

DELEGATED REPORT

Report by Helen Leach	Date of report: 13/03/2025	Ref: 71244/FUL
Registration: 11/11/2024	LDfC: 07/02/2025	Expiry Date: 10/02/2025
Site Visit: 20/11/2024	Site Notice: 20/11/2024	Press Date: N/A
Objections: 0	Con Area:	Adv Type: PI
Reason for Delay:		EIA:
N/A		Dec Level: DEL
		Stat Class: MADW

Proposal: Variation of Condition 2 (approved plans) for part-retrospective minor amendments to 68 no. dwellings and the site-wide plans, and Condition 11 (landscaping) for improved landscaping and the replacement of fencelines with hedgerows following the grant of planning permission ref: 63533

Location: Bevis Green Works, Mill Road, Bury, BL9 6RE

Description

The application site lies approximately 1.5km north of Bury town centre and lies between Walmersley Old Road and the M66 motorway. The site generally slopes down from north to south with changes in levels more notably located within the south eastern sector of the site. The site was originally used as a mill with buildings in the south eastern part of the site dating from the early part of the 20th Century, which are mostly stone and brick built, with light roofing. Within the site, the land comprises a series of plateaus, hard standings and buildings of varying ages. To the north of the site are older stone buildings with north lights and elsewhere, the buildings comprise portal and brick structures, many of which are not used. The buildings vary from two to three storeys in height taking advantage of the changes in levels across the site. There is a separate two storey stone building used for offices and there are more modern larger storage type buildings of 20-30 years old located within the site. At the main entrance to the site is a modern office building used as a technical centre with car parking nearby.

The site comprises 10.44ha site in area and is an allocated EGA under Policy EC2/1 and incorporates a former Headquarters building, Research and Development facility and manufacturing and warehousing functions (some functions are still operating). The site lies predominantly on the edge of a residential area with Green Belt to the north and a lodge to the east with an area of protected TPO trees immediately to the east of the lodge. To the east of the site is open countryside, with the M66 motorway beyond.

The main access into the site is taken from two points, one serving the offices directly off Walmersley Old Road, and a second access, for the transportation of products, from Mill Road.

Planning consent was granted in February 2020 for the demolition of the buildings on site and the erection of 268 dwellings. The area to the north of the site in the Green Belt would be used for recreational space and would be accessed from within the site. The proposed development would be accessed from Walmersley Old Road with the proposed apartments accessed from Mill Road.

A non material amendment was approved in January 2024 for adjustments to the fencelines and managed areas to the rear of various plots.

Proposed development

The proposed development involves variation of conditions 2 (approved plans) and 11

(landscaping) for minor alterations to 54 dwellings and the associated plans and improved landscaping through the replacement of fencelines with hedgerows.

Two different house types have been constructed on site, which results in the following changes to plots 3, 4, 23, 24, 25, 26, 46, 47, 52, 53, 60, 61, 67, 68, 69, 74, 75, 84, 85, 109, 110, 116, 117, 119, 120, 125, 130, 131, 133, 144, 148, 155, 156, 157, 160, 161, 162, 163, 169, 170, 173, 175, 176, 177, 178, 179, 180, 185, 186, 208, 209, 214, 215, 219, 220, 221, 223, 224, 226, 229, 230, 250, 255, 259, 260, 264, 265, 266 and 267:

Ellerton house type:

- The roof pitch would be reduced from 35 degrees to 30 degrees.
- The front door position and porch are located further away from the party wall and the header course has been removed.
- A smaller window would be located above the front door.
- The bifold doors on the rear elevation would be positioned further away from the party wall.
- A larger window would be positioned above the bi-fold doors on the rear elevation.
- The ground floor window position would be altered slightly to facilitate the change from a lounge side window to a WC side window.
- Internally, the location of the WC on the ground floor would be amended and the first floor involves the relocation of the bath, en-suite and bedroom 3.

Denford house type:

- The front door position and porch are located further away from the party wall and the header course has been removed.
- On the Denford, two smaller windows would be located at first floor on the front elevation instead of 1 larger window.
- Internally, the location of the WC on the ground floor would be amended and a small obscure glazed window would be added to the side elevation.

The proposed landscaping changes involve the removal of railings, where present and the planting of a hedge on plots 28-38, 71-91, 92-123 and 190-268

Relevant Planning History

53762 - Outline residential development at Bevis Green (275 dwellings) with associated access, car parking, landscaping, and recreational open space shown illustratively. - Approve with Conditions 30/01/2012

59164 - Reserved Matters - Erection of 235 no. dwellings with associated parking, landscaping, recreational open space and ancillary works - Withdrawn - Invalid 14/12/2015

63533 - Residential development comprising 268 no. dwellings (Class C3) with associated access, car parking, landscaping and open space - Approve with Conditions 06/02/2020

70288 - Non material amendment following approval of planning permission 63533 for minor adjustments to the fencelines and managed areas to the rear of plots 167-173, 223, 224, 218 - 208, 202 - 192, the plot positions of plots 258 - 266 at Bevis Green Works, Mill Road, Walmersley. Approved with conditions - 19 January 2024.

Publicity

The neighbouring properties were notified by means of a letter on 15 November 2024 and a site notice was posted on 20 November 2024.
No comments have been received.

Statutory/Non-Statutory Consultations

None required.

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

Development Plan and Policies

EC2/1	Employment Generating Areas
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
OL1/5	Mineral Extraction and Other Development in the Green Belt
RT2/2	Recreation Provision in New Housing Development
RT3/3	Access to the Countryside
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
HT6/1	Pedestrian and Cyclist Movement
HT6/3	Cycle Routes
SPD1	Open Space, Sport and Recreation Provision
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD11	Parking Standards in Bury
SPD12	Travel Plans in Bury
SPD14	Employment Land and Premises
SPD16	Design and Layout of New Development in Bury
JP-S1	Sustainable Development
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
JP-S5	Clean Air
JP-J2	Employment Sites and Premises
JP-J4	Industry and Warehousing Development
JP-H3	Type, Size and Design of New Housing
JP-G7	Trees and Woodland
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-G9	The Green Belt
JP-P1	Sustainable Places
JP-P2	Heritage
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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 - The principle of the use of the site for residential development was established with the grant of planning permission in February 2020 (63533).

Design and layout - The proposed change of house type would not impact upon the layout of the site as the proposed house types (Ellerton and Denford) would have the same footprint as the previously approved dwellings (Maidstone and Kenley).

The proposed elevational changes would be fairly minor - a change to the position of windows and doors on the front and rear elevation and as such, would not impact upon the overall design approach.

The main change on the Ellerton house type would involve the relocation of the bathroom from the rear of the property to a central position and the en-suite would be positioned at the front. This would result in a smaller window at the front above the front door and a larger window on the rear elevation. This change would be minimal in design terms and would not impact upon the overall design approach and appearance of the site.

The main change on the Denford house type would involve the relocation of the toilet downstairs and a small obscure glazed window would be added to the side elevation. This would be a minimal change in design terms and would not impact upon the overall design approach and appearance of the site.

The proposed removal of the railings and the replacement with a hedge would be a positive

change and would not be a prominent feature in the streetscene.

Therefore, the proposed development would be in accordance with Policy EN1/2 of the Bury Unitary Development Plan.

Impact upon residential amenity - SPD6 provides guidance on aspect standards between residential properties and as such, would be relevant in this case. The aspect standards states that there should be a minimum of 20 metres between directly facing habitable windows and 13 metres between a habitable room window and a two storey blank wall. For each additional storey or difference of 2.5 metres in height, a further 3 metres should be added to the aspect standard.

The proposed change of house types would comply with or exceed the aspect standards across the site. As such, the proposed development would not have an adverse impact upon the amenity of the neighbouring properties. Therefore, the proposed development would be in accordance with Policy EN1/2 of the Bury Unitary Development Plan.

Highways issues - The proposed house types would be located on the same footprint as the previous house type and would have the same number of bedrooms. As such, the proposed development would not impact upon the highway layout or parking arrangements from the previous application.

The proposed hedgerow would be planted in the front gardens and has the potential to impact upon the visibility splay from the driveways. Condition 26 relates to visibility splays and is clear that these must be maintained free of obstruction above 0.6 metres in height. The agent has confirmed that where planting intersects with the visibility splays, the heights will be restricted to 0.6 metres or below as required.

Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policy EN1/2 of the Bury Unitary Development Plan and Policy JP-C5 and JP-C6 of the Places for Everyone Joint Development Plan.

Planning obligations - A deed of variation is required to link the current application to the original Section 106 agreement.

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 This decision relates to drawings numbered 456/P/LP/02, 456/P/PL/04 Rev 07, 456/P/ML/04 Rev 08, 456/P/HLL/04 Rev 04, 456/P/SHL/04 Rev 04, 456/P/RSL/04 Rev 04, 456/P/BTL/04 Rev 04, c-1339-05 Rev C2, c-1339-06 Rev D2, c-1339-07 Rev B3, 456/P/SS/02, 456/P/DP/01, BALD 00CD 01, BALD 56SD 01, TBC 01, 2016/FAL/01, 2016/FAL/02, BHLN 00CD 01, BHLN 56SD 01, BKEY 00CD 01, BKIS 00CE 01, BKIS 00CI 01, BKIS 56SE 01, BKIS 56SI 01, BDNF 00WI 01, BDNF

OHWE 01, BLUT 00CD 01, BLUT 56SD 01,
BLLE X0HE 01, BLLE X0-I 01, BLLE 5SHE MX00 01, BLLE 56SI MX00 01, BMMS
00CD 01, BMMS 00CE 01, BMMS 56SE 01, BMMS 56SD 01, BTHO 00CD 01,
BWIE 00CD 01, BWIE 56SD 01, 2010/DET/C/135,
2010/DET/C/1362010/DET/CS/01, NGF - TYPE 65 A, BS04 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.

- 2 The development shall only be carried out in accordance with the details approved under condition 3 of permission 63533.
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.
- 3 No development, other than site clearance, demolition, or works relating to site investigation remediation or ground works, shall commence in relation to phase 2 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 3 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 The development shall only be carried out in accordance with the details approved under condition 6 of permission 63533. The approved scheme shall be implemented prior to occupation of the building hereby approved.
Reason. In accordance with paragraph 35 and 124 of 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 The development shall only be carried out in accordance with the details approved under condition 7 of permission 63533. 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 Foul and surface water shall be drained on separate systems.
Reason. 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.
- 8 Demolition, stripping out, and development ground works shall take place in accordance with a programme of archaeological works set out in a Written Scheme of Investigation (WSI), which was approved under condition 9 of permission 63533. The WSI shall cover the following:
1. A phased programme of archaeological fieldwork to include:
 - i) A targeted watching brief during stripping out and demolition
 - ii) Targeted open area excavation
 2. A programme for post investigation assessment to include,
 - i) analysis of the watching brief and excavation records and finds
 - ii) production of a final report
 3. Provision for publication and dissemination of the findings.
 4. Provision for archive deposition of the report, finds and records of the site investigation.
 5. Nomination of a competent person or persons/organisation to undertake the programme set-out within the approved WSI.
- Reason: In accordance with NPPF paragraph 199, to record and advance the understanding of the significance of the historic asset remains for and to make this evidence of our past publicly accessible.
- 9 The development hereby approved shall be carried out in accordance with the recommendations of the Noise Impact Assessment, dated November 2018.
Reason. To protect the amenity of the occupiers of the dwellings pursuant to Policy EN7/2 - Noise Pollution of the Bury Unitary Development Plan.
- 10 The landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building(s) is 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 to the written satisfaction of the Local Planning Authority.
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..
- 11 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.
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.
- 12 The development shall only be carried out in accordance with the details approved under condition 15 of permission 63533. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development

commencing, a further site survey must be undertaken and submitted to the Local Planning Authority.

Reason. The scheme does not provide full details of the actual extent of invasive species in the interest of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

- 13 The development shall only be carried out in accordance with the details approved under condition 16 of permission 63533.

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.

- 14 The development shall only be carried out in accordance with the details approved under condition 17 of permission 63533.

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.

- 15 The development shall be carried out in accordance with the details contained in the Report by ERAP, reference 2018-202d Sections 6.1 to 6.5.

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.

- 16 The development shall only be carried out in accordance with the details approved under condition 19 of permission 63533.

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.

- 17 In relation to the use hereby approved, the measures set out in the Travel Plan to promote more sustainable travel to and from the site by residents of the dwellings and reduce the reliance on private vehicle use, shall be implemented in full and thereafter maintained.

Reason. In order to encourage sustainable travel pursuant to NPPF (Section 9) and UDP Policy HT4 New Development.

- 18 The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the dwelling hereby approved commencing 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.

- 19 The development shall only be carried out in accordance with the details approved under condition 22 of permission 63533. The approved details within that scheme shall then be carried out by the developer unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure good highway design in the interests of road safety and to reduce the impact of vehicular and pedestrian conflict pursuant to Unitary Development Plan Policies H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development and HT6/2 - Pedestrian and Vehicular Conflict.

- 20 The development shall only be carried out in accordance with the details approved under condition 23 of permission 63533.
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.
- 21 Notwithstanding the details indicated on approved plan reference 456/P/PL/02 Revision E, no development 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 (where appropriate) to, and approved in writing by the Local Planning Authority:
- A review of existing pedestrian facilities at the Walmersley Road/ Walmersley Old Road/Springside Road signalised junction to explore the potential for providing a subsequent scheme of improvements to improve facilities for users across all arms of the junction, to a scope and specification to be agreed;
 - In connection with the above, a review of existing signal timings to explore the potential for providing a full pedestrian stage to improve crossing conditions for pedestrians;
 - Alteration of the existing site access onto, and works abutting, Walmersley Old Road, incorporating the widening and reconstruction/provision of footways minimum of 2.0m in width including all accommodation works required at tying in points, level/1 in 40 plateau at the junction onto the adopted highway, reinstatement of all redundant accesses, demarcation of the limits of the adopted highway and all associated highway and highway drainage remedial works required as a result of the construction of, and statutory undertakers connections to, the proposed development;
 - Formation of the secondary emergency access onto Mill Road/Byway Open to All Traffic (BOAT) No. 20, Bury, to serve the residential development, to a specification and length to be agreed, incorporating removable and fixed bollards (number and positions to be agreed) at all interfaces with the proposed estate road and the Public Right of Way and all associated highway and highway drainage remedial works;
 - Reconstruction of and modifications to the existing alignment of the unadopted section of Mill Road/Byway Open to All Traffic (BOAT) No. 20, Bury to scope, specification and in materials to be agreed, in order to upgrade the route as indicated, incorporating the widening and reconstruction/provision of 2.0m minimum wide footways where indicated, level/1 in 40 plateau at the junction onto the adopted highway, reinstatement of all redundant accesses, works to form a junction with Lumn Street, demarcation of the limits of the adopted highway and all associated highway and highway drainage remedial works required as a result of the construction of, and statutory undertakers connections to, the proposed development;
 - Proposed scheme of works of a scope and specification to be agreed at the interface with the retained section of Byway Open to All Traffic (BOAT) No. 20, Bury leading to Mather Road, to the east of the driveway serving Plot 267;
 - Proposed scheme of works to improve the surface and line of Public Footpath

No. 13, Bury, that crosses the site and provide a route not less than 4.0m in width in accordance with the previously approved diversion order;

- Formation of all pedestrian connections indicated onto the existing adopted highway and Public Rights of Way abutting the site;
- Proposals for the introduction of waiting restrictions to scope to be agreed at the at the junctions of the proposed site access and Mill Road with Walmersley Old Road, including all necessary road markings and signage;
- Provision of a street lighting assessment for (and, where necessary, a scheme of improvements) the proposed residential development and sections of Walmersley Old Road and of Mill Road/Byway Open to All Traffic (BOAT) No. 20, Bury, abutting the site;
- Foundation details for all boundary walls/fences abutting the existing/future adopted highway;
- White lining scheme for the proposed junctions onto the existing adopted highway;
- An Approval In Principle for the any retaining structures located adjacent to the adopted highway, incorporating full structural, construction and drainage details, calculations and a detailed construction method statement.

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 and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EN1/2 - Townscape and Built Design

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

- 22 Notwithstanding the details indicated on approved plan reference 456/P/PL/02 Revision E, in the event that it is intended for the proposed estate roads and/or improved section of Mill Road to be put forward for adoption, no development 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 (where appropriate) to, and approved in writing by the Local Planning Authority:

- Proposed internal road layout to a specification and materials to be agreed and to current adoption standards, incorporating 2.0m minimum width footways throughout the development and a 6.5m minimum carriageway width on the section of estate road between Walmersley Old Road and Plot 90 and at the bends adjacent to Plots 90/91 and 95;
- Revised turning head position relative to the easterly limits of adoption on Mill Road;
- In the event that retaining structures are required adjacent to the future adopted highway, an 'Approval In Principle' for the proposed structure(s), incorporating full structural, construction and drainage details, calculations, pedestrian protection measures and a detailed construction method statement;
- A scheme of 20mph traffic calming measures on the proposed internal roads and white lining scheme to a scope and specification to be agreed including details of proposed materials, road markings and signage as required;
- Undertaking of a review of/safety audit for the need to provide vehicle containment measures to the east of the estate road abutting the proposed open watercourse.

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 and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EN1/2 - Townscape and Built Design
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development

- 23 The visibility splays, pedestrian visibility splays at the back edge of the footway and forward visibility envelopes on approved plan reference 456/P/PL/02 Revision E shall be implemented before the development is brought into use and subsequently maintained free of obstruction above the height of 0.6m.
Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety pursuant to Policies H2/1 - The Form of New Residential Development and Policy H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan.
- 24 A minimum hardstanding of 5.5m measured between the highway boundary and any proposed garage doors shall be provided and thereafter maintained.
Reason. To enable a vehicle to stand clear of the highway whilst the garage doors are opened and to allow adequate space to maintain a vehicle clear of the highway in the interests of road safety pursuant to Policies H2/1 - The Form of New Residential Development and Policy H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan.
- 25 Where dwellings are constructed without a garage a minimum hardstanding length of 5.0m in order to accommodate a vehicle clear of the adopted highway shall be provided within the curtilage of each dwelling and thereafter maintained.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policies H2/1 - The Form of New Residential Development and Policy H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan.
- 26 In the event that the estate roads are not adopted, details of the proposed arrangements for future management and maintenance of the proposed estate roads within the development shall be submitted to and approved by the Local Planning Authority prior to first occupation. The estate roads 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 pursuant to Policies H2/1 - The Form of New Residential Development and Policy H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan.
- 27 The development shall only be carried out in accordance with the details approved under condition 30 of permission 63533.
Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to the following Policies of the Bury Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development.
- 28 The development shall only be carried out in accordance with the details approved under condition 31 of permission 63533.
Reason. To reduce the risk of flooding elsewhere pursuant to Policy EN5/1 - New Development and Flood Risk of the Bury Unitary Development Plan and Section 14

of the National Planning Policy Framework.

- 29 No development in phase 2, other than site clearance, demolition, or works relating to site investigation, remediation or ground works, shall commence unless or until details of the new channel for Pigs Lee Brook has been submitted to and approved in writing by the Local Planning Authority. The details shall include structures and long/cross sections showing compliance with the approved FRA by CEC (ref: 6155/issue5 dated Jan 2020).

The scheme shall be fully implemented and subsequently maintained, in accordance with a scheme for timing and phasing arrangements which shall be agreed in writing with the Local Planning Authority.

Reason. To reduce the risk of flooding on site and elsewhere pursuant to Policy EN5/1 - New Development and Flood Risk of the Bury Unitary Development Plan and Section 14 of the National Planning Policy Framework.

- 30 No development in phase 2, other than site clearance, demolition, or works relating to site investigation, remediation or ground works, shall commence unless or until a scheme of remedial works associated with the retained downstream section of Pigs Lee Brook culvert has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall identify remedial works and the phasing of repairs to occur before any ground raising or development above the culvert.

The scheme shall be fully implemented and subsequently maintained, in accordance with a scheme for timing and phasing arrangements which shall be agreed in writing with the Local Planning Authority.

Reason. To ensure the structural integrity of the existing culverted watercourse that is to be retained within the site thereby reducing the risk of flooding pursuant to Policy EN5/1 - New Development and Flood Risk of the Bury Unitary Development Plan and Section 14 of the National Planning Policy Framework.

- 31 No development in phase 2, other than site clearance, demolition, or works relating to site investigation, remediation or ground works, shall commence unless or until a scheme for the provision and management of a high quality ecological network along Pigs Lee Brook has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme.

The Pigs Lee Brook corridor shall be free from built development including access roads, lighting, domestic gardens and formal landscaping.

The scheme shall include

- detailed plans, including updated long and cross-sections, based on existing and proposed site development levels, and FRA recommendations for residential scheme, showing the extent undeveloped riparian buffer zone
- details of new diverted Pigs Lee Brook channel informed by fluvial and geomorphological assessment.
- details of proposed land remodelling proposed adjoining new riparian corridor.
- details of proposed revetment options proposed along the new riparian corridor.
- details of proposed soft landscaping scheme including planting schedule; predominantly based of native species, including groundflora and aquatics.
- details demonstrating how new river corridor will be sensitively managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- details of any proposed new flow control structures, surface water outfalls, footpaths, fencing, lighting, etc.

The scheme shall be fully implemented and subsequently maintained, in accordance

with a scheme for timing and phasing arrangements which shall be agreed in writing with the Local Planning Authority.

Reason. The above approach is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

From a geomorphological perspective, the plans to de-culvert and divert this section of the Pigs Lee Brook into new, open channel are welcomed. However, it is not possible to fully assess the application submitted, due to a lack of information surrounding the new channel design. The current plans do not include any detailed information on the bed and bank characteristics of the new diverted channel, whilst greater clarification is required on channel cross sections shown in the WFD assessment (CEC July 2019).

The new channel should be designed to account for any elevation changes across the site to prevent the section of river becoming canalised and featureless, whilst integrating any Flood Risk Assessment requirements for new residential development, and site remediation needs.

- 32 No development in phase 2 shall take place until a working method statement to cover all Pigs Lee Brook de-culverting and diversion works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme. The submitted method statement should include cover the following:

- timing of works
- methods used for all channel, bankside water margin works
- machinery (location and storage of plant, materials and fuel, access routes, access to banks etc)
- protection of areas of ecological sensitivity and importance
- site supervision

The working method statement shall be fully implemented, in accordance with a scheme for timing and phasing arrangements which shall be agreed in writing with the Local Planning Authority.

Reason. The construction phase of any proposed development affecting the bank or channel of a watercourse poses significant risks of:

- damage to water dependent species and habitats. At this site a known risk is that construction may damage downstream fishery.
- diffuse pollution of the water environment arising from ground works.

pursuant to Policy EN5/1 - New Development and Flood Risk of the Bury Unitary Development Plan and Section 14 of the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 13/03/2025			