

AGENDA FOR

PLANNING CONTROL COMMITTEE

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To: All Members of Planning Control Committee

Councillors : A Cummings (Chair), J Black, S Briggs, S Carter, R Caserta, D Gunther, P Heneghan, D Jones, A Matthews, A Quinn, S Southworth and Y Wright

Dear Member/Colleague

Planning Control Committee

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

Date:	Tuesday, 28 October 2014
Place:	Peel Room, Bury Town Hall
Time:	7.00 pm
Briefing Facilities:	<p>If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer should be contacted.</p> <p>The Development Manager will brief the Committee on any changes made to the Planning Applications to be considered since the issue of the Agenda. This information will also be provided in the Supplementary agenda which will be circulated to Members and made available to the public on the Council's website on the day of the meeting.</p>
Notes:	<p>Food will be available from 5.00 pm (Balcony Bar).</p> <p>Pre-meeting Briefing (Lancaster Room).</p> <p>Details of Site Visit/Member Training will be circulated separately, for the information of Members and Officers.</p>

AGENDA

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

Members of the Planning Control Committee are asked to consider whether they have an interest in any of the matters on the Agenda and, if so, to formally declare that interest.

3 MINUTES OF THE MEETING HELD ON 30 SEPTEMBER, 2014 *(Pages 1 - 4)*

4 PLANNING APPLICATIONS *(Pages 5 - 32)*

5 DELEGATED DECISIONS *(Pages 33 - 44)*

A report from the Development Manager on recent Delegated planning decisions since the last Planning Control Committee meeting held on 30 September, 2014.

6 PLANNING APPEALS *(Pages 45 - 54)*

A report from the Development Manager on recent Planning Appeal decisions since the last meeting of the Planning Control Committee held on 30 September, 2014.

7 DEVELOPMENT MANAGEMENT PERFORMANCE *(Pages 55 - 94)*

A report from the Development Manager is attached.

8 SITES OF BIOLOGICAL IMPORTANCE: 2013 REVIEW *(Pages 95 - 104)*

A report from the Assistant Director (Localities) is attached.

9 PROPOSED LOCAL NATURE RESERVE AT CHAPELFIELD, RADCLIFFE *(Pages 105 - 110)*

A report from the Assistant Director (Localities) is attached.

10 URGENT BUSINESS

Any other business which by reason of special circumstances the Chair agrees may be considered as a matter of urgency.

Minutes of: PLANNING CONTROL COMMITTEE

Date of Meeting: 30 September 2014

Present:

Councillors: Councillor A Cummings (In the Chair)
Councillors J Black, S Briggs, S Carter, D Gunther, P Heneghan, D Jones, A Matthews, A Quinn, S Southworth and Y Wright

Public attendance: 15 members of the public were in attendance

Apologies for absence: Councillor R Caserta

PCC.316 DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

PCC.317 MINUTES

Delegated decision:

That the Minutes of the meeting held on 2 September 2014 be approved as a correct record and signed by the Chair.

PCC.318 PLANNING APPLICATIONS

A report from the Development Manager was submitted in relation to various applications for planning permission. Supplementary information was also submitted in respect of application numbers: 56744, 57669, 57797, 57825, 57841 and 57852.

The Committee heard representations from applicants and/or objectors in respect of the applications submitted. This was limited to three minutes for each speaker.

Site Visits had taken place prior to the Committee meeting in respect of planning applications 56744 and 57797.

Delegated decisions:

1. That **Approval** be given to the following applications in accordance with the reasons put forward by the Development Manager in the report and supplementary information submitted and subject to the conditions included:

57669 Walshaw Motorbodies, Walshaw Road, Bury – Bury West – Elton Ward

Single storey side extension and single storey spray booth at the rear

57797 Site of Wesley House, Wesley Street, Tottington, Bury – Ramsbottom & Tottington – Tottington Ward

Repositioning of 2 no. bungalows (plots 4 & 5) with associated external works (retrospective)

57825 Walmersley Post Office, 678 Walmersley Road, Bury – North Manor Ward

Conversion of dwelling (C3) to shop (A1); 2 bed flat at first floor level; New shop front and roller shutters

57841 Old County Court, Tenterden Street, Bury – Bury East Ward

Change of use from Office (B1) to Support and Counselling Centre (D1)

2. That the Committee be **Minded to Approve** the following applications in accordance with the reasons put forward by the Development Manager in the report and supplementary information submitted and subject to the conditions included:

56744 Land at Bury Road/York Street, Radcliffe, Manchester – Radcliffe East Ward

Hybrid full planning application for the erection of 153 no. dwellings together with associated works including the laying out of public open space, and the undertaking of engineering operations to remediate the site, raise the levels, construct an emergency access and development platform for future commercial development; Outline planning application for erection of a Class B1/B2 & B8 development of 7435 m²

Note: The decision is subject to the addition of the following condition agreed at the Committee meeting:-

Condition 47: No putrescible waste shall be brought onto the site at any time for the purposes of land raising or ground works.

Reason - In the interests of environmental amenity pursuant to UDP Policy MW3/2 Waste Recycling, MW4/1 Assessing Waste Disposal Proposals and MW4/2 Development Control Conditions (Waste).

57830 The Trafalgar, Manchester Old Road, Bury – Bury East Ward

Change of use from public house to no.5 flats with first floor extensions to side and rear and new access from Baron Street for parking (resubmission)

Note: The Committee were informed that the paragraph within the report relating to Recreational Provision in respect of this application should read as follows:-

Recreational Provision – The applicant has agreed to enter into a S106 legal agreement relating to recreation provision in accordance with Bury Unitary Development Plan Policy RT2/2 – Recreation Provision in New Residential Development and the associated Supplementary Planning Document 1 – Open Space, Sport and Recreation in New Housing Development. The contribution would be for £6,839.45 which relates to 4 flats only, as there was a flat above the previous pub. As such the proposal complies with Policy RT2/2 and associated guidance and therefore should be approved for this reason.

57852 Land at Kestrel Close, Whitefield, Manchester – Prestwich – Holyrood Ward

Erection of new two storey dwelling (Resubmission)

PCC.319 DELEGATED DECISIONS

A report from the Development Manager was submitted listing all recent Planning application decisions made by Officers using delegated powers.

Delegated decision:

To note the report.

PCC.320 PLANNING APPEALS

A report from the Development Manager was submitted which presented a list of recent planning appeals lodged and decided. The report included a copy of the Appeal Decision and Costs Decision made by the Planning Inspectorate in relation to Planning Application 56249.

Delegated decision:

To note the report.

Chair COUNCILLOR A CUMMINGS

(Note: The meeting started at 7.00 pm and ended at 7.45 pm)

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Title	Planning Applications
To:	Planning Control Committee
On:	28 October 2014
By:	Development Manager
Status:	For Publication

Executive Summary

The attached reports present members with a description of various planning applications, the results of consultations, relevant policies, site history and issues involved.

My recommendations in each case are given in the attached reports.

This report has the following implications

Township Forum/ Ward: Identified in each case.

Policy: Identified in each case.

Resources: Not generally applicable.

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, I have 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.

Development Manager

Background Documents

1. The planning application forms and plans submitted therewith.
2. Certificates relating to the ownership.
3. Letters and Documents from objectors or other interested parties.
4. Responses from Consultees.

FOR FURTHER INFORMATION ON THE CONTENTS OF EACH REPORT PLEASE CONTACT INDIVIDUAL CASE OFFICERS IDENTIFIED IN EACH CASE.

01 **Township Forum - Ward:** Whitefield + Unsworth - Unsworth **App No.** 56860

Location: The Hollins, Haweswater Crescent, Bury, BL9 8LT

Proposal: Erection of 21 no. detached dwellings

Recommendation: Minded to Approve

Site Visit: N

02 **Township Forum - Ward:** Whitefield + Unsworth - Pilkington Park **App No.** 57950

Location: Land at side of 3 Myrtle Grove, Radcliffe, Manchester, M45 7RR

Proposal: Erection of new detached house

Recommendation: Approve with Conditions

Site Visit: N

Ward: Whitefield + Unsworth - Unsworth

Item 01

Applicant: Morris Homes Limited

Location: The Hollins, Haweswater Crescent, Bury, BL9 8LT

Proposal: Erection of 21 no. detached dwellings

Application Ref: 56860/Full

Target Date: 24/02/2014

Recommendation: Minded to Approve

This application was originally presented to Planning Control Committee in April 2014 and was minded to approve, subject to the completion of a Section 106 agreement. Following an objection from United Utilities, the applicant has revised the layout and the application is being presented to PCC for re-determination.

It is recommended that this application is Minded to Approve subject to the signing and completion of a Section 106 agreement for recreation provision in accordance with Policy RT2/2 of the adopted Unitary Development Plan and loss of employment land in accordance with Policy EC2/2 of the adopted Bury Unitary Development Plan. Should the agreement not be signed and completed within a reasonable period, it is requested that the application be determined by the Development Manager.

Description

The site contains a building, which is currently in use as an office and is constructed from beige brick with a tile roof. The site is a split level site, with a level plateau near the access from Church Meadow and the land slopes steeply towards Haweswater Crescent. As such, the building is single storey on the eastern part of the site and three storey on the western part of the site. There is a car park near the access onto Church Meadow and a landscaped area to the west. The site is some 2 - 3 metres higher than the residential properties to the north.

The site is bounded by residential properties to all boundaries.

The application was presented to the Planning Control Committee in April and the proposed development involved the demolition of the existing building and the erection of 21 dwellings. The site would be accessed from Haweswater Crescent with the access road located above the Haweswater Aqueduct. The proposed dwellings would all be detached and would be constructed from red brick with a tile roof.

Members decided to approve the application, subject to the completion of the Section 106 agreement in relation to recreation provision and loss of employment land at committee in April following a site visit.

In June, United Utilities changed their recommendation on the application and objected to the site layout, which would have an adverse impact upon the Haweswater Aqueduct.

The applicant in conjunction with United Utilities has revised the proposed layout of the site. Given the extent of the changes, the neighbouring properties have been re-notified and given 21 days to comment on the proposals.

The proposed development still involves the demolition of the existing building and the erection of 21 dwellings. The proposed dwellings would be detached and would be constructed from red brick with a tile roof. Five of the proposed dwellings would be accessed by driveways off Haweswater Crescent and the remainder dwellings would be accessed from Church Meadow.

Relevant Planning History

36497 - Renewal of planning permission 31714/95:- first floor extension over existing single storey building with additional car parking at The Hollins, Hollins Lane, Unsworth. Approved with conditions - 10 July 2000.

36656 - Extension and refurbishment to reception area at DTE House, Hollins Lane, Unsworth. Approved with conditions - 26 July 2000.

37306 - Single storey extension on frontage at The Hollins, Hollins Lane, Unsworth. Approved with conditions - 21 March 2001.

01028/E - Residential development - Enquiry completed 25/04/2012

Publicity

67 neighbouring properties (55 - 61 (odds), 63 - 69, 71 - 75 (odds) Church Meadow, 1, 3 - 5, 7, 9, 11, 12, 14 - 19, 21 - 25 (odds), 26, 34 - 44 (evens), 59, 65 Haweswater Crescent, 2 - 6 (evens), 5 - 11 (odds) Hollinsbrook Close, 1 - 10, 12 Mere Close) were notified by means of a letter on 25 November and a press notice was published in the Bury Times on 5 December. Site notices were posted on 26 November 2013.

1 letter of support has been received from 6 Mere Close, which has raised the following issues:

- No objections to the construction of houses on this site.

26 letters have been received from the occupiers of 6 Hollins Brook Close, 1, 4, 5, 9, 11, 12, 14, 15, 16, 17, 19, 21, 23, 25, 26, 36, 40, 42, 44, 65 Haweswater Crescent, 64, 66 Church Meadow, 30 Hillsborough Drive, which have raised the following issues:

- There are too many 4 bed detached properties and not enough smaller dwellings.
- Plot 11 will result in a loss of privacy and sunlight.
- Children play on Haweswater Crescent, which is a side street.
- Haweswater Crescent is traffic calmed and query whether this should be used?
- A plot should be deleted and the access re-located to Church Meadow, which is more suitable.
- Impact upon traffic flow in peak hours.
- Prefer to see the traffic calming measures retained.
- Haweswater Crescent is icy during winter and restricts access during those times.
- The deeds to the existing properties state no fencing or hedges are allowed and this should be enforced on the proposed scheme.
- There are no bungalows provided as part of the scheme.
- Prefer to see the trees (G9) removed as they block light to the residential properties.

Following the receipt of revised plans and additional information on , letters were sent to the neighbouring properties on 14 February and 24 February 2014. 14 letters have been received from the occupiers of 4, 12, 19, 25, 36, 40 Haweswater Crescent, 6, 9 Hollins Brook Close, 64 Church Meadow, which have raised the following issues:

- All of the previous comments are still valid.
- Adverse impact upon privacy as proposed properties will be much higher than the existing levels.
- Impact upon drainage.
- The proposed dwelling would still reduce the light available and would be too close to the boundary fence.
- The proposal includes several trees to be planted, which will further block light.
- The proposed dwelling would look directly into the bedroom of an existing house.
- Impact upon access to properties on Haweswater Crescent during winter months.
- Query whether the trees adjacent to plot 12b are to be retained or not?
- Plot 12b encroached onto the easement for the Haweswater Aquaduct.
- Haweswater Crescent is not suitable for use as an access to a development of this size.
- Prefer to see the existing access from Church Meadow used.

- Existing trees near the boundary of 64 Church Meadow and the access site block light and should be removed.
- Plots 1 and 5 would overlook the existing properties.

The neighbouring properties were notified by means of a letter on 23 September and a press notice was published in the Bury Times on 25 September. Site notices were posted on 23 September 2014.

3 letter has been received from the occupiers of 40 Haweswater Crescent and 6 Hollins Brook Close, which have raised the following issues:

- The gable elevation of plot 15 would be opposite the rear elevation of No. 40 Haweswater Crescent and would impact upon light to the lounge.
- The outlook from No. 40 Haweswater Crescent would be at a 8 - 10 metre blank wall and would be bleak.
- Seek clarification as to whether a new application has been submitted or whether the original application has been amended?
- The change in layout is a radical change and question whether a new application is required? Has the previous layout been rejected?
- The proposed dwelling would extend across the full rear elevation of the existing property.
- The gable wall of the proposed dwelling would be very close to the boundary fence and would severely compromise light and view from the lounge and kitchen windows.
- The note on the drawing advising that the property is not overlooked because it is a gable wall is irrelevant and disingenuous.

The objectors have been notified of the Planning Control Committee meeting.

Consultations

Traffic Section - No objections in principle and further comments will be reported in the Supplementary Report.

Drainage Section - No objections to previous layout. Any comments will be reported in the Supplementary Report.

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

Waste Management - No objections.

Design for security - No objections.

United Utilities - The current layout has been designed in conjunction with United Utilities and they are assessing the proposals. Any comments will be reported in the Supplementary Report.

GM Ecology Unit - No objections, subject to the inclusion of conditions relating to nesting birds, external lighting and landscaping.

Unitary Development Plan and Policies

EC2/2	Employment Land and Premises
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
EN1/3	Landscaping Provision
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8	Woodland and Trees
EN8/2	Woodland and Tree Planting
RT2/2	Recreation Provision in New Housing Development
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs

SPD1	Open Space, Sport and Recreation Provision
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
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) 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 (Employment) - Policy EC2/2 states that the Council will seek the retention of existing employment land and premises outside an EGA except where it can be clearly demonstrated that it is no longer suited in land use terms to continued employment use. In these circumstances consideration will be given to alternative development, providing it would not conflict with the character of the surrounding area and other policies of the Plan.

The site has been assessed as part of the Employment Land Review and this has shown that the application site is considered to be suitable, in land use terms, for employment use. However, SPD14 allows for a more flexible approach whereby if there is commercial and market evidence that there is not currently any realistic prospect of the site being retained in employment use, then the Council may consider alternative uses subject to a one-off financial contribution to compensate for the loss of the employment site. Such sums are then used to free up or contribute to delivering other constrained employment sites.

The applicant has submitted evidence in relation to commercial viability, market conditions and the results of three years of marketing and, whilst this is not fully in accordance with the requirements set out under SPD14, it is, in this instance, considered to be sufficient in demonstrating that there is little prospect of the site being used for employment purposes at the present time.

This being the case, alternative uses can be considered subject to a one-off financial contribution to off-set the loss of the employment use. For a site of this size (0.86 hectares), there would normally be a requirement to pay £335,400 and this would be used to bring forward employment opportunities elsewhere. However, during discussions over the application, the DTE Group has expressed their commitment to relocating the business and its 70 staff to an alternative site within the Borough.

As a result of this commitment to retain staff within the Borough, the applicant has agreed to the principle of a Section 106 agreement requiring them to make a reduced one-off employment contribution of £28,152.01 on the proviso that they do relocate within the Borough. The agreement is that the shortfall on what would normally be required to be payable (£307,247.99) is paid in the event that they fail to relocate within the Borough. In this instance, this approach is considered to be an acceptable compromise position in the interests of retaining a significant number of jobs within the Borough.

Consequently, the principle of the proposal is, on balance, considered to be acceptable subject to the agreement being signed, based on the above.

Principle (Housing) - Following revocation of the North West Regional Spatial Strategy on 20 May 2013, there is no statutory housing target for Bury. Work is continuing on Bury's Local Plan, which will bring forward a new statutory housing target.

In the meantime, the National Planning Policy Framework 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. There is a particular emphasis, as in previous national planning guidance, to identify a rolling five year supply of deliverable housing land.

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 area and in a residential area. As such, the proposed development would not conflict with the surrounding land uses and would be located in a sustainable location with good access to public transport and services. The site contains an existing building and as such, would be previously developed land. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy H1/2 of the Bury Unitary Development Plan and the NPPF.

Design and layout - The proposed dwellings would be detached and would be two storeys in height. The provision of bay windows, canopies, porches, brick eaves, stone cills and headers to windows help to break up and animate the elevations. The existing dwellings are constructed from a variety of materials, including red brick, beige brick and render. The proposed dwellings would be constructed from red brick with a grey tile roof, which would match some of the surrounding properties and would complement the remaining dwellings. Therefore, the proposed development would not be unduly prominent within the locality and would be in accordance with Policies H2/1, H2/2 and EN1/2 of the Bury Unitary Development Plan.

Impact upon surrounding area - The proposed dwellings would have a side or rear garden and have an acceptable level of private amenity space. There would be space within the rear or side gardens for bin storage. The proposed boundary treatments would include a 1.8 metre high screen wall to the rear gardens, which are immediately adjacent to the access road and 1.8 metre high timber boarded fencing between the remaining rear gardens. The boundary to the north of the site would be marked by a 1.2 metre high 3 rail ranch type fence. The proposed boundary treatments would be acceptable and would not be a prominent feature within the locality. Therefore, the proposed development would be in accordance with Policies H2/1, H2/2 and EN1/2 of the Bury Unitary Development Plan.

Impact upon residential amenity - SPD6 provides guidance on aspect standards between residential properties and would be relevant in this case.

Within the development, four properties would not meet the aspect standard. There would be 19.1 metres between the front elevations of plots 8 and 10 and between plots 18 and 21. The aspect standard should be 20 metres. Given that the land above the aqueduct and the associated easement cannot be built upon and it would only affect one of the elevations, it is considered that the proposed development would be acceptable in this instance.

All of the remaining relationships within the proposed development would comply with the relevant aspect standards.

Outside of the site, there would be a minimum of 22 metres between the proposed development and the existing dwellings on Haweswater Crescent.

There would be 16.5 metres between the rear elevation of No. 40 Haweswater Crescent and the gable elevation of plot 15. This would be in excess of the aspect standard of 13 metres and as such, the proposed development would not have any adverse impact upon the amenity of the neighbouring properties.

Therefore, the proposed development would comply with Policies H2/1, H2/2 and SPD6 and therefore, would not have an adverse impact upon the amenity of the neighbouring properties.

Ecology - A ecology report and bat survey have been submitted as part of the application. The report states that the proposed development would not have an adverse impact upon the ecology at the site. GM Ecology Unit has requested that an updated bat survey be undertaken to ascertain the current situation in relation to bats. The applicant is undertaking this survey and it will be reported on in the Supplementary Report.

Notwithstanding the updated bat survey, GM Ecology Unit has no objections to the proposed development, subject to the inclusion of conditions relating to nesting birds, bats and a landscaping plan. Therefore, the proposed development would not harm the ecology of the site and would be in accordance with Policies EN6 and EN6/4 of the Bury Unitary Development Plan.

Haweswater Aqueduct - The proposed development has been redesigned and the proposed access road would cross the Haweswater Aqueduct in 3 places. There would be no built development on top of the aqueduct or the easements required by United Utilities. United Utilities are assessing the proposals and their comments will be reported in the Supplementary Report. Therefore, the proposed development would be in accordance with Policies EN7/4 and EN7/5 of the Bury Unitary Development Plan.

Highways issues - The proposed development would be accessed from the existing access on Church Meadow with 5 dwellings being accessed from Haweswater Crescent via private driveways. There would be acceptable levels of visibility at the junction of the proposed access with Church Meadow and the Traffic Section has no objections to the proposal in principle. The applicant has submitted further revised plans to ensure adoption of the estate, which are currently being assessed and further comments will be reported in the Supplementary Report.

Parking - SPD11 states that the maximum number of parking spaces is 3 spaces per 4 bed dwelling and 2 spaces per 3 bed dwelling. This equates to a maximum of 60 spaces.

40 parking spaces would be provided and all of the properties would have access to a garage in addition to the parking spaces. As such, 61 parking spaces would be provided, which would be acceptable in this case. Therefore, the proposed development would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

Planning Obligations

- A contribution of £71,847.99 for recreation in accordance with Policy RT2/2 and SPD1.
- A contribution of £28,152.01 for loss of employment land in accordance with Policy EC2/2 and SPD14.
- The balance of £307,247.99 would be required should the companies not relocate the business within the borough of Bury.

The above obligations would be secured through a Section 106 agreement.

Statement in accordance with Article 31 Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2012

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 Paragraphs 186-187 of the National Planning Policy Framework.

Recommendation: Minded to Approve

Conditions/ 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 N903/P/LP01 Rev A, N272/P/PL02, N272/P/HTRUF/01, N272/P/HTRUF/02, N272/P/HTEL/01, N272/P/HTEL/02, N272/P/HTMOR/01, N272/P/HTMOR/02, N272/P/HTBERSA/01, N272/P/HTBERSA/02, N272/P/HTBOL/01, N272/P/HTBOL/02, N272/P/HTCAP2/01, N272/P/HTCAP2/02, N903/P/HTWHA/01, N903/P/HTWHA/02, N903/P/HTDUN/01, N903/P/HTDUN/02, N903/P/HTBRA/01, N903/P/HTBRA/02, N903/P/HTAPP/01, N903/P/HTAPP/02, N903/P/HTWIL/01, N903/P/HTWIL/02, N903/P/HTHOU/01, N903/P/HTHOU/02, GR1, GR2-1A, F1-1, F2-3, CW/6975-P-TC 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. 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 11 - 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 11 - Conserving and enhancing the natural environment.
5. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;
The approved contamination testing shall then be carried out and validity evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To secure the satisfactory development of the site in terms of human

health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

6. All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:

- Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;
- A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.

Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

7. Details/Samples of the (materials/bricks) 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/bricks shall be used for the construction of the development.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

8. The landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority 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.

9. No works shall be carried out to the trees that would disturb nesting birds between 1st March and 31st August inclusive in any year.

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 11 - Conserving and enhancing the natural environment.

10. Prior to the commencement of the development hereby approved, full details of any exterior lighting should be supplied to and approved in writing by the Local Planning Authority. The details shall:

1. Identify areas/features on site that are sensitive for bats and that are likely to cause disturbance in or along important foraging and commuting routes
2. Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and specifications.

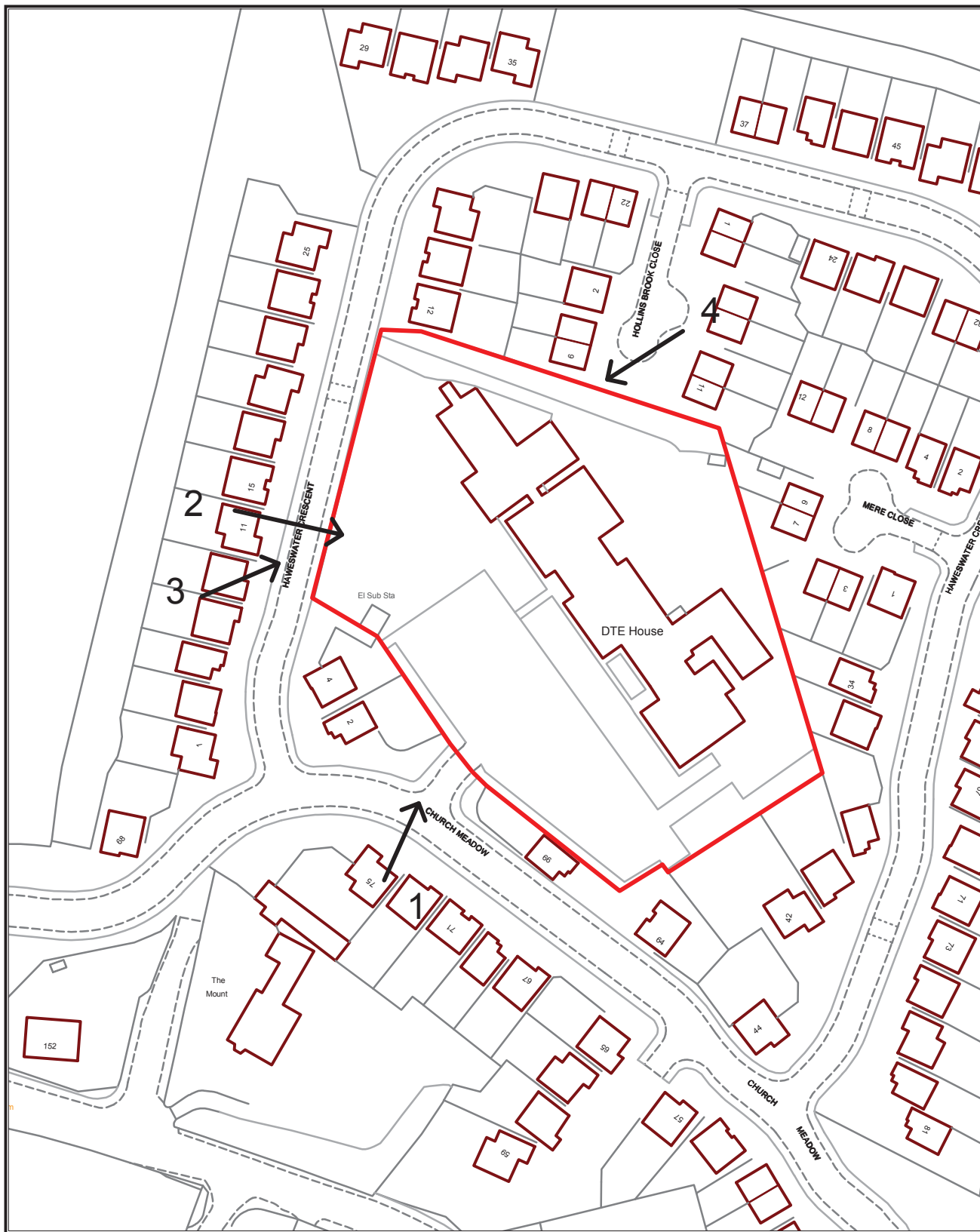
All external lighting shall be installed in accordance with the approved details

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 11 - Conserving and enhancing the natural environment.

For further information on the application please contact **Helen Longworth** on **0161 253 5322**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 56860

ADDRESS: The Hollins, Haweswater Crescent
Bury



Planning, Environmental and Regulatory Services 1:1250

(C) Crown Copyright and database right (2013). Ordnance Survey 100023063.

56860

Photo 1



Photo 2



56860

Photo 3



Photo 4



LEGEND

- [Hatched Box] Proposed dwelling
- [Diagonal Lines] Proposed dwelling to be built opposite hand
- [Diagonal Lines] Proposed lock, built garage
- [Diagonal Lines] Proposed garage space
- [Diagonal Lines] Common areas of shared drives in surrounding material or area tidings to delineate shared drive area
- [Diagonal Lines] Proposed 1.8m high feather edge boarded linear screen fence with P.C.C. posts & gravel boards.
- [Line] Proposed 1.8m high screen wall
- [Line] Proposed 1.2m High 3 rail ranch style fence
- [Line] Proposed 1.2m High railings
- [Line] Proposed 0.45m high timber V-pill fence
- [Line] Existing hedges to be retained
- [Line] Existing hedges to be removed
- [Line] Existing trees to be retained
- [Line] Existing trees to be removed

MATERIALS SCHEDULE

Block Type	Door Color
W1	
YG	

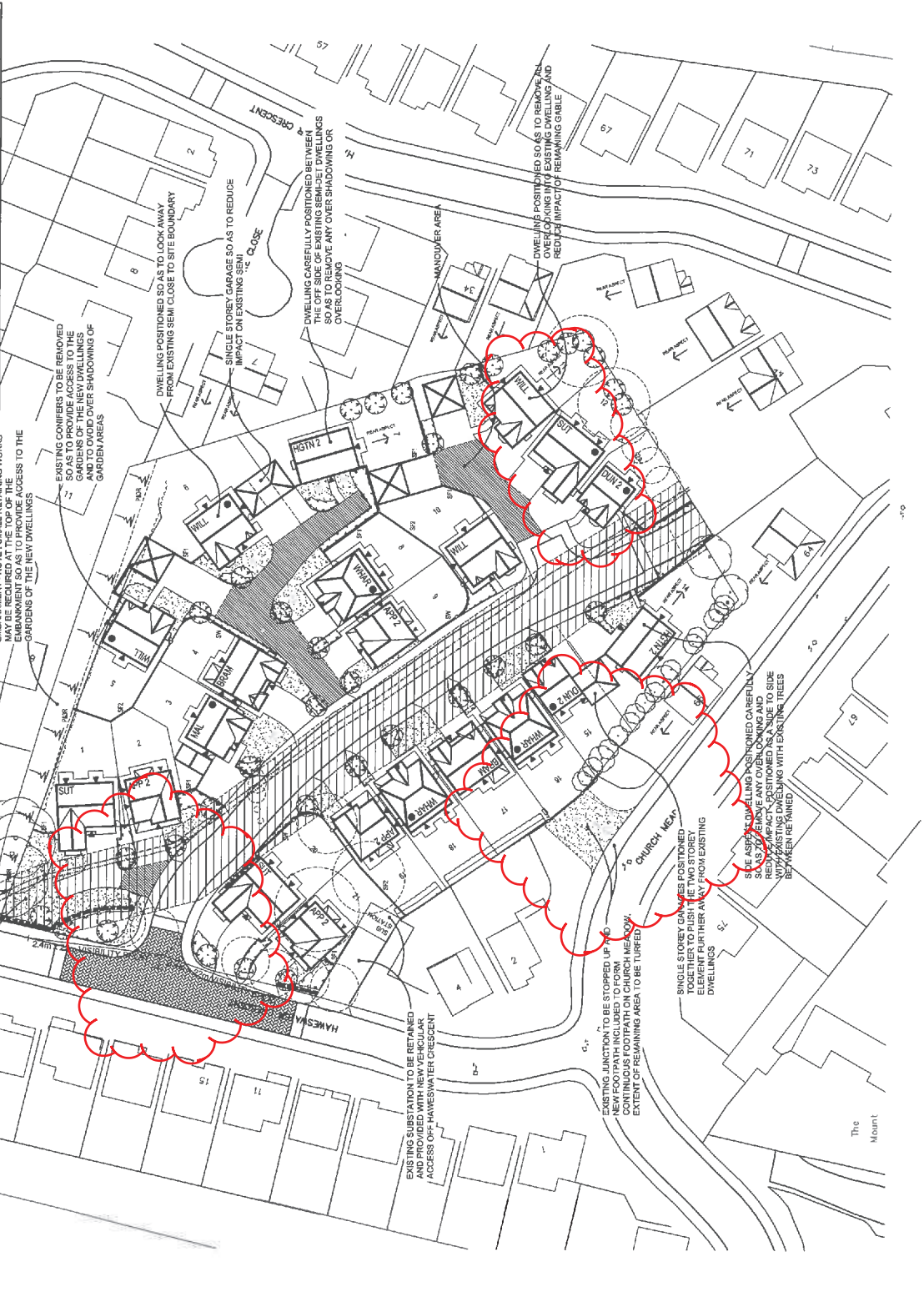
SCHEDULE OF ACCOMMODATION

NAME	DESCRIPTION	SIZE (sqft)	Units	TOTAL (m ²)
Dunham 2	3 bed detached/det single garage	957	2	1914
Appleton 2	4 bed detached/det single garage	1054	4	4216
Bramhall	4 bed detached/det single garage	1311	2	2622
Keighton 2	4 bed detached/det single/double garage	1325	2	2650
Milnham	4 bed detached/det single garage	1169	1	1169
Whitfordale	4 bed detached/det double garage	1338	3	4014
Willington	4 bed detached/det double garage	1432	4	5648
Sutton	4 bed detached/det single garage	1522	3	4566
TOTAL			21	27,619

MORRIS HOMES (Group) Limited
 Morland House
 Allinham Road
 Wilmshlow
 Cheshire SK9 5NW
 Tel: (01625) 544 444
 Fax: (0945) 833 1945

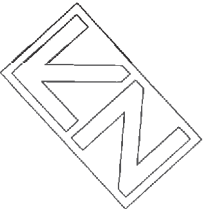
HAWESWATER CRESCENT, BURY.

Previous Planning Layout

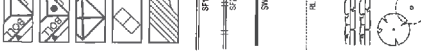


Rev

0	11/10/13	Drawn	SJM	Checked		Scale	1:500 @ A2	Proj No	NR03/PI/01	Rev	C
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LEGEND



SCHEDULE OF ACCOMMODATION

NAME	DESCRIPTION	SIZE (sqft)	Units	TOTAL (sqft)
Bramhall	4 bed detached	1311	1	1311
Houghton 2	4 bed detached	1325	2	2650
Morston 2	4 bed detached	1326	2	2652
Wilfrington	4 bed detached	1462	2	2924
Rufford 2	4 bed detached	994	1	994
Appleton 2	4 bed detached	1054	3	3162
Wharfedale	4 bed detached	1338	2	2676
Berrington 2 SA	4 bed detached	1100	4	4400
Bouffington 2	4 bed detached	1076	1	1076
Dunham 2	3 bed detached	957	1	957
Capethorpe 2	3 bed detached	952	1	952
EY	3 bed detached	938	1	938
TOTAL			21	24,692

EXISTING TREES TO BE RETAINED AND REPLANTED WITH SUITABLE SPECIES AT THE DISCRETION OF THE ARCHITECT.
 EXISTING TREES TO BE REMOVED AND REPLANTED WITH SUITABLE SPECIES AT THE DISCRETION OF THE ARCHITECT.
 EXISTING TREES TO BE RETAINED AND REPLANTED WITH SUITABLE SPECIES AT THE DISCRETION OF THE ARCHITECT.
 EXISTING TREES TO BE REMOVED AND REPLANTED WITH SUITABLE SPECIES AT THE DISCRETION OF THE ARCHITECT.
 EXISTING TREES TO BE RETAINED AND REPLANTED WITH SUITABLE SPECIES AT THE DISCRETION OF THE ARCHITECT.
 EXISTING TREES TO BE REMOVED AND REPLANTED WITH SUITABLE SPECIES AT THE DISCRETION OF THE ARCHITECT.

MATERIALS SCHEDULE

Ref No	Material	Notes
1	Brick	Red
2	Concrete	Grey
3	Gravel	15mm
4	Timber	Weather resistant
5	Paint	White

REVISIONS

REV	DESCRIPTION	DATE	INT
1	Issue for tender		
2	Revised drawings		
3	Final approved drawings		

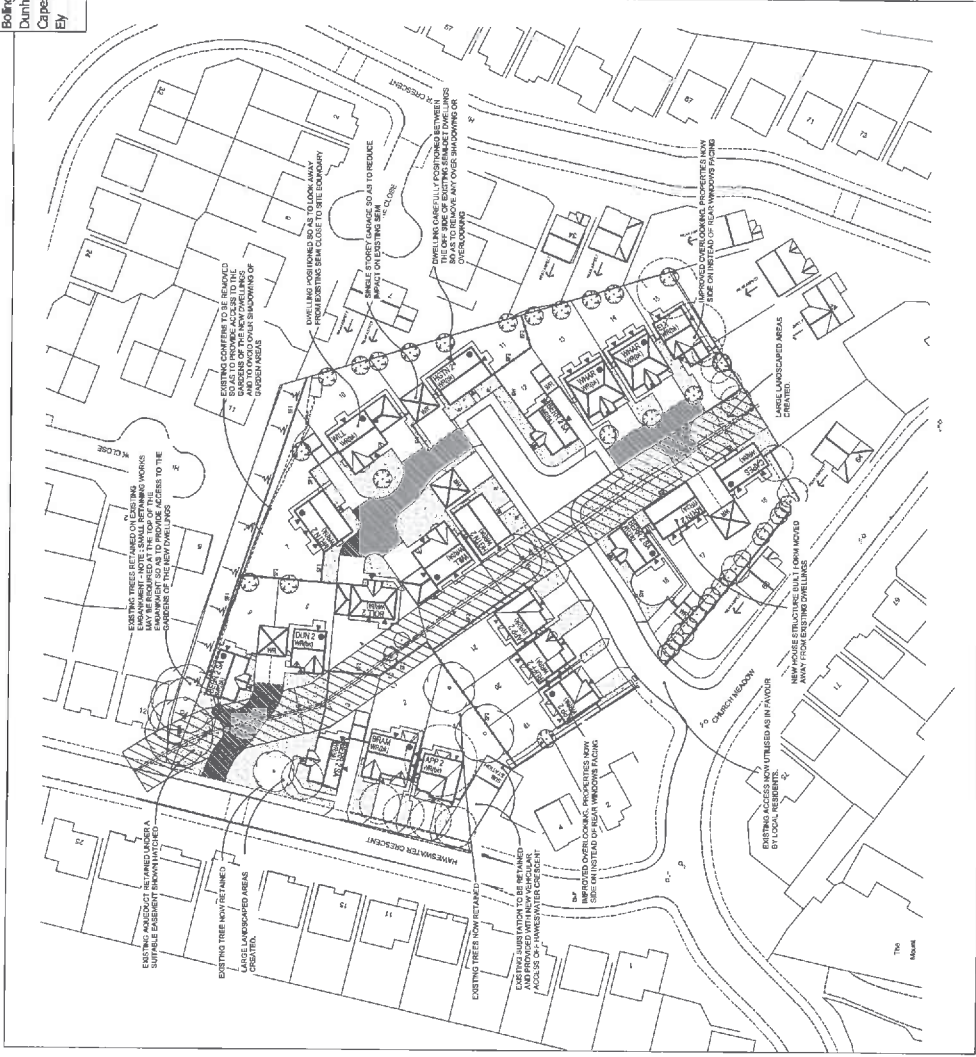
CLIENT
 Morris Homes (Group) Limited
 Morland House
 Altrincham Road
 Wilmslow
 Cheshire SK9 5NW
 Tel: (01625) 544 444
 Fax: (0945) 833 1845

JOB TITLE
 HAWESWATER CRESCENT, BURY.

DATE
 15/06/14

SCALE
 1:500 @ A1

PROJECT
 N272/P/PL02



UU will only accept one adoptable road crossing point, and minimum private drive crossings.
 Requiring the aqueduct and easement located predominantly in front or back gardens as shown.

Applicant: Mr Paul Power

Location: Land at side of 3 Myrtle Grove, Radcliffe, Manchester, M45 7RR

Proposal: Erection of new detached house

Application Ref: 57950/Full

Target Date: 20/11/2014

Recommendation: Approve with Conditions

It is recommended that this application is Minded to Approve subject to the signing and completion a Section 106 agreement for recreation provision in accordance with Policy RT2/2 of the adopted Unitary Development Plan and SPD1. Should the Section 106 not be signed and completed within a reasonable period, it is requested that the application be determined by the Development Manager.

Description

The application relates to the side garden area of No.3 Myrtle Grove, a two storey red brick, semi-detached dwellinghouse on the north side of the road. The site measures approximately 275sqm. The property on the other side is a detached bungalow with a detached single garage adjacent to the boundary with the site. Along the front boundary there is a dwarf brick wall with planting and a dropped kerb with a driveway on the side adjacent to No.5. Beyond the rear boundary, the banking drops away quite steeply and is covered by rough shrubs and trees. The land beyond the rear boundary is part of a Sailor's Brow and Springwater Park Site of Biological Importance (SBI). There are two storey brick built houses across Myrtle Grove.

The proposed new 4-bed two storey dwelling would sit centrally within the site and have a footprint 12m by 8.7m with small 'cut away' in the NE corner. The design of the house would be conventional with red brick elevations and a tiled hipped roof with a rendered central gabled element on the front. The ridge line (7.8m) and eaves (5.3m) would generally line up with the houses on either side. There would be a permeable driveway from Myrtle Grove running up to an integral garage with garden at the front. The existing dropped crossing would need to be widened, and an existing telephone pole moved, to accommodate the proposed vehicular access.

Relevant Planning History

None relevant.

Publicity

Twenty two neighbours at 1-9, 11, 13, 15 and houses named Hafod, Lathom, Cloughside and Springside on Myrtle Grove, 1 and 2 Clough Grove and 1, 1A and 3 Spring Grove were notified by letter dated 26/09/14. Objections have been received from 1, 5 and 9, Lathom and Hafod on Myrtle Grove and these are summarised below:

- The banking at the rear of the site would be at risk of slippage. The required piling would make matters worse and may cause damage to other properties.
- There are newts and bats in the area.
- Existing sewers in the immediate vicinity are in danger of collapsing and this would be made worse by HGVs involved in the building work.
- There is a telegraph pole in the way of the access so cars would have to park on the road.

Those neighbours that have made representations have been notified of the Planning Control Committee.

Consultations

Traffic Section - No objections subject to conditions to be included in the Supplementary Report.

Drainage Section - No objection.

Environmental Health - No objection.

Greater Manchester Ecology Unit - Any comments will be reported in the Supplementary Report.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN5/1	New Development and Flood Risk
EN6/5	Sites of Geological Interest
EN7	Pollution Control
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/6	Garden and Backland Development
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury
SPD1	Open Space, Sport and Recreation Provision
SPD16	Design and Layout of New Development in Bury
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) 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.

Policy - Policy H1/2 relates to the principle of new residential development outside sites identified in the UDP and states that proposals within the urban area, where there is available infrastructure and land is suitable in terms of land use and amenity, will be acceptable. In terms of Policy H1/2, the proposal is within the urban area with available infrastructure and considered to be acceptable.

Siting and design - Policies H2/1, H2/2 relate to the form and layout of residential development. The proposed site is considered to be of sufficient size to accommodate the proposed house without appearing to constitute overdevelopment or be out of character within the locality.

In terms of siting, the dwelling would be generally in line with properties along this side of Myrtle Grove.

In terms of appearance, there is a mix of house styles and designs along the road. Whilst the property to the east side (No.5) is a bungalow, it is set away somewhat from the side boundary and the design and appearance of the proposed house reflects the general form of the two storey properties to the east and across the road. The proposal is considered to be appropriate and not out of character on the streetscene.

It is recommended that 'permitted development rights' are removed from the new dwelling given that the garden area at the rear is more limited due to the embankment and in order for the Local Planning Authority to retain control over any future development on the site so as to ensure it will not impact adversely on the character of the area.

The proposal is considered to be acceptable and complies with UDP Policies H2/1 and H2/2 with regard to its siting and design.

Residential amenity - There would be two windows on the west elevation of the new house - at ground floor an obscure secondary window and at first floor at bathroom window. On the east elevation there are no habitable room windows. As such there are no overlooking issues. There are windows in the side of No.3 Myrtle Grove but these are garage windows and first floor landing and bathroom. On the other side, the garage at No.5 would effectively block any views from windows. The site is not overlooked to the front or rear. The proposal is considered to be acceptable in terms of residential amenity and complies with UDP Policies H2/1 - The Form of Residential Development in this respect.

Parking and Access - The existing telephone pole on the footway next to the driveway would obstruct the proposed access and as such this would need to be moved at the applicant's expense. A condition attached to any approval would ensure this is done. Adopted guidance suggests a maximum of 2 spaces per house in new build development. As the proposal includes an integral garage and a 5m long driveway, it is considered that this would be adequate parking provision in this location. The proposal complies with UDP Policies H2/2, HT2/4 and SPD 11 relating to parking.

Servicing - The property would have walkways down either side with access to the rear. There would be sufficient space for bin storage at the rear of the garage, immediately adjacent to the garage and kitchen access.

Contaminated Land - A contaminated land desk top study was submitted with the application and there are no objections raised by Environmental Health subject to appropriate contaminated land conditions. The proposal is acceptable and complies with UDP Policy EN7 Pollution Control.

Ecology - Although there is an Site of Biological Interest to the north, the site itself is not within the SBI and, comprising the side lawn of No.3 Myrtle Grove, does have significant ecological value. Given the site's proximity to the SBI however, an impact statement from an ecologist has been requested. The findings and comments of the Greater Manchester Ecology Unit will be included in the Supplementary Report.

Drainage and Flood Risk - The site is not within a flood risk zone and if approved the house would be connected to the mains foul drains and a sustainable drainage system will be required for surface water and this will be secured by a condition should the proposal be approved.

Recreation Provision - The proposal, if approved, would mean that the applicant would be required to provide a commuted sum for off-site recreation provision through a S106 legal agreement as required by adopted guidance within SPD1 Open Space, Sport and Recreation Provision in New Housing Development.

Objections - Concerns with regard to the stability of the site and the danger to neighbouring properties posed by piling would be addressed by building regulations rather than at the planning stage. It is noted that the house diagonally across Myrtle Grove was piled without causing problems/damage to neighbouring properties. Potential damage to existing sewers is also not a valid reason to refuse the application.

The other issues relating to ecology and parking have been addressed in the above report.

Statement in accordance with Article 31 Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2012

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

Paragraphs 186-187 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions/ 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 1/1, 1/2, 2/1 and 2/2 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. Details/Samples of materials to be used in the external elevations and areas of hardstanding (manufacturer, type/colour, finish 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. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
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. 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 11 - 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 11 - Conserving and enhancing the natural environment.
6. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;

The approved contamination testing shall then be carried out and validatory evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

7. All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:

- Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;
- A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.

Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

8. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995, 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 prior written consent of the Local Planning Authority.

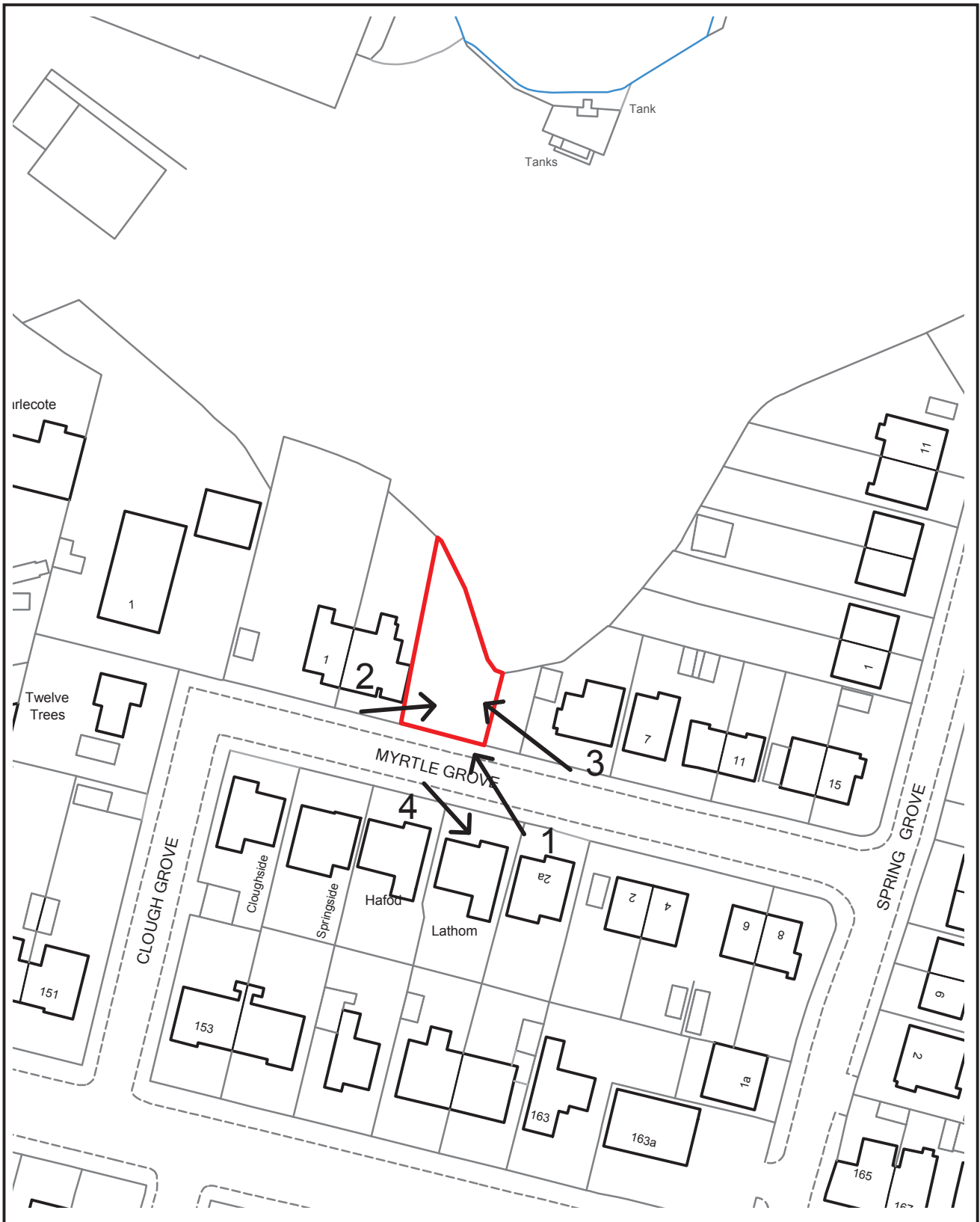
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed.

9. Development shall not commence until details of surface water drainage aspects have been submitted to and approved by the Local Planning Authority. This must include an assessment of the potential SuDS options for a surface water drainage scheme. The approved drainage scheme shall be implemented and thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: To reduce the risk of local flooding and water pollution by ensuring the provision of a satisfactory means of surface water disposal pursuant to UDP Policy EN5/1 New Development and Flood Risk and EN7/5 Waste Water Management.

For further information on the application please contact **Tom Beirne** on **0161 253 536**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 57950

**ADDRESS: Land At Side Of 3 Myrtle Grove
Radcliffe**



Planning, Environmental and Regulatory Services 1:1250

(C) Crown Copyright and database right (2013). Ordnance Survey 100023063.

57950

Photo 1



Photo 2



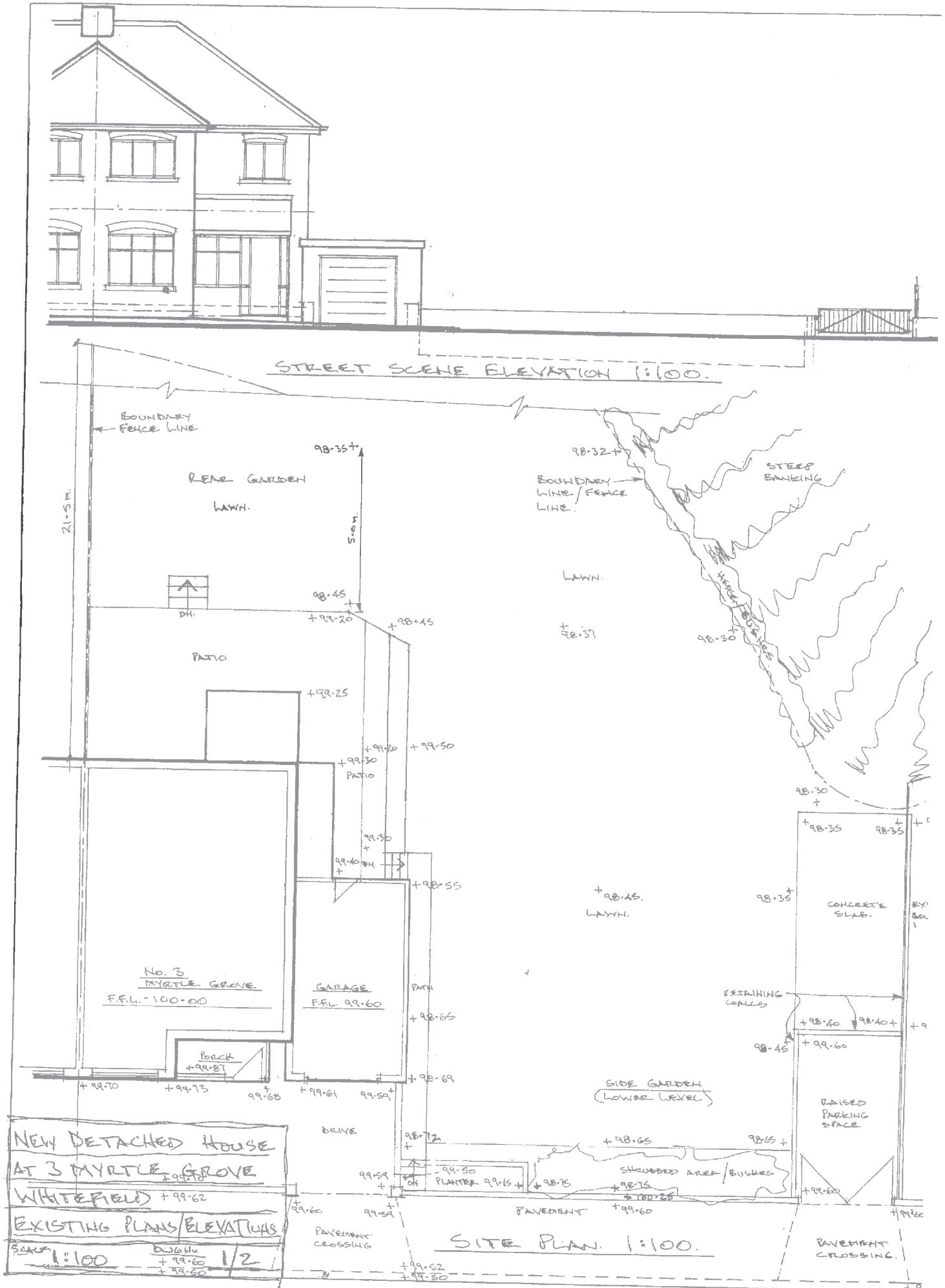
57950

Photo 3



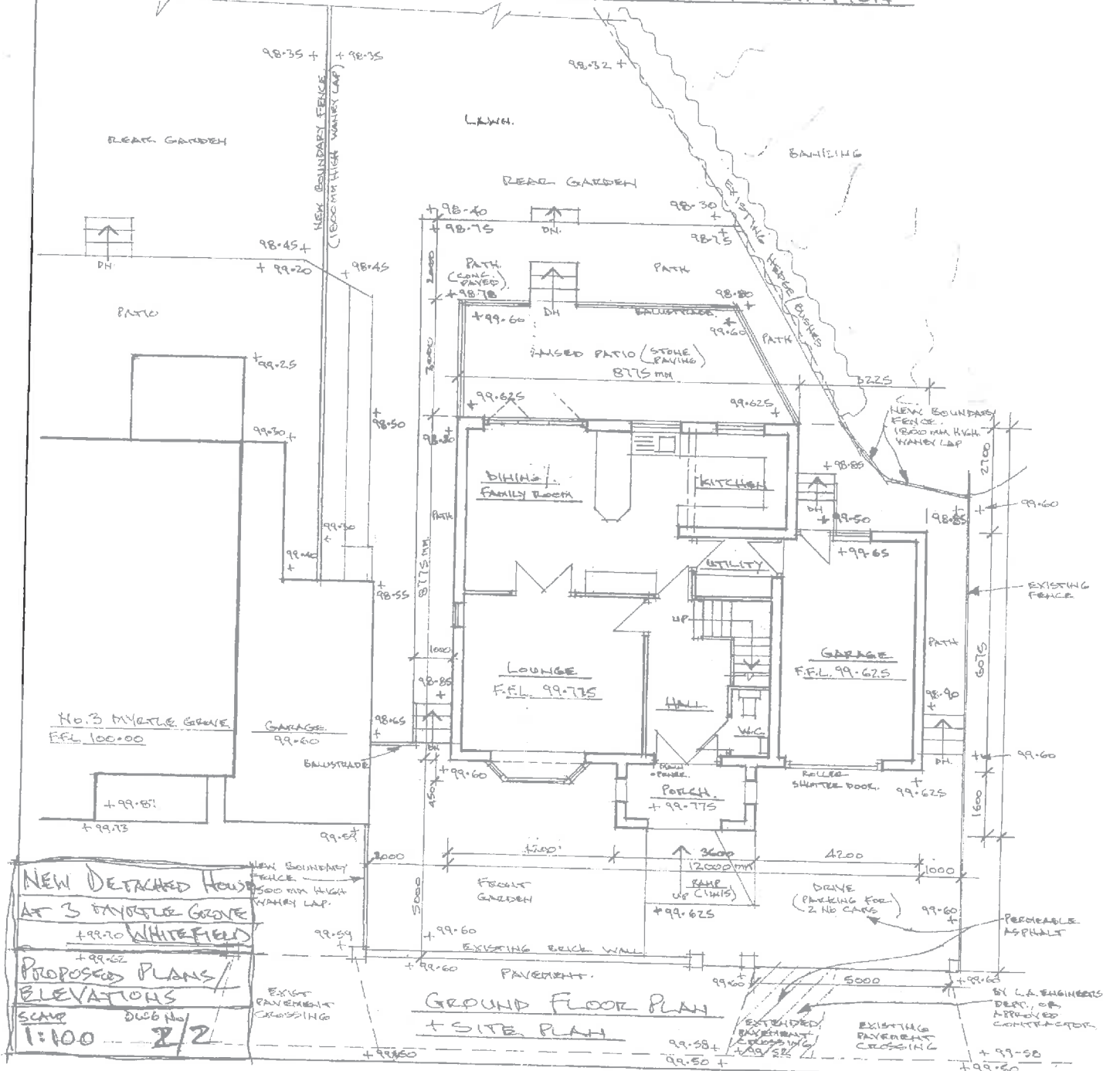
Photo 4

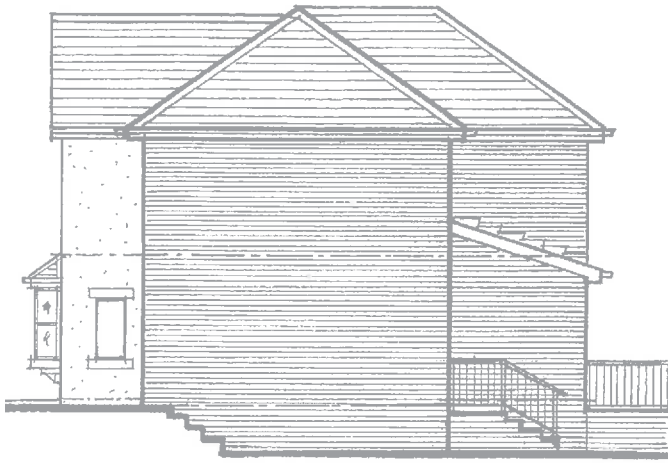






STREET SCENE + FRONT ELEVATION

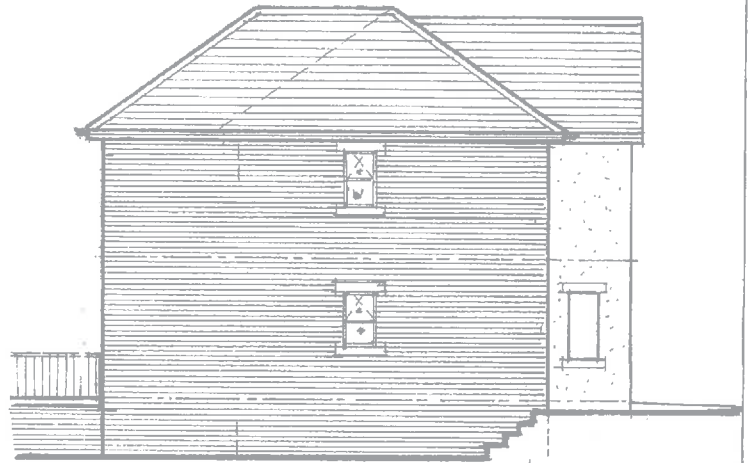




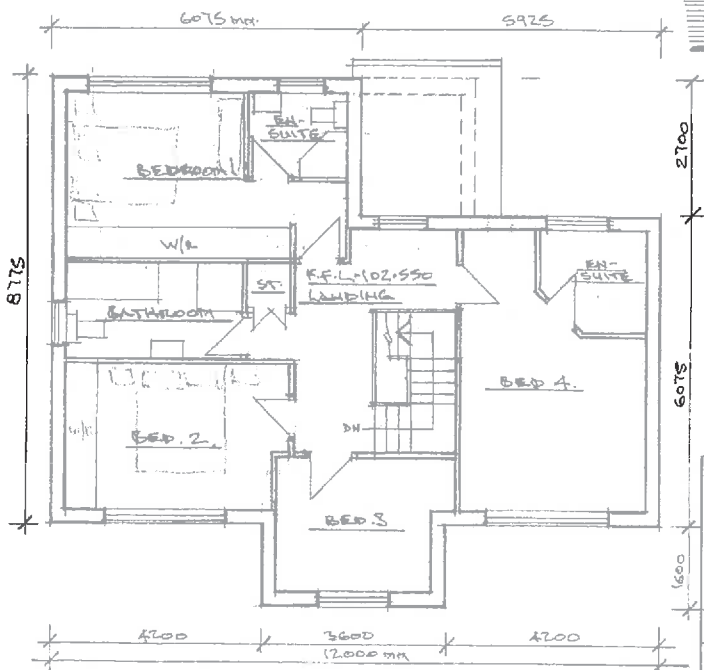
R.H. SIDE ELEVATION




LINE OF BALUSTRADE IN FRONT.
O - OBLIQUE GLAZING
REAR ELEVATION



L.H. SIDE ELEVATION



FIRST FLOOR PLAN

Architectural & Building Services NEIL BUTTERWORTH Tel: Mobile: 07785 276483 89 Higher A insworth Road, Radcliffe, Manchester M26 4JJ			
			
Job Title PROPOSED DETACHED HOUSE, ON LAND AT SIDE OF 3 MYRTLE GROVE, WHITEFIELD,			
Drawing Title PLANS & ELEVATIONS (PROPOSED)			
Scal: 1:100	Date JULY 14	Drawn by NB	Drawing No. 2/1

© copyright.

REPORT FOR DECISION

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	28th OCTOBER 2014
SUBJECT:	DELEGATED DECISIONS
REPORT FROM:	DEVELOPMENT MANAGER
CONTACT OFFICER:	JOHN CUMMINS
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	The report lists: Recent Delegated planning decisions since the last PCC
OPTIONS & RECOMMENDED OPTION	The Committee is recommended to the note the report and appendices.
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Executive Director of Resources to advise regarding risk management
Statement by Executive Director of Resources:	N/A
Equality/Diversity implications:	No
Considered by Monitoring Officer:	N/A
Wards Affected:	All listed
Scrutiny Interest:	N/A

TRACKING/PROCESS**DIRECTOR:**

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

This is a monthly report to the Planning Control Committee of the delegated planning decisions made by the officers of the Council.

2.0 CONCLUSION

That the item be noted.

List of Background Papers:-None**Contact Details:-**

John Cummins
 Development Manager
 Planning Services, Department for Resources and Regulation
 3 Knowsley Place
 Bury BL9 0EJ

Tel: 0161 253 6089

Email: j.cummins@bury.gov.uk

Planning applications decided using Delegated Powers

Between 22/09/2014 and 17/10/2014



Ward: **Bury East**

Application No.: 57845 **App. Type:** FUL 23/09/2014 Approve with Conditions
Location: 62 Hazel Avenue, Bury, BL9 7QT
Proposal: Single storey rear extension

Application No.: 57851 **App. Type:** FUL 29/09/2014 Approve with Conditions
Location: 141 Spring Street, Bury, BL9 0RN
Proposal: Single storey extension at rear

Application No.: 57862 **App. Type:** FUL 09/10/2014 Approve with Conditions
Location: Site of former fuel station, junction of Angouleme Way/Murray Road, Bury
Proposal: Change of use of land from vacant former PFS site to a temporary coach drop - off facility for Bury Markets, including a new access to the site from Murray Road and a new exit on to Angouleme Way. Surfacing works to create a uniform surface for coach passengers to alight/board.

Application No.: 57863 **App. Type:** FUL 13/10/2014 Approve with Conditions
Location: Art Picture House, Haymarket Street, Bury, BL9 0AY
Proposal: Installation and relocation of external extraction fan and duct riser at the rear

Application No.: 57864 **App. Type:** LBC 10/10/2014 Approve with Conditions
Location: Art Picture House, Haymarket Street, Bury, BL9 0AY
Proposal: Listed building consent for installation and relocation of external extraction fan and duct riser at the rear

Application No.: 57923 **App. Type:** FUL 03/10/2014 Approve with Conditions
Location: 27 Broadbent Drive, Bury, BL9 7TN
Proposal: Erection of replacement detached garage

Application No.: 57956 **App. Type:** GPDE 02/10/2014 Prior Approval Not required
Location: 29 Palace Street, Pimhole, Bury, BL9 7HQ
Proposal: Prior Notification for a proposed single storey rear extension

Ward: **Bury East - Moorside**

Application No.: 57757 **App. Type:** FUL 01/10/2014 Approve with Conditions
Location: 38 Walmersley Road, Bury, BL9 6DP
Proposal: Change of use of first floor of restaurant (A3) to 2-bed residential flat (C3); New shop front and external render.

Application No.: 57882 **App. Type:** FUL 03/10/2014 Approve with Conditions
Location: 82 The Drive, Bury, BL9 5DP
Proposal: Two storey extension at side and single storey extension at rear

Application No.: 57896 **App. Type:** FUL 22/09/2014 Approve with Conditions
Location: 4 Arley Avenue, Bury, BL9 5HD
Proposal: First floor extension at rear

Ward: **Bury East - Redvales**

Application No.: 56973 **App. Type:** FUL 15/10/2014 Approve with Conditions
Location: Manor House, Fletcher Fold, Bury, BL9 9RT
Proposal: Erection of 3 no. dwellings and garages (retrospective); Erection of 2 no. dwellings and garages

Application No.: 57938 **App. Type:** FUL 06/10/2014 Approve with Conditions
Location: 5 Beechfield Drive, Bury, BL9 9QT
Proposal: Two storey extension at side; Front porch; New vehicle hard standing

Application No.: 57942 **App. Type:** GPDE 02/10/2014 Prior Approval Not required
Location: 22 St Peters Road, Bury, BL9 9RB
Proposal: Prior approval for proposed single storey extension at rear

Ward: **Bury West - Elton**

Application No.: 57576 **App. Type:** FUL 03/10/2014 Approve with Conditions
Location: Evans Halshaw Ford Bury, Crostons Road, Bury, BL8 1AA
Proposal: Erection of used car sales building and associated parking

Application No.: 57890 **App. Type:** FUL 25/09/2014 Approve with Conditions
Location: 43 Newhaven Close, Bury, BL8 1XX
Proposal: Single storey extension at rear; Conversion of existing flat roof to side/rear extension to pitched

Application No.: 57914 **App. Type:** FUL 15/10/2014 Approve with Conditions
Location: 42 Grantham Drive, Bury, BL8 1XW
Proposal: First floor extension at rear; Conversion of garage (Retrospective)

Ward: **North Manor**

Application No.: 57874 **App. Type:** FUL 22/09/2014 Approve with Conditions
Location: 53 Springside Road, Bury, BL9 5JB
Proposal: Single storey side extension

Application No.: 57903 **App. Type:** FUL 29/09/2014 Approve with Conditions
Location: 10 Coleridge Road, Ramsbottom, Bury, BL8 4EW
Proposal: Two storey extension at rear; First Floor extension at side

Application No.: 57916 **App. Type:** FUL 09/10/2014 Approve with Conditions
Location: 7 Redwing Road, Tottington, Bury, BL8 4ET
Proposal: Two storey extension at front; Single storey extension at rear

Application No.: 57955 **App. Type:** FUL 15/10/2014 Approve with Conditions
Location: 20 Greenheys Crescent, Greenmount, Bury, BL8 4QD
Proposal: Two storey extension at side, single storey extension at rear and front bay

Application No.: 57959 **App. Type:** LDCP 22/09/2014 Lawful Development
Location: 20 Sandringham Drive, Greenmount, Bury, BL8 4DJ
Proposal: Lawful development certificate for proposed single storey extension at side and dormer at rear

Application No.: 58069 **App. Type:** GPDE 17/10/2014 Prior Approval Required and Refused
Location: 309 Holcombe Road, Greenmount, Bury, BL8 4BB
Proposal: Prior notification for proposed single storey extension at rear

Ward: **Prestwich - Holyrood**

Application No.: 57962 **App. Type:** FUL 15/10/2014 Approve with Conditions
Location: 2 Maple Grove, Prestwich, Manchester, M25 3DQ
Proposal: First floor extension at side

Ward: **Prestwich - Sedgley**

Application No.: 57847 **App. Type:** FUL 13/10/2014 Approve with Conditions
Location: 5 Bury New Road, Prestwich, Manchester, M25 9JZ
Proposal: Change of use from shop (Class A1) to restaurant and cafe (Class A3); external alterations inc new shopfront, parking, bin store and fire escape.

Application No.: 57860 **App. Type:** FUL 29/09/2014 Approve with Conditions
Location: 48 Whittaker Lane, Prestwich, Manchester, M25 1FX
Proposal: Single storey extension to side and rear

Application No.: 57895 **App. Type:** FUL 22/09/2014 Approve with Conditions
Location: 42 The Meadows, Prestwich, Manchester, M25 1DU
Proposal: Single storey extension at rear

Application No.: 57901 **App. Type:** FUL 24/09/2014 Refused
Location: 59 Scholes Lane, Prestwich, Manchester, M25 0AW
Proposal: Single storey rear extension

Application No.: 57940 **App. Type:** FUL 03/10/2014 Refused
Location: 3 Fairway, Prestwich, Manchester, M25 0JF
Proposal: Single storey extension at front/side; Two storey extension at side/rear and single storey rear extension

Application No.: 57965 **App. Type:** LDCP 24/09/2014 Lawful Development
Location: 18 Hartley Avenue, Prestwich, Manchester, M25 0AT
Proposal: Certificate of lawfulness for proposed loft conversion and extension with 3 no. velux roof lights and single storey side extension with 2 no. velux roof lights (resubmission)

Application No.: 57979 **App. Type:** FUL 17/10/2014 Approve with Conditions
Location: 48 Sheepfoot Lane, Prestwich, Manchester, M25 0DL
Proposal: Front porch and single storey extension at front/side; Two storey extension at side and first floor extension at side/rear

Ward: **Prestwich - St Mary's**

Application No.: 57769 **App. Type:** FUL 09/10/2014 Approve with Conditions
Location: Prestwich Hospital, Bury New Road, Prestwich, Manchester, M25 3BL
Proposal: Construction of a 30-bed Low Secure Mental Health Complex (Use Class C2A) with associated car parking

Application No.: 57868 **App. Type:** FUL 29/09/2014 Approve with Conditions
Location: 166 Hilton Lane, Prestwich, Manchester, M25 9QZ
Proposal: Single storey rear extension and first floor side extension

Application No.: 57886 **App. Type:** FUL 17/10/2014 Refused
Location: Cuckoo Cafe 395-397 Bury New Road, Prestwich, Manchester, M25 1AW
Proposal: Retrospective application for stone bake pizza kiln/oven with brick housing at the rear

Application No.: 57899 **App. Type:** FUL 03/10/2014 Approve with Conditions
Location: Land at 49 Rainsough Brow, Prestwich, Manchester, M25 9XW
Proposal: Variation of Condition no.2 of planning permission 57066 to reposition the building 850mm to the West.

Application No.: 57976 **App. Type:** FUL 15/10/2014 Approve with Conditions
Location: 60 Prestwich Hills, Prestwich, Manchester, M25 9PY
Proposal: Single storey extension at front; First floor side extension and conversion of garage; single storey extension at rear

Ward: **Radcliffe - East**

Application No.: 57968 **App. Type:** FUL 17/10/2014 Approve with Conditions
Location: 413 Bury And Bolton Road, Radcliffe, Manchester, M26 4LJ
Proposal: Single storey extension at rear; Two storey extension with decked balcony at rear;
Landscaping with steps up to paved area at rear

Ward: **Radcliffe - North**

Application No.: 57756 **App. Type:** FUL 07/10/2014 Refused
Location: 22 Cockey Moor Road, Bury, BL8 2HB

Proposal: Demolition of existing bungalow and erection of 2 storey replacement dwelling with additional living accommodation in roofspace

Application No.: 57912 **App. Type:** FUL 14/10/2014 Approve with Conditions
Location: 18 Farringdon Drive, Radcliffe, Manchester, M26 3WS

Proposal: Single storey extension to front, side and rear; Increase width of driveway and extend new boundary wall/fence at side

Application No.: 57928 **App. Type:** LDGP 24/09/2014 Lawful Development
Location: 23 Saltram Close, Radcliffe, Manchester, M26 3XD

Proposal: Certificate of lawfulness for proposed rendering to property

Application No.: 57929 **App. Type:** FUL 29/09/2014 Approve with Conditions
Location: 33 Claydon Drive, Radcliffe, Manchester, M26 3XA

Proposal: Two/single storey extension at rear

Ward: **Radcliffe - West**

Application No.: 57522 **App. Type:** FUL 17/10/2014 Refused
Location: 36 Wordsworth Avenue, Radcliffe, Manchester, M26 3QY

Proposal: Change of use from nursing home (Class C2) to residential dwellinghouse (Class C3)

Application No.: 57524 **App. Type:** FUL 02/10/2014 Approve with Conditions
Location: Land off Hollinhurst Road, Radcliffe, Manchester, M26 1LF

Proposal: Erection of 4 no.dwellings

Ward: **Ramsbottom + Tottington - Tottington**

Application No.: 57814 **App. Type:** FUL 23/09/2014 Refused
Location: Land at rear of 44 & 46 Moorside Road, Tottington, Bury, BL8 3HW

Proposal: Siting of static caravan for key worker (equine) for a temporary period of three years

Application No.: 57850 **App. Type:** FUL 23/09/2014 Approve with Conditions
Location: 33 Rosewood Avenue, Tottington, Bury, BL8 3HG

Proposal: Single storey rear extension

Application No.: 57879 **App. Type:** FUL 17/10/2014 Refused
Location: White Paddock Lodge, Harwood Road, Tottington, Bury, BL8 3PT
Proposal: Single storey extensions at side and rear; Addition of first floor to existing bungalow including first floor balcony at rear and 4 no. roof windows at side

Application No.: 57913 **App. Type:** FUL 06/10/2014 Refused
Location: 106 Watling Street, Affetside, Bury, BL8 3QJ
Proposal: Erection of timber outbuilding in garden

Application No.: 57943 **App. Type:** FUL 01/10/2014 Approve with Conditions
Location: 129 Holcombe Road, Greenmount, Bury, BL8 4AY
Proposal: First floor extension at front; Two storey/first floor extension at side; First floor extension at side; Front porch; External alterations

Application No.: 57951 **App. Type:** FUL 03/10/2014 Approve with Conditions
Location: 33A Sunny Bower Street, Tottington, Bury, BL8 3HL
Proposal: Single storey extension at side (revised scheme)

Application No.: 57970 **App. Type:** FUL 17/10/2014 Approve with Conditions
Location: The Stables, Bolholt Hotel, Walshaw Road, Bury, BL8 1PU
Proposal: Erection of staircase and balcony to west/south elevation with roof extension and external alterations

Ward: **Ramsbottom and Tottington - Ramsbottom**

Application No.: 57738 **App. Type:** FUL 02/10/2014 Approve with Conditions
Location: Bank Top Farm, Moorbottom Road, Ramsbottom, Bury, BL8 4NP
Proposal: Conversion of barn and stable to 1 no. dwelling (part retrospective)

Application No.: 57884 **App. Type:** FUL 24/09/2014 Refused
Location: 21 Eliza Street, Ramsbottom, Bury, BL0 0AT
Proposal: Dormer extension to rear

Application No.: 57887 **App. Type:** FUL 02/10/2014 Approve with Conditions
Location: 8 Silver Street, Ramsbottom, Bury, BL0 9BJ
Proposal: Change of use from dwelling house to A1/A2 retail/office use at ground floor and living accomodation on ground/first floor.

Application No.: 57894 **App. Type:** FUL 01/10/2014 Approve with Conditions
Location: 145 Holcombe Old Road, Ramsbottom, Bury, BL8 4NF
Proposal: Replacement conservatory roof with LABC approved guardian warm roof.

Application No.: 57905 **App. Type:** FUL 17/10/2014 Approve with Conditions
Location: Land at rear of 164 Peel Brow, Ramsbottom, Bury, BL0 0AX
Proposal: Erection of a single storey detached garage

Application No.: 57908 **App. Type:** FUL 10/10/2014 Approve with Conditions
Location: 13 Nuttall Hall Road, Ramsbottom, Bury, BL0 0AS
Proposal: Two storey extension at side/rear and single storey rear extension; Rebuild of existing garage at rear; Front porch

Application No.: 57918 **App. Type:** LDPC 22/09/2014 Lawful Development
Location: 73 Lumb Carr Road, Holcombe, Bury, BL8 4NL
Proposal: Lawful development certificate for proposed replacement of wood window units with upvc units

Application No.: 57946 **App. Type:** GPDE 02/10/2014 Prior Approval Not required
Location: 8 Knowl Close, Ramsbottom, Bury, BL0 9YY
Proposal: Prior approval for single storey extension at rear

Application No.: 58013 **App. Type:** CON 10/10/2014 Raise No Objection
Location: The Fishermans Retreat, Twine Valley Park And Fishery, Bye Road, Shuttleworth, Ramsbottom, Bury, BL0 0HH
Proposal: Article 16 Consultation - Erection of stone building to provide 19no. rooms for short stay/overnight accomodation at Fisherman's Retreat (Use Class C1) and associated car parking and landscaping.

Ward: **Whitefield + Unsworth - Besses**

Application No.: 57836 **App. Type:** FUL 22/09/2014 Approve with Conditions
Location: Unit 1, Block 3 Albert Close Trading Estate, Whitefield, Manchester, M45 8EH
Proposal: Change of use from warehouse/distribution (Class B8) to dog day care and training centre (Sui Generis) (retrospective)

Application No.: 57873 **App. Type:** FUL 30/09/2014 Refused
Location: 7 Edwards Drive, Whitefield, Manchester, M45 8EA
Proposal: Single storey rear extension and two storey side extension

Application No.: 57876 **App. Type:** FUL 30/09/2014 Approve with Conditions
Location: 30 Mountbatten Close, Bury, BL9 8PU
Proposal: Raising roof height to form first floor extension with dormers front and rear, Render finish to existing walls and proposed dormers.

Application No.: 57897 **App. Type:** FUL 29/09/2014 Approve with Conditions
Location: 24 Parr Fold, Bury, BL9 8JB
Proposal: Two storey extension at rear and first floor extension at front

Application No.: 57944 **App. Type:** FUL 03/10/2014 Approve with Conditions
Location: 21 Bradley Drive, Bury, BL9 8PT
Proposal: Two storey/first floor extension at side; Single storey extension at rear; Pitched roofs to front and rear

Ward: **Whitefield + Unsworth - Pilkington Park**

Application No.: 57840 **App. Type:** FUL 03/10/2014 Approve with Conditions
Location: 38 Hillingdon Road, Whitefield, Manchester, M45 7QN
Proposal: Single storey extension at front; Two storey side extension, single storey extension at rear

Application No.: 57866 **App. Type:** FUL 22/09/2014 Approve with Conditions
Location: 2 Ross Avenue, Whitefield, Manchester, M45 7FH
Proposal: Erection of new garden wall at front (Retrospective)

Application No.: 57883 **App. Type:** LDCE 09/10/2014 Lawful Development
Location: Hurst Farm, Copper Lane, Whitefield, Manchester, M45 7TQ
Proposal: Certificate of lawfulness for existing use as a dwellinghouse.

Application No.: 57898 **App. Type:** FUL 13/10/2014 Approve with Conditions
Location: 52 Ringley Drive, Whitefield, Manchester, M45 7LR
Proposal: Two/single storey extension at rear; Render to part of front elevation and new pitched roof at front.

Application No.: 57915 **App. Type:** FUL 30/09/2014 Approve with Conditions
Location: 3 Well Grove, Whitefield, Manchester, M45 7SQ
Proposal: Construction of driveway and parking area (retrospective)

Application No.: 57954 **App. Type:** FUL 03/10/2014 Approve with Conditions
Location: 30 Middleton Drive, Bury, BL9 8DS
Proposal: Roof extension to form first floor with juliet balcony at rear; Single storey extension at rear and conversion of part of existing flat roof at rear to pitched

Ward: **Whitefield + Unsworth - Unsworth**

Application No.: 57846 **App. Type:** ADV 09/10/2014 Approve with Conditions
Location: Mercedes-Benz, 845 Manchester Road, Bury, BL9 9TP
Proposal: 2 no. internally illuminated fascia signs, 3 no. internally illuminated free standing signs, 1 no. internally illuminated open star logo sign, 1 no. non illuminated free standing entrance sign and 3 no. non illuminated flag pole signs.

Application No.: 57902 **App. Type:** FUL 01/10/2014 Approve with Conditions
Location: 292 Hollins Lane, Bury, BL9 8AY
Proposal: Single storey rear extension

Application No.: 57910 **App. Type:** FUL 06/10/2014 Approve with Conditions
Location: 10 Bowlee Close, Bury, BL9 8NQ
Proposal: First floor side and rear extension

Application No.: 57939 **App. Type:** FUL 30/09/2014 Approve with Conditions
Location: 49 Bloomfield Drive, Bury, BL9 8JX
Proposal: Single storey extension at rear; Alterations to existing hall and carport

Total Number of Applications Decided:

73

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REPORT FOR DECISION

**Agenda
Item**
6

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	28th OCTOBER 2014
SUBJECT:	PLANNING APPEALS
REPORT FROM:	DEVELOPMENT MANAGER
CONTACT OFFICER:	JOHN CUMMINS
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	<p>Planning Appeals:</p> <ul style="list-style-type: none"> - Lodged - Decided <p>Enforcement Appeals</p> <ul style="list-style-type: none"> - Lodged - Decided
OPTIONS & RECOMMENDED OPTION	The Committee is recommended to note the report and appendices.
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Executive Director of Resources to advise regarding risk management
Statement by Executive Director of Resources:	N/A
Equality/Diversity implications:	No
Considered by Monitoring Officer:	Page 45

Wards Affected:	All listed
Scrutiny Interest:	N/A

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

This is a monthly report to the Committee of the Planning Appeals lodged against decisions of the authority and against Enforcement Notices served and those that have been subsequently determined by the Planning Inspectorate.

Attached to the report are the Inspectors Decisions and a verbal report will be presented to the Committee on the implications of the decisions on the Appeals that were upheld.

2.0 CONCLUSION

That the item be noted.

List of Background Papers:- Copy Appeal Decisions attached

Contact Details:-

John Cummins, Development Manager
 Planning Services, Department for Resources and Regulation,
 3 Knowsley Place ,Bury BL9 0EJ
Tel: 0161 253 6089
Email: j.cummins@bury.gov.uk

**Planning Appeals Lodged
between 22/09/2014 and 17/10/2014**



Application No.: 57118/FUL **Appeal lodged:** 01/10/2014

Decision level: COM

Appeal Type: Public Inquiry

Recommended Decision: Minded to Approve

Applicant: Peel Environmental Ltd & Marshalls Mono Ltd

Location: Fletcher Bank Works, Manchester Road, Ramsbottom, Bury, BL0 0DD

Proposal: Construction and operation of an Anaerobic Digestion plant including main reception building, biogas holder, associated storage tanks, 2 CHP engines, standby flare, service yard, weighbridge and offices, water management lagoon and landscaping (resubmission)

Application No.: 57261/FUL

Appeal lodged: 25/09/2014

Decision level: DEL

Appeal Type: Written Representations

Recommended Decision: Refuse

Applicant: Mr Peter Nuttall

Location: Land at 252 Turton Road, Tottington, Bury, BL8 4AJ

Proposal: Erection of 1 no. dwelling (resubmission)

Application No.: 57606/FUL

Appeal lodged: 06/10/2014

Decision level: DEL

Appeal Type: Written Representations

Recommended Decision: Refuse

Applicant: Mr Daniel Bolton

Location: 4 Lomond Drive, Bury, BL8 1UL

Proposal: Two storey extension at side and rear (resubmission)

Application No.: 57709/FUL

Appeal lodged: 07/10/2014

Decision level: DEL

Appeal Type: Written Representations

Recommended Decision: Refuse

Applicant: Mr Phil Lockett

Location: 4 Keighley Close, Bury, BL8 2JY

Proposal: Part two storey and part first floor extension at side

Total Number of Appeals Lodged: 4

**Planning Appeals Decided
between 22/09/2014 and 17/10/2014**



Application No.: 57654/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mr Dean Jackson

Location: 528 Holcombe Road, Greenmount, Bury, BL8 4EJ

Proposal: Two storey extension at side/rear, first floor rear extension and garage conversion; Porch/single storey extension at front; Decking and balustrade at rear; Bin store at front

Appeal Decision: Allowed

Date: 29/09/2014

Appeal type: Written Representations

Application No.: 57727/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mr Martin Edwards

Location: 16 Cleveland Close, Ramsbottom, Bury, BL0 9FH

Proposal: Two storey extension at side/front

Appeal Decision: Dismissed

Date: 14/10/2014

Appeal type: Written Representations

Copies of the Appeal Decisions are attached



Appeal Decision

Site visit made on 19 September 2014

by **F Rafiq BSc (Hons), MCD, MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 September 2014

Appeal Ref: APP/T4210/D/14/2223710

528 Holcombe Road, Greenmount, Bury, BL8 4EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Dean Jackson against the decision of Bury Metropolitan Borough Council.
 - The application Ref 57654 was refused by notice dated 14 July 2014.
 - The development proposed is a two storey side and rear extension, decking at the rear and a bin store at the front.
-

Decision

1. The appeal is allowed and planning permission is granted for a two storey side and rear extension, decking at the rear and a bin store at the front at 528 Holcombe Road, Greenmount, Bury, BL8 4EJ in accordance with the terms of the application, Ref 57654, dated 4 June 2014 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans: 14/052/01, 14/052/02, 14/052/03, 14/052/04, 14/052/05 and 14/052/06.
 - 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Main issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal property is a semi-detached property with a bay front and a car port to the side. The site is within a predominately residential area where it forms part of a group of four similar properties. There are however a variety of properties on Holcombe Road, including semi-detached and detached properties and dormer bungalows. A range of styles and designs are similarly evident although the housing in the area is set within relatively spacious plots and enhanced by mature landscaping.

4. The appeal proposal is to construct a two storey side and rear extension, with the rear extension partly proposed over an existing single storey rear outrigger. The development proposed also includes decking, a garage conversion and link to the main house, and a single storey front extension.
5. The appeal scheme would introduce two storey built development up to the side boundary of the site. Whilst this would reduce the gap between the appeal property and the neighbour at No. 526, the proposed side extension would replicate the hipped end roof, and so maintain a separation at roof level, allowing continued views of the sky from the road. I recognise that the Supplementary Planning Document 6: Alterations and Extensions to Residential Properties (SPD) requires a set back of at least 1.5m from the main front elevation of a house. However, it also states that in certain circumstances this requirement may be relaxed. Whilst the building line on the road may not be very irregular, the adjacent property at No. 526 is of a significantly different style to the appeal property, appearing as a large individually designed detached property. This neighbouring house is also set away from the boundary with the appeal site by around 2 metres. These combined factors would ensure that the proposal would not result in a cramped appearance in the streetscene or create a terracing effect.
6. I note that a set back at first floor can provide architectural interest and allow the old and new to sit together better. In this instance, the development proposes a single storey extension to the front of both the proposed side extension and the existing property. This element of the proposal would help assimilate the side extension with the existing house, using distinctive features of the existing house design such as the hipped style roof form and would create visual interest across the largely flush front elevation.
7. The Council raise no objections to the rear extension, garage conversion or decking and given the positioning of these elements to the rear of the site and the separation and relationship to neighbouring properties, I also consider these to be acceptable.
8. I therefore conclude that the proposal would not adversely harm the character and appearance of the area and would not be contrary to Policy H2/3 of the Bury Unitary Development Plan or the aims of the SPD. Although reference has been made by both parties to discussions during the course of the application on amendments to the appeal proposal, I can confirm that I have dealt with the appeal on the basis of the submitted plans and on its own merits.
9. The Council have not suggested any conditions. I consider the standard implementation condition as well as a condition requiring compliance with the approved plans to be necessary for the avoidance of doubt and in the interests of proper planning. A condition requiring the submission of samples of materials is necessary to ensure the satisfactory appearance of the development.

Conclusion

10. For the reasons set out above and having taken into account all other matters raised, I conclude the appeal should be allowed.

F Rafiq INSPECTOR



Appeal Decision

Site visit made on 30 September 2014

by **C L Sherratt DipURP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 October 2014

Appeal Ref: APP/T4210/D/14/2225102

16 Cleveland Close, Ramsbottom, Bury, Lancashire BLO 9FH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Martin Edwards against the decision of Bury Metropolitan Borough Council.
 - The application Ref 57727, dated 17 June 2014, was refused by notice dated 4 August 2014.
 - The development proposed is a two storey side extension.
-

Decision

1. The appeal is dismissed.

Reasons

2. The proposal comprises a two storey side and front extension. The extension would occupy the full depth of the property and project slightly forward of the principal front elevation to incorporate the existing porch area and create additional bedroom space above. The side boundary of the appeal property is common to the rear boundary of 18, 20 and 22 Cleveland Close. The rear elevations of these properties therefore face the side elevation of the appeal property which is to be extended. A small window serving a non-habitable ensuite is proposed at first floor level which would not result in any undue loss of privacy to the occupiers of these properties. Obscure glazing could be secured.
3. The main issue is the effect of the development on the living conditions of occupiers of 20 Cleveland Close in particular, by reason of the height, size and position of the extension and proximity to windows.
4. There are several windows serving habitable rooms in the rear elevation of number 20 at both ground and first floor level. The Council's Supplementary Planning Document 6: 'Alterations and Extensions to Residential Properties' (SPG) advocates a minimum distance of 13 metres between a two storey gable wall and a ground floor habitable room window in another property as being appropriate. The proposed two storey extension would only be about 10.8 metres distant from these windows. Bearing in mind this is considered to be the minimum distance considered appropriate, the shortfall is not insignificant.
5. Given the overall mass of the extension, it is considered that it would appear unduly overbearing and dominant from within main habitable rooms and the rear garden area of number 20. The impact would be further exacerbated by

the elevated position of the appeal property in relation to the properties situated to the east. It would not be mitigated by the conifer hedging.

6. The proposed two storey extension would be contrary to Policy H2/3 of the Bury Unitary Development Plan that requires applications for house extensions to be considered with regard to, amongst other considerations, the amenity of adjacent properties. This is consistent with the National Planning Policy Framework, a core principle of which is to secure a good standard of amenity for all existing and future occupants. In this instance, the extension would have an overbearing and oppressive impact that would unacceptably compromise the living conditions that the occupiers of number 20 can reasonably expect to enjoy. The support from other local residents would not justify planning permission in light of the harm caused to this individual property and conflict with the development plan.
7. For the reasons given above I conclude that the appeal should be dismissed.

Claire Sherratt

Inspector

**Details of New Enforcement Appeals Lodged
between 21/07/2014 and 17/10/2014**



Case Ref: 14/0224

Date of Appeal: 09/01/2014
Appeal Type:

Location: 27 Hazel Road, Whitefield, Manchester, M45 8EU

Issue: New door and external staircase at rear

Case Ref: 14/0097

Date of Appeal: 10/02/2014
Appeal Type: REP

Location: 4 Lomond Drive, Bury, BL8 1UL

Issue: Unauthorised side and rear extension

Total Number of Appeal Cases:2

Details of Enforcement Appeal Decisions

between 21/08/2014 and 17/10/2014



Location: 27 Hazel Road, Whitefield, Manchester, M45 8EU

Case Ref: 0224 / 14

Issue: New door and external staircase at rear

Appeal Decision: Appeal Withdrawn

15/09/2014

REPORT FOR DECISION

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	28th OCTOBER 2014
SUBJECT:	DEVELOPMENT MANAGEMENT PERFORMANCE
REPORT FROM:	DEVELOPMENT MANAGER
CONTACT OFFICER:	JOHN CUMMINS
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	The report provides a brief analysis of performance within Development Management Team for the half year 2014/15 with comparisons from previous years and an overview of changes in the development management regime.
OPTIONS & RECOMMENDED OPTION	The Committee is recommended to the note the report and appendix.
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Executive Director of Resources to advise regarding risk management N/A
Statement by Executive Director of Resources:	N/A
Equality/Diversity implications:	No (Each application is considered having regards to these requirements)
Considered by Monitoring Officer:	No Not required

Wards Affected:	All
Scrutiny Interest:	No

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

- 1.1 The performance of the Council in terms of the Development Management function is subject to considerable scrutiny, and quarterly returns have to be made to the DCLG. These returns are called PS1 and PS2 and they measure the speed of decision making for 3 categories of application – Major, Minor and Other (which includes house extensions), and within these classes, the number of applications processed, the number of applications ‘on-hand’, the % delegated to officers for decision. In addition for Minerals and Waste Applications CPS1 and CPS2 returns have to be made.
- 1.2 Since June this year the format of the PS1 and PS2 returns has been amended to include the new ‘prior-approvals’ introduced by the Government. These include larger homes extensions, rights to convert various types of property to residential and flexibility within the commercial/retail use classes.
- 1.3 This is part of a stated aim of the Government to introduce a 3 tier planning regime with Planning Applications at the top which have full scrutiny, Prior Approvals in the middle where there is a ‘light touch’ approach and the planning authority only have limited involvement when ‘neighbours’ object and Permitted Development at the bottom i.e. you can build it without permission.
- 1.4 Focus has continued on the speed of decision making on Large-scale Major Developments (PS returns) which covers those of over 200 residential units or 1,000 sq m of industrial, commercial or retail floor space (and equivalent area/floor space) and sites (CPS returns) which are Major waste and or minerals applications. Government introduced new measures which place the LPA in ‘special measures’ and allow applicants

to ask the Secretary of State, rather than the LPA, to determine planning applications if the LPA has not determined over 40% of these type of application in the previous year in time. Designation takes place separately for PS type returns and CPS type returns.

- 1.5 The speed of decision making only measures the quantitative aspects of the service and is not necessarily a true measure of the quality of the service. The Government is also introducing a new measure based on the number of applications that are granted approval at Appeal, thereby overturning the LPA’s decisions as a qualitative assessment of the LPA’s performance. If more than 30% of Large-scale Major Developments are overturned, the Secretary of State (SoS) will place the LPA in ‘special measures’ and the applicant will, in future, be able to ask the SoS to determine this type of application
- 1.6 Currently our performance for 2012/14 (July to June) which will be used for placing the next designations is as below:

PS returns % of Large scale Major Developments approved in 13 weeks – < 40%	CPS returns % of Large scale Major Sites approved in 13 weeks – < 40%	% of Large scale Major Developments overturned at Appeal - > 30%	% of Large scale Major Developments overturned at Appeal - > 30%
90.8%	100%	0%	0%

- 1.7 Whilst we are currently not at threat from these measures applying, the relatively small numbers of this type of application that we process, (65 in the above reporting period for PS returns and 3 for CPS returns), means that these percentages can change easily and thereby put the LPA at risk of special measures.
- 1.8 The returns for the speed of decision making for PS returns is particularly notable as it places us at the top of the league table for Greater Manchester Authorities and 2nd of all Metropolitan authorities with only Coventry being quicker.
- 1.9 The importance of a speedy and efficient service is however also linked to good standards of customer service and applicants should expect a reasonably prompt determination of their planning application. In the year to date, no complaints have been received about the service via the Council’s Customer Relations Management (CRM) team with regard to the slow speed of processing applications by agents and applicants, and whilst we do have complaints that are handled through the Council’s formal Complaints procedures from time to time, none have these have resulted in any ombudsman cases finding fault in any of the department’s systems or procedures.

2.0 Application Caseload and Fees

- 2.1 The situation in Bury has continued to be quite buoyant in terms of numbers of applications and fees with a similar number of application and a slight increase in fees. However, at this stage of the year it is difficult to forecast the full year out comes, especially with the introduction of the new 'prior approvals' which are growing in terms of numbers.
- 2.2 Looking at the first quarter of 2014/15 national returns we had 16 of this type of application which resulted in costs to the department, but no fee. The loss in fee income amounted to £11,008 in this quarter. This is very concerning as this would equate to £44,032 in the full year and at a time when there are budget pressures, a very unwelcome development.
- 2.3 A full year report will be included in the Annual Performance report for information.
- 2.4 The Development Management Team reviewed the Pre-Application Service and has now introduced Planning Performance Agreements to facilitate the process of planning application when they are submitted. Both of these now bring in additional fees to the team and in the first half year, this has amounted to £25,482.
- 2.5 The services have been welcomed by both small and large developers and we are looking at ways to improve the offer to them, which may result in increased income from January 2015.

4.0 Service changes.

- 4.1 As with previous years it should be no surprise that the first half year has seen a number of developments and changes both internally and externally.
- 4.2 Externally:
- Additional Permitted Development and Prior Notifications have been introduced which have complicated accepted procedures and this is increasing workloads for no increase/reduction in fees. (see above)
 - Government has confirmed its intent to have a '3 Tier' planning regime which will mean lower fees and no reduction in workload.
 - Performance targets for the speed and quality of decisions on Major Application has been increased.
 - PAS has been working with LPA's to developed new best practice for Pre-Applications and we are working to introduce this into our team.
 - PAS have also developed a 'Planning Quality Framework' to assess how effective a planning service we have and the first full report on that will be presented at the year end. (See PowerPoint presentation attached)
- 4.3 Internally:
- Training of PCC members has continued to be held internally with support from appropriate other professional groups and it is intended that sessions continue to be arranged before the monthly PCCs. Members are encouraged to come forward with areas of planning work

that they specifically feel would benefit from being discussed at training sessions.

- A Peer Review is to take place by PAS of the workings of the PCC to make sure we are 'The Best PCC in the World'.
- A review of the structure is taking place to ensure it has sufficient resources with the recent VER and future VER's and this will see changes in reporting as well as the introduction of new post/s to the team.

5.0 Conclusion

- 5.1 Performance of decision making is a major factor in the external view of the service and good performance is key to both customer care standards, recognition from the DCLG and other inspection regimes.
- 5.2 The current performance levels have continued to be exceptional, particularly in terms of the performance on Major Applications and reflects well on all staff involved. These levels have been maintained by a sustained focus on performance issues by all staff and in the face of significant planning reforms sought by Government through continued changes in legislation, which appears to be taking place on almost a daily basis.
- 5.3 There continues to be a range of work in the section which is over and above the actual applications themselves that are processed. The future changes to the planning process will have particular challenges for 2014/15 and for the foreseeable future but we have a stable and experienced team that will meet the challenge.
-

List of Background Papers:- None

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Planning Reform Proposals

Standard Note: SN/SC/6418

Last updated: 16 September 2014

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Section Science and Environment Section

Since the [Coalition Agreement](#), major reforms to the planning system have taken place with the introduction of the *Localism Act 2011* and the [National Planning Policy Framework](#).

The Government has stressed that the planning system should work proactively to support economic growth and it is still concerned that various aspects of the planning system are burdened by “unnecessary bureaucracy that can hinder sustainable growth.” A number of reforms were made in the *Growth and Infrastructure Act 2013* aimed at speeding up the planning system.

Outside of this Act a number of other announcements on planning reform have also been made, most recently in the Government’s *National Infrastructure Plan 2013*, *Autumn Statement 2013*, *Budget 2014*, *Queen’s Speech 2014*, *Infrastructure Bill 2014-15*, *Technical Consultation on Planning July 2014*, which together include:

- reforming the Nationally Significant Infrastructure Planning Regime;
- addressing delays associated with the discharge of planning conditions;
- consulting on introducing a statutory requirement to have a local plan in place;
- new support for new garden cities;
- allowing further changes of use to residential use without requiring planning permission; and
- reforming the system of permitted development rights.

This note sets out more information about the key planning reform announcements and an overview the proposals. Most of the proposals apply to England only. For detailed information about the planning reforms in the *Infrastructure Bill 2014-15* see Library standard note, [Infrastructure Bill: Planning Provisions](#).

For information about proposals to stimulate housing supply see Library standard note, [Stimulating housing supply](#).

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Contents

1	Key planning reform announcements	2
2	The Growth and Infrastructure Act 2013	4
3	Proposed reforms	4
3.1	Permitted development rights	4
	Change of use of existing buildings	5
	Short term lettings in London	7
3.2	Environmental impact assessment thresholds	8
3.3	Right to Light	10
3.4	Onshore wind evidence toolkit and standards of engagement	11
3.5	Red-Tape Challenge	12
3.6	Nationally Significant Infrastructure Projects	12
3.7	Judicial Review	14
3.8	Local Plans: statutory requirement	14
3.9	Planning conditions	15
3.10	Statutory consultation reduction	15
3.11	Householder benefits of infrastructure	16
3.12	Planning authority performance	16
3.13	Section 106 contributions	17
3.14	Land Review Requirement	17
3.15	Traveller and green belt sites	17
3.16	Neighbourhood Planning	19
3.17	Garden Cities	20
3.18	Brownfield Land	21
3.19	A “right to build” (self build plots)	22

1 Key planning reform announcements

The [Coalition Agreement](#) in 2010 set out the Government’s ambitions for a “radical reform” of the planning system. Since this agreement, major reforms have taken place with the introduction of the *Localism Act 2011* and the [National Planning Policy Framework](#), which was effective from April 2012.

The Government has stressed that the planning system should work proactively to support economic growth and it is still concerned that various aspects of the planning system are

burdened by “unnecessary bureaucracy that can hinder sustainable growth.”¹ Key announcements on planning reforms not yet implemented have been made in:

- [Communities and Local Government press release 3 July 2012](#)². The Government announced a package of measures which included: reviewing the supporting planning guidance which accompanied the old planning policy framework and speeding up the process for determining planning appeals.
- Communities and Local Government press release 6 June 2013, [Onshore wind: communities to have a greater say and increased benefits](#).
- Communities and Local Government press release 6 August 2013, [Extension of permitted development rights will ensure better use is made of existing buildings](#). The Government announced new permitted development which would allow agricultural buildings and retail units to be converted into homes without needing planning permission, in certain circumstances.
- The Government’s [National Infrastructure Plan 2013](#), 4 December 2013, which announced: a review of the nationally significant infrastructure planning regime; a consultation on whether to introduce a statutory requirement for local planning authorities to have a local plan in place; reducing the number of planning application where statutory consultation is required; and reforming the system of discharging planning conditions.
- [HM Treasury Autumn Statement 2013](#), 5 December 2013 which set out proposals to consult on increasing the threshold for designation for local planning authorities of having a record of very poor performance from 30% to 40% of decisions made on time and on introducing a new 10 unit threshold for when section 106 affordable housing contributions can be requested.
- Communities and Local Government, [Supporting High Streets and Town Centres Background Note](#), 6 December 2013 which announced a new requirement for local authorities to review retail land in their areas and proposed new permitted development rights to change vacant retail into leisure uses.
- [Budget 2014](#), 19 March 2014, which announced changes to the permitted development rights regime and support for a new garden city at Ebbsfleet.
- Government’s [Technical Consultation on Planning](#), July 2014. Proposes a number of changes to: streamline the neighbourhood planning process; introduce new permitted development rights and changes of use, reduce when statutory consultation is required in certain circumstances; raise environmental impact screening thresholds so that fewer projects in certain areas need to be screened; and make changes to the nationally significant infrastructure planning regime.
- Government’s, [Consultation: planning and travellers](#), September 2014 which proposes to amend the definition of a “traveller” for planning purposes and to change policy to address the problem of unauthorised occupation of land.

¹ HC Deb 6 Sep 2012 c31WS

² Department for Communities and Local Government, [Next steps to improve the planning system and support sustainable development](#), 3 July 2012

The [Queen's Speech 2014 Background Briefing Notes](#) announced that an [Infrastructure Bill](#) would be introduced in the 2014-15 session. This Bill has now been published. Its planning measures would allow the panel of examining inspectors on an application for a Development Consent Order for a national infrastructure project to be appointed more quickly and would simplify the process for modifying Development Consent Orders. The Bill would also allow certain types of planning conditions to be discharged upon application if a local planning authority has not notified the developer of their decision within a prescribed time period. For more detailed information about these measures see Library standard note, [Infrastructure Bill: Planning Provisions](#).

2 The Growth and Infrastructure Act 2013

The Library Research Paper, [Growth and Infrastructure Bill](#), Research Paper 12/61, 25 October 2012 sets out in detail the reforms to planning law made by the now Growth and Infrastructure Act 2013 and so are not reproduced here. Since this paper was published, however, a number of Government consultations, responses and further guidance have been published on matters related to the Act and includes:

- [Planning performance and the planning guarantee: consultation](#), November 2012
- [Planning performance and the planning guarantee: government response to consultation](#), 4 June 2013
- [Improving planning performance: criteria for designation](#), 4 June 2013
- [Section 106 affordable housing requirements: review and appeal](#), 26 April 2013
- [Nationally significant infrastructure planning: extending the regime to business and commercial projects – consultation](#), November 2012
- [Major infrastructure planning: extending the regime to business and commercial projects: Summary of responses and government response](#), 21 June 2013
- [Interim Guidance to Commons Registration Authorities on Section 15C of the Commons Act 2006: \(Exclusion of the right to apply under section 15\(1\) of the Commons Act 2006 to register new town or village greens\)](#), April 2013
- [Town and village greens: how to register](#), May 2013

3 Proposed reforms

The reforms described in the sections below are those not related to the *Growth and Infrastructure Act 2013*, but which stem from other Government announcements.

3.1 Permitted development rights

Permitted development rights are basically a right to make certain changes to a building without the need to apply for planning permission. These derive from a general planning permission granted from Parliament in The *Town and Country Planning (General Permitted Development) Order 1995* (SI 1995/418) (the 1995 Order), rather than from permission granted by the local planning authority. Schedule 2 of the Order sets out the scope of permitted development rights. For more information on the current permitted development rights for home extensions see the Government's planning portal webpage on [extensions](#).

In some circumstances local planning authorities can suspend permitted development rights in their area with an “article 4 direction”. For more information this and permitted development rights see Library standard note, [Permitted Development Rights](#), SN/SC/485.

In [Budget 2014](#) it was announced that the Government would review the General Permitted Development Order:

the government will review the General Permitted Development Order. The refreshed approach is based on a three-tier system to decide the appropriate level of permission, using permitted development rights for small-scale changes, prior approval rights for development requiring consideration of specific issues, and planning permission for the largest scale development.³

Change of use of existing buildings

The *Town and Country Planning (Use Classes) Order 1987* puts uses of land and buildings into various categories known as “Use Classes”. The categories give an indication of the types of use which may fall within each use class. It is only a general guide and it is for local planning authorities to determine, in the first instance, depending on the individual circumstances of each case, which class a particular use falls into. Permitted development rights allow for change of use between certain classes without the need for full planning permission.

In the [Budget 2014](#) the Government also said that it will consult on new permitted development rights for change of use to residential use and to allow businesses to expand certain onsite facilities. The Budget also said Government would consider creating a “much wider ‘retail’ use class, excluding betting shops and payday loan shops”.⁴ A [Written Ministerial Statement](#) on 30 April 2014 said that the Government would consult in “summer 2014” on creating a new use class for betting shops so that planning permission would be required before a betting shops could be converted from a former bank, building society, restaurant or pub.⁵

In the Government’s [Supporting High Streets and Town Centres Background Note](#), 6 December 2013, it was set out that there would be a consultation on new permitted development rights to change retail use into leisure use:

we will consult on relaxations for change use from retail use (A1) to restaurant use (A3) and from retail use (A1) assembly and leisure uses (D2) such as cinemas, gyms, skating rinks and swimming baths.

We will also consult on creating a national planning permission to allow the installation of mezzanine floors in retail premises where it would support the town centre.

These measures are targeted to support the diversification and vitality of town centres. They recognised the Portas Review recommendation to make it easier to change surplus retail space to leisure uses in the D2 use class.

The Government’s July 2014 [Technical Consultation of Planning](#) contained proposals to introduce a number of these new permitted development rights to allow change of use. These proposals include:

³ HM Treasury, [Budget 2014](#), 19 March 2014, para 1.147

⁴ HM Treasury, [Budget 2014](#), 19 March 2014, para 2.249

⁵ [HC Deb 30 April 2014 c53WS](#)

- allowing light industrial, storage and distribution buildings to change to residential use;
- allowing some sui generis uses (i.e. uses of buildings not falling into a particular use class), such as launderettes, amusement arcades, casinos and nightclubs to change to residential use;
- introducing a new permitted development right for the change of use from existing A1 and A2 use classes, and some sui generis uses, in use at the time of the Autumn Statement 2013 announcement, to restaurants and cafés (A3); and
- introducing a new permitted development right is introduced to enable the change of use from A1, A2 and some sui generis uses, which were in that use at the time of the Autumn Statement 2013, to assembly and leisure (D2) use.

The Government is also consulting on putting some of its current temporary permitted development rights on a permanent basis. This would include:

- allowing change of use from office to residential use (subject to certain restrictions);
- putting on a permanent basis the temporary increase in size limits allowed for single storey rear extensions on dwelling houses; and
- putting on a permanent basis the temporary increase in size limits allowed for extensions to shops, financial and professional services, offices, warehouses and industrial premises.

The Technical Consultation also proposes changes to the A1 (shops) and A2 (financial institutions) use classes, to create a larger, renamed A1 class which would incorporate a lot of what are currently A2 uses. This is in part aimed at solving the issue of betting shops and payday loan shops being able to open without requiring planning permission (and which would remain in use class A2):

2.57 We propose that the retail offer is strengthened by incorporating into a revised wider A1 use class the majority of financial and professional services currently found in A2. It is proposed that the Use Class Order will be revised in respect of use classes A1 and A2, and the names of both use classes revised to better reflect their new scope.

2.58 This will expand the flexibility for businesses to move between premises such as a shop to what would have been an A2 use such as an estate agent or employment agency without the need for a planning application. This will support local communities and growth by enabling premises to change use more quickly in response to market changes, reducing the numbers of empty premises that can contribute to blight in an area. Betting shops and pay day loan shops will not form part of the wider A1 retail use class, but will remain within the A2 use class.

The Government is also proposing to introduce new permitted development rights to make it easier for retailers to introduce “click and collect” services and to adapt to online shopping by:

- allowing the erection of small, ancillary buildings which could facilitate ‘click and collect’ services; and
- making it easier for retailers to increase their back of house loading bay capacity, allowing them to store more goods for home delivery and ‘click and collect’.

A new permitted development right to make commercial filming easier has also been proposed:

2.83 We propose to introduce a new permitted development right to allow for commercial filming and the associated physical development on location. The product of commercial filming must be the sole purpose of the activity and not ancillary to other activities. The new permitted development right will grant permission for:

- location filming inside existing buildings and outside on single sites of up to one hectare, which can be split between buildings and land, and the construction and removal of associated sets. The right will be for a maximum period of nine months in any rolling 27 month period and will include a prior approval.

New permitted development rights are also proposed in a number of separate areas, including:

- a new permitted development right to support the installation of photovoltaic panels (solar PV) on non-domestic buildings with a capacity up to one megawatt (20 times the current capacity) without a planning application to the local authority;
- a new permitted development right “for those waste management facilities currently sui generis, to enable the carrying out of operations for the replacement of any plant or machinery and buildings on land within the curtilage of a waste management facility and which is ancillary to the main waste management operation”⁶;
- a permitted development right equivalent to that for water undertakers for sewerage undertakers. This would allow sewerage undertakers to carry out the installation of a pumping station, valve house, control panel or switchgear house into a sewerage system.

More information about use classes and other recent changes made is set out in Library Standard Note [Planning Use Class Orders](#), SN/SC/01301. More information about use classes is also available on the Government’s [Planning Portal website](#).

Short term lettings in London

Under the section 25 of the *Greater London Council (General Powers) Act 1973*, as amended, London councils have powers to control short-term letting, defined as temporary sleeping accommodation occupied by the same person for less than 90 consecutive nights. This means that if a person were to rent a property in London for less than 90 consecutive nights it would amount to a material change of use that would require a planning application to be submitted. This provision applies in the Greater London area only and not to the rest of the country.

In a discussion document from February 2014, [Review of Property Conditions in the Private Rented Sector](#), the Government asked whether this provision should be reviewed or updated. In a [press release](#) on 9 June 2014, Secretary of State for Communities and Local Government, Eric Pickles announced that he would add an amendment to the [Deregulation Bill 2013-14 to 2014-15](#) to give “Londoners the freedom to rent out their homes on a temporary basis, such when they are on holiday, without having to deal with unnecessary red tape and bureaucracy of paying of a council permit.”⁷ The press release made clear that the

⁶ HM Government, [Technical Consultation on Planning](#), July 2014, para 2.96

⁷ HM Government press release, [End to outdated laws will allow Londoners to let homes for extra cash](#), 9 June 2014

measure would not allow homes to be turned into hotels or hostels (this would still require “change of use” planning permission), and that measures would be put in place to prevent the permanent loss of residential accommodation. This amendment has now been added to the Bill and is clause 34 in [HL Bill 33 2014-15](#). Progress of this Bill can be followed on the [Parliament website](#).

3.2 Environmental impact assessment thresholds

The aim of *Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment* is to protect the environment and human health by ensuring that a competent authority (e.g. a local authority or the Secretary of State) giving consent for certain projects to proceed, makes the decision in the knowledge of any likely significant effects on the environment. The procedure is known as environmental impact assessment. The European Commission has proposed to amend this Directive to ensure consistent application of it between Member States.⁸

In a [written statement](#) on 6 December 2012, the Secretary of State, Eric Pickles, said that the Commission’s proposals to amend the Directive could add further cost and delay to the planning system, by increasing the regulatory burden on developers:

The European Commission has announced that it is seeking to amend the environmental impact assessment directive. The explanatory memorandum outlines that the proposals could result in a significant increase in regulation, add additional cost and delay to the planning system, and undermine existing permitted development rights. In addition, the proposal appears inconsistent with the conclusion of the October European Council that it is particularly important to reduce the overall regulatory burden at EU and national levels, with a specific focus on small and medium firms and micro-enterprises. This view was unanimous among all EU Heads of Government, who also agreed with the Commission’s commitment to exempt micro-enterprises from EU legislation.⁹

The Directive is enacted into UK law through the *Town and Country Planning (Environmental Impact Assessment) Regulations 2011* (SI 2011/194), which set the thresholds for when a development project will require an environmental impact assessment. The Chancellor’s Autumn Statement on 5 December 2012 said that the Government would consult on updated guidance on conducting environmental impact assessments by Budget 2013, and would consult on raising screening thresholds set out in the Regulations later in 2013.¹⁰ In his 6 December 2012 written statement, Eric Pickles set out the Consultation on updated guidance would aim to give greater certainty about when an environmental impact assessment would and would not be required:

It has become apparent that some local planning authorities require detailed assessment of all environmental issues irrespective of whether EU directives actually require it; similarly, some developers do more than is actually necessary to avoid the possibility of more costly legal challenges which add delays and cost to the application process. Consequently, my Department will be consulting in 2013 on the application of thresholds for development going through the planning system in England, below which the environmental impact assessment regime does not apply. This will aim to

⁸ Department for Communities and Local Government, [Explanatory Memorandum on European Legislation](#), DEP2012/1770, 6 December 2012

⁹ [HC Deb 6 December 2012 c71-2WS](#)

¹⁰ HM Treasury, [Autumn Statement 2012](#), 5 December 2012, para 2.149

remove unnecessary provisions from our regulations, and to help provide greater clarity and certainty on what EU law does and does not require.¹¹

In a story in the *Telegraph* on 13 January 2014 it was reported that the Government was “planning to remove the need for developers to assess the impact of some large housing estates, shopping centres and industrial estates on the countryside.”¹²

In response to this story the Government said:

Environmental impact assessments stem from European Union law and impose significant costs on the planning system, over and above long-standing, domestic environmental safeguards. It has become apparent that some local planning authorities require detailed assessment of all environmental issues irrespective of whether EU directives actually require it; similarly, some developers do more than is actually necessary to avoid the possibility of more costly legal challenges, which adds delays and cost to the application process.¹³

The Government’s *Technical Consultation on Planning*, July 2014 proposes changes to “reduce the number of projects that are not likely to give rise to significant environmental effects that are screened unnecessarily.”¹⁴ The focus is on industrial estate and urban development projects. For industrial development the change is threshold is as follows:

5.22 The current screening threshold is 0.5 hectare. As it is unlikely that industrial estates will be smaller than 0.5 hectare, all such development will currently be screened. We propose raising the screening threshold to five hectares. Having considered the Schedule 3 criteria, we do not consider that industrial estate development of this scale, which is outside sensitive areas, is likely to give rise to significant environmental effects within the meaning of the Directive. This would mean that the smallest projects would not need to be screened.¹⁵

For urban development projects:

5.24 The current screening threshold for all urban development projects set out in the 2011 Regulations is 0.5 hectare. The indicative thresholds for urban development projects differ for different types of development. The guidance states that environmental impact assessment is “unlikely to be required for the redevelopment of land unless the new development is on a significantly greater scale than the previous use, or the types of impact are of a markedly different nature, or there is a high level of contamination. The indicative thresholds for sites which have not previously been intensively developed are:

- the site area of the scheme is more than five hectares; or
- it would provide a total of more than 10,000 square metres of new commercial floorspace; or
- the development would have significant urbanising effects in a previously non urbanised area (e.g. a new development of more than 1,000 dwellings)”.

¹¹ [HC Deb 6 December 2012 c71-2WS](#)

¹² “Government takes ‘nuclear option’ with new planning laws” *The Telegraph*, 13 January 2014

¹³ Department for Communities and Local Government, *Response to story on planning conditions and environmental impact assessments*, 14 January 2014

¹⁴ HM Government, *Technical Consultation on Planning*, July 2014, para 5.17

¹⁵ HM Government, *Technical Consultation on Planning*, July 2014, para 5.22

5.25 We propose to raise the screening threshold for the development of dwelling houses of up to five hectares, including where there is up to one hectare of non-residential urban development.

5.26 Based on an average housing density of 30 dwellings per hectare, the new higher threshold will equate to housing schemes of around 150 units. Having considered the Schedule 3 criteria, we do not consider that housing schemes of this scale, which are outside of sensitive areas, are likely to give rise to significant environmental effects within the meaning of the Directive. It is anticipated that raising the threshold for housing will reduce the number of screenings of proposals for residential development in England from around 1600 a year to about 300.

5.27 Our objective is to move closer to the existing indicative threshold for 'likely significant effects' for housing of 1000 dwelling units (around 30 hectares at average density). However, we would want to be reassured from the available evidence that to do so would be consistent with the requirements of the Directive. We welcome contributions to this consultation which will help make the case for further reform. Conversely, we welcome evidence which shows that moving substantially closer to the indicative threshold than proposed would risk housing projects which give rise to likely significant environmental effects not being subject to assessment.

3.3 Right to Light

The law relating to a right to light is a very complex area. A right to light is a property right called an easement that gives landowners the right to receive light through defined apertures (i.e. a window) in buildings on their land. The right may be created by express grant, by implication and by prescription. The right may enable landowners to prevent construction that would interfere with their rights or, in some circumstances, to have a building demolished.

On 18 February 2013 the Law Commission issued a consultation paper, *Rights to Light*, which sought to examine whether the law by which rights to light are acquired and enforced provided an appropriate balance between the interests of landowners and the need to facilitate the appropriate development of land.¹⁶ The background to the Consultation is previous work done by the Law Commission on easements which found that "rights to light appear to have a disproportionately negative impact upon the potential for the development of land."¹⁷ Another factor is a recent court case which has been suggested has had "a detrimental effect on the ability of rights to light disputes to be resolved swiftly and amicably."¹⁸

The Law Commission has made four provisional proposals to change the law:

- (1) We propose that for the future it should no longer be possible to acquire rights to light by prescription.
- (2) We propose the introduction of a new statutory test to clarify the current law on when courts may order a person to pay damages instead of ordering that person to demolish or stop constructing a building that interferes with a right to light.
- (3) We propose the introduction of a new statutory notice procedure, which requires those with the benefit of rights to light to make clear whether they intend to apply to the court for an injunction (ordering a neighbouring landowner not to build in a way that

¹⁶ Law Commission, *Rights to Light consultation homepage*, 18 February 2013

¹⁷ Law Commission, *Rights to Light consultation executive summary*, 18 February 2013, p1

¹⁸ Law Commission, *Rights to Light consultation executive summary*, 18 February 2013, p1

infringes their right to light), with the aim of introducing greater certainty into rights to light disputes.

(4) We propose that the Lands Chamber of the Upper Tribunal should be able to extinguish rights to light that are obsolete or have no practical benefit, with payment of compensation in appropriate cases, as it can do under the present law in respect of restrictive covenants.¹⁹

The Consultation closed on 16 May 2013. The Law Commission has said that it will now review, in discussion with Government, how to take the project forward in the light of consultees' responses. If the project proceeds to a final report with draft bill, it is anticipated that publication will be in late 2014.²⁰

Following publication of the consultation, the *Telegraph* reported an initial response to it from the Chairman of the House of Commons Communities and Local Government Select Committee, Clive Betts:

Clive Betts, chairman of the Commons communities and local government committee, said there was "no merit" in revising the laws and said that light "makes an enormous difference to people's homes". "Light is actually very important," said Mr Betts. "If you allow people to build large extensions and you took away their right to light, essentially people could have the enjoyment of their homes substantially worsened.

"I can't see any justification for scrapping it. It seems to me a perfectly good principle, one people can understand and support. Instinctively my reaction would be that I don't see any merit in this."²¹

3.4 Onshore wind evidence toolkit and standards of engagement

On 20 September 2012 the Department for Energy and Climate Change (DECC), issued a consultation, *Onshore Wind-Call for Evidence Part A - Community Engagement and Benefits*. This document sought evidence about the different types of engagement practices being carried out between onshore wind developers and communities, including before planning applications are made. The Government published a response on 6 June, *Onshore Wind Call for Evidence: Government Response to Part A (Community Engagement and Benefits) and Part B (Costs)*. The Response set that Government planned to produce an "evidence toolkit" in order to support communities in planning for wind farms:

To support communities to participate in planning, DECC will provide access to clear and reliable evidence on the impacts of onshore wind, through an evidence toolkit. In addition, to support local decision makers and community representatives in planning decisions, DECC have commissioned a series of local seminars on the costs, benefits, impacts and opportunities for positive action on climate change with a focus on renewable energy and onshore wind. The Planning Advisory Service will publish examples of local policies on renewable energy in accordance with the National Planning Policy Framework, and DCLG will issue updated, streamlined planning practice guidance on renewable energy, including onshore wind, in the summer, to assist local councils.²²

¹⁹ Law Commission, *Rights to Light consultation executive summary*, 18 February 2013, p3

²⁰ Law Commission website, *Rights to Light website* [on 6 August 2013]

²¹ "Right to light under threat in planning law shake-up" *The Telegraph*, 18 February 2013

²² Department for Energy and Climate Change, *Onshore Wind Call for Evidence: Government Response to Part A (Community Engagement and Benefits) and Part B (Costs)*, 6 June 2013, para 14

The evidence toolkit referred to above was initially expected to be published at the end of 2013.

DECC also set out that it would issue separate guidance on the standards of engagement it expects to see between developers and local communities. The Government said that guidance will be developed in partnership with community and industry stakeholders and “we expect it to be available by early 2014.”²³

Any new guidance published or resulting changes would apply to England only.²⁴

3.5 Red-Tape Challenge

As part of the Government’s red-tape challenge to reduce regulatory burden it was [announced](#), on 29 October 2013, that a phased programme will now begin to reduce the number of technical planning regulations down to 78 - a reduction of 57%.²⁵ The changes will:

- consolidate the rules on permitted development which have been amended 17 times and need an overhaul to make them easier to understand
- tackle unnecessary and overly burdensome requirements in the application process
- scrap 38 redundant regulations that are no longer needed

A full list of the regulations being removed or amended has been published, [Red Tape Challenge: list of regulations to be improved or scrapped](#), October 2013.

3.6 Nationally Significant Infrastructure Projects

Nationally Significant Infrastructure Projects (NSIPs) are usually large scale developments (relating to energy, transport, water, waste water or waste) which require a type of consent known as a “development consent order (DOC)” under procedures governed by the *Planning Act 2008* (the 2008 Act) and amended by the *Localism Act 2011*.

Any developer wishing to construct a NSIP must first apply for consent to do so. For such projects, the Planning Inspectorate examines the application and will make a recommendation to the relevant Secretary of State, who will make the decision on whether to grant or to refuse development consent. The process is timetabled to take approximately 15 months from start to finish. The 2008 Act sets out thresholds above which certain types of infrastructure development are considered to be nationally significant and require development consent.²⁶ For more information about this process see Library standard note [Planning for Nationally Significant Infrastructure](#).

In the [National Infrastructure Plan 2013](#) the Government announced that it would continue to refine the NSIP regime by:

- launching an overarching review of the NSIP regime, while freezing planning application fees for the NSIP regime for the remainder of this parliament;

²³ Department for Energy and Climate Change, [Onshore Wind Call for Evidence: Government Response to Part A \(Community Engagement and Benefits\) and Part B \(Costs\)](#), 6 June 2013, para 3.7

²⁴ [HC Deb 6 June 2013 c1667](#)

²⁵ Department for Communities and Local Government, [Simplified regulations will make planning easier](#), 29 October 2013

²⁶ National Infrastructure Planning website, [Planning Inspectorate role](#) [on 10 April 2013]

- having regard to the designation of a 'Top 40' priority investment when considering applications for the NSIP regime; and
- providing policy certainty and confidence for the transport sector through the publication of a National Networks National Policy Statement (NPS).²⁷

The [overarching review discussion document](#) was published alongside the Infrastructure Plan and sought views on:

- streamlining consultation and environmental information requirements to speed up the pre-application phase;
- flexibility to make changes to Development Consent Orders after a decision is made;
- expanding the scope of the 'one stop shop' for consents;
- efficiency and flexibility during the examination phases; and
- strengthening guidance on engagement between the developer, Statutory Consultees, Local Authorities and communities.²⁸

The “top 40 priority investment” designation would mean that infrastructure projects, that would not otherwise meet the 2008 Act threshold to be classed as a NSIP would be able to use the development consent process. This will particularly be the case for developments related to science and innovation. Further information about the top 40 investments are set out in the National Infrastructure Plan 2013.

The Government [responded](#) to the discussion document on 25 April 2014.²⁹ Annex A to the Government’s response stated the actions that the Government intends to take to change the system, how and when. Some of the changes will require amendment to primary legislation. Provision for this is now in the [Infrastructure Bill 2014-15](#) which will:

- make changes to the procedures in the *Planning Act 2008* for handling minor changes to existing development consent orders (DCOs) for nationally significant infrastructure projects (NSIPs). It would also simplify the processes for making significant changes;
- allow the examining authority, (a panel of planning inspectors who consider DCO applications), to be appointed earlier on in the process, immediately after an application has been accepted; and
- allow the examining authority panel to comprise only two inspectors.

For further information about these provisions see Library standard note, [Infrastructure Bill: Planning Provisions](#).

The Government’s [Technical Consultation on Planning](#), July 2014 proposes changes to the system which currently requires the Secretary of State to publicise and consult on an application for a non-material change to a DCO, to make it so that this is the applicant’s responsibility.

²⁷ HM Government, [National Infrastructure Plan 2013](#), 4 December 2013, p11

²⁸ HM Government, [National Infrastructure Plan 2013](#), 4 December 2013, pA

²⁹ HM Government, [Government response to the consultation on the review of the Nationally Significant Infrastructure Planning Regime](#), 25 April 2014

In respect of making material changes to a DCO the Government proposes to reduce the consultation requirements:

The Government is therefore proposing to amend the 2011 Regulations covering the duty to consult on a proposed application. Instead of the current requirement to consult each person consulted about the original application for a Development Consent Order for which a change is being sought, the applicant would be required to consult those persons who could be directly affected by the change proposed if consent for the change was given.³⁰

Other proposals include:

- introducing a new regulation that allows the Secretary of State not to hold an examination into an application for (a material) change if he considers that one is not necessary;
- amending regulations so that the examination of a project (for a material change) has a maximum period of four months. There will then be a maximum period of two months for the Examining Authority to prepare their report and recommendation and a further two months for the Secretary of State to reach a decision;
- providing a power to refuse to determine an application for material change if, in particular, the Secretary of State considers that the development that would be authorised as a result of the change should properly be subject to a full application for development consent (this would be achieved by inserting an amendment into the Infrastructure Bill);
- Giving developers the option of gaining ten other related consents as part of the DCO (eg concerning European protected species, water discharge, trade effluent, flood defence, water abstraction and impoundment licences).

3.7 Judicial Review

On 6 September the Government published a [consultation](#) which included proposals to create a new specialist “planning chamber” for challenges relating to major developments to be taken only by expert judges using streamlined processes.³¹ The Government believes that judicial reviews have created “unacceptable delays to the development of crucial infrastructure and housing projects.”³² The Consultation explained that the aim was to allow planning cases to be better prioritised and allow specialist judges to maximise their specialist skills to ensure that cases proceed quickly to a determination.

The [Government’s response](#) to the consultation was published in February 2014 and said that Government would create a specialist Planning Court within the High Court to deal with judicial reviews and statutory appeals relating to Nationally Significant Infrastructure Projects and other planning matters. The [Criminal Justice and Courts Bill 2013-14 to 2014-15](#) now contains this provision.

3.8 Local Plans: statutory requirement

In the [National Infrastructure Plan 2013](#) the Government said that would consult on introducing a statutory requirement for local authorities to have a local plan in place:

³⁰ HM Government, [Technical Consultation on Planning](#), July 2014, para 6.26

³¹ Ministry of Justice, [Judicial Review: proposals for further reform](#), 6 September 2013

³² HM Government, [National Infrastructure Plan 2013](#), 4 December 2013, para 7.36

7.42 Local Plans provide certainty for developers, while supporting locally-led sustainable development. Three quarters of planning authorities now have a published Local Plan, but further progress can be made. The government will consult on measures to improve plan making, including introducing a statutory requirement to put a Local Plan in place.³³

3.9 Planning conditions

The power to impose conditions when granting planning permission is very wide. They can be used to enhance the quality of development and enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission.³⁴ They can cover a wide range of issues such as design and landscape to restricting hours of operation of a business. Under the [National Planning Policy Framework](#) planning conditions should “only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.”

In the [National Infrastructure Plan 2013](#) the Government expressed concern about delays with local planning authorities discharging planning condition and committed to making changes to the system:

7.43 Delays associated with the discharge of planning conditions can hinder the effective delivery of development. The government will legislate so that where a planning authority has failed to discharge a condition on time, it will be treated as approved, and will consult on using legislative measures to strengthen the requirement for planning authorities to justify conditions that must be discharged before any work can start.

It was confirmed, in the Queen’s Speech on 4 June 2014 that this changes would be taken forward as part of the “Infrastructure Bill” for the 2014-15 session.³⁵ The [Infrastructure Bill 2014-15](#) has now been published and would allow for certain types of planning conditions to be regarded as discharged if a local planning authority has not notified the applicant of their decision within a set time period. For further information about this provisions see section 3 of Library standard note, [Infrastructure Bill: Planning Provisions](#). The Government’s [Technical Consultation on Planning](#), July 2014 also asks for views about how this measure might work in practice and whether any exemptions from this should apply.³⁶

3.10 Statutory consultation reduction

The [National Infrastructure Plan 2013](#) said that there would be a consultation on reducing when statutory consultation would be required as part of the planning process:

7.44 To prevent delays for applicants, the government will consult on proposals to reduce the number of applications where unnecessary statutory consultations occur, and key statutory consultees will commit to a common service agreement. The government will also pilot a new scheme to provide a single point of contact for cases where a point of conflict in advice cannot be resolved locally.

The Government’s [Technical Consultation on Planning](#), July 2014, chapter 4 gives more detail about what is proposed. It proposes, for example, changes to the requirement to

³³ HM Government, [National Infrastructure Plan 2013](#), 4 December 2013, para 7.42

³⁴ Government, [Circular 11/95: Use of conditions in planning permission](#)

³⁵ [Queen’s Speech 2014: background briefing notes](#), p25

³⁶ HM Government, [Technical Consultation on Planning](#), July 2014, chapter 3

consult Natural England, English Heritage and the Highways Agency before the grant of planning permission in certain circumstances.

The consultation also proposes to introduce an extended requirement to ensure that railway infrastructure managers are notified of all planning applications where development is proposed near a railway (para 4.62).

3.11 Householder benefits of infrastructure

In the *National Infrastructure Plan 2013* the Government said that it would develop a pilot of a system by which individual householders are given a “share of the benefits” of infrastructure:

7.45 The government wants to ensure that households benefit from developments in their local area. Building on the measures it has already put in place at the local authority and community level (including the neighbourhood funding element of the Community Infrastructure Levy, ‘Community Benefits’ in the energy sector and the New Homes Bonus), the government will work with industry, local authorities and other interested parties to develop a pilot passing a share of the benefits of development directly to individual households.

3.12 Planning authority performance

The *Growth and Infrastructure Act 2013* allows applicants for major development to apply direct to the Secretary of State (in practice a Planning Inspector), rather than the local planning authority (LPA), where the LPA has been “designated” for having a record of very poor performance in the speed or quality of its decisions.

In the *Autumn Statement 2013* the Government said that it would consult on increasing the threshold for designation from 30% to 40% of decisions made on time. On 23 March 2014 the Government published a consultation, *Planning performance and planning contributions: consultation* which consulted on raising threshold for designation as follows:

We are proposing that the threshold for designating authorities as under-performing, based on the speed of deciding applications for major development, should increase to 40% or fewer of decisions made on time. The threshold may be raised further at a future stage. Authorities that have dealt with an average of no more than two applications for major development, over the two year assessment period, would be exempt from designation based on their speed of decisions. The document setting out the criteria for designation would set out the types of exceptional circumstances that may be taken into account, prior to designations being confirmed.

The Government responded to this part of the consultation on 13 June 2014.³⁷ It confirmed that the threshold for designation will be raised to 40% and said that there would be scope for further increases in the future. The Government also confirmed that it intends to introduce an exemption from designation based on the speed of decisions, for those authorities which have determined two or fewer applications for major development over the two year assessment period (of July 2012 to June 2014). This was because “two applications or fewer is insufficient to point to a record of poor performance and does not provide a robust statistical basis for designation.”³⁸

³⁷ HM Government, *Planning performance: government response to consultation*, 13 June 2014

³⁸ HM Government, *Planning performance: government response to consultation*, 13 June 2014, para 27

The Government published a draft version of its [revised criteria for designation document](#), on 13 June 2014, which must lay before Parliament for a statutory 40 day period before any changes can come into effect. The next full round of designations is due in October 2014 it is expected that this threshold would be used for any designations in October 2014, for both district and county matter authorities.³⁹

3.13 Section 106 contributions

Section 106 contributions, sometimes known as “planning obligations” or “planning gain” stem from agreements made under section 106 of the Town and Country Planning Act 1990. They are agreements made between the developer and the LPA to meet concerns about the costs of providing new infrastructure or affordable housing levels.

In the [Autumn Statement 2013](#) the Government said it would consult on introducing a new 10 unit threshold for section 106 contributions relating to affordable housing contributions, in order to reduce costs for smaller builders.

In the 23 March 2014 consultation [Planning performance and planning contributions: consultation](#), the Government set out plans for introducing a 10-unit and 1,000 square metres gross floor space threshold for affordable housing contributions through section 106 planning obligations:

This consultation proposes that before any request for affordable housing contributions can be considered as part of a section 106 planning obligations agreement, authorities will have to have regard to national policy that such charges create a disproportionate burden for development falling below a combined 10-unit and maximum of 1,000 square metres gross floor space threshold. We also intend to make clear that, having regard to such disproportionate burdens, authorities should not seek affordable housing contributions for residential extensions or annexes added to existing homes.

26. This change in policy would restrict the use of section 106 planning obligation contributions where sites contain 10 units or less with a maximum combined gross floor space of 1,000 square metres and for residential extensions or annexes. It is proposed to include a maximum total floor space in combination with a unit threshold to avoid creating a perverse incentive in terms of construction density.

Rural Exception Sites would be excluded from this threshold. The consultation also proposed that buildings brought back into use should be excluded from section 106 requirements, other than proportionately for any increase in floor space. The consultation closed on 4 May 2014. The Government has not yet responded to this part of the consultation.

3.14 Land Review Requirement

In the Government’s [Supporting High Streets and Town Centres Background Note](#), 6 December 2013, it was set out that “to ensure that councils are keeping their high streets up to date”, the Government will publish “new guidance that councils should review their retail land to take account of the changing local market.”

3.15 Traveller and green belt sites

In a [written ministerial statement](#) to Parliament on 17 January 2014, the Government said that it would consider improvements to planning policy and practice guidance to strengthen green belt protection in regard to traveller sites:

³⁹ HM Government, [Planning performance and planning contributions: consultation](#), 23 March 2014, paras 15 &

Moreover, ministers are considering the case for further improvements to both planning policy and practice guidance to strengthen green belt protection in this regard. We also want to consider the case for changes to the planning definition of 'travellers' to reflect whether it should only refer to those who actually travel and have a mobile or transitory lifestyle. We are open to representations on these matters and will be launching a consultation in due course.⁴⁰

A consultation was published on this matter, [Consultation: planning and travellers](#), on 14 September 2014 and which closes on 23 November.

The consultation invites views on a number of different questions. One of the main questions is about whether the definition of "traveller" should be changed for planning related purposes so that it would exclude those who have permanently ceased from travelling. The current definition of traveller can be found in the Government's [Planning Policy for Traveller Sites](#). The consultation explains the Government's reasons for proposing this change:

2.2 Current policy requires that those who have ceased travelling permanently for reasons of health, education or old age (be it their needs or their family's or dependents') are for the purposes of planning treated in the same way as those who continue to travel.

2.3 The Government feels that where a member of the travelling community has given up travelling permanently, for whatever reason, and applies for a permanent site then that should be treated no differently to an application from the settled population (for example, seeking permission for a Park Home). This would not prevent applications for permanent sites, but would mean that such applications would be considered as any other application for a permanent caravan site would be: i.e. not in the context of Planning Policy for Traveller Sites.

2.4 This is not about ethnicity or racial identity. It is simply that for planning purposes the Government believes a traveller should be someone who travels.

The proposed new definition of gypsies and travellers would read:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.⁴¹

The Consultation also asks for views on whether the Government should integrate sections from the [National Planning Policy Framework](#) on green belt protection with its [Planning Policy for Traveller Sites](#). The intention of this is to reiterate and make clearer existing planning policy relating to green belt and travellers, rather than to change policy. The Government also proposes to inset the word "very" into the following existing policy to give stronger emphasis: "Local planning authorities should [very] strictly limit new traveller site development in open countryside."

One proposed change is to amend the weight which is currently given to any absence of a five year supply of permanent sites when deciding planning applications for temporary sites in land designated as Green Belt, sites protected under the Birds and Habitats Directives, sites designated as Sites of Special Scientific Interest, Local Green Space, an Area of

17

⁴⁰ [HC Deb 17 Jan 2014 c35WS](#)

⁴¹ HM Government, [Consultation: planning and travellers](#), 14 September 2014, section 2.6

Outstanding Natural Beauty, or within a National Park or the Broads. The consultation explains, “the absence of an up-to-date five year supply of deliverable sites would therefore no longer be a significant material consideration in favour of the grant of temporary permission for sites in these areas. It would remain a material consideration, but its weight would be a matter for the decision taker.”⁴²

The Consultation also proposes to change planning policy to deal with the intentional unauthorised occupation of sites, so that if a site were to be intentionally occupied without planning permission, that this would be a material consideration in any retrospective planning application for that site:

For the avoidance of doubt, this does not mean that retrospective applications should be automatically refused, but rather failure to seek permission in advance of occupation will count against the application. It will, the Government hopes, encourage all applicants to apply through the proper planning processes before occupying land and carrying out development.⁴³

Another measure aimed at address unauthorised occupation of land is to remove the need for local authorities which are “burdened by a large-scale unauthorised site which has significantly increased their need”, to be required to plan to meet their traveller site needs in full.

3.16 Neighbourhood Planning

In response to an oral question in the House of Commons on 3 March 2014 about whether neighbourhood planning could be introduced for small communities the Planning Minister, Nick Boles, said that work was underway to look at that this:

We have, I think, now reached the point where there has been enough experience of neighbourhood planning with enough different kinds of communities for us to learn lessons and to ask whether there is not a version of neighbourhood planning that might be more easily accessible and quicker for some communities. We are doing that work, and we are very keen to hear from any hon. Members and communities with their thoughts on how we can achieve that.⁴⁴

In the July 2014 [Technical Consultation on Planning](#), the Government proposed a number of changes to the existing neighbourhood planning process, in order to make the process faster:

1.5 We are proposing to set a statutory time limit of 10 weeks (70 days) within which a local planning authority must make a decision on whether to designate a neighbourhood area that has been applied for by a parish or town council or prospective neighbourhood forum (or community organisation bringing forward a community right to build proposal). This time limit will apply where the area applied for follows parish or electoral ward boundaries and there is no existing designation or outstanding application for designation, for all or part of the area for which a new designation is sought.

1.6 We propose removing the current statutory requirement for a minimum of six weeks of consultation and publicity by those preparing a neighbourhood plan or Order.

⁴² HM Government, [Consultation: planning and travellers](#), 14 September 2014, section 3.8

⁴³ HM Government, [Consultation: planning and travellers](#), 14 September 2014, section 4.10

⁴⁴ [HC Deb 3 March 2014 c621](#)

1.7 We propose to require those preparing a neighbourhood plan to consult certain landowners.

1.8 We intend to introduce a new statutory requirement (basic condition) to test the extent of the consultation undertaken during the preparation of a neighbourhood plan or Order (including a community right to build order).

1.9 We intend to clarify the information that should be submitted with a neighbourhood plan in order that its compatibility with obligations under the Strategic Environmental Assessment Directive can be assessed. We will do this by setting out in regulations that a neighbourhood plan proposal, when it is submitted to a local planning authority, must be accompanied by either:

- a statement of reasons why the proposed plan is unlikely to have significant environmental effects (a screening opinion);
- an environmental report;
- an explanation of why the proposed plan does not require screening or environmental assessment.

Further information about all of these proposals is set out in the consultation document.

3.17 Garden Cities

In [Budget 2014](#) the Government announced that it would support a new Garden City at Ebbsfleet in Kent:

1.145 The government will support a new Garden City at Ebbsfleet. Ebbsfleet has capacity for up to 15,000 new homes, based on existing brownfield land. To date, under 150 homes have been built on the largest site. The government will form a dedicated Urban Development Corporation for the area, in consultation with local MPs, councils and residents, to drive forward the creation of Ebbsfleet Garden City, and will make up to £200 million of infrastructure funding available to kick start development. This will represent the first new garden city since Welwyn Garden City in 1920.

An article on the Planning Portal website highlighted that the new urban development corporation would have compulsory purchase powers:

The development is earmarked for brownfield land – a former quarry and industrial sites - around the high speed rail station at Ebbsfleet which is 19 minutes by train from central London. The initiative will be supported by an urban development corporation which will have compulsory purchase powers.

"We're going to create an urban development corporation so we're going to create the instrument that allows this kind of thing to go ahead and cuts through a lot of the obstacles that often happen when you want to build these homes," the Chancellor told the BBC.⁴⁵

On 14 April 2014 the Government published a prospectus called [Locally-led Garden Cities](#). The prospectus sets out a support package which the Government can offer to local areas which are interested in forming a new garden city.

⁴⁵ Planning Portal, [Chancellor confirms Ebbsfleet as new garden city](#), 20 March 2014

In the Queen's Speech 2014 Background Briefing Note it was announced that Government would introduce the secondary legislation to allow for a locally supported garden city to be built in Ebbsfleet, backed by an Urban Development Corporation.⁴⁶

For more information about garden cities see the Library Standard Note, [Garden Cities](#).

3.18 Brownfield Land

In the [Mansion House Speech 2014](#) on 12 June, the Chancellor George Osborne announced that Councils would be required to put local development orders on over 90% of brownfield sites that are considered suitable for housing. He suggested that this would mean planning permission for up to 200,000 new homes.

This speech was later followed by a [written statement](#) in the House of Commons by the Secretary of State for Communities and Local Government, Eric Pickles, which set out further the Government's plans to increase housebuilding on brownfield land:

Councils will play a critical role in bringing forward suitable unused and previously developed land. They will consult on and put in place local development orders, which are a flexible, proactive way to provide outline planning permission for the scale and type of housing that can be built on sites. This will provide greater certainty for both builders and local residents, helping developers to work up suitable schemes and ultimately speeding up the building of new homes. Our aim is to see permissions in place on more than 90% of suitable brownfield sites by 2020—which could provide up to 200,000 new homes.

We are providing a £5 million fund, to be launched before the summer, to support the first wave of new local development orders; we will also be providing a set of local development order "templates" for smaller brownfield sites, and will consult on other measures to underpin this programme later in the year. The Mayor of London will be given new powers to drive forward local development orders in the capital. But this drive for planning permissions will retain key safeguards—as with any planning application, councils will need to take account of the views of local people when preparing an order, as well as environmental issues like minimising flood risk.⁴⁷

Information is also given in the accompanying Government press release, [Government initiatives to help build more new homes on brownfield land](#), 13 June 2014.

A Local Development Order (LDO) grants permission for a certain type of development and thereby removes the need for a planning application to be made by the developer. The legal basis is sections 61A-61D of the [Town and Country Planning Act 1990](#). The idea is that they can allow developers to progress development proposals with greater speed and certainty. Associated costs may be lower with an LDO as there will not be a planning application fee or need to commit the resources associated with the preparation of an application. The procedure for making an LDO is set out in section 34 of the [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2010](#), SI 2010/2184. Further information about LDOs is set out in the [National Planning Practice Guidance](#).

It is not yet known exactly how councils will be required to put a LDO in place – whether this will be a legal requirement or a change to policy guidance. As set out in the written statement

⁴⁶ [Queen's Speech 2014: background briefing notes](#), p43

⁴⁷ [HC Deb 16 June 2014 c72WS](#)

above, the Government will “will consult on other measures to underpin this programme later in the year.”⁴⁸

A summary of reaction to the proposals on brownfield land policy from planning and house building professionals is available on the [Planning Blog](#), 13 June 2014.

3.19 A “right to build” (self build plots)

The [Budget 2014](#) announced that the Government would consult on creating a new “right to build” which would give people who want to build their own homes a right to a plot from a council and access to a repayable fund.⁴⁹

In July 2014 the Department for Communities and Local Government published an [expression of interest](#) for “right to build vanguards”. It invites expressions of interest from local planning authorities in becoming Right to Build vanguards. In it the Government said that there would be a consultation on the right to build later in the year. The document sets out that a right to build would be a requirement on local authorities to:

(a) Open and promote a register for prospective custom builders. A key purpose of the register is to measure effectively the demand for custom build housing in the local area. We are considering options on how this register might operate, including, for example, that eligibility for registration would be open to those who are resident in the local authority area and potentially also those with a direct family connection to the area.

The proposed requirement to open and promote a register builds upon existing national planning policy and guidance. The National Planning Policy Framework³ requires local authorities to have a clear understanding of housing need in their area and plan to address the need for all types of housing, including the demand from those people wishing to build their own homes. The Government’s Planning Practice Guidance states that plan makers should, therefore, consider surveying local residents, possibly as part of any wider surveys, to assess local housing need for this type of housing, and compile a local list or register of people who want to build their own homes; and

(b) Make available, for sale at market value, a sufficient number of suitable serviced plots for those on the register within a reasonable period of time. Land for plots could come from local authorities’ own landholdings or land from other landowners.⁵⁰

The document also makes clear that the Government is considering the design of a number of issues which would be subject to the forthcoming consultation. These include:

- a. The specific eligibility rules that might apply to the registration process
- b. The extent to which the local authority should meet the different preferences of people on the register
- c. The application of the Right in areas with limited land supply
- d. How plots might best be made available, taking account of different models of custom build and local circumstances

⁴⁸ [HC Deb 16 June 2014 c72WS](#)

⁴⁹ HM Treasury, [Budget 2014](#), 19 March 2014, para 1.142

⁵⁰ Department for Communities and Local Government, [Right to Build Vanguards: Invitation for expressions of interest](#), July 2014, para 9

e. How design codes might be used to best effect, taking account of local views and the needs of custom builders.⁵¹

⁵¹ Department for Communities and Local Government, *Right to Build Vanguard: Invitation for expressions of interest*, July 2014, para 10

The shortest possible presentation on the quality framework (for busy people)

Sept 2014

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Contents

1. What?
2. Why?
3. What will it tell us?
4. What's involved?
5. Next steps ?

[There are a few speakers notes, embedded in the slides. Last updated 1st May.]

What?

- It's run a bit like a club; rules, data standards, confidentiality
- At the heart of the framework is sector-led self-improvement and self-regulation:

Demonstrate a real understanding of what matters to customers and focus improvement around this.

- No disguises; a real picture of what's happening
- Demonstrates the effects of decisions
- Customer-centric performance metrics
- Detail and data not available elsewhere

Why?

the focus will always be on speed until there is **something better to care about**

did that work?

routine / unusual

how much of what?

good ideas

did we/do we add value?

big stuff / small stuff

wasted time/effort

validation

permitted development

conditions

do customers like us?

neighbours feel ignored?

a simple concept

- what?
 - **toolkit:** website, techniques, templates
 - **data:** applications, surveys, feedback
 - **focus:** performance, opinions, quality
 - **how?: regular reports**
 - **why?: continuous improvement**
 - **when?: modular, just start**
-

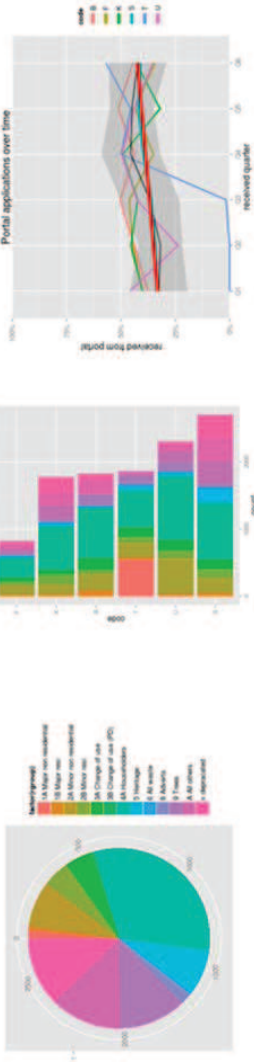
a framework based on three things

1. **application data** (performance statistics)
2. **survey data** (what customers say/think)
3. **feedback on quality** (did we plan well?)

together = balanced, holistic framework

- powerful as 3 separate things
- we're going to bring them together to create a framework for assessing quality
- and develop it over time

what will it tell us?



- **applications data:** speed **PLUS** non-value work, validation, conditions, decisions, work flow
- **survey data:** agents/applicants **PLUS** neighbours, amenity groups, councillors, staff
- **feedback on quality:** **NEW** service quality, planning quality, development and outcomes quality

Data and evidence to support better decisions

what's the commitment ?

- Council:
 - A chief data wrangler to set up, maintain, administer
 - Regular surveys to applicants, agents and neighbours
 - Annual surveys – staff, councillors, amenity groups
 - Quality of development survey on large applications

what do we get?

What councils get ?

- Detailed understanding of what's happening
- Survey feedback on peoples' opinions
- Data on quality of work and outcomes
- Quarterly and annual performance reports

Together = balanced, holistic framework

what's the cost?

- There is no (£) cost
- But this involves some work (some one-off, some ongoing) to create data
- your people will need to learn some new things
- PAS will train and support the mechanics

next steps ?

Councillors and senior officers may need to:

- Be prepared to unblock the process of information gathering
- Make clear your values – where are you on performance, quality, customer focus etc.?
- Support longer-term work on improvement



planning advisory service

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REPORT FOR DECISION



Agenda Item	8
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MEETING: **PLANNING CONTROL COMMITTEE**

DATE: **28 OCTOBER 2014**

SUBJECT: **SITES OF BIOLOGICAL IMPORTANCE: 2013 REVIEW**

REPORT FROM: **ASSISTANT DIRECTOR (LOCALITIES)**

CONTACT OFFICER: **CHRIS WILKINSON**

TYPE OF DECISION: **COMMITTEE**

FREEDOM OF INFORMATION/STATUS: This report is within the public domain

SUMMARY: This report describes the purpose and application of the Register of Sites of Biological Importance in Bury. It also identifies the latest changes made to the Register. In 2013 no new sites were added or deleted, eight existing sites were reviewed and for these no grades or boundaries were changed. However, changes were made to the description of the value of one of the eight, the 'Wetlands at Radcliffe' site behind Coney Green School.

OPTIONS & RECOMMENDED OPTION It is recommended that Planning Control Committee adopts the 2013 update of the Register of Sites of Biological Importance for use in development planning and management.

Other options (not recommended) are to not adopt the updated Register, or to partially adopt the updated Register.

IMPLICATIONS:**Corporate Aims/Policy Framework:**

Policies EN6/1 and EN6/2 of the Council's adopted Unitary Development Plan and EN6 of the Publication version of the Local Plan set out the Council's approach to managing development affecting existing and future SBIs.

Statement by the S151 Officer: Financial Implications and Risk Considerations:

The costs of the AGMA Ecology Unit, which compiles and updates the SBI Register, are funded through existing budgets.

Statement by Executive Director of Resources:

None

Equality/Diversity implications:

None.

Considered by Monitoring Officer:

Yes
Para 117 of the National Planning Policy Framework provides that planning policies should identify and map sites of importance for nature conservation. Updating the Register of Sites of Biological Importance will help to ensure that the Council complies with national planning guidance.

Wards Affected:

All

Scrutiny Interest:

N/A

TRACKING/PROCESS**DIRECTOR: Mike Owen – Executive****Director of Resources and Regulation**

Chief Executive/ Management Board	Executive Member/Chair	Ward Members	Partners
Scrutiny Commission	Committee	Council	
	✓		

1.0 BACKGROUND

1.1 Members will be aware that the Borough's Unitary Development Plan identifies a number of Sites of Biological Importance (SBI) that policies EN6/1 and EN6/2 seek to protect from harmful development. The

wildlife value of sites is however, not static; it may increase or decrease as vegetation changes, neighbouring land changes in character, or survey information improves. The UDP policies anticipate this by referring to both existing SBIs and those to be designated in the future.

- 1.2** The Greater Manchester Register of Sites of Biological Importance is maintained and updated on behalf of the ten Greater Manchester Districts by the Greater Manchester Ecology Unit. The entries relating to Bury are kept by the Head of Planning Policy and Projects. The sites are classed as Grade 'A' (of regional or county Importance) 'B' (of district importance) and 'C' (of importance within the *identified* geographical locality).
- 1.3** The Ecology Unit's Service Level Agreement requires it to re-survey each SBI at least every 10 years. It does this incrementally and produces an annual review of the sites it has surveyed in the previous year. The 2012 review was reported to committee on 21st January 2014 (P700). The 2013 changes are the subject of the current report.

2.0 ISSUES

- 2.1** Para 117 of the National Planning Policy Framework says that 'To minimise impacts on biodiversity.., planning policies should....identify and map....locally designated sites of importance for biodiversity'. Para 118 says that 'when determining planning applications,.....if significant harm from a development (*to biodiversity*) cannot be avoided... planning permission should be refused.
- 2.2** Unlike Sites of Special Scientific Interest, Sites of Biological Importance do not have statutory protection. However, the designation of 'regional and local sites' (i.e. SBIs) is promoted (in the NPPF and elsewhere) as a planning tool for conserving and enhancing biodiversity. Designation allows identified sites of ecological value to be protected from harmful development that requires planning permission.
- 2.3** The designation of SBIs is an objective and methodical process of evaluating sites against set criteria. Bury Council has consistently chosen to use the designation as a way of protecting the Borough's wildlife by incorporating SBIs into the planning process.
- 2.4** A list of changes to the register, a list of current SBIs and a location plan are attached to this report. The register has not changed substantially for some years.
- 2.5** An ECIA Initial Screening Assessment is appended to this report. It finds that the proposal to adopt the updated SBI Register serves an existing policy with minimal implications for equality or cohesion.

3.0 CONCLUSION

The 2013 update of the Greater Manchester Register of Sites of Biological Importance describes the current state of the most valuable sites of wildlife interest in the Borough. It will assist the Council in making decisions, particularly on planning applications, in accordance with government guidance, adopted Council policy and good practice. Its adoption is therefore recommended.

List of Background Papers:-

Greater Manchester Ecology Unit (2008) 'Greater Manchester Sites of Biological Importance Selection Guidelines'

Website:-

<http://www.tameside.gov.uk/ecologyunit/sbi>

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APPENDIX 1: DISTRICT SYNOPSIS

SBI REVIEW 2013



BURY – DISTRICT SYNOPSIS

In the review period January – December 2013 the Ecology Unit visited and revised 8 SBIs representing 16% of Bury's SBIs.

During the review period no new sites were added to or deleted from the Register.

The following sites recorded no changes to the site boundary or area, but revisions of the site description may have occurred: **Gollinrod Wood, Carr Barn Wood, Crow Lumb Wood, Bradley Fold, Broadhey Wood & Woodhey, Wetlands near Radcliffe, Withins Reservoir and Lower Hinds.**

Technical gains and losses are often due to the increasing accuracy used to draw boundaries and measure areas. Techniques used include orthorectified aerial photographs, which can be overlaid on the GIS system with the OS map base. This enables boundaries to be drawn to the edges of habitats where a clearly definable ground feature (e.g. fences, walls, streams etc) is not appropriate to use. In addition site areas are automatically calculated by the GIS system and a new OS base was acquired in 2013. There were no technical changes to any sites in Bury in 2013.

APPENDIX 2: FACT SHEET

**SITES OF BIOLOGICAL IMPORTANCE IN BURY
2013 REVIEW**



DISTRICT FACT SHEET (All areas in hectares)

BURY

				Net Change 2012 – 2013	
	1984	2012	2013	No.	%
TOTAL NUMBER OF SBIS	27	50	50	-	-
TOTAL AREA OF SBIS	691.3	923.9	923.9	-	-
TOTAL NUMBER GRADE A	9	19	19	-	-
TOTAL AREA GRADE A	554.4	761.5	761.5	-	-
TOTAL NUMBER GRADE B	10	20	20	-	-
TOTAL AREA GRADE B	65.0	118.1	118.1	-	-
TOTAL NUMBER GRADE C	8	11	11	-	-
TOTAL AREA GRADE C	71.9	44.3	44.3	-	-
Grid Ref	Change in Grade of existing SBI			2012	2013
-	-			-	-
Grid Ref	New Sites			Grade	Area
-	-			-	-
Grid Ref	Site Deleted in Part or in Total		Grade	Area Lost	Present Total
-	-		-	-	-

Grid Ref	Partial Gains	Grade	Area Gained	Present Total
-		-	-	-
Grid Ref Site visited with no change/change to description only				
SD787078	Wetland near Radcliffe			
SD798153	Gollinrod Wood			
SD789176	Carr Barn Wood			
SD791161	Crow Lumb Wood			
SD756086	Bradley Fold			
SD788151	Broadhey Wood & Woodhey			
SD784087	Withins Reservoir			
SD794096	Lower Hinds			

APPENDIX 3: LIST OF SBIs

SITES OF BIOLOGICAL IMPORTANCE IN BURY 2013



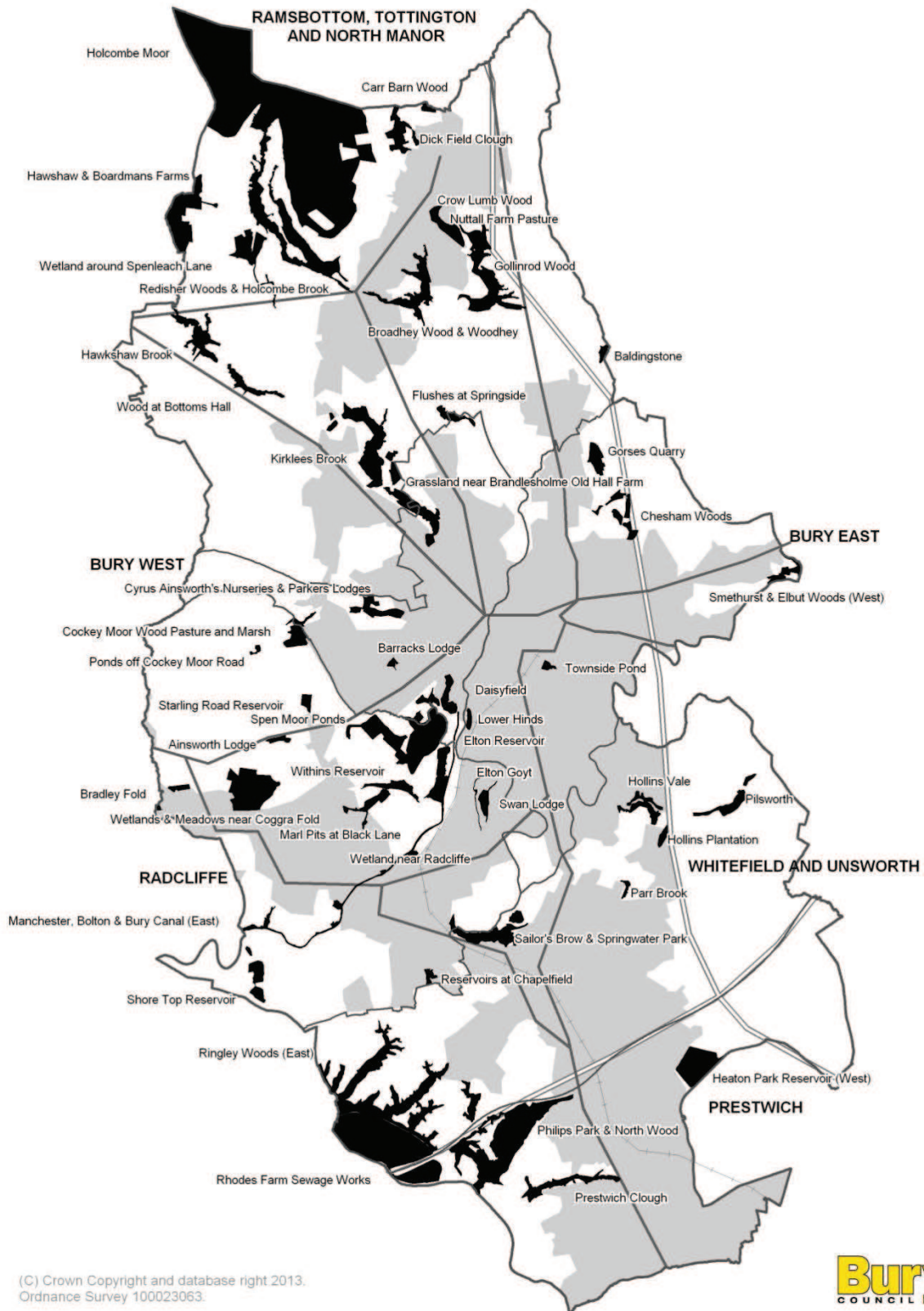
DATE LAST SURVEYED

Site Name	Grid ref.	Grade	District Ref.	Last Updated
Manchester Bolton & Bury Canal (East)	SD764068 - SD793096	A	C1	2.7.09
Bradley Fold	SD756086	C	C2	27.8.13
Hawkshaw Brook	SD759146	A	C3	2.6.11
Hawkshaw & Boardmans Farms	SD756163	A	C4	15.9.92
Shore Top Reservoir	SD766063	B	C5	24.8.11
Reservoir & Canal Banks (East)	SD767068	C	C6X	23.6.04
Wetlands & Meadows near Coggra Fold	SD765085	A	C7	15.8.08
Ponds off Cockey Moor Road	SD767104	B	C8	17.9.12
Wood at Bottoms Hall	SD764140	B	C9	21.8.07
Wetland around Spenleach Lane	SD766156	A	C10	10.10.06
Holcombe Moor	SD770178	A	C11	4.10.12
Ainsworth Lodge	SD770093	B	C12	14.6.12
Redisher Woods & Holcombe Brook	SD767162	A	C13	2.6.10
Ringley Woods (East)	SD785045	A	C14	8.5.08
Reservoirs at Chapelfield	SD789062	C	C15	23.7.10
Wetland near Radcliffe	SD787078	C	C16	8.8.13
Marl Pits at Black Lane	SD781084	A	C17	14.6.10
Withins Reservoir	SD784087	B	C18	8.8.13
Elton Reservoir	SD788095	A	C19	12.5.09
Cyrus Ainsworth's Nurseries and Parker's Lodges	SD782110	B	C20	17.9.12
Meadow above Kirklees Valley	SD780132	B	C21X	11.6.04
Kirklees Brook	SD782130	A	C22	6.8.09
Broadhey Wood and Woodhey	SD788151	A	C23	1.5.13
Dick Field Clough	SD785173	B	C24	2.6.11
Carr Barn Wood	SD789176	C	C25	1.5.13
Phillips Park & North Wood	SD799038	A	C26	16.8.11
Sailor's Brow & Springwater Park	SD798067	C	C27	8.9.09
Swan Lodge	SD796085	B	C28	8.8.09
Elton Goyt	SD790086	B	C29	2.7.09
Lower Hinds	SD794096	A	C30	8.8.13
Daisyfield	SD791098	B	C31	6.5.09
Flushes at Springside	SD791136	B	C32	21.8.07
Gollinrod Wood	SD798153	A	C33	1.5.13
Crow Lumb Wood	SD791161	C	C34	1.5.13
Edgars Field	SD799166	C	C35X	15.8.08
Prestwich Clough	SD807034	A	C36	24.8.11
Lodges at Shuttleworth	SD806177	C	C37X	24.2.99
Parr Brook	SD815074	C	C38	2.7.09

SITES OF BIOLOGICAL IMPORTANCE IN BURY 2013**DATE LAST SURVEYED**

Site Name	Grid ref.	Grade	District Ref.	Last Updated
Hollins Vale	SD818085	B	C39	29.6.10
Gorses Quarry	SD811131	B	C40	20.5.10
Baldingstone	SD812144	B	C41	14.6.12
Heaton Park Reservoir (West)	SD825050	A	C42	10.3.10
Hollins Plantation	SD820080	C	C43	19.4.12
Pilsworth Bleach Works	SD822083	C	C44X	8.4.03
Pilsworth	SD830084	B	C45	9.7.04
Burrs	SD789129	C	C46X	2.86
Grassland near Brandlesholme Old Hall Farm	SD785128	B	C47	26.6.11
Smethurst & Elbut Woods (West)	SD837115	C	C48	26.8.10
Spenn Moor Ponds	SD783094	B	C49	24.6.11
Rhodes Farm Sewage Works	SD785039	A	C50	13.6.06
Barracks Lodge	SD784103	A	C51	23.7.10
Cockey Wood Pasture & Marsh	SD772109	B	C52	17.9.12
Starling Road Reservoir	SD773098	C	C53	17.9.12
Nuttall Farm Pasture	SD793160	B	C54	19.6.03
Townside Pond	SD805103	B	C55	24.6.11
Chesham Woods	SD815123	C	C56	30.4.09

APPENDIX 4: SBI LOCATION MAP



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REPORT FOR DECISION



Agenda Item	9
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MEETING: **PLANNING CONTROL COMMITTEE**

DATE: **28 OCTOBER 2014**

SUBJECT: **PROPOSED LOCAL NATURE RESERVE AT
CHAPELFIELD, RADCLIFFE**

REPORT FROM: **ASSISTANT DIRECTOR (LOCALITIES)**

CONTACT OFFICER: **CHRIS WILKINSON**

TYPE OF DECISION: **COMMITTEE**

FREEDOM OF INFORMATION/STATUS: This report is within the public domain

SUMMARY: This report describes progress towards meeting the Council’s target of having 1 hectare of Local Nature Reserve (LNR) per 1000 people and proposes the declaration of a new site at Chapelfield, Radcliffe

OPTIONS & RECOMMENDED OPTION It is recommended that Planning Control Committee authorises the Council Solicitor to declare a Local Nature Reserve at Chapelfield, Radcliffe and adopts the designation for use in development planning and management.

Other options (not recommended) are to not declare the site or declare only part of the site.

IMPLICATIONS:**Corporate Aims/Policy Framework:**

Policy EN6/2 of the Council's adopted Unitary Development Plan anticipates the declaration of LNRs and protects them from unsympathetic development.

Statement by the S151 Officer: Financial Implications and Risk Considerations:

Work in LNRs is led by the Council's existing Local Nature Reserves Officer.

Statement by Executive Director of Resources and Regulation:

None

Equality/Diversity implications:

None.

Considered by Monitoring Officer:

Yes
Para 117 of the National Planning Policy Framework provides that planning policies should identify and map sites of importance for nature conservation. Para 118 advocates the protection of such sites.

Wards Affected:

Radcliffe West

Scrutiny Interest:

N/A

TRACKING/PROCESS**DIRECTOR: Mike Owen – Executive****Director of Resources and Regulation**

Chief Executive/ Management Board	Executive Member/Chair	Ward Members	Partners
Scrutiny Commission	Committee	Council	
	✓		

1.0 BACKGROUND

- 1.1 In 1997 the Council adopted a target, recommended by the Countryside Commission (now Natural England) to declare 1 hectare of Local Nature Reserve per 1000 residents. The aim was, for the health and educational benefits, to give everyone access to natural greenspace without needing to travel great distances.

1.2 Since then five sites have been declared and the Borough now has 0.8 ha. Per 1000. The sites are Philips Park, Chesham, Hollins Vale, Redisher Wood and the Kirklees Valley.

1.3 The Borough's LNRs are managed by the Council's Parks and Countryside Service and work in them is led by the Council's Local Nature Reserves Officer.

2.0 ISSUES

2.1 Para 117 of the National Planning Policy Framework says that 'To minimise impacts on biodiversity.., planning policies should....identify and map....locally designated sites of importance for biodiversity'. Para 118 says that 'when determining planning applications,.....if significant harm from a development (*to biodiversity*) cannot be avoided... planning permission should be refused.

2.2 LNRs are generally Sites of Biological Importance with particularly strong local community interest. Unlike Sites of Special Scientific Interest, Sites of Biological Importance do not have statutory protection. However, the designation of 'regional and local sites' (i.e. SBIs and LNRs) is promoted (in the NPPF and elsewhere) as a planning tool for conserving and enhancing biodiversity. Designation allows identified sites of ecological value to be protected from harmful development that requires planning permission.

2.3 The proposal to create an LNR at Chapelfield, centred on Chapelfield SBI dates from the planning permission for the redevelopment of the Radcliffe Paper Mill site. The consent (36520/00) had an attached s106 which included a land transfer and a sum for site improvement and management. The proposed LNR boundary (see attached plan) encompasses 5.5 ha and includes the land transferred to the Council by Barratt Homes and Woodford Industries for recreation and leisure use, plus some small areas of land already owned by the Council and controlled by Six Town Housing and Education.

2.4 The local community is in favour of the proposed declaration. Meetings about the proposed LNR have been taking place since 2012 and a number of community action days have been led by the Local Nature Reserves Officer. Residents of the new housing estate and members of Chapelfield Residents Association have all been keen to see better management and improvements to the site. If Chapelfield was declared, each Township would then have a Local Nature Reserve

2.5 Declaration requires the support of Natural England and its letter of support is dated 8 January 2014. It also requires a formal declaration document and publication of a notice in the local press.

2.6 An ECIA Initial Screening Assessment is appended to this report. It finds that the proposal to declare a LNR at Chapelfield serves an existing policy with minimal implications for equality or cohesion.

3.0 CONCLUSION

Given the support for the proposal from the local community and Natural England, it is proposed that Chapelfield be declared as Radcliffe's first Local Nature Reserve.

List of Background Papers:-

Natural England/DEFRA advice on LNRs is available at

<https://www.gov.uk/create-and-manage-local-nature-reserves>

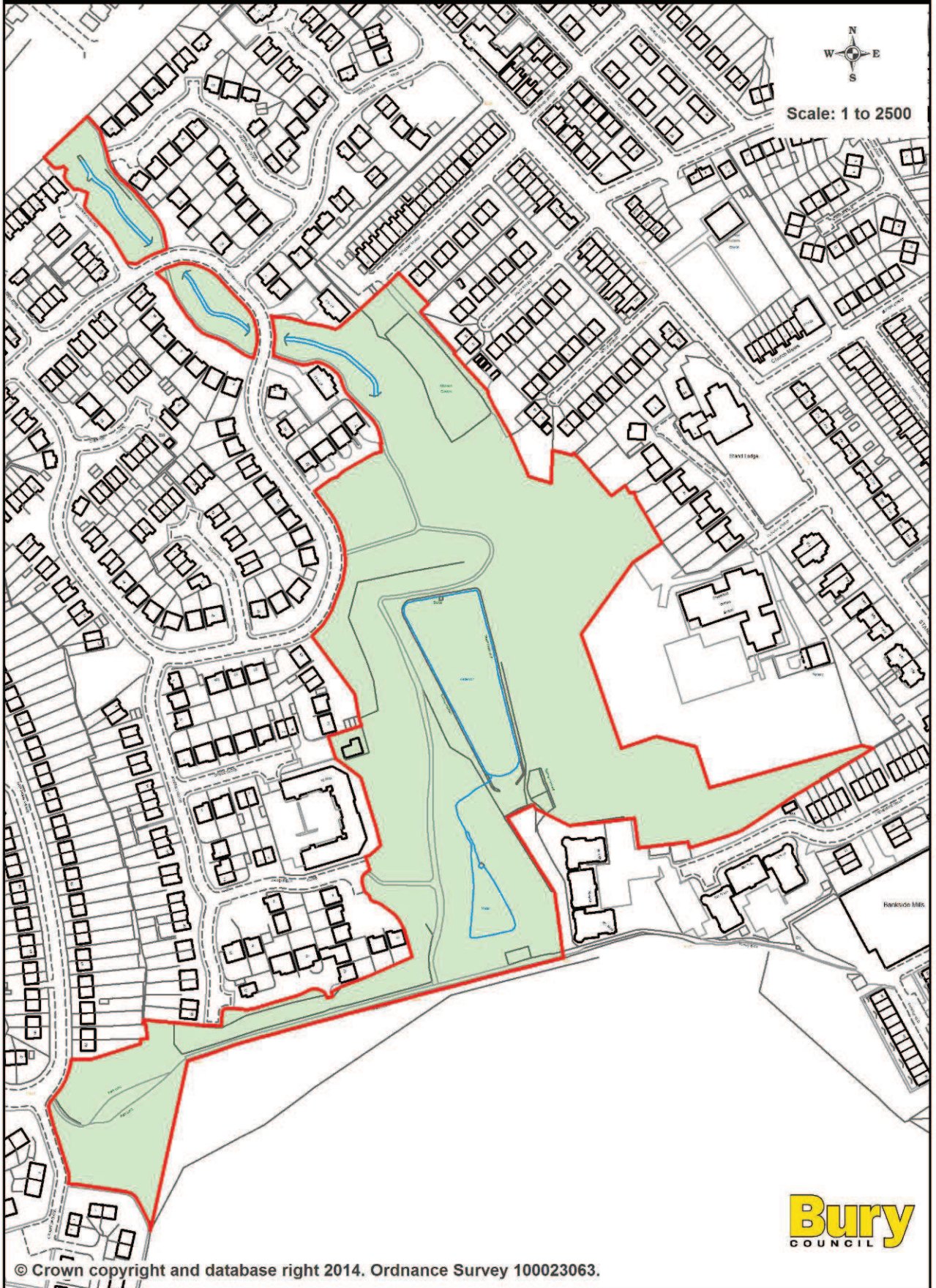
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PROPOSED CHAPELFIELD LOCAL NATURE RESERVE BOUNDARY



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