

# Public Document Pack

## AGENDA FOR PLANNING CONTROL COMMITTEE



*Contact:* Michael Cunliffe  
*Direct Line:* 0161 253 5399  
*E-mail:* m.cunliffe@bury.gov.uk  
*Website:* www.bury.gov.uk

**To: All Members of Planning Control Committee**

**Councillors :** S Thorpe (Chair), C Boles, D Duncalfe,  
U Farooq, J Harris, M Hayes, B Ibrahim, D Quinn,  
G Staples-Jones, D Vernon and M Walsh

Dear Member/Colleague

### **Planning Control Committee**

You are invited to attend a meeting of the Planning Control Committee which will be held as follows:-

<b>Date:</b>	Tuesday, 23 January 2024
<b>Place:</b>	Council Chamber, Bury Town Hall
<b>Time:</b>	7.00 pm
<b>Briefing Facilities:</b>	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
<b>Notes:</b>	

## **AGENDA**

### **4 PLANNING APPLICATIONS** (*Pages 3 - 10*)

Reports attached.

**BURY COUNCIL**  
**DEPARTMENT FOR BUSINESS, GROWTH AND INFRASTRUCTURE**  
**PLANNING SERVICES**

**PLANNING CONTROL COMMITTEE**

**23 January 2024**

**SUPPLEMENTARY INFORMATION**

**Item:01 Site of former Waterside, Kay Street, Summerseat, Bury, BL9 5PE  
Application No. 69326**

Erection of single building containing 16 no.dwellings and associated car parking;  
Creation of an upgraded vehicular access off Kay Street

**It is recommended that this application is Minded to Approve subject to the signing and completion of a Section 106 agreement for a contribution towards recreation provision and affordable housing pursuant to Policies RT2/2 and H4/1 of the Bury Unitary Development Plan.**

**Extension of Time - Yes - 26/01/2024**

The revised site plan is attached to this report.

**Publicity**

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

- The proposed building is completely out of character with this 'Victorian' conservation area.
- It is surrounded by the beautiful and listed 1876 Spinnings former mill, former mill workers cottages and a beautiful old and restored bridge.

The objector has been notified of the Planning Control Committee meeting.

**Response to objections**

- The issues relating to the conservation area and heritage were addressed in the main report.

**Consultations**

**Traffic Section** - No objections, subject to the inclusion of conditions relating to a Construction Traffic Management Plan, access alterations, car parking and turning facilities.

**GM Ecology Unit** - No objections, subject to the inclusion of conditions relating to trees, invasive species, lighting, construction environmental management plan and landscaping.

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

**Issues and analysis**

**Ecology** - The ecological issues remain unchanged from the previous permission and the main issues relate to bats, nesting birds, invasive species, proximity to the River Irwell and landscaping.

Bats - Two of the trees on site were assessed as having bat roosting potential. The agent has confirmed that these trees would be retained. GM Ecology Unit has no objections subject to the inclusion of a condition relating to the retention of these trees.

The proposed development would include external lighting and GM Ecology Unit has no objections, subject to the inclusion of a condition relating to external lighting.

Nesting Birds - The development will result in the loss of trees and scrub, potential bird nesting habitat. GM Ecology Unit has no objections, subject to the inclusion of a condition relating to nesting birds.

Invasive Species - There are invasive species present on or adjacent to the site, including Himalayan Balsam, Japanese Knotweed, Variegated Yellow-Archangel and Rhododendron. Three-cornered garlic was also recorded off-site. Condition 8 of the previous application required a method statement for control and eradication. An application for discharge of condition 8 was made and GM Ecology Unit accepted that this was a reasonable approach.

The updated ecological report was carried out at a sub-optimal time of year for plants, but did note that the Japanese Knotweed had been removed, whilst balsam, rhododendron and variegated yellow-archangel were still present. The method statement supplied for the discharge of condition 8 of 63630 does not appear to have been provided. As such, GM Ecology Unit has no objections subject to the inclusion of a condition relating to invasive species.

#### Proximity to River Irwell

The River Irwell is an important corridor for bats and otters, which may be impacted by insensitive lighting and from works during construction. No site lighting is indicated on the proposed plans and this would need to be dealt with via a condition as well as the submission of an environmental management plan.

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 site is primarily hardstanding and as such, the proposed landscaping would achieve a net gain and that the bird and bat box proposals are adequate. GM Ecology Unit has no objections, subject to the inclusion of a condition relating to landscaping.

**Highways issues** - A revised plan has been received, which shows a segregated footway for pedestrians and the junction arrangements. There would be acceptable levels of visibility at the junction and turning facilities would be provided. The Traffic Section has no objections, subject to the inclusion of conditions relating to Construction Traffic Management Plan, access alterations, car parking and turning facilities. Therefore, the proposed development would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

#### **Conditions**

Condition 2 has been amended to include the plan numbers and conditions and condition 12 has been amended to include the names of the documents approved in the condition discharge for application 63630. Conditions 14, 16, 17, 18 and 19 have been amended in accordance with the comments received from the Traffic Section and GM Ecology Unit.

2. This decision relates to drawings numbered 2492.1.001 Location Plan REV A, 2492.2.02 REV B, 2492.2.03 REV C, 2492.2.04, 2492.2.05, 2492.2.07 REV A, 2492.2.08, 2492-2-10 A, 2492-2-11 B, 2492.2.12 REV C, 2492.2.13 REV A, 2492-2-14 A, 2492.2.20 REV B, 2492.2.21, 2492.2.22, 2492.2.23 REV B, 2492.2.24 - proposed site entrance, 2492.2.25, 2492.2.26, 4014/12, ELL-22006-OP-L-120, ELL-22006-OP-L-300, Proposed site set up & traffic management plan 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.

12. The development hereby approved shall be carried out in accordance with the Construction Phase plan and the logistics plan, approved under condition 11 of permission 63630.

Reason. No information has been submitted and to ensure that no harm is caused to the River Irwell 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.

14. The car parking on approved plan reference 2492.2.03 Revision C shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved being occupied and thereafter maintained at all times.

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. No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved in writing by the Local Planning Authority and shall confirm/provide the following:

1. Photographic dilapidation survey of the highway wall, footways and carriageways abutting the site in the event that subsequent remedial works are required following construction of, and any statutory undertakers connections to, the development;
2. Hours of operation and number of vehicle movements;
3. A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access;
4. Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site, including any requisite phasing of the development to accommodate this;
5. Parking on site of operatives' and construction vehicles together with storage on site of demolition/construction materials, including any requisite phasing of the development to accommodate this;
6. Proposed site hoarding/gate positions if required, located clear of required visibility splays, including the provision, where necessary, of temporary pedestrian facilities/protection measures on the adopted highway;
7. 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 demolition/construction periods and the measures shall be retained and facilities used for the intended purpose for the duration of both periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of construction materials.

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

17. Notwithstanding the details indicated on approved plan reference 2492.2.03 Revision C, no development shall commence unless and until full details of the

following have been submitted on a topographical survey of the site and adjacent adopted highways to the Local Planning Authority:

1. Formation of the proposed site access onto Kay Street incorporating the extension of the existing footway, provision of visibility splays in accordance with Manual for Streets, segregated footway from Kay Street to the pedestrian entrance of the residential development and associated highway remedial and accommodation works;
2. Extent of a 5.0m (minimum) wide bridge maintenance easement strip through parking space No.'s 21 - 25 from the proposed access to the Kay Street Bridge structure;
3. A scheme of allocation of the proposed parking spaces for individual dwellings and visitors, ensuring that any spaces affected by the easement required to be maintained from Kay Street through the site to the Kay Street Bridge structure will not affect parking spaces allocated to individual dwellings;
4. Rebuilding of the river wall, incorporating a minimum parapet height of 1.1m adjacent to the 'Residents Riverside Walkway';

The details subsequently approved shall be implemented to an agreed programme and to the written satisfaction of the Local Planning Authority.

Reason. Details have not been provided and to ensure good highway design, maintain the integrity of the adopted highway and ensure the intervisibility of the users of the site and the adjacent highways in the interests of highway safety pursuant to the following Policies of the Bury Unitary Development Plan:  
Policy H2/2 - The Layout of New Residential Development  
Policy EN1/2 - Townscape and Built Design.

18. The turning facilities indicated on approved plan reference 2492.2.03 Revision C shall be provided before the development is brought into use 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 the following Policies of the Bury Unitary Development Plan:  
Policy H2/2 - The Layout of New Residential Development  
Policy EN1/2 - Townscape and Built Design.

19. Notwithstanding the submitted plans, trees labelled T2 and T14 shall not be removed.

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.

**Item:02 Top Park playing fields, Bolton Road West, Ramsbottom, Bury, BL0 9NU**  
**Application No. 70200**

Creation of 3G Artificial Grass Pitch (AGP) with perimeter fencing, new macadam hardstanding areas, floodlights, storage container, car park with associated lighting and landscaping, single storey extension to an existing pavilion

**Extension of Time** - Yes. 26th January 2023

**Conditions** - Agreed by agent.

Condition 17 amended to Construction Management Plan, rather than a Construction Traffic Management Plan as it relates to a broader plan for Sport England and Highway's considerations. Wording as follows:

No development shall commence unless and until a 'Construction Management Plan' (CMP), 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 in the vicinity of the site access 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 point for construction traffic from Bolton Road West and all temporary works required to facilitate access for ground works/construction vehicles;
3. The provision, where necessary, of temporary pedestrian facilities/protection measures to maintain access for users of the playing fields;
4. A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access onto Bolton Road West;
5. Confirmation of hours of operation and number of vehicle movements;
6. Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres;
7. Parking on site or on land within the applicant's control of operatives' and construction vehicles, together with storage on site of construction materials;
8. 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.
9. Details of the works/contractors' compound (including any buildings, moveable structures, works, plant, machinery, access and provision for the storage of vehicles, equipment and/or materials); and - agreed this addresses Cond 2 if the overall condition title is amended to CMP (as stated above).
10. A scheme for the removal of the works/contractors' compound and the restoration of the land on which it is situated are submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The works/contractors' compound shall not be provided and used on the site other than in accordance with the approved details and shall be removed and the land on which it is situated restored in accordance with the approved details before occupation of the development hereby approved.

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

Reason. Information not submitted at application stage. To protect playing fields/sports facilities from damage, loss or availability of use and to accord, 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 RT1/1 - Protection of Recreation Provision in the Urban Area, RT1/2 - Improvement of Recreation Facilities and RT2 - New Provision for Recreation on the Urban Area. EN1/2 - Townscape and Built Design and HT6/2 -

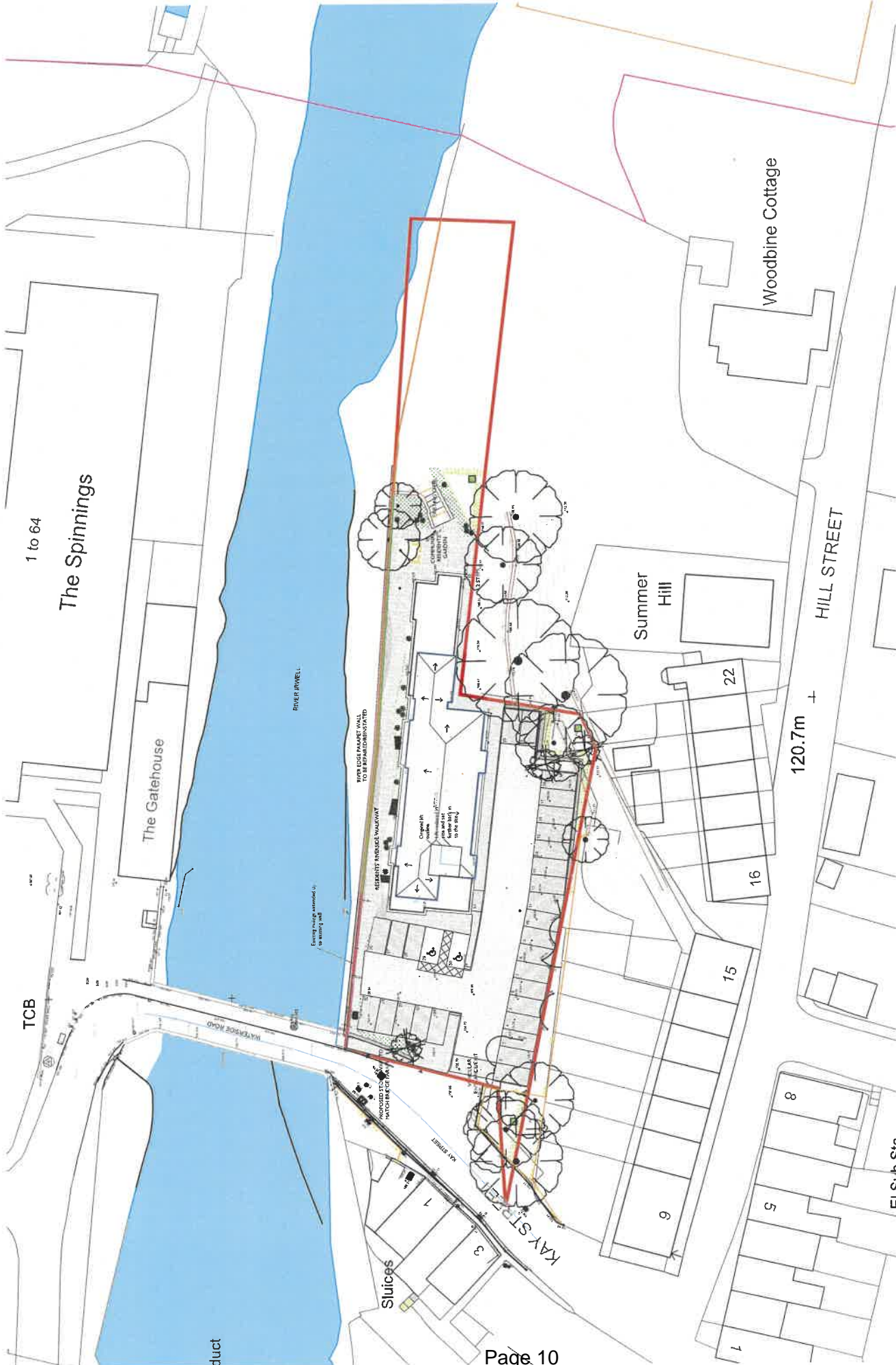


Pedestrian/Vehicular Conflict.

Condition 15 amended to community use agreement, rather than scheme following consultation with Sport England who are keen to ensure that the wording of the condition ensures a commitment to work with an identified Steering Group for the purposes of the maximising the use of sports facilities in the interests of clubs and communities. In drafting the agreement the Council will be required to have as signatories, the facility operators, Council leisure and local NGB representatives. Wording as follows:

Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the use of the 3G pitch, natural turf youth pitch, pavilion facilities and car park and include details of pricing policy, hours of use, access by users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason. To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policies RT1/1 - Protection of Recreation Provision in the Urban Area, RT1/2 - Improvement of Recreation Facilities and RT2 - New Provision for Recreation on the Urban Area.



REVISION	AMENDMENTS	DATE	CTWD
A	Existing walls to bridge shown.	04/04/23	18
B	Location of pedestrian gate and footpath, removal of parking space and lift reconstruction. (S01123) 18		
C	Excavate adjacent bridge approach and new pedestrian footpath added next to existing wall. (S01124) 18		

2492.2.03 REV C

Proposed Site Plan

Opulwood Developments

Waterside Apartment, Kay St, Summerseat

HATTRELL LLP  
 50th Fl, 500 West King Street, 4th Floor, New York, NY 10038  
 TEL: (212) 410 4000 FAX: (212) 410 4001  
 www.hattrellllp.com www.hattrellllp.com

1:500 @ A3