

## AGENDA FOR

## PLANNING CONTROL COMMITTEE

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

**Councillors :** T Holt, J Black (Chair), T Cummings,  
S Haroon, S Kerrison, C Preston, R Skillen, J Harris, I  
Schofield, Y Wright, M D'Albert and S Nuttall

Dear Member/Colleague

### Planning Control Committee

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

<b>Date:</b>	Tuesday, 27 March 2018
<b>Place:</b>	Peel Room, Bury Town Hall
<b>Time:</b>	7.00 pm
<b>Briefing Facilities:</b>	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted. The Head of Development Management will brief the Committee on any changes to be made to the Planning Applications following publication of the Agenda. This information will be circulated to Members and made available to the public on the Council's website on the day of the meeting.
<b>Notes:</b>	Food will be available from 5.00 pm (Lancaster Room) Pre-meeting briefing/virtual site visits at 6.00 pm (Lancaster Room) Details of Site Visits/Member Training will be circulated separately to Members and Officers.

The Agenda and Reports for the meeting are attached.

The Agenda and Reports are available on the Council's website at [www.bury.gov.uk](http://www.bury.gov.uk) – Council and Democracy.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. N. Kenyon', with a long horizontal flourish extending to the right. The signature is written on a light-colored, slightly textured background.

**Stephen Kenyon CPFA**  
**Interim Executive Director of Resources and Regulation**

## **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 20TH FEBRUARY, 2018** *(Pages 1 - 4)*

### **4 PLANNING APPLICATIONS** *(Pages 5 - 90)*

### **5 DELEGATED DECISIONS** *(Pages 91 - 104)*

A report from the Head of Development Management on recent delegated planning decisions since the last meeting of the Planning Control Committee.

### **6 PLANNING APPEALS** *(Pages 105 - 122)*

A report from the Head of Development Management on recent planning appeal decisions since the last meeting of the Planning Control Committee.

### **7 URGENT BUSINESS**

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

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**Minutes of: PLANNING CONTROL COMMITTEE**

**Date of Meeting:** 20th February, 2018

**Present:** Councillor J Black (In the Chair)  
Councillors A Cummings, M D'Albert, J Harris, S  
Kerrison, T Holt, S Nuttall, C Preston, I  
Schofield, R Skillen and Y Wright

**Public attendance:** There were 15 members of the public were in attendance

**Apologies for absence:** Councillor S Haroon

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**PCC.395 DECLARATIONS OF INTEREST**

There were no declarations of interest made at the meeting.

**PCC.396 MINUTES**

**Delegated decision:**

That the Minutes of the meeting held on 23rd January, 2018 be approved as a correct record and signed by the Chair.

**PCC.397 PLANNING APPLICATIONS**

A report from the Development Manager was submitted in relation to the applications for planning permission. Supplementary information was also submitted in relation to planning applications 60525, 62127 and 62237.

**Delegated decisions:**

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

**60525 Land at rear of Warwick House, Castle Brook Business Park, Hollins Brook Way, Bury – Whitefield & Unsworth – Unsworth Ward**

Retention of existing car park and re-location of car park gate onto Aviation Road for egress only; alterations and improvements to the junction of Aviation Road and Pilsworth Road, including repositioning existing gate on Aviation Road to improve pedestrian access (north side) and provision of a horse stile (south side) and associated signage.

**62007 Land at western end of Watkin Drive, Prestwich, Manchester – Prestwich – Sedgley Ward**

Erection of 1 no. new dwelling and two detached garages

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

**62127 Land at Mountheath Industrial Estate, George Street, Prestwich, Manchester – Prestwich – Sedgley Ward**

Variation of conditions 2, 4, 6, 7, 10, 12, 13, 14, 16, 17, 18, 20, 21, 22, 26, 27 of planning permission 59884 to allow the development to be carried out in 2 phases – employment and residential

**62237 Prestwich Golf Club, Hilton Lane, Prestwich, Manchester – Prestwich – Sedgley Ward**

Residential development of part of golf course comprising 17 no. dwellings with new access from Kersal Road; Extension and reconfiguration of golf course to provide replacement facility

**PCC.398 DELEGATED DECISIONS**

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

**Delegated decision:**

That the report be noted.

**PCC.399 PLANNING APPEALS**

A report from the Head of Development Management was submitted listing all recent Planning Appeal decisions since the last meeting of the Planning Control Committee.

**Delegated decision:**

That the report be noted.

**PCC.400 DEVELOPMENT MANAGEMENT VALIDATION CHECKLIST CRITERIA**

The Head of Development Management submitted a report detailing the updated checklists that are required for the validation process of planning applications submitted. It was reported that the Local Planning Authority is required to ensure that the checklist is kept up

to date and reviewed every two years. The Committee were asked to note the minor changes made in section 14 in relation to tree works which set requirements for scaled plans, and which also set out the enforcing regulations.

**Delegated decision:**

That the Committee endorse and accept the validation list as detailed in the report.

**PCC.401 PLANNING ENFORCEMENT**

The Head of Development Management submitted a report providing statistical information on enforcement activity between 1<sup>st</sup> October, 2017 and 31<sup>st</sup> December, 2017, for information.

**Delegated decision:**

That the report be noted.

**PCC. TREE PRESERVATION ORDER CONFIRMATION**

A report from the Head of Development Management was submitted detailing the issues relating to the current temporary Tree Preservation Order (TPO) made on Bleaklow Hall and curtilage, Bolton Road, Hawkshaw. The Head of Development Management referred to the Supplementary Agenda and the copy of the original temporary TPO No. 341 included for information. It was reported that T3, 4, 5, 6 had been excluded from the original TPO following consultation with an arboriculturist, on behalf of the owner and the Council's Tree Officer who concluded that these trees were not good specimens and should be removed from the TPO.

**Delegated decision:**

That the Committee confirm the current temporary Tree Preservation Order (TPO) issued on Bleaklow Hall and its immediate curtilage as identified in Appendix 1 of the report, including the modifications as detailed in the report.

**CHAIR**  
**COUNCILLOR J Black**

**(Note: The meeting started at 7.00 pm and ended at 7.31 pm)**

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<b>Title</b>	<b>Planning Applications</b>
<b>To:</b>	<b>Planning Control Committee</b>
<b>On:</b>	<b>27 March 2018</b>
<b>By:</b>	<b>Development Manager</b>
<b>Status:</b>	<b>For Publication</b>

### **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.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the Planning Control Committee shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

## **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.

<b>01</b>	<b>Township Forum - Ward:</b>	North Manor	<b>App No.</b>	61196
	<b>Location:</b>	Former Walmersley Dye Works, Mather Road, Bury, BL9 6RA		
	<b>Proposal:</b>	Outline application for residential development of 3 storey apartment scheme comprising of 24 no. units (all matters reserved)		
	<b>Recommendation:</b>	Approve with Conditions	<b>Site Visit:</b>	N
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<b>02</b>	<b>Township Forum - Ward:</b>	Ramsbottom + Tottington - Tottington	<b>App No.</b>	61694
	<b>Location:</b>	The Roundhouse, Bradshaw Road, Tottington, Bury, BL9 3PN		
	<b>Proposal:</b>	Removal of condition no. 5 of planning permission 60156		
	<b>Recommendation:</b>	Approve with Conditions	<b>Site Visit:</b>	N
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<b>03</b>	<b>Township Forum - Ward:</b>	Ramsbottom and Tottington - Ramsbottom	<b>App No.</b>	62081
	<b>Location:</b>	Woodhill Farm, Spring Street, Ramsbottom, Bury, BL0 0DS		
	<b>Proposal:</b>	Demolition of existing farm buildings and erection of 16 no. dwellings and associated new infrastructure, including construction of new access road		
	<b>Recommendation:</b>	Minded to Approve	<b>Site Visit:</b>	Y
<hr/>				
<b>04</b>	<b>Township Forum - Ward:</b>	Bury West - Church	<b>App No.</b>	62102
	<b>Location:</b>	24 & 26 Lodge Side, Bury, BL8 2SW		
	<b>Proposal:</b>	Variation of condition no. 9 (occupation of units) of planning permission 54717 from a continuous period of no longer than one month in any one year; to allow occupation of the 2 units of accommodation for a continuous period of no longer than six months in any one year and in any event shall not be used as a permanent residential accommodation		
	<b>Recommendation:</b>	Approve with Conditions	<b>Site Visit:</b>	N
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<b>05</b>	<b>Township Forum - Ward:</b>	Prestwich - St Mary's	<b>App No.</b>	62261
	<b>Location:</b>	44 Rectory Lane, Prestwich, Manchester, M25 1BL		
	<b>Proposal:</b>	Change of use from non-residential institution (Class D1) to dwelling (Class C3) with ground floor rear extension and first floor rear/side extension; Erection of new dwelling at rear		
	<b>Recommendation:</b>	Approve with Conditions	<b>Site Visit:</b>	Y
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**Ward:** North Manor

Item 01

**Applicant:** Howard & Seddon ARIBA

**Location:** Former Walmersley Dye Works, Mather Road, Bury, BL9 6RA

**Proposal:** Outline application for residential development of 3 storey apartment scheme comprising of 24 no. units (all matters reserved)

**Application Ref:** 61196/Outline Planning  
Permission

**Target Date:** 06/10/2017

**Recommendation:** Approve with Conditions

### **Description**

The site covers approx 0.32 hectare and was part of the larger Mather Works site. There were buildings on site, but these were demolished over 10 years ago. The outer walls have been retained and enclose the land at between 4 metres - 8 metres in height. The mill pond is located to the east of the site and is at a higher level. There is a public right of way to the south and access is via Mather Road to the west, which is part adopted and part unadopted.

There is a scrap yard to the west and residential properties to the north west and south of the site. The site immediately to the north has planning consent to be converted to 8 dwellings and there is a residential dwellings and nursery business beyond.

The applicant seeks outline consent for the erection of a single building containing 24 apartments with all matters reserved. The proposed building would be three storeys in height on the indicative plans and access would be taken from Mather Road.

### **Relevant Planning History**

41506 - Outline residential development (apartments) at works opposite 101 Mather Road, Bury. Approved with conditions - 21 April 2004.

47048 - Renewal of outline consent (application 41506/03) for residential development at works opposite 101 Mather Road, Bury. Withdrawn - 19 January 2007.

#### **Adjacent site**

44535 - Outline - conversion of existing building into 6 apartments; new 3 storey block of 12 apartments at Works at Mather Road, Bury. Refused - 9 September 2005.

54011 - Conversion of former dye works to 8 no. dwellings at Windacre Works, Mather Road, Bury. Approved with conditions - 23 August 2011.

58133 - Outline application for demolition of the existing buildings and redevelopment of the site for residential development including means of access (All other Matters Reserved) at Windacre Works, Mather Road, Bury. Approved with conditions - 21 January 2015.

### **Publicity**

46 neighbouring properties were notified by means of a letter on 7 July 2017 and a press notice was published in the Bury Times on 13 July 2017. Site notices were posted on 14 July 2017.

A petition containing 15 signatures has been received from residents on Mather Road, which has raised the following issues:

- The adjacent cottages (Mather Row) were constructed in 1875 on a heavy clay soil. Periods of wet weather cause some subsidence to areas of the communal access path. Any heavy plant traffic required for construction purposes may place the cottages at risk

of structural damage to the foundations.

- Any additional domestic traffic would place strain on what is a semi-rural lane. The recent development of a nursery at Windacre has increased the volume and speed of traffic on Mather Road.
- The site is adjacent to open countryside, which provides habitat for a number of animals. Bats appear at the rear of the cottages and they have occupied the upper derelict area of the Dye works. Any development would have a negative impact upon this wildlife.
- 25 spaces would be provided for 24, two bedroomed apartments. Luxury apartments of this type frequently require two wage earners, which means 2 cars per household. Any visitors to the development would cause overspill onto Mather Road, which is already congested.

3 letters have been received from the occupiers of 52, 101 Mather Road, 28 Cornfield Close, which have raised the following issues:

- Increase in noise.
- Disruption to wildlife
- Increase in traffic and cars
- Adverse impact upon privacy.
- The proposed development would damage the road surface, which is already in a poor state of repair.
- There is a lack of car parking for the proposed development. Could a residents parking scheme be introduced to reduce the impact upon existing residents.
- There has been flooding at one of the properties and would like to think that a proper FRA has been carried out.
- There is no comment on the status of the dam above the proposed development. Access has been refused to inspectors in the past and we would like to know what the latest report says. Is the dam safe and does it need regular maintenance and inspection?
- The reports attached state that the site is in an area at risk of flooding and the development would increase run off. There have been serious flooding events in 1970, 1982, 2012 and 2016. In the last 3 incidents our property was affected and the road was flooded to a depth of several feet.
- There is no comment on the status of the major retaining wall on the south side of the site, which varies from 4 metres to 8 metres in height. The wall is collapsing in some places. Who is responsible for the repair and future maintenance of the wall and ensuring that it is safe.
- The drawing shows the underground water system of the former mill as a simple culvert. This is unlikely as the mill had a variety of different underground water channels. It is essential that a proper survey is carried out to ensure that the area is safe.
- 25 spaces for 24 apartments is not enough and will result in on-street parking on a highway that is narrow.
- Why does the site plan dated 30 June incorporate the road? The road is unadopted and is a Definitive Bridleway from the junction with Humber Drive. Has the Rights of Way Officer been consulted?
- The ecology report does not mention that kestrels have been successfully nesting in a hole in the southern wall for years.

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

### **Consultations**

**Traffic Section** - No response received. Further comments will be reported in the Supplementary Report.

**Drainage Section** - No objections, subject to the inclusion of conditions relating to surface water drainage and works to the reservoir, spillway and embankment.

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

**Public Rights of Way Officer** - No response received. Further comments will be reported

in the Supplementary Report.

**Waste Management** - No response received.

**Environment Agency** - No objections, subject to the inclusion of conditions relating to contaminated land, surface water drainage and details of foundations.

**United Utilities** - No objections, subject to the inclusion of conditions relating to foul and surface water drainage.

**GM Ecology Unit** - No objections, subject to the inclusion of conditions relating to a construction environmental management plan and external lighting.

**GM Archaeological Advisory Service** - No objections, subject to the inclusion of a condition relating to a written scheme of investigation relating to archaeology.

### **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
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN3/1	Impact of Development on Archaeological Sites
EN3/2	Development Affecting Archaeological Sites
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
OL5/2	Development in River Valleys
RT2/2	Recreation Provision in New Housing Development
RT3/3	Access to the Countryside
RT3/4	Recreational Routes
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD1	Open Space, Sport and Recreation Provision
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
SPD14	Employment Land and Premises
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)** - The site was last used as an employment site and, as such, the principle of any proposed development needs to be assessed against UDP Policy EC2/2.

Under Policy EC2/2, the Council will seek to retain the employment use of such sites unless it can be clearly demonstrated that the land and premises are no longer suited, in land use terms, to continued employment use.

Paragraph 22 of the NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a

site being used for that purpose. Where there is no reasonable prospect of a site being used for employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

The Employment Land Review was undertaken in 2013 and concluded that the site scored poorly in terms of site access and ease of access to a main road and motorway and concluded that the site is unsuitable in land use terms as an employment site. As such, the site should not be retained for employment use as there is no realistic prospect of the site coming forward for such a use and other uses should be considered. Therefore, the proposed development would not conflict with Policy EC2/2 of the Bury Unitary Development Plan and would be in accordance with the NPPF.

**Principle (River valley)** - The site is located within the river valley. Policy OL5/2 states that within the river valleys, new buildings or the change of use of existing buildings or the change of use of land will not be permitted. The only exceptions considered acceptable will be those where the development would not lead to the division of the open parts of the valleys into sections and it falls within the terms below:

- where the area is designated as Green Belt the established Green Belt policies will apply:
- or
- where the area does not form part of the Green Belt, at least one of the following circumstances is met:
  - that the development represents limited infilling to an established valley settlement or industrial area;
  - that it is an extension to, or renewal of an existing industry, where the economic and employment factors are of overriding importance;
  - that the development is required in association with an outdoor recreation or appropriate tourist facility;
  - that the development is limited and will form part of, and be essential to, the maintenance of the provision and improvement of public services and utilities;
  - any other development that would be appropriate in a Green Belt.

The development would be limited in that the site is a previously developed brownfield site and is flanked by existing built development to both the north, west and south west. It would take place between an existing buildings and a terrace of residential properties and is on the edge of an existing urban development. The proposals would not appear to further encroach or subdivide the river valley and is indeed constrained by the open water reservoir to the east. On this basis the development would comply with one of the considerations of Policy OL5/2.

**Principle (Residential)** - Following revocation of the North West Regional Strategy on 20 May 2013, there is no statutory housing target for Bury. Work has commenced on the Greater Manchester Spatial Framework and this will bring forward a new statutory housing target for the Borough. This will subsequently be incorporated into Bury's future Local Plan. 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 proposed development is located within walking distance on the urban fringe and there is residential consent to the north and existing residential dwellings to the north west and south. As such, the proposed development would not conflict with the surrounding land

uses. The site is within walking distance of public transport and as such, is in a sustainable location. 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 indicative layout shows that the proposed building could be located to the south of the site with parking and amenity space to the north of the site. Whilst the proposed layout plan is indicative, it demonstrates that the scale of the proposed development is achievable within the site.

The application site is relatively flat and the land on either side slopes steeply upwards and the reservoir to the east at a higher level. The proposed building indicated as a three storey height and the scale of development would be appropriate given the height of the surrounding land and buildings. The proposed plan indicates that an acceptable level of private amenity space for the proposed development could be achieved and there would be space within the site for bin storage.

Therefore, the proposed development would not be an unduly prominent feature in the streetscene and would be in accordance with Policy EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

**Impact upon residential amenity** - SPD 6 provides guidance on aspect standards for residential properties and would be relevant in this case. There would be 27 metres between the proposed building and the closest point of No. 101 Mather Road and 33 metres from the gable of No. 66 Mather Road to the site boundary. As such, the proposed indicative layout shows that the required aspect standards could be accommodated. Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties.

**Ecology** - A Preliminary ecological appraisal was submitted with the application, which confirmed that the site has limited ecological value but recommended some precautions were required with regard to:

- reasonable avoidance measures for bats and amphibians;
- timing of vegetation clearance to avoid the main bird breeding season;
- control of invasive species

GM Ecology Unit agree with the findings of the report and have no objections, subject to the inclusion of a conditions relating to a construction environmental management plan and external lighting. Therefore, the proposed development would not cause harm to ecological features and would be in accordance with Policy EN6 and EN6/3 of the Bury Unitary Development Plan.

**Flood risk/drainage** - A Flood Risk Assessment was submitted as part of the application and the site is within a high risk flood zone, which relates to the adjacent reservoir and associated embankment and dam. Further details on the structural integrity of the embankment and any appropriate mitigation measures are required to reduce the risk to the application site and highway drainage from flooding from the reservoir and spillway would need to be submitted and agreed prior to any works commencing on site. As the application is in outline, a condition will require this information to be submitted with the first reserved matters application. The Environment Agency have no objections, subject to the inclusion of conditions relating to contaminated land, surface water drainage and details of foundations. The Drainage Section have no objections, subject to the inclusion of conditions relating to surface water drainage and works to the reservoir, spillway and embankment. Therefore, the proposed development would be in accordance with Policy EN5/1 of the Bury Unitary Development Plan and the NPPF.

**Archaeology** - The site of the former Walmersley Dye Works is considered to be a non-designated heritage asset of industrial archaeological interest, which is a material consideration in the planning process. The records show that it probably originated as a water powered fulling mill (hence the reservoir). It is shown on the 1785 Earl of Derby's Estate Plan and the Ordnance Survey 1848 six inch map. The fulling mill was subsumed in



to a larger complex shown as a disused dye works on the OS 1892 map and was in use as a bleach works by 1922.

The current application site has been cleared of buildings, but there are structures that survive immediately to the north of the site and there is a high probability that there are well preserved, multi-phased below-ground archaeological remains, which would be encountered during ground works on this site.

GM Archaeological Advisory Unit have no objections, subject to the inclusion of a condition relating to a written scheme of investigation relating to archaeology, which would result in a proper record of any remains found prior to the redevelopment of the site.

Therefore, the proposed development would protect the archaeological remains and would be in accordance with Policies EN3/1 and EN3/2 of the Bury Unitary Development Plan and Section 12 of the NPPF.

**Highways issues** - The site would be accessed from Mather Road, which is adopted until it reaches No. 101 Mather Road. The proposed site plan indicates that the access to the site would be located on the edge of the extent of the adoption. However, the application is in outline, with all matters reserved and the proposed site plan is for indicative purposes only. The proposed site plan indicates that it is possible to provide an access into the site and the detail of which would be dealt with at the reserved matters stage (means of access and layout). The Traffic Section has no objections in principle to the proposed development and further comments will be reported in the Supplementary Report.

Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

**Public right of way** - Public Right of Way No. 21 runs along Mather Road and has the status of a byeway that is open to all traffic and Public Right of Way No. 21 passes to the south of the application site at a higher level. The Public Rights of Way Officer has raised concerns in relation to whether the proposed access would be improved or maintained where it passes on the byway and the impact of any on-street parking upon the public rights of way.

The application is in outline only and proposals for the improvement of the highway would be provided at the reserved matters stage, when the means of access is determined. The proposed site plan indicates that 33 spaces could be provided within the site, which would be 3 below the maximum parking standards. As such, it is possible to provide the required level of parking on site, which would reduce the impact of any on-street parking. Therefore, in principle, the proposed development would not have an adverse impact upon the public rights of way and would be in accordance with Policies RT3/3 and RT3/4 of the Bury Unitary Development Plan.

**Parking** - SPD11 states that the maximum parking standard is 1.5 spaces per 3 bedroom unit, which equates to 36 spaces.

The proposed site plan indicates that 33 spaces could be provided within the site, which would be acceptable in this instance. The proposed site plan is indicative, but indicates that the scale of the proposed development can be accommodated in the site and as such, the proposed development would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

**Planning Obligations** - A contribution for recreation provision would be required in accordance with Policy RT2/2 of the Bury Unitary Development Plan and SPD1 and this would be secured by a condition at outline stage.

### **Response to objectors**

- The issues of damage during construction is not a material planning consideration and

cannot be taken into consideration.

- The issues relating to ecology, the impact upon the public rights of way, traffic, loss of privacy and flood risk have been addressed in the report above.
- The issues of parking numbers, layout, and the boundary treatments to the site would be addressed at the reserved matters stage. However, the proposed site plan has indicated that the proposed development can be accommodated within the site.
- It is for the applicant to obtain consent from the landowner to undertake the report and any works required. If access is refused by the landowner and the relevant reports cannot be submitted with the reserved matters application, it may not be possible to approve the application due to the lack of information and the potential harm to the future occupiers from flood risk.

### **Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015**

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the National Planning Policy Framework.

**Recommendation:** Approve with Conditions

#### **Conditions/ Reasons**

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

Reason. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

2. Before the development is commenced, the applicant shall submit detailed plans and particulars to the Local Planning Authority, and obtain their approval under the Town and Country Planning Acts, of the following reserved matters; the layout, scale, appearance, access thereto and the landscaping of the site.

Reason. To ensure the satisfactory development of the site and because this application is in outline only.

3. This decision relates to the drawings received on 26 February 2018 and the development shall not be carried out except in accordance with the drawings hereby approved.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.

4. No development shall commence unless and until:-

- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
- Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
- Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 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. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.
  - Risk assessment of potentially damaging construction activities.
  - Identification of "biodiversity protection zones".
  - Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - The location and timing of sensitive works to avoid harm to biodiversity features.
  - The times during construction when specialist ecologists need to be present on site to oversee works.
  - Responsible persons and lines of communication.
  - The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be implemented throughout the construction period strictly in accordance with the approved details.

Reason. No plan has been provided and to ensure that no harm comes to a protected species in accordance with Policies EN6 - Conservation of the Natural Environment and Policy EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and Section 11 - Conserving and enhancing the natural environment of the National Planning Policy Framework.

7. A "lighting design strategy for biodiversity" for areas to be lit shall be submitted to and approved in writing by the Local Planning Authority as part of any reserved matters application. The strategy shall:
  - identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: No lighting scheme has been provided and to ensure that no harm comes to a protected species in accordance with Policies EN6 - Conservation of the Natural Environment and Policy EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and Section 11 - Conserving and enhancing the natural environment of the National Planning Policy Framework.
8. Foul and surface water shall be drained on separate systems.
 

Reason: To secure proper drainage and to manage the risk of flooding and pollution pursuant to Policy EN5/1 - New Development and Flood Risk and Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan and Section 10 of the National Planning Policy Framework.
9. Prior to the commencement of any development a surface water drainage scheme, which shall ensure that there is no infiltration of surface water drainage into the ground where contamination is suspected and based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions, shall be submitted to and approved in writing by the Local Planning Authority.
 

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 20 l/s.

Reason: Information not submitted at application stage to ensure a satisfactory means of drainage, promote sustainable development and to manage the risk of flooding and pollution pursuant to Policy EN5/1 - New Development and Flood Risk and Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan and Section 10 of the National Planning Policy Framework.
10. No development shall take place until the applicant or their agents or their successors in title have secured the implementation of a programme of archaeological works. The programme is to be undertaken in accordance with Written Schemes of Investigation (WSIs), which will be submitted to and approved in writing by the Local Planning Authority. The WSIs shall cover the following:
  1. A phased programme of archaeological fieldwork to include:
    - an archaeological desk based assessment
    - a programme of archaeological evaluation trenching
    - (dependent upon the evaluation) targeted open area excavation (subject to a separate WSI)
  2. A programme for post investigation assessment to include:
    - analysis of the site investigation records and finds
    - production of a final report
  3. Provision for publication and dissemination of the analysis and report on the

site investigation.

4. A scheme for presentation and commemoration of the site's heritage
5. Provision for archive deposition of the report, finds and records of the site investigation.
6. Nomination of a competent person or persons/organisation to undertake the programme set-out within the approved WSIs.

Reason: In accordance with NPPF Section 12, Paragraph 141 - To record and advance understanding of heritage assets impacted on by the development and to make information about the heritage interest publicly accessible.

11. In the event of the development comprising 10 units and a combined floorspace of more than 1000 square metres or 11 units or more (regardless of floorspace), the development authorised by this permission shall not begin unless and until the Local Planning Authority has approved in writing a scheme to secure recreation provision, which shall include a mechanism for delivery, in accordance with policy RT2/2 – Recreation Provision in New Housing Development and its associated SPD1 – Open Space, Sport and Recreation Provision in New Housing development. The scheme shall be submitted as part of the reserved matters application and the recreation provision shall be delivered in full accordance with the approved details.

Reason - To ensure that the development would contribute to satisfying the need for recreation provision pursuant to 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.

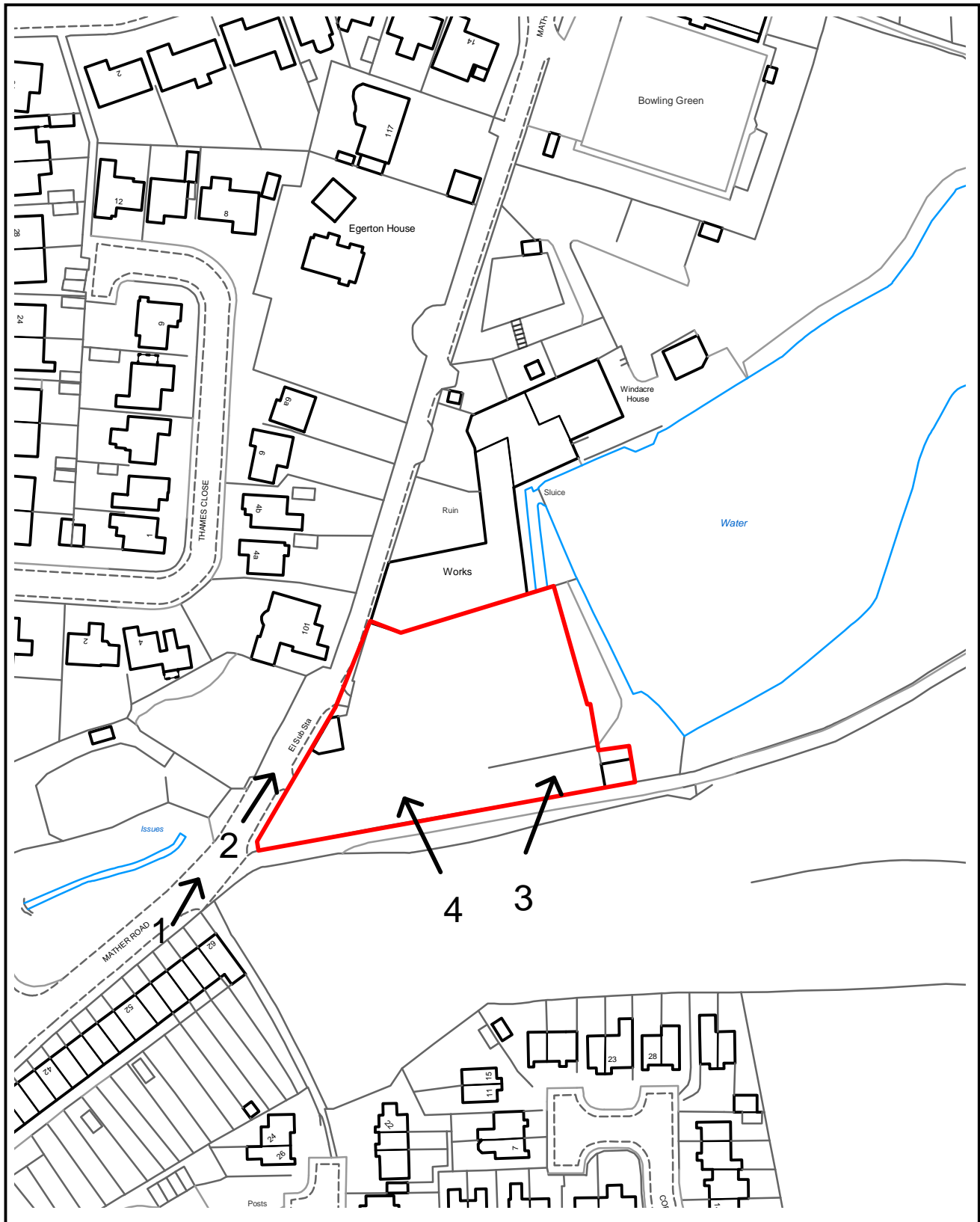
12. Notwithstanding the reports submitted, full details of the further works identified in the Flood Risk Assessment (Floodsmart Plus Report, ref 66089R) shall be submitted at the first reserved matters application. The report must include details of the following:
  - Hydraulic modelling to assess any impacts arising from the de-culverting of Pig Lee Brook, which runs from the reservoir spillway to downstream of Humber Drive and full details including the route, size, depth and levels;
  - The condition and survey of the reservoir and spillway to understand its capacity and to assess whether the reservoir is covered by the 1975 Reservoirs Act and any mitigation measures required to make the reservoir and dam safe and to reduce the risk of flooding.
  - Full details of the finished floor levels for the dwellings.
  - A scheme of implementation including methodologies and phasing for the identified works required for this condition.

Works should be carried out in accordance with the approved details before any works commence on the housing.

Reason. To ensure the structural integrity/safety of the existing reservoir embankment and reduce risk to the intended occupants of the development pursuant to Policy EN5/1 - New Development and Flood Risk of the Bury Unitary Development Plan and Section 10 of the National Planning Policy Framework.

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

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

**APP. NO 61196**

**ADDRESS: Former Walmersley Dye Works  
Mather Road**

**Bury  
Planning, Environmental and Regulatory Services**



**Bury**  
COUNCIL

**(C) Crown Copyright and database right (2015). Ordnance Survey 100023063.**



61196

Photo 1



Photo 2





Photo 3



Photo 4







NOTES

C	PARKING SPACES No's INCREASED	IM.	10.10.17
B	AMENITY / RECREATION SPACE IND. IM.	28.06.17	
A	FIRST ISSUE	IGS	11.01.17

REV	AMENDMENTS	BY	DATE
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PROJECT  
**PROPOSED RESIDENTIAL DEVELOPMENT**  
**MATHER ROAD**  
**BURY**  
**BL9 6RA**

CLIENT  
**HANIWELLS PROPERTY DEVELOPMENT**

DRAWING TITLE  
**PROPOSED SITE PLAN**

DRAWN I STEVENSON DATE 11.01.17

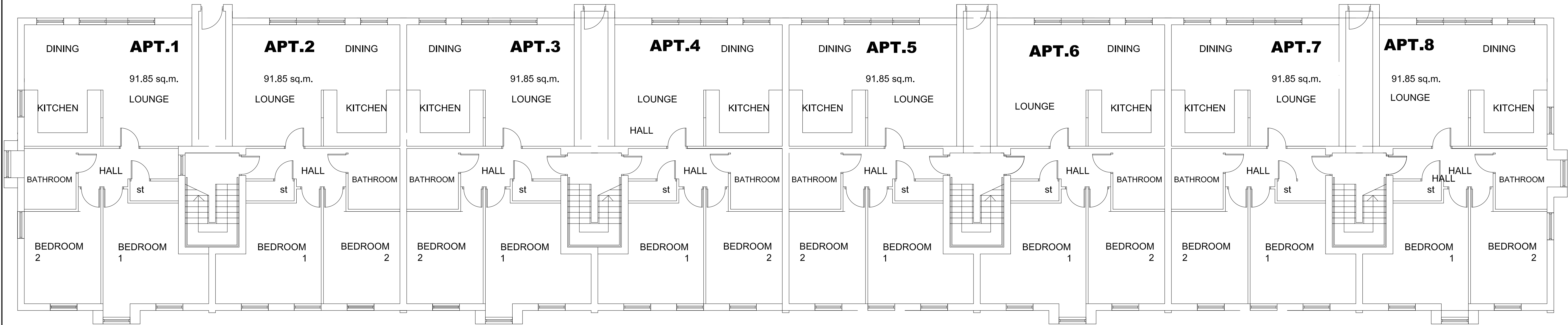
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APPROVED

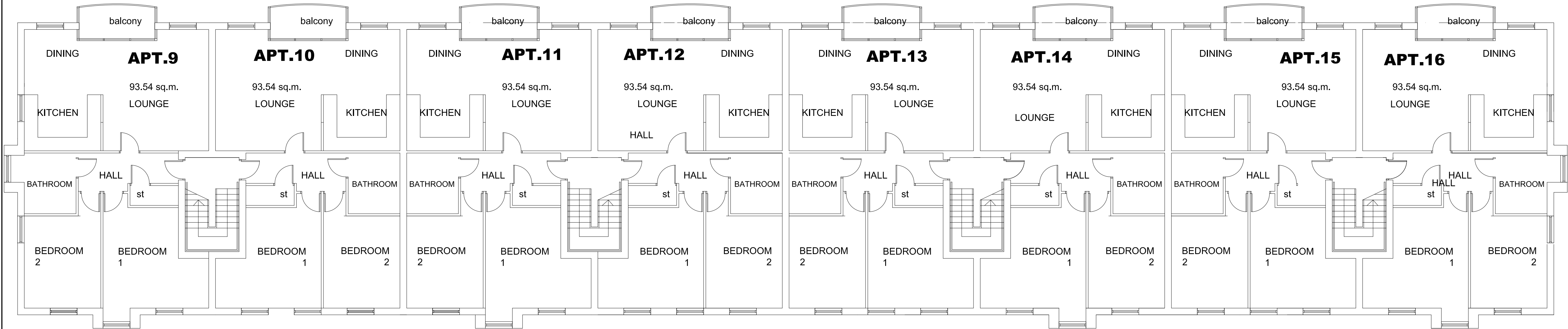
HOWARD & SEDDON A.R.I.B.A.  
CHARTERED ARCHITECTS  
64 WASHWAY ROAD  
SALE, CHESHIRE, M33 7RE  
TEL NO. 0161 - 973 8296  
FAX NO. 0161 - 962 3485  
E-MAIL: ADMIN@HOWARDANDEDSON.CO.UK

JOB No. **12990** DRG No. **001** REVISION **C**

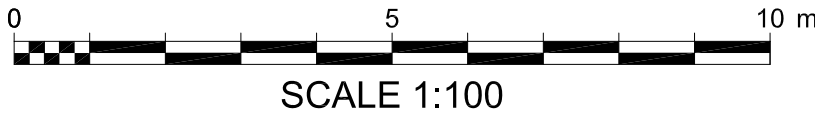
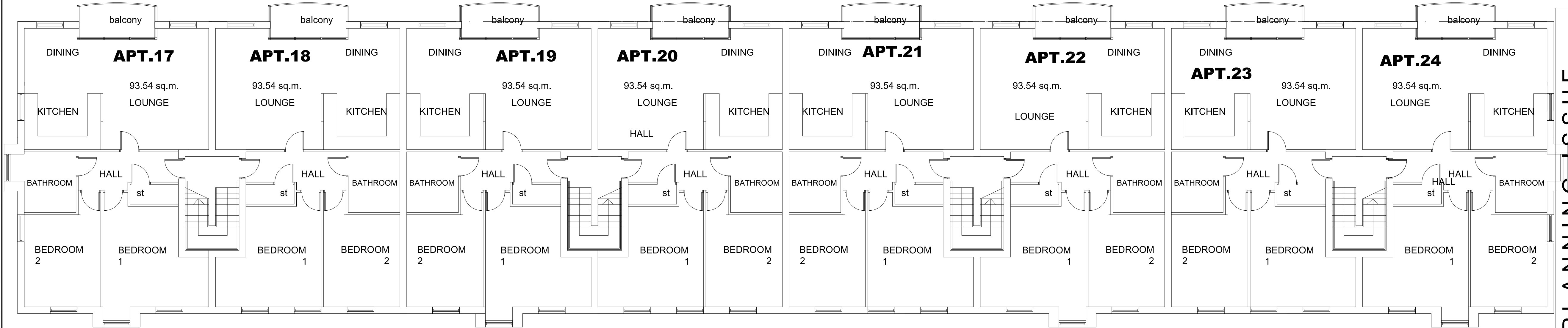




PROPOSED GROUND FLOOR PLAN




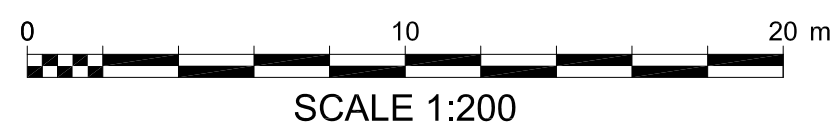
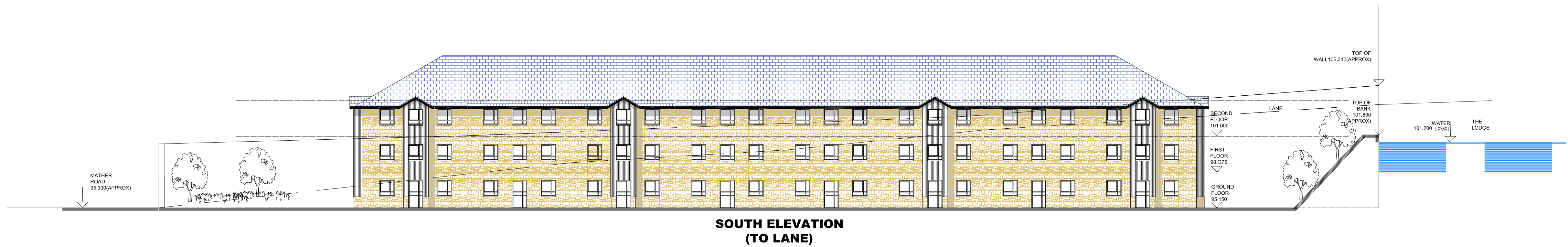
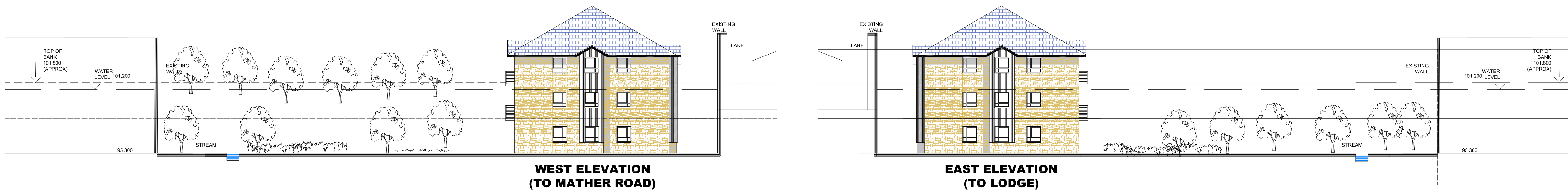
PROPOSED FIRST FLOOR PLAN



PROPOSED SECOND FLOOR PLAN

PLANNING ISSUE  
SUBJECT TO LOCAL AUTHORITY APPROVAL

A	FIRST ISSUE	IGS	11.01.17
REV	AMENDMENTS	BY	DATE
PROJECT PROPOSED RESIDENTIAL DEVELOPMENT MATHER ROAD BURY BL9 6RA			
CLIENT HANIWELLS PROPERTY DEVELOPMENT			
DRAWING TITLE PROPOSED FLOOR PLANS			
DRAWN	I STEVENSON	DATE	11.01.17
CHECKED		SCALE	1:100 (A1)
APPROVED			
 <b>HOWARD &amp; SEDDON A.R.I.B.A. CHARTERED ARCHITECTS</b> 64 WASHWAY ROAD SALE, CHESHIRE, M33 7RE TEL NO. 0161 - 973 8296 FAX NO. 0161 - 962 3485 E-MAIL : ADMIN@HOWARDANDEDSON.CO.UK			
JOB No.	12990	DRG No.	002
		REVISION	A



REV	A	FIRST ISSUE	IGS	11.01.17
AMENDMENTS	BY	DATE		

PROJECT  
PROPOSED RESIDENTIAL  
DEVELOPMENT  
MATHER ROAD  
BURY  
BL9 6RA

CLIENT  
HANIWELLS PROPERTY DEVELOPMENT

DRAWING TITLE  
PROPOSED ELEVATIONS

DRAWN I STEVENSON DATE 11.01.17  
CHECKED SCALE 1:200 (A1)

APPROVED



HOWARD & SEDDON A.R.I.B.A.  
CHARTERED ARCHITECTS  
64 WASHWAY ROAD  
SALE, CHESHIRE, M33 7RE  
TEL NO. 0161 - 973 8296  
FAX NO. 0161 - 962 3485  
E-MAIL : ADMIN@HOWARDANDEDSON.CO.UK

JOB No.	DRG No.	REVISION
12990	003	A

**Ward:** Ramsbottom + Tottington - Tottington

**Item** 02

**Applicant:** Mr A Whittle

**Location:** The Roundhouse, Bradshaw Road, Tottington, Bury, BL9 3PN

**Proposal:** Removal of condition no. 5 of planning permission 60156

**Application Ref:** 61694/Full

**Target Date:** 01/09/2017

**Recommendation:** Approve with Conditions

### **Description**

The application site was formerly owned by United Utilities and there was a redundant water storage tower and tank. The tank was a circular building of 8.2 metres diameter and was 3.8 metres in height including the railings. Planning permission was granted in September 2011 to convert the building into a bunkhouse for hikers and cyclists. The building was extended vertically and a pitched roof was constructed, taking the total height to 6.5 metres. Under the approved scheme, residential accommodation was to be provided at ground floor with living accommodation (kitchen and living room) at first floor level.

Planning permission (60156) was granted in October 2016 for a series of minor changes, which included a two storey extension to the rear, amendments to the position of windows at ground floor level and an additional hardstanding area of gravel.

There are three mature trees within the site, which is at a lower level than the surrounding land (approximately 1 - 2 metres). The site is bounded by timber post and rail fencing. There is a pedestrian access from Bradshaw Road, which is directly at the back of the roadside. There is no direct vehicular access to the site and parking is provided in the layby.

The site is surrounded by open fields. There is a farm complex some 120 metres to the north and residential dwellings are some 130 metres to the south of the site.

The proposed development involves the removal of condition 5, which prevents the use of the building as a dwelling. The planning statement states that despite running an advertisement campaign, there is an absence of demand for the bunkhouse and the building is empty. It is important that the building is brought into use. There would be no external changes or amendments to the access arrangements.

### **Relevant Planning History**

52472 - Removal of redundant water storage tank/tower; erection of 4 no. stable and storage block and midden at land to the south west side of Bradshaw Road, Tottington. Refused - 12 July 2010

54249 - Conversion of water storage tower to form 8 bed bunkhouse accommodation at Water Tower, land off Bradshaw Road, Affetside. Approved with conditions - 21 September 2011.

60156 - Variation of condition 2 (approved drawings) of application 54249: 'This decision relates to proposed plans (received on 12 July 2016) and the development shall not be carried out except in accordance with the drawings hereby approved' at The Roundhouse, Bradshaw Road, Affetside. Approved with conditions - 25 October 2016

60157 - Removal of condition no. 8 of planning permission 54249 (conversion of water storage tower to form 8 bed bunkhouse accommodation) to allow the development to be

used as a dwelling at the Roundhouse, Bradshaw Road, Walshaw. Withdrawn - 27 October 2016.

### **Publicity**

11 neighbouring properties were notified by means of a letter on 10 July 2017 and a site notice was published on 20 July 2017.

3 letters have been received from the occupiers of 21 - 23, 51 Bradshaw Road, which have raised the following issues:

- I object as the dwelling is located within the Green Belt and the original decision is still valid.
- Allowing the condition to be varied will set a precedent for new buildings on the safeguarded Green Belt.
- It never appeared to be built as a bunkhouse from the outset. It was passed as a bunkhouse - not a dwelling. How can builders be allowed to create what they want and apply for the removal of the condition to suit their needs?
- There have been a couple of accidents near the layby that would be used for parking and concerned about highway safety.

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

### **Consultations**

None required.

### **Unitary Development Plan and Policies**

EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN6/4	Wildlife Links and Corridors
EN7	Pollution Control
EN8	Woodland and Trees
EN8/2	Woodland and Tree Planting
EN9	Landscape
OL1/4	Conversion and Re-use of Buildings in the Green Belt
RT3/2	Additional Provision for Recreation in the Countryside
RT4/3	Visitor Accommodation
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD 9	Conversion and Re-use of Buildings in the Green Belt
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** - The application site is located within the Green Belt and the current use of the building is as a bunkhouse. The National Planning Policy Framework (NPPF) states that great importance is attached to the Green Belt.

Paragraph 90 states that certain other forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. These are:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a Green Belt location; and
- the re-use of buildings provided that the buildings are of permanent and substantial construction

Policy OL1/4 states that the conversion and re-use of buildings in the Green Belt is not inappropriate development providing that:

- It does not have a materially greater impact than the present use on the openness of the Green Belt;
- The buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction;
- The form, bulk and general design of the buildings are in keeping with their surroundings;
- Suitable access and likely traffic generation can be accommodated without the need for major road improvements or lengthy new routes;
- all the necessary services can be provided without extensive works;
- It can be established by the applicant whether or not the building contains any protected species. Where it is shown such species are present, measures to prevent damage to habitats will be required.

The grant of planning consent in 2011 and in 2016 established the principle of the extent of the works to convert the building to a bunkhouse along with the increase in height. These works were completed in 2015 and the building was advertised as a bunkhouse available for rent online and be sending brochures to local businesses. The agent has submitted data from the website between January 2016 and May 2017. Despite almost 1000 people visited the website, no enquiries or bookings were received to rent or use the premises as a bunkhouse. The advertising online has continued during the course of the application and it has been confirmed by the agent that no enquiries have been received in this time. As such, there is a clear viability concern.

As the conversion works were completed in 2015, the building is considered to be of permanent and substantial construction and there are services in place. It should be noted that any permanent /substantial building, irrespective of use, in the Green Belt enjoys permitted development rights I.e. agricultural to a dwelling. The building as it exists needs a viable use and whilst it is unfortunate that there would be lost tourist facility, the applicant has demonstrated that it has not been a viable use and has therefore, sought an alternative use.

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

Paragraph 90 of the NPPF makes it clear that the re-use of buildings within the Green Belt is appropriate, providing that they are of permanent and substantial construction and this has been established above. There would be no external changes to the building as a result



of the proposed development and the form, bulk and design of the building would be in keeping with its surroundings. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy OL1/4 of the Bury Unitary Development Plan and the NPPF.

**Design and impact upon surrounding area** - There would be no external changes to the building as a result of the proposed development. All of the rooms would be used for a similar purpose to that of the bunkhouse with bedrooms on the ground floor and living accommodation at first floor.

The proposed dwelling would have a side and rear garden, which would provide a suitable level of private amenity space. There would be space within the garden for bin storage. The land surrounding the building is 2 metres higher at the rear of the site and the land surrounding the application site is higher. Whilst the surrounding land would partially screen the proposed development, there is a concern that the paraphernalia associated with a residential use may impact be visible and as such, would impact upon the openness of the Green Belt. In light of this and the unique design of the building, it is proposed to remove permitted development rights. As such, the proposed development would not be a prominent feature in the streetscene and would be in accordance with Policies EN1/2, OL1/2 and OL1/4 of the Bury Unitary Development Plan.

**Impact upon residential amenity** - The proposed development would be over 125 metres from the nearest residential property and as such, would not have an adverse impact upon the amenity of the neighbouring residents in terms of noise or privacy. Therefore, the proposed development would be in accordance with Policies EN1/2 and EN7/2 of the adopted Unitary Development Plan.

**Highways issues** - The proposed development would not change the existing access arrangements, which consist of a parking layby, which can accommodate 2 cars and would allow for intervisibility between the parked and passing vehicles. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policy HT4 of the Bury Unitary Development Plan.

**Parking** - SPD11 states that the maximum parking standards for a 2 bed dwelling is 1.5 spaces.

The proposed development would provide 2 spaces in the form of a layby, which would be an overprovision. However, there are no footpaths on Bradshaw Road, which is bounded by hedgerows and as such, any on-street parking would be detrimental to highway safety. As such, the level of car parking provision would be appropriate in this instance. Therefore, the proposed development would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

#### **Response to objectors**

- The impact upon the openness of the Green Belt has been dealt with in the above report.
- Each application is assessed on its own merits and as such, this proposal will not set a precedent for future building in the area.
- The access would not be amended from the approved scheme.

#### **Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015**

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local

Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the National Planning Policy Framework.

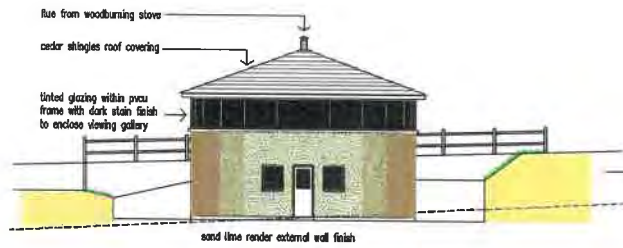
**Recommendation:** Approve with Conditions

**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 the drawings received on 12 July 2016 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. The landscaping scheme as approved on application 54249 shall be implemented within 12 months of this decision; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted 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 EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
4. There shall be no direct means of vehicular access between the site and Bradshaw Road other than the lay-by arrangements indicated on the approved plans (dated 12 July 2016).  
Reason. To ensure good highway design in the interests of highway safety pursuant to Policy EN1/2 - Townscape and Built Design and Policy OL1/4 - Conversion and Re-use of Buildings in the Green Belt of the Bury Unitary Development Plan.
5. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 of Schedule 2 of the Order, without the submission and approval of a relevant planning application.  
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed.

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





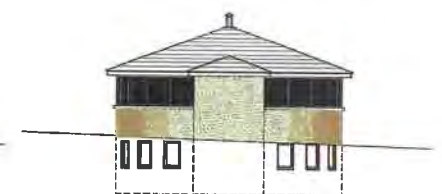
elevation from Bradshaw Road



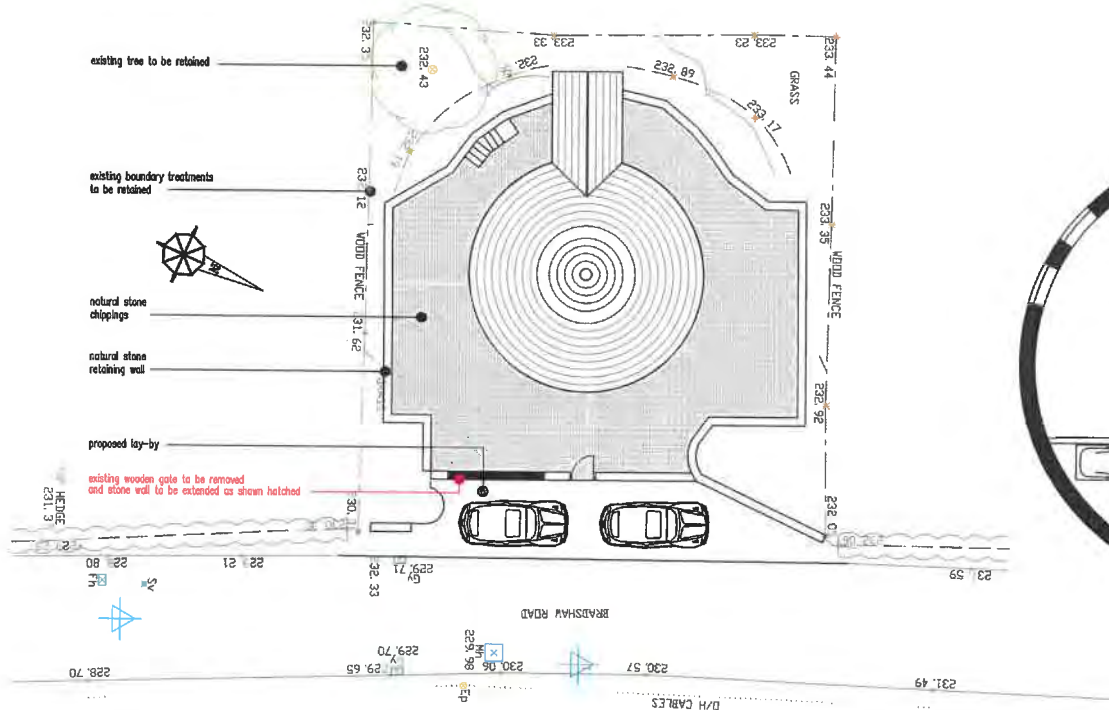
south facing



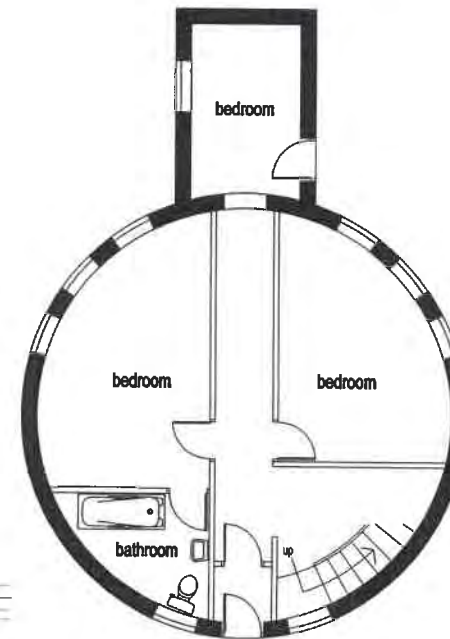
east facing



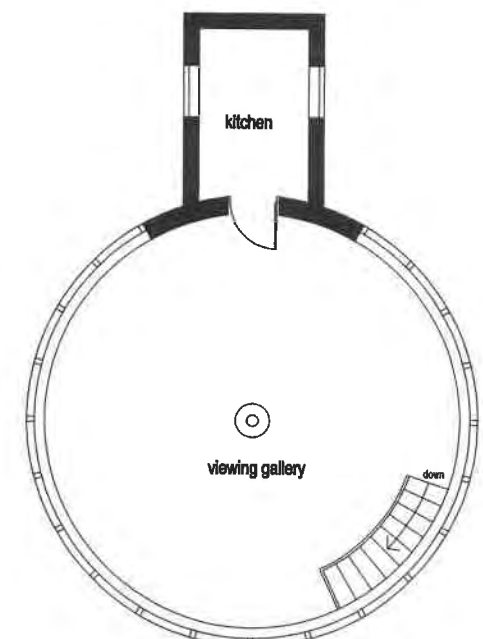
north facing



proposed site plan



ground floor plan



upper floor plan

proposed conversion of redundant water storage tank to form bunkhouse accommodation at  
**Bradshaw Road**  
**Affetside**  
**Bury**

scale 1:100 1:50 @ A1

0m 5m  
 linear scale 1:50 @ A1

Rae Connell Associates Building Design and Planning Consultants  
 214 Burnley Road Bacup Lancashire  
 01706 873000

as built february 2016

**Ward:** Ramsbottom and Tottington -  
Ramsbottom

Item 03

**Applicant:** Cameron Valentine Chartered Accountants

**Location:** Woodhill Farm, Spring Street, Ramsbottom, Bury, BL0 0DS

**Proposal:** Demolition of existing farm buildings and erection of 16 no. dwellings and associated new infrastructure, including construction of new access road

**Application Ref:** 62081/Full

**Target Date:** 12/03/2018

**Recommendation:** Minded to Approve

**It is recommended that this application is Minded to Approve subject to the signing and completion of a Section 106 Agreement for recreation provision pursuant to Policy RT2/2 of the Bury Unitary Development Plan and SPD1. If the agreement is not signed and completed within a reasonable timeframe, then delegated authority is sought by the Development Manager to determine the application.**

**The application has been advertised as a Departure from the Bury Unitary Development Plan.**

**A site visit has been requested by the Development Manager prior to the Planning Committee meeting.**

#### **Description**

The application site is located to the west of Whalley Road and the site consists of two fields. The first is located next to the M66 motorway and associated embankment and contains agricultural buildings associated with Woodhill Farm. The second is located to the north of Spring Street and to the west of Whalley Road and is bounded by a stone retaining wall to Whalley Road. The site is undulating and is at a lower level than Whalley Road and the associated footpath.

The agricultural buildings and farm are currently accessed from Spring Street, which is a narrow access with residential properties on either side.

There are residential dwellings to the east of the site and the M66 motorway to the west (at a lower level). It should be noted that Spring Street slopes from east to west and the residential properties, with the exception of Woodhill Farm are at a higher level to the application site. In addition, the residential properties located to the south of the proposed access are approximately 1 storey higher than the application site. Spring Street forms the boundary to the north with open fields and the Garlic site beyond.

The proposed development involves the demolition of the agricultural buildings, the erection of 16 dwellings and the creation of a new access road. The proposed dwellings would be located on the field between Woodhill Farm the M66 motorway. The proposed dwellings would be detached and would be constructed from render with timber boarding with artificial slate roof. The proposed dwellings would have two parking spaces.

The proposed development would be accessed from a new access road with passing places, which would connect the westerly end of Spring Street to Whalley Road between Nos 193 and 229 Whalley Road. The proposed access road would require a section of the stone wall to be removed next to Garlic and the land raised immediately behind the wall, creating a plateau. Replacement parking spaces would be provided at the rear of the

residential dwellings facing Whalley Road, where the access displaces them on the main road.

### **Relevant Planning History**

57162 - Conversion of building and external alterations to form 2 no. dwellings at Former Bank Lane Friendly Burial Society Building, Spring Street, Shuttleworth. Approved with conditions - 11 June 2014.

58366 - Conversion of building and external alterations to form 2 dwellings at Former Bank Lane Friendly Burial Society Building, Spring Street, Shuttleworth. Approved with conditions - 26 February 2015.

01864/E - Proposed residential development of 17 dwellings at Woodhill Farm, Spring Street, Shuttleworth. Enquiry completed - 25 August 2016.

60867 - Demolition of existing farm buildings and erection of 17 no. dwellings and associated new infrastructure, including construction of new access road at Woodhill Farm, Spring Street, Ramsbottom. Withdrawn - 16 March 2017

Adjacent site

43916 - Conversion of public house into 5 apartments and extension to provide 4 town houses at Pack Horse, 139 Whalley Road, Shuttleworth. Approved with conditions - 9 March 2005

46711 - Demolition of existing building and erection of 5 apartments with amendments to 4 town houses previously approved at Pack Horse Hotel, 139 Whalley Road, Shuttleworth. Approved with conditions - 30 August 2006.

### **Publicity**

85 neighbouring properties were notified by means of a letter on 11 December 2017 and a press notice was published in the Bury Times on 21 December 2017. Site notices were posted on 21 December 2017.

1 letter of support has been received from the occupiers of Plunge Farm, Edenfield, which has raised the following issues:

- A first class planning application in exactly the right place.
- This planning application should received full support as the case for housing delivery is now at a point where we can say 'exceptional circumstances' do exist and the required land from the Green Belt is minimal when compared with the benefit to the community that this scheme would deliver.

24 letters of objection have been received from the occupiers of 79, 179, 185, 193, 195, 196, 233, 237 Whalley Road, 3, 7 Ashbourne Court, 4 Henry Street, 4, 5, the Old Baptist School, Springfield House, Spring Street, Ramsbottom Heritage Society, 18 Guiseley Close, Bury, 5 Bridgemere Close, Radcliffe, which have raised the following issues:

- The access road is in the Green Belt.
- My view will change considerable as a result of the development.
- Loss of privacy
- The parking situation on Whalley Road is a nightmare currently.
- The development should take place on other sites in Ramsbottom.
- If this development goes ahead, further houses will be built either side of the access road.
- The access road is a big concern and the impact from traffic upon my property.
- Concern that the stone wall and home may be damaged during construction.
- The collapsible bollards may break and the new residents would use Spring Street as the main access.
- Loss of visual amenity and increased noise.
- Impact of the new dwellings on drainage and other utilities.

- Parking provision is inadequate for the site.
- Should the development be approved, it should be on the basis that Spring Street is fully resurfaced.
- Disruption to wildlife, birds and bats.
- The access road will flood and cause flooding on Whalley Road.
- Loss of on-street parking bays.
- The local schools, doctors and dentists are oversubscribed and this development will over populate the area
- Local businesses will suffer.
- We are a rural community - don't destroy it
- The style of building is not appropriate to the local area.
- Concerned for my children's safety as vehicles drive on Spring Street 1 metre from my front door.
- Who will police the use of the bollards
- Object to the proposed car park. It would be better to have parking to the rear of the houses with a gated access.
- Trinity paper mill should be developed first.
- Loss of privacy from the access road.
- Disappointed that the developer has revived this monstrous plan to build luxury properties.
- The proposed access road will destroy views of Holcombe Hill and demonstrates greed at any cost.
- The proposal would allow access to the side and rear of our property, which is a concern.
- The access road encroaches on the Green Belt and the UDP and NPPF must be taken into consideration. There is no evidence that very exceptional circumstances apply in this case and the application should be refused.
- The materials of part stone and render are not in keeping with the area.
- 16 houses and gardens would represent overdevelopment on such a small site.
- The farm buildings are used minimally and the proposed housing estate would result in an increase in noise.
- There is no footpath on the proposed access road, which would discriminate against disabled people.
- Other possible future proposals are irrelevant to this application.
- Affordable or starter homes should be provided.

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

The neighbouring properties and those who have commented were notified of revised plans on 8 March 2018.

Any further comments received will be reported in the Supplementary Report.

### **Consultations**

**Traffic Section** - No response received. Further comments will be reported in the Supplementary Report.

**Drainage Section** - No response received. Further comments will be reported in the Supplementary Report.

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

**Public Rights of Way Officer** - No response received.

**Environment Agency** - No response received.

**Design for security** - No objections, subject to boundary treatments meeting minimum heights.

**United Utilities** - No objections, subject to the inclusion of conditions relating to foul and surface water drainage.

**Transport for Greater Manchester** - No response received.

**GM Ecology Unit** - No objections, subject to the inclusion of conditions relating to bats,

nesting birds and landscaping plan.

### **Unitary Development Plan and Policies**

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN1/7	Throughroutes and Gateways
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8	Woodland and Trees
EN8/2	Woodland and Tree Planting
EN9/1	Special Landscape Areas
OL1/5	Mineral Extraction and Other Development in the Green Belt
OL2/1	Development on Other Protected Open Land
OL5/2	Development in River Valleys
RT2/2	Recreation Provision in New Housing Development
RT3/4	Recreational Routes
HT2/4	Car Parking and New Development
HT2/6	Replacement Car Parking
HT4	New Development
HT5/1	Access For Those with Special Needs
HT6/1	Pedestrian and Cyclist Movement
HT6/2	Pedestrian/Vehicular Conflict
SPD1	Open Space, Sport and Recreation Provision
SPD2	DC Policy Guidance Note 2: Wildlife Links & Corridors
SPD3	DC Policy Guidance Note 3: Planning Out Crime
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD 9	Conversion and Re-use of Buildings in the Green Belt
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 (Other Protected Open Land)**

The area for residential development is allocated as Other Protected Open Land (OPOL) and as such Policy OL2/1 is relevant.

Policy OL2/1 states that on all defined open land outside the urban area, but not within the Green Belt and/or river valleys, development will not be permitted for purposes other than:

- agriculture or forestry, or other uses appropriate to a rural area;
- outdoor recreation facilities, such as sports grounds, golf courses or country parks,

- together with ancillary buildings required in connection with these outdoor facilities;
- cemeteries and institutions standing in large grounds;
- development which is essential for the protection of an established source of employment or required in connection with a bona fide rural enterprise;
- essential public utilities infrastructure;
- mineral workings, provided that high environmental standards are maintained and that the site is well restored.

The residential element of the site is considered to be in a sustainable location, abutting the urban area and sits outside the Green Belt. Similar sites are being released across the country to help meet local housing needs and appeal decisions for similar land designations to OPOL tend to favour their release.

In terms of housing supply, the Borough has a shortfall of suitable housing sites to meet local needs and the Department of Communities and Local Government (CLG) projections. As such, additional housing land is needed and it is important to note that the Core Strategy sought to remove the OPOL policy on the basis that such sites would provide more opportunities to meet local housing needs and help to protect the Green Belt. Whilst this was never tested at the Examination and the Core Strategy has now been withdrawn, there is still a need to find additional housing land within the Borough and OPOL sites are considered to offer an opportunity to contribute towards housing needs.

On balance, it is considered that the proposed development would be acceptable in principle, given its sustainable location and the contribution that it would make towards meeting local housing needs. The national requirement to significantly boost the supply of housing under the NPPF and the Council's intention to release OPOL for development in the Core Strategy represent significant material considerations that would favour to the release of the site in principle, subject to detail.

**Principle (Green Belt)** - Paragraph 90 of the NPPF states that other forms of development are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order.

Policy OL1/5 states that within the Green Belt other development, not including buildings, will be inappropriate unless:

- it maintains openness and does not conflict with the purposes of including land in the Green Belt; or
- in the case of mineral extraction, it does not conflict with the purposes of including land in the Green Belt, and high environmental standards will be maintained and the site well restored.

Proposals for other development not falling into one of the two categories is inappropriate development and is, by definition, harmful to the Green Belt. Any development proposal considered to involve inappropriate development will only be permitted in very special circumstances.

The proposed access road and parking area would be located within the Green Belt and would be an engineering operation to provide local transport infrastructure. The local transport infrastructure has to be located in the Green Belt as the current access to Spring Street is inadequate and could not safely accommodate any additional traffic and the proposed access road is the only way to provide access to the site. As such, the proposed access road would not be inappropriate development, providing that the proposal would preserve the openness of the Green Belt and would not conflict with the purposes of

including land within it in accordance with national policy.

The proposed access road has been amended from the previous application (60867) and during the course of the current application. The proposed access road would be located closer to the extremity of the eastern and southern boundary of the field, which would create a larger area for continued farming by the landowner. In addition, the revised location would ensure that the proposed access road would be nestled behind the mound of grassland, which is the highest point in the field and some 4 metres higher than the access road. As such, the existing mound would provide screening and would ensure that the proposed access road would not have an adverse impact upon the openness of the Green Belt, especially from long range view.

A number of parking spaces would be provided to replace those lost through the implementation of the visibility splays on Whalley Road. The proposed replacement parking has been relocated to the area immediately behind the existing terrace of dwellings fronting onto Whalley Road and would sit below the retaining wall at the rear. The proposed replacement parking would be 4.5 metres lower than the existing mound of grassland and would be viewed against the backdrop of the existing residential properties, which are three storeys in height at the rear and would be 1 metre higher than the application site.

The proposed access road has been reduced in width from 4.8 metres to 3.5 metres with a series of passing places to enable cars to pass and re-pass. No pedestrian facilities would be provided as the most direct route from the application site to Whalley Road would be via Spring Street. As such, the proposed access road would be constructed in tarmac, but would be set down in a hollow with grass verges on either side to the field at a higher level. Whilst the use of tarmac would not normally be permitted within the Green Belt, the proposed development would not be visible from long range views and as such, would be acceptable in this instance.

Therefore, the proposed development would have a minimal impact upon the openness of the Green Belt but this would not be adverse due to the design, location of the access road and the existing topography of the site. As such, the proposed development would comply with paragraph 90 as it would preserve the openness of the Green Belt and would not be inappropriate development in the Green Belt. Therefore, the proposed development would be in accordance with Policy OL1/5 of the Bury Unitary Development Plan and the NPPF.

**Principle (Residential)** - Following revocation of the North West Regional Strategy on 20 May 2013, there is no statutory housing target for Bury. Work has commenced on the Greater Manchester Spatial Framework and this will bring forward a new statutory housing target for the Borough. This will subsequently be incorporated into Bury's future Local Plan. 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 proposed development is on the urban fringe and there is residential development to the north and west. As such, the proposed development would not conflict with the surrounding land uses. The site is within walking distance of public transport and as such, is in a sustainable location. 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 development would include detached dwellings, which

would be two storeys in height. The proposed dwellings would be constructed from stone, render and timber cladding, which would be appropriate. The use of a mix of materials, headers and cills would help to break up the elevations and add visual interest. As such, the proposed dwellings would not be a prominent feature within the streetscene.

All of the proposed dwellings would have a side or rear garden, which would provide a suitable level of private amenity space. There would be space within the rear or side gardens for bin storage. There would be 1.8 metre high timber boarded fencing to all boundaries, with the exception of plots 6 and 14, where a stone wall would be provided. The proposed boundary treatments would match the existing treatments (stone walls and timber fencing) in the locality. Therefore, the proposed development would not be a prominent feature in the locality and would be in accordance with Policies H2/1, H2/2, EN1/1 and EN1/2 of the Bury Unitary Development Plan.

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

All of the house types within the site would comply with the relevant standards of 20 metres between directly facing habitable room windows and 13 metres between habitable room windows and a two storey blank wall.

There would be a minimum of 20.5 metres between directly facing habitable room windows on the proposed dwellings and a minimum of 13 metres between a habitable room window and a two storey blank wall, which would be in excess of the aspect standards.

There would be 20.8 metres between plots 7 - 9 and the bungalow known as Woodhill Farm and 20.5 metres between plots 1 - 3 and the bungalow. Both of which would be in excess of the aspect standard of 20 metres.

There would be 20.5 metres between the blank gable of plot 10 and 1 Ashbourne Court and 19.3 metres between the blank gable of plot 11 and the rear elevation of Nos 5 - 9 Ashbourne Court.

The properties on Ashbourne Court are elevated by 2 storeys. There is a small patio area at ground floor, which is supported by a retaining wall of 3 metres in height. There are steps from the patio area, which lead to the lower garden area, which slopes down to the access track adjacent to the application site.

The finished floor levels of the proposed dwellings would be constructed at 170.25 (plot 10) and 169.802 (plot 11), which would be level with the access track. As such, the outlook from the properties on Ashbourne Court would be at the first floor and roof of the proposed dwellings. As such, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties through loss of privacy or loss of light.

Therefore, the proposed development would not have an adverse impact upon the amenity of the neighbouring properties.

**Bats/ecology** - A bat survey was submitted with the application, which found evidence of bats roosting in one of the buildings and the survey found a small number of common pipistrelle bats to be present. The report concludes that the roosts are of low conservation significance and its loss would not impact upon the bat population locally. A bat licence would be required and GM Ecology Unit are confident that a licence would be issued. As such, GM Ecology Unit have no objections to the proposal, subject to the inclusion of conditions relating to bats and nesting birds.

The proposed development would result in the loss of low value ecological grassland habitat. Section 109 of the NPPF states that the planning system should contribute and enhance the natural and local environment. Mitigation for the loss of the low value ecological grassland would be feasible along the boundary with the motorway and along the



boundaries of the new and existing access road. GM Ecology Unit have no objections to the proposal, subject to the inclusion of a condition relating to a landscape plan. Therefore, the proposed development would not be harmful to protected species and would contribute to and enhance the natural environment. Therefore, the proposed development would be in accordance with Policy EN6 and EN6/3 of the Bury Unitary Development Plan and the NPPF.

**Noise** - The M66 motorway is located to the west of the application site and is at a lower level. A noise report was submitted with the application, which identified the M66 as a source of noise and proposed the following mitigation measures:

Acoustic rated trickle ventilator is required for the bedrooms to plots 5 - 13.

Thermal double glazing required for remainder of plots.

Acoustic barrier to be provided along site boundary to motorway and around the gardens of the affected properties.

The report concludes that if the proposed mitigation measures are implemented, the occupiers of the proposed development would not experience any significant adverse impact from noise. The proposed site plan includes a bund and acoustic fence along the boundary of the site with the motorway and the thermal double glazing and acoustic trickle ventilator would be conditioned. Therefore, the proposed development would be in accordance with Policy EN7/2 of the Bury Unitary Development Plan.

**Flood risk/Drainage** - Under the requirements of the NPPF and the chapter relating to flood risk and coastal change in the Planning Practice Guidance (NPPG) requires LPA's to apply a sequential test to new developments to ensure that new developments are directed to areas which are at the lowest probability of flooding.

The application site is located within flood zone 1, which is assessed as having a low annual probability of flooding. The proposed development would consist of residential dwellings, which fall within the more vulnerable category, which would be appropriate in flood zone 1. The application site does not fall within a Critical Drainage Area. As such, the proposed development would be acceptable with regard to flood risk and would be in accordance with Policies EN5/1 of the Bury unitary Development Plan and the NPPF.

It is proposed that surface water drainage would be discharged to the existing culverted watercourse and would be restricted via a Hydrobrake, which would restrict the output to that of the combined greenfield and 70% of brownfield, which would be acceptable. The use of soakaways was investigated, but it was not possible to utilise these due to the geology of the site. The paths and driveways to the proposed dwellings and the replacement parking would be constructed from permeable materials, which is welcomed.

Therefore, the proposed development would not add to flood risk further downstream and would be in accordance with Policies EN5/1 and EN7/5 of the Bury Unitary Development Plan and the NPPF.

**Highways issues** - The current access to the farm and site is via Spring Street, which is very narrow and has poor visibility at the junction with Whalley Road. As such, this access is not suitable for any intensification of use and could not be supported as the access for this residential development. In light of this, vehicular access to the proposed development would be via a new access with passing places, which would connect the development behind the house on Whalley Road (No. 193) to Spring Street. There would be adequate visibility splays at this junction, which would result in the removal of a number of on-street parking bays, which will be addressed later in the report. No footpath would be provided on the proposed access road as pedestrian access would be maintained along the existing adopted highway on Spring Street. This would be the most direct route to the main road and would be in close proximity to a bus stop and the most highly used by pedestrians.

The proposed access road would require a section of the stone wall to be removed and the land raised immediately behind the wall. The proposed access road would be located close

to the rear of the existing properties and would be 3.5 metres in width with passing places and traffic calming measures, which would be appropriate. Collapsible bollards would be provided between Woodhill Farm and Well bank and between plots 10 and 11 to prevent any vehicles from the proposed development from utilising Spring Street. The bollards would only be used for access by the emergency services, but would allow for pedestrian access.

In order to provide the required visibility splays at the junction of the proposed access road with Whalley Road, it is necessary to remove a length of on-street parking bays, which would equate to 9 spaces. The proposed development would re-provide these spaces at the rear of Nos 187 to 193 Whalley Road and would be accessed from the proposed access road. The proposed parking spaces would benefit from natural surveillance from the existing dwellings. As such, there would be no loss in the number of parking spaces available.

Some of the proposed dwellings would be over 250 metres from the main road and as such, either a secondary emergency access or residential sprinklers should be provided. Revised plans have been received and these are currently being assessed by the Traffic Section in consultation with GM Fire Service. Further comments will be reported in the Supplementary Report.

Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

**Parking** - SPD11 states that the maximum number of parking spaces is 2 spaces per 3 bed units and 3 spaces per 4 bed units. This equates to 34 parking spaces.

32 spaces would be provided as driveways and 5 spaces for visitors to the proposed development would be provided in the form of laybys for visitor parking. Whilst there is an overprovision of parking, there would be no ability to park on street as such, the over provision would be acceptable in this instance.

The provision of the proposed access road and the required visibility splays would mean that 9 on-street parking bays on Whalley Road would have to be removed. The proposed plans indicate that a additional 9 spaces would be provided at the rear of the properties on Whalley Road and would be accessed from the proposed access road. As such, there would be no loss in the number of parking spaces available to the existing properties. Therefore, the proposed development would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

**Planning obligations** - A contribution for recreation provision would be required of £46,808.64 in accordance with Policy RT2/2 of the Bury Unitary Development Plan and SPD1 and this would be secured through a Section 106 agreement, which the developer has agreed to.

### **Response to objectors**

- The issues of impact upon the Green Belt, the impact upon Other Protected Open Land, loss of privacy, parking provision, the use of Spring Street as the main access, noise, drainage, ecology, flood risk, loss of on-street parking bays, design and layout, materials, and pedestrian facilities have been addressed in the above report.
- The loss of a view and damage to property during construction is not a material planning consideration and cannot be taken into consideration.
- The Council can only assess the application before it and each application has to be assessed on its merits and with regard to the relevant planning policies in place.

## **Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015**

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in 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 0716-PA-01 D, 0917-PA-02, 0917-PA-03 D, 0917-PA-04, 0917-PA-05, 0917-PA-06, D2296-H-05 Rev P2 - Swept path analysis, D2296-H-05 Rev P3, D2296-H-06 Rev P2 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 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. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity
4. No development shall commence unless and until:-
  - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
  - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
  - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

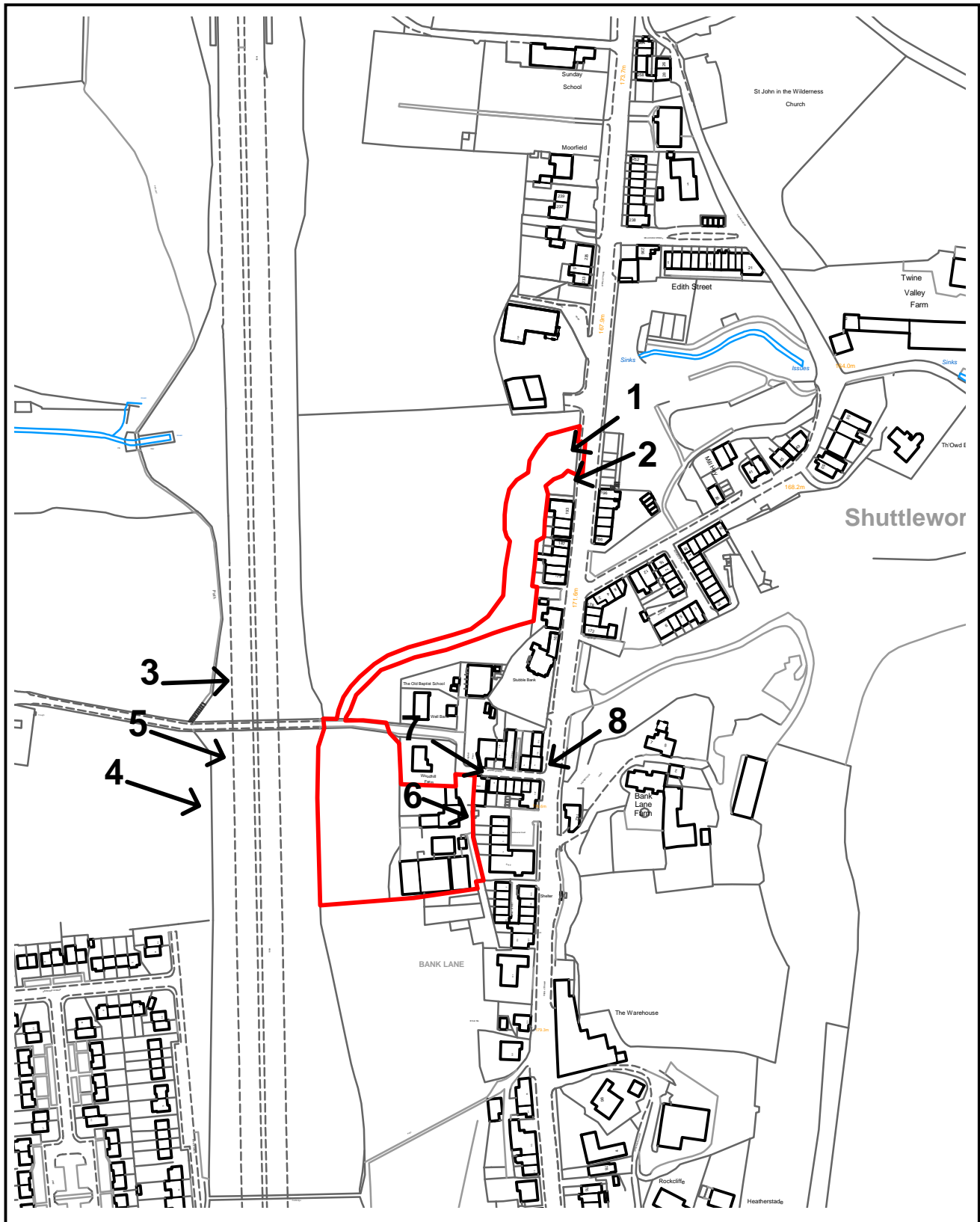
5. Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions 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. No works shall be carried out to the trees that would disturb nesting birds between 1st March and 31st August inclusive in any year unless otherwise agreed in writing with the Local Planning Authority.  
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
7. No demolition works to building 3 and adjacent buildings 2 & 4 as identified by Brooks Ecological ref: R-2854-01 and shall commence unless or until the following has been submitted to and approved in writing by the Local Planning Authority:
- a license issued by Natural England pursuant to Regulation 53, of the Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development go ahead: or
  - a statement in writing from the relevant licensing body to the effect that it does not consider that the specified development will require a license
- Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and Section 11 of the National Planning Policy Framework.
8. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. It shall be implemented not later than 12 months from the date the building(s) is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted 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 EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
9. No development shall commence unless or until details of a scheme for the disposal of surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The proposed scheme must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDs options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of the proposed maintenance arrangements must be provided. Only the approved scheme shall be implemented prior to occupation of the dwellings hereby approved.  
Reason. No details of the drainage have been submitted and to ensure a satisfactory means of drainage pursuant to Policy EN7/5 - Waste Water

Management of the Bury Unitary Development Plan.

10. Foul and surface water shall be drained on separate systems.  
Reason. To ensure a satisfactory means of drainage pursuant to Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan.
11. The car parking for the dwellings shall be surfaced, demarcated and made available for use prior to first occupation of the dwellings hereby approved.  
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
12. The replacement parking spaces in lieu of the on-street parking on Whalley Road shall be surfaced, demarcated and made available for use prior to the commencement of construction on the dwellings hereby approved.  
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
13. There shall be no access through Spring Street during the construction of the dwellings hereby approved.  
Reason. To ensure good highway design in the interests of road safety pursuant to Policy HT4 - New Development of the Bury Unitary Development Plan.
14. The mitigation measures identified in the Noise Assessment, dated 30 June 2016 shall be implemented in full prior to first occupation of the dwellings hereby approved.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy EN7/2 - Noise Pollution of the Bury Unitary Development Plan.

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

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

**APP. NO 62081**

**ADDRESS: Woodhill Farm  
Spring Street  
Ramsbottom**

**Planning, Environmental and Regulatory Services**



**Bury**  
COUNCIL

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62081

Photo 1



Photo 2





Photo 3



Photo 4



Photo 5



Photo 6





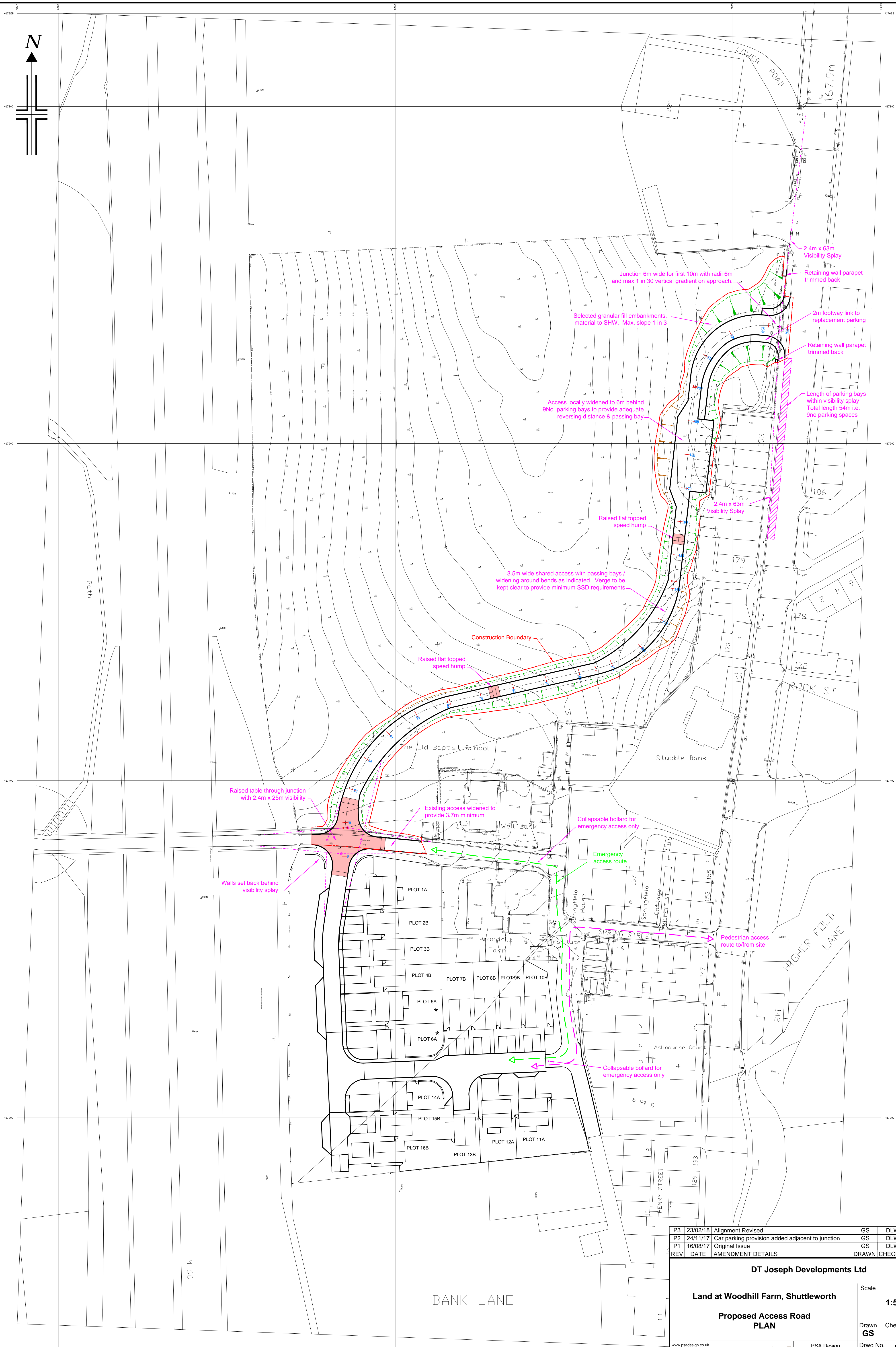
Photo 7



Photo 8







P3	23/02/18	Alignment Revised	GS	DLW	DLW
P2	24/11/17	Car parking provision added adjacent to junction	GS	DLW	DLW
P1	16/08/17	Original Issue	GS	DLW	DLW
REV	DATE	AMENDMENT DETAILS	DRAWN	CHECKED	APPROVED

<p align="center"><b>DT Joseph Developments Ltd</b></p>			
<p align="center"><b>Land at Woodhill Farm, Shuttleworth</b></p> <p align="center"><b>Proposed Access Road</b></p> <p align="center"><b>PLAN</b></p>		<p>Scale</p> <p align="center"><b>1:500 @ A1</b></p>	
		<p>Drawn</p> <p align="center"><b>GS</b></p>	<p>Checked</p> <p></p>
<p>www.psadesign.co.uk mail@psadesign.co.uk</p>		<p align="center"><b>PSA</b> DESIGN</p> <p align="center"><i>engineering your environment</i></p> <p align="center">CIVIL, STRUCTURAL, GEOTECHNICAL, TRANSPORT</p>	
		<p>PSA Design The Old Bank House 6 Berry Lane, Longridge Preston, PR3 3JA Tel. 01772 786066 Fax. 01772 786265</p>	
		<p>Drwg No.</p>	<p align="center"><b>D2296-H-05</b></p>
		<p>Date</p>	<p align="center"><b>23/02/2018</b></p>
		<p>Rev.</p>	<p align="center"><b>P3</b></p>





1:250 © A1 0m 5m 10m 15m 20m 25m 30m 35m 40m 45m 50m

S:\All jobs\007\_16 Woodhill Farm, Ramstead\BLO CDS Drawings\2017-PA-03 Rev C

drawn 28/08/2018

rev	date	description
A	03/11/18	General planning
B	10/10/17	Landscape additions
C	10/10/17	Highway revs.
D	08/12/17	General updates

**client:** D.T. JOSEPH DEVPTS

**project:** Woodhill Farm

**drawing:** Proposed Site Plan

**status:** Planning Application

**chp no:** 0917-PA-03 **rev:** D

**Ascorta**  
Landscape | Trees | Ecology

**ARCHITECT**

Total approximate GIA 112.00 sqm per dwelling

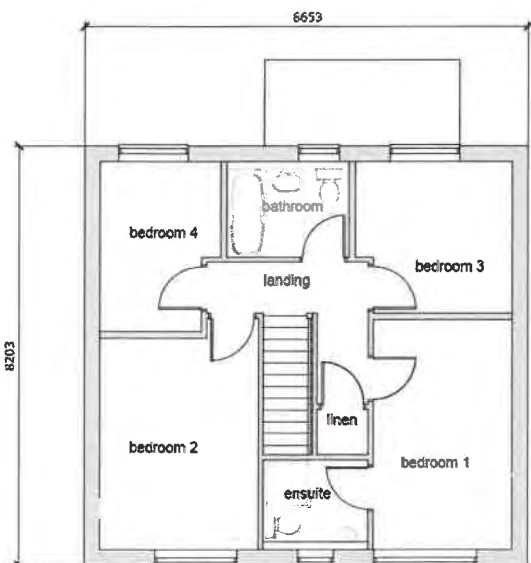
drawn	05/10/17
rev	date
B	05/10/17
	description
	Colour



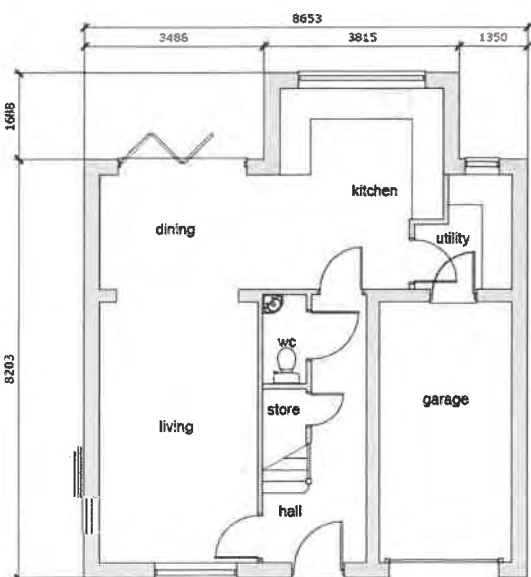
FRONT (stone)



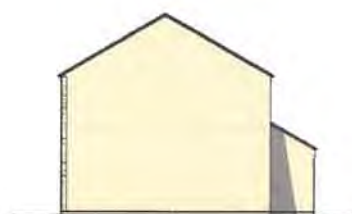
REAR (render)



FIRST



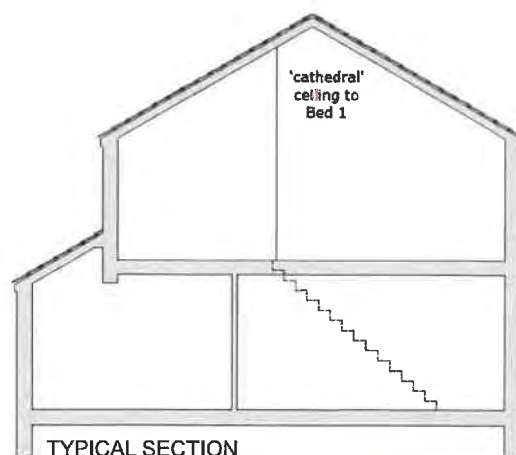
GROUND



SIDE (render)



SIDE (stone)



TYPICAL SECTION

STEVE BROUGHAM  
ARCHITECT

client D T Joseph Developments

project Woodhill Farm

drawing House type A

status Planning Application

dwg no 0917 - PA - 04

Rev B

Scale 1:100 - 1:200 @ A3





Total approximate GIA 108.00 sqm per dwelling

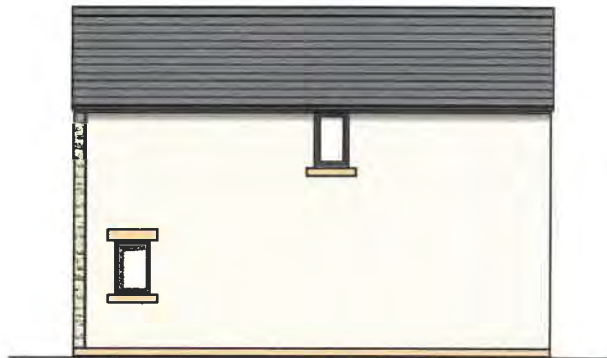
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rev	date
B	05/10/17
	description
	Colour



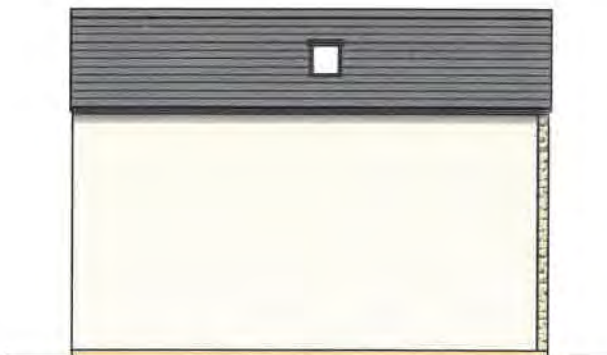
FRONT (stone)



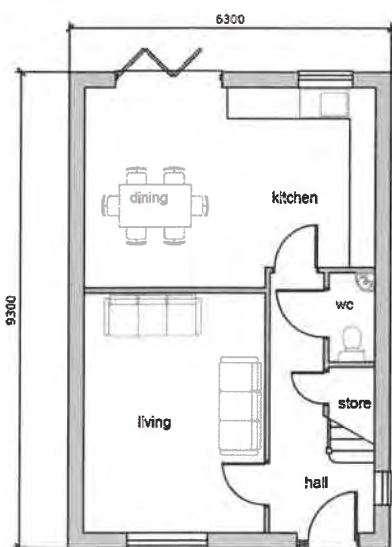
REAR (render)



SIDE (render)



SIDE (render)



TYPICAL SECTION

STEVE BROUGHAM  
ARCHITECT

client **D T Joseph Developments**

project **Woodhill Farm**

drawing **House type B**

status **Planning Application**

dwg no **0917 - PA - 05**

Rev B

Plots 1-6 and 14-16



Plots 6-10



## Woodhill Farm

### Street Elevations

Plots 11-14



Scale in metres



*N.B. All levels are schematic only and are to be confirmed by engineers prior to construction.*

STEVE BROUGHAM  
ARCHITECT

client	D T Joseph Developments
project	Woodhill Farm
drawing	Street Elevations
status	Planning Application
dwg no	0917 - PA - 06
Rev	



**Ward:** Bury West - Church

**Item** 04

**Applicant:** Mr Keith Talbot

**Location:** 24 & 26 Lodge Side, Bury, BL8 2SW

**Proposal:** Variation of condition no. 9 (occupation of units) of planning permission 54717 from a continuous period of no longer than one month in any one year; to allow occupation of the 2 units of accommodation for a continuous period of no longer than six months in any one year and in any event shall not be used as a permanent residential accommodation

**Application Ref:** 62102/Full

**Target Date:** 09/02/2018

**Recommendation:** Approve with Conditions

### **Description**

The application site was originally part of a former bleach works, which has been redeveloped following the grant of planning permission in December 2012 for a residential development comprising the erection of 4 residential dwellings (Nos 16 - 22 Lodge Side), 1 water bailiff's cottage (No. 24 Lodge Side) and 2 holiday let cottages (Nos 26 & 28 Lodge Side) in conjunction with the adjacent fishing lodge. The holiday lets are single storey buildings and the water bailiff's cottage is single storey with rooms in the roof space. A car park of 15 spaces is provided for use by visitors to the fishing lodge, including the holiday lets and day visitors. The car park is accessed from a bridge, which passes over the brook and connects to the access road, known as Lodge Side and connects to Elton Vale Road.

There are residential properties to the east of the car park and to the south east, which are located on the opposite side of the brook. There is a reservoir to the south of the site, which also forms part of a Site of Biological Interest. There are more residential dwellings to the north east and playing fields to the north.

The proposed development involves the variation of condition 9 of permission 54717. The original condition stated,

The 2 units of accommodation (labelled COT on plan reference N183/P/PL01 Rev R) shall not be let to or occupied by any one person or group of persons for a continuous period of longer than one month in any one year and in any event shall not be used as a permanent residential accommodation. The letting records for the units of holiday accommodation shall be kept by the applicant and be made available for inspection by the Local Planning Authority as required.

The proposed amendment would extend the time period from 1 month to 6 months and would read as follows:

The 2 units of accommodation (labelled COT on plan reference N183/P/PL01 Rev R) shall not be let to or occupied by any one person or group of persons for a continuous period of longer than six months in any one year and in any event shall not be used as a permanent residential accommodation. The letting records for the units of holiday accommodation shall be kept by the applicant and be made available for inspection by the Local Planning Authority as required.

### **Relevant Planning History**

43838 - Residential development - demolition of vacant factory buildings and erection of 15 no. 2 and 2.5 storey dwellings (including access road) at Former Elton Vale Works, Elton Vale Road, Bury. Refused - 30 March 2005

44502 - Water bailiffs cottage, disabled anglers facility and anglers car park at Elton Vale Reservoir, off Melrose Avenue, Bury. Refused - 28 June 2005.

45689 - Residential development - erection of 15 No 2 and 2.5 storey detached dwellings at former Elton Vale Works, Elton Vale Road, Bury. Refused - 24 May 2006

48809 - 15 detached dwellings at former Elton Vale Works, Elton Vale Road, Bury. Refused - 29 May 2008.

51623 - Residential development - 16 dwellings at former Elton Vale Works, Elton Vale Road, Bury. Approved with conditions - 10 March 2010

53763 - Erection of 5 dwellings (4 to be used as holiday lets); visitor centre and store/toilet block; creation of car park and associated landscaping at land off Elton Vale Road, adjacent Elton Vale Reservoir, Bury. Approved with conditions - 19 April 2011.

54717 - Residential development - 4 no dwellings, 1 no water bailiffs cottage and 2 no units for temporary accommodation for fishing lodges at land at Elton Vale Road, Bury. Approved with conditions - 21 December 2012

### **Publicity**

21 neighbouring properties were notified by means of a letter on 18 December 2017.

2 letters have been received in support of the application from the applicant, which have raised the following issues:

- Anglers have fished and walked Parker lodges since 1870 and the Section 106 from the previous application sets a limit to the number of fishermen on site. We are at liberty to utilise the fishing lodge.
- There is an undisputed right of way over all of the road known as Lodge Side and no yearly subscription is payable.
- In summer we will be gating the area to the anglers car park as existing residents park within the anglers car park
- No. 28 Lodge side is occupied by people who do the majority of the lodge work and maintenance.
- No. 26 Lodge Side is being refurbished and No. 24 Lodge Side is used daily by anglers

12 letters have been received from the occupiers of 3, 4, 5, 8, 10, 11, 12, 15, 16, 19, 20, 22 Lodge Side, which have raised the following issues:

- The original planning permission was for short term holiday lets, so why does this need extending to 6 months?
- If the water bailiff's cottage was being used appropriately, there would be no need to vary the condition.
- The lack of financial contribution by the holiday let cottages and the water bailiffs cottage are a cause of concern for all local residents.
- The current condition has been flagrantly abused and breached. The 1 month occupancy has never been complied with.
- The 6 month period will be a step towards permanent occupation, which would increase vehicular traffic through a private residential estate.
- A change to planning should not be made without drainage and flood risk being dealt with.
- The properties have attracted some characters, which have resulted in drunken arguments, police visits, shouting and regular deliveries, which can only be described as suspicious.
- The applicant is attempting to railroad anything in his interest through the planning system.
- It is simply morally wrong, unfair and legally indefensible for the Council to allow Mr Talbot to extend leases to a permanent status while being exempt from having to contribute to this charge per unit.

- It is my opinion that the water bailiff's cottage and holiday lets are not being used in the way stated in the original application and this application to vary the condition should be rejected on that basis.
- There is a family currently residing in the water bailiffs cottage.
- The applicant is not resident in the area and is not present for any length of time and cannot comment on any anti-social behaviour that takes place.
- Permanent residents would create more traffic not only through their own vehicles but also their visitors. This places further expense at the door of residents via wear and tear with absolutely no benefit.
- The residents of Lodge Side purchased the properties mainly on an off plan basis as a beautiful select development providing a safe environment for children. This has been severely affected over the past few years and more so recently due to the 'undesirable' tenants of the above mentioned properties. There have been issues around suspected drug use, foul language, death of a long term tenant, vehicles reported for no tax & insurance and a general disregard for the rules of the estate.

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

### **Consultations**

None required.

### **Unitary Development Plan and Policies**

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN5/1	New Development and Flood Risk
EN6/2	Sites of Nature Conservation Interest LNR's
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
EN7	Pollution Control
EN7/5	Waste Water Management
EN8	Woodland and Trees
EN8/2	Woodland and Tree Planting
EN9	Landscape
RT3/2	Additional Provision for Recreation in the Countryside
RT3/4	Recreational Routes
RT4/3	Visitor Accommodation
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD 9	Conversion and Re-use of Buildings in the Green Belt
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** - Policy RT4/3 states that the Council will encourage and support proposals for

development which would extend the range of visitor accommodation in the borough. Any development proposals will be assessed and considered against the following factors:

- the appropriateness in terms of the design, scale and setting and the effect on the character, quality and visual amenity of the locality;
- the provision of satisfactory access;
- ability to accommodate the necessary car parking, service areas and landscaping within the site;
- compliance with policies for Green Belt areas and other open land policies, where appropriate.

The externalities of the development would not change in terms of character, quality and visual amenity of the area. The existing access, car parking and turning facilities adjacent to No. 24 Lodge Side would be utilised. The only change centres upon the length of time for occupancy. The reasons behind it are to allow the holiday let cottages to be occupied for a longer period during the winter months. The use would remain the same in planning terms and conditioned as such, whilst permitting what the applicant seeks for increased levels of attendance at the site. As such, the proposed development would be acceptable and would comply with Policy RT4/3 of the Bury Unitary Development Plan.

### **Response to objectors**

- The issues of rights of access and financial contributions towards the upkeep of the access road are private legal matters and are not material planning considerations.
- The proposed development would limit the period of occupation of the holiday lets by a condition, which would be enforceable. The proposed development does not seek the use of the properties as permanent dwellings and this would require planning consent.
- The breach of the condition was investigated by enforcement officers, which has resulted in the submission of this application.
- The issues of drainage and flood risk were complied with when the development was constructed and the proposed development in consideration here would not change this.
- The anti-social behaviour of the occupants of the dwellings is not a legitimate reason for refusal.
- The increase in the period of occupation from 1 month to 6 months would not impact upon the amount of traffic generated.

### **Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015**

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in 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 N183/P/LP03, N183/P/PL01 Rev R, N183/P/COT01, N183/P/HTSTRA/01, N183/P/HTSTRA/02, N183/P/HTBR/01, N183/P/HTBR/02, N183/P/HIWIN/01, N183/P/HIWIN/02, N183/P/HTHAWA/01, N183/P/HTHAWA/02, F1-1, GR1, 03225/23/1/Rev A, 03225/23/2/Rev A, SCP/11245/SPA03, 2535.02 D, Tree survey plan - dated 10/11/2010 and the development shall not be carried out except in accordance with the drawings

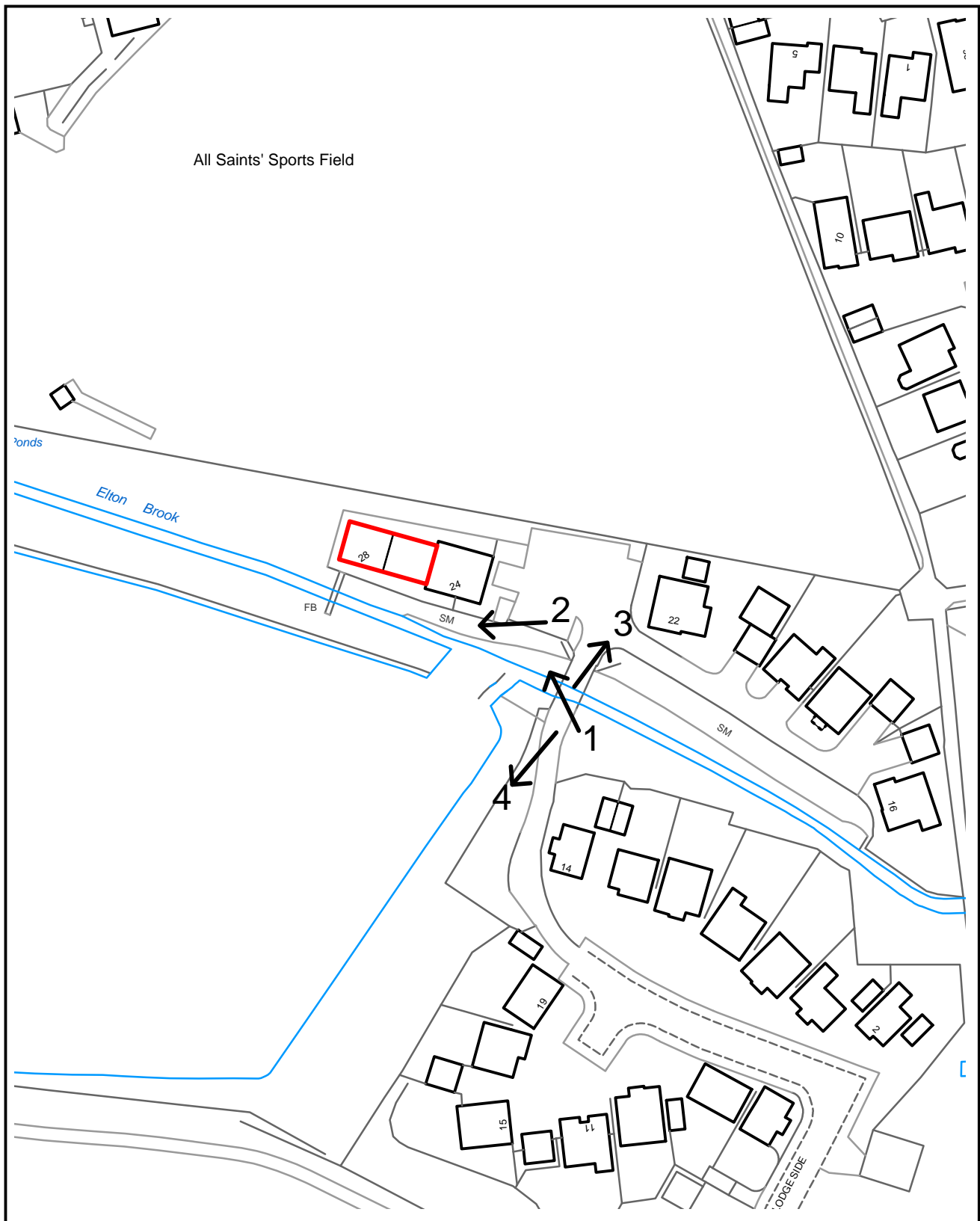
hereby approved.

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. The 2 units of accommodation (labelled COT on plan reference N183/P/PL01 Rev R) shall not be let to or occupied by any one person or group of persons for a continuous period of longer than six months in any one year and in any event shall not be used as a permanent residential accommodation. The letting records for the units of holiday accommodation shall be kept by the applicant and be made available for inspection by the Local Planning Authority.  
Reason. To ensure the buildings are retained in use as holiday accommodation pursuant to Policy RT4/3 - Visitor Accommodation and Policy H1/2 - Further Housing Development of the Bury Unitary Development Plan.
4. There shall be no direct means of access to the site via Diggle Lane.  
Reason. To reduce vehicular movements on a public right of way pursuant to Policy RT3/4 - Recreational Routes of the Bury Unitary Development Plan.
5. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the dwellings hereby approved being brought into use and thereafter maintained at all times.  
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

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

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

**APP. NO 62102**

**ADDRESS: 24 & 26 Lodge Side  
Bury**

**Planning, Environmental and Regulatory Services**

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**Bury**  
COUNCIL

62102

Photo 1



Photo 2





Photo 3



Photo 4





SCHEDULE OF ACCOMMODATION				
CODE	NAME	DESCRIPTION	SIZE (sqft)	TOTAL (sqft)
HT09	DUNHAM	3 Bed detached/det single garage	957	957
HT12	BOLLINGTON	4 Bed detached/det single garage	1076	1076
HT13	BERRINGTON	4 Bed detached/det single garage	1105	1105
HT14	MALHAM	4 Bed detached/det single garage	1189	1189
HT19	BRAMHALL	4 Bed detached/det single garage	1331	1331
HT22	WILLINGTON	4 Bed detached/det double garage	1462	1462
HT37	STRATFORD	5 Bed detached/det double garage	2134	2134
HT64	WINTER	4 Bed detached/det double garage	1796	1796
HT69	MORETON	4 Bed detached/det double garage	1326	1326
HT71	WHARFDALE	4 Bed detached/det single garage	1338	1338
HT73	HAWFORD A	4 Bed detached/det double garage	1839	1839
HT74	SRATFORD A	5 Bed detached/det double garage	2173	2173
<b>TOTAL</b>			<b>20</b>	<b>28,810</b>

LEGEND		
	Proposed dwelling	
	Proposed dwelling to be built opposite hand	
	Proposed brick built garage	
	Proposed garage space	
	Common areas of shared drives in red chipped tarmac to differentiate	
	Areas of land to be retained by the land owner with landscaping to be provided by others	
	Proposed 1.8m high feather edge boarded timber screen fence	
	Proposed 1.8m high feather edge boarded timber screen fence with P.C.C. posts & gravel boards	
	Proposed 1.8m high feather edge boarded timber screen fence with 600mm trellis top	
	Proposed 1.8m high screen wall	
	Proposed timber 3 rail ranch style fence	
	Proposed 0.45m high timber post & rail divisional fence	
	Existing hedge to be retained	
	Existing hedge to be removed	
	Existing tree to be retained	
	Existing tree to be removed	

MATERIALS SCHEDULE		
Brick Type	Roof Tile	Door Colour
CM Batack County Mixture	Russell Gersmolen slate grey concrete	(a) stain - Crown woodstain in mahogany
OG Batack Grosvenor Gold	plain tile or similar	(b) blue - Dulux "Midnight Blue" 8520-C40
		Dulux 48-65-05-118
		(c) green - Crown "Beale Green" Cream 14-C30
		(d) white
		(e) black

R	1.8m high feather edge boarded timber screen fence to plot 10 & 11 in accordance with original plan. Landscaping added.	2400/12	S.M.
Q	1.8m high feather edge boarded timber screen fence to plot 12 in accordance with original plan. Landscaping added.	1800/12	S.M.
P	1.8m high feather edge boarded timber screen fence to plot 13 in accordance with original plan. Landscaping added.	2400/12	S.M.
M	1.8m high feather edge boarded timber screen fence to plot 14 in accordance with original plan. Landscaping added.	2400/12	S.M.
N	1.8m high feather edge boarded timber screen fence to plot 15 in accordance with original plan. Landscaping added.	2400/12	S.M.
L	1.8m high feather edge boarded timber screen fence to plot 16 in accordance with original plan. Landscaping added.	2400/12	S.M.
K	1.8m high feather edge boarded timber screen fence to plot 17 in accordance with original plan. Landscaping added.	2400/12	S.M.
J	1.8m high feather edge boarded timber screen fence to plot 18 in accordance with original plan. Landscaping added.	2400/12	S.M.
I	1.8m high feather edge boarded timber screen fence to plot 19 in accordance with original plan. Landscaping added.	2400/12	S.M.
H	1.8m high feather edge boarded timber screen fence to plot 20 in accordance with original plan. Landscaping added.	2400/12	S.M.
G	1.8m high feather edge boarded timber screen fence to plot 21 in accordance with original plan. Landscaping added.	2400/12	S.M.
F	1.8m high feather edge boarded timber screen fence to plot 22 in accordance with original plan. Landscaping added.	2400/12	S.M.
E	1.8m high feather edge boarded timber screen fence to plot 23 in accordance with original plan. Landscaping added.	2400/12	S.M.
D	1.8m high feather edge boarded timber screen fence to plot 24 in accordance with original plan. Landscaping added.	2400/12	S.M.
C	1.8m high feather edge boarded timber screen fence to plot 25 in accordance with original plan. Landscaping added.	2400/12	S.M.
B	1.8m high feather edge boarded timber screen fence to plot 26 in accordance with original plan. Landscaping added.	2400/12	S.M.
A	1.8m high feather edge boarded timber screen fence to plot 27 in accordance with original plan. Landscaping added.	2400/12	S.M.

REV	DESCRIPTION	DATE	REV
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92	As constructed position of orb wall		
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99	As constructed position of orb wall		
100	As constructed position of orb wall		

Morris Homes (Group) Limited  
 Morland House  
 Altrincham Road  
 Wilmslow  
 Cheshire SK9 5NW  
 Tel: (01625) 544 444  
 Fax: (0845) 633 1845

Job Title  
 ELTON VALE ROAD, BURY.

Eng. Title  
 PLANNING LAYOUT

Site  
 22/07/09  
 Draw  
 S.M.  
 Check  
 S.M.  
 Scale  
 1:500 @ A2  
 Eng. No  
 N183/P/PL01  
 Rev  
 R

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

**Item** 05

**Applicant:** Dr M Crane

**Location:** 44 Rectory Lane, Prestwich, Manchester, M25 1BL

**Proposal:** Change of use from non-residential institution (Class D1) to dwelling (Class C3) with ground floor rear extension and first floor rear/side extension; Erection of new dwelling at rear

**Application Ref:** 62261/Full

**Target Date:** 07/02/2018

**Recommendation:** Approve with Conditions

**The Development Control manager recommends that the Planning Control Committee conduct a site visit prior to the Planning Control Committee meeting.**

**Description**

The application site comprises a large detached property within a large garden at the rear, in use as a private community care centre. The area is predominantly residential in character with houses to the front and on either sides. To the rear is the Aldi supermarket fronting Bury New Road. There is parking for 2 vehicles at the front and 3/4 parking spaces at the rear. The property has an extensive rear garden with number of trees. There is currently a large plastic covered greenhouse situated in the centre of the garden. The site is bounded by planting to No 46 Rectory Lane and a 2m high fence along the north westerly boundary which runs adjacent to the new build 3 storey townhouses at Oakhurst Gardens. As a response to the planning application, the Local Planning Authority has put a Provisional Area TPO on the trees within the rear garden area and one within the neighbours rear garden (No.12A Branksome Avenue).

The proposal is to change the use of the existing property to a dwellinghouse and erect a new two storey detached house in the rear garden area. The existing property would also be extended at the rear and side.

The new two storey house would be centrally positioned in the rear garden, adjacent to the gable of No.7 Oakhurst Gardens. The house would have a footprint 15.5m by 7m which includes a single storey element at the rear, an eaves height of 5.2m and 7.8m to the ridge. The house is traditional in appearance, finished in red brick/render with a tiled pitched roof.

There would be two parking spaces at the front for the existing, converted building. A driveway to the rear would allow access to the new house with two parking spaces and a turning area.

The proposed new house and parking area would require 6No. trees to be felled in the rear garden area, mostly on the Oakhurst Gardens side of the site. The existing trees along the southern side of the site and 2 at the front would be retained.

**Relevant Planning History**

02004/E - Change of use of existing property from D1 to C3 and the development of a new house to the rear with associated access and landscaping - Enquiry completed 18/07/2017

46932 - Change of use from doctor's surgery (D1) to funeral parlour (A1) Single storey rear extension - Refused 23/11/2006

47310 - Certificate of Lawfulness for use D1 Non-Residential Educational Facility. - Lawful Development 14/12/2006

61899 - Change of use from non-residential institution (Class D1) to dwelling (Class C3) with ground floor rear extension and first floor rear/side extension; Erection of new dwelling

at rear - Withdrawn by Applicant 05/12/2017

### **Publicity**

The following 23 neighbours were notified by initial letter dated 20/12/17 and revised letter 15/01/18. 1-11 (odd) and 16 Oakhurst Gardens, 11, 12, 12A, 14, 15 Branksome Avenue, 44, 46, 48 and 73 Rectory Lane, 2 The Drive, 6 Beech Tree Bank, Prestwich Church Social Club, Heaton Park Garage on Bury New Road. Aldi on Bury New Road notified 26/01/2018.

Five objections received from 5, 7, 9 Oakhurst Gardens, 12 and 12A Branksome Avenue are summarised below:

- The alteration from the originally proposed flat roof (withdrawn application) to pitched roof on the new house would increase height/impact.
- Situated on higher ground the new house would dominate outlook from properties on Branksome Avenue.
- Loss of sunlight from new dwelling.
- Loss of trees would have a detrimental impact.
- New driveway into the rear garden area would impact on amenity of neighbours with car noise/ deliveries etc.
- Overlooking and loss of privacy.
- Impact of building work on neighbouring gardens.

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

### **Consultations**

**Traffic Section** - No objection.

**Drainage Section** - No objection.

**Environmental Health** - No objection.

**Waste Management** - No objection.

**United Utilities** - No objection.

### **Unitary Development Plan and Policies**

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
EN7	Pollution Control
EN8	Woodland and Trees
EN8/1	Tree Preservation Orders
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/3	Extensions and Alterations
H2/6	Garden and Backland Development
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury
SPD15	Residential Conversions
SPD16	Design and Layout of New Development in Bury
SPD6	Supplementary Planning Document 6: Alterations & Extensions
EN5/1	New Development and Flood Risk

### **Issues and Analysis**

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. 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** - H1/2 Further Housing Development. The Council will have regard to the following factors when assessing proposals for housing development.

- a) the need to direct development towards the urban area;
- b) the availability of infrastructure;
- c) the need to avoid the release of peripheral open land, unless this can be shown to be consistent with urban regeneration;
- d) the suitability of the site in land use terms with regard to amenity, the nature of the local environment and surrounding land uses;
- e) other policies and proposals of the Plan.

#### H2/1 - The Form of New Residential Development

All new residential development will be expected to make a positive contribution to the form and quality of the surrounding area. Factors to be considered when assessing proposals will include:

- a) the height and roof type of adjacent buildings;
- b) the impact of developments on residential amenity;
- c) the density and character of the surrounding area;
- d) the position and proximity of neighbouring properties;
- e) the materials to be used in proposed developments, especially their colour and texture.

#### H2/2 - The Layout of New Residential Development

New residential development will be required to demonstrate acceptable standards of layout. Factors to be considered when assessing proposals will include:

- a) car parking provision;
- b) access for both vehicles and pedestrians, and provision for public transport;
- c) the possible need for traffic calming measures;
- d) density;
- e) space about and between dwellings;
- f) landscaping and screening;
- g) protection/provision of trees and hedgerows;
- h) open space/children's play areas;
- i) design for safety and security;
- j) access/facilities for the disabled;
- k) the existence of any public rights of way.

#### H2/6 - Garden and Backland Development

The Council will not permit proposals which will result in the loss of private gardens and backland for infill development unless such proposals can be shown not to adversely affect the character and amenity of the area.

When assessing proposals, special regard will be given to:

- a) the concentration of such development in the surrounding area;
- b) the relative density of the proposal to that of the surrounding area;
- c) the impact on neighbouring properties and the local environment;
- d) access arrangements.

**Use** - The proposed residential use of the site is compatible with the surrounding residential uses. As the site has available infrastructure and avoids the release of peripheral open land, it is considered acceptable in principle. The suitability of the site with regard to amenity, the nature of the local environment and neighbouring properties is addressed below.

**Visual amenity** - The change of use of the existing building fronting Rectory Lane does not raise any serious amenity issues as the property was built originally as a house and is proposed to revert back to a single dwelling.

The extensions to the property comprise a 'wrap-around' first floor extension above the existing single storey outrigger, adjacent to the boundary with No.5 Oakhurst Gardens and a single storey 'infill' extension on the south west corner of the building. The extensions are designed to be in-keeping with the existing building and would be constructed in red

brick/render and tile to match the existing house.

The new build house in the rear garden area would be two storey and have a relatively conventional appearance with a red brick and render finish and pitched tiled roofs. Set within the rear garden and adjacent to the existing townhouses on Oakhurst Gardens, the new house would not appear so incongruous, particularly set amongst the existing trees within the site.

**Trees** - A provisional Area Tree Preservation Order was placed on the existing trees in the rear garden area when the application was initially submitted. This was done essentially to protect the trees on the southern side of the site that are a feature of the site and would form a valuable screen across the site. However, it is recognised that some trees within the rear garden will need to be felled to facilitate the development. It should be noted that any granting of planning permission would allow certain trees to be removed and specific conditions would be attached to any approval that would require suitable tree protection measures to be in place prior to commencement of development.

**Residential amenity** - The side/rear extensions to the existing building are set away from the boundary with the neighbour at No.5 Oakhurst Gardens and set down slightly. Using the standard '45 degree rule', the extensions would not encroach on the outlook from this neighbour and should not have a significantly detrimental impact with regard to overshadowing.

With regard to overlooking, the new secondary ground floor window to a dining room and a small obscure glazed first floor WC window on the side, facing the boundary with No.5, would be required to be obscure glazed to an appropriate level by condition. This would secure an appropriate degree of privacy and comply with UDP Policy and guidance

The impact on the neighbour on the other side, at No.46 Rectory Lane, would be mitigated by the retention of the existing planting between the driveway and the boundary and the requirement for the first floor bedroom window on the side facing No.46 to be obscure glazed. The impact with regard to traffic accessing the property at the rear would be no greater than the existing situation which involves vehicles accessing and parking at the rear of the existing centre.

With regard to the new build, the bulk of the structure would be adjacent to the gable of No.7 Oakhurst and face across the side gardens, between 12 and 12A Branksome Avenue. Windows on the rear of 12A Branksome would look towards the single storey element at a distance of 13m. This separation, with boundary planting in between is acceptable even with a small increase in ground level of about a metre. With the new house situated to the north of the neighbours on Branksome Avenue and as such there are no overshadowing issues arising.

The only gable window at first floor level in the new house would be an obscure glazed bathroom. At ground floor, there would be 4 narrow windows to a dining room and a kitchen window in the gable facing over the side garden with 8/9m(approx) to the boundary. This separation is acceptable and should not seriously compromise privacy of neighbours. The proposal complies with UDP policies H2/1 and H2/6 and guidance with regard to privacy standards as set out in supplementary Development Control Guidance Note 6 Extensions and Alterations.

Given the nature of the development and the relationship with neighbouring properties and trees, it is considered appropriate to remove 'permitted development' rights on both residential properties.

**Traffic and parking** - Currently there is a driveway into the site that runs along the side of the building and terminates behind it where there is a hardstanding with parking for 3/4 cars. There is also parking to the front for two cars.

The existing access from Rectory Lane would be utilised for both dwellings and this is considered acceptable with no objection from the Traffic Section. The two parking spaces to the front of the converted building are adequate and comply with current parking standards.

The driveway up the side of the site, terminating in a parking and turning area for the new house follows the line of the existing driveway with the parking area extending and maintains the buffer strip with existing trees along the boundary and is therefore also considered appropriate. The proposal is acceptable with regard to access and parking and complies with UDP policies and guidance.

**Servicing** - There would be appropriate bin storage within the site, secured by a suitable condition, and collected from the road on collection days.

**Objections** - The issues raised by objectors have been addressed in the above report. The access would not extend significantly beyond the existing arrangements and the revised plans, including the retention of boundary planting should mitigate the impact of the new development and associated traffic on neighbouring gardens.

The concerns about the impact of any building work is not a planning matter but is controlled by other legislation, primarily the Environmental Protection Act 1990.

### **Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015**

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in 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 Topographical Survey and drawings numbered 001.2, 002, 003, 003.1, 090.1 (Plots 1 and 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 the (materials/bricks) to be used in the external elevations, areas of hardstanding and all boundaries, 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. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/2 Townscape and Built Design.
4. No development shall commence unless and until:-
  - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site

- shall be submitted to, and approved in writing by, the Local Planning Authority;
- Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
- Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

5. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, as subsequently amended, no development shall be carried out to either of the proposed dwellinghouses within the terms of Classes A to G of Part 1 and Part 2 Class A (walls, fences and gates) of Schedule 2 of the Order, without the submission and approval of a relevant planning application.

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

6. Following the provisions of Condition 5 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

7. 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.

8. No trees subject to a Tree Preservation Order, unless indicated otherwise on the approved plans, shall be felled, lopped or topped before, during or after the construction period without the previous written consent of the Local Planning Authority.

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

9. Development shall not commence unless and until a timetabled schedule of the



intended tree protection measures and tree works, in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction", has been submitted to and approved in writing by the Local Planning Authority. The development shall not commence unless and until the approved measures, required by the British Standard, are implemented and all measures required shall remain in situ until the development has been completed. Any subsequent variation of the timetable shall be subject to further written notice.

Reason - To ensure that the development is carried out in accordance with the approved plans, to protect trees which are of amenity value on the site and pursuant to Policies EN8/1 – Tree Preservation Orders and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

10. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. It shall be implemented not later than 12 months from the date the buildings are first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted 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 EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
11. Prior to commencement of development details of proposed finished floor levels shall be submitted to the the Local Planning Authority for approval in writing. Only the approved levels shall be implemented.  
Reason. In the interests of amenity pursuant to UDP Policies H2/1 and H2/2.
12. Prior to commencement of development details of proposed bin storage arrangements shall be submitted to the the Local Planning Authority for approval in writing. Only the approved details shall be implemented.  
Reason. In order to secure satisfactory bin storage pursuant to UDP Policy H2/2 The Layout of New Residential Development.
13. No development shall commence unless and until surface water drainage proposals have been submitted to and approved in writing by the Local Planning Authority. The scheme should be in accordance with the submitted Surface Water Sustainable Drainage Assessment and must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed maintenance arrangements should also be provided. The approved scheme only shall be implemented prior to first occupation and thereafter maintained.  
Reason. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 10 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.
14. Foul and surface water shall be drained on seperate drainage systems.  
Reason. In order to secure appropraie drainage pursuant to the NPPF and UDP Policies EN7 Pollution Control and EN7/5 Waste Water Management.
15. Prior to commencement of development details of the construction of the proposed driveway and all areas of hardstanding shall be submitted to the Local Planning Authority. Details shall include how the driveway and areas of hardstanding shall be made permeable/porous in order to avoid excessive surface water run-off from



the site.

Reason: To secure the satisfactory development of the site pursuant to UDP Policy EN5/1 New Development and Flood Risk.

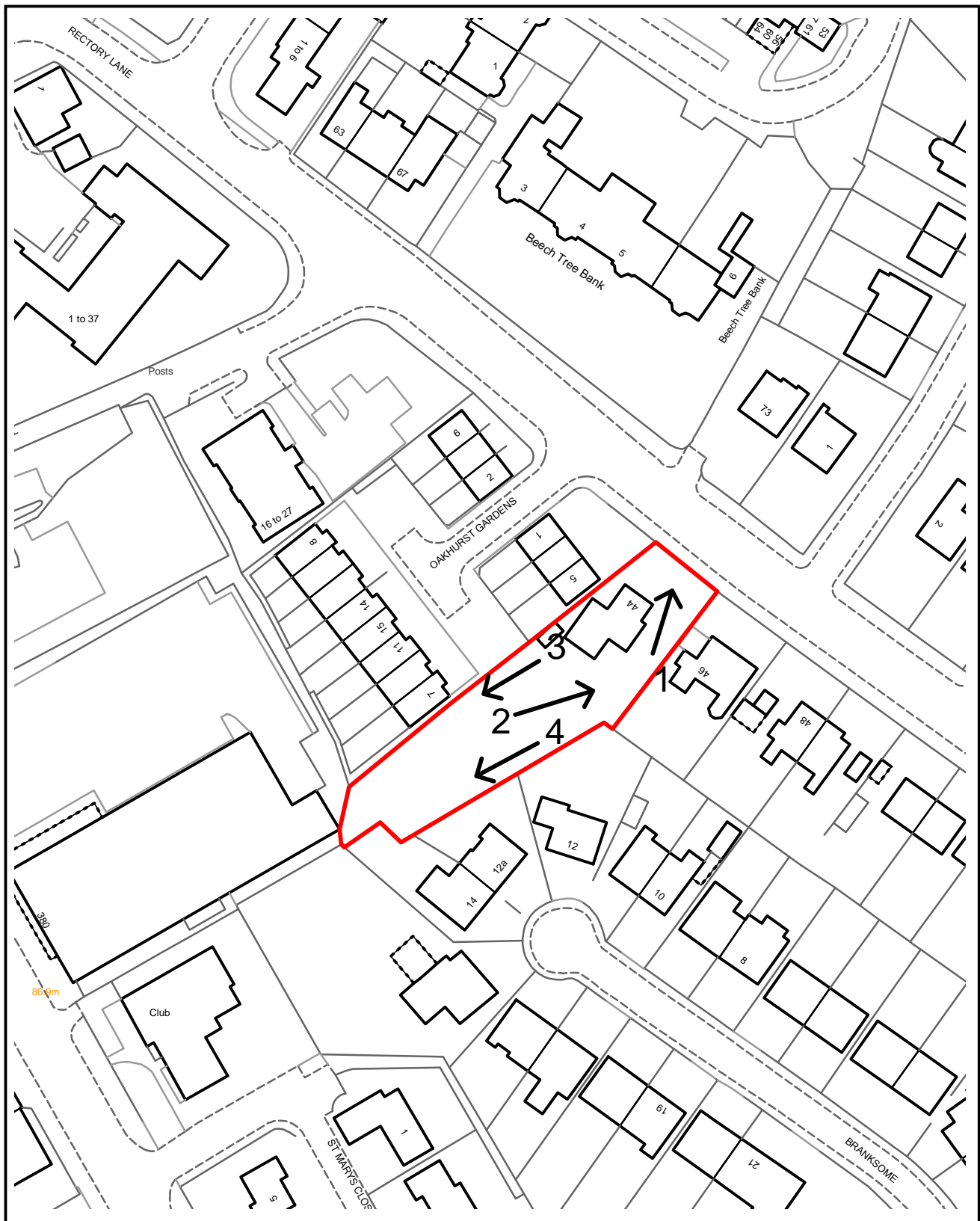
16. Before the first residential occupation of No.44 rectory Lane (existing building) the following windows shall be obscure glazed (Min obscurity level 3) and shall be permanently retained in that condition thereafter.

- Ground floor window (Living/dining room) on side/north-west elevation.
- First floor window (WC) on side/north-west elevation.
- First floor gable/bay window (bedroom) on the south- east elevation.

Reason: To protect the privacy of adjoining occupiers and to accord with Policy H2/2 The Form of New Residential Development.

For further information on the application please contact **Tom Beirne** on **0161 253 5361**

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

**APP. NO 62261**

**ADDRESS: 44 Rectory Lane  
Prestwich**

**Planning, Environmental and Regulatory Services**

**(C) Crown Copyright and database right (2015). Ordnance Survey 100023063.**



**Bury**  
COUNCIL



62261

Photo 1



Photo 2





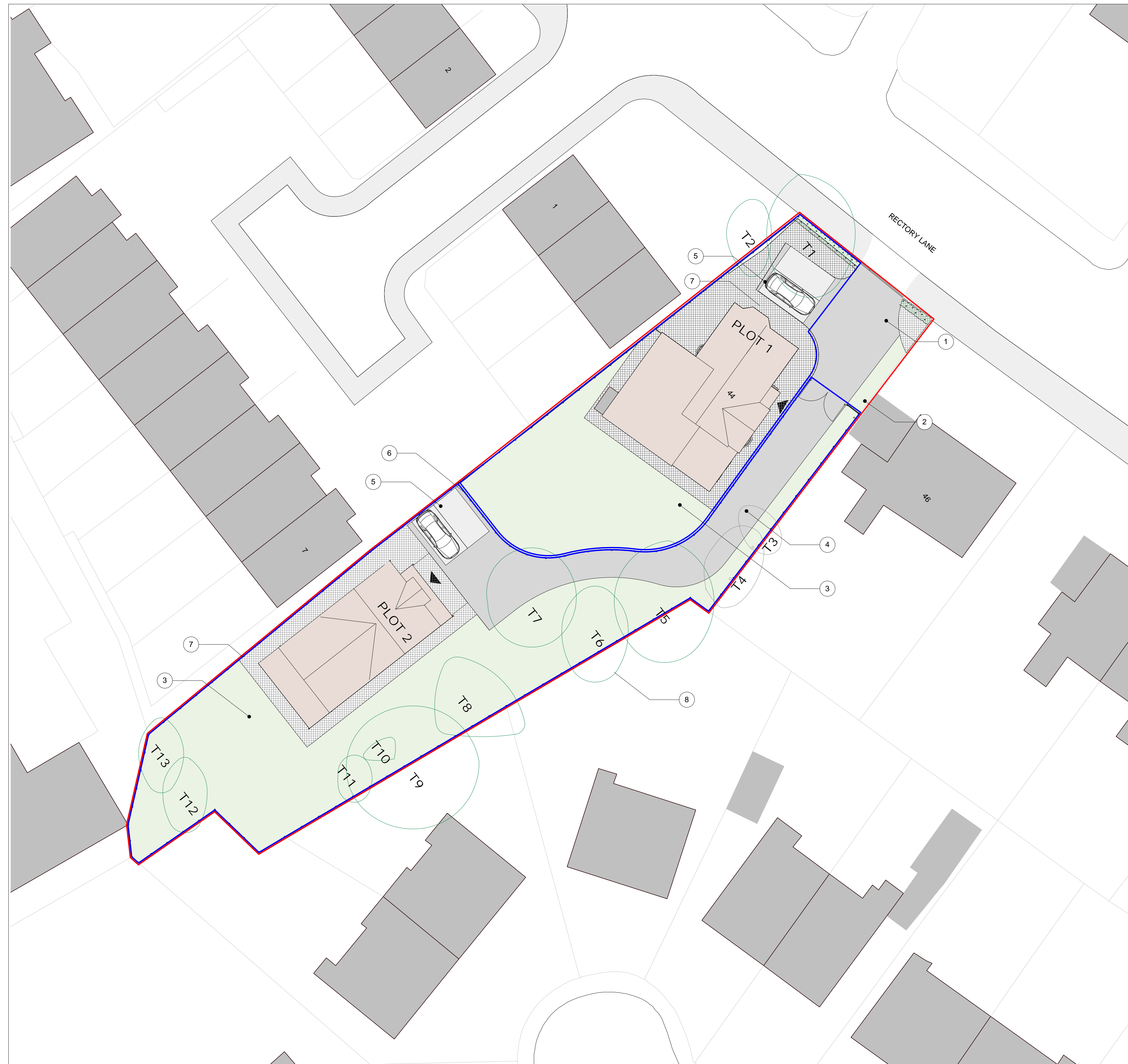
Photo 3



Photo 4

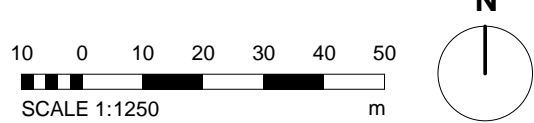






### Note Block - Landscaping

- 1 Shared surface in permeable block paving.
- 2 Secure gate with electronic access, with video and intercom.
- 3 Lawned garden area.
- 4 New road to provide access to Plot 2, in permeable block paving.
- 5 Parking space in permeable block paving.
- 6 Plot dividing / boundary fencing. 1.8m High vertical lap timber.
- 7 Hard landscaping in permeable paving stones / blocks.
- 8 Remaining Trees

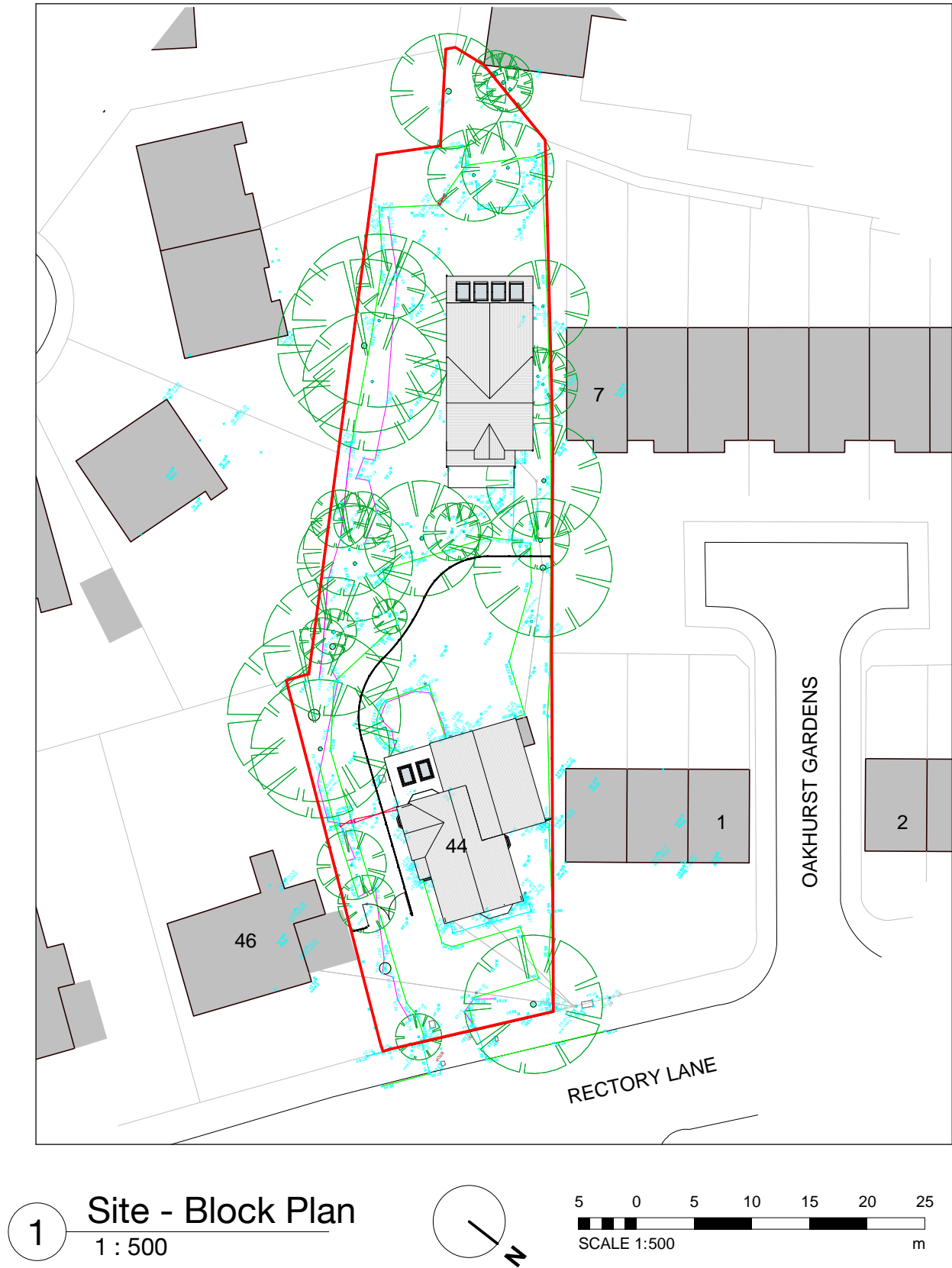


Legend - Boundaries

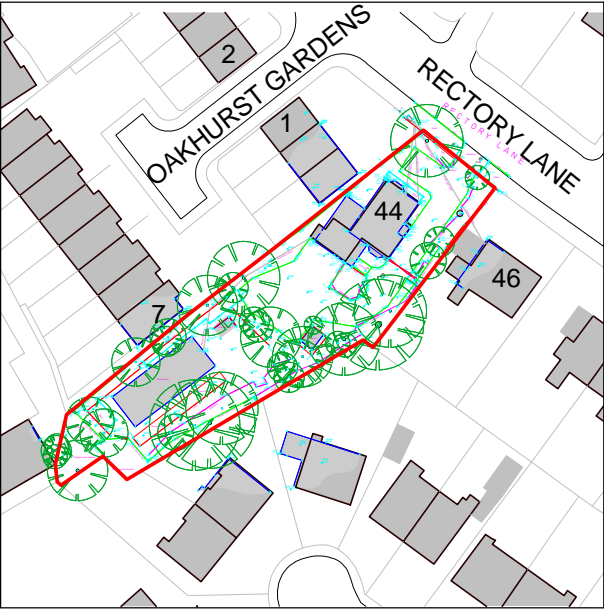
— Site Boundary

- Plot Boundary

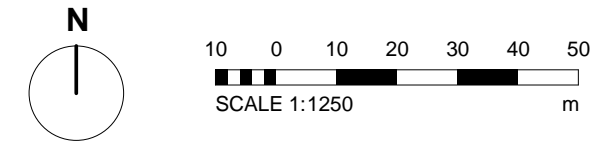
1 Site - Landscape Plan  
1 : 200



1 Site - Block Plan  
1 : 500



2 Site - Location Plan  
1 : 1250



- Legend - Boundaries
- Site Boundary
  - Plot Boundary

	Landscape	16/02/18	SG
1	Internal Layout	08/12/17	PY
<div>DEBTAL ARCHITECTURE</div> <div>72 Bury New Road, Manchester. M25 0JU. Tel: 0161 773 1630 office@debtalarchitecture.co.ukwww.debtalarchitecture.co.uk</div> <div>CLIENT</div> <div>M. Lewis</div> <div>PROJECT</div> <div>44 Rectory Lane</div> <div>TITLE</div> <div>Site - NEW SCHEME Location and Block Plan</div> <div><div>PROJECT NO.</div><div>DA17073.</div><div>DRAWING NO.</div><div>001.</div><div>REV.</div><div>2</div></div> <div><div>STATUS</div><div>PRE - APPLICATION</div></div> <div><div>SCALE @ A3</div><div>DATE</div><div>DRAWN BY</div><div>As indicated2017/11/16TD</div></div> <div><div>© COPYRIGHT - ALL RIGHTS RESERVED. THIS DRAWING MUST NOT BE REPRODUCED WITHOUT PERMISSION. ALL DIMENSIONS RELATIVE TO THIS DRAWING TO BE CHECKED ON SITE. DESIGNER TO BE NOTIFIED OF ANY DISCREPANCIES. SEWER INVERT LEVELS MUST BE VERIFIED BEFORE WORK COMMENCES. THIS DRAWING MUST BE CHECKED AGAINST ANY OTHER STRUCTURAL/SPECIALIST DRAWINGS PROVIDED. THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION UNLESS ISSUED FOR CONSTRUCTION. ALL DIMENSIONS ON THIS DRAWING ARE IN MILLIMETRES (UNLESS OTHERWISE STATED).</div></div>			



1 3D Perspective - Front View

1	Internal layout	08/12/17	PY
DEBTAL ARCHITECTURE			
72 Bury New Road, Manchester, M25 0JU. Tel: 0161 773 1630 office@debtalarchitecture.co.uk                      www.debtalarchitecture.co.uk			
CLIENT	Dr M. Crane		
PROJECT	44 Rectory Lane		
TITLE	Plot 2 - NEW SCHEME Axonometric - Proposed		
PROJECT NO.	DRAWING NO.	REV.	
DA17073.3.	090.	1	
STATUS	PLANNING		
SCALE @ A3	DATE	DRAWN BY	
	08 DEC 2017	PY	
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1 3D Perspective - Front View

1	Plan Revision	22/08/17	TD
DEBTAL ARCHITECTURE			
72 Bury New Road, Manchester. M25 0JU. Tel: 0161 773 1630 office@debtalarchitecture.co.ukwww.debtalarchitecture.co.uk			
CLIENT Dr M. Crane			
PROJECT 44 Rectory Lane			
TITLE Plot 1 - Axonometric - Proposed			
PROJECT NO.	DRAWING NO.	REV.	
DA17073.1.	090.	1	
STATUS PLANNING			
SCALE @ A3	DATE	DRAWN BY	
	2017/08/09	TD	
© COPYRIGHT - ALL RIGHTS RESERVED. THIS DRAWING MUST NOT BE REPRODUCED WITHOUT PERMISSION. ALL DIMENSIONS RELATIVE TO THIS DRAWING TO BE CHECKED ON SITE. DESIGNER TO BE NOTIFIED OF ANY DISCREPANCIES. SEWER INVERT LEVELS MUST BE VERIFIED BEFORE WORK COMMENCES. THIS DRAWING MUST BE CHECKED AGAINST ANY OTHER STRUCTURAL/SPECIALIST DRAWINGS PROVIDED. THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION UNLESS ISSUED FOR CONSTRUCTION. ALL DIMENSIONS ON THIS DRAWING ARE IN MILLIMETRES (UNLESS OTHERWISE STATED).			





3 Front - Existing  
1 : 100



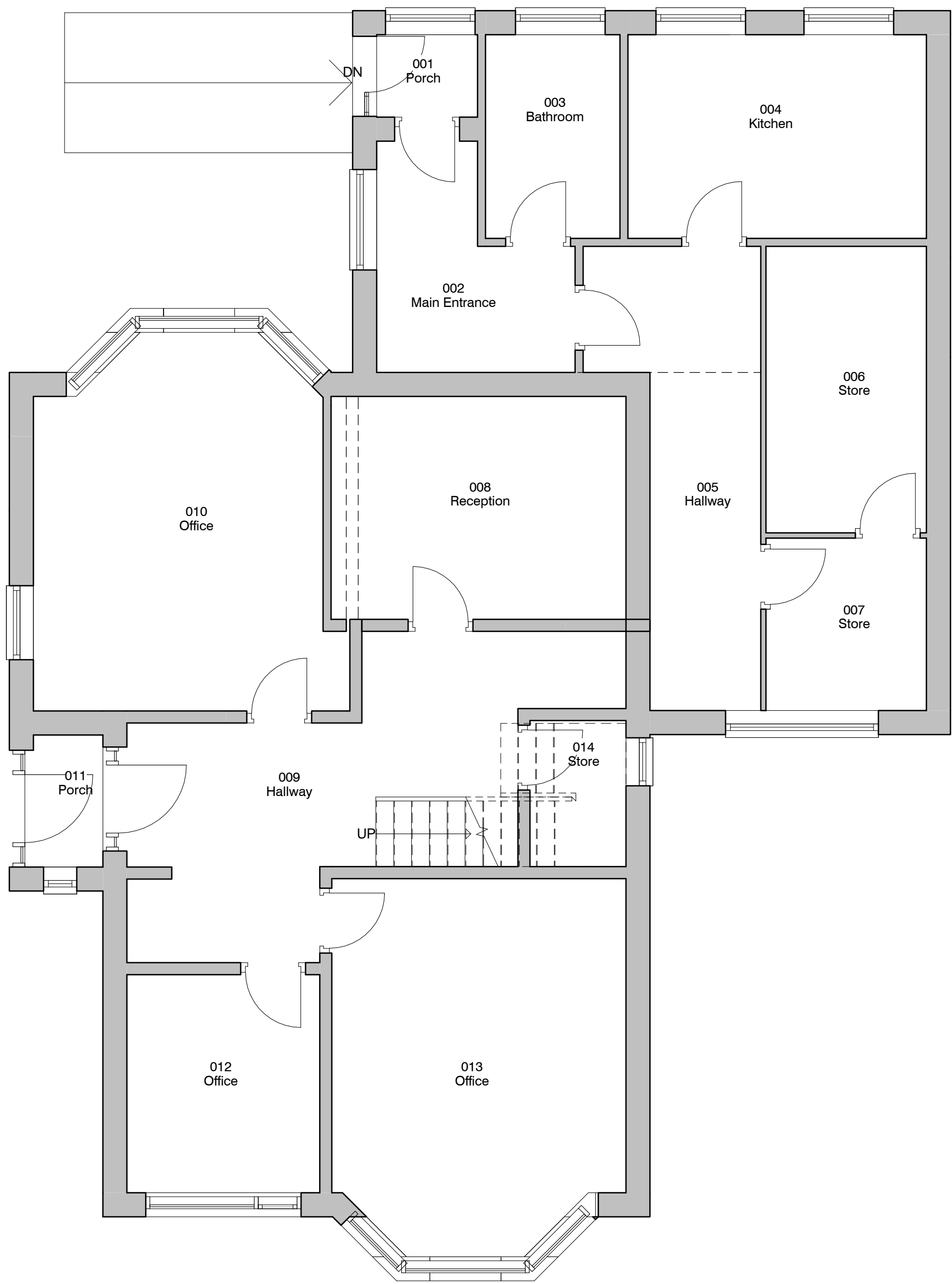
4 Left Side - Existing  
1 : 100



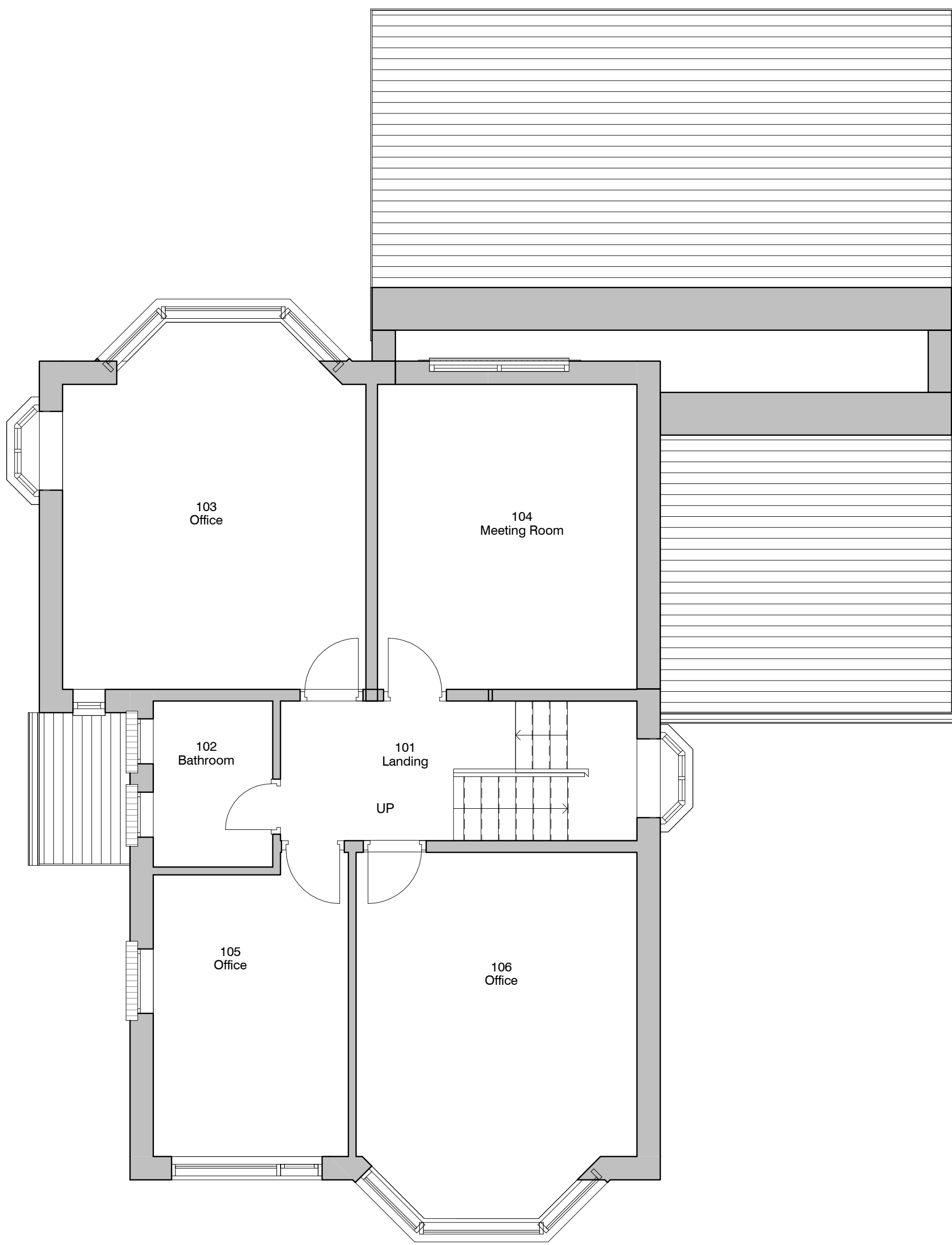
5 Rear - Existing  
1 : 100



6 Right Side - Existing  
1 : 100



1 Level 0 - GA Existing  
1 : 50



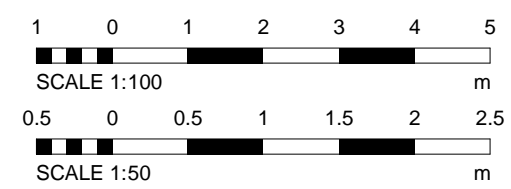
2 Level 1 - GA Existing  
1 : 50



7 3D Axo - Existing Front



8 3D Axo - Existing Rear



DEBTAL ARCHITECTURE		
72 Bury New Road, Manchester, M25 0JL office@debtalarchitecture.co.uk    Tel: 0161 773 1620    www.debtalarchitecture.co.uk		
CLIENT	Dr M. Crane	
PROJECT	44 Rectory Lane	
TITLE	PLOT 1 - Existing GA Plans and Elevations	
PROJECT NO.	DA17073.1.	REVISION
DISCIPLINE	PLANNING	DATE
SCALE 1:1	As indicated	2017/08/09
DESIGNED BY	TD	DRAWN BY
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4 Front - Proposed  
1 : 100



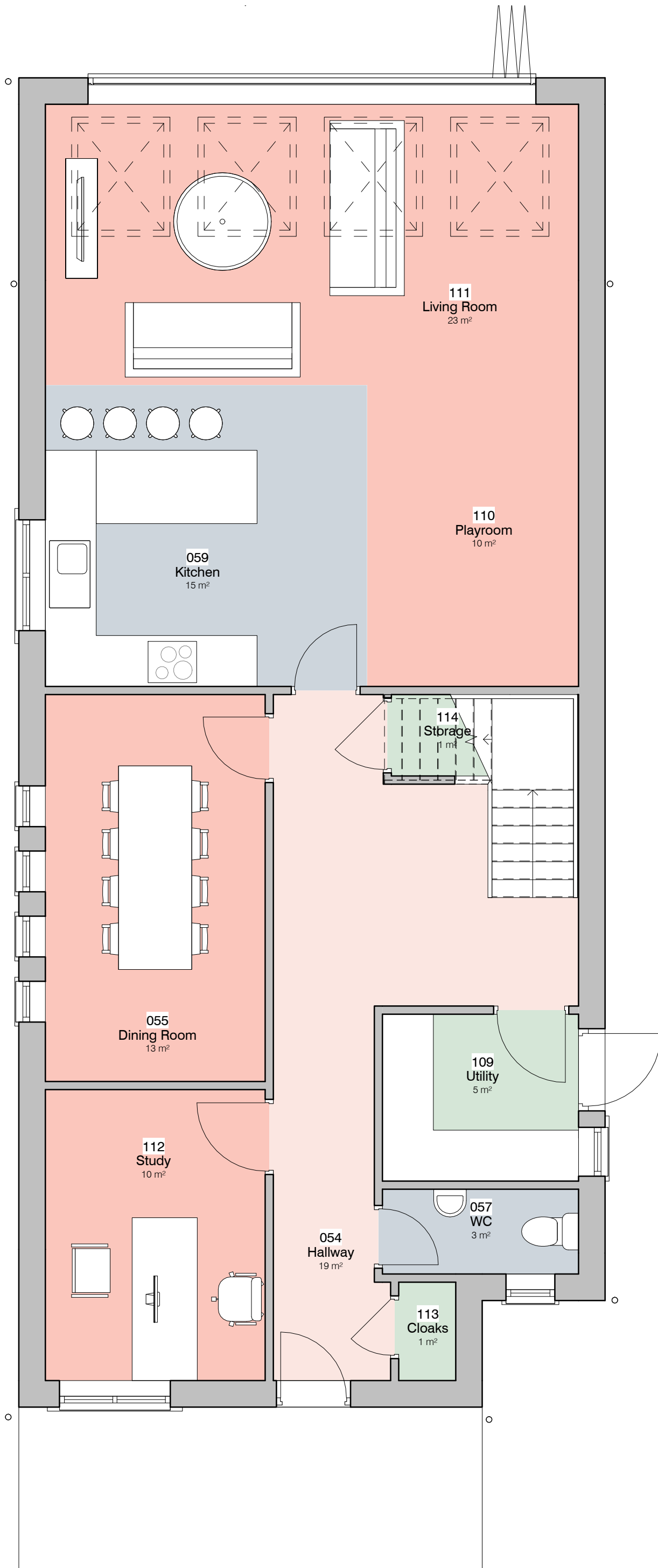
7 Left Side - Proposed  
1 : 100



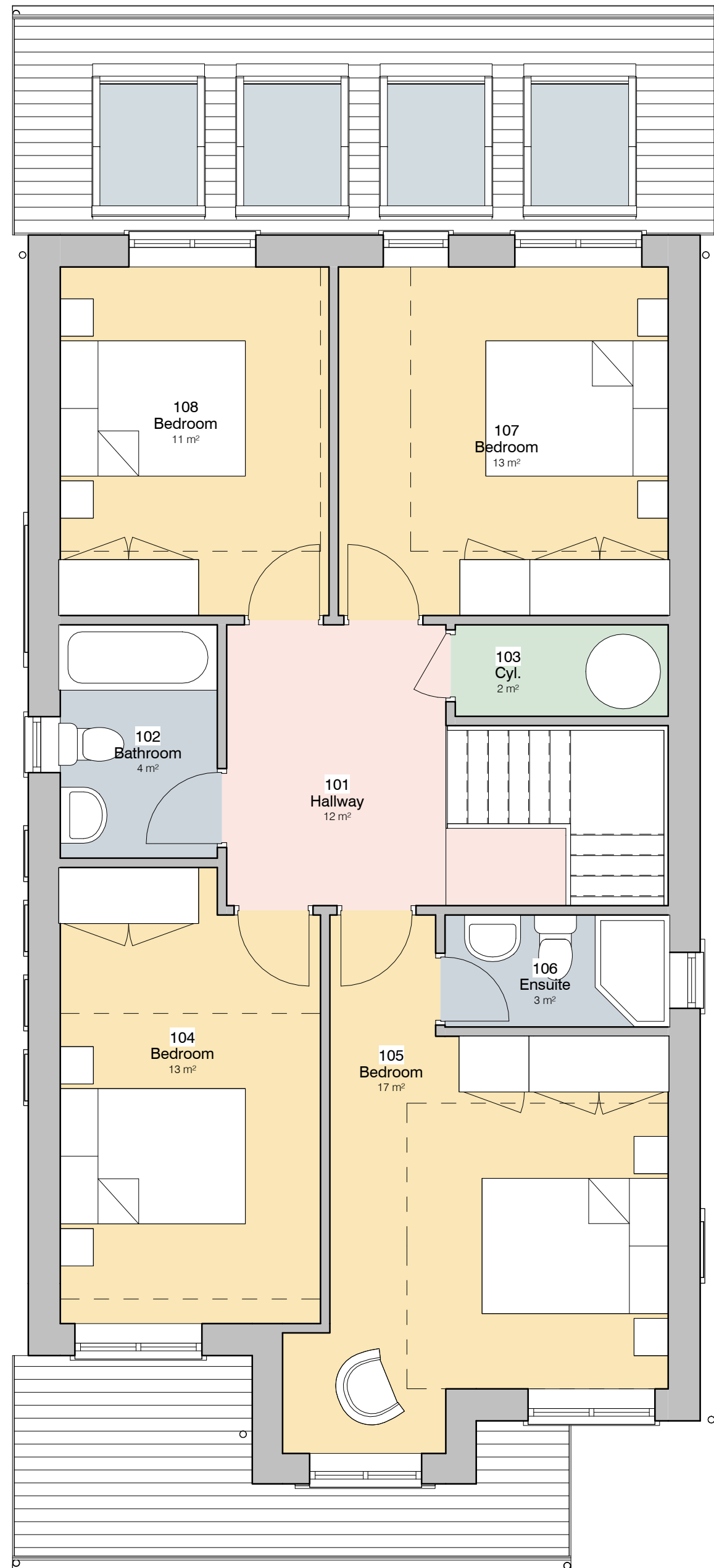
5 Rear - Proposed  
1 : 100



6 Right Side - Proposed  
1 : 100



1 Level 0 - GA Proposed  
1 : 50



2 Level 1 - GA Proposed  
1 : 50



3 3D Axo - Proposed Front



8 3D Axo - Proposed Rear



1 Internal layout	08/12/17 PY
DEBTAL ARCHITECTURE	
72 Bury New Road, Manchester, M25 0JL office@debtalarchitecture.co.uk tel: 0161 773 1620 www.debtalarchitecture.co.uk	
CLIENT Dr M. Crane	
PROJECT 44 Rectory Lane	
TITLE PLOT 2 - NEW SCHEME - Proposed GA Plans and Elevations	
PROJECT NO. DA17073.3.	REVISION 003. 1
DISCIPLINE PLANNING	DATE 08 DEC 2017
SCALE 1:1 As indicated	DESIGNED BY PY
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4 Front - Proposed  
1 : 100



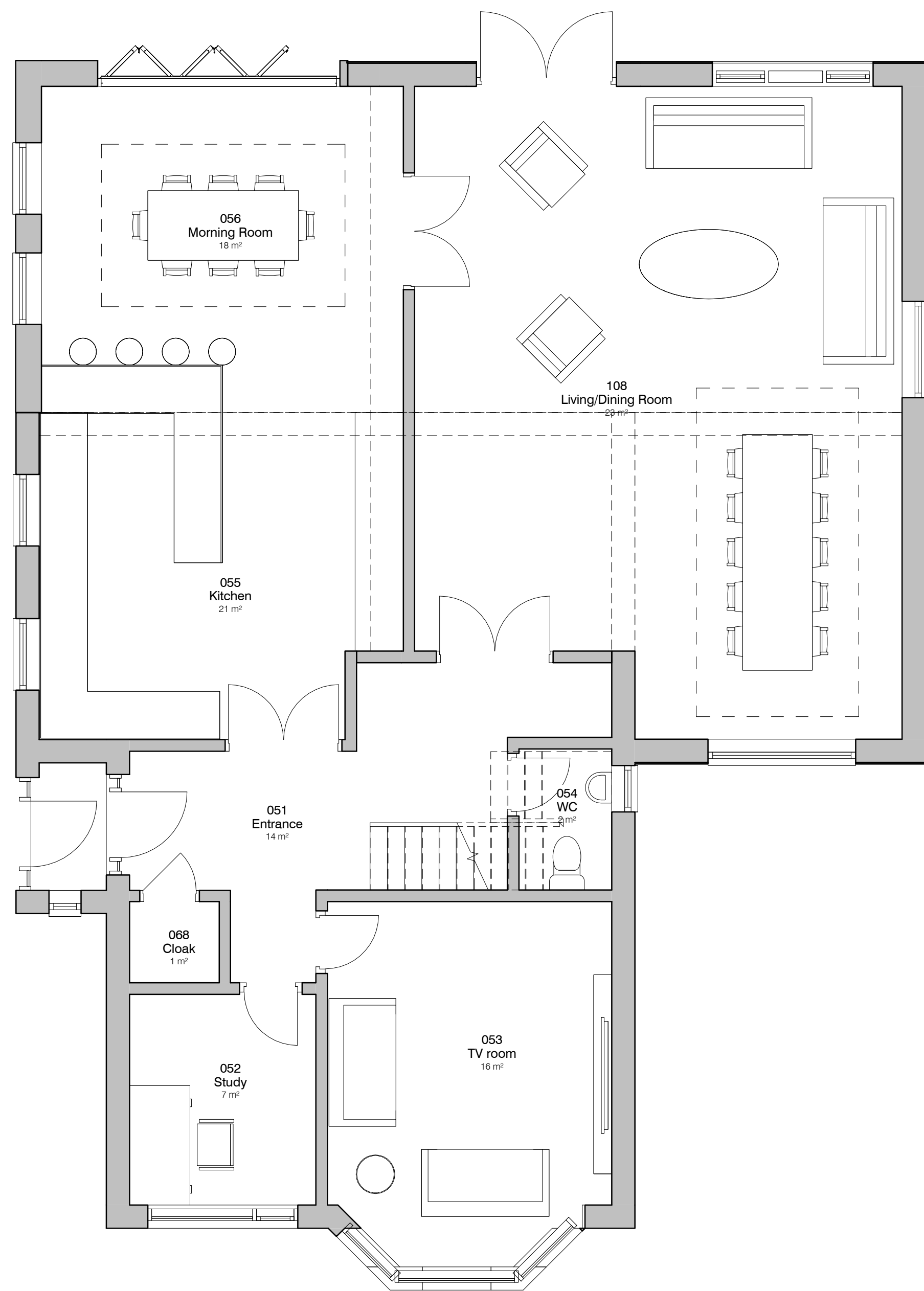
7 Left Side - Proposed  
1 : 100



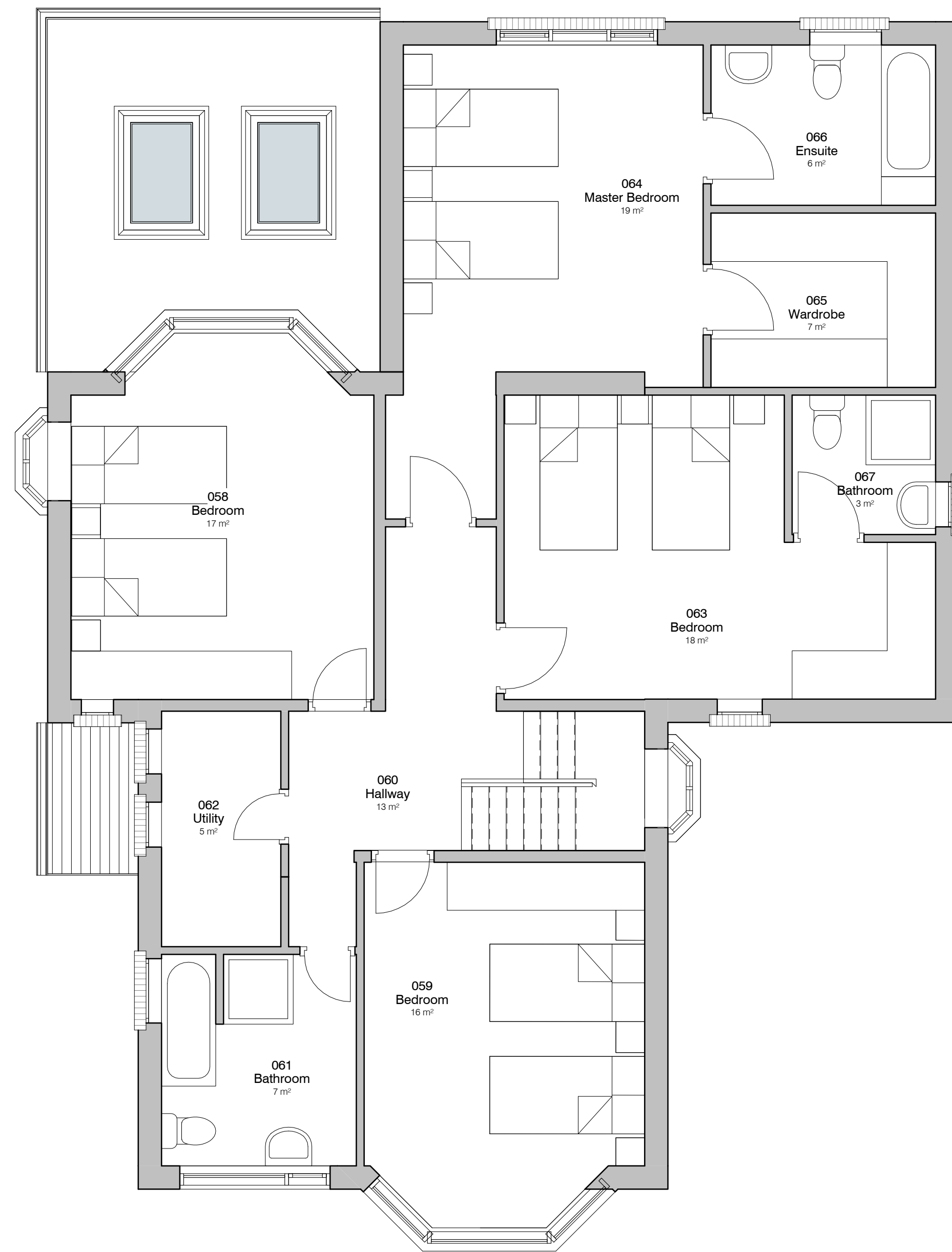
5 Rear - Proposed  
1 : 100



6 Right Side - Proposed  
1 : 100



1 Level 0 - GA Proposed  
1 : 50



2 Level 1 - GA Proposed  
1 : 50



8 3D Axo - Proposed Front



3 3D Axo - Proposed Rear

**BURY COUNCIL**  
**DEPARTMENT FOR RESOURCES AND REGULATION**  
**PLANNING SERVICES**

**PLANNING CONTROL COMMITTEE**

**27 March 2018**

**SUPPLEMENTARY INFORMATION**



**Item:01    Former Walmersley Dye Works, Mather Road, Bury, BL9 6RA    Application No. 61196**

Outline application for residential development of 3 storey apartment scheme comprising of 24 no. units (all matters reserved)

**Consultations**

**Traffic Section** - No objections, subject to the inclusion of conditions relating to emergency access, visibility splays, turning facilities, works adjacent to the public rights of way, a construction traffic management plan and measures to prevent mud from passing onto the highway.

**Public Rights of Way Officer** - No objections, subject to the inclusion of conditions relating to the public right of way.

**Conditions**

Therefore, condition 12 should be amended and conditions 13 to 15 should be added in relation to emergency access, visibility splays, turning facilities, works adjacent to the public rights of way, a construction traffic management plan and measures to prevent mud from passing onto the highway.

12. Notwithstanding the reports submitted, no development shall commence unless or until full details of the further works identified in the Flood Risk Assessment (Floodsmart Plus Report, ref 66089R) have been submitted to and approved in writing by the Local Planning Authority. The report must include details of the following:

- Hydraulic modelling to assess any impacts arising from the de-culverting of Pig Lee Brook, which runs from the reservoir spillway to downstream of Humber Drive and full details including the route, size, depth and levels;
- The condition and survey of the reservoir and spillway to understand its capacity and to assess whether the reservoir is covered by the 1975 Reservoirs Act and any mitigation measures required to make the reservoir and dam safe and to reduce the risk of flooding.
- Full details of the finished floor levels for the dwellings.
- A scheme of implementation including methodologies and phasing for the identified works required for this condition.

The reports should be submitted as part of the first reserved matters application. Works should be carried out in accordance with the approved details before any works commence on the residential development.

Reason. To ensure the structural integrity/safety of the existing reservoir embankment and reduce risk to the intended occupants of the development pursuant to Policy EN5/1 - New Development and Flood Risk of the Bury Unitary Development Plan and Section 10 of the National Planning Policy Framework.

13. Notwithstanding the details shown indicatively on the approved plan reference 12990 001 Revision B, full details of the following highway aspects shall be submitted at first reserved matters application stage:

- A scheme of measures to mitigate the site's emergency access deficiencies to a specification and scope to be agreed with Greater Manchester Fire & Rescue Service;
- Proposed means of access to the site from Mather Road, incorporating the provision of a footway and turning head on the easterly side of Mather Road, adequate arrangements at the interface with the adopted highway, a scheme of remedial works on the adopted section of Mather Road in the vicinity of the

proposed site access, reconstruction of the unadopted section of Mather Road (Byway Open to All Traffic No. 20, Bury) abutting the site, provision of a footway on Mather Road from the end of the existing footway outside No. 62 Mather Road to the northerly site boundary incorporating works to form the junction of Public Footpath No. 21 with Mather Road and all necessary modifications to, and improvement of, affected street lighting, road markings and highway drainage;

- Provision of visibility splays at the junction of the site access with Mather Road accordance with the standards in Manual for Streets;
- Proposed internal road layout and parking arrangements/provision in accordance with the maximum standards in Supplementary Planning Document 11 to reduce the potential for overspill parking on Mather Road/ Byway Open to All Traffic No. 20, Bury;
- Provision of adequate turning facilities within the curtilage of the site to enable the Council's largest refuse collection vehicle to enter and leave the site in forward gear and associated swept path analysis;
- All works along the southerly site boundary abutting Public Footpath No. 21, Bury to a scope and specification to be agreed.

The details subsequently approved shall be implemented to an agreed programme.  
**Reason.** To secure the satisfactory development of the site in terms of highway and fire safety, ensure good highway design, ensure the intervisibility of the users of the site and the adjacent highways and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design.

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

- Access route for demolition/construction traffic from the highway network;
- Hours of operation and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
- Parking on site or on land within the applicant's control of operatives' and demolition/construction vehicles together with storage on site of demolition/construction materials.

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

**Reason.** To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design.

15. Before the development is commenced, details shall be submitted to and approved in writing by the Local Planning Authority to cover measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations. The approved details shall be implemented and maintained thereafter during the period of construction.

Reason. To ensure that the adopted highways are kept free of deposited material from the ground works operations pursuant to Policy H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan.

**Item:02    The Roundhouse, Bradshaw Road, Tottington, Bury, BL9 3PN**

**Application No.** 61694

Removal of condition no. 5 of planning permission 60156

Nothing further to report.

Photographs of the site are attached.

**Item:03    Woodhill Farm, Spring Street, Ramsbottom, Bury, BL0 0DS    Application No. 62081**

Demolition of existing farm buildings and erection of 16 no. dwellings and associated new infrastructure, including construction of new access road

**Consultation**

**Traffic Section** - No objections, subject to the inclusion of conditions relating to details for the retaining structure adjacent to Whalley Road, site access, emergency access measures, bollards, waiting restrictions, a construction traffic management plan, visibility splays, turning facilities and car parking.

**Drainage Section** - No objections, subject to the inclusion of conditions relating to surface water drainage and a culvert

**Publicity**

12 letters have been recieved from the occupiers of 179, 183, 195 Whalley Road, 4 Henry Street, 4 Spring Street, 3 Ashbourne Court, 25, 27 Eliza Street, which have raised the following issues:

- The farmland around Ramsbottom should be protected.
- Insufficient infrastructure and access for this development.
- We are now more opposed to the plans as we are sandwiched between 2 roads and the proposed access is too close to the houses.
- The removal of parking at the front means visitors and deliveries will have to walk quite a distance and will make life for a young family difficult.
- The pot holes on Whalley Road make the house shake.
- I was in favour of the project as we need more housing, but have concerns that the access road is going too close to our home. Who would be responsible for any potential damage to our property.
- This is an idyllic part of the area and the homeowners of Whalley Road should not be treated with such contempt.
- The amended plans do not address our concerns and previous objections still stand.
- The provision of 9 spaces is a joke as there are more than 9 cars that park on the frontage.
- The applicant's comments tells us that the buildings currently occupying the site

are "ugly". This issue is subjective and farm buildings will not be pretty and comments are condescending. The residents live here and it is up to us how we view the current site. I bought my house because of the secluded, quiet nature of the area and the views and if this development goes ahead these features will be lost for ever.

- Concern about the location of the replacement parking bays and how these would work in conjunction with the access road.
- The proposed footpath would be treacherous in icy conditions.
- Would the proposed parking be residents only bays?
- Impact of the access road on the retaining structures at the rear of the properties on Whalley Road.
- Object to an access road through the field that would ruin the views over to Holcombe Hill.
- Object to a lack of pedestrian facilities on the proposed access road. Spring Street is not a suitable access for pedestrians, especially disabled people.
- Collapsible bollards could be lowered to provide access for all via Spring Street. Emergency services can utilise the proposed access road and therefore, permanent bollards should be provided.
- As Spring Street is unsuitable for access, it should be a condition of the permission that the access road has to be constructed first and bollards erected prior to starting the housing development.
- The access road is on Green Belt land.
- No objection to the farm being converted to housing, but object to the loss of Green Belt land to achieve this.

#### **Response to objectors**

- The issues relating to Green Belt, design and pedestrian access are dealt with in the main report.
- The issues of damage to property, loss of views, pot holes and the use of the site in winter weather conditions are not material planning considerations and cannot be taken into account.
- As the proposed development is over 250 metres from a single access point, a secondary emergency access is required by GM Fire Service. The secondary emergency access would be Spring Street and as such, collapsible bollards are required. Keys to the bollards would be held by the Traffic Section of the Council and three emergency services. As such, the bollards could not be lowered for use by residents and can only be lowered by the Traffic Section and the emergency services should access via the proposed road be blocked.
- Condition 15 requires the applicant to submit details of works to the retaining structure prior to the commencement of the development.
- Condition 15 requires the applicant to assess how many spaces would be lost in the existing parking layby on Whalley Road to provide the visibility splay. This has been assessed as 9 spaces and 9 spaces would be provided at the rear of the existing dwellings, which would offer natural surveillance of the site.

#### **Conditions**

Therefore, condition 9 should be amended and conditions 15 to 19 should be added in relation to details for the retaining structure adjacent to Whalley Road, site access, emergency access measures, bollards, waiting restrictions, a construction traffic management plan, visibility splays and turning facilities.

9. No development shall commence unless or until details of a scheme for the disposal of surface water drainage, in accordance with the submitted FRA and Drainage Strategy Rev 1 and an assessment of the culvert passing through and



adjacent to the site have been submitted to and approved in writing by the Local Planning Authority. The proposed scheme must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDs options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of the proposed maintenance arrangements must be provided. Only the approved scheme shall be implemented prior to occupation of the dwellings hereby approved.

Reason. No details of the drainage have been submitted and to ensure a satisfactory means of drainage pursuant to Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan.

15. Notwithstanding the details indicated on the approved plans, no development shall commence unless and until full details of the following have been submitted to and agreed with the Local Planning Authority:

- An Approval In Principle for the proposed replacement retaining structure abutting the Whalley Road site boundary at the interface with the adopted highway, incorporating the reconstruction of the affected footway, measures to ensure vehicle containment as part of the wall design, full structural, construction and drainage details, calculations and a detailed construction method statement, including details of pedestrian protection measures, site hoardings located clear of the sightlines from the existing site access to the north and traffic management proposals on Whalley Road;
- In connection with the above works, formation of the proposed site access onto Whalley Road to an agreed specification, incorporating the provision of adequate arrangements at the interface with the adopted highway to form a 5.0m minimum level plateau measured from the back of the footway, provision of appropriate tactile paving and all necessary modifications to, and improvement of, affected street lighting, road markings and highway drainage;
- A scheme of measures to mitigate the site's emergency access deficiencies to a specification and scope to be agreed with Greater Manchester Fire & Rescue Service;
- A revised scheme of bollards at 1.2m centres at the two positions identified (or alternative positions agreed with Greater Manchester Fire & Rescue Service as part of the above measures) to ensure that there shall be no direct means of non-emergency vehicular access between the site and Spring Street;
- A scheme for the review of the existing waiting restrictions on Whalley Road to ensure adequate levels of visibility are provided at the junction of the proposed private access road with Whalley Road, including details of the measures proposed, all necessary modifications to road markings and signage and a timetable for implementation;
- Provision of a street lighting assessment of the intensified junction of the proposed private access road with Whalley Road and subsequent scheme of improvements

The details subsequently approved shall be implemented to an agreed programme.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway pursuant to the following Policies of the Bury Unitary Development Plan:  
Policy H2/1 - The Form of New Residential Development  
Policy H2/2 - The Layout of New Residential Development  
Policy EN1/2 - Townscape and Built Design.

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

- Hours of operation and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
- Parking on site of operatives' and construction vehicles together with storage on site of construction materials;
- Measures to ensure the protection of users of the Public Rights of Way that cross the site affected by the construction of the development and proposed private access road.

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

Reason. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design.

17. Before the development is commenced, details shall be submitted to and approved in writing by the Local Planning Authority to cover measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations. The approved details shall be implemented and maintained thereafter during the period of construction.

Reason. To ensure that the adopted highways are kept free of deposited material from the ground works operations pursuant to Policy H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan.

18. The visibility splays indicated on the approved plans shall be implemented before the new site access is brought into use and subsequently maintained free of obstruction above the height of 0.6m.

Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design.

19. The private access roads, replacement parking facilities and turning facilities indicated on the approved plans shall be provided before the dwellings are first occupied and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.

Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Residential Development

- Item:04    24 & 26 Lodge Side, Bury, BL8 2SW    Application No. 62102**  
Variation of condition no. 9 (occupation of units) of planning permission 54717 from a continuous period of no longer than one month in any one year; to allow occupation of the 2 units of accommodation for a continuous period of no longer than six months in any one year and in any event shall not be used as a permanent residential accommodation

**This application is minded to approve in order to allow a legal agreement to be completed to link the application to the agreement from the previous application (59005).**

- Item:05    44 Rectory Lane, Prestwich, Manchester, M25 1BL    Application No. 62261**  
Change of use from non-residential institution (Class D1) to dwelling (Class C3) with ground floor rear extension and first floor rear/side extension; Erection of new dwelling at rear

**Additional information**

An additional section through site, showing relative levels, has been submitted and shown overleaf.

**Additional conditions (Traffic)**

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

- Hours of operation and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
- Parking on site of operatives' and construction vehicles together with storage on site of construction materials.

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

Reason. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design.

18. No development shall commence unless and until details have been submitted to and approved by the Local Planning Authority to cover measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations. The approved details shall be implemented and maintained thereafter

during the period of demolition/construction.

Reason. To ensure that the adopted highways are kept free of deposited material from the ground works operations pursuant to Policy H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan.

19. The turning facilities indicated on the approved plans shall be provided before the dwellings are first occupied and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.

Reason. To minimise the standing and turning movements of vehicles on the highway and the adjacent unadopted access, in the interests of road safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development.

20. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the development hereby approved being occupied and thereafter maintained at all times.

Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

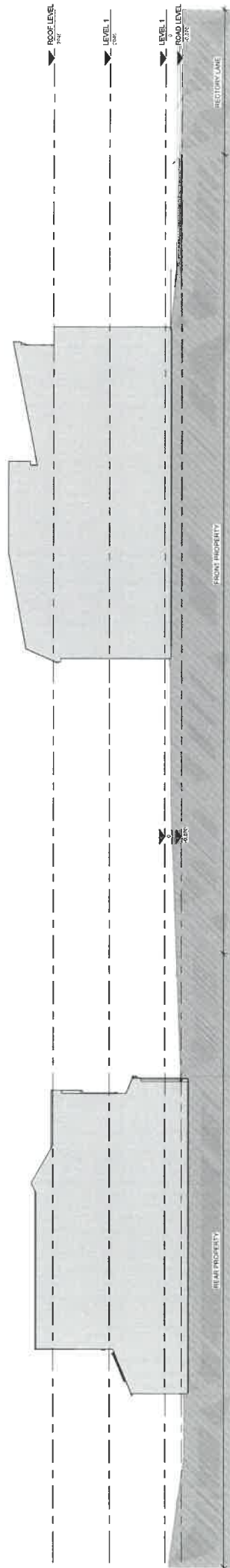
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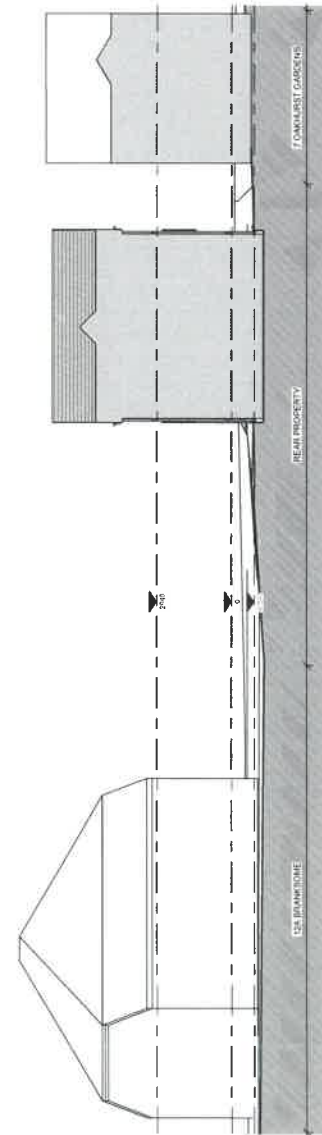
Photo 2



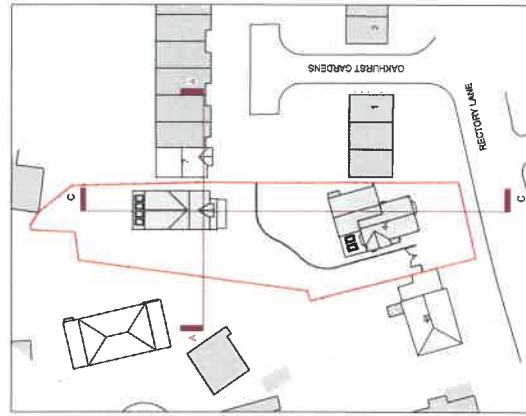




1 Section C-C  
1:100



2 Section A-A  
1:100



4 Site - Key Plan  
1:500

<b>DEBTAL ARCHITECTURE</b>	
12 Newington Road, Newington, London SE14 6NU, UK	020 7520 1234
www.debtalarchitecture.co.uk	
M. L. L. L.	
44 Rectory Lane	
Site Sections	
DA17073_004	
Project No.	170
Issue No.	01/03/17
Issue Date	17/03/17
Issue Description	17/03/17

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# REPORT FOR DECISION

Agenda Item 5

**Bury**  
COUNCIL

Agenda  
Item

5

<b>DECISION OF:</b>	<b>PLANNING CONTROL COMMITTEE</b>
<b>DATE:</b>	<b>27 March 2018</b>
<b>SUBJECT:</b>	<b>DELEGATED DECISIONS</b>
<b>REPORT FROM:</b>	<b>HEAD OF DEVELOPMENT MANAGEMENT</b>
<b>CONTACT OFFICER:</b>	<b>DAVID MARNO</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	The report lists: Recent delegated planning decisions since the last PCC
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	The Committee is recommended to note the report and appendices
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? Yes
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	Executive Director of Resources to advise regarding risk management
<b>Statement by Executive Director of Resources:</b>	N/A
<b>Equality/Diversity implications:</b>	No
<b>Considered by Monitoring Officer:</b>	N/A
<b>Wards Affected:</b>	All listed
<b>Scrutiny Interest:</b>	N/A

**TRACKING/PROCESS****DIRECTOR:**

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

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**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.

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

David Marno, Head of Development Management  
Planning Services, Department for Resources and Regulation  
3 Knowsley Place  
Bury BL9 0EJ

**Tel: 0161 253 5291**

**Email: [d.marno@bury.gov.uk](mailto:d.marno@bury.gov.uk)**

**Planning applications decided using Delegated Powers**  
**Between 13/02/2018 and 18/03/2018**



**Ward: Bury East**

<b>Application No.:</b>	62195	<b>App. Type:</b>	FUL	05/03/2018	Approve with Conditions
<b>Location:</b>	13-15 Parsons Lane, Bury, BL9 0LY				
<b>Proposal:</b>	Change of use of ground and basement floor from restaurant (Class A3) to insurance broker office (Class A2); External alterations including replacement windows with installation of roller shutters at front and rear				
<b>Application No.:</b>	62336	<b>App. Type:</b>	P3JPA	08/03/2018	Prior Approval Required and Granted
<b>Location:</b>	Barnbrook Building, Barnbrook Street, Bury, BL9 7DT				
<b>Proposal:</b>	Prior notification for proposed change of use of existing industrial building (Class B1c) to 5 no. 3 bedroom dwelling houses (Class C3)				
<b>Application No.:</b>	62395	<b>App. Type:</b>	GPDE	26/02/2018	Prior Approval Not Required - Extension
<b>Location:</b>	38 Second Avenue, Bury, BL9 7RL				
<b>Proposal:</b>	Prior notification for proposed single storey rear extension				
<b>Application No.:</b>	62398	<b>App. Type:</b>	FUL	01/03/2018	Approve with Conditions
<b>Location:</b>	34 Hurst Street, Bury, BL9 7ER				
<b>Proposal:</b>	Single storey extension at rear; Loft conversion with dormer at rear				
<b>Application No.:</b>	62419	<b>App. Type:</b>	FUL	02/03/2018	Approve with Conditions
<b>Location:</b>	4 Martin Street, Bury, BL9 7SF				
<b>Proposal:</b>	Single storey side extension				
<b>Application No.:</b>	62422	<b>App. Type:</b>	FUL	07/03/2018	Approve with Conditions
<b>Location:</b>	25 Ormrod Street, Bury, BL9 7HF				
<b>Proposal:</b>	Single storey rear extension and addition of first floor window to rear elevation				
<b>Application No.:</b>	62463	<b>App. Type:</b>	GPDE	27/02/2018	Prior Approval Required Refused - Ext
<b>Location:</b>	15 South Cross Street, Bury, BL9 0RS				
<b>Proposal:</b>	Prior notification for proposed single storey rear extension				

**Ward: Bury East - Moorside**

<b>Application No.:</b>	62175	<b>App. Type:</b>	FUL	26/02/2018	Approve with Conditions
<b>Location:</b>	131A Walmersley Road, Bury, BL9 5AY				
<b>Proposal:</b>	Change of use of ground floor office (Class B1a) to dwelling house (Class C3)				



<b>Application No.:</b>	62399	<b>App. Type:</b>	FUL	23/02/2018	Approve with Conditions
<b>Location:</b>	Unit 5, Fernhill Mill, Hornby Street, Bury, BL9 5BL				
<b>Proposal:</b>	New pedestrian door and display window with roller shutter				
<b>Application No.:</b>	62402	<b>App. Type:</b>	FUL	07/03/2018	Approve with Conditions
<b>Location:</b>	4 Wheatfield Close, Bury, BL9 6XD				
<b>Proposal:</b>	Single storey rear and side extension and front porch				
<b>Application No.:</b>	62427	<b>App. Type:</b>	FUL	16/03/2018	Approve with Conditions
<b>Location:</b>	South View, Chesham Road, Bury, BL9 6ST				
<b>Proposal:</b>	Single storey rear extension; external alterations				
<b>Ward:</b>	<b>Bury East - Redvales</b>				
<b>Application No.:</b>	62184	<b>App. Type:</b>	FUL	14/02/2018	Approve with Conditions
<b>Location:</b>	25 Parkhills Close, Bury, BL9 9HB				
<b>Proposal:</b>	Two storey side and part rear extension				
<b>Application No.:</b>	62425	<b>App. Type:</b>	FUL	05/03/2018	Approve with Conditions
<b>Location:</b>	19 Albany Drive, Bury, BL9 9RD				
<b>Proposal:</b>	Single storey extension at rear; Garden room at rear; Extensions to and re-modelling of existing roof				
<b>Ward:</b>	<b>Bury West - Church</b>				
<b>Application No.:</b>	62308	<b>App. Type:</b>	FUL	26/02/2018	Approve with Conditions
<b>Location:</b>	Land adjacent to 85 Newbold Street, Bury, BL8 2RR				
<b>Proposal:</b>	Erection of 1 no. dwelling				
<b>Application No.:</b>	62311	<b>App. Type:</b>	GPDE	13/02/2018	Prior Approval Not Required - Extension
<b>Location:</b>	11 Lyons Drive, Bury, BL8 2EA				
<b>Proposal:</b>	Prior notification for proposed single story rear extension				
<b>Application No.:</b>	62503	<b>App. Type:</b>	GPDE	27/02/2018	Prior Approval Required Refused - Ext
<b>Location:</b>	17 Finchley Close, Bury, BL8 2EJ				
<b>Proposal:</b>	Prior notfication of proposed single storey rear extension				
<b>Ward:</b>	<b>Bury West - Elton</b>				
<b>Application No.:</b>	62380	<b>App. Type:</b>	FUL	09/03/2018	Approve with Conditions
<b>Location:</b>	7 Ingleton Mews, Bury, BL8 1UT				
<b>Proposal:</b>	Conservatory at rear				

Ward: North Manor

<b>Application No.:</b>	62320	<b>App. Type:</b>	LDCP	27/02/2018	Lawful Development
<b>Location:</b>	50 Mount Pleasant, Nangreaves, Bury, BL9 6SR				
<b>Proposal:</b>	Certificate of lawfulness for proposed single storey rear extension				
<b>Application No.:</b>	62346	<b>App. Type:</b>	FUL	02/03/2018	Approve with Conditions
<b>Location:</b>	Land adjacent to play area, Greenmount Cricket Club, Brandlesholme Road, Tottington, Bury, BL8 4DX				
<b>Proposal:</b>	Erection of 6000mm high flag pole on village green				
<b>Application No.:</b>	62354	<b>App. Type:</b>	LDCP	13/03/2018	Lawful Development
<b>Location:</b>	11 Ash Grove, Ramsbottom, Bury, BL0 9RS				
<b>Proposal:</b>	Certificate of lawfulness for proposed demolition of existing conservatory and erection of single storey extension at rear				
<b>Application No.:</b>	62365	<b>App. Type:</b>	FUL	16/03/2018	Approve with Conditions
<b>Location:</b>	Tonge Fold Farm, Hawkshaw Lane, Tottington, Bury, BL8 4LD				
<b>Proposal:</b>	Formation of hardstanding and associated alteration of ground levels to create an area for vehicle parking and turning				
<b>Application No.:</b>	62375	<b>App. Type:</b>	FUL	21/02/2018	Approve with Conditions
<b>Location:</b>	63 Keats Road, Tottington, Bury, BL8 4EP				
<b>Proposal:</b>	Two storey rear extension and garage conversion with first floor extension above				
<b>Application No.:</b>	62387	<b>App. Type:</b>	FUL	06/03/2018	Approve with Conditions
<b>Location:</b>	363 Holcombe Road, Tottington, Bury, BL8 4DT				
<b>Proposal:</b>	Single storey extension at rear				
<b>Application No.:</b>	62444	<b>App. Type:</b>	FUL	16/03/2018	Approve with Conditions
<b>Location:</b>	20 Pinewood Crescent, Ramsbottom, Bury, BL0 9XE				
<b>Proposal:</b>	Demolition of existing garage, canopy and conservatory; Two storey extension at side and single storey extension at rear and juliet balcony at rear				

Ward: Prestwich - Holyrood

<b>Application No.:</b>	62134	<b>App. Type:</b>	FUL	15/02/2018	Split Decision
<b>Location:</b>	424 Bury Old Road, Prestwich, Manchester, M25 1PR				
<b>Proposal:</b>	A: Replacement of existing windows and change of door to window at front, windows at side to be replaced and new door in place of one of the windows. B: Installation of security shutters to all windows and doors at ground floor				
<b>Application No.:</b>	62275	<b>App. Type:</b>	FUL	13/02/2018	Refused
<b>Location:</b>	9 Carver Avenue, Prestwich, Manchester, M25 1GA				
<b>Proposal:</b>	Single storey rear extension and remodelling of existing side extension.				

<b>Application No.:</b>	62339	<b>App. Type:</b>	FUL	05/03/2018	Approve with Conditions
<b>Location:</b>	259 Heywood Road, Prestwich, Manchester, M25 2QR				
<b>Proposal:</b>	Two storey extension at side and rear and front porch extension				
<b>Application No.:</b>	62352	<b>App. Type:</b>	FUL	02/03/2018	Approve with Conditions
<b>Location:</b>	38 Poppythorn Lane, Prestwich, Manchester, M25 3BY				
<b>Proposal:</b>	Removal of existing conservatory and erection of single storey extension at side; Lightwell to side at basement level; New bay window at rear; Dormers at rear and rooflights at front				
<b>Application No.:</b>	62404	<b>App. Type:</b>	GPDE	27/02/2018	Prior Approval Not Required - Extension
<b>Location:</b>	15 Holyrood Grove, Prestwich, Manchester, M25 1PG				
<b>Proposal:</b>	Prior notification for proposed single storey rear extension				
<b>Application No.:</b>	62423	<b>App. Type:</b>	FUL	12/03/2018	Approve with Conditions
<b>Location:</b>	6 Willow Road, Prestwich, Manchester, M25 3DZ				
<b>Proposal:</b>	Single storey side and rear extensions				
<b>Application No.:</b>	62513	<b>App. Type:</b>	CON	12/03/2018	Raise No Objection
<b>Location:</b>	Hares Hill Farm, Hareshill Road, Heywood, OL10 2TB				
<b>Proposal:</b>	Article 18 Consultation from Rochdale BC (ref. 17/01506/VRCON) - Variation of condition 2 of planning approval 16/00108/VRCON in order to allow a two year extension to the period for the deposit of materials and restoration of the site in connection with a development for the construction of equestrian facilities, stables for 40 horses and associated development, horse cross country track and formation of fishing lodges for recreational use				

Ward: **Prestwich - Sedgley**

<b>Application No.:</b>	62316	<b>App. Type:</b>	GPDE	15/02/2018	Prior Approval Required & Granted - Ext
<b>Location:</b>	11 Winchester Avenue, Prestwich, Manchester, M25 0LJ				
<b>Proposal:</b>	Prior notification for proposed single storey rear extension				
<b>Application No.:</b>	62321	<b>App. Type:</b>	FUL	23/02/2018	Approve with Conditions
<b>Location:</b>	2 Windsor Crescent, Prestwich, Manchester, M25 0DD				
<b>Proposal:</b>	Two storey side extension and single storey rear extension				
<b>Application No.:</b>	62327	<b>App. Type:</b>	FUL	15/02/2018	Approve with Conditions
<b>Location:</b>	29 Craigwell Road, Prestwich, Manchester, M25 0FE				
<b>Proposal:</b>	First floor extension at rear and single storey extension at rear; Front porch; Installation of roller shutter at front across the side access; Erection of outbuilding at rear				
<b>Application No.:</b>	62334	<b>App. Type:</b>	FUL	22/02/2018	Approve with Conditions
<b>Location:</b>	103 Rectory Lane, Prestwich, Manchester, M25 1EN				
<b>Proposal:</b>	Two storey extension at side and rear				

<b>Application No.:</b>	62341	<b>App. Type:</b>	FUL	23/02/2018	Approve with Conditions
<b>Location:</b>	10 Parksway, Prestwich, Manchester, M25 OJE				
<b>Proposal:</b>	Change of use of garage into self-contained residential accommodation				
<b>Application No.:</b>	62351	<b>App. Type:</b>	FUL	23/02/2018	Split Decision
<b>Location:</b>	11 Winchester Avenue, Prestwich, Manchester, M25 0LJ				
<b>Proposal:</b>	A: Loft conversion with rear and front dormers B: Front porch; Single storey extensions at side/rear				
<b>Application No.:</b>	62353	<b>App. Type:</b>	FUL	05/03/2018	Approve with Conditions
<b>Location:</b>	Unit 10, Sedgley Park Trading Estate, Prestwich, Manchester, M25 9WD				
<b>Proposal:</b>	Change of use from storage and distribution (Class B8) to vehicle repairs and MOT testing station (Class B2)				
<b>Application No.:</b>	62357	<b>App. Type:</b>	FUL	20/02/2018	Approve with Conditions
<b>Location:</b>	27 Windsor Crescent, Prestwich, Manchester, M25 ODD				
<b>Proposal:</b>	Removal of the existing garage and erection of two storey extension at side				
<b>Application No.:</b>	62361	<b>App. Type:</b>	FUL	23/02/2018	Refused
<b>Location:</b>	3 Windsor Road, Prestwich, Manchester, M25 0DZ				
<b>Proposal:</b>	Replacement of existing hipped roof with new gabled roof including rear dormer and replacement of existing garage with new garage with extension above				
<b>Application No.:</b>	62364	<b>App. Type:</b>	FUL	21/02/2018	Refused
<b>Location:</b>	93 - 95 Heywood Road, Prestwich, Manchester, M25 1FN				
<b>Proposal:</b>	Change of use from office (Class B1) to a tuition centre (non-residential institution Use Class D1)				
<b>Application No.:</b>	62369	<b>App. Type:</b>	FUL	01/03/2018	Approve with Conditions
<b>Location:</b>	17 Bishops Road, Prestwich, Manchester, M25 OHT				
<b>Proposal:</b>	Demolition of existing extension and attached garage and erection of new front porch and two storey extensions at side / rear				
<b>Application No.:</b>	62374	<b>App. Type:</b>	FUL	01/03/2018	Approve with Conditions
<b>Location:</b>	3 West Meade, Prestwich, Manchester, M25 OJD				
<b>Proposal:</b>	First floor extension to side and rear and rear dormer extension.				
<b>Application No.:</b>	62388	<b>App. Type:</b>	FUL	15/03/2018	Approve with Conditions
<b>Location:</b>	61 Meade Hill Road, Prestwich, Manchester, M8 4LW				
<b>Proposal:</b>	Raise ridge height of roof with roof extension and dormers at front/rear to create second floor living accommodation.				
<b>Application No.:</b>	62407	<b>App. Type:</b>	FUL	15/03/2018	Approve with Conditions
<b>Location:</b>	7 Cranbrook Drive, Prestwich, Manchester, M25 0JZ				
<b>Proposal:</b>	Variation of condition no. 2 (approved plans) of planning permission 62121 to extend by an additional metre to the side elevation				

<b>Application No.:</b>	62414	<b>App. Type:</b>	FUL	01/03/2018	Approve with Conditions
<b>Location:</b>	10 Sandringham Grange, Prestwich, Manchester, M25 0BY				
<b>Proposal:</b>	Two storey extension at side/rear and single storey extension at rear				
<b>Application No.:</b>	62417	<b>App. Type:</b>	FUL	12/03/2018	Approve with Conditions
<b>Location:</b>	90 Albert Avenue, Prestwich, Manchester, M25 0LU				
<b>Proposal:</b>	Single storey extension at side / rear; raised decking to rear of extension with handrail and steps to garden				
<b>Application No.:</b>	62429	<b>App. Type:</b>	FUL	08/03/2018	Approve with Conditions
<b>Location:</b>	59 Richmond Avenue, Prestwich, Manchester, M25 0LW				
<b>Proposal:</b>	Single storey rear extension				
<b>Application No.:</b>	62469	<b>App. Type:</b>	GPDE	19/02/2018	Prior Approval Required Refused - Ext
<b>Location:</b>	38 George Street, Prestwich, Manchester, M25 9WS				
<b>Proposal:</b>	Prior notification for proposed single storey extension at rear				
<b>Application No.:</b>	62494	<b>App. Type:</b>	GPDE	23/02/2018	Prior Approval Required Refused - Ext
<b>Location:</b>	38 George Street, Prestwich, Manchester, M25 9WS				
<b>Proposal:</b>	Prior notification for proposed single storey rear extension				
<b>Application No.:</b>	62582	<b>App. Type:</b>	GPDE	15/03/2018	Prior Approval Required Refused - Ext
<b>Location:</b>	75 Albert Avenue, Prestwich, Manchester, M25 0LU				
<b>Proposal:</b>	Prior notification for proposed single storey rear extension				
<b>Ward:</b>	<b>Prestwich - St Mary's</b>				
<b>Application No.:</b>	62277	<b>App. Type:</b>	FUL	23/02/2018	Approve with Conditions
<b>Location:</b>	558 Bury New Road, Prestwich, Manchester, M25 9ND				
<b>Proposal:</b>	Change of use from former car repair centre to offices (Class B1a); ground floor extension at rear; alterations including new roof, new mezzanine at first floor level/front and new frontage; alterations and extension to existing car park				
<b>Application No.:</b>	62330	<b>App. Type:</b>	GPDE	13/02/2018	Prior Approval Not Required - Extension
<b>Location:</b>	144 Hilton Lane, Prestwich, Manchester, M25 9QY				
<b>Proposal:</b>	Prior notification for proposed single storey rear extension				
<b>Application No.:</b>	62344	<b>App. Type:</b>	GPDE	26/02/2018	Prior Approval Required & Granted - Ex
<b>Location:</b>	65 Highfield Road, Prestwich, Manchester, M25 3AS				
<b>Proposal:</b>	Prior notification for proposed single storey rear extension				
<b>Application No.:</b>	62371	<b>App. Type:</b>	FUL	26/02/2018	Approve with Conditions
<b>Location:</b>	48A Mountside Crescent, Prestwich, Manchester, M25 3JH				
<b>Proposal:</b>	Hip to gable roof extension, loft conversion and rear dormer				



<b>Application No.:</b>	62373	<b>App. Type:</b>	FUL	15/03/2018	Approve with Conditions
<b>Location:</b>	Prestwich Hospital, Bury New Road, Prestwich, Manchester, M25 3BL				
<b>Proposal:</b>	Construction of a new 21 no. space staff carpark.				
<b>Application No.:</b>	62379	<b>App. Type:</b>	FUL	16/03/2018	Approve with Conditions
<b>Location:</b>	8 Lynmouth Grove, Prestwich, Manchester, M25 9TH				
<b>Proposal:</b>	Two storey extension at side/rear; single storey extension at front and porch at front				
<b>Application No.:</b>	62392	<b>App. Type:</b>	FUL	12/03/2018	Approve with Conditions
<b>Location:</b>	156 Hilton Lane, Prestwich, Manchester, M25 9QY				
<b>Proposal:</b>	Rear dormer extension				
<b>Application No.:</b>	62406	<b>App. Type:</b>	FUL	06/03/2018	Approve with Conditions
<b>Location:</b>	61 Agecroft Road East, Prestwich, Manchester, M25 9RQ				
<b>Proposal:</b>	Single storey rear extension, including link between house and garage, plus roof lights, render and cedar cladding.				
<b>Application No.:</b>	62470	<b>App. Type:</b>	CON	12/03/2018	Raise No Objection
<b>Location:</b>	Lower Lodge, Agecroft Road, Swinton, M27 8SN				
<b>Proposal:</b>	Article 18 consultation from Salford City Council (Ref. 17/70717/FUL): Amended plans/information received - Change of use from pet superstore and dog boarding kennels to builders merchants, erection of a new warehouse building, a new timber storage shed and external alterations to retained buildings. Retention of the former garage and conversion to a cafeteria/diner. Including demoliton of various buildings to faciltiate development (part retrospective)				
<b>Application No.:</b>	62479	<b>App. Type:</b>	GPDE	16/03/2018	Prior Approval Not Required - Extension
<b>Location:</b>	78A Sandy Lane, Prestwich, Manchester, M25 9PS				
<b>Proposal:</b>	Prior notification for proposed single storey rear extension				

Ward: **Radcliffe - East**

<b>Application No.:</b>	61952	<b>App. Type:</b>	FUL	14/02/2018	Approve with Conditions
<b>Location:</b>	Lower Spen Moor Barn, Bury And Bolton Road, Radcliffe, Manchester, M26 4LB				
<b>Proposal:</b>	New access drives to serve Lower Spen Moor Barn & Farm with associated works				
<b>Application No.:</b>	62133	<b>App. Type:</b>	LDCE	13/02/2018	Lawful Development
<b>Location:</b>	Lower Spen Moor Farm, Bury and Bolton Road, Radcliffe, Manchester, M26 4JZ				
<b>Proposal:</b>	Lawful development certificate for existing mixed residential and commercial use				
<b>Application No.:</b>	62386	<b>App. Type:</b>	FUL	08/03/2018	Approve with Conditions
<b>Location:</b>	59 Borough Avenue, Radcliffe, Manchester, M26 2QG				
<b>Proposal:</b>	Single storey extension at rear				

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**Application No.:** 62403      **App. Type:** FUL      26/02/2018      Approve with Conditions  
**Location:** 62 Higher Ainsworth Road, Radcliffe, Manchester, M26 4JF  
**Proposal:** Single storey rear extension including basement extension/conversion

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**Application No.:** 62430      **App. Type:** FUL      08/03/2018      Refused  
**Location:** Land Off Brookbottom Road, Radcliffe, Bury, M26 4HX  
**Proposal:** Stable block and boundary gate; walls and fencing including remedial works.

Ward: **Radcliffe - North**

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**Application No.:** 62391      **App. Type:** FUL      02/03/2018      Approve with Conditions  
**Location:** 4 Moss Shaw Way, Radcliffe, Manchester, M26 4QH  
**Proposal:** Single storey extensions at front, side and rear

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**Application No.:** 62431      **App. Type:** DEM      13/03/2018      Prior Approval Required and Granted  
**Location:** Garage site at land between 18 & 24 Bradley Fold Road, Ainsworth, Bolton, BL2 5QD  
**Proposal:** Prior notification of proposed demolition of garage block

Ward: **Radcliffe - West**

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**Application No.:** 62323      **App. Type:** FUL      15/03/2018      Approve with Conditions  
**Location:** 1 Outwood Road, Radcliffe, Manchester, M26 1AQ  
**Proposal:** Single storey extensions at side and rear of existing restaurant

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**Application No.:** 62343      **App. Type:** LDGP      01/03/2018      Lawful Development  
**Location:** 10 Rush Acre Close, Radcliffe, Manchester, M26 3XW  
**Proposal:** Certificate of lawful development for the proposed use of the existing dwellinghouse for the occupation of not more than 6 persons living together as single household (Class C3 (b))

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**Application No.:** 62383      **App. Type:** FUL      02/03/2018      Approve with Conditions  
**Location:** Hawthorn Hotel, 137-143 Stand Lane, Radcliffe, Manchester, M26 1JR  
**Proposal:** Demolition of existing single storey rear wing and erection of self-contained living accommodation at rear for hotel management; Alterations to car park and access to King Street

Ward: **Ramsbottom + Tottington - Tottington**

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**Application No.:** 62331      **App. Type:** FUL      21/02/2018      Approve with Conditions  
**Location:** 1 Albemarle Place, Tottington, Bury, BL8 3GN  
**Proposal:** Single storey rear extension and infilling of carport to form living accommodation

<b>Application No.:</b>	62408	<b>App. Type:</b>	FUL	14/03/2018	Approve with Conditions
<b>Location:</b>	Ralph Moor Farm, Turton Road, Tottington, Bury, BL8 3QE				
<b>Proposal:</b>	Single storey extensions at front and rear				
<b>Ward: Ramsbottom and Tottington - Ramsbottom</b>					
<b>Application No.:</b>	61827	<b>App. Type:</b>	OUT	08/03/2018	Refused
<b>Location:</b>	Grant Arms Hotel, 11 Market Place, Ramsbottom, Bury, BL0 9AJ				
<b>Proposal:</b>	Outline application for proposed demolition of part of building and erection of sheltered housing including change of use of public house to sheltered housing				
<b>Application No.:</b>	62307	<b>App. Type:</b>	FUL	15/02/2018	Approve with Conditions
<b>Location:</b>	10 Scotland Place, Ramsbottom, Bury, BL0 9BD				
<b>Proposal:</b>	Erection of garden shed/outbuilding to proposed detached dwelling				
<b>Application No.:</b>	62318	<b>App. Type:</b>	FUL	21/02/2018	Approve with Conditions
<b>Location:</b>	12 Victoria Street, Ramsbottom, Bury, BL0 9ED				
<b>Proposal:</b>	Loft conversion with front and rear dormers				
<b>Application No.:</b>	62325	<b>App. Type:</b>	FUL	15/02/2018	Approve with Conditions
<b>Location:</b>	28 Cleveland Close, Ramsbottom, Bury, BL0 9FH				
<b>Proposal:</b>	Two/single storey extension at rear				
<b>Application No.:</b>	62332	<b>App. Type:</b>	FUL	21/02/2018	Approve with Conditions
<b>Location:</b>	Highfield House, Helmshore Road, Ramsbottom, Bury, BL8 4PD				
<b>Proposal:</b>	Single storey side infill extension between existing dwelling and existing garage				
<b>Application No.:</b>	62358	<b>App. Type:</b>	ADV	23/02/2018	Approve with Conditions
<b>Location:</b>	Masons Arms, 13 Bolton Road West, Ramsbottom, Bury, BL0 9NA				
<b>Proposal:</b>	2 No. halo illuminated fascia signs, 1 no. lantern, 3 no. LED floodlights, 2 no. externally illuminated fascia signs, 1 no. externally illuminated hanging sign				
<b>Application No.:</b>	62376	<b>App. Type:</b>	FUL	08/03/2018	Approve with Conditions
<b>Location:</b>	204 Lumb Carr Road, Ramsbottom, Bury, BL8 4NH				
<b>Proposal:</b>	Single storey extension at rear				
<b>Application No.:</b>	62377	<b>App. Type:</b>	LBC	08/03/2018	Approve with Conditions
<b>Location:</b>	204 Lumb Carr Road, Ramsbottom, Bury, BL8 4NH				
<b>Proposal:</b>	Listed building consent for single storey extension at rear				
<b>Application No.:</b>	62501	<b>App. Type:</b>	LDCE	01/03/2018	Lawful Development
<b>Location:</b>	16 Hazel Street, Ramsbottom, Bury, BL0 9PT				
<b>Proposal:</b>	Certificate of lawfulness for existing single storey extension at rear				

Ward:   **Whitefield + Unsworth - Besses**

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**Application No.:**   62293       **App. Type:** FUL       02/03/2018       Approve with Conditions  
**Location:**       144 Bury Old Road, Whitefield, Manchester, M45 6AT  
**Proposal:**       Roof/first floor extension at rear, including internal staircase to provide access to first floor.

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**Application No.:**   62317       **App. Type:** FUL       20/02/2018       Approve with Conditions  
**Location:**       40 Oak Lane, Whitefield, Manchester, M45 8ET  
**Proposal:**       Single storey extension at rear

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**Application No.:**   62440       **App. Type:** FUL       12/03/2018       Approve with Conditions  
**Location:**       12 Alexander Drive, Bury, BL9 8PF  
**Proposal:**       Single storey extension at rear

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

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**Application No.:**   62287       **App. Type:** FUL       14/02/2018       Refused  
**Location:**       5 Marle Croft, Whitefield, Manchester, M45 7NB  
**Proposal:**       First floor extension at front over garage and raising of ridge height of main roof; Porch extension at front

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**Application No.:**   62304       **App. Type:** FUL       23/02/2018       Approve with Conditions  
**Location:**       7-11 Radcliffe New Road, Radcliffe, Manchester, M45 7QX  
**Proposal:**       Change of use from first floor office (B1) to gym (D2)

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**Application No.:**   62384       **App. Type:** FUL       12/03/2018       Approve with Conditions  
**Location:**       129 Higher Lane, Whitefield, Manchester, M45 7WH  
**Proposal:**       Conversion of existing flat roof at rear to pitched; External alterations to include replacement roof and replace existing cladding with render

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**Application No.:**   62385       **App. Type:** FUL       09/03/2018       Approve with Conditions  
**Location:**       26 Wentworth Avenue, Whitefield, Manchester, M45 7GQ  
**Proposal:**       Two storey extensions at front and two storey extension at side; Widening of existing drive, new windows/doors and rendering to main elevation

Ward:   **Whitefield + Unsworth - Unsworth**

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**Application No.:**   62319       **App. Type:** FUL       23/02/2018       Approve with Conditions  
**Location:**       23 Brookdene Road, Bury, BL9 8ND  
**Proposal:**       Part single storey / part two storey extension at side and single storey extension at rear

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**Application No.:**   62322       **App. Type:** FUL       23/02/2018       Approve with Conditions  
**Location:**       28 Ajax Drive, Bury, BL9 8EE  
**Proposal:**       Single storey extension at rear

<b>Application No.:</b>	62363	<b>App. Type:</b>	FUL	16/02/2018	Approve with Conditions
<b>Location:</b>	38 Brookdene Road, Bury, BL9 8ND				
<b>Proposal:</b>	Single storey rear extension				
<b>Application No.:</b>	62372	<b>App. Type:</b>	ADV	22/02/2018	Approve with Conditions
<b>Location:</b>	Park 66, Pilsworth Road, Bury, BL9 8RS				
<b>Proposal:</b>	3 No. internally illuminated fascia signs to northwest, northeast and southwest elevations, 1 no. internally illuminated totem sign, 3 no. internally illuminated key seller menu signs, 1no. internally illuminated double menu sign, 1no. internally illuminated height barrier, 1 no. non-illuminated exit post sign, 1 no. non-illuminated no entry post sign and 1no. non-illuminated waiting bay sign				

**Total Number of Applications Decided: 93**



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# REPORT FOR DECISION

<b>DECISION OF:</b>	<b>PLANNING CONTROL COMMITTEE</b>
<b>DATE:</b>	<b>27 March 2018</b>
<b>SUBJECT:</b>	<b>PLANNING APPEALS</b>
<b>REPORT FROM:</b>	<b>HEAD OF DEVELOPMENT MANAGEMENT</b>
<b>CONTACT OFFICER:</b>	<b>DAVID MARNO</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	<p>Planning Appeals:</p> <ul style="list-style-type: none"> <li>- Lodged</li> <li>- Determined</li> </ul> <p>Enforcement Appeals</p> <ul style="list-style-type: none"> <li>- Lodged</li> <li>- Determined</li> </ul>
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	The Committee is recommended to the note the report and appendices
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? Yes
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	Executive Director of Resources to advise regarding risk management
<b>Statement by Executive Director of Resources:</b>	N/A
<b>Equality/Diversity implications:</b>	No
<b>Considered by Monitoring Officer:</b>	N/A

<b>Wards Affected:</b>	All listed
<b>Scrutiny Interest:</b>	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:-

### Contact Details:-

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**Planning Appeals Lodged  
between 13/02/2018 and 18/03/2018**



**Application No.:** 61958/FUL

**Appeal lodged:** 23/02/2018

**Decision level:** DEL

**Appeal Type:** Written Representations

**Recommended Decision:** Refuse

**Applicant:** Mr F & Mrs R Hussain

**Location** 53 Hampstead Drive, Whitefield, Manchester, M45 7YA

**Proposal** New front boundary and side fencing and installation of pedestrian gate and double electric gates

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**Total Number of Appeals Lodged: 1**

**Planning Appeals Decided  
between 13/02/2018 and 18/03/2018**



<b>Application No.:</b>	<b>Appeal Decision:</b> Allowed
<b>Decision level:</b> DEL	<b>Date:</b> 13/02/2018
<b>Recommended Decision:</b> Prior Approval Required	<b>Appeal type:</b> Written Representations
<b>Applicant:</b> Mr Andrew Winstanley	
<b>Location:</b> Lower Dickfield Farm, Holcombe Road, Ramsbottom, Bury, BL8 4PD	
<b>Proposal:</b> Prior approval for the proposed change of use of an agricultural building to a dwellinghouse (Class C3) and for associated operational development under Class Qa and Class Qb	
<b>Application No.:</b> 61656/FUL	<b>Appeal Decision:</b> Dismissed
<b>Decision level:</b> DEL	<b>Date:</b> 26/02/2018
<b>Recommended Decision:</b> Refuse	<b>Appeal type:</b> Written Representations
<b>Applicant:</b> Mr Brian Sweatman	
<b>Location:</b> Land opposite Beech House, Clifton Road, Prestwich, Manchester, M25 3HG	
<b>Proposal:</b> Erection of 1 no. detached bungalow	
<b>Application No.:</b> 61922/FUL	<b>Appeal Decision:</b> Dismissed
<b>Decision level:</b> DEL	<b>Date:</b> 13/03/2018
<b>Recommended Decision:</b> Refuse	<b>Appeal type:</b> Written Representations
<b>Applicant:</b> Mr Graham Lowe	
<b>Location:</b> Bungalow 3, Watling Street, Tottington, Bury, BL8 3QP	
<b>Proposal:</b> First floor extension	



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## Appeal Decision

Site visit made on 30 January 2018

**by Andrew McGlone BSc MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 February 2018**

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**Appeal Ref: APP/T4210/W/17/3182611**

**Lower Dickfield Farm, Lower Dickfield, Helmshore Road, Ramsbottom  
BL8 4PD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr Andrew Winstanley against the decision of Bury Metropolitan Borough Council.
  - The application Ref 61646, dated 11 June 2017, was refused by notice dated 14 August 2017.
  - The development proposed is change of use of an agricultural building to a dwelling house.
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### Decision

1. The appeal is allowed and prior approval is granted under the provisions of Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for the change of use of an agricultural building to a dwelling house at Lower Dickfield Farm, Lower Dickfield, Helmshore Road, Ramsbottom BL8 4PD in accordance with the details submitted pursuant to Schedule 2, Part 3, Paragraph Q.2 (1) of the GPDO through application Ref 61646, dated 11 June 2017. The approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision in accordance with Paragraph Q.2 (3) of the GPDO.

### Application for costs

2. An application for costs was made by Mr Andrew Winstanley against Bury Metropolitan Borough Council. This application is the subject of a separate Decision.

### Background

3. The building that is the subject of this appeal forms part of Lower Dickfield Farm which is to the north-west of Ramsbottom. The farm contains a two storey pitched roof residential dwelling. The appeal building was the subject of an appeal decision issued on 19 May 2017<sup>1</sup> which related to a prior approval application under Schedule 2, Part 3, Class Q(a) the GPDO. This appeal also related to a second stone built building.
4. The appeal decision resulted in prior approval being granted for the building

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<sup>1</sup> Appeal Decision Ref: APP/T4210/W/17/3168025

that is the subject of this appeal, but not for the stone-built building. The findings of this decision were confined to Class Q(a) only. The scheme that is the subject of this appeal relates to Class Q(a) and (b).

### **Procedural Matters**

5. For completeness and clarity, I have used the address from the appellant's appeal form, as this more accurately reflects the appeal site's location.
6. Schedule 2, Part 3, Class Q(a) and (b) of the GPDO permit development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.
7. Development coming within Class Q is deemed to be granted planning permission by the Order provided that it would comply with the limitations listed in paragraph Q.1 of Class Q. It is a condition of Class Q, amongst other things, that where the development proposed is development under Class Q(a) together with development under Class Q(b), the development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to its impact on: transport and highways; noise; contamination; flooding risks on site; whether the location or siting of the building would make it otherwise impractical or undesirable for the building to be used as a dwellinghouse; and the design or external appearance of the building (paragraph Q.2(1)).
8. An application for prior approval under Part 3 must be accompanied by the items listed in sub-paragraphs (a) to (e) together with any fee required to be paid (paragraph W(2)). This application is the subject of provisions of paragraph W of this Part of the GPDO.
9. The GPDO also states at paragraph W(11) that development must not begin before one of the following:
  - '(a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;*
  - (b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or*
  - (c) the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.*
10. Despite the declaration date on the application form, the appellant's application for prior approval was submitted by email to the Council on 19 June 2017. However, the parties clarified, as a result of my request, that the required application fee did not accompany the originally submitted application.
11. The application fee was sent by recorded delivery, which was received and signed for by the Council on 21 June 2017. The application was therefore a

complete application for the purposes of paragraph W(2) on 21 June 2017. The Council issued a determination on 14 August 2017 that its prior approval was refused.

## **Main Issues**

12. The main issues are:

- whether the development would be permitted development for the purposes of the Order, having regard to the limitations listed in paragraph Q.1 of Class Q, with particular regard to building operations;
- if so, whether planning permission is deemed to have been granted for the development by reason of the timing of the Council's decision; and
- if not, whether or not Prior Approval should be given under paragraph Q.2(1) of Class Q.

## **Reasons**

### *Permitted development*

13. On the basis of the information submitted with the application, and my observations during my site visit, there is no dispute between the parties that, with the exception of the limitation listed in paragraph Q.1(i), the development would be permitted development for the purposes of the Order, having regard to the limitations listed in paragraph Q.1 of Class Q.
14. Development is not permitted due to the limitation in paragraph Q.1(i) if *'the development under Class Q(b) would consist of building operations other than:*
- (i) the installation or replacement of—*
- (aa) windows, doors, roofs, or exterior walls, or*
- (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and*
- (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i).'*
15. The appeal building has no floor slab, no internal blockwork and no insulation. The building is, however, constructed from a portal frame that was granted planning permission in 2010<sup>2</sup>. The steel beams are set into the ground and concrete. Yorkshire boarding covers the elevations and metal profile sheeting the roof. There is a large central opening facing fields to the east.
16. The Council submit that, having sought advice from the Council's Building Control Team Leader, in order to comply with Building Regulations: a new concrete slab will be required including a damp proof membrane and insulation; a new independent wall so that the existing Yorkshire boarding can be kept to provide weather and air tightness, insulation and electrical and plumbing services; and the roof construction will need to provide appropriate weather tightness and be insulated. While, drainage, water and electrical connections will be required, these matters were all explored in the 2017 appeal decision and there have been no change in circumstances.

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<sup>2</sup> Council Application Ref: 52846

17. In terms of the installation of windows, doors, roofs, or exterior walls, no issue is raised by the Council that they would be reasonably necessary for the building to function as a dwellinghouse, having regard to the plans submitted with the application. However, the Planning Practice Guidance (the Guidance)<sup>3</sup> explains that *"the permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling"* and that *"it is not the intention of the permitted development right to include the construction of new structural elements for the building. Therefore it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right."*
18. The GPDO does not, however, make a distinction between structural and non-structural works, and it places no restriction on whether works are structural or not. Even so, it was held in *Hibbitt v SSCLG [2016] EWHC 2853* that the building must be capable of conversion to residential use without new structural elements, and that the existing building should be sufficiently strong enough to bear the loading from the external works.
19. The plans show the existing steel portal frame would remain. It provides the structural frame of the building along with the Yorkshire boarding and the plastic coated corrugated steel roof covering, which would also remain.
20. In response to the Council's evidence, the appellant submits that should any structural works be necessary in order to comply with Building Regulations then they would not be 'development'. Section 55(1) of the Town and Country Planning Act 1990 (the Act) states that *"development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.'* Section 55(2)(a) of the Act explains that certain operations shall not be taken to involve development: *(a) the carrying out for the maintenance, improvement or other alteration of any building of works which: (i) affect only the interior of the building, or (ii) do not materially affect the external appearance of the building.*
21. I note that the Guidance<sup>4</sup> explains that categories of work that do not amount to development include: interior alterations and building operations which do not materially affect the external appearance of a building. The plan shows that an internal wall would be formed, and the appellant does not dispute the need for a slab floor.
22. Although I do not have structural calculations before me, neither would, however, be structural elements of the building. Moreover, the Council do not dispute the appellant's point that the building is sufficiently strong enough to facilitate the changes shown on the plan.
23. While the Council assert that the works outlined by Building Control are necessary, and indeed they may well be, but it is a matter of fact as to whether any such works will affect only the interior of the building, and not materially affect the external appearance of the building which are the criteria used in Section 55(2)(a) of the Act.
24. Having regard to these, I consider that the extent of the works described by

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<sup>3</sup> Ref ID: 13-105-20150305

<sup>4</sup> Ref ID: 13-001-20140306

the Council would not amount to 're-building' as the building has not been weakened, damaged or destroyed. Nor would the works represent a substantial re-building of the pre-existing structure, a 'fresh build', as they would not go a long way beyond what could reasonably be considered to be a conversion. The works would be an improvement or other alteration under Section 55(2)(a) of the Act. Thus, the building is capable of conversion.

25. The appeal scheme is not directly comparable to the scheme that was subject of the *Hibbitt* judgement as this development involved the construction of all four exterior walls, which was held to go well beyond what could reasonably be described as a conversion.
26. The building operations, other than those listed in paragraph Q.1(i)(aa) and (bb) would therefore be reasonably necessary for the building to function as a dwellinghouse. For these reasons, I conclude that the development would be permitted development for the purposes of the Order, having regard to the limitations listed in paragraph Q.1 of Class Q.

#### *Timing of Council's decision*

27. Based on the evidence before me, the application was a complete application for the purposes of paragraph W(2) on 21 June 2017. It was at this point that I consider application Ref: 61646 became compliant with the statutory requirements and was thus valid.
28. Despite the Council's letter of 21 June 2017 referring to the 16 August 2017, on that basis the appellant should have received notification of a determination from the Council no later than the expiry of the 17 August 2017 to meet the 56 day notification requirements stated in paragraph W(11)(c), as the 56 day period only starts the day after the application became complete.
29. I note the Council tried to send their decision by email on 14 August 2017, but this did not leave the Council's server until 18 August 2017. Nevertheless, the decision was sent by 2<sup>nd</sup> class post. This was received by the appellant on 17 August 2017. The notification issued by the Council was therefore received by the appellant within the relevant 56 day period.

#### *Whether or not Prior Approval should be given*

30. There is no dispute between the parties that there have not been any changes to the circumstances which were presented and considered as part of the 2017 appeal decision in respect of: transport and highways; noise; contamination; flooding risks on site; and whether the location or siting of the building would make it otherwise impractical or undesirable for the building to be used as a dwellinghouse. Based on the evidence before me, I concur with this view.
31. While the design or external appearance of the building was not considered as part of the 2017 appeal decision, the Council do not raise any concerns about the application in this regard. I find the design and external appearance of the building to be acceptable. Thus, it follows that prior approval should be given.

#### **Conclusion**

32. I therefore conclude that the appeal should be allowed and approval granted.

*Andrew McGlone*

INSPECTOR



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## Costs Decision

Site visit made on 30 January 2018

**by Andrew McGlone BSc MCD MRTPI**

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

**Decision date: 13 February 2018**

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**Costs application in relation to Appeal Ref: APP/T4210/W/17/3182611  
Lower Dickfield Farm, Lower Dickfield, Helmshore Road, Ramsbottom BL8 4PD**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr Andrew Winstanley for a full award of costs against Bury Metropolitan Borough Council.
  - The appeal was against the refusal of prior approval for the change of use of an agricultural building to a dwelling house.
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### Decision

1. The application for an award of costs is refused.

### Reasons

2. The Planning Practice Guidance (the Guidance) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Parties in the appeal process are also normally expected to meet their own expenses. In order to be successful, an application for costs needs to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
3. The applicant considers the Council has prevented or delayed development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; not produced evidence to substantiate each reason for refusal on appeal; made vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; persisted in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable; and failed to grant a further planning permission for a scheme that is the subject of an extant or recently expired permission where there has been no material change in circumstances.
4. A considerable amount of evidence was provided by the parties as to whether the Council notified the appellant before the expiry of 56 days following the date on which the application was received by the Council. Although the Council suggested that this point was irrelevant, it is a fundamental requirement of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) that is clear for all to understand. While, my findings do not wholly accord with one party or another, I did, in finding that the Council had complied with paragraph W(11)

of the GPDO, rely upon the full evidence base that was before me. Hence, the appeal has not, in this regard, resulted from unreasonable behaviour.

5. An appeal decision was issued on 19 May 2017<sup>1</sup> concerning the appeal building. This decision resulted in prior approval being granted under Schedule 2, Part 3, Class Q(a) the GPDO. Notably, the findings of the 2017 decision were confined to Class Q(a) only, unlike this scheme which relates to Class Q(a) and (b). As such, the Council was entitled to form a view and arrive at a decision based on the matters before them. In doing so, they made it clear that they did not raise concerns with Class Q(a).
6. Instead, concern was raised as to whether the development under Class Q(b) would consist of building operations other than those listed paragraph Q.1(i)(i). This matter had not been explored in the 2017 appeal decision as this paragraph only applies to development under Class Q(b).
7. Although I found in the applicant's favour, insofar as the extent of building operations and whether internal changes amount to 'development', this was a matter that was far from clear cut. The Council needed to exercise its planning judgement based on the specific circumstances of the case. While, the applicant disagreed with the Council's judgement, I do not consider that the Council's view was vague, generalised or inaccurate or not supported by any objective analysis. It was ultimately a judgement that they were entitled to make based on the evidence before them. Given this, while the applicant has pursued the Council's decision at appeal, I do not consider that they have incurred costs due to unreasonable behaviour by the Council who also took into account case law<sup>2</sup> and the advice from Building Control.
8. They did, however, argue that the scheme did not represent a conversion. In the 2017 appeal decision, I did not express concern that the building would not amount to a conversion. In the 2018 decision, I found that the building is capable of conversion. While the Council has pursued this argument, I do not consider that the applicant has incurred unnecessary or wasted expense beyond what they are expected to meet on their own, given that they would have needed to lodge an appeal against the Council's notification in any event for matters relating to Class Q(b). They would have also, regardless, needed to show how the scheme satisfied paragraphs Q.1 and Q.2.
9. The GPDO requires assessment against the criteria for development and the conditions that must be met. It is not based on the Council's development plan or national policy. Even though the Council could have considered issuing a split decision solely for Class Q(a), Class Q(b) would still need to be overcome by the applicant before the development could commence. Thus, I do not consider that the Council tried to thwart the earlier grant of prior approval.

## **Conclusion**

10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated.

*Andrew McGlone*

INSPECTOR

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<sup>1</sup> Appeal Decision Ref: APP/T4210/W/17/3168025

<sup>2</sup> *Hibbitt v SSCLG* [2016] EWHC 2853



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## Appeal Decision

Site visit made on 5 February 2018

**by Alexander Walker MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26<sup>th</sup> February 2018**

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### **Appeal Ref: APP/T4210/W/17/3189421**

### **Beech House, Clifton Road, Prestwich M25 3HG**

- 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 Brian Sweatman against the decision of Bury Metropolitan Borough Council.
  - The application Ref 61656, dated 22 May 2017, was refused by notice dated 14 August 2017.
  - The development proposed is to build a small bungalow adjoining to the existing garage on land facing Clifton Rd, to the north of Beech House. The timber frame structure would have a man-made slate roof and shiplap cladding to match the garage. Vehicle & pedestrian access would be to the unadopted access road to the south.
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### **Decision**

1. The appeal is dismissed.

### **Main Issue**

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

### **Reasons**

3. This stretch of Clifton Road is tree lined and bound by stone retaining walls on either side that support the neighbouring higher ground. Whilst dwellings are visible from the road, they are set back a significant distance from it. The lack of building frontage with the road and the surrounding trees create an open, sylvan setting that provides a pleasant transition between the urban development to the east and south and the open countryside to the west.
4. The appeal site forms part of an area of land that lies between Clifton Road and an access road leading off it. This access road serves several substantial properties that are all to the south of the road and are set within large mature gardens. The area of land contains a number of trees and informal shrubs. The only building on this land is a single-storey timber garage, which is clearly read as an ancillary building associated with one of the substantial properties to the south, Beech House. Despite the presence of the garage, which is relatively small in size, this area of land makes a positive contribution to the open and sylvan setting of the area.
5. The proposed single-storey dwelling would adjoin the western elevation of the existing garage. Vehicular access would be off the access road and there would be a pedestrian access off Clifton Road. The dwelling would be higher and significantly larger than the garage. Whilst no closer to Clifton Road than

the garage, due to its size, it would be significantly more visually prominent and dominant when viewed from Clifton Road. This would be exacerbated by the dwellings elevated position above the road. Furthermore, the isolated position of the dwelling on this area of land where there are no other dwellings would fail to reflect the existing pattern of development and erode the openness of the area. Overall, it would represent an incongruous feature in the streetscene.

6. I have had regard to the use of timber cladding, which would soften the appearance of the building. However, I do not consider that this would sufficiently mitigate against the size of the dwelling or its failure to reflect the pattern of development in the area. Furthermore, whilst planting would assist in screening the dwelling, it would take time to establish and in any event I do not consider that it would effectively mitigate the harm the dwelling would have on the openness of the area.
7. I find therefore that the dwelling would significantly harm the character and appearance of the area, contrary to saved Policies EN1/2 and H2/1 of the Bury Unitary Development Plan 1997, which, amongst other matters, seek to ensure that development has regard to the relationship with the surrounding area and the suitability of the site in land use terms with regard to amenity. Furthermore, it would fail to comply with the Council's Development Control Policy Guidance Note 16 - Design and Layout of New Development in Bury, which provides guidance on new housing development, including ensuring new development complements and enhances the existing built form within the borough.

### **Other Matters**

8. The appellant has referred me to two developments at Woodlands View and Buckley Lane. Whilst the details of these developments are not before me, the appellant states that they were brownfield sites. Based on the evidence before me and the observations I made on site, I do not consider that the appeal site is a brownfield site. There is no indication that it has had any previous use that has not been ancillary to the host dwelling. Therefore, it has not been demonstrated that there are any material similarities between the approved developments and the proposed dwelling that would weigh it favour of the appeal proposal.
9. The proposal would be constructed of natural materials and utilise renewable energy sources. Whilst the use of sustainable construction methods is commendable, in this instance, I do not consider that it outweighs the harm the proposal would have on the character and appearance of the area.
10. I acknowledge that the proposal would provide economic benefits, for example by way of taxes and contributions to the construction industry. The occupants would also likely make some contribution towards the community. Furthermore, the proposed planting would make some positive contribution towards biodiversity. However, individually or cumulatively, these benefits would not outweigh the overall harm the dwelling would have on the character and appearance of the area. Therefore, I do not consider that it represents a sustainable form of development.
11. I have had regard to the concerns raised regarding the culvert. However, there is no substantive evidence that this issue could not be adequately

addressed by way of an appropriately worded condition, if I was minded to allow the appeal.

### **Conclusion**

12. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

*Alexander Walker*

INSPECTOR



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## Appeal Decision

Site visit made on 28 February 2018

**by Helen Hockenhull BA(Hons) B.PI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 March 2018**

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**Appeal Ref: APP/T4210/D/18/3193842**

**Bungalow 3, Watling Street, Affetside, Bury BL8 3QP**

- 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 Graham Lowe against the decision of Bury Metropolitan Borough Council.
  - The application Ref 61922, dated 12 September 2017, was refused by notice dated 26 October 2017.
  - The development proposed is a first floor extension.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this case are:
  - whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
  - the effect of the development on the openness and purposes of the Green Belt;
  - the effect of the proposal on the character and appearance of the host dwelling;
  - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

### Reasons

3. The appeal property forms a detached bungalow located on the outskirts of the village of Affetside. It is accessed via a track from Watling Street which also forms a public right of way. The dwelling has been extended to the rear creating an 'L' shaped property. It is proposed to provide a first floor extension to create a living room with balcony feature, taking advantage of the countryside views. The site is located within the Green Belt.

### *Inappropriate development*

4. Paragraph 89 of the Framework regards the construction of new buildings in the Green Belt as inappropriate development. The Framework outlines a number of exceptions to this. The most relevant to this case is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original dwelling.
5. Saved Policy OL/2 of the Bury Unitary Development Plan (UDP) 1997 concerns new buildings in the Green Belt. This policy pre dates the National Planning Policy Framework (the Framework), and whilst it generally reflects current national policy it is inconsistent with it in a number of respects. I therefore give greater weight to the Framework.
6. The Framework does not define what constitutes a disproportionate addition. However the Council's Supplementary Planning Guidance Note 8, New Buildings and Associated Development in the Green Belt 2007 (SPG8) provides guidance on this matter. It advises that the Council may allow extensions up to a third of the volume of the original dwelling. This threshold is reiterated in the Council's Supplementary Guidance Note 6 updated in 2010 which relates to Alterations and Extensions to Residential Properties.
7. I note from the Council's evidence that the property was granted planning permission for a side and rear extension in 2004. The parties agree that the existing and proposed extensions would exceed the 30% increase in volume referred to in SPG Notes 6 and 8. The appeal proposal would therefore result in a disproportionate addition to the property. It would not comply with any of the exceptions in paragraph 89 of the Framework and would form inappropriate development in the Green Belt.
8. The Council in their reason for refusal has stated that the proposal by virtue of its scale and design would form inappropriate development in the Green Belt. However having regard to national policy, whilst the scale of the development is a determining factor, the issue of design and the effect on the character of the dwelling is not relevant to the consideration of inappropriateness. It does however form a material consideration which I shall turn to later in my decision.

### *Openness*

9. A fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework is to keep land permanently open; the essential characteristic of Green Belts is their openness and permanence. The appeal scheme proposes a first floor extension to the bungalow, raising the roof height by approximately 2 metres and creating a two storey entrance porch and glazed screen balcony.
10. I noted on site visit that the appeal property is visible from the east from Watling Street. As a result of the existing height of the dwelling and the contours of the land, only the upper part of the property can be seen resulting in a relatively unobtrusive development. The proposal to raise the height of the building would mean that the dwelling would be more dominant in the landscape. I consider that as a result the development would cause harm to the openness of the Green Belt would fail to safeguard the countryside from encroachment.

11. I accept that the property is difficult to see from other viewpoints. However the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt.

*Character and appearance*

12. As I have mentioned above, the Council has raised concern with regard to the design of the proposal and the impact on the character of the property. The existing bungalow is of a simple design constructed in stone and render with a slate roof. The proposed scheme keeps the increase in height of the roof to a minimum and provides roof lights to the front and rear roof planes. The submitted plans also include a proposed balcony with glazed screen which would project forward of the front elevation of the dwelling in line with the two storey porch. I consider that this feature as designed would adversely affect the simple rural character of the existing dwelling. In this regard the appeal proposal would be contrary to Saved Policy H2/3 of the UDP which aims to ensure that extensions and alterations are of a high standard of design sympathetic to the original building and the surrounding area.

*Other considerations*

13. I acknowledge that the proposed extension would be constructed in matching materials to the existing bungalow and would reuse the existing roof slates. I also note that there would be no amenity issues such as overlooking or loss of privacy affecting the living conditions of the occupants of neighbouring dwellings. These factors attract limited weight in favour of the appeal.

**Conclusion**

14. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. I consider that the harm by reason of inappropriateness, the adverse effect on the openness of the Green Belt and the harm to the character of the dwelling are clearly not outweighed by the other considerations outlined above. Very special circumstances necessary to justify the development do not therefore exist.
15. For the reasons given above and having regard to all other matters raised, I dismiss this appeal.

*Helen Hockenfull*

INSPECTOR

**Details of New Enforcement Appeals    Lodged**  
**between 13/02/2018 and 18/03/2018**



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**Case Ref:** 17 /0015

**Date of Appeal:** 02/23/2018

**Appeal Type:** REP

**Location:** 96 Scholes Street, Bury, BL8 2RA

**Issue:** Extension at rear

**Case Ref:** 16 /0321

**Date of Appeal:** 03/13/2018

**Appeal Type:** REP

**Location:** Parkers Fishing Lodge, land at rear of 15 Lodge Side, Bury, BL8 2SW

**Issue:** Erection of timber building

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**Total Number of Appeal Cases: 02**

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