

DELEGATED REPORT

Report by Helen Pressley	Date of report: 20/09/2023	Ref: 69602/FUL
Registration: 28/04/2023	LDfC: 26/05/2023	Expiry Date: 28/07/2023
Site Visit: 04/05/2023	Site Notice: 04/05/2023	Press Date: 11/05/2023
Objections: 0	Con Area: N/A	Adv Type: MD
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MADW

Proposal: Demolition of 4 no. buildings and Erection of a two storey apartment for supported living comprising 13 no. self-contained dwellings, a communal lounge and laundry room & 2 no. manager offices with associated parking and landscaping.

Location: Bury Contract Services, Willow Street, Bury, BL9 7QZ

Description

The application relates to 4 no. single storey, prefabricated buildings located off Willow Street. There is parking and servicing to the front of the site and access is gained from Willow Street. An apartment block is located to the north of the site with residential properties to the east, west and south and a school located to the south east.

Planning permission is sought for the demolition of 4 no. buildings and the erection of a two storey apartment for supported living comprising 13 no. self-contained dwellings, a communal lounge and laundry room & 2 no. manager offices with associated parking and landscaping. The site would be accessed from Maxwell Street.

Relevant Planning History

02785/E - Demolition of 4 no. buildings associated to Bury Council Leisure services and the erection of a 2 storey apartment building for supported living comprising 13 no. self-contained dwellings - Enquiry completed 24/11/2022

Publicity

Neighbour letters - 02/05/2023 and 03/05/2023
Site Notice - 04/05/2023
Press Notice - 11/05/2023

1 representation of support in relation to:

- Although I support it I'm also worried about the many wildlife that uses this site. I for one feed the birds that live in the trees at the back of my house. Are you going to chop them down? It would sadden me a lot to see the birds homes being chopped down just so we can build yet another building taking away their habitat. Please could you consider my comment and keep some of the trees that have stood there for many years.

1 comment in relation to:

- Disruption during construction
- Parking
- Overlooking from Queensberry Place
- Disruption from existing residents.
- Who is the property going to house?

Statutory/Non-Statutory Consultations

Traffic Section - Conditions requested in relation to submission of a Construction Traffic Management Plan, scope and specification of highways works, implementation of turning

facilities, parking and bin storage.

Drainage Section - No response

Environmental Health - Contaminated Land - No objections subject to conditions in relation to the submission of site investigation, risk assessment and remediation strategy.

Waste Management - No response

Greater Manchester Ecology Unit - Potential ecological issues include bats, nesting birds and mitigation for loss of trees and shrubs.

United Utilities (Water and waste) - confirm the proposals are acceptable in principle subject to condition in relation to a condition in relation to implementation of the foul and surface water drainage design drawing.

Greater Manchester Fire - there is no hydrant or alternative water supply within the required distance.

Greater Manchester Police - designforsecurity - No response

Planning Policy - On balance, it is considered that the provision of on-site garden space and allotments would provide suitable and appropriate recreation provision for future residents in line with SPD1.

Pre-start Conditions - Agent has agreed with pre-start conditions - 19/09/2023

Unitary Development Plan and Policies

EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
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
EN7/3	Water Pollution
EN7/5	Waste Water Management
EN8	Woodland and Trees
EN8/2	Woodland and Tree Planting
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
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
RT2/2	Recreation Provision in New Housing Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
SPD1	Open Space, Sport and Recreation Provision
SPD5	DC Policy Guidance Note 5: Affordable Housing
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 (Residential)

The National Planning Policy Framework is 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. There is a particular emphasis to identify 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 with 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. In addition to this, past under delivery of housing has resulted in Bury having a 'low' housing delivery test result. This needs to be treated as a material factor when determining applications for residential developments.

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 area, within a primarily residential area. As such, the proposed development would not conflict with the surrounding land uses. The proposed site would be in a sustainable location with regard to services and public transport. The site is a brownfield site, comprising of vacant buildings associated with a former commercial kitchen. Therefore, the proposed development would be in accordance with Policy H1/2 of the Bury Unitary Development Plan.

Places for Everyone (PfE)

The Places for Everyone Joint Development Plan Document (PfE) is a joint plan covering nine of the ten Greater Manchester districts, including Bury, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

PfE was published in August 2021 and subsequently submitted to the Secretary of State in February 2022. Inspectors have been appointed to carry out an independent examination of the Plan with the hearing sessions concluding in July 2023. The examination of the plan is on-going.

Whilst PfE cannot be given full weight until it is adopted, its advanced stage of preparation means that it is now considered reasonable that the Plan (as proposed to be modified) should be given weight in the decision-making process in line with paragraph 48 of the National Planning Policy Framework.

Consequently, the principle of this application has been considered against the Plan (as proposed to be modified) and reference to policies and proposals are outlined below where these are considered relevant.

JP-S1: Sustainable Development

Policy JP-S1 seeks to ensure that preference is given to making as much use as possible of suitable previously-developed (brownfield) land and vacant buildings to meet development needs. As such, this policy would not conflict with policy JP-P1.

Layout and Design

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

The proposal shows a two storey style building fronting Willow Street. The proposed

building would be of a suitable scale and massing when viewed in relation to the neighbouring properties. When viewed from Willow Street the proposed building would have a pitched, gable style roof replicating the shape and style of the neighbouring properties and the proposed use of red brick work with composite tile roof is considered to be appropriate. The proposed windows and openings are considered to be suitably aligned.

A more contemporary flat roof addition is proposed to the rear of the site. This would be constructed from buff brick. This addition is suitably aligned with the eaves of the main building.

Car parking would be located to the rear of the site accessed from Maxwell Street. Pedestrian access would also be gained from Maxwell Street, rather than Willow Street in order to allow the unit to work in connection with Queensberry Place with a single point of access for all users. The existing bin store area associated with Queensberry Place will also be extended to allow for the additional users.

The proposed seeks to introduce a new 1.5 metre metal railing across the boundary with Willow Street. The introduction of permeable boundary treatment on this elevation will allow the retained trees that currently front Willow Street to still be visible and is therefore acceptable in terms of street scene. The side and rear boundaries of the site will be depicted by 1.8 metre close boarded fencing which is typical of a residential area. In terms of amenity space for the future residents areas of grass lawn, and patio are located to all sides of the proposed buildings with specific residents gardens/allotments with raised sleeper beds located to the north of the proposed building.

It is considered that 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.

Residential Amenity

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

For clarity the following aspect standards would be applicable:

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

The OS map and the proposed site plan appears to show a two storey element relating to No. 73 Willow Street that would project towards the site. The site visit however confirmed that the rear elevation of this two storey element is in line with the rear elevation of the main and attached dwelling. The ground floor windows within this element also appear to be dual aspect.

The proposed building would be located a minimum of approximately 14.2 metres from the rear elevations of No. 73 Willow Street and No. 2 Maple Avenue, and approximately 13.5 metres from the rear elevation of No. 4 Maple Avenue complying with the 13 metres required by SPD 6. No habitable room windows are proposed within the side elevation facing towards these properties.

The proposed building would be located a minimum of approximately 13.2 metres from the rear elevation of Queensberry Place complying with the 13 metres set out within SPD 6. The proposed first floor side windows facing towards Queensberry Place would either be secondary windows to habitable rooms, or would relate to non-habitable rooms (corridor, kitchen) and as such no overlooking is foreseen. A similar relationship is presented at ground floor, however there is also a large wide window in relation to the communal lounge facing towards this shared boundary and whilst this window is a secondary window due to the size of the glazing proposed an assessment has been made. This window would be largely screened by the existing wall between the two sites and is therefore considered to be acceptable.

The proposed building would be located approximately 37 metres from the dwellings on Chestnut Avenue exceeding the 13 metres set out within SPD 6. The proposed first floor bedroom windows would be located approximately 25metres from the directly facing boundary exceeding the 7 metres set out within SPD 6 and would be over 20 metres from the rear elevations of these dwellings. As such the proposed rear elevation would comply with aspect standards.

The proposal would include an extension of the existing car park that is currently used by the adjacent Queensberry Place. The proposed car parking would be adjacent to the rear boundaries of the properties on Maple Avenue and Chestnut Avenue. A 1.8 metre fence would be located along these boundaries screening any lights from cars. SPD 11 states that communal car parking should not normally be provided within 5 metres of a habitable room window of any dwelling. Whilst this relates to car parks associated with residential developments this distance is deemed necessary to protect the amenity of occupiers through engine noise and exhaust fume pollution and as such can be applied to this application. In this instance the proposed car park is located between 9.3metres and 13 metres from the rear of the residential properties that bound the site complying with the distances set out above and as such the location of the car park is considered to be acceptable.

Future Occupiers - Space Standards

The units have been assessed to ensure that they would all comply with the minimum gross internal floor area requirements and associated minimum bedroom dimensions of the 'Technical housing standards – nationally described space standard' (NDSS).

The proposal would introduce 13 no. 1 bed, 1 person flats with similar layouts and floor areas. NDSS requires 39 square metres per unit and an internal floor area of 54.8 metres per flat is proposed. The bedrooms proposed are approximately 11.3 square metres, and 3.2 metres wide also complying with NDSS.

Access, highways and parking

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

Pedestrian and vehicular access to the site would be gained from Maxwell Street. The existing access from Willow Street will be decommissioned, and the footpath to the front of the site will be reinstated to adjacent footway levels. Improvements to the existing pedestrian access from Maxwell Street are also proposed, allowing direct access from the footway to the site. Details of the scope and specification of these works are proposed via condition.

The Transport Statement accompanying the proposal confirms that the site benefits from good connectivity with local amenities with opportunities to travel to and from site via non-car modes. The Transport Statement states that the proposal is likely to generate 5 additional two way vehicle trips in the AM and PM peaks. Given the relatively low additional journeys, particularly when considering the former commercial use and trips generated, it is considered that the proposal would not have a materially adverse impact on the local road network.

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

Parking provision is made for 13no. car parking spaces, which includes 2no. disabled bays and 3no EV charging points. This will be provided in addition to the existing parking provision for Queensberry Place which equates to 10 spaces (23 spaces overall)

Due to the nature of the development, the applicant has confirmed that any parking at the site would be restricted to staff and visitor parking and has proposed one space per unit. It is considered that this is sufficient parking given that nature of the scheme.

The existing on site bin store will be extended to include provision for the additional 13 units and can be accessed via the car park.

Ecology

Bats

The buildings were assessed for bat roosting potential and all buildings were assessed as low risk for bats. One emergence survey was carried out late in the bat survey season. No evidence of bats emerging was recorded. An updated bat survey was subsequently submitted that was undertaken during peak survey season. No evidence of bats roosting was recorded. No further information or measures are therefore required.

Nesting Birds

Trees and shrubs will be lost, potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. A condition can be attached to any permission to prevent works within nesting season.

Contributing to and Enhancing the Natural Environment

Paragraph 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development site is primarily hardstanding with buildings. The majority of the boundary trees will be retained. The proposed layout will still consist primarily of hardstanding with buildings, but the percentage as soft landscaping will be increased and more than adequate numbers of replacement trees provided. Bird and bat boxes are also proposed. GMEU therefore accept that the development will likely result in biodiversity net gain and that the soft landscape proposals can be conditioned.

Trees

The proposal would require the removal of three individual trees, and four tree groups within the site. The individual trees to be removed comprise two Category B specimens (T9 & T10) and one Category C specimen (T15). The tree groups to be removed (G13, G16, G17 and G18) are all of Category C value.

The two category B trees to be removed would be located along the southern boundary. Removal of the two trees is required as the foundations would be within the root protection zone of the trees. The tree report also identifies that whilst construction methods could be utilised to save these trees, there would be a continued conflict between the canopies of the trees and the proposed building. These trees are less significant within the

street scene of Willow Street than T1 - T8 that are located along the eastern boundary of the site will be retained.

The removal of the Category C willow tree (T15) is required to facilitate construction of new carparking within the site. This tree is a low-quality specimen of limited landscape value and is not of particular visual prominence. It is not considered that the removal of the tree will have a significant amenity impact and the proposal to plant a new tree within the proposed car park will adequately mitigate its loss.

The removal of the tree groups (G13, G16, G17 and G18) are proposed to accommodate construction of the proposed carpark and an associated access ramp, and in the case of G13, to provide space for new landscape enhancement. These tree groups are all composed of immature self-set sycamore trees of very limited value and their loss would be fully mitigated by the proposed new soft landscaping.

Some minor access facilitation pruning works, comprising localised crown lifting, to the crown of T12 will be required to minimise the potential for branch damage during construction and to aid in the establishment of proposed new landscaping. The proposed works are considered to make up part of the ongoing maintenance of the tree.

The proposed development is located substantially within the footprint of the currently developed area of the site. As such the potential for significant impacts to the root systems of retained trees are considered to be minimal as the existing development will have restricted root development within the sections of tree RPAs that extend to encompass the previously developed land. Where demolition and construction operations are to occur within the RPAs of the trees on site they can be adequately controlled by the adoption of a precautionary working practices which have been identified within the tree report and can be conditioned.

Affordable Housing

UDP Policy H4/1 - Affordable Housing and Supplementary Planning Document 5 - Affordable Housing Provision in New Residential Developments provide guidance in relation to affordable homes, seeking to meet the housing needs of residents.

The NPPF confirms that where major development involving the provision of housing is proposed then 10% of the total number of homes should be made available as affordable units. Exemption to this requirement should also be made where the site of proposed development provides specialist accommodation for a group of people with specific needs.

The proposed development will provide 13no. units for those with supported care needs in Bury and will specifically provide suitable accommodation for people with learning disabilities to live independently. It is proposed that 100% of the accommodation will be for social rent.

As the proposal would be for social rent it is considered to comply with the requirements set out within paragraph 65 of the NPPF.

Recreation

Policy RT2/2 of the Bury UDP requires all proposals for new housing consisting of 10 units or more to make provision for the recreational needs of the prospective residents.

SPD1 states that on-site recreation provision will only be considered in exceptional circumstances, assessing each scheme on a site-by-site basis.

This proposal includes the provision of on-site garden space and allotments for future residents.

SPD1 states that sheltered housing schemes are unlikely to generate demand for a play

area or young people's area and schemes which cater for people in need of attentive care would not place a significant demand upon the need to provide new formal recreational facilities, although on-site amenity land or communal space will be required as part of the development, such as through landscaping or the provision of benches.

On balance, it is considered that the provision of on-site garden space and allotments would provide suitable and appropriate recreation provision for future residents in line with SPD1.

A condition will be required to ensure the gardens and allotments are provided prior to occupation and ensure future maintenance and management of the provision.

Response to Representations

It is considered that the material planning considerations have been covered within the main body of the report. Comments in relation to Queensberry Place, rather than the application have been forwarded to the relevant parties to review - with GDPR data redacted.

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 1264-JDA-Z1-00-DR-A-0001 P3, 1264-JDA-Z1-00-DR-A-0002 P2, 1264-JDA-Z1-ZZ-DR-A-0003, 1264-JDA-Z1-00-DR-A-0004 P3, 1264-JDA-Z1-ZZ-DR-A-0005 P1, 1264-JDA-Z1-ZZ-DR-A-0006 P1, 1264-JDA-Z1-XX-DR-A-0007, C-0001 P02, C-0002 P01, 41598MCLS-01, 669.02, C-0004 P03, C-0003 P01, Planning Statement received 29/08/2023, Affordable Housing Statement received 27/04/2023, Drainage Strategy & Maintenance Document Rev: P01, Preliminary Ecological Appraisal Report 80-819-R1-1, Bat Survey 80-819-R2-1, P1989 – Transport Statement, Crime Impact Statement 2022/0480/CIS/01, Design and Access Statement 1264, Arboricultural Planning Statement - 1051694_JDA_Irwell Valley – Willow Street_APS, ADAS_1051694_JDA_Irwell Valey - Willow St, Bury_TCP 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 The development hereby approved shall only be developed by or on behalf of the applicant as units to be retained as social rent units. The affordable housing provision shall be provided in accordance with the approved Affordable Housing Statement received on 27/04/2023.
Reason. The proposed development has been granted given the particular

circumstances of the applicant which provides an opportunity to promote increased affordable housing pursuant to Bury Unitary Development Plan Policy H4/1 - Affordable Housing.

- 4 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.

- 5 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.

- 6 Following the provisions of Condition 5 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.

- 7 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 C-0001, Rev P02- Dated 23/02/2023 which was prepared by Shape. For the avoidance of doubt surface water must drain at the restricted rate of 5 l/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.

- 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 All trees to be retained on site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction" and Section 8 of the Arboricultural Planning Statement ref 1051694_JDA_Irwell Valley – Willow Street_APS. The development shall not commence unless and until the tree protection measures required by the British Standard and the Arboricultural Planning Statement are implemented and all measures required shall remain in situ until the development has been completed.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
- 10 The proposed resident allotments set out within the Planning Statement received on the 29/08/2023 and landscaping scheme drawing 669.02 shall implemented and made available for use prior to first occupation of the building hereby approved. The identified resident allotments shall not be built upon or used for any other use other than allotments and shall be managed and maintained in accordance with a maintenance scheme that shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the building hereby approved.
Reason. In order to make provision for the recreational needs of prospective residents pursuant to Bury Unitary Development Plan Policy RT2/2 - Recreation Provision in New Housing Development and Supplementary Planning Document 1- Open Space, Sport and Recreation Provision in New Housing Development.
- 11 The landscaping scheme hereby approved shall be implemented 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..
- 12 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local Planning Authority and shall confirm/provide the following:
 1. Photographic dilapidation survey of the footways and carriageways leading to and abutting the site in the event that subsequent remedial works are required following demolition works, construction of the development, replacement of all affected boundary features and as a result of statutory undertakers connections to the site;
 2. Access route for all construction vehicles to the site from the Key Route Network;
 3. Access points/arrangements for demolition/construction traffic and all temporary works required to facilitate access for demolition/construction vehicles;
 4. If proposed, details of site hoarding/gate positions, incorporating the provision, where necessary, of temporary pedestrian facilities/protection measures on the adopted highway;
 5. A scheme of appropriate warning/construction traffic speed signage in the vicinity

- of the site and its access(es);
- 6. Confirmation of hours of operation and number of vehicle movements;
- 7. Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and measures to control/manage demolition/construction/delivery vehicle manoeuvres;
- 8. Parking on site or on land within the applicant's control of operatives' and demolition/construction vehicles, together with storage on site of demolition/construction materials;
- 9. Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways as a result of the groundworks operations or carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

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

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

- 13 Notwithstanding the details indicated on the approved plans, no development shall commence unless and until full details of the following have been submitted to a scope and specification to be agreed on a topographical based survey of the site and adjacent adopted highways to the Local Planning Authority:
- 1. Reinstatement of the redundant accesses on Willow Street to adjacent footway levels, incorporating the provision of edgings with 50mm upstand at the back of the footway following removal of the existing palisade fencing and gates to demarcate the limits of the adopted highway and all associated highway remedial/accommodation works;
 - 2. Foundation details for the proposed 1500mm high boundary metal railings abutting Willow Street designed to ensure that they do not encroach under the adjacent adopted highway;
 - 3. Provision of the proposed 2.2m wide pedestrian access into the site from Maxwell Street shown indicatively on the approved plans, incorporating the removal of all affected railings and all associated highway remedial/accommodation works required to tie into the existing footway.

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 Bury Unitary Development Plan Policies Plan Policies H1/2 - Further Housing Development, EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development and HT6/2 - Pedestrian/Vehicular Conflict.

- 14 The turning facilities indicated on the approved plans shall be provided before the development is first occupied and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.
- Reason. To minimise the standing and turning movements of vehicles on the

highway in the interests of road safety pursuant to Bury Unitary Development Plan Policies Plan Policies H1/2 - Further Housing Development, EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development and HT6/2 - Pedestrian/Vehicular Conflict.

- 15 The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to each dwelling/part of the site to which it relates being occupied and thereafter maintained at all times.

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

- 16 Bin storage arrangements shall be provided within the curtilage of the site in accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments'.

Reason. To ensure that adequate bin storage arrangements are provided within the curtilage of each dwelling/part of the site pursuant to Bury Unitary Development Plan Policies H1/2 - Further Housing Development, EN1/2 - Townscape and Built Design and H2/2 - The Layout of New Residential Development.

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

*Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2019 to be used. Further information regarding minimum standards can be found at <https://www.gov.uk/transport/low-emission-and-electric-vehicles>.

Reason. In accordance with the NPPF, to encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable. To safeguard residential amenity, public health and quality of life.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	20/9/2023		