

DELEGATED REPORT

Report by Helen Leach	Date of report: 20/11/2024	Ref: 70509/FUL
Registration: 22/02/2024	LDfC: 27/03/2024	Expiry Date: 18/04/2024
Site Visit: 06/03/2024	Site Notice: 06/03/2024	Press Date: 07/03/2024
Objections: 0	Con Area: N/A	Adv Type: ASB
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Erection of 1 no. live-work unit to replace barn

Location: Brick House Farm, Griffie Lane, Bury, BL9 8QS

Description

The site was previously located within the Green Belt however the adopted Places for Everyone Joint Development Plan has now been adopted, and the Green Belt boundaries amended. There were three large industrial buildings on site, with a central hardstanding. The buildings, which were last used for employment purposes (Class B2) have been demolished in order to commence the development. Access to the site is from Griffie lane and the site is surrounded by open fields with a golf course to the south. Brick House Farm is a Grade II listed building and is located to the north of the site with its own separate access.

Planning permission was granted in June 2011 for the demolition of the existing buildings and the erection of 7 live/work units, a central hub building and the provision of a bridge, ponds and internal access roads. Access to the site would be from Griffie Lane with a new bridge and 3 new ponds would be formed on site. Planning permission was subsequently granted in January 2013 for a change in the house types for the 7 live/work units. The main change involved making each unit detached, following advice from estate agents. The proposed units would consist of 67 square metres of workspace (Class B1) and associated living accommodation within the same building.

A series of material and non material amendments have been submitted for the site, and for individual units and are listed in the planning history section below.

The proposed development involves the erection of 1 live/work unit to replace the approved barn building. The proposed live/work unit would be located in the north western corner of the site on the footprint of the extant barn building.

The proposed live/work unit would be two storeys in height with a basement and would be of the same design as the existing units. The proposed live/work unit would be accessed from Griffie Lane via a driveway.

Relevant Planning History

53633 - 7 No. residential live/work units (one with associated barn); Central support hub building and development of site to include internal site road, bridge, ponds and landscaping at land to south of Brick House Farm, Castle Road, Bury. Approved with conditions - 10 June 2011.

55738 - Change of house type/design of 7 no. live/work units, approved under planning permission 53633 at land to south of Brick House Farm, Castle Road, Bury. Approved with conditions - 22 January 2013.

57530 - Variation of condition no. 2 (plans) of approved planning permission 55738 - alterations to courtyard elevations, additional chimneys, ground floor access to Unit 1 and

terrace over garage doors at land to south of Brick House Farm, Castle Road, Bury.
Approved with conditions - 16 June 2014.

62273 - Non-material amendment following grant of planning permission 57530 for variation of condition no. 2 (plans) of approved planning permission 55738 - alterations to courtyard elevations, additional chimneys, ground floor access to Unit 1 and terrace over garage doors: Unit 1 : the ground and first floor layouts now shown handed and the associated barn moved south. Unit 2 : this is now shown handed, and rotated. Unit 3 : this is now shown handed. Unit 8 : this is moved to the north, and one pond deleted at land to the south of Brick House Farm, Griffie Lane, Unsworth. Approved - 22 May 2018.

63937 - Non-material amendment following grant of planning permission 57530: basements to be added to units 2-7 at Brick House Farm, Griffie Lane, Unsworth. Approved - 19 March 2019

63895 - Erection of 1 no. live-work unit in lieu of approved office hub at Brick House Farm, Griffie Lane, Unsworth. Approved with conditions - 30 April 2019.

64051 - Change of house type of approved dwelling on plot 3 approved under planning permission 53633 resulting in a single storey side and rear lean-to at Brick House Farm, Griffie Lane, Unsworth. Approved with conditions - 10 June 2019.

64294 - Non-material amendment following grant of planning permission 57530; Unit 2 to be re-positioned 5 metres to the south. The barn to be relocated 3.5 metres to the north. Glazing across the rear of the feature oak frame to be moved to the front of the frame. One additional rooflight on the roof pitches facing into the courtyard for units 2-8 at Brick House Farm, Griffie Lane, Unsworth. Approved with conditions - 17 June 2019.

64460 - Non-material amendment following grant of planning permission 64051 for Change of house type of approved dwelling on plot 3 for: Staircase from basement to be directly beneath stair from ground to first, and be accessed from office space; Sub-dividing the work space into work space/office/brew; Remove external barn door to allow fire exit door from basement; Increase the size of the hall; Chimney to sitting room to be constructed externally and Roof pitch over single storey part slightly increased in pitch at Brick House Farm, Griffie Lane, Bury. Approved - 7 August 2019.

64697 - Change of house type of approved dwelling on plot 4 (approved under planning permission 57530) with addition of detached garage and removal of pergola at side at Brick House Farm, Griffie Lane, Bury. Approved with conditions - 7 May 2020.

64703 - Non-material amendment following grant of planning permission 64051 for change of house type of approved dwelling on plot 3 approved under planning permission 53633 resulting in single storey side and rear lean-to:
Bi-fold doors (8 doors) to rear elevation. One window removed from side elevation. Five rooflights added in single storey lean-to at plot 3, Brick House Farm Griffie lane, Bury.
Approved - 10 October 2019.

64727 - Non-material amendment following grant of planning permission 57530 for variation of condition no. 2 (plans) of approved planning permission 55738 - alterations to courtyard elevations, additional chimneys, ground floor access to Unit 1 and terrace over garage doors:

1. Larger windows over all front doors, with 1.5m wide front entrance opening, and revised front door canopies to plots 4 and 5.
2. Replace 2 ground floor windows on the field elevation with patio doors.
3. Additional window on side elevation for en-suite.
4. Removal of chimney on kitchen dining side.
5. Remove barn door.
6. internal amendments to partitions and stair to basement.

7. Slot windows amended on plots 4 and 5. Approved with conditions - 24 October 2019

64729 - Non-material amendment following grant of planning permission 57530 for variation of condition no. 2 (plans) of approved planning permission 55738 - alterations to courtyard elevations, additional chimneys, ground floor access to Unit 1 and terrace over garage doors:

Rotate units 1 and 8. Unit 7 to have brick elevations (rendered areas deleted).

Approved – 13 May 2020

64857 - Non-material amendment following grant of planning permission 57530 for variation of condition no. 2 (plans) of approved planning permission 55738 - alterations to courtyard elevations, additional chimneys, ground floor access to Unit 1 and terrace over garage doors:

Window and door frames to be upvc timber effect. Approved - 6 March 2020

65337 - Non material amendment following granting of planing permission 57530: Rotate units 1 and 8 Brick House Farm Griffie lane, Bury. Approved – 13 May 2020

65439 - Change of house type of approved dwelling on plot 8 (p/p ref. 63895) with addition of single storey side and rear lean-to at Brick House Farm, Griffie Lane, Unsworth.

Approved with conditions - 9 July 2020.

65542 - Change of house type of dwelling on plot 7, approved under planning permission 57530 resulting in a single storey side and rear lean-to, with ramp to basement below. Plot rotated slightly and moved north by 1 metre. Previously approved pergola removed at Brick House Farm, Griffie Lane, Unsworth. Received - 27 May 2020

65543 - Change of house type of dwelling on plot 1, approved under planning permission 57530 resulting in a single storey side and rear lean-to, with some areas of render. Rotation from previous approval to avoid below ground mains at Brick House Farm, Griffie Lane, Unsworth. Approved with conditions - 20 July 2020.

65720 - Change of house type of approved dwelling on plot 4, approved under planning permission 57530 resulting in the addition of a detached garage, with mezzanine and external dormer, and no pergola on the side at Brick House Farm, Griffie Lane, Unsworth. Approved with conditions - 11 November 2020.

66031 - Non-material amendment following grant of planning permission 64051 for change of house type of approved dwelling on plot 3 approved under planning permission 53633 resulting in single storey side and rear lean-to:

Oak window frames and door frames amended to dark grey aluminium.

Approved - 30 October 2020

67694 - Non material amendment following approval of planning permission 57530- Condition 10, details of the bricks to be used shall be submitted to the L.A before the development is commenced. An application to discharge this condition was approved on 26/03/2015 relating to our chosen brick 'York Handmade Old Clamp.' We wish to change this brick to be 'Newlyn Heritage Blend.'

Approved with conditions - 12 November 2021

69563 - Variation of condition No. 2 following approval of planning permission 65439 - lean-to roof above the single storey part (approved plans) to a terrace in place of the lean-to roof, plus minor changes to windows and an external door at Brick House Farm, Griffie Lane, Bury. Approved with conditions - 8 May 2024.

70658 - Change of use of vacant land to accommodate 2 no. static caravans for a temporary period of 2 years at land to south of Brick House Farm, Griffie Lane, Bury. Approved with conditions - 16 August 2024.

70796 - Change of house type of dwelling to plot 1 at land to south of Brick House Farm, Griffe Lane, Bury. Approved with conditions - 18 July 2024.

Publicity

The neighbouring properties were notified by means of a letter on 27 February 2024 and a press notice was published in the Bury Times on 7 March 2024. Site notices were posted on 6 March 2024.

There has been no response.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to the inclusion of conditions relating to water sprinklers and car parking.

Drainage Section - No response.

Environmental Health - Contaminated Land - No objections, subject to the inclusion of conditions relating to contaminated land.

Public Rights of Way Officer - No objections.

Conservation Officer - No objections.

Waste Management - No response.

United Utilities - No objections.

GM Ecology Unit - No objections, subject to the inclusion of a condition relating to the provision of a pond.

No objections, subject to the inclusion of an informative relating to nesting birds.

Cadent Gas Ltd - No objections.

Minerals and Waste Planning Unit - No response.

Pre-start Conditions - Not relevant.

Development Plan and Policies

JP-J1	Supporting Long-Term Economic Growth
EC2/2	Employment Land and Premises
JP-J2	Employment Sites and Premises
EC4/1	Small Businesses
EC6/1	New Business, Industrial and Commercial
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
JP-C1	Our Integrated Network
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
JP-P2	Heritage
EN2/3	Listed Buildings
JP-S4	Flood Risk and the Water Environment
EN6/3	Features of Ecological Value
JP-P1	Sustainable Places
EN7/2	Noise Pollution
EN7/5	Waste Water Management
JP-G7	Trees and Woodland
EN8/2	Woodland and Tree Planting
JP-G1	Landscape Character
RT2/2	Recreation Provision in New Housing Development
RT3/4	Recreational Routes
HT2/4	Car Parking and New Development
JP-C8	Transport Requirements of New Development
HT5/1	Access For Those with Special Needs
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing

JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-S2	Carbon and Energy
JP-C2	Digital Connectivity
SPD1	Open Space, Sport and Recreation Provision
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework
RT3/3	Access to the Countryside

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have

due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Principle - Residential - The National Planning Policy Framework (NPPF) should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. The Framework states that unless they have an adopted plan that is less than five years old that identified a five year supply of specific deliverable sites at the time of conclusion of the examination, then local planning authorities should identify and update annually a supply of specific developable sites to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing in certain circumstances set out in NPPF paragraph 226.

The joint Places for Everyone Plan was adopted with effect from 21 March 2024 and sets the up-to-date housing requirement for Bury against which the deliverable supply of housing land must be assessed. PfE Policy JP-H1 sets the following stepped targets for Bury:

- 246 homes per year from 2022-2025;
- 452 homes per year from 2025-2030; then
- 520 homes per year from 2030-2039.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up of sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the deliverable land supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be completed). In addition to the housing land supply in the SHLAA, the joint Places for Everyone Plan allocates significant strategic sites for housing within Bury and will accelerate housing delivery within the Borough to meet housing needs.

Following the adoption of Places for Everyone, the Council is now able to demonstrate a deliverable 5 year supply of housing land when assessed against the adopted PfE housing requirement.

The National Planning Policy Framework also sets out the Housing Delivery Test, which is an assessment of net additional dwellings provided over the previous three years against the homes required. Where the test indicates that the delivery of housing was substantially below (less than 75%) the housing requirement over the previous years, this needs to be taken into account in the decision-taking process. The latest results published by the Government show that Bury has a housing delivery test result of less than 75%, and therefore, this needs to be treated as a material factor when determining applications for residential development.

Therefore, paragraph 11d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. The application of policies in the Framework that protect areas, or assets of particular importance, provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.

In terms of housing delivery the Borough has underdelivered against the local housing need, and as a result the 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

The site is now sits outside of the Green Belt and is located within the red edge of a

previously approved residential scheme. The national requirement to significantly boost the supply of housing under the NPPF is a material consideration that would favour the residential development of this site in principle.

The site is located within PfE allocation GMA1.1. The red edge of the site however is within the red edge of approved application 57530 and involves the replacement of the extant barn with a live/work dwelling. As a scheme has already been approved on this site, prior to the adopted of PfE it is considered that this site can be excluded from the masterplan requirement.

Design and layout - Policy JP-H4 requires new housing development to be delivered at a density appropriate to the location, reflecting the relative accessibility of the site by walking, cycling and public transport and the need to achieve efficient use of land and high quality design. Policy JP-H4 sets out minimum densities that should be considered.

The minimum density for the site would be 35 dwellings per hectare. The application form states that the site area is 0.76 hectares. The proposal would therefore lead to a density of 10 dwellings per hectare. As the proposed live/work unit would replace an existing barn that could be implemented, it is considered that the density of the site is acceptable.

Policies H2/1 and H2/2 provide the assessment criteria for detailed matters relating to height, appearance, density and character, aspects and finishing materials for new residential developments. Policy JP-H3 - Seeks to provide an appropriate mix of dwelling types and sizes reflecting local plan policies and having regard to relevant local evidence. Development across the plan area should seek to incorporate a range of dwelling types and sizes, including for self-build.

Policy JP-H3: states that all new dwelling must:

1. Comply with the nationally described space standards; and
2. Be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations unless specific site conditions make this impracticable.

The proposed dwelling would have 4no. bedrooms. All bedrooms are of sufficient floor area, and width to be considered to be double occupancy rooms. Overall the dwelling would be considered to be a 4 bed 8 person, 3 storey dwelling and would comply with the GIA set out within the NDSS. Compliance with M4(2) can be secured via condition.

The remaining plots would be located around a courtyard development, which would be unaffected by the proposed development. The location of this proposed live/work unit would reinforce this existing layout. The proposed live/work unit would replicate the design of the other live/work units in the courtyard and as such, would not be a prominent feature in the streetscene. The proposal is therefore considered to be in accordance with the policies set out above.

Impact upon surrounding area - There would be a rear and side garden, which would be of acceptable size for the proposed live/work unit. There would be space within the garden for bin storage. The perimeter would be bounded by post and rail fencing, which would match the surrounding area and would be appropriate in this setting. Therefore, the proposed development would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Impact on Listed Building - The existing farmhouse is a Grade II listed building and is located to the north of the application site. The proposed building would be 30 metres away from the listed building and the wrap around extension would be 48 metres away. The proposed development is located in a similar position to the previously approved barn and the existing large industrial shed. In addition, trees would be planted along the boundary to maintain the existing landscaped buffer. The Conservation Officer has no objections to the proposed development. As such, the proposed development would preserve the character

of the listed building and would be in accordance with Policies EN2/3 of the Bury Unitary Development Plan and the NPPF.

Impact upon residential amenity - UDP Policy H1/2 states that the council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses. There are no adopted aspect standards for new build residential properties however, Supplementary Planning Document 6 provides guidance on aspect standards between residential properties and as such, would be a reasonable guide in this case.

The proposed first floor rear windows would be located a minimum of approximately 9 metres from the directly facing rear boundary, which would exceed the 7 metres required by SPD 6.

The gable elevation of the proposed live/work unit facing unit 1 would be blank and as such, there would be no overlooking issues.

The windows on the front elevation of the proposed live/work unit would be over 40 metres away from plot 8 and would be on an oblique angle. This would exceed the 23 metre aspect standard in SPD6.

Due to the nature of rooflights no overlooking is foreseen.

It is therefore considered that the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Ecology - The only potential issue is Great Crested Newts.

Great Crested Newts (GCN)

There is a known metapopulation of Great Crested Newts (GCN) located across Unsworth Moss, with GCN historically present in the pond located at Brick House Farm. Although more recent surveys indicate they are no longer present in this pond, but there are recent records that show GCN in other ponds within 250 metres of this site.

Further surveys are not required as further surveys of GCN population has been carried out across the wider Northern Gateway site and there is up to date information available on the GCN population.

GM Ecology Unit have no objections, subject to the inclusion of conditions relating to the installation of the pond on site.

Other Protected Species - The development site lacks habitat of value for protected species, with no records of any other protected species in the zone of influence of the development. No further information or measures are required.

Nesting Birds - The development site appears to lack trees, scrub or structures that could provide bird nesting opportunities. GM Ecology Unit has no objections, subject to the inclusion of an informative relating to nesting birds.

Contributing to and Enhancing the Natural Environment & Biodiversity Net Gain (BNG)

Section 180 of the NPPF 2023 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development site currently appears to have negligible vegetated habitat or wildlife value. The original permission 53633 included soft landscaping within this part of the site including hedge and pond that do not as yet appear to have been implemented. A location for a new pond has

been agreed and shown on the proposed site plan. The proposed pond would contribute to the enhancement of the natural environment and GM Ecology Unit has no objections, subject to the provision of the new pond.

Therefore, the proposed development would be in accordance with Policy EN6/3 of the Bury Unitary Development Plan and Policy JP-G8 of the Places for Everyone Joint Development Plan.

Highways issues - Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. This is further supported by Policy H2/2 that requires proposals to demonstrate adequate car parking provision, access for both vehicles and pedestrians, and provision for public transport and the existence of any public rights of way. Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport.

The access to the site has not changed from the previously approved application (57530) with the exception of the driveway to the proposed live/work unit. The Traffic Section has raised no objections to the proposal, subject to the inclusion of conditions relating to water sprinklers and car parking.

Policy RT3/3 - Access to the Countryside is also applicable as it requires the Council to seek to improve and extend the existing network of Public Rights of Way. Public Right of Way (PROW) No 6 passes through the site from north to south. It is proposed that the PROW would pass in front of Brick House Farm as existing and then be diverted to the east of the site. The Public Rights of Way Officer has no objections to the proposed development.

Parking - SPD11 states that the maximum number of parking spaces would be 3 spaces per 4 bed dwelling and above.

The proposed development could provide 3 spaces on the driveway. As such, the level of car parking would be acceptable and would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

Energy and carbon - JP-S2 - Carbon & Energy sets out the steps required to achieve net zero carbon emissions.

Given that the proposal is for a new build dwelling it is considered that as a minimum Part L of the building regulations can be met. As such the proposal would comply with the above policy consideration.

Digital connectivity - Policy JP-C2 requires development to have full fibre to premises connections unless infeasible or unviable, with multiple-ducting. The policy supports the provision of free, secure, high-speed public wi-fi connections, particularly in the most frequented areas.

Under application 70658 the applicant has confirmed that a digital connection will be provided at the property.

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.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 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 GK9-00 revA, GK1-01, GK1-02A, GK1-03.1P, GK9-01A, GK9-02A 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 Development Plan listed.
- 3 The business floorspace of the live/work units shall not be used for any other purpose other than for purposes within Class B1 in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to the following Policies of Development Plan:
JP-J2 - Employment Sites and Premises
Policy EC6/1 - Assessing New Business, Industrial and Commercial Development
- 4 The building shall be occupied and operated only for the dual purposes of business floorspace with ancillary residential floorspace. The residential floorspace shall not be occupied unless the business floorspace is used for business purposes. The residential floorspace shall be occupied only by the person(s) who operate(s) the business and by members of his, her or their household and the business floorspace shall be operated to the extent that at least one occupant of the residential floorspace shall derive the equivalent of a full time employment from that operation. The only exception to this is where the building is occupied by a person who has retired from employment (or whose business has failed and is unemployed) following demonstrable use of the business floorspace for five years (during which time that person(s) shall have derived the equivalent of full time employment from that operation) or a widow or widower or other dependant of such a person who was residing with him or her when he or she died.
Reason. To retain the unit in employment use and due to its position, residential development would not normally be granted consent pursuant to Policies of the Unitary Development Plan listed below:
Policy EC2/2 - Employment Land and Premises Outside the Employment Generating Areas
- 5 No internal alterations which would lead to a reduction in the area of the building allocated on approved plans as being used for employment purposes shall take place without the prior consent of the Local Planning Authority. In addition no internal openings into the approved business space shall be made or closed up without the prior consent of the Local Planning Authority.
Reason. To ensure the employment use is maintained at the building pursuant to Policy EC2/2 - Employment land and Premises Outside the Employment Generating Areas of the Bury Unitary Development Plan.
- 6 The remediation strategy approved as part of condition 6 of permission 57530 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 11 - Conserving and enhancing the natural environment.

- 7 The remediation strategy approved as part of condition 6 of permission 57530 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 alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
- 8 The development hereby approved shall be carried out in accordance with the drainage scheme approved as part of condition 13 of permission 57530.
Reason. To reduce the risk of flooding by ensuring the satisfactory storage/disposal of surface water pursuant to Policy JP-S4- Flood Risk and the Water Environment and Policy EN7/5 - Waste Water management of the Development Plan and the National Planning Policy Framework.
- 9 The external finishing materials shall be those materials approved as part of condition 10 of permission 57530.
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.
- 10 No works shall be carried out to the trees that would disturb nesting birds between 1st March and 31st August inclusive in any year .
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies JP-G8: A Net Enhancement of Biodiversity and Geodiversity and EN6/3 – Features of Ecological Value of the Development Plan and the National Planning Policy Framework.
- 11 The proposed development shall be carried out in full accordance with the Ecology Report, dated April 2019, containing a Great Crested Newt Method Statement and the provision of a new pond as shown on plan reference GK-03.1P.
Reason. To protect a protected species and its habitat within and adjacent to the development site pursuant to Policy EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan.
- 12 The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the residential live/work unit 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 Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
- 13 The development hereby approved shall only be carried out in accordance with the details approved as part of condition 14 of permission 57530.
Reason. To ensure compliance with the requirements of the Greater Manchester

Fire & Rescue Service, in the interests of highway safety, pursuant to the following Policies of the Bury Unitary Development Plan:
 Policy H1/2 - Further Housing Development
 Policy H2/2 - The Layout of New Residential Development
 Policy EC6/1 - Assessing New Business, Industrial and Commercial Development.

- 14 The boundary treatment shall be as stated on approved plan gk1-04 B.
Reason - To secure the satisfactory development of the site and in the interests of the visual amenities of the area pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

- 15 Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008, or as subsequently amended, no development shall be carried out within the terms of Classes A to H of Part 1 of Schedule 2 of the Order and Class A of Part 2 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed below.

- 16 The residential unit (Plot 1) 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 development would on the basis of the details applied for would meet the criteria for an exemption under the Environment Act 2021.

- 17 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 20/11/2024		DM - 20/11/2024	