

DELEGATED REPORT

Report by Helen Leach	Date of report: 03/07/2024	Ref: 70482/FUL
Registration: 27/02/2024	LDfC: 29/03/2024	Expiry Date: 23/04/2024
Site Visit: 15/03/2024	Site Notice: 06/03/2024	Press Date: 07/03/2024
Objections: 1	Con Area: BROO	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Reinstatement of mid-terraced house at no. 5 East View following complete collapse after explosion and remedial works to external envelope at no. 4 East View

Location: 4 & 5 East View, Summerseat, Bury, BL9 5PG

Description

The application site is located within the Green Belt and the Brooksbottom/Rowlands Conservation Area. The site comprises a former 3 bedroom, mid-terrace property, which was demolished due to damage from a explosion in 2021. Following the explosion, the site was cleared and a hoarding erected around the site. There is a single dwelling to the north and a row of 4 dwellings to the south, which are built from stone and slate. There is a pedestrian access to the front and there is no off-street parking.

The railway viaduct forms the boundary to the east, with the Spinnings beyond, which is a Grade II listed apartment building. There are terraced dwellings to the west and Waterside Road and the River Irwell are located to the south. There is a Public Right of Way to the north through woodland.

The proposed development involves the erection of a single dwelling and remedial works to repair No. 4 East View. The remedial works to No. 4 East View consist of repairs to the external fabric and would be constructed from ashlar stone.

The proposed development would reinstate the original dwelling on the site, which consists of a 3 bedroom terraced property with an attic and basement. The elevations of the proposed dwelling would replicate the appearance of the former dwelling and original materials will be salvaged and reused, where possible. The materials would include ashlar stone, stone lintel and sill, slate roof and uPVC windows.

Access to the property would remain as existing from East View via Ruby Street and Waterside Road. There would be no off-street parking.

Relevant Planning History

None relevant.

Publicity

12 neighbouring properties were notified by means of a letter on 29 February 2024 and a press notice was published in the Bury Times on 7 March 2024. Site notices were posted on 6 March 2024.

1 letter has been received, which has raised the following issues:

- It is essential this work takes place, given the impact on the residents of East View. Care is needed to balance this need with two other important considerations.
- Safety issues for other residents (& minimising disruption). The desk based study notes the need for gas monitoring boreholes, and testing soil samples (to assess

- contamination). This should be extended to other houses.
- Reinstatement must abide by the conservation area; timber sash windows, conservation roof windows, reinstatement of the chimneys, no building outside of the footprint of the original structures. Some of the decisions made in the other properties on the row have deviated from these, and these must not be seen as a precedent.
- Object to the 'new lean-to'. In 2018 the boiler was supposed to go in the cellar but tanking precluded this, and a storage hatch (not boiler room) used as a fix. This is a total rebuild so boiler should be in the house. Object to uPVC windows, and a steel gate. The front garden wall needs to be rebuilt in keeping (to avoid it becoming a stealth parking space).

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to the inclusion of a condition relating to a Construction Traffic Management Plan.

Drainage Section - No response.

Environmental Health - Contaminated Land - No objections, subject to the inclusion of conditions relating to contaminated land.

Public Rights of Way Officer - No objections, subject to the PROW remaining open during construction works.

Conservation Officer - No objections, subject to conditions relating to materials.

Waste Management - No response.

Environment Agency - No response.

United Utilities - Require a detailed drainage plan.

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

Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN2/3	Listed Buildings
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN9/1	Special Landscape Areas
OL1/2	New Buildings in the Green Belt
OL1/3	Infilling in Existing Villages in the Green Belt
HT2/4	Car Parking and New Development
HT4	New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework
PFE	Places for Everyone

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 - Green Belt - NPPF Chapter 13 - Protecting Green Belt Land and OL policies of the UDP set out the national and local considerations of development within the Green Belt. UDP Policies are largely consistent with the NPPF and therefore hold significant weight. The policies of the NPPF hold substantial weight in terms of the consideration of development within the Green Belt, not least as these policies are more up to date than the UDP.

Para 152 considers that inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 154 states that the construction of new buildings in the Green Belt should be

regarded as inappropriate unless it meets the following exceptions:

- a. buildings for agriculture and forestry;
- b. the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c. the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e. limited infilling in villages;
- f. limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g. limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable.

Paragraph 153 of the NPPF states that when considering an application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Policy OL1/2 states that the construction of new buildings within the Green Belt will be inappropriate development unless it is for agriculture, forestry, essential facilities for outdoor recreation, limited extensions of existing dwellings and for other uses of land which do not conflict with the purposes of including land in it. Proposals for buildings, which do not fall into one of the above categories are inappropriate development and will only be permitted in special circumstances.

Policy OL1/3 states that in all named villages which lie within the Green Belt, limited infill development may be permitted, provided that it is in scale with the village and would not adversely affect its character or surroundings.

The proposed development would involve the replacement of a dwelling, which was lost in an explosion. The site has been cleared and the vacant site is located between two residential dwellings. As such, the proposed development would be an infill plot and is located within Summerseat, which is a named village. Therefore, the proposed development would be appropriate development and would be in accordance with Policy OL1/2 of the Bury Unitary Development Plan and the NPPF.

Principle - Residential - 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). In addition to the housing land supply in the SHLAA, the joint Places for Everyone Plan was adopted with effect from 21 March 2024 and allocates significant strategic sites for housing within Bury.

The adopted joint Places for Everyone Plan 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). Following the adoption of PfE the Council is able to demonstrate a 5 year supply with a 20% buffer.

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, 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.

Due to the housing delivery test result, the 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply. However, the adoption of the Places for Everyone Joint Development Plan has resulted in new housing targets for the Borough and the allocation of strategic sites housing sites, which along with the identified housing land supply within the urban area enable the Council to demonstrate a deliverable 5 year supply of housing land, and will accelerate housing delivery within the Borough to meet housing needs.

Therefore, 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.

The site is considered to be brownfield, in a sustainable location for housing but sits within the Green Belt. As such, the tilted balance would not apply in this instance.

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 proposed development would be located within the urban area and is surrounded by residential properties. As such, 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 site did contain a dwelling previously and as such, the site would be previously developed land. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy H1/2 of the Bury Unitary Development Plan and the NPPF.

Design - The proposed development involves the rebuilding of No. 5 East View and repairs to No. 4 East View. The proposed development would involve repairing the damage, which includes rebuilding the stonework around the first floor window on the front elevation and remedial works to the gutter and rebuilding the rear wall, first floor window, and associated works to the gutter and roof. The proposed repairs would match the design of the other dwellings in the row and as such, would be acceptable. The proposed repairs would be constructed from ashlar stone and timber window frames would be timber, which would match the remainder of the existing dwelling. Therefore, the proposed development would not be a prominent feature in the streetscene and would be in accordance with Policies H2/3 and EN1/2 of the Bury Unitary Development Plan.

The design of the proposed dwelling would match the existing dwellings in the terraced row. The materials for the proposed development would be ashlar stone with a slate roof, which would be acceptable. Whilst the existing material would be used to rebuild the dwelling, it is not clear if there would be enough stone and slate and as such, a condition relating to samples of materials would be included to ensure that any new material matches the existing terrace. The application form states that the proposed windows would be uPVC. Whilst these were present before the explosion, uPVC windows are not appropriate in a conservation area due to the appearance and the width of the frames. As such, the use of timber windows will be secured by condition.

Therefore, the proposed development would not be a prominent feature and would be in accordance with Policies H2/1, H2/2 and EN1/2 of the Bury Unitary Development Plan.

Layout - The proposed dwelling would have a rear garden, which would provide a suitable level of amenity space. There would be space within the rear garden for bin storage. A stone wall and metal gate would be provided at the front of the proposed dwelling, which would match the wall in front of the other existing dwellings. The 3 metre high wall with a timber door at the rear of the property was unaffected and would be retained. Therefore, the proposed development would not be a prominent feature in the streetscene and would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Policy JP-H3 states that all new dwellings must:

- comply with the nationally prescribed space standards; and
- be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations unless specific site conditions make this impracticable.

The applicant has provided a report which confirms that the proposed dwelling would comply with the nationally prescribed space standards.

As the proposed development is effectively reinstating an existing dwelling in the middle of a terraced row, the footprint and the finished ground floor level of the proposed dwelling are predetermined by the original building and those either side. There is a 0.4 metre change in the external level between the proposed ground floor level and the rear gate, which would be too steep to provide an accessible sloping approach. As such, a level or ramped approach would not be achievable. The Building Control Section has confirmed that it would not be possible to comply with Part M4(2) for this development. Given the unique circumstances and constraints of the proposed development, it is considered that the site conditions make the implementation of Part M4(2) impracticable.

Therefore, the proposed development would be in accordance with Policy JP-H3 of the Places for Everyone Joint Development Plan.

Heritage issues - The application site is located in the Brooksbottoms Conservation Area.

Sections 66 and 72 of the Town & Country Planning (Listed Buildings & Conservation Areas Act) 1990 imposes a statutory duty upon the Local Planning Authority (LPA) to recognise, positively manage and ensure the preservation or enhancement of Listed Buildings and Conservation Areas.

The NPPF sets out the Government's planning policies and one of the core planning principles states that planning should 'conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.'

Paragraph 203 of the NPPF states that when determining applications, local planning authorities should take account of;

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The application site is currently vacant as the previous dwelling on site was demolished as a result of an explosion in 2021. The proposed dwelling would be located in the site and would connect to the existing dwellings on either side to reinstate the terraced row.

The design of the proposed extension would be identical to the dwelling, which was demolished and would use salvaged materials where possible. The explosion caused damage to the adjacent dwelling (No. 4 East View) and the external elevation would be repaired using ashlar stone and the window frame on the rear would be timber. It is not clear whether there would be enough salvaged materials to complete the development and as such, a materials condition would be required to ensure that the materials would match the existing terrace.

The Conservation Officer has concerns about the installation of rooflights to the proposed dwelling. However, these would be permitted development and could be installed following completion of the dwelling. As such, the proposed rooflights would be acceptable, subject to the inclusion of a condition requiring conservation style rooflights to be installed.

The Conservation Officer has no objections, subject to the inclusion of conditions relating to the materials and windows.

As the design is identical to the previous dwelling and would match the dwellings in the terraced row, the proposed development would preserve the character of the Conservation Area. Therefore, the proposed development would be in accordance with Policies EN2/1

and EN2/2 of the Bury Unitary Development Plan.

Impact upon residential amenity - SPD 6 provides guidance on aspect standards for residential properties and would be relevant in this case.

The proposed dwelling would be located level with the front and rear elevation of the adjacent properties and as such, would not have an adverse impact upon the amenity of the neighbouring properties.

There would be 23 metres between the rear of the proposed development and the corner of No. 1 Garden Street, which would be in excess of the 20 metre aspect standards.

There would be 17 metres from the front elevation to the railway viaduct, which would be in excess of the 13 metre aspect standard.

There would be 6.15 metres from the rear elevation of the proposed development to the boundary of the rear yard. Whilst this is below the 7 metre aspect standard, the proposed dwelling would maintain the established building line and as such, would be no worse than existing. In addition, the proposed dwelling would over look a back street and there are no directly facing properties at the rear who could be adversely affected by the proposed development. As such, given the unique circumstances, the proposed development would be acceptable.

Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policies H2/1, H2/2 and EN1/2 of the Bury Unitary Development Plan.

Flood risk - A Flood Risk Assessment was submitted as part of the application and the front garden is located within flood zone 2, but the proposed dwelling would be located in flood zone 1. The FRA states that the finished floor level for the proposed dwelling would be 108.978, which would be up to 1.114 metres above site ground levels. No flooding has been recorded at 5 East View since 1946. Given that the site is located in flood zone 1 and the finished floor levels would be above the existing ground level, no flood resilience measures would be required.

United Utilities has no objections, subject to the inclusion of conditions relating to foul and surface water drainage, which would require the applicant to consider sustainable urban drainage systems (SuDs). The proposed development would involve the replacement of a dwelling in a terrace, following an explosion. Given the tight site and the location between 2 dwellings, it would not be possible to implement a SuDs system. As such, the condition will be imposed that requires the applicant to connect to the existing foul and surface water drainage.

Therefore, the proposed development would not have an adverse impact upon drainage and would not be at risk of flooding nor increase the risk of flooding downstream. The proposed development would be in accordance with Policy JP-S4 of the Places for Everyone Joint Development Plan.

Highways issues - The proposed dwelling is located in a terraced row, which has a pedestrian access from an unmade track between the dwellings and the railway viaduct. The proposed development would provide no off-street parking, but there was none provided before. As such, the proposed development would not result in a worse situation. The Traffic Section has no objections, subject to the inclusion of a condition relating to a Construction Traffic Management Plan.

There is a Public Right of Way that passes northwards from the rear of the property. The Public Rights of Way Officer has no objections, subject to an informative to ensure that the PROW is kept open during construction works. Therefore, the proposed development

would not be detrimental to highway or pedestrian safety and would be in accordance with Policies H2/1, H2/2, EN1/2 and HT6/2 of the Bury Unitary Development Plan.

Carbon/energy - The proposed development reinstates the original dwelling on the site. It is set within the

Brooksbottom / Rowlands Conservation area and is near to a Grade II listed building.

Due to the existing context of the site, opportunities to reconfigure the proposed scheme and deliver a net-zero development in the most economic way are limited, as:

- The shape, orientation, size of openings, etc. are already predetermined by the original building.
- The external appearance of the proposed development needs to be sympathetic to the historical surroundings of the conservation area and the nearby listed building.
- Meeting the criteria above limits the choice and efficiency of technologies available to generate renewable energy on site.
- The installation of an electrical vehicle charger is not viable as off-street parking cannot be provided within or close to the curtilage of the dwelling.

The proposed development would include compliance with Parts L and O of the Building Regulations. Whilst this would not fully meet the criteria of the policy, it would make a meaningful contribution to the aim of being carbon neutral. Given the unique circumstances of this proposal, it is considered that the measures identified to reduce the energy required would be acceptable and would comply with Policy JP-S3 of the Places for Everyone Joint Development Plan.

Digital Connectivity - Policy JP-C2 of the PfE plan supports the provision of affordable, high quality, digital infrastructure.

The agent has provided a statement, which indicates that the proposed dwelling would be provided with access to high speed digital connection. Therefore, the proposed development would comply with Policy JP-C2 of the Places for Everyone Joint Development Plan.

Response to objectors

- Works can only be undertaken within the red edge and as such, the gas monitoring cannot be extended to other properties.
- The proposed development would provide timber sash windows, conservation style rooflights and the chimney would be reinstated.
- The proposed plans indicate that the front garden wall would be rebuilt in the same position as the existing wall.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

- 2 This decision relates to drawings numbered 2207-DTA-XX-GF-DR-A-0001 02, 2207-DTA-XX-GF-DR-A-0003 05, 2207-DTA-XX-GF-DR-A-0005 05, 2207-DTA-XX-GF-DR-A-0105 04, 2207-DTA-XX-GF-DR-A-0130 04, 2207-DTA-XX-GF-DR-A-0200 02, 2207-DTA-XX-GF-DR-A-0225 04, 2207-DTA-XX-GF-DR-A-0250 03, 2207-DTA-XX-GF-DR-A-0251 01, 2207-DTA-XX-GF-DR-A-0275 04, 2207-DTA-XX-GF-DR-A-0276 01 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 Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;
The approved contamination testing shall then be carried out and validatory evidence (soil descriptions, laboratory certificates, photographs etc) 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.
- 6 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local

Planning Authority and shall confirm/provide the following:

1. Photographic dilapidation survey of the adopted highway abutting the site in the event that subsequent remedial works are required as a result of the incident and following construction of the development;
2. Access route for all construction vehicles to the site from the Key Route Network avoiding, wherever possible, the Bass Lane route to the site;
3. Details of site hoarding/gate positions, taking into consideration the need to maintain pedestrian access to Public Footpath No. 83, Ramsbottom that abuts the site and any associated temporary closure of the adopted highway;
4. The provision, where necessary, of temporary pedestrian facilities/protection measures on the highway;
5. A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access;
6. Confirmation of hours of operation, delivery & construction vehicle sizes that can be accommodated on the adjacent residential streets that serve the site and number of vehicle movements;
7. Measures to control/manage delivery vehicle deliveries and manoeuvres;
8. Facilities for the storage of construction materials within the curtilage of the site/on land within the control of the applicant/Highway Authority;
9. Measures to ensure that all mud and other loose materials are not spread onto the adjacent highways as a result of the works or carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

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

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

- 7 The external finishing materials, which shall include cills and heads and shall be sandstone for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 8 Notwithstanding the submitted plans, the windows in No. 5 East View shall be of timber framed construction only.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to the following Policies of the Bury Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
Policy EN2/1 - Character of Conservation Areas
Policy EN2/2 - Conservation Area Control.
- 9 Prior to the commencement of any works to the roof, details, including a specification for the conservation style rooflights shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented as part of the development hereby approved.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to the following Policies of the Bury Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
Policy EN2/1 - Character of Conservation Areas
Policy EN2/2 - Conservation Area Control.

- 10 No development shall commence unless or until, a course pattern for the graduated stone size, which shall include narrower stone towards the eaves, has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented as part of the development hereby approved.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to the following Policies of the Bury Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
Policy EN2/1 - Character of Conservation Areas
Policy EN2/2 - Conservation Area Control.

- 11 The development hereby approved shall connect to the existing foul and surface water drainage.
Reason. To ensure a satisfactory means of drainage pursuant to Policy EN7/5 of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 03/07/2024		DM - 04/07/2024	