

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 21/07/2023	Ref: 67625/FUL
Registration: 18/01/2022	LDfC: 10/02/2022	Expiry Date: 19/04/2022
Site Visit: 04/02/2022	Site Notice: N/A	Press Date: 27/01/2022
Objections: 1	Con Area: N/A	Adv Type: MD
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MADW

Proposal: Demolition of existing building and erection of 24 no. apartments and 1 no. retail unit with 23 no. car parking spaces

Location: 121-131 Bell Lane, Bury, BL9 6BB

Description

The proposal relates to a traditional terraced row that has a vacant retail unit and ground floor. The site includes some incidental land at the rear (with some self-seeded young trees and shrubs) and an area of land to the immediate east that had been used as a customer car park with a dedicated vehicular access off the north side of the mini-roundabout on Bell Lane. This has recently been closed off by the provision of timber knee rail fencing.

The site is bounded by commercial uses including manufacturing and car sales to the east, north and west and a small public car park immediately opposes the site on the south side of Bell Lane. Residential properties are located to the south of the site, east and north of the site beyond Bell Lane and intervening commercial uses.

The site falls within the Freetown Employment Generating Area as identified under Policy EC2/1 of the Bury Unitary Development Plan

The proposal is for the erection of a four storey block that would accommodate 24 no. residential flats and a ground floor retail unit, following demolition of the existing building at the site. In summary, the proposal would include the following:

- Single four storey block containing a 263.5sq.m ground floor retail unit (Use Class E (a)) with refuse storage and 15no. two bedroom flats and 9no. one bedroom flats. The elevations of floors ground to third would be finished in brick and render and the fourth floor set in from the parapet wall with a flat roof and fully glazed elevations.
- Creation of a new servicing and car parking area that would provide 23no. car parking spaces (20no. dedicated to the residential units and 3no. for the Class E(a) use (including 1no. accessible space). There would be 5no. secure cycle storage spaces dedicated to the residential units and 2 spaces for the Class E(a) use.

The application has been amended since the original submission, including omission of a previously proposed new access, amendment to the design of the building and an increase in the parking provision and provision for cycles.

Relevant Planning History

None relevant.

Publicity

The proposal has been advertised by press and site notices and direct neighbour

notification. Further direct neighbour notification was undertaken as a result of amendments to the scheme.

One representation was received objecting to the proposal raising matters that can be summarised as follows:

Loss of amenity for existing residents - A building of this height will mean that the balconies of 3 apartments and the roof terrace will have views into the private rear gardens of the 4 properties on Sanderson St that back onto Bell Lane which will affect the existing residents enjoyment of their gardens.

There would be insufficient parking - The Statements emphasise walking/cycling therefore no need to own a car Yet only providing 4 cycle spaces for the whole 24 apartments. No parking for the shop at all. Sanderson St is closest parking but existing car park is already full during opening hours of VW dealer. Lack of spaces will mean residents from the development who can't get a space, their visitors and shop customers will be trying to park on Sanderson St, a no through road so all movements have to be from/to Bell Lane.

Impact on

Impact on highway safety - Deliveries to shop by illegally parking on double yellow lines on main emergency ambulance route to A&E. Refuse collection same.

Re-notification was undertaken in relation to the amendment of the proposal. No further comments were received.

Statutory/Non-Statutory Consultations

Traffic Section: No objection, subject to conditions requiring the agreement of a scheme of footway and highway drainage remedial works, provision of tactile paving and removal of redundant paved access routes; the submission and agreement of a Construction Traffic Management Plan (CTMP); implementation of in-curtilage vehicular and pedestrian access arrangements; provision of vehicle turning facilities; provision of cycle storage facilities and surfacing and demarcation of car parking and provision of refuse storage arrangements.

Environmental Health - Contaminated Land: No objection, subject to conditions requiring a contaminated land preliminary risk assessment, site investigation, detailed risk assessment and remediation strategy and site verification thereafter and the provision of electric vehicle charging points.

Environmental Health - Pollution Control: No objection.

Greater Manchester Police - designforsecurity: No comments received.

Conservation Officer: No objection.

Borough Engineer - Drainage Section: No comments received.

United Utilities (Water and waste): No objection, subject to condition relating to sustainable surface water and foul drainage.

Greater Manchester Ecology Unit: No objection, subject to conditions relating to nesting birds and the provision of soft landscaping, including native tree species, and mitigation for the loss of bird nesting habitat.

Environment Agency: No comments received.

Waste Management: No comments received.

Transport for Greater Manchester: No objection. The development is unlikely to result in a material impact on the highway network any greater than the use previously approved.

The cycle facilities for residents should be covered and lockable and made secure through the use of measures such as CCTV and lighting and that a Travel Pack is produced for future residents of the site.

Planning Policy Manager: No objection. The proposal would be required to provide 2 affordable properties and a contribution for open space.

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

Unitary Development Plan and Policies

EC2	Existing Industrial Areas and Premises
EC2/1	Employment Generating Areas
EC3	Improvement of Older Industrial Areas and Premises
EC3/1	Measures to Improve Industrial Areas
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
EN1	Built Environment
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN1/7	Throughroutes and Gateways
EN2	Conservation and Listed Buildings
EN2/3	Listed Buildings
EN5	Flood Protection and Defence
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8	Woodland and Trees
EN8/2	Woodland and Tree Planting
RT2	New Provision for Recreation in the Urban Area
RT2/2	Recreation Provision in New Housing Development
S4	New Retail Dev outside Town and District Centres
S4/1	Retail Development Outside Town and District Centres
HT2	Highway Network
HT2/4	Car Parking and New Development
HT4	New Development
HT5	Accessibility For Those With Special Needs
HT5/1	Access For Those with Special Needs
HT6	Pedestrians and Cyclists
HT6/1	Pedestrian and Cyclist Movement
SPD1	Open Space, Sport and Recreation Provision
SPD3	DC Policy Guidance Note 3: Planning Out Crime
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD11	Parking Standards in Bury
SPD14	Employment Land and Premises
SPD16	Design and Layout of New Development 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.

ASSESSMENT

Principle (Use)

The site is located within the Freetown employment generating area (EGA), as identified under UDP Policies EC2/1 and EC2/1/5. In the defined Employment Generating Areas, as identified on the Proposals Map, the Council will only allow development for the uses specified, those being B1 (Business), B2 (General industrial) and B8 (Warehousing). The policy states that other uses will only be allowed where they constitute limited development or where they do not substantially detract from the area's value as an EGA.

Note: Former use class B1 now falls within the much broader Use Class E (Commercial, Business and Service). Therefore, sites/properties in EGA's that are now classified as falling within Use Class E can operate for any of the broad range of uses that fall under this

use class without requiring planning permission (including retail, food and drink, financial and professional services, indoor sport and recreation, medical or health services, creche/day nursery, offices/research and development/industrial premises).

The commentary to Policy EC2/1 states that it is not the aim of the Council to remove or prevent the improvement of uses such as existing housing, local shops and community facilities in these areas. However, development for uses other than employment uses will be limited in scale, so as not to detract from the aims of the EGA.

The previous use of the existing premises was as a tool and plant hire shop, which would now fall within the Use Class E category. Given that the proposal would maintain the existing use of the site at ground floor and that it is located on the very edge of the EGA, it is reasonable to conclude that the proposal would not, in principle, substantially detract from the value of the EGA. On this basis, the proposal would not conflict with UDP Policy EC2/1.

Principle (Residential)

The National Planning Policy Framework should be treated as a significant 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 residential units, 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' would apply 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 area, adjacent to established residential areas and close to routes well served by public transport and to facilities, goods and services.

Given the above factors, the principle of residential development is acceptable, subject to consideration of the subsequent matters.

Affordable housing and viability

For a 24 unit scheme, the development would be liable to deliver 2 affordable properties (10% = 2.4, which would be rounded down to 2), which would need to be secured in perpetuity via a s106. One of the affordable units would need to be sold as a First Home at a 30% discount and the other would need to be discounted market housing at a 25% discount (or it could be any other form of affordable home ownership).

The applicant agrees that this should be secured via a S106 agreement.

Layout, Design and impact on visual amenity

UDP Policy EN1/2 seeks to protect the character and townscape of the boroughs towns. Policy EN1/7, which seeks to improve the quality of development along the main highways and 'will require new proposals fronting major throughroutes to display a high standard of design and landscaping, also pertains. Additionally, the NPPF makes it clear that creating high quality buildings and places is fundamental. This is further supported by the National Design Guide. The National Design Guide, published by the Ministry of Housing, Communities and Local Government in 2019 states that well designed new development is influenced by "an appreciation and understanding of vernacular.....including existing built form, landscape and local architectural precedents."

The site falls at the southern edge of the Freetown EGA, where the townscape transitions from largely utilitarian commercial form into residential (largely traditional terrace form). Beyond the immediate vicinity of the site, there are commercial buildings of a more traditional form and larger scale (up to 4 storeys).

The previous pre-application enquiry proposed a five storey block with the top floor positioned close to the parapet wall. The footprint of the building also included a substantial projecting wing off the rear of the building at the same height. Concerns were raised about the scale and dominance of the proposal and it was recommended that the proposed building be reduced by at least 2 floors and that the rear wing be removed. The overall design concept was considered to be acceptable.

The proposal now under consideration has responded positively to the suggestions made at the pre-application stage, by omitting the rear wing and reducing the height. The height has been reduced by a single storey only. However, the fourth storey would be set in between 2.7m and 2.8m on all sides, which would reduce the perception of height and scale in the immediate vicinity around the building. Furthermore, the site is framed by surface car parking pertaining to flanking businesses when viewed from the principle vantage points at the south along Bell Lane and the existing building sits in relative isolation and is not viewed in the immediate context of nearest existing buildings to the east and west either side of it. There isn't a clear indicator of scale framing the site and commercial buildings further north that provide a diminishing backdrop to the site contains buildings of varying heights and mass. In this context, it is considered that the mass and scale of the building could be assimilated into the street scene without detriment to visual amenity.

Architectural detailing would include recessed balconies to all flats, large floor to ceiling glazing panels to the principal (south facing) elevation and a full glazed 'penthouse' fourth floor set in from the parapet wall.

Given the above, the proposal would not have any unacceptable impacts upon the street

scene or visual amenity.

Impact on the historic environment

UDP policies EN2 and EN2/3 pertain and the NPPF states that 'great weight' should be given to their conservation and the more important the asset, the greater that weight should be; and that significance can be lost through development within its setting.

The proposal is supported with a Heritage Assessment that assesses the impact of the proposal on the setting of Lower Chesham, a Grade II* listed building, which is a fragment of what was a large gentry house that originally stood on an isolated site amid the town's rural hinterland. The assessment notes that the building's significance essentially derives from its intrinsic special interest and the assessment finds that the asset would be entirely unaffected.

It assesses that within its setting, the role of the present building upon the application site is low and marginal, as in itself it is of no interest and there is no intervisibility between it and the listed building. The loss of the existing building would therefore have no adverse impact upon the setting of Lower Chesham. The proposed replacement building will simply become a new component in a streetscene characterised by a mix of buildings from the 19th century to the present. It would therefore not be perceived as alien to these surroundings. The assessment concludes that the proposal would preserve the setting, and therefore the significance, of the listed building.

The Conservation Officer has raised no objection to the proposal.

Given the above, the proposal would comply with the above policies and the NPPF.

Impact on amenity

UDP policies H2/1 and EN1/2 and requires consideration of various factors relating to built design, including the relationship of the proposal to the surrounding area and impact on residential amenity.

Neighbouring amenity

The objection raises concerns about the potential loss of amenity for existing residents to the south of the site on the opposing side of Bell Lane. These properties have rear gardens bounding Bell Lane and rear elevations orientated towards the site.

The principal elevation would be around 17m from the boundary to the nearest residential properties to the south (across Bell Lane) and around 29m to the rear elevations of the associated dwellings. The site is flanked by commercial uses in all other directions. It is noted that the dwellings to the south are principally two storey and therefore have an immediate aspect into flanking neighbouring gardens were there is a significantly closer relationship.

Given the separation distance noted, it is not considered that the proposal would have an unacceptable impact upon neighbouring amenity.

Occupier's amenity

All but two of the apartments would exceed the minimum overall floor space standards of the 'Technical housing standards – nationally described space standard'. The shortfall would equate to 1.19 sq.m (58.81 sq.m as opposed to the requirement for 61 sq.m for a 2 bed/3 person unit). All units would meet the minimum dimensions for bedrooms.

Given the above, it would not be sustainable to raise an objection owing to this minimal shortfall.

Noise

UDP Policy EN7/2 states that the Council will not permit development close to a permanent

source of noise.

The proposal is supported by a Noise Exposure Assessment (NEA), which finds that with the outline mitigation measures proposed, relating to non-glazed elements (walls), glazing specification and ventilation, then this would be sufficient to achieve recommended internal noise levels for the proposed development according to BS 8233: 2014.

In relation to external areas (balconies) the NEA finds that these areas could experience ambient noise levels that exceed acceptable noise levels, but considers that this may be acceptable when taking account of the central urban location of the site.

It notes BS 8233 also states the following with regards to higher noise areas:

"In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted."

The NEA concludes that although the target noise levels for external amenity spaces are not expected to be met, the location of the site dictates that this should not be a determining factor.

The Environmental Health Officer is satisfied that provided the building materials and ventilation achieve the noise limits set out in the NEA, then the development is acceptable. However, it is acknowledged that some balconies (on the south elevation) would experience noise levels above recommended levels.

However, given the urban location, immediately adjacent to a strategic road (which would be the main source of noise) and that noise exceedances (subject to appropriate mitigation measures would relate only to some external areas, it is not considered that the proposal would not lead to unacceptable impacts on occupiers amenity.

Open space and recreational provision

The proposal is liable for a financial contribution of £37,486.80 for open space, which would be secured by a S106 agreement.

Access and highway safety

The objection comments relate to the former layout of the proposed scheme and the concerns are set out above. Access to the whole site would now be taken from the existing of the mini-roundabout and includes parking for the proposed Use Class E unit and a dedicated service area that would enable turning for delivery vehicles.

Further to the amendments to the scheme, the Highway Officer and TfGM are satisfied that the proposal is acceptable, subject to the conditions noted above.

Other matters

The Greater Manchester Ecology Unit and the Environmental Protection Officer are satisfied that the proposal is acceptable, subject to the above noted conditions.

CONCLUSION

The principle of the development is deemed to be acceptable and subject to conditions the proposal is considered to be acceptable in all other respects.

On the above basis, the scheme along with the legal agreement to secure the above noted contributions, the development would comply with the Unitary Development Plan and the NPPF when considered as a whole.

Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act, the proposal merits approval.

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
Location Plan dated 22/12/2021
Proposed Site Plan (Dwg No. PL K987/01 J)
Proposed Ground and First Floor Plan (Dwg No. PL K987/02 I)
Proposed Second and Third Floor Plan (Dwg No. PL K987/03 D)
Proposed Fourth Floor Plan (Dwg No. PL K987/04 D)
Proposed Elevations (Dwg No. PL K987/05 H)
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 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 Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations). In the event of surface water discharging to the public combined sewer, the rate of discharge shall be restricted to 2 l/s;
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (v) Foul and surface water shall drain on separate systems.
- The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage.
- 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, secure proper drainage and to manage the risk of flooding and pollution, pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and Section 14 - Meeting the challenge of climate change, flooding and coastal change of the National Planning Policy Framework.
- 6 Prior to the first occupation of the development, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.
- The development shall subsequently be completed, maintained and managed in accordance with the approved plan.
- Reason. To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development, pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and Section 14 - Meeting the challenge of climate change, flooding and coastal change of the National Planning Policy Framework.
- 7 No development comprising the erection of any external walls shall take place until details of the materials to be used in the construction of the external surfaces of the development, including the roof, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and the materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved details.

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.

- 8 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:

- A scheme of footway and highway drainage remedial works along the southerly site boundary to a scope and specification to be agreed, incorporating the provision of a tactile paved crossing point across the northerly arm of the Bell Lane/Parsonage Street mini-roundabout, removal of redundant paved access routes to the existing building and all measures required to suit appropriate threshold levels and/or form level accesses into the ground floor retail unit doors;
- Proposed building/boundary treatment foundations and surface water drainage arrangements for the building and car park to ensure that no encroachment under, or discharge onto, the adjacent adopted highway will occur;
- Formation of the proposed car park to the easterly gable of the building, incorporating all associated boundary treatment alterations to form a barrier clear of the adopted highway to prevent vehicle encroachment of the adjacent footway and all associated highway remedial works.

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, pursuant to policies H2/2, EN1/2 and HT6/2 of the Bury Unitary Development Plan.

- 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 for each phase of the development and shall confirm/provide the following:

- 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, and statutory undertakes connections to, the proposed development;
- Access route for construction traffic from the highway network;
- Hours of operation and number of vehicle movements;
- Access point for construction traffic from the existing site access/northerly arm of the Bell Lane/Parsonage Street mini-roundabout and any 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 the adopted highway;
- The provision, where necessary, of temporary pedestrian facilities/protection measures on the highway;
- A scheme of appropriate warning/construction traffic warning signage in the vicinity of the site and its access onto the adopted highway;
- Confirmation of hours of operation and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and 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 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 turning/parking of vehicles and storage of construction materials.

Reason. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent highways, 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, pursuant to policies H2/2, EN1/2 and HT6/2 of the Bury Unitary Development Plan.

- 10 The vehicular and pedestrian access arrangements within the curtilage of the site indicated on the approved plans shall be implemented in full before the development is first occupied.

Reason. To ensure good highway design in the interests of road and pedestrian safety, pursuant to policies H2/2, EN1/2 and HT6/2 of the Bury Unitary Development Plan.

- 11 The turning facilities within the curtilage of the site indicated on the approved plans shall be provided before the development is first occupied and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.

Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety, pursuant to policies H2/2, EN1/2 and HT6/2 of the Bury Unitary Development Plan.

- 12 The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use before the development is first occupied and thereafter maintained at all times.

Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 of the Bury Unitary Development Plan.

- 13 The secure cycle storage measures indicated in the approved plans shall be provided before the development hereby approved is first occupied and shall thereafter remain available for use for the lifetime of the development.

Reason. To ensure adequate cycle storage and in order to promote sustainable means of travel pursuant to policy HT6/1 of the Bury Unitary Development Plan.

- 14 Bin storage arrangements shall be provided within the curtilage of the development for the residential and commercial uses in accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments' prior to first occupation and shall thereafter be maintained.

Reason. To ensure adequate provision for the storage and disposal of refuse within the curtilage of the site, clear of the adopted highway, pursuant to policy EN1/2 of the Bury Unitary Development Plan.

- 15 Four car parking spaces shall be provided with electric vehicle (EV) charging points (minimum 7kW*) prior to the first occupation of any residential unit.

*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. 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 pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 16 No development comprising the erection of any external walls shall take place until a scheme of noise mitigation measures that would achieve the internal acoustic

performance set out at tables 8.1, 8.2 and 8.3 of the submitted Noise Exposure Assessment (Report 16917-NEA-01) by Clement Acoustics has been submitted to and agreed in writing with the Local Planning Authority. Thereafter, the development shall be completed in full accordance with the approved noise mitigation measures and a verification report prepared by a suitably qualified person, confirming full implementation of the approved noise mitigation measures, shall be submitted to and approved by the Local Planning Authority prior to the occupation of first residential unit.

Reason. In order to ensure that the amenities of the future occupants of the proposed properties are not adversely impacted by noise from nearby road traffic in accordance with Policy EN7/2 of the Bury Unitary Development Plan and the Section 15 of the National Planning Policy Framework.

- 17 No demolition shall occur at any time and no works to trees or shrubs shall occur between the 1st March and 31st August unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately demolition and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority unless the species present is feral pigeon in which case a general license issued by Natural England authorising destruction of feral nests should be provided to the Local Planning Authority.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 18 No development comprising the erection of any external walls shall take place until a landscaping scheme has been submitted to and agreed in writing by the Local Planning Authority. The contents of the plan should include details of boundary fences and gates, native tree and shrub planting and the provision of bird boxes within the new development. The approved fencing, gates and bird boxes shall be installed prior to the occupation of the first residential unit and the approved planting shall 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 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 National Planning Policy Framework.

<u>Case Officer</u> DSC	<u>Date</u> 21/07/2023	<u>Sign off Officer</u> DM 06/10/23	<u>Date</u>
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