriately qualified contractor, in line with the Demolition Method Statement submitted with this application.
2. **Highway Authority advice**
The developer's attention is drawn to the need to consult the Department of Operations regarding the specification for and implementation of the required highway works and TRO review. The cost of the physical and legal works will be the responsibility of the developer.
3. **Greater Manchester Ecology advice**
 - i. Whilst the building to be remodelled has been assessed as 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). Natural England should also be informed.
 - ii. Whilst the development has been accepted in to district licensing. If a great crested

newt is found during the development it should be translocated to safe location under the guidance of the consultant ecologist.

4. **Greater Manchester Police advice**

The development should be completed in accordance with the physical security specification set out in Section 4 of the Crime Impact Statement.

Signed:

A handwritten signature in black ink, appearing to read 'Paul Harris', written over a dotted line.

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On behalf of the Council

Date of Decision: 28/06/2023