

DELEGATED REPORT

Report by Claire Booth **Date of report:** 19/03/2024 **Ref:**70188/FUL
Registration: 08/12/2023 **LDfC:** 11/03/2024 **Expiry Date:** 02/02/2024
Site Visit: 01/03/2024 **Site Notice:** N/A **Press Date:** 14/12/2023

09:30:00

Objections: 0 **Con Area:** N/A **Adv Type:** ARW

Reason for Delay: **EIA:** NA

Amendments required to the site access and agreement
needed to pre-commencement conditions **Dec Level:** DEL

Stat Class: MIDW

Proposal: Proposed dormer bungalow (Use Class C3) and associated car parking within rear garden area of 406 Tottington Road, with associated vehicular access from Bowes Close

Location: 406 Tottington Road, Bury, BL8 1TU

Description

The application relates to a linear rectangle mature garden area located on a separate parcel of land to the rear of 208 Tottington Road. The garden is separated from the house by a tarmac access road that runs along the rear of Tottington Road.

The garden area borders Bowes Close and has properties on two sides, the garden area to which it formally formed part of, and neighbours garden areas to the other side. The application site contains a number of trees, a garden pond, a brick planting beds, and some hardstanding as well as lawn area.

Planning permission is sought to erect a 2 bedroom detached dwelling on the land with a garden, parking provision and an associated vehicular access from Bowes Close. The property would have a 2.3m front pitched roof gable projection, what would appear as a single storey rear extension and a rear dormer window.

The proposed dwelling would have a width of approximately 7.7m and (taking account of the above) a maximum length of approximately 12.6 m. It would have an eaves height of approximately 3.375m and a ridge height of approximately 6.1m.

A vehicular access is proposed from Bowes Close.

Relevant Planning History

There is no planning history for this parcel of land, or the land adjoining this garden area.

Publicity

Neighbouring properties have been notified by letter about the proposed development and a site notice was also erected on a lamppost located on Bowes Close positioned in close proximity to the site.

No representations have been received as a result of this publicity.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subjects to conditions relating to construction management and the creation of a new vehicular access on to Bowes Close being imposed on any approval.

Environmental Health - Contaminated Land - No objections subject to planning conditions

Waste Management - No comments or observations received.

Borough Engineer - Drainage Section - No comments or observations received.

Public Rights of Way Officer - No objections, subject to the conditions recommended by the Highway Authority - See Traffic Section comments for further information.

United Utilities (Water and waste) - No objections.

Greater Manchester Ecology Unit - No objections, subject to the imposition of mitigation in the form of bat and bird boxes and informatives making the applicant aware of the statutory timing for removal of trees protections relating to biodiversity.

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

Unitary Development Plan and Policies

H2	Housing Environment and Design
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/6	Garden and Backland Development
EN1	Built Environment
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN4/2	Energy Efficiency
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/5	Waste Water Management
EN8	Woodland and Trees
HT2/4	Car Parking and New Development
HT4	New Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 of Development

Housing land supply

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 states that unless they have an adopted plan that is less than five years old that identified a five year supply of specific deliverable sites at the time of conclusion of the examination, then local planning authorities should identify and update annually a supply of specific developable sites to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing in certain circumstances set out in NPPF paragraph 226.

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 deliverable land 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 four or five year supply of deliverable housing land when assessed against the Local Housing Need calculated using the standard method set out in Government guidance. However, the joint

Places for Everyone Plan is at a very advanced stage and is considered to have significant weight in decision making. Using the targets and sites in PfE the Council is able to demonstrate a 5 year supply.

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 development, 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.

In terms of housing delivery the Borough has under delivered against the local housing need, and as a result the 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

Given the advanced stage in the preparation of PfE, it is already considered reasonable that the Plan (as proposed to be modified) should be given significant weight in the decision-making process in line with paragraph 48 of the National Planning Policy Framework and full weight will be given to the policies once the Plan is adopted.

PfE policies are therefore relevant to the consideration of this planning application. In particular, the following policies are relevant to this proposal:

Policy JP-H1 - Sets a requirement for an average of 452 homes per year over the plan period, with stepped targets starting from a minimum housing target of 246 homes per year from 2022-2025 (increasing in future years of the plan). This development will make a limited contribution towards meeting that target.

Policy JP-H3 - Seeks to provide an appropriate mix of dwelling types and sizes reflecting local plan policies and having regard to relevant local evidence. Development across the plan area should seek to incorporate a range of dwelling types and sizes, including for self-build.

Policy JP-H4 - Requires new housing development to be delivered at a density appropriate to the location, reflecting the relative accessibility of the site by walking, cycling and public transport and the need to achieve efficient use of land and high quality design. Policy JP-H4 sets out minimum densities that should be considered, with this site falling in an area where a minimum net residential density of 35 dwellings per hectare is applicable due to it being in excess of 800 metres from the defined District Centre of Tottington. The site is 788.70sq.m/ 0.078ha, therefore one dwelling is appropriate on this size of land.

UDP Policies

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.

UDP Policy H2/6 - Garden and Backland Development would not support proposals which would result in the loss of private gardens and backland for infill development unless such proposals do not adversely affect the character and amenity of the area. Regard is given to factors including:

- the concentration of such development in the surrounding area;
- the relative density of the proposal to that of the surrounding area;
- the impact on neighbouring properties and the local environment;
- access arrangements.

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 site is located within an urban area, behind a row of traditional terrace houses fronting Tottington Road and bordered by a suburban housing development, Bowes Close. There is existing highway and infrastructure in place to facilitate the development. It is therefore considered not to conflict with the local environment in terms of the nature and character of the surrounding land uses.

As such, the principle of the proposed development would not conflict with the surrounding land uses and would be in a sustainable location with regard to services and public transport. The proposed development would be located on a greenfield site. Taking into consideration the requirement to significantly boost the supply of housing within the NPPF and the sustainable location of the site, it is considered that the release of the site would be both a modest use of land for residential and acceptable in general terms. It is not therefore considered that the proposal would conflict with this policy. Thereafter, the principle of development is acceptable.

Design, layout and visual amenity

Policies H2/1, H2/2, H2/6 and EN1/2 consider the relationship of new residential development in relation to their immediate context and expects that they make a positive contribution to the form and quality of the surrounding area. Policy H2/6 states that the Council will not support proposals that will result in the loss of private gardens and backland for infill development unless it can be shown that such proposals would not adversely affect the character and amenity of the area, when considering the relative density, impact on neighbouring properties and access arrangements.

The NPPF states that decisions should ensure that developments will function well and add to the overall quality of an area, visually attractive as a good architecture, layout and appropriate landscaping, sympathetic to local character, including the surrounding built environment and landscape setting and maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places.

The site is not considered to be backland development as existing housing on Bowes Close exists on two sides of it is however part of an existing garden area containing a number of category C trees.

Whilst some may argue the loss of trees would harm the character of the area, the loss of these category C trees which are not in the best condition, due to their limited biodiversity and visual value, there are no justified reasons to refuse this application on tree removal grounds.

The proposed dwelling would be accessed via an approximately 4m wide extended access drive off Bowes Close and would provide sufficient off-road parking provision. The proposed

dwelling is considered to be suitably designed and reflects the density of properties on Bowes Close. Its design, appearance and siting would therefore be reflective of the character of the area, in accordance with the siting and design requirements of the above mentioned policies.

Residential amenity

UDP Policy H2/1 and H2/2 partly concern impacts of development on residential amenity and the space about and between dwellings. SPD 6, whilst referring to extensions and alterations to dwellings, offers relevant guidance for spacing between dwellings.

To the north-east of the application site is the gable elevation of a neighbouring dwelling, 2 Bowes Close and 2A Bowes Close is located further away to the north-east. The driveway of which abuts the north-western boundary of the application site.

The rear of the proposed dwelling would have an outlook of the gable of no. 2 Bowes Close and the driveway to 2A Bowes Close. No. 2 Bowes Close, is situated approximately 16 metres to the north of the application site, has no habitable windows on its gable elevation nearest to the application site and therefore the habitable room windows and dormer on the rear of the dwelling would not cause any harm to the occupiers of this neighbouring dwelling (no. 2 Bowes Close) or the occupiers of 2A Bowes Close.

To the north-west of the site is a detached property known as Bowes House. No habitable room windows are proposed in the side elevation of the proposed dwelling and thus no harm to the amenity of this neighbour would occur.

There would be a separation distance between the front of the proposed dwelling and nos, 404 and 406 Tottington Road located to the south of the application site, in excess of 30 metres. Thus no loss of privacy would occur within the homes of these neighbouring occupiers.

The presence of a boundary hedge adjacent to the site and the fact that no windows are proposed in the side elevations of the property would prevent any direct overlooking of the neighbouring garden area belonging to 404 Tottington Road. If the neighbours hedge were removed, due to the orientation of the proposed dwelling the neighbours garden area would only be acutely overlooked via the front and rear first floor windows due to the way the proposed dwelling is to be sited.

The detached garden area of no. 408 Tottington Road would directly opposite the west facing elevation of the proposed dwelling. Due to the siting of this neighbours garden and the fact no first floor windows are proposed in the west facing side elevation of the dwelling no adverse impact on neighbouring occupiers would occur.

To ensure the dwelling has no first floor windows in its side elevation it is recommended that this be controlled by planning condition.

Subject to the above-mentioned condition, the dwelling is considered to be sited and orientated suitably to cause no harm to the amenity of any neighbouring residential properties the proposal accords with the above-mentioned policies.

Highway Safety

The Highway Officer considers that the principle of the development is acceptable and Officers have worked with the applicant to ensure the proposed new access would be safe for all highway users. Therefore, the proposed development would not be detrimental to highway safety and would accord with Policies EN1/2, H1/2, H2/1, H2/2 and H2/6 of the Bury Unitary Development Plan.

SPD 11 states that the maximum parking standards for a 4 bedroom dwelling is 3 spaces. The proposed development would provide 5 parking spaces and would therefore comply

with the maximum parking standards. Therefore, the proposed development would comply with Policy HT2/4 of the Bury Unitary Development Plan and SPD 11.

Ecology/ Biodiversity

The proposed development would require the felling of a number of trees.

The site is dominated by predominantly non-native trees and shrubs, including domestic apple species, cherry species, damson, spruce species, cedar species, juniper, holly species and pine species. Some native trees and shrubs are present including; hawthorn and hazel. A single rowan is present.

Ornamental flower beds and a number of stone paths are present within the garden with areas of lawn and hard standing patio areas.

To the rear of the garden a small butyl lined raised ornamental pond is present that has been stocked with koi carp species.

There is one statutory site within 500m of the site. This is Kirklees Valley Local Nature Reserve (LNR) which is located approximately 150m north of the site. There is one non-statutory site (Sites of Biological Importance, (SBI's)) within 500m of the site. The closest site is Kirklees Valley which is located approximately 150m north of the site. There are no Section 41 Habitats of Principal Importance in England (NERC) Act 2006 associated with the site.

The application site is entirely a highly modified formal garden dominated by non-native shrubs and trees with areas of lawn, cultivated flower beds and hard standing. Plant species recorded on site are almost all non-native /introduced, considered to be of site value only.

The habitats present at this site are of low distinctiveness and highly artificial. A section of the southern part of the garden is retained. The remaining parts of the site will be a new detached property / hard standing drive and access with a formal lawn to the north.

Bats

The submitted Preliminary Ecological Appraisal by Pennine Ecological Ltd states:

None of the trees on site have features capable of supporting bat roosts. The site is located in a sub-urban location with surrounding gardens and small areas of green space including woodland. To the north within approximately 150m of the site extensive high quality bat foraging habitats associated with the wooded Kirklees Valley are present. Open farmland is also present within 100m of the site to the south on the other side of Tottington Road. However given the very small size of the site and immediate surrounding well-lit roads and residential areas the site itself is considered to be of negligible / low value for foraging bats.

Badgers

Badgers are protected under Schedule 6 of the Wildlife and Countryside Act 1981, and under the Protection of Badgers Act 1992, which prohibits deliberate interference with the animal or its sett.

The submitted survey found no evidence of historic, recent or current use of the site by badgers for foraging, commuting or occupation and the species is considered to be absent.

Great Crested Newt:

Great crested newt (GCN) is comprehensively protected under European legislation.

There is a small ornamental pond on site. This has been stocked by the owners with koi carp species a highly efficient predator of GCN eggs. There are no other waterbodies within the terrestrial range of the species that could have provided a potential source of colonisation for the species. The garden is surrounded by roads and urbanised habitats and

is isolated in amphibian terms. The pond is considered totally unsuitable for the species which is deemed absent beyond reasonable doubt. The species is considered absent from the site beyond reasonable doubt. There are thus no issues in respect of great crested newts.

Nesting Birds

Trees and shrubs will be lost as a result of the proposed development and thus 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. For this reason, a condition is recommended to restrict the removal of any trees to the time of year outside the bird nesting period. Such a condition is therefore recommended.

Other Wildlife

Given the scale of the site, I am satisfied that the risks with regards species such as hedgehog and common toad is very low. No further information or measures are required

Invasive Species

Trees and shrubs on the site are described as primarily non-native and ornamental, which could include species such as rhododendron and Cotoneaster. As they are not mentioned, it is assumed they are not present, and in any event, the site is not in the wild, therefore it is not an offence to spread or plant such species in this location. Notwithstanding this, due to invasive species harming British wildlife and fauna, the Council's Ecology Advisors have recommended an informative given the residual risks by such plants.

Habitat Enhancements

The submitted Preliminary Ecological Appraisal advises that there is little if any scope to create meaningful habitat enhancements on the application site. However, a bat box and integrated sparrow nest box are proposed on the east facing side elevation which is the elevation nearest to the garden area of 404 Tottington Road and the other two gardens adjacent. These will be secured by a planning condition.

Trees

The application is supported by an Arboricultural Impact Assessment (AIA) by Goodwins.

The proposal seeks to remove 12 non-native trees and a group of Lilac, also a non-native plant. All the trees and shrubs proposed for removal are considered to be low-quality ('C' category) specimens and although they provide an attractive green space on the approach to Bowes Close, the trees are not worthy of protection on visual or biodiversity grounds.

An Arboricultural Method Statement is included within the AIA which determines that tree protection measures are necessary to all retained trees that are within influencing distance of the site.

The proposal would intrude into minor sections of the Root Protection Area (RPA) of trees G16, T17, T21 and T22 that all lie within the foundation area of a proposed boundary wall and driveway (less than 9% of the total RPAs). As such, given the small percentage of potential RPA disturbance, the proposed construction works are not expected to cause any long-term harm to the adjacent trees. However, as a precautionary measure, it is recommended that excavations within the RPAs are undertaken using techniques sympathetic to tree roots. This can be secured by condition.

Climate Change

The site is not located within an Air Quality Management Area. Due to the scale of the development, it is considered very 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 was not required to accompany this application.

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. The proposed development is to have off-street parking. Due to this, the fact the Council has to improve air quality and the requirements of the Building Regulations (The Building Regulations 2010, Approved Document S, Infrastructure for the charging of electric vehicles), it is recommended a suitably worded condition requiring the property to have electric vehicle charging provision is imposed should the application be approved.

Ground Conditions

The site is currently in use as garden. Surrounding land uses include residential properties. Previous land uses at the site have included agricultural land, with the site used as a garden by 1910. Previous land uses in the surrounding area have included agricultural land and infilled ponds, Leemans Hill Mill, a laundry, a railway line and Woolfold Station.

The site is located within 250 metres of a registered landfill site and is located approximately 265m to the southwest of the Kirklees Brook. The site is also situated on the Lower Coal Measures Secondary A aquifer, which is overlain by glacial till deposits. The site is not situated within a Radon Affected Area.

In line with the requirements of the National Planning Policy Framework to ensure site is safe to develop, as the site is proposed for a sensitive end use (residential) the Council's Contaminated Land Officer has recommended that intrusive site investigations are undertaken on the site, and where necessary the site be remedied to make it safe. Due to the low level risk this site has, the Council's Contaminated Land Officer has advised planning conditions can be imposed to secure that future occupants of the proposed development would not be affected by contamination.

Drainage

The site falls in Flood Zone 1 (the lowest probability) and United Utilities have not objected to the proposal although did suggest that the proposed development may affect their assets.

The possible presence of a private drainage culvert at the site would fall to the responsibility of the developer.

Given the above, and subject to a surface water drainage condition, the development would not conflict with UDP Policy EN5/1 or Section 14 of the NPPF.

Conclusion

The Council cannot demonstrate a five-year supply of deliverable housing land and as such, in accordance with Paragraph 11 of the NPPF, there is a presumption in favour of sustainable development unless the adverse impacts of approving the development would significant and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

It has been demonstrated in the above report as to why the proposal constitutes sustainable development and accords with both local and national planning policies, subject to the recommended planning conditions. Given such circumstances and in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the Framework, it is recommended that conditional planning permission should be approved.

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 the expiration of three years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 This permission relates to the following plans and documents:

Drawing No. 32008 - 001 Rev. A: Location and Existing Site Plan;
Drawing No. 23008 - 101 Rev.C: Proposed Site Plan;
Drawing No. 23008 - 103 Rev.A: Topographical Survey with Plan Overlay;
Drawing No. 23008 - 106: Proposed Site Entrance Details;
Drawing No. 23008 - 102: Proposed Floor Plans and Elevations;
Drawing No. 23008 - 105: Proposed Street Scene;
Drawing No. TPP.14711: Tree Protection Plan;
Pennine Ecology Preliminary Ecological Appraisal, dated November 2023; and,
Goodwins Tree Surveys Arboricultural Impact Assessment and Method Statement, dated 18 October 2023 – Project No. AIA.13711.01,

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings and documents.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Local Plan and the National Planning Policy Framework.

- 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 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:

- 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 access and boundary and as a result of statutory undertakers connections to the site;
- Access point and route for construction traffic from the adopted highway and Key Route Network;
- Hours of operation and number of vehicle movements;
- A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access;
- 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;
- If proposed, site hoarding/gate positions clear of the existing shared access, including the provision, where necessary, of temporary pedestrian facilities/protection measures;
- Measures to ensure that all mud and other loose materials are not 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 occupied.

Reason. Information not submitted at application stage. To maintain the integrity of the adopted highway, mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and ensure that the adopted highways are kept free of deposited material from the demolition/ground works operations, in the interests of highway safety 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.

6 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.

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.

- 7 Notwithstanding any description of materials in the application and the requirements of condition 2 [approved plans] of this permission, no above ground works shall take place until samples or full details of all materials to be used on the external surfaces of the dwelling hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials and details of the manufacturer. The development shall thereafter be implemented in accordance with the duly approved materials.

Reason. No material samples have been submitted - To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Bury Unitary Development Plan Policy EN1/2 – Townscape and Built Design, and the National Planning Policy Framework.

- 8 The development hereby approved shall be carried out in strict accordance with the tree protection measures detailed in the Arboricultural Method Statement which forms Section 4 of the Arboricultural Impact Assessment Report by Goodwins and Drawing no. TPP/13711 Rev. 01 of the same report. The identified tree protection measures shall be implemented before any development takes place and maintained as such thereafter for the entirety of the construction period.

Reason: To ensure that adequate measures are put in place to protect existing trees which are to be retained as part of the development and the neighbours hedge before any construction works commence in accordance with the requirements of Policy EN8 of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 9 The development hereby approved shall be carried out in accordance with the measures specified within Section 4 (Arboricultural Method Statement) of the Arboricultural Impact Assessment Report by Goodwins to ensure construction within the Root Protection Areas is carried out by hand and the hardsurfaces and services within the root protection areas of any trees and adjacent to the neighbours hedge, are constructed in accordance with the methods stated.

Reason: To ensure that appropriate precautionary measures are put in place to limit the impact of tree works on adjoining occupiers in the interests of good arboricultural practice in accordance with the requirements of Policy EN8 of the Bury Unitary Development Plan and the requirements of BS5837 (2012): Trees in relation to design, demolition and construction.

- 10 The development hereby approved shall not be first occupied unless and until the formation of the proposed site access onto Bowes Close indicated on the approved plans, incorporating works to a specification to be agreed with the Highway Authority at the back of the footway to form the access to the site from the existing footway crossing, provision of new edgings to demarcate the limits of the adopted highway and crossing of the hard landscaped strip at the back of the footway, and all associated highway and highway drainage remedial works required as a result of the development, has been implemented to an agreed scope and specification 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, in the interests of highway safety.

- 11 The visibility splays at the interface with the adopted highway indicated on the approved plans shall be implemented to the satisfaction of the Local Planning Authority before the development is first occupied and subsequently maintained free of obstruction above the height of 0.6m.

Reason: To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety.

- 12 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. (HY14 Amended)

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.

- 13 The car parking indicated on the approved plans shall be surfaced and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved being occupied and thereafter maintained at all times. (CAR1 Amended)

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.

- 14 The bin storage arrangements indicated on the approved plans shall be implemented to the written satisfaction of the Local Planning Authority prior to the development hereby approved being first occupied and thereafter be maintained available for use at all times.

Reason. To ensure adequate off-highway bin storage arrangements are provided within the curtilage of the site, in the interests of highway safety, in the interests of good design, to ensure that adequate bin storage arrangements are provided within the curtilage of the property pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and EN4/1 - New Development, the National Planning Policy Framework and the National Design Guide.

- 15 The development hereby approved shall be carried out in accordance with a surface water drainage scheme which shall be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include provision of potential SuDS options for surface water drainage. The drainage scheme shall be implemented prior to first occupation and thereafter maintained.

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 National Planning Policy Framework.

- 16 The bat and sparrow nesting boxes illustrated within the Pennine Ecological Preliminary Ecological Appraisal shall be implemented in full before the development is first brought into use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that bird and bat species are protected and their habitat is mitigated, in accordance with the National Planning Policy Framework and Wildlife & Countryside Act 1981 as amended.

- 17 Prior to occupation the applicant shall provide at least 1 Electric Vehicle Chargepoint (minimum 7kW*) for the dwelling. Photographic evidence of the installation of the agreed electric vehicle charge points shall be submitted to the Local Planning Authority.

*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. 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, in accordance with the National Planning Policy Framework.

- 18 Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 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 in the interests of the amenity of neighbouring occupiers, visual amenity and highway safety (due to the lack of satisfactory car parking on the site), in accordance with Policy EN1/2 - Townscape and Built Design.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	19/03/2024	DM	19/03/2024