

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 06/10/2023	Ref: 69863/FUL
Registration: 07/07/2023	LDfC: 17/08/2023	Expiry Date: 01/09/2023
Site Visit: 28/07/2023	Site Notice: 28/07/2023	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Erection of private day nursery, together with outdoor forest school and play area, access, associated infrastructure and landscaping (Use Class E(f))

Location: Land off Croft Lane, Bury, BL9 8QA

Description

The application relates to land adjacent to the former Roach Bank Inn (No 129) on the west side of Croft Lane. A large part of the 0.2ha site was formerly the car park of the Roach Bank Inn which is situated to the south of the site. Since then the pub has closed and become a plasterers and decorators training centre with a single residential unit to the rear and above.

The proposed site comprises a hardstanding area which is enclosed by a paladin fence and a gated entrance which is formed off Croft Lane.

Beyond the site boundary to the west the land slopes down to meet the River Roch and to the north of the site is an open piece of land beyond which is the Blackford Medical Centre and associated car park. On the opposite side of Cross Lane to the east are residential properties.

The site lies within an area defined as a Wildlife Links and Corridor (Policy EN6/4) and is part of the River Valley (Policy OL5/2).

The application seeks the erection of a private day nursery with an outdoor forest school and play area, access, associated infrastructure and landscaping.

The proposed nursery building would be set back from the site frontage by approx 18m and have a footprint area of approx 390 sqm (L30m x W13m).

The existing access off Croft Lane, which is broadly in a central position into the site would be utilised which would lead to a car park and 28 no. parking spaces for staff and visitors located to the front and southern side of the building. The access would incorporate a new pedestrian footway which would lead directly to the main entrance at the front.

To the rear it is proposed provide a play area with landscaping enhancements and tree planting either side.

The site would be bounded by a 2.4m high mesh fence to the north and west boundaries, reduced to 1.8m to the southern boundary and along the site frontage to the east.

There would be low level landscaping and tree planting across the front of the site.

The nursery building would be 2 storey in height (approx 7.5m high) with a flat roof and feature gable projecting above the main entrance. Where the land drops at the rear, it is proposed to provide a balcony with a stepped access to the play area at the back.

Materials would comprise a buff brick at the ground floor level at part of the 1st floor with the remainder of the upper floor proposed as dark grey cladding with a mix of pink and blue

aluminium panel detailing which would reflect the colour of the nursery business branding. The roof would be clad in dark grey panels.

Internally, accommodation would be over the two floors to provide staff facilities, office, kitchen, laundry and toilet facilities and separate rooms/play areas for the different range of age groups of the children attending the nursery.

It is proposed to employ 25 staff and circa 100 children attending the nursery. The nursery would be open between 7.30am to 6pm weekdays.

Relevant Planning History

58418 - Change of use of existing pub (Class A4) with ancillary residential accommodation to: Plaster training centre (Class D1) and associated showroom (Class A1) on ground floor; Separate dwelling (Class C3) at ground and first floor; Retention of existing residential accommodation at first floor (Class C3); Demolition of existing outbuilding at rear to form yard for separate dwelling (resubmission) - Approved 7/7/2015.

61135 - Outline application for the construction of 7 no. dwellings - Approved 24/10/2017

61463 - Creation of a car park - Approved 22/12/2017

62912 - Temporary extension of existing car park including earthworks and laying out of a hardcore surface to provide 13 additional car parking spaces, together with installation of security fence and gates - 15/11/2018

68684 - Erection of private day nursery, together with outdoor forest school and play area, access, associated infrastructure and landscaping (Use Class E(f)) - Withdrawn 20/10/22

02796/E - Erection of private day nursery, together with outdoor forest school and play area, access, associated infrastructure and landscaping (Use Class E(f)) - pre app completed 12/5/23

Publicity

Letters sent to 22 properties on 26/7/23,.

Site notice posted 28/7/23.

No responses received as a result of the publicity.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions.

Borough Engineer - Drainage Section - No response received.

Environmental Health - Contaminated Land - No objection subject to conditions

Environmental Health - Pollution Control - No response received.

Waste Management - No response received.

United Utilities (Water and waste) - No objection subject to condition.

The Coal Authority - No objection

Greater Manchester Ecology Unit - No objection subject to conditions

Transport for Greater Manchester - Comments and advisory notes to the LPA

Greater Manchester Police - designforsecurity - No objection. Recommend conditions

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

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EC6/1	New Business, Industrial and Commercial
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN5/1	New Development and Flood Risk
EN6/4	Wildlife Links and Corridors
EN7/2	Noise Pollution
OL5/2	Development in River Valleys
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict

CF1/1 Location of New Community Facilities
SPD11 Parking Standards in Bury

Issues and Analysis

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

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

The elimination of discrimination, harassment and victimisation;

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

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

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

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

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

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

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

Policies and principle

River Valley

Policy OL5/2 Development in River Valleys restricts new buildings or the change of use of land in river valleys except where the development would not lead to the division of open parts of the valleys into sections. The site is not in the Green Belt and therefore, in addition,

the development is required to meet at least one of the circumstances listed in Policy OL5/2. These relate to the development representing limited infilling, an extension or renewal of existing industry, an outdoor recreational or tourist facility use, limited development essential to the maintenance and improvement of public utilities and finally, development appropriate in a Green Belt.

In terms of the first test it is considered that the proposed development would not lead to the division of open parts of the valley into sections. The proposal does encroach upon the valley and would lead to some narrowing of the river valley areas. However, there would be a maintained 'green gap' area to the medical centre further along Croft Road.

On the second test, the proposal would meet exception criteria 1 - "the development represents limited infilling to an established valley settlement or industrial area". The application site is a previously developed brownfield site and would continue the established building pattern along the Croft Lane.

Wildlife Links and Corridors

The application site is within a Wildlife Corridor as designated under UDP Policy EN6/4. Policy EN6/4 states that new development which adversely affects wildlife links and corridors will not be permitted. Furthermore, development within or adjacent to wildlife links and corridors should contribute to their effectiveness through design, landscaping and siting of development and mitigation works.

An ecological assessment has been provided and has been reviewed by GMEU. There is no evidence of any protected species and GMEU have confirmed that the development is very unlikely to have any negative impact on otter or bats who use the River Roch and Roch Valley. Conditions have been suggested to mitigate for loss of nesting habitat.

It is considered that the proposal would therefore be in conformity with UDP Policy EN6/4.

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. This proposal would not conflict with Policy JP-P1.

Policy JP-G3: River Valleys and Waterways

Policy JP-G3 seeks to protect and improve river valleys and waterways as central components of our Green Infrastructure network. It requires new development to seek to retain the open character of the river valleys, avoiding their fragmentation and prominent development on valley edges. The policy also requires development to relate positively to nearby rivers.

As noted above, the proposal would not lead to the division of open parts of the valley. The rear of the site slopes down to the River Roch. The proposed external play area/forest school to the rear of the site takes advantage of the existing river valley woodland setting and soft landscaping should ensure the river valley setting is preserved and enhanced. The proposal therefore would not conflict with Policy JP-G3.

Policy JP-G9: A Net Enhancement of Biodiversity and Geodiversity

Policy JP-G9 requires development to follow the mitigation hierarchy of:

- Avoiding significant harm to biodiversity, particularly where it is irreplaceable, and including through consideration of alternative sites with less harmful impacts where appropriate,
- Adequately mitigating (within the local area) any harm to biodiversity, then
- Adequately compensating (within the local area) for any remaining harm to biodiversity.

As above, there is no evidence of any protected species and GMEU have confirmed that the development is very unlikely to have any negative impact on otter or bats who use the River Roch and Roch Valley. Conditions have been suggested to mitigate for loss of nesting habitat.

The proposal would therefore be in conformity with Policy JP-G9.

Use

UDP Policy CF1/1 - Location of Community Facilities considers proposals with regard to factors including impact on residential amenity, traffic generation and parking provision, scale and size of the development, suitability of the chosen location in relation to the catchment area and accessibility.

Policy EC6/1 - Assessing New Business, Industrial and Commercial development expects development to be of a high standard of design and appearance and take account of the surrounding environment, amenity of employees and adjacent occupiers. Factors which are considered when assessing proposals include the scale, size, density, layout and materials, access and car parking provision, landscaping and boundary treatment, effect on neighbours and health and safety.

These issues are discussed below.

Layout - The existing site is currently vacant and comprises hardstanding with self-seeded grass and shrubs and there are trees located around the boundary which appear to also be self-seeded.

The nursery building would be set back from the front of the site and highway by approx 18m. The building would have a rectangular footprint with the length running from north to south.

Parking would be located at the front and southern side of the building for 28 cars and would include EV chargepoints for staff and would provide adequate turning and manoeuvring for parent/carer drop-off's and as such this arrangement is considered to be acceptable. The existing site entrance would be utilised and a pedestrian footpath would be formed which would lead directly to the nursery entrance.

It is also proposed to provide a bike store for 6 cycles.

To the rear of the building would be the outdoor play areas which would be located at a lower and upper level with steps in between with tree and landscaping proposed to the south western area of the site. The site would be enclosed by a 2.4m high mesh fence which would be dropped to 1.8m along the frontage and given this would be a transparent and see through type and given the use it would serve, this type of boundary treatment is considered to be an acceptable solution. The frontage of the site would also be softened by low level landscaping.

It is therefore considered that the proposed development would be acceptable in terms of the layout of the site with all the associated facilities including parking, turning areas and play areas.

It is therefore considered that the proposed development would comply with EN1/2, CF1/1 and EC6/1.

Scale, design and appearance and visual impacts - The form of the building have been influenced by the topography of the land, gradient of Croft Lane which rises from south to the north and the scale of the surrounding development. The proposed building would be 2 storey in height and would broadly follow the same ridge height as No 129, the adjacent building. To the north and Blackford House, the proposed building would be set at a lower level. As such, it is considered the proposed building would suitably integrate within the setting of the adjacent built development.

Directly opposite are houses fronting the site, Nos 3 and 5 Borden Walk. These dwellings are bungalows and set on broadly the same level as the site. However they are set well back from the public highway by approx 15m. The proposed building would also be set well into the site area and as such the proposed development would not be seen to over dominate these properties within the streetscene.

In terms of the appearance of the building, the front elevation would include a feature gable in the middle of the building which would provide a visual break and define the main entrance. The use of a different palette of materials of buff brick and grey cladding with recessed windows with feature coloured panels would add further definition and interest to the building.

There are a mix of building types and architectural styles in the area and whilst the proposed building would be individual in its design and style and have its own identity as a nursery, given the overall scale, massing and design and its setting in the streetscape it is considered the proposed building would be an acceptable addition in the streetscene.

As such, it is considered the proposed development would be acceptable and comply with Policies EN1/2, EC6/1 and CF1/1.

Impact on residential amenity - The proposed development would be located between two premises. To the north is the Blackford House pharmacy with associated parking. This business is more than 25m away and elevated above the site and as such considered not to be significantly affected by the development.

To the south is No 129 Croft Lane which has a mixed use as a plaster training centre and showroom integrating a separate dwelling at ground and first floor and new dwelling at the rear. The proposed building would be set back into the site and would be approx 24.5m away from the dwelling at the rear of No 129. The proposed nursery would not be any higher than the building and given the separation distance it is considered that impacts to occupiers of the dwelling would not be significant.

Part of the car park for the nursery would be next to the boundary with No 129 and there would be a mesh type fence which would separate the two sites. Whilst cars may park next

to the boundary with No 129, as tandem spaces these would likely be used by staff and as such it is likely this area of the site would not be intensely used. The nursery would operate weekdays and during the day only, when generally people are either at work or carrying out daily activities and duties. It is therefore considered that the relationship of the proposed development to No 129 would be acceptable and not significantly harm occupiers of the residential units.

The remainder of No 129 is in commercial use and as such it is considered that occupiers of this business would not be affected to a significant degree.

The nearest residential properties to the site are those directly opposite on Croft Lane and Borden Way. Nos 3 and 5 Borden Way are bungalows and directly face the site. There would be a distance of more than 20m between the front elevations of these dwellings and the front of the site and approx 37m from the dwellings to the proposed nursery building. Although the dwellings are bungalows, they would be set on more or less the same ground level as the nursery and given the separation distance and intervening main road it is considered that there would not be a significant impact in terms of overlooking or overbearing relationship to the occupiers of the houses.

Given the setting of the proposed development within the site, the surrounding topography and landforms and separation distances to the surrounding properties it is considered the proposed development would not have an adverse impact on nearby occupiers.

As such the proposed development would comply with EC6/1, EN1/2 and CF1/1.

Highways

Parking and access

Parking would be in the front/side area of the site and would provide a total of 28 No. spaces. The applicant proposes to employ 25 staff. SPD11 - Parking Standards in Bury, requires 1 parking space per full time member of staff employed and as such the development would provide sufficient parking with the remaining spaces available for visitors.

It is also proposed to provide a bike store for 6 cycles which is considered acceptable for the scale of development proposed.

It is therefore considered that the proposed development would provide adequate parking and drop off facilities for the nursery and would comply with Policies EC6/1, HT2/4, HT6/2 and CF1/1.

It is proposed to utilise the existing access opening off Croft Lane and form a new gated pedestrian access from the existing footway on Croft Lane which would lead directly to the nursery's main entrance to provide a safe route for pedestrians within the site.

The access to the site is approx 14m from the access which serves the adjacent site to the south, No 129. The previously approved development for 7 no. dwellings on the site made provision for parking and turning for No 129. The LHA have maintained that the access and parking/turning area which had previously been made available for No 129 should still be provided as the proposed development would intensify the use of the site access close to that of No 129.

The applicant has agreed to amend their boundary line and make available some of their land for cars to park and manoeuvre at No 129. In addition, No 129 also has the benefit of an overflow car park for 4 cars directly to the north of the site (61463) should the need arise.

With this in place, it is considered that the proposed access arrangements would be acceptable and comply with EC6/1, HT6/2 and CF1/1.

Traffic generation

A Transport Assessment (TA) has been submitted and this has assessed the proposed development and the likely trips and traffic which would be generated to the area. The TA has also looked at the available forms of sustainable modes of travel.

In terms of traffic, the TA concludes that the peak hour total traffic would be 44 in the morning peak and 36 in the evening peak. This would equate to approximately 1 vehicle movement every 1.4-1.6 minutes. It is also likely that trips to and from the nursery would be staggered, with some children enrolled on full or half days with different drop off and collection times to suit different needs and timetables of the parents. Staff trips would also be staggered, with some arriving before and departing after the nursery would be open to the public.

The development would also encourage active and sustainable modes of travel, including promoting cycling and the nearby cycle routes and encouraging staff to car share. The site is also located on a bus route and there are bus stops located directly outside the site.

The site has previously been used as a car park (30 spaces) and had a consent for an additional 13 spaces for a temporary 2 year period to serve a company which is located to the north. This in itself would have generated a certain level of traffic in a morning and evening and at peak times of the day.

It is therefore considered that in terms of traffic generation, the proposed development would not cause significant congestion in the area or add to traffic pressure at the nearby junctions.

TfGM have been consulted on the proposed development and have not raised any particular concerns or objections to the development or the conclusions of the Transport Assessment. They have however recommended that a controlled pedestrian crossing facility across Croft Lane close to the site be provided. TfGM considered that it would ensure the provision of safe crossing facilities, as well as to encourage travel to and from the development by sustainable modes.

It would be expected that the only pedestrians who would be crossing at the site frontage would be from a small residential estate to the north-east of the site and pedestrians from the southbound hourly bus service. This would represent a small proportion of people that may need to cross the road. Those walking from the south of the site would have several opportunities to cross Croft Lane, one of which would be a signalised pedestrian crossing which has been recently installed approx 300m to the south of the site and which would serve the majority of the houses on the nearby residential estate.

There is also a S278 highway improvement scheme being progressed with the provision of pedestrian refuges in relation to a separate planning application which would be located to the north of the site.

TfGM acknowledge the proposed highway improvement scheme including the two pedestrian refuges. With these works and the existing pedestrian arrangements close by, the LPA are satisfied that facilities for pedestrian travel to the site would be acceptable.

As such, it is considered the proposed development would not have an adverse impact on highway safety or traffic movement in the area and would comply with EC6/1, HT2/4, HT6/2 and CF1/1.

Design for security (DfS) - The Design for Security Team have no objection to the proposed development at this stage. Consequently, if the Local Planning Authority is minded to approve the application, the DfS Team respectfully suggests the inclusion of a condition that where feasible, the development be designed and constructed in accordance

with the recommendations and specification of the Crime Impact Statement which includes measures including appropriate boundary treatment, secure windows and CCTV systems.

It would be the applicant's responsibility to implement the advised security measures and to achieve of either Bronze, Silver or Gold accreditation and as such it is considered reasonable to add an informative to advise the applicant to comply with the recommendations of the CIS.

Ecology

Summary

An updated ecological assessment has been provided. This found no significant ecological issues or material changes to the site. Issues relating to invasive species, nesting birds and ecological mitigation can be resolved via condition.

Protected Species

No evidence of any protected species was again found on the site, with no suitable habitat present for any such species. Whilst otter will utilise the River Roch, approximately 40m to the west, this is sufficiently distant to make an offence very unlikely. The Roch Valley is also likely utilised by bats for foraging and commuting but given the nature of the development it is very unlikely that the development would have any negative impact. No further information or measures are required.

Nesting Birds

Trees and scrub are present, 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. GMEU recommend a condition be applied to any permission to restrict works to trees or shrubs between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

Invasive Species

Japanese knotweed and Himalayan balsam are still present on the site. Both are included within this schedule 9 part 2 of the Wildlife & Countryside Act 1981, as amended. It is an offence to introduce or cause to grow wild any plant listed under this schedule. GMEU recommend a condition that prior to any earthworks a method statement detailing eradication and/or control and/or avoidance measures for himalayan balsam and japanese knotweed, should be supplied to and agreed in writing to the LPA.

Contributing to and Enhancing the Natural Environment

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development is primarily restricted to hardstanding with the vegetation around the boundaries, retained and enhanced. GMEU are therefore satisfied that mitigation for any loss of vegetation could and is likely to occur on site. It should however be noted that 10% biodiversity net gain now has more material weight, since the Places for Everyone regional plan went through public enquiry and likely to become mandatory in autumn of this year. There is therefore an argument for additional information demonstrating that 10% net gain is achievable on the site. GMEU however have no strong views on whether this should be applied for this site given they have previously accepted mitigation is achievable on the site.

Given the development is on the edge of the Roch Valley a Wildlife Corridor, GMEU recommend that all tree and shrub planting is of suitable locally native species and also recommend the provision of bird boxes as mitigation for loss of nesting habitat.

Air quality

The site is not located within an Air Quality Management Area. Due to the scale of the development, it is considered unlikely that the development would create an increase of

more than 500 AADT (annual average daily traffic). Therefore, in line with the EPUK Guidance, an air quality assessment will not be required.

Bury Council has been identified by DEFRA as an area requiring to significantly improve air quality. The required measures to do this are currently under discussion. Due to this requirement, and the requirements of the new building regulations (The Building Regulations 2010, Approved Document S, Infrastructure for the charging of electric vehicles), the Section recommends a condition to be placed on any grant of permission to provide that prior to occupation the applicant shall provide electric vehicle (EV) charging points for 20% of the proposed parking spaces. EV chargepoints shall be 7kW* as a minimum

Coal

Part of the site lies within an area identified as a Coal Authority referral area - Development High Risk Area.

The supporting Coal Mining Risk Assessment (dated 21 May 2023, prepared by Envirosolution Ltd), which accompanies the planning application correctly identifies that the application site may have been subject to past coal mining activity and has been informed by an appropriate range of sources of information.

Based on this review of existing sources of geological and mining information the report confirms that the two recorded coal seams which sub-crop to the north of the will be at sufficient depth beneath the site not to unduly implicate on ground stability, should they have been worked. However, taking into consideration a fault, the report goes on to confirm that one of those seams could be present beneath the site at a shallow depth in the far southern portion of the site, which if worked could pose a risk to ground stability. Despite this, on the basis that no built development is proposed in this area, the report author is able to conclude that the proposed built development will be safe and stable, so as to not warrant any mitigation.

The Coal Authority considers that the content and conclusions of the supporting Coal Mining Risk Assessment are sufficient for the purposes of the planning system in demonstrating that the area where the built development is proposed is safe and stable. The Coal Authority therefore has no objection to the proposed development.

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 -

T1033_UCL_7010_P2 - Location Plan
T1033_UCL_7011_P2 - Existing Site Plan

T1033_UCL_7012_P4 - Proposed Site Plan
T1033_UCL_7013_P3 - Proposed Block Plan
T1033_UCL_7014_P2 - Proposed Ground Floor Plan
T1033_UCL_7015_P2 - Proposed First Floor Plan
T1033_UCL_7016_P2 - Proposed Block Plan (Topo Overlay)
T1033_UCL_7110_P1 - Proposed Front Elevation
T1033_UCL_7111_P1 - Proposed Side Elevations
T1033_UCL_7112_P1 - Proposed Rear Elevation
T1033_UCL_7210_P2 - Proposed Building Sections
T1033_UCL_7211_P1 - Existing and Proposed Site Section A-A
T1033_UCL_7212_P1 - Existing and Proposed Site Section B-B
T1033_UCL_7213_P3 - Proposed Street Scene Elevation

Crime Impact Statement VERSION A: 03.12.21 2021/0511/CIS/01
Updated ecological survey and assessment August 2023 ERAP (Consultant Ecologists) Ltd Reference: 2022-355
Phase 1 and 2 Environmental site and geo-environmental site assessment report 21st May 2023
Coal mining risk assessment 21st May 2023
Foul & Surface Water Drainage Design Drawing PGC315-C-100, Rev P3 - Dated 05/06/2023 by PGC.
Noise Impact assessment by dBx acoustics 16/5/23
Travel Plan issue 01 dated June 2023

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 detailed Remediation Strategy and validation plan has been submitted to, and approved in writing by, the Local Planning Authority.

Reason. The scheme does not provide full details of 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 occupation the applicant shall provide electric vehicle (EV) charging points for 20% of the proposed parking spaces. EV chargepoints shall be 7kW* as a minimum.

*Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2019 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.

- 6 The development hereby approved shall be carried out in accordance with the recommendations in Sections 6 and 7 of the Noise Impact Assessment by dBx acoustics dated 16/5/23.

Reason. In the interests of the amenity of the adjacent occupiers pursuant to Bury Unitary Development Plan Policies EC6/1 - Assessing New Business, Industrial and Commercial Development and EN7/2 - Noise Pollution.

- 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 PGC315-C-100, Rev P3 - Dated 05/06/2023 which was prepared by PGC.

For the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer. 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 ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding pursuant to 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 Prior to any earthworks a method statement detailing eradication and/or control and/or avoidance measures for Himalayan Balsam and Japanese Knotweed, should be supplied to and agreed in writing to the Local Planning Authority. The agreed method statement shall be adhered to and implemented in full.

Reason. The scheme does not provide full details of the actual extent of Japanese Knotweed and Himalayan Balsam in the interest of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 10 The development hereby approved shall be carried out in accordance with the landscaping scheme shown on the approved Proposed block plan (coloured site plan) UCL-KMA-XX-XX-DR-A-7013 P3. All tree, shrub and hedge planting shall be of a locally native species. Bird boxes shall also be provided on trees within the site and thereafter maintained. The landscaping shall be implemented not later than 12 months from the date the building(s) is first occupied/used or within the first available tree planting season. 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 EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 -

Conserving and enhancing the natural environment of the NPPF.

- 11 The development hereby approved shall be carried out in accordance with the materials detailed in the application form and approved plan UCL-KMA-XX-XX-DR-A-7112 P1. Only the approved materials shall be used for the construction of the development.
Reason. Interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/2 - Townscape and Built Design.
- 12 The use hereby permitted shall only be open to members of the public between 07.30 to 18.00 Monday to Friday.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EC6/1 - Assessing New Business, Industrial and Commercial Development, CF1/1 - Location of New Community Facilities and EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan.
- 13 Notwithstanding the submitted 'Construction Traffic Management Plan' (CTMP), no development shall commence unless and until a 'CTMP' has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide all of the following:
- Photographic dilapidation survey of the footways and carriageways abutting the site in the event that subsequent remedial works are required following construction of the development, works to the site boundary 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 any temporary works required to facilitate access for ground works/construction vehicles;
 - If proposed, site hoarding/gate positions clear of agreed visibility splays onto Croft Lane, including 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;
 - Confirmation of hours of operation, vehicle sizes and number of vehicle movements;
 - Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site, including any requisite phasing of the development to accommodate this;
 - Parking on site of operatives' and construction vehicles together with storage on site of construction materials, including any requisite phasing of the development to accommodate this;
 - Measures to ensure that all mud and other loose materials are not spread onto the adjacent 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. All highway remedial works identified as a result of the dilapidation survey shall be implemented to the written satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use.
- 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.

- 14 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 survey of the site and adjacent adopted highways to, and agreed with, the Local Planning Authority:

- Provision of tactile paved crossing points at the junction of the site access with Croft Lane, incorporating the demarcation of the limits of the adopted highway and all associated highway remedial/accommodation works required as a result of the proposed development;
- Provision of 2.4m x 59m visibility splays at the junctions of the site access and the access to No. 129 Croft Lane with Croft Lane on land within the applicants control, with no obstructions above the height of 0.6m within them;
- Position of the proposed boundary fence abutting Croft Lane clear of the above visibility splays;
- Foundation details for the proposed boundary fence confirming no encroachment under the adjacent adopted highway;
- Bin storage arrangements within the curtilage of the site in accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments'.

The details subsequently approved shall be implemented to an agreed programme with all highway works completed prior to the development hereby approved being brought into use.

Reason. Information not submitted at application stage. 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, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EC6/1 - Assessing New Business, Industrial and Commercial Development, EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

- 15 The turning facilities indicated on the approved plans within the proposed car park and in the adjacent site's car parking area (facilitated as a result of the position of the proposed boundary fence), shall be provided prior to the development hereby approved being brought into use and the areas of land within the applicant's control 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 and ensure that the turning facilities are not obstructed by parked vehicles pursuant to Bury Unitary Development Plan Policies HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.

- 16 The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to development hereby approved being brought into use 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.

- 17 The premises to which this approval relates shall be used for a creche/day nursery only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification)).

DELEGATED REPORT

Reason To safeguard the amenities of the occupiers of nearby residential accommodation and in the interests of highway safety pursuant to policies EC6/1 - Assessing New Business, Industrial and Commercial Development, EN1/2 - Townscape and Built Design, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	6/10/23	DM	06/10/23