

Ward: Bury East - Redvales

Item 06

Applicant: Mrs Lorraine Howarth

Location: Land to rear of Wells Street, Bury, BL9 0TU

Proposal: Outline application for erection of 3 no. dwellings and associated parking (all matters reserved except access)

Application Ref: 68809/Outline Planning
Permission

Target Date: 16/01/2023

Recommendation: Approve with Conditions

Description

The application relates to a parcel of land located at the end of Wells Street, Back Wells Street and Barker Street. The metrolink is located to the west of the site. Terraced residential dwellings and outbuildings are located to the south and east of the site.

Outline permission is sought for 3 no. dwellings and associated parking (all matters reserved except access). Appearance, layout, scale and landscaping matters are reserved for future approval.

Relevant Planning History

21842 - Residential development: One Dwelling - Approved 15/12/1988

23386 - Railway Station and Car Park - Approved 07/12/1989

23387 - Car park - Approved 07/12/1989

Publicity

Neighbour letters sent to 39 neighbours properties on 23/11/2022. 4 objections received in relation to:

- Space it at a premium and there is now where to park, turn around, and making it necessary to reverse the full length of Wells Street unless another resident has vacated their space so a 3 point turn can be undertaken.
- Requirement to leave access one property that requires cars to be parked sensibly and sensitively.
- Making access for 4 additional dwelling will make life impossible for the current residents of Wells Street and Bradford Terrace.
- Additional traffic flow down a tightly packed street would cause unacceptable and dangerous levels of congestion.
- There already serious traffic problems due to school run and teachers vehicles going to Bury Church School. This would be exacerbated by constructors needing access to the proposed development.
- Wells Street/Bradford Terrace and Haslam Brow already have high density housing with numbers of occupants already owning more than 1 vehicle. Despite there being a resident permit system there are frequent parking problems for occupants.
- We have a garage that occupies the land adjacent to the plot in question which would be inaccessible if the development goes ahead.
- Only one off road parking space has been allocated per house which is not enough, more cars will be trying to use the street parking.
- The line of the street will be altered causing the end of the street to look odd and not sympathetic to the age of the buildings in the area.

- Plan looks shoe horned in, little garden space. There are many of 2-up-2-downs in the area, one family size home would be much more suitable.
- Side path. We have been burgled and had issues with trespassers. Having a cut through path would only provide more access and escape routes at this end of wells street.
- Tram line. The development would remove the visual block and acoustic deadening the vegetation provides.
- Wildlife. Habitats would be destroyed.
- Schools are getting tight and stretched.
- There is plenty of land to construct on in Bury.
- Why can't I see plans or comments before adding my own?
- The street is busy but everyone in Wells Street knows each other to say hi/hey. People that buy new builds aren't as friendly.

Following receipt of amended plans and additional information further neighbour letters sent 20/03/2023. One objection received in relation to:

- Plans for three dwellings are crammed into the plot with a footprint even smaller than the adjacent 2-up-2-down terrace. I question who these homes are designed for when family homes are much needed in the area with the close proximity to schools and nurseries.
- The resident parking is a poor use of space with a bottleneck entrance and no space for visitor parking.
- The orientation of the properties will mean our bedroom window will be overlooked. We object to this unless the glass is obscured.
- Dwelling one will look onto the side of a shed which would look very odd.
- Dwelling one is very close to the Metro boundary. A minimum distance must be left between the building and the boundary to allow for maintenance. Has this been adhered to?
- Addition of a public footpath will provide a escape route for criminals and may encourage anti-social loitering and behaviour in the area. Burglary, property damage, trespassing, anti-social behaviour and drug use are all prevalent in the areas.

Statutory/Non-Statutory Consultations

Traffic Section - Conditions requested in relation to submission of details in relation to the formation of the access and a construction traffic management plan.

Borough Engineer - Drainage Section - no response

Environmental Health - Contaminated Land - Conditions requested in relation submission of a Contaminated Land Preliminary Risk Assessment, Site Investigation, Detailed Risk Assessment and Remediation Strategy, and implementation of this strategy.

Waste Management - We collect the bins from the rear of the properties in this area. Having bins presented on Back Wells Street would reduce any potential collection issues.

United Utilities (Water and waste) - Drainage condition requested.

Greater Manchester Ecology Unit - The main ecological issue is the overall loss of biodiversity that will occur due to the development. Issues relating to bats, badger, hedgehog, nesting birds and invasive species can be dealt with via condition.

Transport for Greater Manchester - There is clearly huge potential for the proposed works to adversely impact Metrolink infrastructure and/or operations and in this regard we will request that Developer enters into an Asset Protection Agreement with Metrolink in advance of any works commencing onsite. Conditions requested in relation to working safely near metrolink, vehicle restraint measures, tree protection, noise and vibration, track and sloop monitoring during construction works, landscaping and boundary treatment and drainage.

The Coal Authority - Recommendation for conditions in relation to intrusive site investigations, prior to the commencement of development to establish the risks posed by past coal mining activity (mine entry 381410-001) and any remediation works and/or mitigation measures to address land instability arising from coal mining legacy.

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

Unitary 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
HT2/4	Car Parking and New Development
HT2/1	The Strategic Route Network
HT6/2	Pedestrian/Vehicular Conflict
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
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
NPPF	National Planning Policy Framework
SPD11	Parking Standards in Bury
SPD16	Design and Layout of New Development in Bury
SPD6	Supplementary Planning Document 6: Alterations & Extensions

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

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 maintains the emphasis on identifying a rolling five year supply of deliverable housing land.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up of sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the five year supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be completed). As such, latest monitoring indicates that the Council is unable to demonstrate a five year supply of deliverable housing land and this needs to be treated as a material factor when determining applications for residential developments.

The National Planning Policy Framework also sets out the Housing Delivery Test, which is an assessment of net additional dwellings provided over the previous three years against the homes required. Where the test indicates that the delivery of housing was substantially below (less than 75%) of the housing requirement over the previous years, this needs to be

taken into account in the decision-taking process. The latest results published by the Government show that Bury has a housing delivery test result of less than 75%, and therefore, this needs to be treated as a material factor when determining applications for residential development.

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

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

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

Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

The site is located within the urban boundary, with residential properties to the east and south and the metrolink to the west. The proposed development would not conflict with the surrounding land uses and would be located in a sustainable location with regard to public transport and services. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy H1/2 of the Bury Unitary Development Plan.

Design and Layout

H2/1 - The Layout of New Residential Development and H2/2 - The Layout of New Residential Development, provides the assessment criteria for detailed matters relating to height, appearance, density and character, aspects and finish materials.

The indicative plan shows that the site can accommodate 3 dwellings, of a similar footprint to the adjacent terraces whilst incorporating areas of private amenity space. The indicative plan also shows an area that can be accommodated for parking and bin storage.

The layout and appearance is not subject to consideration at this outline stage but would be a matter for the reserved matters application.

Residential Amenity

UDP policies H2/1 and EN1/2 and requires consideration of various factors relating to built design, including the relationship of the proposal to the surrounding area and impact on residential amenity.

Indicative dwelling 1 faces towards a single storey outbuilding however windows within this property can be orientated to ensure that principal habitable room windows on the ground floor are located on the side elevation facing towards the indicative amenity space, or the internal layout can be reviewed so that non-habitable rooms face towards this building.

First floor windows within the front elevations of the indicative dwellings could maintain existing separation distances that have been established between the properties on Wells Street and Bradford Terrace and would be separated from these properties by a highway.

Any proposed rear windows would not directly face and residential properties.

As stated, the layout is not under consideration at present and would be a concern for the reserved matters application however the indicative layout submitted shows that separation

distances can be accommodated.

Amenity for future occupiers

The Local Planning Authority seeks compliance with the 'Technical housing standards - nationally described space standard' in relation to overall floor space and minimum bedroom dimensions in order to provide an acceptable standard of amenity for occupiers. Details of the house types in relation to these requirements should be included within the supporting planning statement at reserved matters stage to determine whether they would comply with the minimum gross internal floor area requirements and the associated minimum bedroom dimensions of the 'Technical housing standards – nationally described space standard'.

Highways and Access

UDP Policy EN1/2 - Townscape and Built Design requires the consideration of the design and appearance of access, parking and service provision. This is further supported by UDP Policy H2/2 - The Layout of New Residential Development that requires proposals to demonstrate adequate car parking provision, access for both vehicles and pedestrians, and provision for public transport and the existence of any public rights of way, and UDP Policy HT6/2 - Pedestrian/Vehicular Conflict that requires developments to reduce pedestrian/vehicular conflict.

The proposal seeks to create an access from Wells Street, adjacent to the existing property at No. 20. Amendments are shown to be made to the existing footpath to allow for better visibility when exiting the site and a new footpath is shown across the front of the proposed site and running along both sides of a new access road. The indicative layout submitted shows that this access will be used to access the parking to the rear of the site, with a pedestrian access from Back Wells Street proposed to allow any future residents to put their bins out for collection.

The Traffic Section have been consulted as part of this application and have raised no objections to the proposed access subject to conditions in relation to highways works and facilities, and the submission of a construction management plan. As such the proposal is considered to be acceptable.

Parking

In terms of parking standards UDP Policy HT2/4 requires all applications for development to make adequate provision for their car parking and servicing requirements. Supplementary Planning Document 11 provides parking standards for developments.

This would be a reserved matters consideration in relation to layout, however the indicative plans show that 6 spaces could be provided within the red edge site. As such the proposal should be able to comply with maximum parking standards. Therefore, given the access arrangements that are subject to consideration, the proposed development would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

Ecology

The building on the site was assessed as having negligible bat roosting potential as were trees that could be assessed. Parts of the site were however inaccessible with trees present that could provide low bat roosting potential. Precautionary measures have therefore been recommended for the removal of these trees. This is acceptable under current guidance for low potential trees and therefore GMEU have requested a condition to ensure that further assessments and/or precautionary measures for felling have been provided to the Local Planning Authority prior to the removal of trees.

The development site also has the potential to negatively impact on the metrolink wildlife corridor as a commuting and foraging area for bats if illuminated. This appears unlikely given the access road is away from the metrolink boundary, however as a precaution GMEU have recommended a condition for an external lighting strategy.

No evidence of badger was recorded on the site. Precautionary measures have however been recommended due to the dense vegetation on the site and proximity to the metrolink that could act as a corridor for this species. Similarly, in relation to hedgehogs the dense bramble scrub is ideal habitat for hedgehog to nest and hibernate. Hedgehog is a UK Biodiversity Priority Species and therefore a material consideration. GMEU agree with the consultant that reasonable avoidance measures should be utilised during site clearance to ensure any hedgehog present are humanely displaced. These measures will also ensure that badgers and other mammals utilising the site are safeguarded. Whilst the reasonable avoidance measures outline in the report are likely adequate, GMEU have recommended that a more detailed method statement is provided via condition, if permission is granted, prior to site clearance.

The site has high potential for nesting birds due to the trees, hedge and scrub on the site. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. As such, a condition restricting works to trees and hedges outside of nesting season has been recommended.

No evidence of invasive species was recorded by the consultant, however not all the site could be accessed with Japanese knotweed present on the metrolink embankment nearby.

Biodiversity Net Gain

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The site is currently primarily dense scrub a widespread but medium value habitat, which will be replaced with buildings, hardstanding and possibly some small gardens a low value habitat. There will therefore be a net loss of vegetated habitats at the site level contrary to the NPPF. There will also be a negative impact on birds and potentially hedgehog.

Whilst some mitigation could be achieved on the site for nesting birds, through provision of nest on the new buildings, it will not be possible to mitigate on site for the loss of scrub and trees. In order to quantify these losses a Defra metric has been submitted by the applicant to give a baseline of habitats currently provided on site. A condition has been attached to the proposal that requires a Biodiversity Management Plan to ensure that there is a minimum 10% net gain provided when the reserved matters application is submitted. This condition allows for on site, or off site net gain to be provided as the layout has not been secured.

Coal Mining

The indicative layout indicates that the proposed dwellings would be located within the southern part of the site, outside the 20 metre zone from the mine entry. A Coal Mining Risk Assessment has also been prepared for the proposed development, and was informed by historical, geological and coal mining information. The assessment concludes that whilst a mine entry is recorded within the northern boundary of the site (proposed bin store) the area where the dwellings are proposed lies outside the Development High Risk Area as defined by the Coal Authority. Recommendations have been made that a watching brief be maintained during all construction activities and if the mine entry is found, will need to be treated and capped.

The Coal Authority records indicate the mine entry is located just within the site boundary. Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. Accordingly, the Coal Authority consider that in order for the applicant to demonstrate safe and stable development, as a whole, at this site, intrusive ground investigations should be carried out to confirm the presence or otherwise of the mine entry. It would be prudent to carry out a positional review of the mine entry in order that the best plot position can inform the intrusive investigations. If the mine entry is not found within the site, the worst-case scenario should be assumed that the mine entry is just outside the site boundary. Based on the findings of the intrusive ground investigations (depth to bedrock) the zone of influence (no build exclusion zone) can be calculated by the

applicant's geotechnical consultants who can then recommend what mitigatory measures are required within the no build exclusion zone.

The intrusive site investigations should be designed and undertaken by competent persons to ensure that these are appropriate to assess the ground conditions on the site to establish the coal-mining legacy present and the risks it may pose to the development and inform any mitigation measures that may be necessary. The Coal Authority have recommended a condition to be attached to any permission in relation to these required investigations.

Metrolink

Transport for Greater Manchester - Metrolink - have been consulted as part of the application due to the close proximity of their infrastructure in relation to the site. They have confirmed that the metrolink runs in a fairly deep cutting on ballasted track adjacent to the proposed development site and it is of paramount importance that the stability of this cutting slope or the trees are not compromised by the works on the site or by changes to the drainage in the vicinity.

There is a significant difference in levels between the track, and the proposed site and the land is partly retained by a cutting slope with a low retaining structure at the bottom of the cutting for a short length. Whilst this does not preclude the sites from being developed as proposed it will require close liaison with TfGM and the Metrolink Operator and Maintainer (KAM) to ensure that the cutting slope is not destabilized.

Metrolink considered that there is huge potential for the proposed works to adversely impact infrastructure and/or operations and in this regard we will request that Developer enters into an Asset Protection Agreement with Metrolink in advance of any works commencing onsite and it should be noted that there may be a charge in relation to this if the expertise of Discipline Engineer's need to be called up on.

Metrolink have also requested a number of conditions to be added to the any approval at the site that include provision of the submission of a Construction Management Plan to ensure that the developers are working safely near Metrolink, vehicle restraint measures along the shared boundary, protection measures for trees, the submission of a scheme for acoustically insulating the proposed development, track and slope monitoring during construction works, landscaping and drainage.

Drainage

In terms of drainage any proposal should include a surface water scheme that must be based on the hierarchy of drainage options in the National Planning Practice Guidance and include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. It must be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). Details of proposed maintenance arrangements should also be provided. Details of this drainage scheme however could be conditioned.

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site and to manage the risks associated with water run-off onto the Metrolink infrastructure and tramway.

Response to Objections

Points raised from the consultation process have been dealt with in the report above. Layout, external appearance, landscaping and scale would be reserved matters and as such, only the principle of the development and the means of access are under consideration at this time.

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/ Reasons

1. Applications for approval of reserved matters must be made not later than:
 - the expiration of three years beginning with the date of the grant of outline planning permission; and
 - that the development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004
2. Before the development is commenced, the applicant shall submit detailed plans and particulars to the Local Planning Authority, and obtain their approval under the Town and Country Planning Acts, of the following reserved matters; the layout, scale, appearance thereto and the landscaping of the site.

Reason. To ensure the satisfactory development of the site and because this application is in outline only.
3. This decision relates to drawings numbered Location Plan, 0037-ESP, 0037 PTP received 15th May 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.
4. 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.
5. Following the provisions of Condition 4 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.

6. Notwithstanding the details shown indicatively on approved plan reference 0037 PTP (received 15th May 2023), full details of the following highway aspects shall be submitted on a topographical based survey of the site and adopted highways at first reserved matters application stage:
 1. Formation of the site access onto Wells Street and associated extension of the northerly footway and carriageway, incorporating a kerbline and footway alignment/width based on a projection of the existing arrangements on Wells Street, measures at the cul-de-sac end of Wells Street between the existing garage and new section of footway, 'footpath accesses' on either side of the proposed site access, adequate levels of visibility at the junction of the site access with the back edge of the proposed footway, extent and demarcation of the limits of the future adopted highway, surface water drainage arrangements for the extended section of Wells Street, and all associated highway and highway drainage remedial works, road markings and signage, to a scope and specification to be agreed with the Highway Authority;
 2. Foundation and surface water drainage details for any new dwellings abutting Wells Street to ensure that there will be no projection under/over or discharge onto the future adopted highway;
 3. Provision within the curtilage of the site for the parking cars which visit the site in connection with the residential use proposed and in accordance with SPD 11;
 4. Provision within curtilage of the site to enable vehicles to enter and leave the site in forward gear;
 5. Bin storage arrangements within the curtilage of the development in accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments'.

The highway works and facilities subsequently approved shall be implemented to an agreed programme.

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 Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development and HT6/2 - Pedestrian/Vehicular Conflict.

7. 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 footways and carriageways leading to and abutting the site in the event that subsequent remedial works are required following construction of the development and as a result of statutory undertakers connections to the site;
 2. Access route for all vehicles to the site from the Key Route Network and all temporary works required to facilitate access for ground works/construction vehicles;
 3. If proposed, details of site hoarding/gate positions clear of required visibility

- splays onto Wells Street;
4. The provision, where necessary, of all required temporary pedestrian facilities/protection measures;
 5. A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access onto Wells Street;
 6. Confirmation of hours of operation and size/number of vehicle movements taking into consideration the use of the restricted residential streets used to access the site and school start finish times due to the proximity of the site to Bury CE High School;
 7. Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres;
 8. Parking on site or on land within the applicant's control of operatives' and construction vehicles, together with storage on site of construction materials;
 9. Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways as a result of the groundworks operations or carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

The approved plan shall be adhered to throughout the construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of construction materials. All highway remedial works identified as a result of the dilapidation survey shall be implemented prior to the development hereby approved being brought into use.

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

8. The removal of trees on the site may have the potential to cause harm to bats as identified in the Preliminary Ecological Appraisal Arbtech dated 7th February 2023 table 4 and shall not in any circumstances occur unless further assessment and or precautionary measure for felling have been provided to and 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 EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and Section 15 of the National Planning Policy Framework.

9. Prior to development an external lighting design strategy shall be submitted to and approved in writing by the LPA. The strategy shall:
 - show how and where street lighting will be installed and through appropriate lighting contour plans demonstrated clearly that any impacts on the functionality of the Metrolink as a dark corridor for bats is negligible;
 - Specify frequency and duration of use.

All external lighting shall be installed in accordance with agreed specifications and locations set out in the strategy.

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 15 of the National Planning Policy Framework.

10. No works to trees, hedge 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 EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
11. Prior to any vegetation clearance or earthworks a reasonable avoidance measures method statement for hedgehog, badger and other mammals covering site clearance and the construction phase will be provided to and 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 EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and Section 15 of the National Planning Policy Framework.
12. At first reserved matters a Biodiversity Net gain proposal shall be submitted to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development. The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity metric as calculated at outline stage. The Proposals shall include:
- Proposals for on-site biodiversity net gain;
 - A management and monitoring plan for any on-site proposals to cover a 30 year period;
 - A management and monitoring plan for any off-site proposals to cover a 30 year period;
 - Details of any payments for offsetting measures where there is a shortfall in achieving 10% biodiversity net through on and off-site measures

The development shall be implemented in full accordance with the requirements of the approved Biodiversity Management Plan.

Reason. In the interests of ensuring measurable net gains in biodiversity and in accordance with Section 15 of the National Planning Policy Framework.

13. No development shall commence unless and until;
- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity (mine entry: 381410-001), and;
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. This should include the submission of the approved site layout plan which illustrate the position and co-ordinates of the mine entry if found within the site and the zone of influence (no build exclusion zone) of any mine entry out with but within influencing distance of the site.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason. To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy

Framework

14. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
Reason. To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework
15. No development shall commence unless and until surface water drainage proposals have been submitted to and approved in writing by the Local Planning Authority. The scheme should be in accordance with the submitted Surface Water Sustainable Drainage Assessment and must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed maintenance arrangements should also be provided. The approved scheme only shall be implemented prior to first occupation and thereafter maintained.
Reason. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.
16. No development shall take place until a Construction Management Plan (CMP) with detailed method statements of construction and risk assessments, has been submitted to, and approved in writing by Bury Council (approval to be in consultation with Transport for Greater Manchester). The approved CMP shall include agreed safe methods of working adjacent to the Metrolink Hazard Zone and shall be adhered to throughout the construction period. The CMP shall provide for: -
- loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - construction methods to be used; including the use of cranes if intended (which must not oversail the tramway);
 - site hoarding and scaffolding; and
 - measures to control the emission of dust and dirt during construction.
- Reason. To ensure that the developer complies with all the necessary system clearances and agrees safe methods of working to meet the safety requirements of working above and adjacent to the Metrolink system pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and H2/2 - The Layout of New Residential Development.
17. No development shall take place until the scope and specification of vehicle restraint measures to be installed along part of the boundary of the development which is shared with Metrolink and has potential to be used by vehicles has been

submitted to, and approved in writing by Bury Council as Local Planning Authority (approval to be in consultation with Transport for Greater Manchester).

Reason. Information not submitted at application stage. To protect Metrolink infrastructure and to safeguard the amenities of the locality pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and H2/2 - The Layout of New Residential Development.

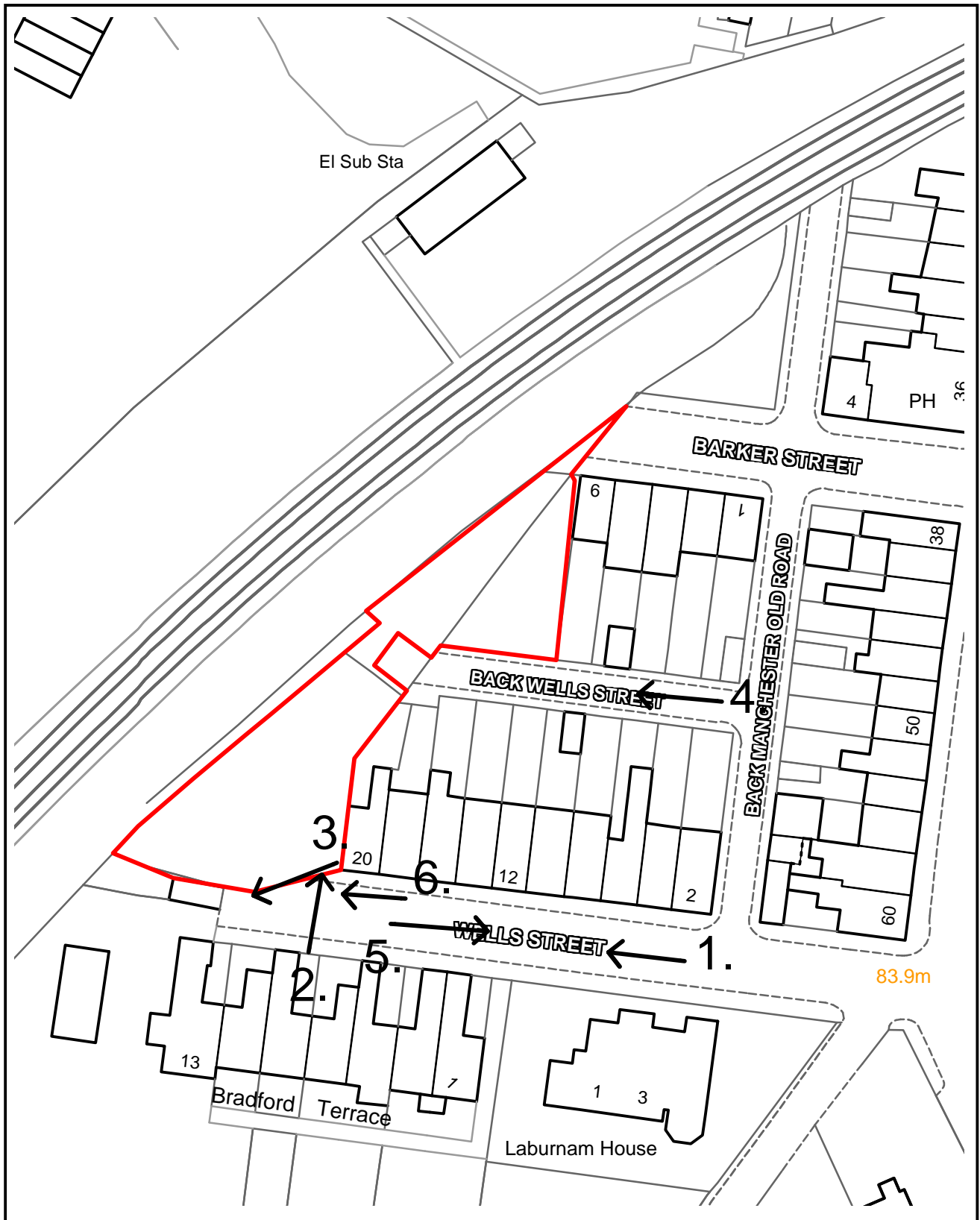
18. No development shall take place until full details of the root protection to the trees that are located within or extend into the Metrolink boundary and a design to demonstrate that the development will not impact the stability of the trees and therefore the cutting slope have been submitted to, and approved in writing by, the Local Planning Authority (approval to be in consultation with Transport for Greater Manchester).
Reason. To protect trees against root damage and to maintain the stability of the trees such that they do not fail and impact Metrolink infrastructure pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and H2/2 - The Layout of New Residential Development, EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and Section 15 of the National Planning Policy Framework.
19. Prior to the commencement of the development a scheme for acoustically insulating the proposed development against noise and vibration from the adjacent Metrolink line shall be submitted to and approved in writing by Bury Council as local planning authority. The approved noise insulation scheme shall be completed before the use of the development commences.
Reason. To secure a reduction in noise from Metrolink in order to protect future residents from noise nuisance, pursuant to policies pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development and EN7/2 - Noise Pollution.
20. Excavation is not to be carried out greater than 1m deep within 1m of the Metrolink operational boundary or any piling works within the zone of influence without notifying Metrolink in advance and obtaining approval. Any such works may require track, retaining wall or slope monitoring to be carried out as agreed with Metrolink and at the cost to the developer.
Reason. To ensure that the development does not adversely affect the cutting slope or track alignment and therefore the operation of Metrolink pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and H2/2 - The Layout of New Residential Development and Chapter 15 - Conserving and enhancing the natural environment of the National Planning Policy Framework.
21. At the reserved matters stage relating to landscaping, full details of landscaping and urban realm works adjacent to the Metrolink boundary and the associated boundary treatment to the Metrolink tramway have been submitted to, and approved in writing by Bury Council as Local Planning Authority (approval to be in consultation with Transport for Greater Manchester).
Reason. To ensure that an appropriate boundary treatment is installed on the boundary of the Metrolink tramway and that adjacent landscaping/urban realm is not detrimental to Metrolink Operations pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and H2/2 - The Layout of New Residential Development.
22. No development shall take place, until the detailed design for the drainage of the development has been submitted to and approved in writing by Bury Council as Local Planning Authority (approval to be in consultation with Transport for Greater

Manchester).

Reason. To manage the risks associated with water run-off onto the Metrolink infrastructure and tramway pursuant to policies pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and H2/2 - The Layout of New Residential Development, EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

For further information on the application please contact **Helen Pressley** on **0161 253 5277**

Viewpoints - Item 06



PLANNING APPLICATION LOCATION PLAN

APP. NO 68809

ADDRESS: Land to rear of Wells Street, Bury,
BL9 0TU

Planning, Environmental and Regulatory Services

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Bury
COUNCIL

Item 06 – 68809

Photo 1



Photo 2



Item 06 – 68809

Photo 3



Photo 4



Item 06 – 68809

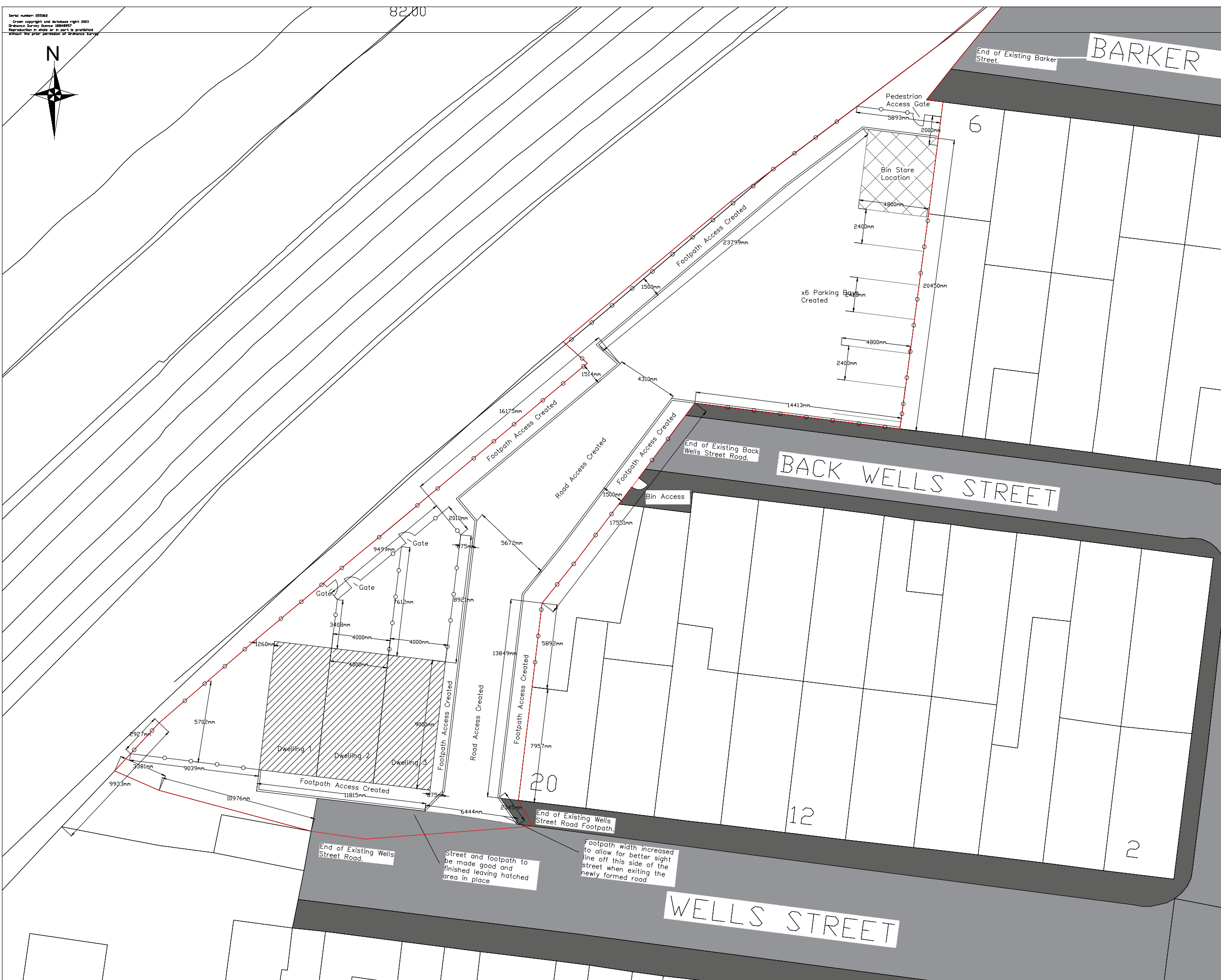
Photo 5



Photo 6



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— Site Demise

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- 4) THE ORIGIN AND ORIENTATION OF THE SURVEY GRID RELATE TO AN ARBITRARY GRID.

REVISIONS

No.	Date	Amendments	Initial



TITLE
 Proposed Site Plan
 With Topographical Data

CLIENT
 Mrs Susan Howarth
 11 Patterdale Drive
 Bury
 BL9 9PZ

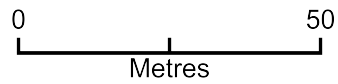
PROJECT NAME
 Land to the West of Wells Street
 Back Wells Street & Barker Street
 Bury, Greater Manchester
 BL9 0TU

DRAWN BY SV DATE 10.10.2022

SCALE 1:250 @A3 CHECKED SV

DRAWING NO. 0037-PTP REV. NO.

Location Plan Back of Well Street



Plan Produced for: Outline Planning

Date Produced: 15 Oct 2022

Plan Reference Number: TQRQM22288143011740

Scale: 1:1250 @ A4

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Existing Site Plan

NOTES			
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4) THE ORIGIN AND ORIENTATION OF THE SURVEY GRID RELATE TO AN ARBITRARY GRID.			
REVISIONS			
No.	Date	Amendments	Initial
TITLE			
Existing Site Plan			
CLIENT			
Mrs Lorraine Howarth 11 Patterdale Drive Bury BL9 9PZ			
PROJECT NAME			
Land to the West of Wells Street Back Wells Street & Barker Street Bury, Greater Manchester BL9 0TU			
DRAWN BY	SV	DATE	10.10.2022
SCALE	1:500 @A3	CHECKED	SV
DRAWING NO.	0037-ESP		REV. NO.