

## **DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Helen Pressley | <b>Date of report:</b> 08/01/2025 | <b>Ref:</b> 71302/FUL          |
| <b>Registration:</b> 29/10/2024 | <b>LDFC:</b> 03/01/2025           | <b>Expiry Date:</b> 28/01/2025 |
| <b>Site Visit:</b> 09/12/2024   | <b>Site Notice:</b> 09/12/2024    | <b>Press Date:</b> N/A         |
| <b>Objections:</b>              | <b>Con Area:</b> N/A              | <b>Adv Type:</b> PI            |
| <b>Reason for Delay:</b>        |                                   | <b>EIA:</b> NA                 |
| N/A                             |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> MADW        |

**Proposal:** Variation of Condition No. 7 (drainage) of planning permission 69602 from approved from Foul & Surface Water Drainage Design Drawing C-0001, Rev P02 to Foul Surface Water Drainage Design Drawing C-0001, Rev P07.

**Location:** 50 Willow Street, Bury, BL9 7QZ

### **Description**

The application relates to 4 no. single storey, prefabricated buildings located off Willow Street. There is parking and servicing to the front of the site and access is gained from Willow Street. An apartment block is located to the north of the site with residential properties to the east, west and south and a school located to the south east.

Planning permission has been granted for the demolition of 4 no. buildings and the erection of a two storey apartment for supported living comprising 13 no. self-contained dwellings, a communal lounge and laundry room & 2 no. manager offices with associated parking and landscaping. The site would be accessed from Maxwell Street.

Permission is sought for Variation of Condition No. 7 (drainage) of planning permission 69602 from approved from Foul & Surface Water Drainage Design Drawing C-0001, Rev P02 to Foul Surface Water Drainage Design Drawing C-0001, Rev P07.

### **Relevant Planning History**

69602 - Demolition of 4 no. buildings and Erection of a two storey apartment for supported living comprising 13 no. self-contained dwellings, a communal lounge and laundry room & 2 no. manager offices with associated parking and landscaping - Approved with Conditions 20/09/2023

### **Publicity**

Site Notice 9/12/2024. No representations received.

### **Statutory/Non-Statutory Consultations**

**Drainage Section** - No response

**United Utilities (Water and waste)** - United Utilities have no objection with the amended drainage solution in the above submission

**Pre-start Conditions** - Agent has agreed with pre-start conditions

### **Development Plan and Policies**

|       |                              |
|-------|------------------------------|
| EN1/2 | Townscape and Built Design   |
| EN6/3 | Features of Ecological Value |
| EN7/3 | Water Pollution              |
| EN7/5 | Waste Water Management       |

|       |                                                             |
|-------|-------------------------------------------------------------|
| EN8/2 | Woodland and Tree Planting                                  |
| H1/2  | Further Housing Development                                 |
| H2/1  | The Form of New Residential Development                     |
| H2/2  | The Layout of New Residential Development                   |
| H4/1  | Affordable Housing                                          |
| HT2/4 | Car Parking and New Development                             |
| RT2/2 | Recreation Provision in New Housing Development             |
| JP-P1 | Sustainable Places                                          |
| JP-G8 | A Net Enhancement of Biodiversity and Geodiversity          |
| JP-S4 | Flood Risk and the Water Environment                        |
| JP-G7 | Trees and Woodland                                          |
| JP-C5 | Streets For All                                             |
| JP-C6 | Walking and Cycling                                         |
| JP-H1 | Scale of New Housing Development                            |
| JP-H2 | Affordability of New Housing                                |
| JP-H3 | Type, Size and Design of New Housing                        |
| JP-H4 | Density of New Housing                                      |
| SPD6  | Supplementary Planning Document 6: Alterations & Extensions |
| SPD11 | Parking Standards in Bury                                   |
| SPD1  | Open Space, Sport and Recreation Provision                  |
| SPD5  | DC Policy Guidance Note 5: Affordable Housing               |
| 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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies 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.

### **Drainage**

Policies JP-S4, EN7/3 and EN7/5 seek to protect the water courses and other water features within the Borough, and limit surface water pollution.

Further to on-site investigations, the Engineer has amended the Drainage Strategy including the discharge location, and has a S106 Part 1 agreement from United Utilities on this basis. Given that this amends the approved drainage scheme the applicant is seeking to vary the plan approved under condition 7 of application 69602.

The submitted, amended drainage layout confirms that any routing of pipes outside of the site boundary can not be accommodated due to tree root zones and several services within the off site footpath. The private surface and foul water flows are therefore proposed to be combined on site into a single combined water chamber before connecting to the existing on site-private combined manhole and then discharging into the United Utilities combined sewer network. No objections have been raised by UU in relation to this amended scheme and the proposal is therefore considered to be acceptable.

The proposed amendments to the drainage scheme would not amend the overall layout of the proposal. As such the assessments made under application 69602 stand in relation to all other aspects.

### **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 20th September 2026.  
        Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

- 2 This decision relates to drawings numbered C-0001 Rev P07 and C-0008 P04 received 4th November 2024 and 1264-JDA-Z1-00-DR-A-0001 P3, 1264-JDA-Z1-00-DR-A-0002 P2, 1264-JDA-Z1-ZZ-DR-A-0003, 1264-JDA-Z1-00-DR-A-0004 P3, 1264-JDA-Z1-ZZ-DR-A-0005 P1, 1264-JDA-Z1-ZZ-DR-A-0006 P1, 1264-JDA-Z1-XX-DR-A-0007, C-0002 P01, 41598MCLS-01, 669.02, C-0004 P03, C-0003 P01, Planning Statement received 29/08/2023, Affordable Housing Statement received 27/04/2023, Drainage Strategy & Maintenance Document Rev: P01, Preliminary Ecological Appraisal Report 80-819-R1-1, Bat Survey 80-819-R2-1, P1989 - Transport Statement, Crime Impact Statement 2022/0480/CIS/01, Design and Access Statement 1264, Arboricultural Planning Statement - 1051694\_JDA\_Irwell Valley - Willow Street\_APS, ADAS\_1051694\_JDA\_Irwell Valey - Willow St, Bury\_TCP of application 69602 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 Development Plan listed.
- 3 The development hereby approved shall only be developed by or on behalf of the applicant as units to be retained as social rent units. The affordable housing provision shall be provided in accordance with the approved Affordable Housing Statement received on 27/04/2023 under 69602.  
Reason. The proposed development has been granted given the particular circumstances of the applicant which provides an opportunity to promote increased affordable housing pursuant to Bury Unitary Development Plan Policy H4/1 - Affordable Housing.
- 4 Only the materials/bricks approved under condition 4 of application 69602 shall be used for the construction of the development.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/2 - Townscape and Built Design.
- 5 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.
- 6 Following the provisions of Condition 5 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.

- 7 The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted drawings C-0001 Rev P07 and C-0008 P04 prepared by Shape. For the avoidance of doubt surface water must drain at the restricted rate of 5 l/s.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason. To promote sustainable development and reduce flood risk pursuant to Development Plan Policies JP-S4 Flood Risk and the Water Environment, 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 NPPF.

- 8 No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies JP-G8 A Net Enhancement of Biodiversity and Geodiversity and EN6/3 - Features of Ecological Value of the Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 9 All trees to be retained on site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction" and Section 8 of the Arboricultural Planning Statement ref 1051694\_JDA\_Irwell Valley – Willow Street\_APS approved under application 69602. The development shall not commence unless and until the tree protection measures required by the British Standard and the Arboricultural Planning Statement are implemented and all measures required shall remain in situ until the development has been completed.

Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

- 10 The proposed resident allotments set out within the Planning Statement received on the 29/08/2023 and landscaping scheme drawing 669.02 of application 69602 shall implemented and made available for use prior to first occupation of the building hereby approved. The identified resident allotments shall not be built upon or used for any other use other than allotments and shall be managed and maintained in accordance with a maintenance scheme that shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the building hereby approved.

Reason. In order to make provision for the recreational needs of prospective residents pursuant to Bury Unitary Development Plan Policy RT2/2 - Recreation Provision in New Housing Development and Supplementary Planning Document 1- Open Space, Sport and Recreation Provision in New Housing Development.

- 11 The landscaping scheme approved under application 69602 shall be implemented not later than 12 months from the date the building(s) is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan..

- 12 The Construction Traffic Management Plan (CTMP) approved under condition 12 of application 69602 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. 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 Development Plan Policies EN1/2 - Townscape and Built Design and JP-C5 - Streets for All and JP-C6 - Walking and Cycling.
- 13 The proposal shall be implemented in accordance with the details approved under condition 13 of application 69602.  
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, all in the interests of highway safety pursuant to Development Plan Policies Plan Policies H1/2 - Further Housing Development, EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development and JP- C5 - Streets for All and JP-C6 - Walking and Cycling.
- 14 The turning facilities indicated on the approved plans of application 69602 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.  
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Development Plan Policies Plan Policies H1/2 - Further Housing Development, EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development and JP- C5 - Streets for All and JP-C6 - Walking and Cycling.
- 15 The car parking indicated on the approved plans of application 69602 shall be surfaced, demarcated and made available for use prior to each dwelling/part of the site to which it relates 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.
- 16 Bin storage arrangements shall be provided within the curtilage of the site in accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments'.  
Reason. To ensure that adequate bin storage arrangements are provided within the curtilage of each dwelling/part of the site pursuant to Bury Unitary Development Plan Policies H1/2 - Further Housing Development, EN1/2 - Townscape and Built Design and H2/2 - The Layout of New Residential Development.
- 17 Prior to occupation the applicant shall provide one electric vehicle (EV) charging point (minimum 7kW\*) per unit (dwelling with dedicated parking) or a minimum 20% EV chargepoints (minimum 7kW\*) (for unallocated parking).

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

Further information regarding minimum standards can be found at <https://www.gov.uk/transport/low-emission-and-electric-vehicles>.

Reason. In accordance with the NPPF, to encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable. To safeguard residential amenity, public health and quality of life.

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| HP 8/1/2025         |             | HL - 10/01/2024         |             |