

NOTICE OF PLANNING PERMISSION

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

To:
Mr Nightingale
8 St Peter's Road
Bury
BL9 9RB

On Behalf Of:
Mr Crausby
Higher House
Moor Road
Holcombe
Bury
BL8 4NX

PART 1 - Particulars of Application

Application Number: 71808

Date of Registration: 31/03/2025

Proposal:
Erection of single storey annexe

Location:
Higher House, Moor Road, Holcombe, Bury,
BL8 4NX

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 R-0565-SLP, R0565 - SK102 Rev A, R0565 - SK103, R0565 - SK104, R0565 -200 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 and Places for Everyone Joint Development Plan listed.
- 3 The development hereby approved shall not be occupied at any time other than for the purposes ancillary to the residential use of the dwelling known as Higher House.
 Reason. To ensure the proposed use remains ancillary to the principle use on the site.
- 4 The development hereby approved within any approved phase shall not be brought

into use until written confirmation is provided to the Local Planning Authority that unexpected or previously unidentified contamination was not encountered during the course of development works.

If, during development, unexpected contamination is found to be present on the site, no further works shall be carried out at the affected location until the following are submitted to the Local Planning Authority for approval:

- I. Risk Assessment (GQRA or DQRA);
- II. Remediation Strategy & Verification Plan;

If remediation is required, it shall be carried out in accordance with the approved Remediation Strategy. Upon completion of remediation works, a Verification Report shall be submitted for approval. The Verification Report must include information validating all remediation works carried out; details of imported materials (source/quantity/suitability); details of exported materials; and details of any unexpected contamination.

Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

- 5 Any soil or soil forming materials to be brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use.

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 the Local Planning Authority for approval prior to any soil or soil forming materials being brought onto site.

The approved contamination testing shall then be carried out and validity evidence (soil descriptions, laboratory certificates, photographs etc.) submitted to Local Planning Authority for approval prior to the development being brought into use.

Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

- 6 The roof slope covering of the development hereby approved that would face Moor Road shall be constructed from the reclaimed natural stone slab of the previously existing out building in accordance with the submitted Planning Statement dated March 2025. Any additional natural stone slab requirement shall be approved in writing by the Local Planning Authority before its use. The rear facing roof slopes of the development hereby approved shall be natural slate in accordance with the submitted Planning Statement dated March 2025 and approved in writing by the Local Planning Authority before their use. Only approved materials shall be used.

Reason. To preserve the setting of the grade II listed Higher House and the character and appearance of the conservation area pursuant to Development Plan Policies EN2/3 - Listed Buildings, EN2/1 - Character of Conservation Area, EN2/2 Conservation Area Control, the National Planning Policy Framework, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990.

- 7 The external finishes of the elevations and boundary wall of the development hereby approved facing Moor Road and visible in the street scene shall be constructed from

the reclaimed natural stone from the previously existing outbuilding in accordance with the submitted Planning Statement. Any additional natural stone requirement shall be approved in writing by the Local Planning Authority before it is used. The stone shall be random coursed in accordance with the Planning Statement dated March 2025 and a sample panel approximately 2m x 2m shall be approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials shall be used.

Reason. To preserve the setting of the grade II listed Higher House and the character and appearance of the conservation area pursuant to Development Plan Policies EN2/3 - Listed Buildings, EN2/1 - Character of Conservation Area, EN2/2 Conservation Area Control, the National Planning Policy Framework, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990.

- 8 Sample(s) of the proposed stained timber high performance window frames, with slimline double or single glazed units shall be approved in writing by the Local Planning Authority before the development is commenced. A window reveal set back of between 25mm and 75mm, or otherwise agreed with in writing by the Local Planning Authority shall be confirmed with window reveal set back section detail. The development shall be implemented in accordance with the agreed details.

Reason. No details of the proposed windows has been submitted as part of the application and to preserve the setting of the grade II listed Higher House and the character and appearance of the conservation area pursuant to Development Plan Policies EN2/3 - Listed Buildings, EN2/1 - Character of Conservation Area, EN2/2 Conservation Area Control, the National Planning Policy Framework, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990.

- 9 The proposed boundary wall gates and external doors shall be of stained plain timber, details to be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. Only the approved materials shall be used in construction of the development.

Reason. No details of the proposed gates or doors have been submitted as part of the application and to preserve the setting of the grade II listed higher house and the character and appearance of the conservation area pursuant to Development Plan Policies EN2/3 - Listed Buildings, EN2/1 - Character of Conservation Area, EN2/2 Conservation Area Control, the National Planning Policy Framework, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990.

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 pre-application discussions 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:

EN1/2	EN1/2 - Townscape and Built Design
EN2/1	EN2/1 - Character of Conservation Areas
EN2/2	EN2/2 - Conservation Area Control
EN2/3	EN2/3 - Listed Buildings
EN8/2	EN8/2 - Woodland and Tree Planting
OL1/2	OL1/2 - New Buildings in the Green Belt
OL7/2	OL7/2 - West Pennine Moors
H2/3	H2/3 - Extensions and Alterations
JP-G9	The Green Belt
JP-P2	Heritage
JP-G1	Landscape Character
SPD6	Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
SPD8	Development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt
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:

R-0565-SLP, R0565 - SK102 Rev A, R0565 - SK103, R0565 - SK104, R0565 -200

NOTES TO APPLICANT

1. The applicant's attention is drawn to the existence of Public Right of Way No. 27Ram and 28Ram located adjacent to the site.

The applicant's attention is drawn to the need to safeguard people using public rights of way and ensure 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.

2. 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>
3. ***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.

Signed:



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On behalf of the Council

Date of Decision: 23/05/2025