

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 20/03/2023	Ref: 68433/FUL
Registration: 10/10/2022	LDfC: 10/11/2022	Expiry Date: 05/12/2022
Site Visit: 04/11/2022	Site Notice: 04/11/2022	Press Date: 20/10/2022
Objections: 0	Con Area:	Adv Type: ARW
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Erection of 1 no.detached dwelling to replace existing

Location: Burnt House Farm, Turton Road, Tottington, Bury, BL8 3QF

Description

The application relates to a stone building which was a former farmhouse with an attached shippon/barn located in a remote rural location which is in the Green Belt, Special Landscape Area, West Pennine Moors, River Valley and Wildlife Link and Corridor.

The site is accessed from Turton Road via an unmade track and Public Right of Way (PRoW 18 TOT) which is partly stoned at the upper section. The track descends approximately 240m to the site which is located at a much lower level than Turton Road.

The access track runs past the front of the farmhouse and forms an informal and unmade 'turning area'.

The farmhouse was subject of an arson attack and suffered significant structural damage and dilapidation which resulted in the collapse of the attached shippon/barn and part of the farmhouse as well as significant damage and loss of the whole of the roof to the farmhouse, as evidenced in aerial photographs from 2005/6 and 2009/11 and 2016. A 2-storey section of the building containing 4 rooms remains along with a front porch. Since the fire, the building has not been occupied.

As an aside, following a site visit in 2020, it was evident a new roof of a corrugated metal type had been constructed on the building. This would comprise development and the works are currently unauthorised.

The application seeks the demolition of the remaining building and redevelopment of the site for 1 no x 3 bed detached dwelling.

The dwelling would be set within a defined curtilage of approx 525 sqm enclosed by a timber post and rail fence.

The proposed dwelling would be located on part of the footprint of the original house. The garden and patio area would be to the side and rear and parking provided to the western side of the house on a york stone flagged surface.

The proposed dwelling would be part 2 storey part single storey with a front porch. Accommodation would provide living space and 1 bed at ground floor and 2 beds and bathroom at the 1st floor. Elevations are proposed as random stone with quoin detailing and a slate roof.

The existing track from Turton Road would facilitate access to the site.

Comparative volumes and floor areas have been provided as follows:

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Existing dwelling with shippon/barn

Ridge height AOD - 220.82m

Eaves height AOD - 199.38m

Gross footprint 139 sqm

Existing dwelling (remaining build)

Ridge height AOD - 200.92m

Eaves height AOD 199.38m

Gross footprint - 102 sqm

Volume - 390 cubic m

Proposed dwelling

Ridge height - 200.6m

Eaves height - 199m

Gross footprint - 107 sqm

Volume - 472 cubic m

Relevant Planning History

02048/E - Rebuilding of farm house and buildings - Enquiry completed 12/12/2017

02499/E - Restoration of dwelling - Enquiry completed 18/12/2020

02637/E - One new dwelling and associated curtilage - Enquiry completed 4/11/21

18/0116 - Infilling of land / deposit of waste - 06/08/2018

Publicity

Four properties notified by letter on 13/10/22 and 4/11/22.

Site notice posted 4/11/22

Press advert 20/10/22

No responses received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions

Public Rights of Way Officer - No objection subject to conditions

Planning & Building Regs consultation Fire Protection Dept Bury Fire Station (Part B)

- No objection subject to conditions

The Coal Authority - No objection subject to conditions

Borough Engineer - Drainage Section - No response received

Environmental Health - Contaminated Land - No objection subject to conditions

Greater Manchester Ecology Unit - No objection subject to conditions

Waste Management - No response received

United Utilities - No objection subject to condition for a SuDS scheme

Pre-start Conditions - Applicant/Agent has agreed with pre-start conditions

Unitary Development Plan and Policies

H1/2 Further Housing Development

H2/1 The Form of New Residential Development

H2/2 The Layout of New Residential Development

EN1/1 Visual Amenity

EN1/2 Townscape and Built Design

EN1/3 Landscaping Provision

EN6 Conservation of the Natural Environment

EN6/3 Features of Ecological Value

EN7 Pollution Control

EN6/4 Wildlife Links and Corridors

EN7/5 Waste Water Management

EN8 Woodland and Trees

EN8/2 Woodland and Tree Planting

EN9/1	Special Landscape Areas
OL1/2	New Buildings in the Green Belt
OL5/2	Development in River Valleys
OL7/2	West Pennine Moors
RT3/3	Access to the Countryside
HT2/4	Car Parking and New Development
HT4	New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
NPPF	National Planning Policy Framework
SPD11	Parking Standards in Bury

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.

Policies

Paragraphs 147 and 148 of the NPPF state that inappropriate development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances (VSC). Planning Authorities should ensure that substantial weight is given to any harm in the Green Belt. VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 of the NPPF states that the construction of new buildings within the Green Belt should be regarded as inappropriate development unless it meets one of the following exceptions;

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or limited infilling or
- the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Policy OL1/2 states that the construction of new buildings within the Green Belt will be inappropriate development unless it is for agriculture, forestry, essential facilities for outdoor recreation, limited extensions or replacement of existing dwellings and for other uses of land which do not conflict with the purposes of including land in it. Proposals for buildings, which do not fall into one of the above categories are inappropriate development and will only be permitted in special circumstances.

Policy EN9/1 - Special landscape areas requires development which is permitted to be sympathetic to its surroundings in terms of design and visual impact. High standards of design, siting and landscaping would be expected and unduly obtrusive development would not be permitted in such areas.

Principle - land use status

The site relates to a former farmhouse, part of which collapsed as a result of a fire circa 2005. The remaining structure comprised only walls and no roof and was in a relatively dilapidated state. In this condition, the building would not be habitable and crucially had not been occupied as a dwelling or had the site been used after the fire.

The site could therefore be considered 'abandoned'.

Abandonment is not a term defined in planning statute or regulations but a concept derived by the courts. It describes a situation where a property has been disused to the extent that it has lost its existing use rights and has zero status in planning terms. The key question is whether the use is still capable of being re-commenced at the property. Even if it may involve considerable financial or technical challenges, if it's possible, it should not necessarily be considered abandoned.

In the case of *The Trustees of Castell-y-Mynach Estate v Taff-Ely BC* [1985], the court

established four criteria for assessing whether a use had been abandoned. These are: (1) the physical condition of the buildings; (2) the period of non-use; (3) whether there has been any other use; and (4) the owner's intentions.

In this case -

- (1) the building is in a poor physical condition - part had collapsed and the remaining build in no fit, secure or safe state to be occupied
- (2) the dwelling has not been occupied since the fire in 2003 - evidenced in aerial photographs of 2004/2005 and 2009/11 and 2016
- (3) there has been no other use since last occupation
- (4) there is no evidence to indicate the original owner had any long term desire for the site or building. The recent repairs to replace the roof and repair to walls is not an indication the site is no longer 'abandoned'. These works have been carried out unlawfully and within the last few years. No evidence has been supplied that council tax for the property as a dwelling has been paid since the fire.

It is therefore considered that the site has an abandoned status.

Principle - Green Belt

Given the use is considered abandoned, the land would be regarded as a brownfield site (previously developed land) and the principle of developing the site for residential purposes would therefore be assessed under para 149 (g) of the NPPF for 'limited infilling or partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development:
- or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting identified affordable housing need within the area of the Local Planning Authority.

The key to accepting the principle of development in line with para 149 (g) will depend on whether it is considered there would be a greater impact on the openness of the Green Belt than existing or whether substantial harm would be caused to the openness of the Green Belt. In that case, Very Special Circumstances would be required

Assessment of the Proposed development

The proposed dwelling would be located on part of the footprint of the existing building. Due to the topography of the land and the sloping site which descends from west to east, the proposed dwelling would be lower, have a smaller footprint area and a less extensive front elevation of 13.5m comparative to the existing elevation of 17m (with the former shippon/barn, the main elevation would have been 21m).

When viewed from Turton Road to the east, the existing building is not visible and given the position and height of the proposed dwelling there would also be no views of the proposed building from this point. On advancing closer to the site down the access track and directly from the field in front of the property to the east approximately 40m from the site, only part of the upper half of the dwelling is visible and this would be similarly so for the proposed dwelling.

Directly to the rear of the building, the land rises fairly steeply from the rear elevation to the field beyond and views would be of the upper part of the dwelling only, particularly when viewed from a distance. The public footpath in this direction would be more than 80m away and as such public views would not be adversely or significantly affected and no worse than current views of the existing building.

From the east, the land descends in level quite significantly to the valley beyond. The proposed dwelling whilst visible to a certain degree, would be no more harmful than currently exists on site given its height and form.

In terms of built form there would be a volume increase of 21% comparative to the existing buildings on site.

According to case law in the Court of Appeal judgement *Turner v Secretary of State* 2016, The concept of openness of the green belt is not narrowly limited to volumetric approach.....The word 'openness' is open textured and a number of factors are capable of being relevant when it comes to applying it to particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors relevant to the visual impact on the aspects which the Green Belt presents."

Whilst a physically larger build by virtue of the increased volume, the proposed dwelling would be no higher and involve a lesser footprint area in terms of built development. Whilst arguably part of the building no longer exists and in Green Belt terms, 'when it is gone it is gone', there is a case to be made that had an application been made at the time to rebuild the part of the building destroyed by the fire, there would have been no reason not to have granted a planning permission to fully re-instate the dwelling.

The site is currently unsightly in parts with remains of the fire damaged building left as rubble and there is evidence of tipping in the area.

The proposed development would see the removal of such waste/rubbish and result in a considerable improvement to the visual amenity of the area and in turn, enrich the special character of the Green Belt.

Permitted development rights would need to be removed to ensure that domestic type structures and paraphernalia would ensure there would be controls to retain the open areas of Green Belt within the 'developed' site.

In terms of para 138 of the NPPF and the 5 purposes of Green Belt, to a) to check the unrestricted sprawl of large built up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land, the proposed development would not result in any harm to any of these purposes.

Contextually and visually, the proposals are considered to be no more harmful to the character and openness of Green Belt land than currently or previously existed on site and therefore it is considered Green Belt openness would not to be significantly affected. Design and materials of the new additions would emulate the rural and agricultural setting, with reference taken from the existing farmhouse by the use of reclaimed stone and natural slate tiles. Window sizes and positions would be randomly inserted.

The proposed dwelling would be set within a relatively tight residential curtilage, and by utilising the existing topography of the land, the dwelling would nestle within the land form and would therefore be less exposed from wider views.

It is therefore considered that the proposed development would not have a greater harm on the impact on the openness of the Green Belt and therefore not require Very Special Circumstances.

The proposed development would therefore comply with para 149 (g) of the NPPF.

Principle - Residential

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.

UDP Policies H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development takes into consideration factors relating to the height and roof type of adjacent buildings, the impact of developments on residential amenity, the density and character of the surrounding area and the position and proximity of neighbouring properties. Regard is also given to parking provision and access, landscaping and protection of trees/hedgerows and external areas.

Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties provides useful guidance in terms of acceptable aspect standards between dwellings and design criteria.

Whilst located in a rural and relatively remote location, the site had historically been used for residential purposes and there is an existing access track which continues to serve the site. Utility services and infrastructure could readily be re-provided and the site could support associated facilities including parking and garden area for a residential property.

As such, the principle is considered to be acceptable and in compliance with the NPPF and UDP Policies H1/2, H2/1 and H2/2.

Design and layout - The development proposes a farmhouse type build and seeks to respond to the original design of the former dwelling by proposing a split 2 storey/single storey build, set within the topography and to address the existing levels on site. The dwelling would follow the slope of the land with the eastern portion single storey and set at a slightly lower level at the front and rear and thereby reducing the scale and massing of the dwelling.

The front porch would be a relatively minor addition and one which is commonly found on traditional farmhouses and in terms of proportionality and scale would be a sympathetic addition to the main house.

Elevations would incorporate randomly placed 'cottage style' windows which would emulate traditional farmhouse builds and such buildings found in rural and countryside settings.

The dwelling would be built from reclaimed stone with quoin detailing and reclaimed blue slate in the same way the original dwelling was constructed and a condition to require the submission of material samples would secure an appropriate overall appearance.

In terms of hardstanding, the parking and patio area would be surfaced in york stone which is considered to be appropriate within the setting of the site and in keeping with the character of the development and again submission of a sample would be required to ensure the paving was of an appropriate traditional and unobtrusive solution.

To the rear (north) of the building the land rises by approx 9m whereon it levels off to a field beyond which is separated by a low post and wire fence and would be a natural landform along which to define the rear boundary of the site. The garden area would be enclosed by a timber post and timber rail fence which are a type commonly used to separate fields and form boundaries in a countryside location.

To the west of the proposed dwelling there would be parking on a flagged surface and a small strip of grassed verge to define the western side. The curtilage would be tightly drawn along the front of the property and eastern side.

It is therefore considered a sensitive and considered approach has been taken to the design of the dwelling and how it would respond to and integrate within the landscape and Green Belt setting.

The proposed development would therefore comply with Policies H2/2, EN1/1, EN9/1, OL7/2 and the principles of the NPPF.

Impact on residential amenity - The site is located in a remote location and there would be no issues of impacts on privacy or overlooking.

Highways - The development would utilise the existing access via an opening off Turton Road. The track is single width and unsurfaced, but partly stoned at the upper section. There are no works proposed to the track and the route is considered to be sufficient to serve a single and relatively modest sized dwelling.

Access to the site would be opposite Nos 319 and 319a Turton Road but this access already exists and could be used by heavy farm vehicles and as such a domestic use for one dwelling is considered acceptable

The scheme would provide an area of flagged hardstanding next to the dwelling and this would provide parking for the dwelling which is considered acceptable.

As the route carries a Public Right of Way (PRoW) the applicant should be made aware of the need to safeguard people using the public rights of way and that there would be no obstructions. An informative to the applicant to this effect would be included.

Fire - The proposal should meet the requirements for Fire Service access -

- The Fire Service requires vehicular access for a fire appliance to within 45m of all points within the dwelling.
- The access road should be a minimum width of 4.5m and capable of carrying 12.5 tonnes. Additionally if the access road is more than 20m long a turning circle, hammerhead, or other turning point for fire appliances will be required.
- There should be a suitable fire hydrant within 165m of the furthest dwelling.
- The Fire Service strongly supports the installation of domestic sprinkler systems as a positive measure to protect persons. At a small cost occupants' can be given the reassurance of a high level of protection.
- All developers should positively consider the viability of installing domestic sprinkler systems. The access requirements for a dwelling fitted with an approved sprinkler system can deviate from the required standard detailed above, further consultation will be required.

The applicant has provided a response to the Fire Service as follows -

Burnt House Farm is approximately 227 metres from the main road down a gravelled track . For the most part there is no fencing to either side and it may be possible to get a fire engine to the site and for it to turn round.

The existing building has been the subject of a fire in the past

In view of its history and its location, it would be prudent and necessary for the proposed new dwelling to have a domestic sprinkler system fitted and given the history of the existing building, likely to be necessary in order to obtain insurance cover.

It is a matter that might be dealt with under the Building Regulations.

In any event, it is accepted that the fire risk remains the responsibility of the applicant.

Subject to the water supply being adequate, it would also be prudent to provide a fire hydrant.

Coal Authority (CA) - Part of the site falls within the Coal Authority's Referral Area for Coal. The application is accompanied by a Coal Report. The CA have raised no objections subject to conditions for a scheme of intrusive site investigations to be carried out and any identified remediation works or mitigation measures. Prior to occupation, the applicant should provide a signed declaration to confirm the site has been made safe and stable.

Ecology

Summary

Ecological issues include barn owl, nesting birds, Himalayan balsam and mitigation for loss

of trees shrubs and nesting bird habitat.

Bats

A valid bat assessment was carried out, resulting in one dusk survey at an appropriate time of year. No evidence of bats roosting was detected. GMEU have no reason to doubt the findings of the report, based on the condition of the building and presence of barn owl. The building is however in a high risk location and therefore use by individual bats on occasion cannot be ruled out. GMEU therefore recommend an informative along the following lines is applied to any permission.

Whilst the building to be demolished has been assessed as low risk for bats, the applicant is reminded that under the 2019 Regulations it is an offence to disturb, harm or kill bats. If a bat is found during demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

Barn Owl

Evidence that the building was a well used roosting site was recorded, though no evidence of this species nesting was evident. Barn owl are protected under schedule 1 of the Wildlife & Countryside Act 1981 (as amended). It is an offence to take, injure or kill a barn owl or destroy its nest, eggs or young. It is also an offence to recklessly disturb the birds close to their nest during the breeding season.

As no evidence of nesting was recorded, GMEU are satisfied that it is very unlikely that the development would result in the loss of a nesting site. Given how well the building appears to be utilised however there is a risk that it may in the future be utilised as a nest site and that as barn owl may roost in the building during the day, ie one could be present in the building during demolition. GMEU therefore recommend a condition along the following lines is applied to any permission.

Prior to demolition at any time, the building will be checked for barn owl immediately prior to demolition by a suitably experienced ecologist. If demolition occurs between the 1st March 2023 and 31st August, the building will be checked for nesting barn owl and the findings supplied to and agreed in writing by the LPA.

Other Protected Species

No other protected species are likely though badger may forage across the site on occasion. No further information or measures are required.

Other Nesting Birds

Scrub on the site was identified as providing bird nesting potential. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. GMEU recommend a condition along the following lines be applied to any permission.

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 LPA.

Other Mammals and Amphibians

The mill ponds nearby likely provide habitat for species such as common toad a UK Biodiversity Priority Species, hedgehog may also forage across the site. GMEU recommend reasonable avoidance measures for small mammals and amphibians are put in place to cover the site clearance and construction phases. The details can be conditioned along the following lines.

Prior to any site clearance a reasonable avoidance measures method statement for

mammals and amphibians will be provided to and agreed in writing by the LPA

Himalayan Balsam

This species covered by schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended) is present on the site. It is an offence to introduce or cause to grow wild any plant listed under this schedule. Given this species is present beyond the boundaries of the development, eradication would be unreasonable, but measures to prevent the spread of this species off-site and control within the boundaries of the site should occur. GMEU would therefore recommend a condition along the following lines is applied to any permission.

Prior to any earthworks a method statement detailing control and biosecurity measures for himalayan balsam should be supplied to and agreed in writing to the LPA. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

Proximity of Development to Watercourse and SBI's

The consultant notes the proximity of the development to a watercourse and two SBI's. The consultant's survey brief however covered a wider area. The footprint of the actual development, restricted to one dwelling is over 50m from either SBI and over 30m from the watercourse. GMEU are satisfied that the risks of negative impacts are negligible to either SBI and low with regards the Brook, dependent on whether any surface water discharge from the site or from a septic tank is proposed. GMEU therefore recommend a condition regarding drainage post development along the following lines.

No development shall take place until it can be demonstrated that there will be no negative impacts on the ecological status/potential of the Brook resulting from the disposal of foul water and surface water post-development submitted to and approved in writing by the Local Planning Authority. The details, as approved, shall be implemented in full in accordance with a timetable which has first been agreed in writing by the Local Planning Authority.

Contributing to and Enhancing the Natural Environment

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development site consists primarily of negligible and low value habitats, interest restricted to some native shrub. In terms of species the site is of importance to barn owl. The proposed layout indicates a similar balance of low and negligible value habitats. GMEU are therefore satisfied that mitigation can be achieved on the site, if some native tree and shrub planting is incorporated in to the garden design, bird and bat boxes/bricks incorporated in to the new build and two barn owl boxes provided for the loss of roosting habitat. The details can be conditioned.

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 Red/blue edge location plan received 13/5/22;
Existing site plan LC-09-03-20-A;
Proposed site plan BHF-24-03-22-C amended 10/1/23 (overlay of existing and proposed) ; Proposed site plan illustrating access field and field boundaries BHF-24-03-22-E;
Proposed elevations, floor plans and cross section BHF-24-03-22-D (amended 3) amended 22-1-23.
Desk based coal mining report LKC 22 1267
Preliminary Ecological Appraisal by Verity Webster

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 No development shall commence unless and until:-
- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - 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;
 - Where remediation/protection measures is/are required, a detailed Remediation Strategy 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.

- 4 Following the provisions of Condition 4 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.

- 5 One electric vehicle (EV) charging point (minimum 7kW*) per unit (dwelling with dedicated parking) shall be provided as a minimum.

*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 61851-1:2011 to be used (note this version is due to be replaced by BS EN 61851-1:2019 on 5 July 2022).

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.

- 6 No development shall commence unless and until surface water drainage proposals have been submitted to and approved in writing by the Local Planning Authority. The scheme should be in accordance with the submitted Surface Water Sustainable Drainage Assessment and must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed maintenance arrangements should also be provided. The approved scheme only shall be implemented prior to first occupation and thereafter maintained.

Reason. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. To promote sustainable development and reduce flood risk 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.

- 7 No development shall commence unless and until;
a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

- 8 Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

- 9 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:

- Photographic dilapidation survey of the Public Rights of Way abutting and

forming the access to the site in the event that subsequent remedial works are required following construction of the development and as a result of any statutory undertakers connections to the new dwelling;

- Access point for construction traffic from the adopted highway and measures to retain adequate levels of visibility at the Turton Road junction;
- Site hoardings (if proposed) clear of the adjacent Public Rights of Way;
- Hours of operation, confirmation of delivery and construction vehicle sizes that can be accommodated on the Public Rights of Way that serve the site and number of vehicle movements;
- The provision, where necessary, of temporary pedestrian facilities/protection measures on the adjacent Public Rights of Way;
- A scheme of appropriate warning/construction traffic signage in the vicinity of the site and its access;
- Parking on site (or on land under the applicant's control) of operatives' and construction vehicles together with storage on site of construction materials, including any requisite phasing of the development to accommodate this;
- Measures to ensure that all mud and other loose materials are not spread onto the adjacent Public Right of Way and 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 construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period.

The areas identified shall not be used for any other purposes other than the parking of vehicles and storage of demolition/construction materials. All highway remedial works identified as a result of the dilapidation survey shall be implemented to the written satisfaction of the Local Planning Authority prior to the development hereby approved being occupied.

Reason. To maintain the integrity of the adjacent Public Rights of Way and adopted highway, mitigate the impact of the construction traffic generated by the proposed development on the adjacent highway network, ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and ensure that the Public Rights of Way and 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.

- 10 Prior to first occupation of the development hereby approved, a sprinkler/misting system to meet the requirements of BS 9251:2014 or other subsequent standard that meets the requirements of Greater Manchester Fire and Rescue Service and deemed suitable to overcome the site's emergency access deficiencies, shall be installed in the dwelling hereby approved and shall thereafter be maintained at all times.

Reason. In the interests of fire safety and to ensure the safe and satisfactory development of the site and for its future occupiers pursuant to Bury Unitary Development Plan Policies H1/2 - Further Housing Development, H2/2 - The Layout of New Residential Development and EN1/2 - Townscape and Built Design.

- 11 The development hereby approved shall not be first occupied unless and until the car parking, driveway and pedestrian access arrangements shown clear of the adjacent Public Rights of Way on approved plan reference BHF-24-03-22 Revision C as amended have been implemented.

Reason. To ensure adequate off street car parking provision and to allow adequate space to maintain a vehicle clear of the adjacent Public Rights of Way, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies HT2/4 - Car Parking and New Development, H2/2 - The Layout of New Residential

Development and EN1/2 - Townscape and Built Design.

- 12 Prior to demolition at any time, the building shall be checked for barn owl immediately prior to demolition by a suitably experienced ecologist. If demolition occurs between the 1st March 2023 and 31st August, the building will be checked for nesting barn owl and the findings supplied to and approved in writing by the Local Planning Authority. The approved findings and any approved mitigation measures shall thereafter be implemented to an approved timetable.
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.
- 13 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.
- 14 Prior to any site clearance a reasonable avoidance measures method statement for mammals and amphibians will be provided to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be implemented to an approved timetable.
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.
- 15 No development shall take place until it can be demonstrated that there will be no negative impacts on the ecological status/potential of the Brook resulting from the disposal of foul water and surface water post-development submitted to and approved in writing by the Local Planning Authority. The details, as approved, shall be implemented in full in accordance with a timetable which has first been agreed in writing by the Local Planning Authority.
Reason. To ensure the development is carried out in a safe and secure manner so as not to cause harm to the ecological status or importance of the Brook or any protected species pursuant to policies EN6 - Conservation of the Natural Environment, EN6/3 - Features of Ecological Value EN7/3 - Water Pollution of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 16 A landscaping scheme shall be submitted to, and approved by the Local Planning Authority prior to the commencement of the development. The contents of the plan should include native tree and shrub planting to be incorporated into the garden design, the provision of bat and bird boxes/bricks incorporated into the new build and two barn owl boxes provided for the loss of roosting habitat. The approved scheme shall thereafter be implemented not later than 12 months from the date the building(s) is first occupied or within the first available tree planting season,; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or 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 Policies H2/2 - The Layout of New Residential

DELEGATED REPORT

Development, EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

- 17 Details/Samples of the materials to be used in the external elevations, and details of the surfacing materials for the hardstanding and parking areas together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials 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 and H2/1 - The Form of New Residential Development.
- 18 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 and Class A and Class C of Part 2 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.
- 19 Prior to any earthworks a method statement detailing control and biosecurity measures for himalayan balsam should be supplied to and agreed in writing to the LPA. The agreed method statement shall be adhered to and implemented in full.
Reason. The scheme does not provide full details of the actual extent of Japanese Knotweed and Himalayan Balsam in the interest of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	20/3/23	DM	21/03/23