

DELEGATED REPORT

Report by Helen Leach	Date of report: 12/01/2023	Ref: 68691/FUL
Registration: 30/08/2022	LDfC: 12/10/2022	Expiry Date: 29/11/2022
Site Visit: 21/09/2022	Site Notice: 21/09/2022	Press Date: 08/09/2022
Objections: 0	Con Area: N/A	Adv Type: MD
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MADW

Proposal: Redevelopment and change of use of the site to provide 30 new residential dwellings along with associated works including landscaping and provision of access from Victoria Avenue, including highway works to Victoria Avenue.

Location: Land off Victoria Avenue, Whitefield, Manchester, M45 6DP

Description

The application site is located to the north of Victoria Avenue. The site has been cleared of buildings and contains a hardstanding and numerous mature trees and vegetation. Access is from Victoria Avenue.

There are residential properties to the east, west and north and industrial buildings to the north east. There are residential properties to the south with an emergency access connecting Oxbow Way and Victoria Avenue. Whitefield Primary School is located to the south of the dwellings, with an access off Victoria Avenue.

The proposed development involves the erection of 30 dwellings on land to the north of Victoria Avenue. The proposed dwellings would be two storeys in height apart from the bungalows, which would be single storey and the proposed dwellings would be constructed from red brick with a tile roof. The proposed development would be accessed from Victoria Avenue.

Relevant Planning History

02674/E - Erection of 30 affordable homes (mixture of homes for rent and sale) at Wheatfield, Victoria Avenue, Whitefield. Enquiry completed - April 2021.

62790 - Prior notification of proposed demolition of single storey former day community centre at Wheatfield, Victoria Avenue, Whitefield. Prior approval required and granted - 25 May 2018.

Publicity

The neighbouring properties were notified by means of a letter on 2 September 2022 and a press notice was published in the Bury Times on 8 September 2022. Site notices were posted on 21 September 2022.

There has been no response.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to the inclusion of conditions relating to access alterations, construction traffic management plan, turning facilities, bin storage and driveways.

Drainage Section - No response.

Environmental Health - Contaminated Land - No objections, subject to the inclusion of conditions relating to contaminated land.

Environmental Health - Air Quality - No objections, subject to the inclusion of conditions relating to electric vehicle charging points

Environmental Health - Pollution Control - No objections, subject to the inclusion of informatives relating to dust and piling.

Waste Management - No response.

The Coal Authority - No objections, subject to the inclusion of an informative relating to coal mining.

Environment Agency - No objections, subject to the inclusion of a condition relating to contaminated land.

United Utilities - No objections, subject to the inclusion of condition relating to foul and surface water drainage.

GM Ecology Unit - No objections, subject to the inclusion of conditions relating to nesting birds, bats, reasonable avoidance method statements, invasive species and landscaping.

Pre-start Conditions - 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
H4/1	Affordable Housing
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8	Woodland and Trees
RT2/1	Provision of New Recreation Sites
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
SPD1	Open Space, Sport and Recreation Provision
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

Issues and Analysis

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

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

The elimination of discrimination, harassment and victimisation;

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

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

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

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

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

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

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

Principle - The National Planning Policy Framework (NPPF) should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. The Framework maintains the emphasis on identifying a rolling five year supply of deliverable housing land.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up of sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the five year supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be completed). As such, latest monitoring indicates that the Council is unable to demonstrate a five year supply of deliverable housing land and this needs to be treated as a material factor when determining applications for residential developments.

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

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

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

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

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

The site is located within the urban boundary and there are residential properties to all boundaries except the north, where there are some industrial units. The proposed development would not conflict with the surrounding land uses and would be located in a sustainable location with regard to public transport and services. The site contained a day care centre until 2018 and as such, would be previously developed land. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy H1/2 of the Bury Unitary Development Plan.

Design and layout - The proposed development involves the erection of 30 affordable dwellings. There would be 18 dwellings (3 bedroom), 6 bungalows (2 bedroom) and 6 apartments (2 bedroom). The proposed dwellings would be single storey and the proposed dwellings and apartments would be two storeys in height. All of the proposed dwellings would be a similar size to those in the immediate vicinity and would all front onto the access road. The proposed dwellings would be constructed from red brick with a tile roof, which would match the surrounding dwellings. The use of headers, cills, bay windows, canopies and pike details would add visual interest to the elevations. Therefore, the proposed dwellings would not be a prominent feature in the streetscene and would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Impact upon surrounding area - All of the proposed dwellings would have a good sized side or rear garden and there would be space within the garden for bin storage. The proposed apartments would have a separate bin storage area adjacent to the apartments, which would be screened by a 1.8 metre high timber fence, which would be acceptable. A 2.1 metre high brick wall would be constructed along the southern elevation and a close board timber fence to all other boundaries. Both of which would match the existing boundary treatments in the streetscene. Therefore, the proposed development would not be a prominent feature in the streetscene and would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Impact upon residential amenity - SPD 6 provides guidance on aspect standards between residential properties and would be relevant in this case.

There would be a minimum of 20 metres between the proposed dwellings, which would be in excess of the aspect standards. The relationship between the existing and proposed dwellings would be in excess of the 13 or 20 metre aspect standard. As such, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties.

Ecology - A ecological survey was submitted with the application and the main issues relate to bats, protected species, nesting birds, mammals, invasive species and landscaping.

Bats - The site was assessed for bat roosting potential and the report confirmed that the building and all other trees on the site were assessed as negligible risk. One tree, a horse chestnut, was assessed as having low bat roosting potential. An additional survey was submitted, which confirmed that the tree is of negligible bat roosting potential. GM Ecology Unit agree with the findings of the reports and have no objections to the proposal.

Other Protected Species - Whilst species such as badger may forage across the site, it is very unlikely that any other protected species will be negatively effected as a result of the development. As such, the proposed development would not have a significant adverse impact upon any protected species.

Nesting Birds - The development will result in the loss of trees and scrub, potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. GM Ecology Unit has no objections to the proposed development, subject to the inclusion of conditions relating to nesting birds.

Mammals and other amphibians - There is cover on site, which is suitable for hedgehogs, which are a UK Biodiversity Priority Species and it is possible that common amphibian species may be present on site. The ecology report recommends that reasonable avoidance measures are undertaken during site clearance and construction. GM Ecology Unit agree with the conclusions of the report and have no objections, subject to the inclusion of a condition relating to reasonable avoidance measures for hedgehogs and amphibians.

Japanese Knotweed - Invasive species, such as Japanese Knotweed are recorded on the site. GM Ecology Unit has no objections, subject to the inclusion of conditions relating to invasive species.

Contributing to and Enhancing the Natural Environment

Section 174 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. The site consists of negligible, low and moderate value ecological habitats, which are all early successional owing to the site having been neglected for a number of years. The main ecological impacts are the loss of trees and bird nesting habitat.

The proposed site plan indicates that 36 trees would be planted to compensate for the loss of the existing poor quality trees and the applicant has confirmed that the following would be installed:

- Nest boxes - 3 redstart & robin nest boxes, 3 sparrow nest boxes, 3 tits and wrens nest boxes
- 2 bat boxes
- 3 solitary bee bricks
- all rear gardens to include 'hedgehog highways' in the gravel boards to allow access between gardens for hedgehogs.

GM Ecology Unit are satisfied with the planting and wildlife proposals above and have no objections, subject to the inclusion of a condition relating to landscaping.

Conclusion - Therefore, the proposed development would not have a significant adverse impact upon protected species, nesting birds and mammals and would be in accordance with Policies EN6 and EN6/3 of the Bury Unitary Development Plan and the NPPF.

Noise - A noise survey was submitted with the application and concluded that the main source of noise affecting the site was traffic from Bury New Road and the M60 motorway, which is particularly audible at night. In addition, there was some faintly audible noise from the Albert Close Trading Estate during the day, but only in the form of occasional vehicles

moving around. There was no noise from the trading estate during the night.

BS 8233 criteria for “desirable” conditions should be achieved in outdoor living areas without mitigation, and within habitable rooms with partly open windows. With basic double glazed windows closed and non acoustic trickle vents open, the internal levels would be likely to be substantially below all criteria. Although no mitigation is necessarily, with basic domestic garden fencing, noise affecting outdoor living areas and ground floor rooms should be further reduced.

The Environmental Health - Pollution Control Section has no objections, subject to the inclusion of conditions relating to dust and piling.

Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policies EN7/1 and EN7/2 of the Bury Unitary Development Plan.

Trees - A tree survey was submitted with the application and states that there are 25 individual trees, 14 groups of trees and 1 hedgerow on site. Only 5 of the trees on site are good quality (Category B) and the remainder are poor quality (category C).

4 category B trees, 12 category C trees and 7 groups of trees would have to be removed to facilitate the proposed development. Almost all of the trees to be removed are poor quality and their removal would not impact upon the character of the area, subject to replacement trees being planted. The proposed site plan indicates that 36 new trees would be planted, which would be compensate for those lost. Therefore, the proposed development, subject to conditional control, would not have an adverse impact upon the character of the area and would be in accordance with Policy EN8 of the Bury Unitary Development Plan.

Highways issues - The proposed development would be accessed from Victoria Avenue and the existing access road would continue through to serve the proposed development. A turning head would be provided at the end of the proposed access road and there would be acceptable levels of visibility. The Traffic Section has no objections, subject to the inclusion of conditions relating to access alterations, construction traffic management plan, turning facilities, bin storage and driveways. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Parking - SPD11 states that the maximum parking standards for a 2 bedroom dwelling is 1.5 spaces per dwelling and for a 3 bedroom dwelling is 2 spaces per dwelling. This equates to 54 spaces.

The proposed development would provide 57 spaces. Whilst this is 3 above the maximum provision, there would be little capacity for on-street parking. As such, it is important that the proposed development would provide sufficient car parking for the proposed development and visitors and as such, would be acceptable. Therefore, the proposed development would be in accordance with Policy HT2/4 of Bury Unitary Development Plan and SPD11.

Planning obligations - The scheme as proposed would normally include a commuted sum contribution of £77,077.14 for recreation as required by SPD1 and 8 affordable units as required by Policy H4/1 of the Bury Unitary Development Plan.

The proposed development would provide 30 affordable units, which is in excess of the 8 required. The proposed development would be part funded by Homes England and all units would be available for affordable rent or shared ownership.

The applicant has submitted a viability appraisal where a case is presented that any commuted sum would render the development unviable. This has been assessed and

accepted.

However, the scheme would deliver 100% much needed affordable housing in the Borough, which is a clear benefit of the proposal. The affordable housing would be secured through a condition.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered 21059-PJA-00-ZZ-DR-A-0001-C, 21059-PJA-00-ZZ-DR-A-1000-O, 21059-PJA-00-ZZ-DR-A-1001-E, 21059-PJA-A1-ZZ-DR-A-1100-A, 21059-PJA-B1-ZZ-DR-A-1101-A, 21059-PJA-C1-ZZ-DR-A-1102-A, 21059-PJA-A2-ZZ-DR-A-1103-A, 21059-PJA-A3-ZZ-DR-A-1104-A, 21059-PJA-A4-ZZ-DR-A-1105, 21059-PJA-A5-ZZ-DR-A-1106, 21059-PJA-00-ZZ-DR-A-2000, 21059-PJA-A1-ZZ-DR-A-2100-A, 21059-PJA-B1-ZZ-DR-A-2101-A, 21059-PJA-C1-ZZ-DR-A-2102-A, 21059-PJA-A2-ZZ-DR-A-2103-A, 21059-PJA-A3-ZZ-DR-A-2104, 21059-PJA-A4-ZZ-DR-A-2105, 21059-PJA-A5-ZZ-DR-A-2106, 31990-SUT-ZZ-XX-DR-C-6500 P02, 31990-SUT-ZZ-XX-DR-C-6150 P02, 31990-SUT-ZZ-XX-DR-C-6200 P02, 31990-SUT-ZZ-XX-DR-C-6354 P02, 31990-SUT-ZZ-XX-DR-C-6550 P02 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 3 Details/Samples of the (materials/bricks) to be used in the external elevations, 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/bricks shall be used for the construction of the development.
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity.
- 4 No development shall commence, except site clearance, 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.

- 5 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.

- 6 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 7 The proposed development shall be carried out in accordance with the recommendations from the bat survey, dated 14 November 2022.

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.

- 8 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.

- 9 Prior to vegetation clearance and earthworks, reasonable avoidance measures method statements to protect mammals such as hedgehog and amphibians during site clearance and construction will be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to during construction

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.

- 10 No development shall commence until full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonia Japonica*, *Rosa Decraene*, *Polygonum Cuspidatum*) and Himalayan Balsam (*Impatiens Glandulifera*) is submitted to and approved in writing by the Local Planning Authority. The approved management plan shall include a timetable for implementation. 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 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.

- 11 The landscaping scheme, including the bird boxes, bat boxes, bee bricks and hedgehog highways 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 and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 12 All reasonably practicable measures shall be adopted to ensure that dust emissions from the site and access roads are kept to a minimum and any dust nuisance abated forthwith.

Reason. To protect the amenities of occupiers of nearby properties pursuant to Policy EN7/1 - Air Quality of the Bury Unitary Development Plan.

- 13 The contractor shall ensure that all vehicles, plant and machinery used during the operations are fitted with effective exhaust silencers and that all parts of such vehicles, plant or machinery are maintained in good repair and in accordance with the manufacturer's instructions and are so operated as to minimise noise emissions.

Only "sound reduced" compressors shall be used and any equipment or panel fitted by the manufacturer for the purpose of the reduction of noise shall be maintained and operated so as to minimise noise. Any pneumatically operated percussive tools shall be kept in good repair: damped steels shall be used wherever practicable.

The engines of motors or machines which will be out of use for a period exceeding 15 minutes shall be turned off.

Reason. To protect the amenities of occupiers of nearby properties pursuant to Policy EN7/2 - Noise Pollution of the Bury Unitary Development Plan.

- 14 The developer and builder should have due regard to the advice offered in BS 5228: 2009 Parts 1 and 2 (Code and practice for noise and vibration control on construction and open sites).

Any proposed piling or vibroflotation/vibrocompaction or vibroreplacement/vibrodisplacement or dynamic consolidation to be carried out on the site as part of or in preparation to the development of the site shall be undertaken to the satisfaction of the Local Authority: the method and equipment chosen shall be the one which minimises the amount of vibration and noise produced.

Unless site or geological conditions dictate otherwise, then hydraulic/jack-piling and/or continuous flight auger piling shall be the methods used on the site.

Any proposal to use an alternative piling method to the ones mentioned above shall include, in the written submission to the Local Authority, a technical appraisal of the alternative method, together with a detailed and technical statement as to why jack-piling or continuous flight auger piling may not be used.

If an alternative method to jack-piling or continuous flight auger piling is to be employed, then an evaluation of the risk of vibration-induced damage to nearby buildings shall be undertaken by the developer and/or builder prior to the work commencing, in accordance with the guidelines provided by BS 7385 Part 2:1993 (Evaluation and Measurement for Vibration in Buildings) (Annex B).

Details of the scheme, including the method and equipment to be used and the results of any vibration damage risk assessment survey/report undertaken in accordance with item 1b as above, shall be submitted to the Local Authority, for approval, not less than one month before such operations are due to commence.
Reason. To protect the amenities of occupiers of nearby properties pursuant to Policy EN7/2 - Noise Pollution of the Bury Unitary Development Plan.

- 15 The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 31990-SUT-ZZ-XX-DR-C-6200, Rev P02- Dated 16/11/2022 which was prepared by Sutcliffe. For the avoidance of doubt surface water must drain at the restricted rate of 6.4l/s.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason. To 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.

- 16 Notwithstanding the details indicated on the approved plans, no development shall commence on the adopted highway that affects the existing turning facilities at the cul-de-sac end of Victoria Avenue unless and until the replacement, adoptable turning facilities within the curtilage of the site have been implemented and made available for public use.

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.

- 17 Notwithstanding the details indicated on the approved plans, 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 to the Local Planning Authority:

- Formation of the site access onto Victoria Avenue and proposed estate road, incorporating the provision of adequate arrangements at the interface with the adjacent emergency access onto Oxbow Way to a scope and specification to be agreed with the Highway Authority and Greater Manchester Fire and Rescue Service, demarcation of the adopted highway and all associated highway and highway drainage remedial works;
- Provision of all off site alterations to form the new bend in Victoria Avenue/proposed site access;
- Provision of on/off highway replacement parking facilities for the adjacent

affected residents with 5.0m long hardstandings measured from the new estate road along with the retention of an access to the driveway serving No. 37 Victoria Avenue;

- Works to tie into/regularise the adjacent school entrance/back street access points located in the vicinity of the proposed bend;
- Measures to prevent the discharge of surface water from all proposed hardstandings onto the future adopted highway;
- Revised arrangements at the junction of the retained access serving No.'s 34/36 Victoria Avenue with the proposed estate road;
- Provision of tactile paved crossing points in positions to be agreed;
- A scheme of 20mph traffic calming measures on the proposed residential estate road from the junction with Victoria Avenue to a scope and specification to be agreed including details of proposed materials, road markings and signage as required.
- In association with the above, all alterations to existing/provision of new road markings to a scope to be agreed;
- Provision of a street lighting assessment to a scope and specification to be agreed (and, where necessary, a scheme of improvements) for Victoria Avenue from the Oxford Avenue/Alexandra Avenue junction to the site access and the proposed residential estate road;
- Proposals for the introduction of waiting restrictions to scope to be agreed at the junction of the site access with Victoria Avenue and at the proposed traffic calming feature/narrowing, including all necessary road markings and signage;

The details subsequently approved shall be implemented to an agreed programme and to the written satisfaction of the Local Planning Authority.

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.

- 18 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local Planning Authority and shall confirm/provide the following:

- Photographic dilapidation survey of the footways and carriageways leading to and abutting the site in the event that subsequent remedial works are required following construction of the development and as a result of statutory undertakers connections to the site;
- Access route for all vehicles to the site from the Key Route Network and all temporary works required to facilitate access for ground works/construction vehicles;
- If proposed, details of site hoarding/gate positions clear of required visibility splays onto Victoria Avenue;
- The provision, where necessary, of temporary pedestrian facilities/protection measures on the adopted highway;
- A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access onto Victoria Avenue;
- Confirmation of hours of operation and number of vehicle movements taking into consideration school start finish times due to the proximity of the site to Whitefield Community Primary School;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres;
- Parking on site or on land within the applicant's control of operatives' and construction vehicles, together with storage on site of construction materials;
- Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways as a result of the groundworks operations or carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

The approved plan shall be adhered to throughout the demolition/construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition and construction periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials.

This condition can be satisfied in phases.

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.

- 19 The turning facility indicated on the approved plans shall be provided before the development is first occupied/works on the existing adopted highway are commenced and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety.
- 20 Minimum hardstandings lengths of 5.0m (10.0m when in tandem), measured from the highway boundary, shall be provided at all dwellings 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 Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
- 21 Bin storage arrangements shall be provided within the curtilage of each dwelling in accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments'.
Reason. To ensure that adequate bin storage arrangements are provided within the curtilage of each dwelling.
- 22 The development hereby approved shall only be developed by or on behalf of the applicant as units to be sold as shared ownership units or as general needs rent affordable housing. The affordable housing provision shall be provided in accordance with the approved Affordable Housing Statement, August 2022, received on 03/08/2022.
Reason. The proposed development has been granted given the particular circumstances of the applicant following a funding package from the Homes England which provides an opportunity to promote increased affordable housing, but as a result a recreational contribution pursuant to Supplementary Planning Document 1 (Open Space, Sport and Recreation Provision in New Housing Development) will not be provided. This condition is thereby to ensure that in order to make the development acceptable in planning terms, as a result of not making a recreational contribution the whole development shall instead contribute to satisfying the need for affordable housing provision.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 12/01/2023			