

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 13/07/2023	Ref: 69547/FUL
Registration: 04/05/2023	LDfC: 26/05/2023	Expiry Date: 29/06/2023
Site Visit: 19/05/2023	Site Notice: 19/05/2023	Press Date: N/A
Objections: 0	Con Area:	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Erection of 4 no. dwellings

Location: Land west of Lowercroft Road, Bury, BL8 3GQ

Description

The site relates to a vacant plot of land 0.22 hectares in size which is located between an area of residential and commercial development.

To the west of the site, the land banks upwards and was previously lined with trees although all these trees have since been removed. At the top of the bank is a timber boarded fence beyond which area houses on Bowland Close in an elevated position.

To the north, adjacent to the site is No 121 Lowercroft Road and opposite to the east are houses on Wigglesworth Close. The land drops away to the south and the industrial/commercial units which are on Lowercroft Mill and Business Park are set at a lower level and accessed from the 'dip' of Lowercroft Road which forms the main route through the area.

Lowercroft Road itself rises quite steeply from south to north and the site sits in an elevated position comparative to Lowercroft Road.

Land to the south west of the site is allocated as Green Belt, West Pennine Moors, Wildlife Links and Corridors and a Special Landscape Area and there is also a blanket TPO to the south western boundary. However the site does not encroach these designated areas of land and any built development on the site would not affect the protected trees.

The site itself is vacant and has been cleared of all trees. The site is not allocated in the Bury UDP as a specific land use but formerly accommodated a mill building and has a historical industrial/commercial use. There has been approval on the site for four residential dwellings which was granted in 1994 but this was not implemented. An application for 6 no business/commercial units for B1 uses for 6 units was approved in 2020.

This application seeks permission for 4 no new dwellings.

The dwellings would be arranged around a shared driveway with plots 1, 2 and 3 in a linear form across the western boundary and plot 1 to the south with the rear elevation backing onto the industrial behind. The site would utilise the existing access which is located off Lowercroft Road at the north eastern end of the site, which would require improvement and widening works.

The dwellings would be detached 2 storey builds. Plot 1 would be the smaller of the dwellings and 3 bedrooomed, with plots 2, 3 and 4 comprising 4 bed accommodation.

Plots 3 and 4 would have an integral garage with a balcony above which would open out from the first floor bedroom.

Plots 3 and 4 would have a detached single garage.

Each property would have amenity space at the rear, areas to store bins and the development would incorporate landscaping with a hedge running along the north, south and western boundaries with a 2.5m high acoustic fence to the southern boundary behind the garden of plot 1. Semi mature tree planting would be located within the embankment to Lowercroft Road and formed along the western boundary where the land rises to the houses beyond on Bowland Close.

Externally, elevations would be brick with stone quoins and there would be stone headers and cills to the windows. Roof material would comprise slate tiles.

Relevant Planning History

65668 - Erection of 6 no. small business units (Class B1) - Approved 7/10/20

Publicity

Letters sent to 59 properties on 5/5/23.

Site notice posted 19/5/23

No responses received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection

Waste Management - No response received. Commented prior to submission that the proposed development would be acceptable for waste collection.

Environmental Health - Contaminated Land - Recommend conditions

Environment Agency - No objection in principle

Greater Manchester Ecology Unit - No objection subject to conditions/informatives

United Utilities (Water and waste) - Advisory note to the applicant regarding the position of sewer and recommendation to submit a drainage strategy.

Environmental Health - Pollution Control - No objection subject to the provision of adequate soundproofing for the development.

Borough Engineer - Drainage Section - No response received

Transport for Greater Manchester - No objection.

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

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EC4/1	Small Businesses
EN1/2	Townscape and Built Design
EN5/1	New Development and Flood Risk
EN6/4	Wildlife Links and Corridors
EN7/2	Noise Pollution
EN8/1	Tree Preservation Orders
EN9/1	Special Landscape Areas
OL1/1	Designation of Green Belt
OL7/2	West Pennine Moors
HT2/4	Car Parking and New Development
HT6/1	Pedestrian and Cyclist Movement
HT6/2	Pedestrian/Vehicular Conflict
SPD11	Parking Standards in Bury
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
EN6/3	Features of Ecological Value

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 - housing

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

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up of sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a

number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the five year supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be completed). As such, latest monitoring indicates that the Council is unable to demonstrate a five year supply of deliverable housing land and this needs to be treated as a material factor when determining applications for residential developments.

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

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

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

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

The application site is currently vacant having previously been occupied by a mill and is unallocated in the UDP. A commercial development for 4 units has been recently accepted in principle .

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.

The site is located within the urban area with established residential development to the north and west and opposite the site to the east. The site is located in a sustainable location with regard to public transport and services.

The proposed development would therefore be acceptable in land use terms and in accordance with Policy H1/2 of the Bury UDP.

Layout, scale and visual amenity

UDP Policies H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development takes into consideration factors relating to the height and roof type of adjacent buildings, the impact of developments on residential amenity, the density and character of the surrounding area and the position and proximity of neighbouring properties. Regard is also given to parking provision and access, landscaping and protection of trees/hedgerows and external areas.

Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties provides useful guidance in terms of acceptable aspect standards between dwellings and design criteria.

The proposed dwellings would be arranged in a cul de sac type fashion and served by a shared access and hardstanding area with plots 2, 3 and 4 formed in a linear row along the

western boundary, and plot 1 in the southern area of the site facing the internal road.

Within the site area, separate driveways would stem off the shared access to each dwelling and would provide parking with each dwelling. Each property would also incorporate a single garage. For plots 1 and 2 this would be in a detached garage building and for plots 3 and 4 the garage would be integrated within the properties. It is also proposed to provide 2 visitor spaces and an area for bins to be stored on collection days which would be located close to the site entrance and more readily accessible for waste management.

Each dwelling would have private amenity space at the rear with a minimum of 7m depth which would comply with policy guidance.

In terms of landscaping, the eastern side of the site next to plot 1 and part of its frontage would be grassed and there would also be grassed front gardens to the other plots and intermittent tree planting within the site of a native species types.

It is also proposed to provide a hedge on top of the embankment adjacent to Lowercroft Road and heavy standard trees would be located within the embankment to soften the development which would also help in some screening of the site. It would also aid in providing biodiversity mitigations for a site which was once fairly heavily treed and planted.

It is therefore considered the scale and layout of the proposed development would be acceptable within the site area and would comply with H2/1, H2/2, and EN1/2.

Visual amenity and streetscene

The site has a level platform but due to the gradient of Lowercroft Road which rises quite significantly from south to north, the site at the furthest southern end is elevated above the road by at least 3.8m, gradually levelling out where the site entrance meets Lowercroft Road. The layout and position of the proposed development therefore needs to account for these differences in level and the site's relationship to the streetscene, also noting that the houses opposite and general pattern of development is one where houses are set back and side-on to the street frontage.

Plot 1 would be side-on to Lowercroft Road, and would be approximately 4.8m from the top of the embankment which forms the boundary to Lowercroft Road and a total of 8m away from the highway. Although this dwelling would be at a higher level comparative to Nos 1 and 2 on Wigglesworth Close opposite the site, the set back from Lowercroft Road would not be dissimilar to that of these existing dwellings.

To No 121, to the north, whilst not strictly following the same building line, plot 1 would not be set significantly closer to the main road and as such would reflect the general pattern and urban grain of development in the area.

It is also proposed to plant mature trees along the embankment and a hedge to the side boundary of Plot 1 which would not only soften the appearance of the development but would also screen part of this dwelling.

To the south of the site is the industrial estate with a mill building and car/vehicle repair garage which are set at a lower than the site and separated by a steep embankment and access road. Whilst the proposed development would be at the higher level, the mill building is substantial in size and the section plan shows that the eaves level of plot 1 would only be approx 0.4m higher than the mill. Given the gradient of the road, the existing built form along this stretch of Lowercroft Road rises from the south to north, and this would similarly be the case for the relationship of the development site to the mill building and as such would maintain the rhythm of development when viewed from the streetscene.

Plots 2, 3 and 4 would be formed in a linear row along the western boundary, set back into the site by approximately 29m. This set back would provide a relief from the streetscene and be an acceptable approach.

It is therefore considered the proposed development would be acceptable within the streetscene and would comply with H2/1, H2/2, H2/6 and EN1/2.

Design and appearance - The proposed dwellings would be 2 storey detached types with pitched roofs. Plots 2, 3 and 4 would be double fronted with projecting gables and recessed central entrance which would add definition and interest to the elevations. Plots 3 and 4 would also incorporate a glazed balcony to a first floor bedroom on the front elevation which would not be overly intrusive in size and scale and therefore considered acceptable.

Plot 1 would be the smaller of the plots but would incorporate similar design features to the other proposed dwellings.

There would also be a single garage for plots 1 and 2 which would be of a modest scale and design, featuring a pitched roof and brick elevations to reflect the design of the proposed dwellings.

Elevations would comprise red brick with stone quoins and slate roofs with stone header and cill detailing to the window surrounds. Apart from No 121 Lowercroft Road which is stone facing, the surrounding housing stock to Wigglesworth Drive and Bowland Close are generally red/brown brick built and as such the proposed development would be in keeping with the surrounding area. A condition to submit material samples would be required by condition.

As such, it is considered the proposed development would be acceptable and comply with H2/1, H2/2, and EN1/2.

Impact on residential amenity - The nearest properties are those houses to the west on Bowland Close, No 121 Lowercroft Road to the north and No 2 Wigglesworth Close to the east. .

The dwellings on Bowland Close are positioned at a much higher level and set at an oblique angle to the site. No 121 Lowercroft Road would be to the north and set side on to the development and No 2 Wigglesworth Close would be directly opposite the site to the east and separate by the main road. In terms of separation distances, aspect standards would be satisfied to all these surrounding houses. As such it is considered there would not be a significant impact on surrounding residential amenity.

In terms of impacts on amenity of future occupiers, the site would share a boundary with the industrial estate to the south and would be in close proximity to the mill building and a car garage/workshop.

With the dwellings sited so close to the industrial uses, noise impacts on occupiers of the proposed dwellings would be a concern. Paragraph 187 of the NPPF states that '*decision should ensure that new development can be integrated effectively within existing businesses.....Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established*'. It then goes on to state that where there could be an adverse effect, suitable mitigation should be provided.

It would not be reasonable for occupiers of the established industrial estate/workshop to be compromised or penalised should future noise complaints arise from occupiers of the residential development.

A Noise Impact Assessment has been submitted with the application which concludes that noise measured from nearby commercial buildings would not be significant and traffic noise would be moderate. The Report does however recommend mitigation measures which include enhanced sound insulation to living areas, double glazing and acoustic timber fencing to the gardens of plots 1 and 2 closest to the commercial development

The Report also recommends that a minimum acoustic fence be installed to the boundary with Lowercroft road. However, in visual amenity terms, given the elevated level of the site and its relationship to the streetscene, a solid fence would be intrusive and visually harmful to this part of the site and not be an acceptable solution. As noise from the road would only be the same for plot 1 as experienced by other properties in the locality such as 12 Lowercroft Road, it is considered this would be a 'buyer beware' issue.

It is therefore considered the proposed development would not have a significantly harmful impact on the residential of existing residential properties or future occupiers of a residential site.

The proposed development would therefore comply with H2/1, H2/2, EN1/2 and EN7/2.

Highways - It is proposed to utilise part of the existing opening to the site which is located at the north east corner of the site. Improvements, widening and some levelling works would be required and the proposed plans broadly show this to be achievable, although the plans are lacking in detail.

The Highways Section are satisfied that with a suitably worded condition, the details can be secured at a later stage and that in principle the proposed access arrangements would be acceptable.

In terms of parking, for 4 bed properties, 3 spaces would be required. Plots 1 and 2 would provide a single garage and plots 3 and 4 incorporate an integrated garage. There would be space on the driveways to park 2 cars. In addition, 2 visitor spaces would be provided at the site entrance.

As such, it is considered that parking could be adequately provided for the proposed scale of development.

The proposed development would therefore comply with H2/2 and HT2/4.

Transport for Greater Manchester(TfGM) - No objections in principle.

There is an existing bus stop located to the south of the access. Consultations with TfGM's Shelters team has confirmed that this will require relocating, around 10 metres further south from the site access and that this has been discussed with the applicant. It has also been confirmed that GMP are satisfied with the relocation proposals.

TfGM also recommend works should include appropriate visibility splays, footway extensions and waste collection is considered in an application.

These details have been addressed by the LHA and in the recommended conditions.

Drainage - United Utilities have been consulted on the application and note that a public sewer crosses the site and would require an access strip which should not be compromised by the development.

The applicant has submitted a proposed site layout plan which shows the sewer runs outside the majority of the site at the southern end, just clipping the south western boundary of the proposed garden for plot 2. the sewer would be approx 4.5m away from the footprint of the property.

UU have advised it is the applicant's responsibility to investigate and demonstrate the exact relationship between United Utilities' assets and the proposed development and advise contact is made with UU.

This would be included as an informative.

UU requested that a drainage strategy be made available for comments prior to determination. However, in the event of an approval, UU recommend a condition for the submission of a drainage strategy to include the hierarchy of drainage options on the NPPG.

Environment Agency Commentary

No objection to the proposed development.

This development site appears to have been the subject of past industrial activity which poses a risk of pollution to controlled waters.

The EA are unable to provide site-specific advice relating to land contamination however it is recommended that the environmental protection of controlled waters is considered alongside any human health protection requirements. This approach is supported by paragraph 174 of the National Planning Policy Framework.

Ecology

Summary

An updated ecological report has been provided the site is currently clear of vegetation.

Bats

Trees along the northern boundary were assessed as having bat roost potential in 2019 however these now appear to have been removed, the ecological report noting that only one tree remained in the SW corner of the site which had negligible bat roosting potential. No further information or measures are required.

Nesting Birds

It appears that although trees and shrubs have now been removed from the site, suitable habitat is still however present around the boundaries and could be disturbed during any development. 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 along the following lines be applied to any permission.

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 LPA.

Invasive Species

No invasive species were recorded. The site is however at risk of colonisation with both Himalayan balsam and Japanese knotweed abundant nearby. GMEU therefore recommend an informative along the following lines is applied to any permission.

It is an offence under the Wildlife & Countryside Act 1981, as amended to introduce, plant or cause to grow wild any plant listed in Schedule 9 part 2 of the Act. Species such as Japanese knotweed and Himalayan balsam are included within this schedule. If any such species will be disturbed as a result of this development a suitably experienced consultant should be employed to advise on how to avoid an offence.

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 site had been previously cleared of natural regeneration and GMEU had accepted the tree planting proposals that related to the previous commercial development. The proposed residential development has more scope for on-site ecological mitigation due to the presence of gardens, with the indicative tree proposals. GMEU have no objection to the proposed landscape plan given the location but would also recommend inclusion of bird and bat boxes provided in-line with the previous proposals, the details can be conditioned.

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 - Revised proposed site plan HJK-LC-SP rev 4; Revised landscape proposal SE01010_01_D01_GS rev B; Revised proposed site section HJK-LC-SS rev 3; HT1 Floor plans and elevations HJK-LC-HT1 revised 4/7/23; HT2 Floor plans and elevations HJK-LC-HT2 received 4/7/23; HT3 Floor plans and elevations HJK-LC-HT3 rev 2 received 3/7/23; Noise Impact assessment by hepworth acoustics Report No: P23-107-R01v1 March 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 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 occupation the applicant shall provide one electric vehicle (EV) charging point (minimum 7kW*) per unit (dwelling with dedicated 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.

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 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 surface water sewer, the rate of discharge shall be restricted to 5 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 the principles of the NPPF.

- 7 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 LPA.
- 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.

- 8 Notwithstanding the approved plan landscaping proposal plan ref SE01010_01_D01_GS rev B, the trees proposed to be positioned within the full length of the embankment to the east of the site adjacent to Lowercroft Road and along the full length of the western boundary shall be of a heavy standard root-balled type and of a species defined in the tree schedule detailed on the approved landscaping plan. The development shall thereafter be carried out in accordance with the full details of the approved landscaping proposal plan ref SE01010_01_D01_GS rev B for the remainder of the site. The development shall also provide bat/bird bricks tubes in each of the dwelling houses and bat/bird boxes to trees within the development site.
- The approved scheme shall thereafter be implemented not later than 12 months from the date the development is first occupied 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 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 NPPF.

- 9 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:

1. Formation of the proposed site access onto Lowercroft Road to an specification to be agreed, incorporating the provision a segregated pedestrian access into the proposed development, tactile paved crossing point on the new section of adopted highway, review of bollard positions proposed, accommodation works to a scope to be agreed to tie into existing arrangements at the interface with the adjacent adopted footpath/vehicular access to No. 121 Lowercroft Road and the footway to the north of the site, widening and reconstruction of the Lowercroft Road footway abutting the site to a minimum width of 2.0m in addition to the widening to the limits of the visibility splay shown, associated alterations to the existing dry stone wall required to achieve the widened footway, relocation/replacement of the affected street lighting column, relocation/replacement of the affected road gullies, relocation of bus stop NC2232 and all associated works required by TfGM, demarcation of the revised limits of the adopted highway and all associated highway and highway drainage remedial works and alterations to affected road markings required as a result of the development;
2. Scheme of surface water drainage works/hardstanding materials to ensure that surface water will not be discharged from the site onto the adjacent adopted highway;
3. Provision of a street lighting assessment of the new junction arrangements onto Lowercroft Road, and, if required, subsequent scheme of improvements to existing street lighting on the adopted highway;
4. A scheme for the review of the need and, if required, subsequent provision of waiting restrictions on Lowercroft Road in the vicinity of the proposed site access and the Wigglesworth Close junction to ensure that the proposed arrangements can be safely implemented on the adopted highway, including details of the measures proposed, all necessary modifications to road markings and signage and a timetable for implementation;
5. Submission of staged road safety audits in accordance with requirements in the document entitled 'GG 119 - Road Safety Audit';
6. Bin storage arrangements within the curtilage of each dwelling in accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments', along with an appropriately sized and positioned bin collection point adjacent to the Lowercroft Road site boundary.

The details subsequently approved shall be implemented to an agreed programme with the Local Planning Authority with all highway works completed prior to occupation of the development hereby approved.

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, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design, EN5/1 - New Development and Flood Risk, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.

- 10 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 and shall confirm/provide the following:

1. Photographic dilapidation survey, to a scope to be agreed, 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;
2. Access route for all vehicles to the site from the Key Route Network and all temporary works required to facilitate access for ground works/construction vehicles;
 3. If proposed, site hoarding/gate positions clear of agreed visibility splays onto Lowercroft Road, including the provision, where necessary, of temporary pedestrian facilities/protection measures on the adopted highway;
 4. A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access;
 5. Confirmation of hours of operation, vehicle sizes and number of vehicle movements;
 6. Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site, including any requisite phasing of the development to accommodate this;
 7. 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;
 8. 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 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.

- 11 The turning facilities indicated on the approved plans shall be provided prior to the dwellings hereby approved being 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 and ensure that the turning facilities are not obstructed by parked vehicles pursuant to Bury Unitary Development Plan Policies H2/2 - The Layout of New residential Development and HT6/2 - Pedestrian/Vehicular Conflict.
- 12 The car parking indicated on the approved plans shall be surfaced and made available for use prior to the dwellings hereby approved 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.
- 13 The 2.5m high acoustic fence hereby approved to the southern boundary of the site only, together with the planting of the native hedge to the southern boundary shall be implemented prior to the first occupation of plots 1 and 2 and shall thereafter be maintained in situ.

Reason - In the interests of visual amenity of the area and safeguard the amenity of future occupiers of the development pursuant to Policies EN1/2 - Townscape and Built Design and EN7/2 - Noise Pollution of Bury Unitary Development Plan.

- 14 The development hereby approved shall be carried out in accordance with sections 4.3-4.9 of the submitted Noise Impact Assessment by hepworth acoustics dated March 2023 to provide sound insulation and ventilation within the construction of the dwellings.

Reason. To protect the residential amenity of future occupiers of the development hereby approved pursuant to Bury Unitary Development Plan Policies H2/1 - The Form of New Residential Development and EN7/2 - Noise Pollution.

- 15 Details/Samples of the materials 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 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 EN1/2 - Townscape and Built Design and H2/1 - The Form of New Residential Development.

- 16 Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 and Class A of Part 2 of Schedule 2 of the Order, without the submission and approval of a relevant planning application.

Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	13/7/23	DM	13/07/23