

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 13/03/2024	Ref: 70409/FUL
Registration: 25/01/2024	LDFC: 01/03/2024	Expiry Date: 21/03/2024
Site Visit: 02/02/2024	Site Notice: 02/02/2024	Press Date: 08/02/2024
Objections: 0	Con Area: N/A	Adv Type: ASB
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Demolition of existing building and erection of 1 no. dwelling

Location: Ivy Bank, Walmersley Old Road, Bury, BL9 6RU

Description

The application site relates to a piece of land which was formally part of the extensive garden which was associated with and in the ownership of Ivy Cottage, a Non-Designated Heritage Asset. Ivy Cottage and its grounds have since been sub-divided with part of the garden (the site area) now in a separate ownership.

The site is located within a small settlement of Baldingstone and is within a cluster of other residential dwellings, with the row of terraced cottages at Bank Top to the east, Ivy Cottage, Robins Bank and Baldingstone cottages to the south and a Grade II Listed Building, Baldingstone House to the north west.

The existing development at Baldingstone including Ivy Cottage is built into an embankment and the land rises quite steeply from the houses which front Baldingstone at the lower level rising northwards up to the site.

To set the site within the context of the surrounding area, Ivy Cottage is built into the south facing embankment with part of the garden located at the side and a terrace garden at the rear which slopes upwards away from Ivy Cottage towards a stone retaining wall which now forms the rear boundary of Ivy Cottage. A timber boarded fence has also been erected on top of the stone wall.

Beyond the timber boarded fence and set at a higher level to Ivy Cottage by circa 5m and by circa 2-3m above the terraced garden is the site area which was the former garden of Ivy Cottage. This land forms a plateau where there is a detached stone built single garage/store and area of hardstanding. The remaining part of the site is grassed and steps up by 3-4m in a series of terraces towards the north and north east and the site boundary. The area of the site is in the Green Belt but the stone garage and hardstanding area are not.

The site also includes the embankment and land at a lower level which is to the east of Ivy Cottage.

To the east of the site and broadly on the same level is a row of terraced cottages called Bank Top. The gable end of No 5 Bank Top and its detached garage face the site.

The access to the site is via Walmersley Old Road.

The applicant proposes the demolition of the garage and the erection of 1 no 3 bed dwelling and associated parking and amenity area.

The proposed dwelling would be a split level design. The majority of the build would be

single storey located on the level area of land which is elevated above Ivy Cottage with a lower ground floor at the south east end of the build.

Due to the irregular shape of the site, the Green Belt boundary and the position of the adjacent properties of Ivy Cottage and Bank Top, the development proposes a linear form of building extending approx 18.6m in a south east/north west direction, stopping just short of the Green Belt boundary.

The grassed and terraced area to the north of the proposed dwelling (previously the garden of Ivy Cottage) would be used as external amenity space with native tree planting proposed at the lower ground floor level adjacent to the boundary.

A driveway, parking and bin store would be located on the eastern side of the dwelling with the existing access off Walmersley Old Road retained.

In terms of accommodation, 2 bedrooms and a bathroom would be located at the lower ground level with a bedroom en-suite, kitchen, dining and living room, utility and WC at ground floor.

Main elevations would comprise natural stone with a blue slate roof with modern elements including grey clad panelling within the elevations, with a timber porch structure on the north eastern side and grey aluminium window frames.

The development would be a self and custom build dwelling.

A development for 1 no dwelling has previously been approved for the site (now expired), with a dwelling of a broadly similar design (split level) in broadly the same position on the site, although this application seeks to position and rotate the building further back and away from the boundary with Ivy Cottage and its terraced garden by between 2 - 4m.

Relevant Planning History

69095 - Erection of detached dwelling - Withdrawn 29/11/23

65532 - Demolition of existing building and erection of 1 no. dwelling - Approved 5/8/2020

57855 - Outline application for detached dwelling with primary access off Walmersley Old Road with some Reserved Matters - Refused 24/10/24

53835 - Erection of workshop building (retrospective) - Refused 30/06/2011

17/0012 - Erection of building and siting of portacabin - 10/01/2017

Publicity

Letters sent on 29/1/24 to 13 properties.

Site notice posted 2/2/24

Press advert 8/2/24.

One response received with the following comments -

- Nice to finally see a design which blends in with the surroundings.
- Even with the reduced height and more distant position the proposed design is still somewhat overbearing. In order to reduce the visual impact would like the trees on the boundary to be evergreen rather than deciduous.
- Additionally, would like the supporting stone gabions to not be visible either by planting of evergreen shrubs or by being obscured by dry-stone walling/similar.
- Do have concerns about the structural stability of the ground in that area as it is supported by an old stone boundary wall and the sand like soil is very loose. Piling may be required to guarantee that the ground does not subside under the weight of the new building this should be independently verified by an expert.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions

Borough Engineer - Drainage Section - No response received

Environmental Health - Contaminated Land - No objection subject to conditions

Public Rights of Way Officer - No response
Conservation Officer - No objection
Waste Management - No response received
United Utilities (Water and waste) - No objection
Greater Manchester Ecology Unit - No objection subject to conditions/informatives
Planning & Building Regs consultation Fire Protection Dept Bury Fire Station (Part B)
 - No response received

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

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
PFE	Places for Everyone
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/2	Townscape and Built Design
EN2/3	Listed Buildings
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN8	Woodland and Trees
EN8/1	Tree Preservation Orders
HT2/4	Car Parking and New Development
H2/6	Garden and Backland Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
OL1	Green Belt
OL1/2	New Buildings in the Green Belt
OL1/5	Mineral Extraction and Other Development in the Green Belt
EN1/3	Landscaping Provision
EN5/1	New Development and Flood Risk

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.

Housing land supply and principle for residential development

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.

Although part of the site is within the Green Belt, the proposed dwelling sits outside the Green Belt. The national requirement to significantly boost the supply of housing under the NPPF is a material consideration that would favour the residential development of this site in principle, subject to detail.

Places for Everyone

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

PfE was submitted to the Government for examination in February 2022 and this marked the start of the independent examination into the plan, the final stage in the plan making process.

The Inspectors have now concluded their examination of the plan and have issued their findings and recommendations in their Inspectors' Report which was received on 14 February 2024. In that report the Inspectors conclude that all legal requirements have been met and that with the recommended main modifications set out in the Appendix of their report, the Places for Everyone Joint Development Plan Document satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

The next step is for all nine PfE Councils to consider the Inspectors' recommendations and adoption of the Plan. Currently it is anticipated that these Council meetings will be held between 28 February and 20 March 2024, with Bury Council due to consider this on 20 March.

If it is agreed by all nine Council's, Places for Everyone will become a key part of Bury's statutory development plan.

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. The total site area is approximately 0.117 hectares, so 1 home would equate to 8 dwellings per hectare. The part of the site outside the Green Belt equates to around 0.04 hectares, which would equate to 25 dwellings per hectare. Due to the topography of the site, the potential impact on the wider landscape and heritage assets this density is acceptable.

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 on the fringe of a semi-urban area, within a cluster of other dwelling and on the periphery of an established residential estate located to the south, and therefore considered not to conflict with the local environment in terms of the nature and character of the surrounding land uses.

There is existing highway and infrastructure in place to facilitate the development.

As such, the proposed development is considered to be acceptable in principle and would comply with UDP Policy H1/2 and the principles of the NPPF.

Green Belt

Bury UDP Policy OL1/5 - Mineral Extraction and Other development in the Green Belt states that development will be inappropriate unless it maintains openness and does not conflict with the purposes of land in the Green Belt.

The proposed dwelling would not be in the Green Belt but the garden area would. This land was formally the garden to the adjacent house, Ivy Cottage. The land would remain open and given its existing status as a domestic use associated with a residential property, there would be no change of use involved and no change to the character of the land. It is therefore considered that there would not be an impact on the character or openness of the Green Belt.

There would be no built development or associated hardstanding areas which would encroach the Green Belt land.

The proposal would not conflict with any of the exceptions of paras 154 or 155 of the NPPF or conflict with the five purposes which Green Belt serves.

As such, it is considered that the proposed development would not harm the openness or character of the Green Belt and as such would comply with UDP Policy OL1/5 and the principles of the NPPF.

Layout

The site is challenged by a number of constraints including the topography and level, the irregular shape of the site and the Green Belt boundary.

The development has sought to overcome these restrictions and seeks to utilise both the level ground and part of the embankment to provide a split level solution for the proposed new dwelling which also avoids encroachment into the Green Belt.

The proposed dwelling would therefore take a linear form with the footprint positioned between 5 Bank Top to the east and Ivy Cottage to the west and would extend adjacent to but not parallel with the boundary to Ivy Cottage as it would be slightly angled inwards towards the site.

The rear elevation of the dwelling would stop short of the Green Belt and as such there would not be an encroachment into this area.

The garden would be located within the Green Belt but given it had been an established garden and in residential use in association with Ivy Cottage, it is considered that continuing this use for domestic purposes would not have a detrimental impact on the openness of the Green Belt or conflict with the purposes of including land in the Green Belt.

The area to the east of the dwelling would facilitate bin storage, parking area for 2 cars with space for visitors and would be accessed from the existing opening off Walmersley Old Road via gates.

A landscaping scheme has been submitted which proposes native trees to the lower ground floor level next to the south western boundary and in the garden of the site.

Given the site constraints and challenging topography in particular, it is considered the proposed development would be an acceptable solution in providing a new dwelling in the area along with the associated garden, parking and access and would comply with policies H2/1, H2/2 and H2/6 and the principles of the NPPF.

Design and appearance

The proposed dwelling would be a split level design set into the embankment to the south of the site, with the frontage being 2 storey and the remainder of the build single storey. The build would take a linear and rectangular form with a pitched roof.

On the south west elevation elongated grey aluminium windows would be located in the 2 storey element with doorway openings out to the lower level and smaller windows positioned at the ground floor level and on the north east elevation. There would be a timber porch and timber weather boarded door on the north elevation facing the site entrance.

Elevations would be constructed of natural stone with a blue slate roof which would reflect the traditional terraces and cottages in the vicinity.

Nestled between established dwellings and within the physical landform, views of the dwelling from the south outside the site would be limited.

It is therefore considered the design and appearance of the proposed dwelling would be acceptable and comply with H2/1, H2/6 and EN1/2.

Impact on the surrounding area

The nearest properties affected would be 5 Bank Top to the east and Ivy Cottage.

No 5 Bank Top is the end property of a row of terraces. It has a gable wall with a first floor window (non-habitable) which faces the site and a detached garage which is located at an angled position adjacent to the eastern boundary to the site.

The proposed dwelling would be orientated with a footprint running south/east to north/west and as such it would have an angled relationship to the side gable of No 5 Bank Top and there would be no direct interfacing elevations. There would be a distance of 8m between the two builds and given the orientation of the new dwelling it is considered that there would not be an overbearing impact to No 5 Bank Top.

To Ivy Cottage, there is a fairly substantial difference in level comparative to the site, the ground floor level of Ivy Cottage being circa 164 AOD rising to approx 169-170 AOD to the top of the terraced garden and the boundary wall and fence. Beyond this boundary the site is level with the embankment located to the eastern side of Ivy Cottage.

The ground floor of the new dwelling would be located on the level land with the north-east elevation set at an oblique angle to the rear elevation of Ivy Cottage.

The proposed dwelling would extend part way along the boundary with Ivy Cottage and there are no habitable room windows at either ground or first floor of the Cottage at this part of the site.

There would be a distance of between 3m (at the closest pinch point) and 5m from proposed ground floor habitable room windows on the northern part of the SW elevation to the boundary which would be sub-standard in complying with separation standards which requires 7m. However in this case, there is a timber boarded fence which bounds this area of the site and which would partly screen the build and windows. In addition, given Ivy Cottage is set at a much lower level to the site, any views from the new dwelling would be of the cottage roof or would oversail this neighbour. The proposed windows could also be considered secondary in that they are small and are broken up by timber panelling.

Where the new dwelling would be 2 storey, the lower ground floor would be located to the east of Ivy Cottage. There would be full length windows at the ground floor and door openings on the SW elevation facing Ivy Cottage. At worst, there would be a distance of 4.4m from a habitable room window to the side boundary and 7m at best. The only part of Ivy Cottage which would be overlooked by the development at this part of the site would be the stone steps which lead from their side garden to the terraced garden at the back of this property. There would be no habitable room windows on the side elevation of Ivy Cottage which would be affected.

It is therefore considered that on balance, given the set back of the proposed dwelling and that there would not be overlooking to any windows or any habitable space at Ivy Cottage, the relationship of the proposed dwelling in this instance would be acceptable.

To note, the footprint of the proposed dwelling would be set further away from Ivy Cottage comparative to the scheme which was previously approved in 2020 which was also for a split level dwelling similar in scale and design to the current proposal.

It is therefore considered the proposed development would comply with Policies H2/1, H2/2 and H2/6.

Highway issues

Access to the site would be from the existing entrance off Walmersley Old Road which leads to a hardstanding area where parking would be provided for 2 cars plus space for visitors with the ability to manoeuvre within the site and exit in a forward gear.

Bin store facilities would be located in this area next to the rear elevation of the property so as not to obstruct the access.

The Highway section have raised no objection to the proposed development subject to conditions.

Fire service

Greater Manchester Fire and Rescue Service have been consulted but have not responded.

In a previous application for a single dwelling (ref 65532) the fire service did respond as follows -

- The Fire Service requires vehicular access for a fire appliance to within 45m of all points within the dwellings.
- The access road should be a minimum width of 4.5m and capable of carrying 12.5 tonnes. Additionally if the access road is more than 20m long a turning circle, hammerhead, or other turning point for fire appliances will be required. The maximum length of any cul-de-sac network should be 250 m.
- There should be a suitable fire hydrant within 165m of the furthest dwelling.
- The Fire Service strongly supports the installation of domestic sprinkler systems as a positive measure to protect persons. At a small cost occupants' can be given the reassurance of a high level of protection. All developers should positively consider the viability of installing domestic sprinkler systems. The access requirements for a dwelling fitted with an approved sprinkler system can deviate from the required standard detailed above, further consultation will be required.

Given the site is located between other existing residential development in Baldingstone, it is considered that there would be no greater risk to fire safety than already exists to other occupiers and as such would be acceptable in this instance.

However, to secure the property from fire risk as much as possible, it is considered reasonable to include a condition for the installation of a sprinkler system.

The applicant has been made aware of the response from the GMF&RS by way of an informative on the grant of a planning permission.

Heritage

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require decision makers to have special regard to the desirability of preserving a listed building or its setting or any feature of architectural or historic interest it possesses. The decision maker must also give considerable importance and weight to the desirability of preserving the setting of the listed building.

Paragraph 200 of the NPPF requires applicant's to describe the significance of any heritage assets affected, including the contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Potential impacts of a development are considered in paragraphs 205-208, where consideration should be given to any harm or loss caused to the significance of a heritage asset.

The application is supported by a Heritage Statement. The Assessment concludes that the impact of the proposals on Baldingstone Hall would be neutral in that the proposals cause no harm whatsoever to the heritage values (evidential, historical, aesthetic or communal) associated with the Grade 2 listed building. Furthermore, the proposals cause no harm to the setting of the listed building, as historically the listed building has adapted to shield it from the quarry to the east and other properties to the south east.

The setting of Baldingstone House a Grade II listed building is contained entirely within its own curtilage.

The topography of its location and surroundings cause the house to be sited in a tight hollow, tightly screened by dense woodland. As such its setting is limited and does not extend to wider views or from views from nearby properties. The proposed new dwelling on land adjacent to Ivy Cottage would be sited amongst a cluster of dwellings and other outbuilding consisting of Ivy Cottage, Top Bank and Robin's Bank. As such the setting of Baldingstone House or how it is experienced in approaching it will not be harmed by the proposed new dwelling.

The LPA therefore concur the proposed development would have neutral impact on the Grade II Listed Building.

Paragraph 209 of the NPPF requires LPA's to take into account the effect of a development on the setting of an NDHA, having regard to the scale of any harm or loss and the significance of the heritage asset. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

In terms of the setting of Ivy Cottage, the Heritage Statement concludes that taking a balanced view, the lack of discernible heritage values associated with Ivy Cottage contributing to significance would suggest that in a conservation context, the proposals cause no harm.

The proposed development would therefore comply with the principles of the NPPF.

Summary

Ecological issues are materially unchanged from the previous application 69096.

Bats

A bat was again found roosting behind the boarding of the building to be demolished. A license will be required from Natural England. As only one bat was recorded on one occasion GMEU are satisfied that this is a roost of low importance and that mitigation is achievable in-line with those proposed and that the conservation status of the local bat population maintained. GMEU therefore recommend a condition along the following lines is applied to any permission.

The demolition of the workshop is likely to cause harm to common pipistrelle bats as identified in the Bat Surveys Report - HB Bat Surveys Updated July 2023 and shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a license issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development go ahead: or
- b) a statement in writing from the relevant licensing body or LPA to the effect that it does not consider that the specified development will require a license

Other Protected Species

It is highly unlikely that there will be any impacts on any other protected species owing to the lack of suitable habitats on site or nearby. No further information or measures are

required.

Nesting Birds

Tree removal is proposed, potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. GMEU recommend a condition restricting the removal of vegetation.

The applicant has confirmed that no trees would be removed as a result of the proposed development and as such it is considered that an informative to the applicant would be satisfactory in this case.

Invasive Species

Variegated yellow-archangel and Rhododendron ponticum were previously recorded on the site, both listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended). It is an offence to introduce or cause to grow wild any plant listed under this schedule. GMEU recommend a condition along the following lines is applied to any permission.

Prior to any earthworks a method statement including updated surveys detailing eradication and/or control and/or avoidance measures for rhododendron and variegated yellow archangel should be supplied to and agreed in writing to the LPA. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

Contributing to and Enhancing the Natural Environment & Biodiversity Net Gain

Section 180 of the NPPF 2023 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development site appears to consist of negligible to low ecological value habitats. Wildlife interest includes bats and nesting birds. Native tree planting and the indicative bat box proposals likely more than adequate to satisfy Natural England. As previously, GMEU are satisfied that mitigation can be achieved on the site.

It should however be noted that biodiversity net gain, now has significantly more weight in the planning system (mandatory for major application submitted from today). This application would however count as minor application and GMEU are satisfied that it would be unreasonable to request a biodiversity net gain assessment given the previous acceptance that mitigation was achievable on the site and previous permission.

It is therefore recommended the landscape proposals and bat boxes are conditioned with a requirement for final detail on one bird box.

Response to comments

- The plans do not show any details that supporting gabions would be incorporated in the development.
- Landscaping is proposed to the south west boundary within the lower ground/embankment. The tree roots of any additional landscaping to this area, and especially deciduous tree specimens would affect the structural integrity of the proposed dwelling. Native trees are also recommended as they help support wildlife which exist in the environment already.
- The method of build out of the dwelling and any foundation and structural works would be covered under the building regulations.

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 Site location plan 20.599 SLP; Existing site block plan 20.599.02; Existing site/topographical layout 20/599-01; Proposed site/ground floor plan 20/599-10 J; Proposed site section 20/599-14; Proposed elevations 20/599-12 J; Proposed floor plans 20/599-11 H; Bat Survey Feb 2023 updated July 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). Photographic evidence of the installation of the agreed electric vehicle charge points shall be submitted.
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.

*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>.

- 6 Prior to first occupation of the development hereby approved, a sprinkler/misting system to meet the requirements of BS 9251:2014 or other subsequent standard that meets the requirements of Greater Manchester Fire and Rescue Service and deemed suitable to overcome the site's emergency access deficiencies and a fire detection and alarm system shall be installed in the dwelling hereby approved and shall thereafter be maintained at all times.
Reason. In the interests of fire safety and to ensure the safe and satisfactory development of the site and for its future occupiers pursuant to Bury Unitary Development Plan Policies H1/2 - Further Housing Development, H2/2 - The Layout of New Residential Development and EN1/2 - Townscape and Built Design
- 7 The demolition of the workshop is likely to cause harm to common pipistrelle bats as identified in the Bat Surveys Report - HB Bat Surveys Updated July 2023 and shall not in any circumstances commence unless the local planning authority has been provided with either:
 - a) a license issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development go ahead: or
 - b) a statement in writing from the relevant licensing body or LPA to the effect that it does not consider that the specified development will require a license
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 Section 11 of the National Planning Policy Framework.
- 8 Prior to any earthworks a method statement including updated surveys detailing eradication and/or control and/or avoidance measures for rhododendron and vaiegated yellow archangel should be supplied to and agreed in writing to the Local Planning Authority. The agreed method statement shall be adhered to and implemented in full.
Reason. The scheme does not provide full details of the actual extent of Japanese Knotweed and Himalayan Balsam in the interest of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 9 The development hereby approved shall be carried out in accordance with the landscaping scheme shown on approved plan- Site/ground floor plan 20/599-10 J and bat boxes shall be provided in accordance with details shown on approved plan - proposed elevations 20/599-12 J. The approved scheme shall thereafter be implemented not later than 12 months from the date the building(s) 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. The approved bat boxes shall be implemented prior to first occupation and shall thereafter be maintained.
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.

- 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:
- Photographic dilapidation survey of the adopted highway abutting the site in the event that subsequent remedial works are required following construction of, and statutory undertakers connections to, the dwelling;
 - Access route for construction traffic from the Key Route Network and access point from Walmersley Old Road;
 - Hours of operation and number of vehicle movements;
 - Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site, including any requisite phasing of the development to accommodate this;
 - Parking on site of operatives' and construction vehicles together with storage on site of construction materials, including any requisite phasing of the development to accommodate this;
 - Site hoarding/gate positions, if proposed;
 - 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 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 before the dwelling is first occupied and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Bury Unitary development Plan Policies HT6/2 - Pedestrian/Vehicular Conflict and H2/2 - The Layout of New Residential Development. .
- 12 The car parking indicated on the approved plans shall be made available for use prior to the dwelling 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 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 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.

- 14 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 Policies EN1/2 - Townscape and Built Design, H2/1 - The Form of New Residential Development, H2/6 - Garden and Backland Development.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	13/3/24		