

NOTICE OF PLANNING PERMISSION

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

To:

Jessica Lau
Campbell Driver Partnership
Capricorn Park
Blakewater Road
Blackburn
BB1 5QR

On Behalf Of:

Faith in Nature
Ashworth Miller Street
Ainsworth Road
Radcliffe
M26 4AF

PART 1 - Particulars of Application

Application Number: 68873

Date of Registration: 05/10/2022

Proposal:

Re-roof the existing roof covering of Unit 3 from slate to insulated metal cladding; External alterations to Unit 3/3A south east/south west elevations including new window/door openings and loading dock canopy; New external silos to south east elevation and external biomass hoppers and flues to Units 2, 3, 4 and 5

Location:

Former Ashworth, Miller Street, Radcliffe, Manchester, M26 4AF

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. 20.173 001 E)
Proposed Site Plan (Dwg No. 20.173 005 N)
Proposed Elevations (Unit 3) (Dwg No. 20.173.003 005 D)
Proposed First Floor Plan (Unit 3) (Dwg No. 20.173.003 004 B)
Proposed Ground Floor Plan (Unit 3/3A) (Dwg No. 20.173.003 003 D)
Proposed Elevation/Section & Layout (Unit 2) (Dwg No. FIN - 106.3 A)
Proposed Elevation/Section & Layout (Units 2 & 3) (Dwg No. FIN - 106.1 A)
Proposed Elevation/Section & Layout (Unit 4) (Dwg No. FIN - 106.4 A)
Proposed Elevation/Section & Layout (Dwg No. FIN - 106.5 A)
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 The development shall be implemented and operated in full accordance with the following:

- Only the approved exempted appliances Froling P4 99kW, Froling T4e 130 kW and Propel 99kW boilers listed on the DEFRA approved list shall be installed and operated.
- The only fuel used shall be the wood pellets [Insert boiler types] and wood chips [Insert boiler types] which comply with BS EN ISO 17225.
- The appliances shall be installed, maintained and used in accordance with the submitted specifications and in accordance with installation and service manuals.
- Operation of the boiler shall not cause any odours to be present at the nearest odour sensitive property.

Reason. To protect the air quality in the locality pursuant to Policy EN7/1 - Atmospheric Pollution of the Bury Unitary Development Plan and Section 10 of the National Planning Policy Framework.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

The following policies of the Bury Unitary Development Plan, National and Regional Government were considered relevant:

NPPF	National Planning Policy Framework
EC6/1	EC6/1 - New Business, Industrial and Commercial Development
EN1/2	EN1/2 - Townscape and Built Design
EN6/4	EN6/4 - Wildlife Links and Corridors
EN7/1	EN7/1 - Atmospheric Pollution

This decision relates only to the Town and Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

Applicant Plan Numbers:

Location Plan (Dwg No. 20.173 001 E)
Proposed Site Plan (Dwg No. 20.173 005 N)
Proposed Elevations (Unit 3) (Dwg No. 20.173.003 005 D)
Proposed First Floor Plan (Unit 3) (Dwg No. 20.173.003 004 B)
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Proposed Elevation/Section & Layout (Dwg No. FIN - 106.5 A)

NOTES TO APPLICANT

1. Whilst the buildings to be demolished have 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 during demolition 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.
2. The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a bird's nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

3. **Coal Authority advice**

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is available on the Coal Authority website at:
www.gov.uk/coalauthority

4. **Clean Air Act 1993**

The Clean Air Act 1993 is the primary regulatory legislation for smaller biomass burning plant that fall outside the Environmental Permitting system.

The Act contains powers regarding the control of emissions from larger domestic and

industrial boilers. If boilers have a maximum rated fuel consumption of greater than 45.4kg/hr (approximately equivalent of 100-220Kw heat input), grit and dust arrestment plant may be required. No dark smoke must be emitted from the chimney. Biomass is not classed as an authorised fuel and therefore, any biomass boiler operated in a smoke control area must be an exempt appliance.

Building Control Regulations

The position and height of the stacks must meet the requirements set out in Approved Document J.

Medium Combustion Plant Directive

This Directive places requirements on combustion plant with a thermal input of between 1 and 50MW, to be registered with the Environment Agency and meet emissions certain emission limit values for NOx, dust and SO2. Based on the information submitted, the total thermal input of the biomass boilers would be 940kW, just below the 1MW limit. Since the thermal input is near the threshold, we would recommend that the EA are consulted: Medium combustion plant: when you need a permit - GOV.UK (www.gov.uk).

Signed:



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On behalf of the Council

Date of Decision: 15/03/2023