

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
Bury
BL8 4PA

On Behalf Of:

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

PART 1 - Particulars of Application

Application Number: 69563

Date of Registration: 17/04/2023

Proposal:

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.

Location:

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

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 gk8-01A, gk8-02D, gk8-03D, gk8-04A 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 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 the Bury Unitary Development Plan:
Policy EC3/1 - Measures to Improve Industrial Areas

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 EN5/1 - New Development and Flood Risk and Policy EN7/5 - Waste Water management of the Bury Unitary Development Plan and Section 10 of 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 EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and Section 11 of 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.
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 gk1-09.
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 No development shall commence unless or until full details of the proposed width and surfacing of, and boundaries adjacent to, the Public Footpath No. 6, Whitefield to be diverted as part of the proposed development, along with confirmation that there will be no extra stiles or gates will be introduced along the diverted route when

compared to the existing footpath have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the residential live/work unit hereby approved is first occupied.

Reason. To ensure the Public Right of Way is not affected by the development pursuant to Policy RT3/4 - Recreational Routes of the Bury Unitary Development Plan.

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:

EC1	EC1 - Employment Land Provision
EC2/2	EC2/2 - Employment Land and Premises Outside the Employment Generating Areas
EC3/1	EC3/1 - Measures to Improve Industrial Areas
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
EN1/1	EN1/1 - Visual Amenity
EN1/2	EN1/2 - Townscape and Built Design
EN1/3	EN1/3 - Landscaping Provision
EN1/5	EN1/5 - Crime Prevention
EN2	EN2 - Conservation and Listed Buildings
EN2/3	EN2/3 - Listed Buildings
EN5/1	EN5/1 - New Development and Flood Risk
EN6/3	EN6/3 - Features of Ecological Value
EN7	EN7 - Pollution Control
EN7/2	EN7/2 - Noise Pollution
EN7/5	EN7/5 - Waste Water Management
EN8	EN8 - Woodland and Trees
EN8/2	EN8/2 - Woodland and Tree Planting
EN9/1	EN9/1 - Special Landscape Areas
OL1/2	OL1/2 - New Buildings in the Green Belt
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
HT4	HT4 - New Development
HT5/1	HT5/1 - Access For Those with Special Needs
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.
SPD8	Development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury

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:

gk8-01A
gk8-02D
gk8-03D
gk8-04A

NOTES TO APPLICANT

Not Applicable

Signed:

A handwritten signature in black ink, appearing to read 'J. H. H.', is written over a dotted line.

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On behalf of the Council

Date of Decision: 08/05/2024