

# NOTICE OF PLANNING PERMISSION

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

**To:**

Mr Gary Dearden  
PPY design Ltd  
2 Helmsore Road  
Holcombe Village  
Bury  
BL8 4PA

**On Behalf Of:**

Mr Glen Kilroy  
Brick House Farm  
Griffe Lane  
Bury  
BL9 8QS

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### PART 1 - Particulars of Application

**Application Number:** 70509

**Date of Registration:** 22/02/2024

**Proposal:**

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

**Location:**

Brick House Farm, Griffe Lane, Bury, BL9 8QS

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### 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 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.

**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:**

- JP-J1 Supporting Long-Term Economic Growth
- EC2/2 EC2/2 - Employment Land and Premises Outside the Employment Generating Areas
- JP-J2 Employment Sites and Premises
- EC4/1 EC4/1 - Small Businesses
- EC6/1 EC6/1 - New Business, Industrial and Commercial Development
- 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
- JP-C1 Our Integrated Network
- EN1/2 EN1/2 - Townscape and Built Design
- EN1/5 EN1/5 - Crime Prevention
- JP-P2 Heritage
- EN2/3 EN2/3 - Listed Buildings
- JP-S4 Flood Risk and the Water Environment
- EN6/3 EN6/3 - Features of Ecological Value
- JP-P1 Sustainable Places
- EN7/2 EN7/2 - Noise Pollution
- EN7/5 EN7/5 - Waste Water Management
- JP-G7 Trees and Woodland
- EN8/2 EN8/2 - Woodland and Tree Planting
- JP-G1 Landscape Character
- RT2/2 RT2/2 - Recreation Provision in New Housing Development
- RT3/4 RT3/4 - Recreational Routes
- HT2/4 HT2/4 - Car Parking and New Development
- JP-C8 Transport Requirements of New Development
- HT5/1 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  | Supplementary Planning Document 1 - Open Space, Sport and Recreation Provision in New Housing Development |
| SPD6  | Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.                 |
| SPD11 | Development Control Policy Guidance Note 11 - Parking Standards in Bury                                   |
| NPPF  | National Planning Policy Framework                                                                        |
| 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:**

GK9-00 revA  
GK1-01  
GK1-02A  
GK1-03.1P  
GK9-01A  
GK9-02A

#### **NOTES TO APPLICANT**

1. In accordance with S93G of the Town and Country Planning Act 1990 (As amended by Section 111 Levelling Up & Regeneration Act 2023) there is a legal requirement for you to inform the Council of the date when you intend to commence the development on site via submission of a Commencement Notice. This notice is mandatory for all developments and came into effect on 31 March 2024. You can find more information and download a copy of the Commencement Notice under the Before Starting Work section on our website at <https://www.bury.gov.uk/planning-building-control/planning-permission/planning-application-process>
2. ***The local planning authority considers that approval of a BIODIVERSITY GAIN PLAN WILL NOT BE REQUIRED BEFORE DEVELOPMENT COMMENCES***

#### **Biodiversity Net Gain**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority,  
and  
(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Bury Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

**Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.**

*Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.*

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
  - (i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or
  - (ii) the application for the original planning permission\* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
  - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
    - iv) the application for planning permission was made before 2 April 2024;
    - v) planning permission is granted which has effect before 2 April 2024; or
    - vi) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).
  - 4.2 Development below the de minimis threshold, meaning development which:
    - iii) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
    - iv) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
  - 4.6 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
  - 4.7 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to

use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.8 Self and Custom Build Development, meaning development which:  
iv) consists of no more than 9 dwellings;  
v) is carried out on a site which has an area no larger than 0.5 hectares; and  
vi) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

\* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

#### Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

#### The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Signed:

A handwritten signature in black ink, appearing to read 'for havi'.

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On behalf of the Council

**Date of Decision:** 20/11/2024