

NOTICE OF PLANNING PERMISSION

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

To:

Mr Seed
Thomas England Limited
The Seed Barn
Drakelow Gorse Farm
Yatehouse Lane
Byley
CW10 9NS

On Behalf Of:

Mr Gargan
32 Oakenbottom Road
Bolton

PART 1 - Particulars of Application

Application Number: 69571

Date of Registration: 20/04/2023

Proposal:

Conversion of an existing agricultural building into dwelling with single-storey extension and associated access.

Location:

Meadowcroft Farm, Lowercroft Road, Bury,
BL8 3PD

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 Block plan 9000-002 Rev B3 ; Existing site plan 9000-003 rev B2 ; Existing plan and elevations 9000-004 rev B1; Proposed plan and elevations 9000-007 rev B1; Proposed site plan 9000-006 rev B4 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 Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, 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 validity 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 National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 4 Where during any works on site, unforeseen contamination is suspected or found, or contamination is caused, works on the site shall cease and the Local Planning Authority shall be notified immediately. The developer shall then produce a risk assessment and submit remediation proposals, if required, for approval to the Local Planning Authority. On approval of the remediation strategy, the development shall then be carried out in accordance with the approved details and process including any required timescales.

Reason. To secure the satisfactory development of the site in terms of human health 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*) per unit (dwelling with dedicated parking).

*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 The external finishing materials for the proposal hereby approved shall match those of the existing building.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policies EN1/2 - Townscape and Built Design, OL1/2 - New Buildings and Associated Development in the Green Belt of the Bury Unitary Development Plan and SPD8.

- 7 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 H of Part 1 and Class A of Part 2 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.

- 8 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.'s 136 & 138, Bury, which forms the access to and abuts the site in the event that subsequent remedial works are required following construction of the development and as a result of statutory undertakers connections to the site;
- Access point(s) for construction traffic to the site;
- If proposed, details of site hoarding/gate positions clear of Public Footpath No.'s

136 & 138, Bury;

- The provision, where necessary, of temporary pedestrian facilities/protection measures;
- A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access;
- Confirmation of hours of operation, delivery & construction 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 clear of Public Footpath No.'s 136 & 138, Bury;
- 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 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 Public Right of Way and ensure adequate car parking provision and materials storage arrangements for the duration of the construction period and that the access routes 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.

- 9 The vehicular and pedestrian access arrangements, turning facilities and bin storage/collection arrangements for the new dwelling within the curtilage of the site indicated on the approved plans shall be provided before the development is first occupied and the areas used for the manoeuvring of vehicles 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 highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and H2/2 The Layout of New Residential Development.

- 10 The car parking indicated on the approved plans shall be surfaced in a crushed gravel/stone or grasscrete and made available for use prior to the development hereby approved being brought into use.

Reason. To ensure adequate car parking provision is maintained clear of the Public Rights of Way in the interests of road safety pursuant to policies H2/2 - The Form of New Residential Development, OL1/4 - Conversion and Re-use of Buildings in the Green Belt and HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

- 11 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 and a fire detection and alarm system 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:

NPPF	National Planning Policy Framework
EN1/1	EN1/1 - Visual Amenity
EN1/2	EN1/2 - Townscape and Built Design
EN5/1	EN5/1 - New Development and Flood Risk
EN6/3	EN6/3 - Features of Ecological Value
EN6/4	EN6/4 - Wildlife Links and Corridors
EN9/1	EN9/1 - Special Landscape Areas
H2/1	H2/1 - The Form of New Residential Development
H2/2	H2/2 - The Layout of New Residential Development
OL1/2	OL1/2 - New Buildings in the Green Belt
OL1/4	OL1/4 - Conversion and Re-use of Buildings in the Green Belt
OL7/2	OL7/2 - West Pennine Moors
OL1	OL1 - Green Belt
HT2/4	HT2/4 - Car Parking and New Development
HT6/2	HT6/2 - Pedestrian/Vehicular Conflict
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
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury
MW1/1	MW1/1 - Areas of Search
RT3/3	RT3/3 - Access to the Countryside

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:

Block plan 9000-002 Rev B3 ; Existing site plan 9000-003 rev B2 ; Existing plan and elevations 9000-004 rev B1; Proposed plan and elevations 9000-007 rev B1; Proposed site plan 9000-006 rev B4

NOTES TO APPLICANT

. Environment Agency position

We have no objection in principle to the proposed development but take this opportunity to provide the following comments.

Advice to applicant- foul drainage

Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2016 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, additional to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

Further advice is available at: Septic tanks and treatment plants: permits and general binding rules

. 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.

Whilst the building to be converted has been assessed as negligible 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.

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 136 & 138, Bury, 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.

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 applicant recognises the 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 to the satisfaction of GMFRS before the dwelling is first occupied and thereafter maintained at all times.

The applicant's attention is drawn to the need to consult the Department of Operations regarding the specification for and implementation of any highway remedial works that may be necessary as a result of the construction of the proposed

development. The cost of the works will be the responsibility of the applicant.

. The Council currently operates a curtilage system of refuse collection. The applicant is advised to liaise with Waste Management, Bradley Fold Depot on 0161 253 6621/7010, regarding the operation of this system.

Signed:

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

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On behalf of the Council

Date of Decision: 16/06/2023