

DELEGATED REPORT

Report by Helen Pressley	Date of report: 20/03/2024	Ref: 69463/FUL
Registration: 15/03/2023	LDFC: 13/04/2023	Expiry Date: 14/06/2023
Site Visit: 27/03/2023	Site Notice: 27/03/2023	Press Date: 30/03/2023
Objections: 0	Con Area: N/A	Adv Type: MD
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MADW

Proposal: Development for 30 no. dwellings with associated access road, landscaping and infrastructure works

Location: Station Works, Bury Road, Radcliffe, Manchester, M26 2UA

Description

The application site is the site of the former Station Works, which was previously in use as a warehouse. The building was damaged extensively by a fire in 2011 and was demolished. The site contains a large concrete hardstanding and has existing accesses onto Bury Road.

There is an industrial building to the east of the site and there are residential properties to the north. There is an commercial building to the south, with residential properties beyond. There are a series of commercial and retail units to the north west of the site.

Planning permission is sought for the construction of 30no. dwellings with associated access road, landscaping and infrastructure works. The proposal comprises of a mixture of 22no. 2 and 3 bedroom semi-detached dwellings and 10 no. 1 bedroom apartments. Access for the proposal would be taken from Bury Road.

Relevant Planning History

02698/E - Newbuild social housing scheme comprising of 30 dwellings with associated access road, car parking, hardstanding and landscaping. - Enquiry completed 27/05/2022

56593 - Erection of a 3 unit warehouse and relocation of site access - Withdrawn - Invalid 19/09/2013

Publicity

Neighbour letters 23/03/2023

Site Notice 27/03/2023

Press Notice 30/03/2023

1 representation of support in relation to:

- The proposed development is far nicer than the current hard standing eyesore and I fully support it.

1 comment in relation to:

- Whilst I fully support the use of brownfield sites for housing, I would like to see these homes built to the PassivHaus Principles and at least 50% of the homes to be built for social homes to rent.
- There are no documents detailing the level of sustain ability/energy efficiency of these homes.
- One observation is the homes are to have double glazing installed, why not future proof the energy efficiency of the homes by installing triple glazing?
- After further investigation, and in place of my previous comments, it is stated "this

housing scheme aims to play a positive part in the regeneration of Radcliffe. Providing social housing to an area that is committed to long term regeneration." That's great news.

- Will these new social housing be built to the Passivhaus Principles with in-roof Solar PV and battery storage? If they are they would be 80% cheaper to heat and if electric cooking hobs and under floor or infrared heating panels and solar thermal hot systems were installed, and the homes were constructed to MMC, this development would be truly outstanding, and be very affordable for the tenants to run.
- Build the social homes using traditional construction methods and it simply becomes yet another development with a few nods to energy efficiency.

Statutory/Non-Statutory Consultations

Traffic Section - relating to highway works, management of the estate roads, a construction traffic management plan and implementation of parking, turning and bin storage facilities.

Borough Engineer - Drainage Section - No response

Environmental Health - Contaminated Land - request for conditions in relation to the submission of a preliminary risk assessment, site investigation, detailed risk assessment and remediation strategy.

Environmental Health - Pollution Control - No response

Waste Management - no objections raised

Environment Agency - request for conditions in relation to finished floor levels, and the submission of a contaminated land remediation strategy.

Greater Manchester Police - designforsecurity - No response

Cadent Gas Ltd (formerly National Grid) - No objections raised. Request for informative in relation to Cadent assets.

United Utilities (Water and waste) - confirm that the proposals are acceptable in principle subject to a condition to ensure that the proposal is carried out in accordance with the submitted documentation and plans.

The Coal Authority - The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area.

Transport for Greater Manchester - request for travel pack for future users of the site.

Greater Manchester Ecology Unit - There are unlikely to be any significant ecological issues associated with this development. Conditions/informatives requested

Pre-start Conditions - Agent agreed with pre-start conditions

Unitary Development Plan and Policies

EC2/2	Employment Land and Premises
EC3/1	Measures to Improve Industrial Areas
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H3/2	Existing Incompatible Uses
H4/1	Affordable Housing
EN1/2	Townscape and Built Design

EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN1/7	Throughroutes and Gateways
EN5/1	New Development and Flood Risk
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8/2	Woodland and Tree Planting
RT2/2	Recreation Provision in New Housing Development
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
HT6/1	Pedestrian and Cyclist Movement
HT6/2	Pedestrian/Vehicular Conflict
SPD1	Open Space, Sport and Recreation Provision
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
SPD14	Employment Land and Premises
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights

posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Principle (Employment Land)

The application site is currently vacant having previously been occupied by a warehouse/industrial buildings. As the site was last used as an employment site the principle of any proposed development should be assessed against UDP Policy EC2/2.

Under Policy EC2/2, the Council will seek to retain the employment use of sites unless it can be clearly demonstrated that the land and premises are no longer suited, in land use terms, to continued employment use.

SPD14 provides additional guidance on how the Council will implement Policy EC2/2 and, in doing so, sets out a more flexible approach whereby, in addition to assessing the suitability of the site from a purely land use perspective, also considers whether there is a realistic prospect of an existing site being retained in employment use - including consideration of whether there is market demand.

The Council has undertaken a comprehensive assessment of all employment sites within the Borough and this concluded that the site is suitable, in land use terms, for continued employment use.

An outline application for a mixed-use development comprising two apartment blocks and employment building was approved in 2020. The approval of the mixed-use scheme and, in particular, the inclusion of an element of employment development was seen as being sufficient to off-set the loss of the wider employment site.

This current proposal is for a 100% residential scheme which comprises a mix of shared ownership and affordable rent properties. The applicant is contending that the mixed-use scheme (as was previously approved) is not viable. In order to clearly demonstrate that this is the case, the applicant should, in line with paragraphs 3.10 to 3.17 of SPD14, clearly demonstrate that the employment element of the previous approval has been actively and robustly marketed at a realistic price that reflects the employment use. Evidence of marketing for the employment - including the marketing particulars - should be provided so that full consideration can be given to how robustly the employment market has been tested and whether this was marketed at a realistic value for continued employment use.

If, once this evidence is submitted, the Council is satisfied that there is clear market evidence that there is not currently any realistic prospect of the employment element of the mixed-use approval being delivered, then the Council may consider alternative uses subject to a one-off payment to compensate for the loss of the employment site.

As noted above, the inclusion of an element of employment development in the approved mixed use scheme was seen as being sufficient to off-set the loss of the wider employment site. However, if the whole site is to be lost to residential, it would need to be off-set through a one-off payment. For a site of this size (0.57 ha.), the contribution would amount to £222,300.

The applicant has provided information to demonstrate that there is insufficient demand for

employment uses on the site.

The applicant has further provided information in relation to viability of the proposed scheme. The applicant's position is that a one-off payment of £222,300 for the loss of the employment site would contribute to rendering the scheme unviable. The Council accepts this position.

Given the above and on balance, it is considered that the application site is a sustainable location close to existing services and public transport. The proposal would bring forward a vacant brownfield site and provide much needed affordable homes in Radcliffe. The proposal would comply with UDP policy EC2/2 and SPD14 without the payment of a one-off employment land contribution.

Principle (Residential)

The National Planning Policy Framework (NPPF) should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. The Framework states that unless they have an adopted plan that is less than five years old that identified a five year supply of specific deliverable sites at the time of conclusion of the examination, then local planning authorities should identify and update annually a supply of specific developable sites to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing in certain circumstances set out in NPPF paragraph 226.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up of sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the deliverable land supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be completed). As such, latest monitoring indicates that the Council is unable to demonstrate a four or five year supply of deliverable housing land when assessed against the Local Housing Need calculated using the standard method set out in Government guidance. However, the joint Places for Everyone Plan is at a very advanced stage and is considered to have significant weight in decision making. Using the targets and sites in PfE the Council is able to demonstrate a 5 year supply.

The National Planning Policy Framework also sets out the Housing Delivery Test, which is an assessment of net additional dwellings provided over the previous three years against the homes required. Where the test indicates that the delivery of housing was substantially below (less than 75%) of the housing requirement over the previous years, this needs to be taken into account in the decision-taking process. The latest results published by the Government show that Bury has a housing delivery test result of less than 75%, and therefore, this needs to be treated as a material factor when determining applications for residential development.

Therefore, in relation to the proposed scheme, paragraph 11d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. The application of policies in the Framework that protect areas, or assets of particular importance, provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.

In this case the 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

The site is considered to be in a sustainable location for housing, being a brownfield site within the urban area, and can contribute towards meeting local housing needs. The proposal would therefore comply with UDP Policy H1/2 in this respect.

On balance, therefore, the principle of residential development on this employment site is considered to be acceptable given its sustainable location and the contribution that it would have to meeting local housing needs, and specifically the need for affordable housing. The adverse impacts of developing this site without a contribution for loss of employment land (which the applicant has been demonstrated would render the scheme unviable) are not considered to significantly and demonstrably outweigh the benefits of delivering affordable housing when assessed against the policies in the NPPF as a whole.

Layout and Design

H2/1 - The Layout of New Residential Development and H2/2 - The Layout of New Residential Development, provides the assessment criteria for detailed matters relating to height, appearance, density and character, aspects and finish materials.

The proposal seeks approval for a mixture of semi-detached dwellings and 1no. bedroom apartments reaching 2 storeys in height. The dwellings facing the site are two storey terraces. The commercial building to the south of the site fronting Bury New Road is two storey in height, with the flats to the north of the site facing Bury Road being three storey in height. The existing industrial building to the east of the site would be sited to the rear of the proposed development, but due to its height (14metres) it would be still be visible above the proposed development. The scale and massing of the proposed dwellings is considered to be acceptable given the context of the surrounding streets.

The proposed apartment block would directly face Bury New Road providing an active frontage along the main road, and replicating the form of the terraced properties that face the site. The gables of units 1 and 20 would also face towards Bury New Road, defining the building line of the proposed semi-detached dwellings within the site. There are 4 different house types, and one apartment block proposed with various elements of visual interest including brick soldier courses, brickwork sills and single brick header patterns projecting 10mm. The single brick header patterns in particular tie the scheme and house types together as do the consistent material pallet.

The level of private amenity space for the proposed dwellings would be acceptable and there would be space within the side or rear garden for bin storage. A separate car park, and bin storage area is located centrally within the site for the apartment block the location of which provides natural surveillance from the apartments, and from Units 9 -12.

Open frontages with areas of soft landscaping and parking are proposed to the frontages of dwelling, with rear garden boundaries largely being defined by close boarded fencing reaching a height of 2100mm, reducing to a height of 1500mm to the apartment block. The fencing to the south of the site, will be backed by 2100mm height galvanised palisade fencing.

The existing brick wall that fronts Bury New Road and concrete copings are to be made good, reduced in height with new railings and piers on top to a height of approximately 1200mm. This will include a new section of walling to block the existing entrance to the site. In relation to the private amenity spaces of Unit 20 and Unit 1 the boundary wall will be continued, but with fencing infills rather than railing infills between the proposed piers. Existing boundary walls and fencing to the northern boundary will also be maintained and made good.

It is considered that the proposed development would not be a prominent feature in the streetscene and would therefore be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Residential Amenity

UDP Policy H1/2 states that the council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses. There are no adopted aspect standards for new build residential properties however, Supplementary Planning Document 6 provides guidance on aspect standards between residential properties and as such, would be a reasonable guide in this case.

The guidance suggests that there should be a minimum of:

- 20 metres between directly facing habitable room windows;
- 13 metres between a two storey blank wall and a habitable room window
- 6.5 metres between a single storey blank wall and a habitable room window
- 7 metres from the first floor habitable room window and the boundary with the neighbouring property.

The rear elevations of the dwelling house units all face towards the boundaries with the site. The majority of these properties have 7 metres between the first floor rear elevations and the rear boundaries however some properties do not meet these aspects, these have been set out below. The front elevations of dwellings within the site are separated from any directly facing properties, and gables by the proposed highways.

Unit 7 and 8 have a distance of approximately 6.7 metres to the shared boundary with the neighbouring employment use. As the deficit below the required aspect standards is 300mm it is considered this is not sufficient to warrant refusal of the scheme.

Unit 15 has approximately 5.65 metres to the rear boundary, Unit 16 is located approximately 6.1 metres from the rear boundary. Both of these units have an onward view of the access road for Newbridge Close rather than private residential amenity space. Similarly the rear windows of Unit 13 would not have a distance of 7 metres to the boundary and would face towards the watercourse, rather than residential amenity space. Given the onward view of the rear first floor windows of these properties the proposal is considered to be acceptable.

It has been noted that unit 2 also appears to be tight on aspect standards however the internal layout of this property has been amended so that the proposed first floor rear bedroom window has been located so that it looks down the longer part of the garden and would therefore comply with aspect standards.

Units 9 - 12 face towards a two storey commercial building that is approximately 3 storeys in height. The rear elevations of these properties would be located approximately 13 metres from this building which is 3 metres below aspect standards set out above. This building is located to the east of these properties and as such would have limited impact on the amount of natural light to the ground floor habitable room windows this aspect standard is designed to protect. Any future residents of these properties would be aware of this relationship prior to occupation.

Given the above, it is considered appropriate to remove permitted development rights from the dwellings within the site to protect the amenity of future residents and neighbouring land uses.

Within the proposed development any dwellings that directly face each other are separated by highways, parking and areas of amenity space. As above as these relationships

proposed would be internal within the proposed estate any resident's would be aware of these relationships.

Future Occupiers - Space Standards

The Local Planning Authority seeks compliance with the 'Technical housing standards - nationally described space standard' in relation to overall floor space and minimum bedroom dimensions in order to provide an acceptable standard of amenity for occupiers.

House types B, C ground floor, C first floor and E all meet minimum space standards in terms of gross internal floor area. House types A and D fall below minimum space standards by 2.5 square metres for gross internal floor areas.

All bedrooms, for all housetypes meet minimum floor areas. All bedrooms, except for bedroom 2 in housetype D meet minimum widths for bedrooms. Whilst this bedroom is 0.08m too narrow, it is approximately 4.2 metres wide and 2 square metres bigger than space standards required in terms of floor area and as such it is considered to be acceptable.

In this instance, given that Bury do not currently have a local plan policy that requires applicant's to adhere to space standards a deficit of 2 square metres for house types A and D in terms of gross internal floor areas is not considered to be so significant that it would warrant refusal of the scheme, particularly when considering the bedroom sizes proposed.

Neighbouring Use

UDP Policy EN7 - Pollution Control that seek to control environmental nuisance and minimise pollution levels, and UDP Policy EN7/2 - Noise Pollution that restricts development that would lead to an unacceptable noise nuisance to nearby occupiers and/or amenity users.

Due to the close proximity of the proposal, to existing commercial uses, a main road and the metrolink a Noise Impact Assessment has been provided with the application.

The noise assessment confirms that during the day noise at the site is dominated by two main noise sources. Bury New Road is serviced by multiple HGVs routes and represents the dominant noise source affecting the site. The Manchester Metrolink is the secondary source of noise affecting the site. In addition, commercial premises around the proposed site contribute to the noise via vehicle and mechanical noise. The sound level data recorded in the 2016 survey is generally similar to the noise recorded in 2022.

The noise risk assessment highlighted the level of risk of adverse noise, with the gardens closest to the road and west facing elevations within 20m of Bury New Road being most at risk. The report considers that mitigation through glazing specifications, and ventilation specification would be sufficient to achieving internal noise level targets and to ensure sufficient air flow to the dwellings. Sound insulation is also advised for the external walls, roof and boundary treatments.

Details of this mitigation can be secured via condition.

Access. highways and parking

UDP Policy EN1/2 - Townscape and Built Design requires the consideration of the design and appearance of access, parking and service provision. This is further supported by UDP Policy H2/2 - The Layout of New Residential Development that requires proposals to demonstrate adequate car parking provision, access for both vehicles and pedestrians, and provision for public transport and the existence of any public rights of way, and UDP Policy HT6/2 - Pedestrian/Vehicular Conflict that requires developments to reduce pedestrian/vehicular conflict.

The proposed residential development would be accessed from a new access created from

Bury New Road. Drawings have been supplied to demonstrate that visibility splays of 2.4 metres x 43 metres are achievable from the site access, in line with standards contained within Manual for Streets.

The Traffic Section and TfGM have raised no objections, subject to the inclusion of conditions relating to highway works, management of the estate roads and a construction traffic management plan. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies EN1/2, H2/2 and HT6/2 of the Bury Unitary Development Plan.

In terms of parking standards UDP Policy HT2/4 requires all applications for development to make adequate provision for their car parking and servicing requirements . Supplementary Planning Document 11 provides parking standards for developments.

The site is located within a high access area. SPD 11 would require a maximum of no. spaces per 3 bed property, 1.5no spaces per 2 bed property and 1no. space per 1 bed property. A maximum of 47no. spaces would be required for the development.

35no. spaces would be provided for the dwellings via driveways. 14 No. spaces including electric charging, and 1no. disabled space would be provided through a car park associated with the apartments. This would equate to 49no. spaces for the development. Whilst this would be 2no. spaces more than SPD 11 set outs, the additional car parking would be provided within the car park which would also allow for visitor parking. The level of car parking proposed is therefore considered to be acceptable.

Ecology

UDP Policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological value seek to retain, protect and enhance the natural environment and seeks to retain features of ecological or wildlife value. Paragraph 180 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment.

GMEU have confirmed that it is very unlikely that there will be any protected species issues associated with this site. Whilst otter have been recorded upstream of this site around Crow Trees Farm, these are assumed to have come overland from the River Irwell via Elton Goit and the MBB Canal. Given the number of culverts along this watercourse it is very unlikely that otter utilise this section of the stream. The watercourse is also channelled at this location. No further information or measures are required.

Trees and scattered scrub have developed on parts of the site potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. A condition can be applied to any permission restricting works to trees and shrubs to outside of the bird nesting season.

Whilst accepting that the existing wall will act as barrier to the majority of overland flow and prevent debris entering the watercourse, there is presumably a pathway via the existing Environment Agency Access gate and potential pathways via any existing surface water drains that may exist on the site. These risks can be mitigated through capping of any drains and placing a temporary silt barrier across the base of the gate and any other gaps in the wall. A condition can be attached to any permission for the submission of a method statement to protect the unnamed brook from accidental spillages, dust and debris.

There will also be risks in terms of flooding and pollution, post development if new surface water drainage is discharged direct to the Brook, given that downstream the majority of the Brook is in a culvert prior to discharging into the River Irwell. Whilst measures to prevent these issues are feasible such as hydrobrakes and SUDs details are required. The indicative drainage scheme has been reviewed by United Utilities and they have accepted the scheme and asked for it to be conditioned however this scheme indicates surface water

being discharged directly into the brook. As such this condition will be amended to direct that there shall be no direct discharge into the brook.

It has been noted that the Environment Agency has raised no issues with the development proposal in terms of access to the brook which it would be their responsibility to maintain.

Given that the site is primarily hardstanding biodiversity net gain is achievable simply through the introduction of the vegetated gardens and whilst noting that the loss of early successional woodland will not occur, GMEU accept that urban tree planting if native species are utilised, which is proposed in this case, is acceptable. GMEU also recommend mitigation/enhancement for nesting birds and bats through provision of bat and bird bricks on the new build. This detail can be conditioned.

Trees and Landscaping

6no individual trees and 5no groups of trees were recorded within the submitted arboricultural report. The trees were generally found to be in good to fair condition however one group of trees were classified as U (unsuitable for retention). The trees identified would be required for removal due to their close proximity to construction activity.

The arboricultural statement considers that the majority of trees proposed for removal are considered to be low quality ('C' category) specimens, many of which are self-seeded. In addition, one tree is considered to be of a moderate quality. This tree has developed into an established specimen, but still offer limited amenity value to the wider area and could be replaced as part of a post development tree planting scheme.

The proposal seeks to retain T1 and T4 that are outside of the site and appear to be located within the grass verge/adopted highway.

23.no native standard trees are proposed as part of the wider landscaping scheme for the site, alongside mixed native hedgerows and single species hedgerows. Areas of wildflowers are also proposed within the public realm areas. GMEU consider the soft landscaping scheme to be acceptable and the implementation of this landscaping plan has been conditioned.

Drainage and Flooding

UDP Policy EN5/1 - New Development and Flood Risk states that the Council will not permit new development where such development would be at risk from flooding. Chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF confirms that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

A flood risk assessment (FRA) has been submitted with the application. Part of the site is located within Flood Zone 2, whilst the rest is located within Flood Zone 1. The site is proposed for residential use, which falls within the more vulnerable classification within Annex 3 of the NPPF. NPPF paragraph 167 requires a sequential test to steer new developments to areas with the lowest risk of flooding, should development be proposed in areas known to be at a risk now or in the future from any form of flooding. The NPPF technical guidance, Table 3: Flood risk vulnerability and flood zone "compatibility" states that more vulnerable uses are deemed appropriate within Flood Zone 1 and 2.

The FRA considers that as the entirety of the site is located within either Flood Zone 1 or 2 that a sequential and exceptions test is not necessary. The Environment Agency have been consulted on this document and raised no objections to this conclusion. Given that the site is considered to be appropriate for development it is considered that there is no requirement for an emergency plan to be submitted as part of the proposal.

As stated above, the Environment Agency have been consulted and reviewed the submitted FRA and confirmed that they have no objections to the proposal in principle subject to a

condition securing finished floor levels no lower than 69.60 metres above Ordnance Datum, in accordance with the submitted FRA mitigations measures detailed. Conditions have also been requested by the Environment Agency that relate to contaminated land and remediation which are in line with the conditions requested by the Council's Environment Section.

United Utilities have been consulted in relation to the proposed foul and surface water drainage for the development and confirm that the proposals are acceptable in principle subject to a condition to ensure that the proposal is carried out in accordance with the submitted documentation and plans.

Planning obligations

UDP Policy H4/1 - Affordable Housing and Supplementary Planning Document 5 - Affordable Housing Provision in New Residential Developments seek a 25% requirement for affordable housing for developments of this number of dwellings, to assist in meeting the identified housing need in the Borough.

The proposed development is comprises 30no. new dwellings 100% of which are to be affordable housing. The proposed development will deliver the following affordable housing mix:

- 14 No.3 Bed Four Person Houses
- 6no.2 Bed 3 Person Houses
- 10 No 1 Bed 2 Person Apartments

The Affordable Housing Statement confirms that 22 No. dwellings will be made available for Affordable Home Ownership via Shared Ownership tenure comprising a mix of 2 and 3 bed dwellings. 8 No. 1 bed dwellings will be made available for Affordable Rent.

UDP Policy RT2/2 - Recreation Provision in New Housing Development, updated by Supplementary Planning Document 1 - Open Space, Sport and Recreation Provision in New Housing Development requires 2.4 hectares of Public Open Space (POS) per 1,000 population. On-site provision will only be considered in exceptional circumstances.

The scheme as proposed would normally include a commuted sum contribution of £72040.70 for recreation as required by SPD1. The viability appraisal has been assessed and accepted and it is recommended that the commuted sum for recreation should be waived on this occasion. It should be noted that this recommendation would not set a precedent and all future applications should be assessed on their own merits.

The applicant has submitted a viability appraisal where a case has been presented that any commuted sum would render the development unviable. The scheme will deliver 100% much needed affordable housing in the Borough which is a clear benefit of the proposal. The affordable housing provision would be secured through a S106 agreement.

Response to Representations

It is considered that the material considerations have been set out within the main body of the report.

The energy performance of buildings is assessed through Part L of the Building Regulations. There is no local plan policy in place to seek any uplift above and beyond the building regulations at present.

The mixture of shared ownership and affordable rented properties has been set out within the main body of the report and would be secured via S106.

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.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 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 B1-00-DR- A-0800 Rev B, SI-XX-DR-A-0601 Rev A, SI-00-DR-A-0801 Rev B, SI-00-DR-A-0810 Rev B, SI-00-DR-A-0811 Rev C, SI-00-DR-A-1001 Rev Q, SI-00-DR-A-1002 Rev H, SI-00-DR-A-1003 Rev C, SI-00-DR-A-1004 Rev E, SI-00-DR-A-1005 Rev C, SI-00-DR-A-1006 Rev D, SI-00-DR-A-1007 Rev D, SI-00-DR-A-1008, B1-XX-DR-A-0601 Rev C, B2-XX-DR-A-0601 Rev B, B3-XX-DR-A-0601 Rev A, B3-XX-DR-A-0602, B4-XX-DR-A-0601 Rev C, B5-XX-DR-A-0601 Rev D, SI-XX-DR-A-3001 Rev A, SI-XX-DR-A-3002 Rev B, MR22-112/101 Rev 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 Details/Samples of the (materials/bricks/hard landscaped areas) to be used in the external elevations, and spaces together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any above ground works. Only the approved materials/bricks shall be used for the construction of the development.
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity.
- 4 Notwithstanding the details indicated on the approved plans, no development other than site clearance and remediation shall commence unless and until full details of the following have been submitted to a scope and specification to be agreed on a topographical based survey of the site and adjacent adopted highways to the Local Planning Authority:
 1. Formation of the access onto Bury Road, incorporating the reinstatement of all redundant accesses to adjacent footway/verge levels, replacement/relocation of all affected highway drainage gullies, provision of visibility splays appropriate for a design speed of 30mph, tactile paved crossing point in a position to be agreed, demarcation of the limits of the adopted highway, provision of give-way markings and alterations/replacement of all affected existing road markings, replacement of all affected statutory undertakers plant covers and all associated highway and highway drainage remedial works;
 2. In the event that the site access/estate roads are not to be considered for adoption by the Council, measures to prevent the discharge of surface water

- onto the adopted highway;
3. In the event that any retaining structures/boundary walls are required that abut/are sited in close proximity to the adopted highway, an 'Approval In Principle' for the proposed structures, incorporating foundations that do not encroach under the adopted highway and full structural, construction and drainage details, calculations, pedestrian protection measures and a detailed construction method statement;
 4. Provision of a street lighting assessment to a scope and specification to be agreed for the junction of the site access with Bury Road and the proposed residential estate roads, and, where necessary, a scheme of improvements;
 5. Review of need for the introduction of additional waiting restrictions to a scope to be agreed at the junction of the site access with Bury Road, including, if required, all necessary road markings and signage;
 6. A scheme of 20mph traffic calming measures on the proposed estate roads to a scope and specification to be agreed, incorporating the formation of speed tables at all appropriate junctions, road markings and signage as required.

The details subsequently approved shall be implemented to an agreed programme.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design, ensure the intervisibility of the users of the site and the adjacent highways and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development and HT6/2 - Pedestrian/Vehicular Conflict.

- 5 In the event that it is intended for the proposed residential estate roads to be considered for adoption by the Council, notwithstanding the details indicated on the approved plans, no development other than site clearance and remediation shall commence unless and until full details of the following have been submitted on a topographical based survey of the site and adjacent adopted highways to the Local Planning Authority:
1. Formation of the proposed estate roads (including any necessary land filling operations and method of compaction), incorporating minimum 5.5m carriageway and 2.0m footway widths;
 2. Provision of long sections and cross sections at positions to be agreed through the proposed estate roads and turning heads to ensure that adoptable gradients will not exceed 1 in 14 for the purposes of adoption and incorporating a maximum 1 in 20 plateau at each junction within the development and at the interface with the adopted highway;
 3. Demarcation of the limits of adoption at all relevant locations;
 4. Provision of visibility splays appropriate for a design speed of 20mph at all internal junctions, including car park access, in accordance with the standards in Manual for Streets with no obstructions above the height of 0.6m within them;
 5. Swept path analysis of the proposed estate roads to ensure that an 11.85m long refuse collection vehicle can pass a private car at all points and manoeuvre at all turning heads;
 6. Facilities for the storage of bins on collection day at the interfaces of all shared accesses with the proposed adopted highway;
 7. Provision of a scheme of measures/boundary treatment at the interface of the car park with the future adopted highway to prevent vehicle encroachment of the adjacent footway, incorporating railings that do not restrict visibility at adjacent junctions and foundations that do not encroach under the future adopted highway;
 8. Proposed planting/surfacing details and management/maintenance arrangements for all landscaped/car parking areas abutting the proposed adopted highway;

9. Proposed porous/permeable driveway/hardstanding materials and/or measures to prevent the discharge of surface water onto the future adopted highway from all proposed individual and shared driveways.

The details subsequently approved shall be implemented to an agreed programme.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design, ensure the intervisibility of the users of the site and the adjacent highways and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development and HT6/2 - Pedestrian/Vehicular Conflict.

- 6 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local Planning Authority and shall confirm/provide the following:
 1. Photographic dilapidation survey of the footways and carriageways leading to and abutting the site in the event that subsequent remedial works are required following construction of the development, replacement of all boundary features and as a result of statutory undertakers connections to the site;
 2. Access route for all construction vehicles to the site from the Key Route Network;
 3. Access point/arrangements for construction traffic from Bury Road and all temporary works required to facilitate access for construction vehicles;
 4. If proposed, details of site hoarding/gate positions, incorporating the provision, where necessary, of temporary pedestrian facilities/protection measures on the adopted highway;
 5. A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access onto Bury Road;
 6. Confirmation of hours of operation and number of vehicle movements;
 7. Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres;
 8. Parking on site or on land within the applicant's control of operatives' and construction vehicles, together with storage on site of construction materials;
 9. Measures to ensure that all mud and other loose materials are not spread onto the adjacent 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 demolition/construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition and construction periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials.

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways 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.

- 7 In the event that it is not intended for the proposed residential estate roads to be considered for adoption by the Council, no development other than site clearance and remediation shall commence unless and until details of the proposed arrangements for future management and maintenance of the proposed estate road within the development have been submitted to and approved by the local planning authority. The estate road shall thereafter be maintained in accordance with the

approved management and maintenance details until such time as a private management and maintenance company has been established.

Reason. To ensure that the unadopted estate road serving the development is maintained to an acceptable standard in the interest of residential/highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development and HT6/2 - Pedestrian/Vehicular Conflict.

- 8 The turning facilities 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 road safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development and HT6/2 - Pedestrian/Vehicular Conflict.
- 9 Minimum hardstanding lengths of 5.0m at all dwellings/10.0m when in tandem, shall be provided and thereafter maintained.
Reason. To allow adequate space to maintain a vehicle clear of the highway in the interests of pedestrian safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development and HT6/2 - Pedestrian/Vehicular Conflict.
- 10 The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to each dwelling/part of the site to which it relates 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.
- 11 Bin storage arrangements shall be provided within the curtilage of each dwelling/part of the site to which it relates in accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments'.
Reason. To ensure that adequate bin storage arrangements are provided within the curtilage of each dwelling/part of the site pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and H2/2 - The Layout of New Residential Development.
- 12 The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing WL_2226_001 Rev P2 - Dated 04/05/2023 which was prepared by Westlakes Engineering. Notwithstanding the details shown on the approved plans and for the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer or directly into the Brook. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.
Reason. To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.
- 13 The development shall be carried out in accordance with the submitted flood risk assessment (ref 1557/RE/02-16/01 REVISION A) and the following mitigation measures it details:
 1. Finished floor levels shall be set no lower than 69.60 metres above Ordnance

Datum (AOD)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason. To reduce the risk of flooding to the proposed development and future occupants pursuant to Unitary Development Plan Policy EN5/1- New Development and Chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

- 14 No development shall commence unless and until:-
1. A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site and a detailed assessment of the risk to all receptors that may be affected, including those off-site shall be submitted to, and approved in writing by, the Local Planning Authority;
 2. Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
 3. Where remediation/protection measures is/are required, a detailed Remediation Strategy that includes identifying any requirements for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 15 Following the provisions of Condition 14 of this planning permission, where remediation is required, the approved Remediation Strategy 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 15 - Conserving and enhancing the natural environment.

- 16 Prior to occupation the applicant shall provide one electric vehicle (EV) charging point (minimum 7kW*) per unit (dwelling with dedicated parking) or a minimum 20% EV chargepoints (minimum 7kW*) (for unallocated 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.

- 17 No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.
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 National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 18 No development, site clearance, earth moving shall take place or material or machinery brought on site until a method statement to protect the unnamed brook from accidental spillages, dust and debris has been supplied to and agreed by the Local Planning Authority. Measures will include capping of any existing surface drains to the Brook and blocking of any gaps between the site and the Brook with silt fencing. All measure will be implemented and maintained for the duration of the construction period in accordance with the approved details.
Reason. Information not submitted at application stage. To ensure a safe and satisfactory development of the site in relation to the protection of the watercourse that runs adjacent to the site from any pollutants and construction disturbance which may cause risk, pursuant to Chapter 15 - Conserving and enhancing the natural environment of the National Planning Policy Framework.
- 19 The landscaping scheme hereby approved shall be implemented not later than 12 months from the date the buildings are first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan..
- 20 Notwithstanding the details shown on the approved landscaping scheme, a scheme for the provision of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any above ground works. The approved scheme shall thereafter be implemented not later than 12 months from the date the building(s) is first occupied.
Reason. To secure the satisfactory development of the site and 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 National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 21 The residential accommodation hereby approved shall include:
1. Glazing for facades within 20m of Bury Rd min. RW 38dB / RW + Ctr 33dB, other facades min. RW 32dB / RW + Ctr 28dB
2. System 4 whole dwelling Mechanical Ventilation with Heat Recovery (MVHR) for dwellings falling within 20m of Bury Rd:
3. Minimum sound insulation RW 54dB for external walls
in accordance with the submitted Noise Impact Assessment Ref: AA0430 Rev A. The acoustic attenuation scheme hereby approved shall be implemented in full and available for use before use of the residential premises first commences.
Reason. To protect the amenity of the occupants of the premises once the development hereby approved is occupied pursuant to Bury Unitary Development Plan Policy EN7/2 - Noise Pollution.
- 22 All trees to be retained on and off site shall be protected in accordance with BS

DELEGATED REPORT

5837:2012 "Trees in relation to design, demolition and construction" and in accordance with the submitted Arboricultural Impact Assessment with Arboricultural Method Statement - September 2023. The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall remain in situ until the development has been completed.

Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

- 23 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 G of Part 1 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 20/03/2024 - following S106 signing		DM 20/03/24	