

AGENDA FOR

PLANNING CONTROL COMMITTEE

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To: All Members of Planning Control Committee

Councillors : C Preston (Chair), T Cummings,
S Haroon, G McGill, R Skillen, K Thomas, J Walker,
J Harris, I Schofield, S Haroon, 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:-

Date:	Tuesday, 9 October 2018
Place:	Peel Room, Bury Town Hall
Time:	7.00 pm
Briefing Facilities:	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 since the 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.
Notes:	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.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. H. Kenyon', with a long horizontal flourish extending to the right.

Stephen Kenyon CPFA
Interim Executive Director of Resource 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 4TH SEPTEMBER, 2018 *(Pages 1 - 4)*

4 PLANNING APPLICATIONS *(Pages 5 - 38)*

a SUPPLEMENTARY AGENDA *(Pages 39 - 40)*

5 DELEGATED DECISIONS *(Pages 41 - 54)*

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 55 - 66)*

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

7 PLANNING ENFORCEMENT *(Pages 67 - 80)*

A report from the Head of Development Management providing statistical information on Enforcement Activity between 1st April, 2018 and 30th June, 2018.

8 TREE PRESERVATION ORDER CONFIRMATION *(Pages 81 - 98)*

A report from the Head of Development Management on the confirmation of a temporary Tree Preservation Order currently made on Crow Lumb Wood, Ramsbottom.

9 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: 4th September, 2018

Present: Councillor C Preston (In the Chair)
Councillors A Cummings, M D'Albert, J Harris, S
Haroon, M Hayes, G McGill, I Schofield, R
Skillen, J Walker

Public attendance: 1 member of the public in attendance

**Apologies for
absence:** Councillors Harris, Nuttall, Thomas and Y Wright

PCC.118 DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

PCC.119 MINUTES

Delegated decision:

That the Minutes of the meeting held on 31st July, 2018 be approved as a correct record and signed by the Chair.

PCC.120 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

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

Prior to the Committee meeting, a site visit took place in respect of planning application 62864.

Delegated decisions:

1. That the Committee **Approve** 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:-

62830 Eton Business Park, Eton Hill Road, Radcliffe, Manchester – Radcliffe East Ward

1. Phase 01 Extension to existing car, motorhome and caravan sales area, incorporating new security fencing, re-positioning of entrance gate. It will involve making good of the existing hard-standing, and the installation of new lighting and CCTV.
2. Phase 02 Create an additional open storage compound accessible from the existing business park only. This will include a new hard-standing area with security fencing, lighting and CCTV.

Note: The decision to approve with conditions the application is subject to the addition of the following condition, agreed by the Committee at the meeting:-

Condition 14 Prior to the approved use commencing, a delivery management plan shall be submitted to and approved in writing by the Local Planning Authority. Deliveries of caravans and motor homes shall only be carried out via the Eton Hill Road entrance shown on the approved plan. The approved plan shall only be implemented and maintained thereafter.

Reason. In the interests of road safety pursuant to the NPPF and UDP Policies EC4/1, EC6/1 and S4/4.

62864 Pioneer Mills, Milltown Street, Radcliffe, Manchester – Radcliffe East Ward

Small-scale gas-fired standby electricity generation plant and ancillary infrastructure

PCC.121 DELEGATED DECISIONS

A report from the Head of Development Manager was submitted listing all recent Planning application decisions made by Officers using delegated powers. A verbal update was provided in relation to planning applications 62712, 62967 and 62958.

Delegated decision:

That the report be noted.

PCC.122 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. A verbal report was provided in relation to the two planning appeals lodged for planning applications 62837 and 62865, the planning appeal decision on 62361, the new enforcement appeal in relation to case ref: 16/0099 and the enforcement appeal decision for case ref: 0332/16.

Delegated decision:

That the report be noted.

PCC.123 SITES OF BIOLOGICAL IMPORTANCE

A report from the Assistant Director (Localities) was submitted describing the purpose and application of the Register of Sites of Biological Importance in Bury including all of the recent updates to the Register in terms of the sites added or removed. It was reported that the information detailed in the plan contributes to the Bury Local Plan. Councillor Walker raised concerns regarding some of the timescales involved in the review process, this last review incorporating the 2016 updates.

Delegated decision:

That the Planning Control Committee adopt the 2016 update of the Register of Sites of Biological Importance for use in development planning and management.

**CHAIR
COUNCILLOR C Preston**

(Note: The meeting started at 7.00 pm and ended at 7.30 pm)

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Title	Planning Applications
To:	Planning Control Committee
On:	09 October 2018
By:	Development Manager
Status:	For Publication

Executive Summary

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

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

This report has the following implications

Township Forum/ Ward: Identified in each case.

Policy: Identified in each case.

Resources: Not generally applicable.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:
The elimination of discrimination, harassment and victimisation;
The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;
The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, I have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based

upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

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.

01	Township Forum - Ward:	Ramsbottom and Tottington - Ramsbottom	App No.	63006
	Location:	Lower Dickfield Farm, Lower Dickfield, Helmshore Road, Ramsbottom, Bury, BL8 4PD		
	Proposal:	Conversion of agricultural building to a dwelling with extension and new access		
	Recommendation:	Approve with Conditions	Site Visit:	N

02	Township Forum - Ward:	Ramsbottom + Tottington - Tottington	App No.	63144
	Location:	24A Moreton Drive, Bury, BL8 1QT		
	Proposal:	Single storey extension at rear		
	Recommendation:	Approve with Conditions	Site Visit:	N

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 01

Applicant: Mr A Winstanley

Location: Lower Dickfield Farm, Lower Dickfield, Helmshore Road, Ramsbottom, Bury, BL8 4PD

Proposal: Conversion of agricultural building to a dwelling with extension and new access

Application Ref: 63006/Full

Target Date: 04/09/2018

Recommendation: Approve with Conditions

Head of Development management has requested a site visit by the Planning Control Committee for this item.

Description

The application relates to an existing steel portal framed agricultural building with Yorkshire boarding to the north of Lower Dickfield Farm to the north west of Ramsbottom village. The site lies within the open countryside which is designated Green Belt and is a Special Landscape Area. A public right of way (PRoW No.42) runs north/south, up the track that leads to the field access that is proposed to be used for the access to the new house.

The proposal falls into two distinct elements, firstly the new dwelling and secondly, the new access track leading to it from the existing track to the south east.

It is relevant at this stage to note that the building to be converted and extended was subject to a successful appeal, in February this year, following a decision by the Local Planning Authority to refuse a Prior Approval application to convert it to a dwellinghouse.

The current proposal is to extend the part of the building on the east side by 4m. The extension would run across 7.5m with a roof pitch extending up from the eaves to below the existing ridge line. The proposed dwelling would have 3 bedrooms and the extension would accommodate an extended kitchen/diner. It is proposed to retain the existing Yorkshire boarding on the original building but clad the extension in a larch boarding. The roof would be a plastic coated corrugated steel roof to reflect the original.

On the east side of the new house, there would be a parking and turning area with access to the proposed new track. This new single access track would be in the form of a 'cart track' with two hardcore filled wheel tracks with a central grassed strip. It would run east, across the existing field for approximately 140m before running south, approximately 140m to the existing field gate where it would join the existing access track. The existing gate would be set back 5m from the existing track to prevent vehicles blocking the footpath.

Relevant Planning History

60866 - Prior approval for the proposed change of 2 no. agricultural buildings to 2 no. dwellinghouses (Class C3) under part 3 class Q(a) of general permitted development order - 19/05/2017

60866 - Prior approval for the proposed change of 2 no. agricultural buildings to 2 no. dwellinghouses (Class C3) under part 3 class Q(a) of general permitted development order - Prior Approval Required and Refused 19/01/2017

61646 - Prior Approval to change use of barn to dwelling - Refused 14/08/17. Appeal Allowed 13/02/18.

62549 - Certificate of lawfulness for proposed access road to be 3 metres wide and with a tarmac surface - Refused 14/05/2018. Appeal ongoing. The hearing date, coincidentally is 09/10/18.

Publicity

Press notice in Bury Times 23/08/18. Site notices posted 18/07/18 and 20/08/18 and the following residents were notified by letter dated 10/07/2018.

Lower Dickfield Cottage, Pegg Lower Dickfield, Higher Dickfield, Higher Dickfield House, Lower Tops Farm, Hillcrest, The Old Mill, Topwood, 21, 27, 31, 35 Springwood Street, 2, 5, 6, 7, 8, 9, 10, 11, 12 Uppingham Drive, 4, 10 Carr Bank Avenue, 15 Carr Bank Drive, 45 Cross Lane, 21 Earl Road, 470 Newchurch Road.

Objections have been received from Lower Dickfield Cottage, 2, 3, 5-12 Uppingham Drive, 1, 4, 6 and 15 Carr Bank Avenue, 31 Springwood Street, 21 Earl Road, 54 Tanners Street, 8 The Paddock, The Old Mill Hotel. Ramsbottom Heritage Society have also objected. Issues raised by objectors are summarised below:

- The proposal is intrusive and contrary to Green Belt Policy.
- The extension to the building is inappropriate in terms of design and appearance.
- The approved dwelling is big enough and doesn't need an extension.
- There is no legal right of access for new dwellings over the existing track leading to the field gate/access point.
- The building is in use and therefore a new agricultural building would need to be constructed.
- The previous appeal inspector was misinformed and therefore the decision should be void. There are no services to the dwelling. A new dwelling would require new electricity supply via poles.
- The site is not sustainable with no public transport links.
- The additional traffic would lead to damage to the existing footpath.
- The proposal would double the traffic up the existing track/public right of way 42 and with no passing places, it would be dangerous to other users of the footpath.
- There is no legal access along the existing track.
- The site is adjacent to a Site of Biological Importance.

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

Consultations

Traffic Section - Comments will be reported within the supplementary report.

Environmental Health - No objection.

Public Rights of Way Officer - Comments will be reported within the supplementary report.

Fire Safety - Turning required for emergency vehicles.

Drainage - Comments will be reported within the supplementary report.

Unitary Development Plan and Policies

OL1	Green Belt
EN9/1	Special Landscape Areas
OL1/2	New Buildings in the Green Belt
EN1/1	Visual Amenity
H2/1	The Form of New Residential Development
H1/2	Further Housing Development
H2/2	The Layout of New Residential Development
HT2/4	Car Parking and New Development
EN5/1	New Development and Flood Risk
NPPF	National Planning Policy Framework
SPD11	Parking Standards in Bury
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
HT6/2	Pedestrian/Vehicular Conflict
RT3/4	Recreational Routes
HT4	New Development
SPD11	Parking Standards in Bury

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.

Policies - The National Planning Policy Framework (NPPF) indicates that there is a presumption in favour of sustainable development unless there are substantial and material reasons to refuse.

Paragraphs 145 and 146 of the NPPF are relevant and set out what is appropriate and inappropriate within the Green Belt. Paragraph 146 includes the re-use of buildings provided that they are of permanent and substantial construction.

It is relevant to note the appeal decision from the Planning Inspectorate in February this year, following an appeal against the refusal of a Prior Approval to convert the agricultural building into a dwelling. The inspector ruled that the building was capable of conversion without substantial rebuild and thus complies with Paragraph 146 of the NPPF.

In terms of local UDP policies, the following are considered relevant.

OL1/2 New Buildings in the Green Belt. The construction of new buildings inside the Green Belt is inappropriate development, unless it is for one or more of the following purposes:

- a) agriculture and forestry (except where permitted development rights have been withdrawn);
- b) essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of Green Belt and which do not conflict with the purposes of including land in it;
- c) limited extension, alteration or replacement of existing dwellings, provided that this would not result in disproportionate additions over and above the size of the original dwelling, or, in the case of replacement of existing dwellings, the new dwelling is not materially larger than the one it replaces;
- d) limited infilling in existing villages as set out under Policy OL1/3.

OL1/4 - Conversion and Re-use of Buildings in the Green Belt . The conversion and re-use of buildings in the Green Belt is not inappropriate development and will be permitted providing that:

- a) it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;
- b) any extension of re-used buildings, and any associated uses of land surrounding the building do not conflict with the openness of the Green Belt and the purposes of including land in it (e.g. because they involve extensive external storage, or extensive hardstanding, car parking, gardens, boundary walling or fencing);
- c) the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction;
- d) the form, bulk and general design of the buildings are in keeping with their surroundings;
- e) suitable access and likely traffic generation can be accommodated without creating a traffic hazard or the need for major road improvements or lengthy new routes;
- f) all the necessary services can be provided without extensive works;
- g) it can be established by the applicant, to the satisfaction of the local planning authority, whether or not the building contains any protected species, such as bats or barn owls. Where it is shown such species are present, measures to prevent damage to habitats will be required.

OL1/5 Mineral Extraction and Other Development in the Green Belt. Within the Green Belt other development, not including buildings, will be inappropriate unless:

- a) it maintains openness and does not conflict with the purposes of including land in the Green Belt; or
- b) 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 above 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.

EN1/1 Visual Amenity. Development will not be permitted where proposals would have a detrimental effect on:

- a) public views of prominent or important buildings, especially those in areas of architectural or historic interest;
- b) the visual amenity both within, or viewed from, areas of environmental interest such as the Green Belt, Special Landscape Areas or the river valleys.

EN5/1 - New Development and Flood Risk. The Council will not permit new development, including the raising of land and the intensification of development, where such development would be at risk from flooding, would be likely to increase the risk of flooding elsewhere, or would adversely affect river flood defences. When assessing proposals against this policy, the following criteria will apply:

- a) the impact on the floodplain;
- b) the increase in surface water run-off as a result of the proposal;
- c) the impact on fluvial flood defences;
- d) the incorporation of mitigating works.

EN9/1 Special Landscape Areas. In those areas identified on the Proposals Map as Special Landscape Areas, any development which is permitted will be strictly controlled and required to be sympathetic to its surroundings in terms of its visual impact. High standards of design, siting and landscaping will be expected. Unduly obtrusive development will not be permitted in such areas.

H1/2 - Further Housing Development. The Council will have regard to the following factors when assessing proposals for housing development on sites not identified on the Proposals Map:

- 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.

H2/4 Conversions. Applications for the conversion of buildings into two or more self contained units, or the conversion of a building into a house of multiple occupation, will be considered with regard to the following factors:

- a) the effect on the amenity of neighbouring property through noise, visual intrusion, the position of entrances, impact of parking areas, extensions and fire escapes;
- b) the general character of the area and the existing concentration of flats;
- c) the amenity of occupants;
- d) the effect on the street scene of any changes to the external appearance of the building;
- e) car parking and servicing requirements.

HT2/4 Car Parking and New Development. The Council will require all applications for development to make adequate provision for their car parking and servicing requirements in accordance with the Council's car parking standards.

HT6/2 Pedestrian/Vehicular Conflict. The Council will take action, as appropriate, to reduce pedestrian/vehicular conflict through measures which include:

- a) pavement widening/realignment;
- b) pedestrianisation schemes;
- c) improved pedestrian crossing facilities;
- d) proposals designed to reduce traffic speed;
- e) provision of clearly signed pedestrian routes.

RT4/2 Safeguarding Tourism Assets. The Council will not permit proposals for development which would prejudice existing tourism assets or areas which have potential for tourism development.

Visual Amenity and Openness of the Green Belt and Special Landscape Area - Given that the Planning Inspector, in the recent appeal decision, considered that the existing agricultural building could be converted to a dwelling, the principle of the change of use is established. The difference between the proposed dwelling that was subject to the successful appeal and this proposal is an extension on the east side. The proposed extension, with a footprint of approximately 30sqm and a height not exceeding the existing roof ridge, is relatively modest in scale. In terms of volume the extension would add approximately 27% to the original volume of the building. The increase in volume is less than a third and in line with policy and guidance. The proposed curtilage is relatively modest and considered to be acceptable in terms of Green Belt policy. The boundary fencing would for the most part, follow the line of the existing timber post and rail fences and where it would form a new boundary, would be constructed using similar materials. A suitable condition would ensure this is the case.

In terms of appearance, the proposed extension, finished in larch timber boarding would appear as clearly subservient to, and not be out of keeping with, the existing Yorkshire boarded building.

The proposed access from the new dwelling, across the adjacent field, to the existing gated access is relatively long and quite exposed. However in the form of a simple cart track with two gravel filled channels with a central grassed strip, would not impact on the openness of the Green belt or appear particularly incongruous with the wide landscape. In this respect the proposed access track is acceptable and complies with the NPPF and UDP Policies and guidance.

The proposal in terms of the Green Belt, the Special Landscape Area and visual amenity, is considered acceptable and complies with the NPPF and UDP Policies.

Residential Amenity - Given the siting of the dwelling and the route of the new access, it is not considered that there are any seriously detrimental issues arising in terms of residential amenity.

Access Issues, Traffic and Parking - The Prior Approval for a dwelling, previously referred to and allowed on appeal, indicated an access running north/south from the new dwelling, past the immediate neighbour at Lower Dickfield Cottage. It is believed that this access cannot now be used for legal reasons, there being access allowed for existing dwellings only and not new ones.

The proposed new access to the proposed dwelling would run east from the new house, across the field and turn south to join the existing track at the field gate in the south east corner of the field. Photographs of the gated access and track are attached at the end of this report. The existing track leading up to the access gate is single width and constructed of hardcore. It is a designated Public Right of Way (No.42). On the west side there is a shallow ditch and on the east side is a wall forming the rear boundary of gardens fronting Uppingham Drive. Just past the access point, on the north side, the track turns into a dedicated footpath by the position of a stile, preventing vehicular access.

The existing track is passable with a vehicle up to the field gate and is currently used as access to the field that the proposed new cart track would cross. There are two gravelled passing places, one on the east /west section and another on the north/south section of the proposed track. A suitable condition of any approval would require details of both the cart track and the passing places to be submitted and works completed prior to any commencement of the development on the proposed dwelling. This would ensure a suitable means of access for construction traffic.

In addition to the works to the cart track, a condition would be attached to the approval that requires a survey of the existing track leading up to the field gate, to be undertaken and any remedial works carried out that would be required to make the track suitable for construction traffic. On completion of the development, a further survey would be undertaken and, if deemed necessary, the track would be reinstated to its former condition to the satisfaction of the Local Planning Authority. This would ensure that the track is not adversely affected by the construction of the development. It would be assumed that if the track is maintained in a suitable condition to take construction traffic, it would be suitable for the proposed domestic traffic.

With the necessary conditions attached to ensure the integrity of the existing track is not compromised, it is not considered that the proposal would have a seriously detrimental impact on the use of the track as a Public Right of Way.

It is noted that there is an objection from the adjacent landowner, stating that there is no legal right of access over the existing access track. This may be the case, however this is a private matter and not a specific planning matter.

In terms of parking, the proposed two parking spaces are considered sufficient for a single dwelling and complies with policy and guidance. There is a sizeable forcourt in front of the building that would allow for the turning of vehicles and this is also considered appropriate.

Flooding - Although the area is not within a flood zone, indications are that there have been localised flooding issues relating to water flow down the track and along the adjacent ditches. This has in some cases resulted in damage to the track and this has fuelled concern that the proposal, with the associated construction and domestic traffic, would make the situation worse.

The concerns of the neighbours and the Council's own footpaths officer are understandable and justified. However it is considered that the survey and any remedial works to be undertaken, would ensure that the situation is not made any worse. It is noted that it is in the interests of the applicant to not make the situation any worse but to actually try to improve matters in this area. A condition relating to surface water run-off would be attached to any approval.

Objections - The concerns relating to the impact of the proposal on the Green Belt and wider countryside, the appearance of the extension and legal access issues have been dealt with in the above report.

The concern that the conversion of the existing building would mean that a new agricultural building would be required is not a valid reason to refuse the scheme. The previous inspector has already allowed the conversion of the building and it would be unreasonable to resist it at this stage.

The accusations about misinformation on the previous appeal cannot be dealt with in this application which is considered on its individual merits. With regard to essential services, it is not considered that the provision of these would have a serious impact on the openness and character of the Green Belt and wider countryside.

The site of the new dwelling is not particularly sustainable but neither can it be considered

remote and the principle of the conversion to a dwelling has been allowed by the Planning Inspectorate thought the previous appeal decision.

It is not considered that the proposal would have a serious and detrimental impact on the Dick Field Site of Biological Importance, situated to the south of the site and the impact on the wider ecology and wildlife is negligible.

On balance, given the previous decision to allow for the conversion of the agricultural building to residential use, the proposal is considered acceptable and complies with the NPPF and UDP Policies listed.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. 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 location plan, site plan and sectional details, floor plans and elevations (revised) 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. 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 UDP Policies EN1/1 Visual amenity, OL1/2 New Buildings in the Green Belt and H2/6 Extensions and Alterations.
4. 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/ New Development and Flood Risk , EN7/3 Water Pollution and EN7/5 Waste

Water Management and the NPPF.

5. Details of the proposed cladding to be used in the external elevations, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials shall be used for the construction of the development.
Reason. 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.
6. No development shall commence unless and until the following details have been submitted to and approved in writing by the Local planning Authority -
 - A detailed survey of the existing access track, including sections and photographs between points X and Y, indicated on the approved plan.
 - The survey shall include details of any preliminary works that would be required to maintain the structural integrity of the track (X to Y) during the construction phase of development. Such preliminary works shall be carried out prior to development commencing and maintained thereafter during construction.
 - Within one month of the completion of the development, a further survey shall be undertaken to determine if any damage has occurred due to construction traffic/other domestic.
 - The findings of the survey and details of any remedial works, required to ensure that the track between points X and Y are not deleterious than prior to commencement of construction works, shall be submitted to the Local Planning Authority. The survey shall include a timetable for implementation of any approved remedial works.
 - The remedial works shall be implemented and the access track (points X-Y) shall be available for public use.Reason. In order to ensure the existing access track/PRoW is not damaged and in the interests of public safety pursuant to the NPPF and UDP Policies HT6/2 Vehicular and Pedestrian Conflict, RT3/4 Recreational Routes.
7. Prior to the commencement of development, proposed boundary and access gate details shall be submitted to and approved in writing by the Local Planning Authority. The approved details only shall be implemented.
Reason - To secure the satisfactory development of the site and in the interests of the visual amenities of the area pursuant to Policy EN1/1 Visual Amenity of Bury Unitary Development Plan.
8. Provision shall be made within the site to enable vehicles, including emergency services, to enter and leave the site in forward gear, and shall subsequently be maintained free of obstruction.
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of highway safety.
9. The proposed 'cart track' access shall be completed prior to commencement of works to the proposed dwelling.
Reason. In order to ensure adequate access for construction traffic in the interests of highway safety pursuant to the NPPF and UDP Policies H4 New Development and HT6/2 pedestrian/Vehicular Conflict.
10. 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 construction traffic from the highway network;
 - Hours of operation and number of vehicle movements;

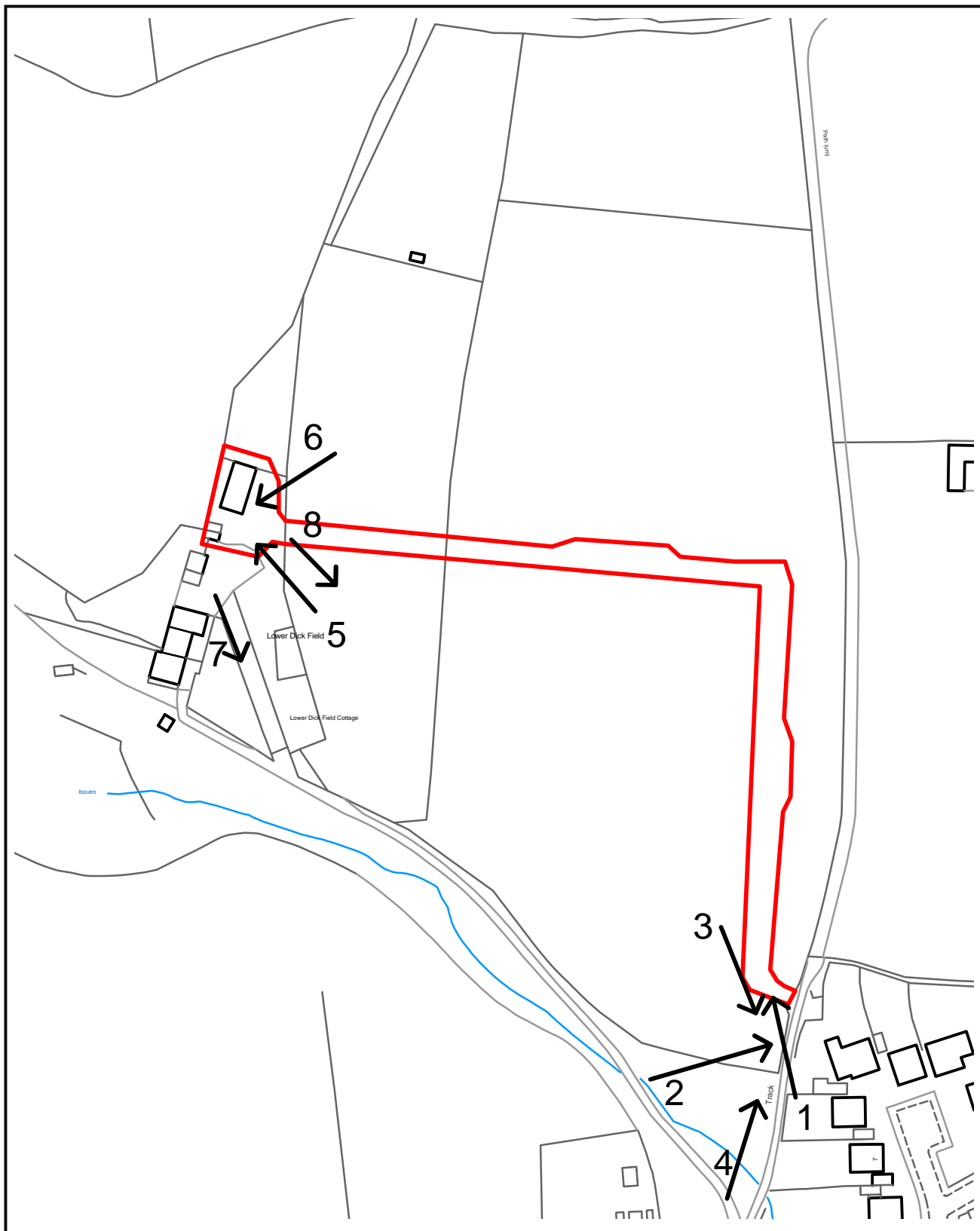
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
- Parking on site of operatives' and construction vehicles together with storage on site of construction materials.
- Provision of suitable wheel cleaning facilities to prevent the spread of mud onto the nearby footpath/roads.

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. In the interests of road safety and ensure adequate construction facilities are provided pursuant to UDP Policy H4 New Development.

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 63006

**ADDRESS: Lower Dickfield Farm, Helmshore Road
Ramsbottom**

Planning, Environmental and Regulatory Services

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Bury
COUNCIL

63006

Photo 1



Photo 2



63006

Photo 3



Photo 4



63006

Photo 5



Photo 6



63006

Photo 7



Photo 8





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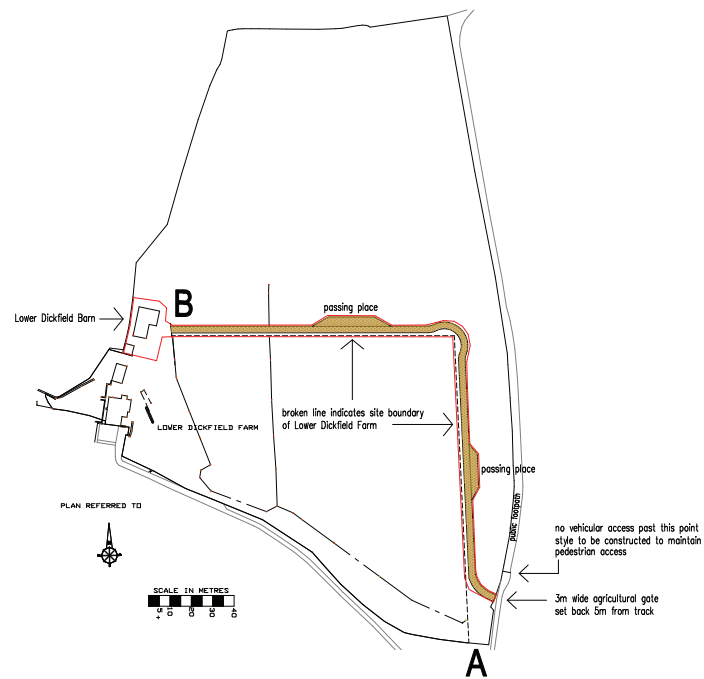
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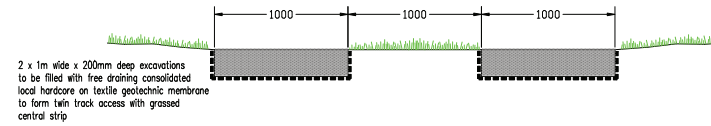


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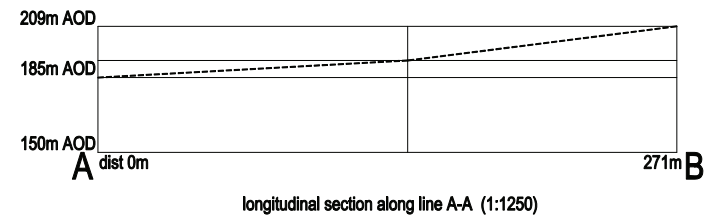
Bury
 COUNCIL



site plan (1:1250)



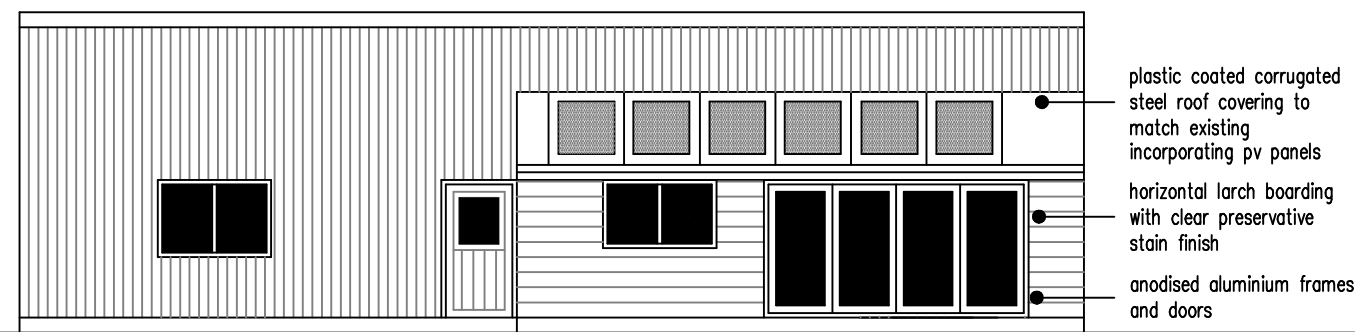
typical cross section



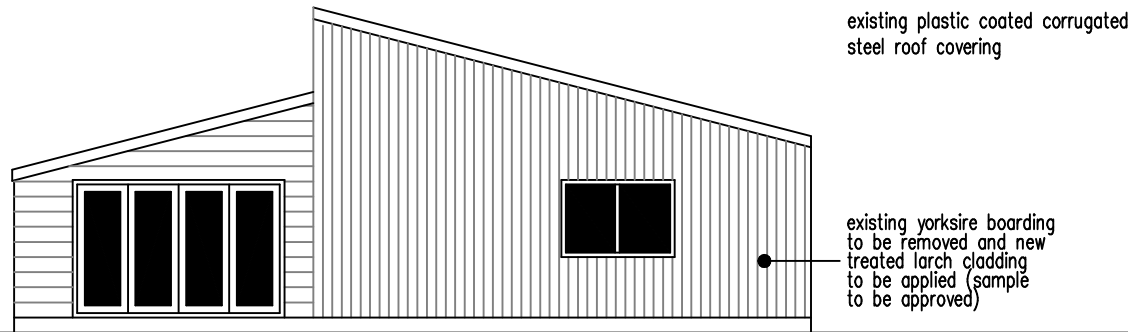
location plan

proposed conversion of agricultural barn
into dwelling including extension and
new access track at

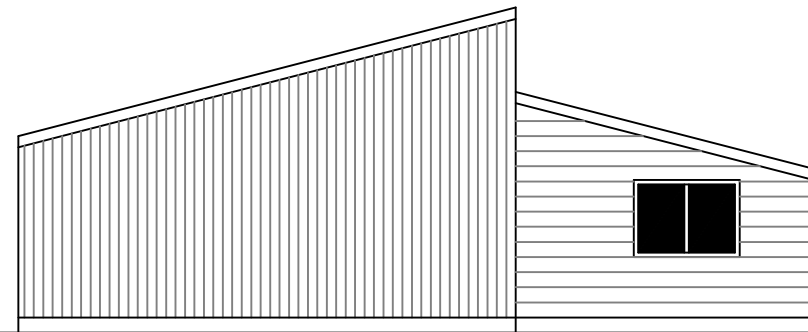
Lower Dickfield Barn Ramsbottom



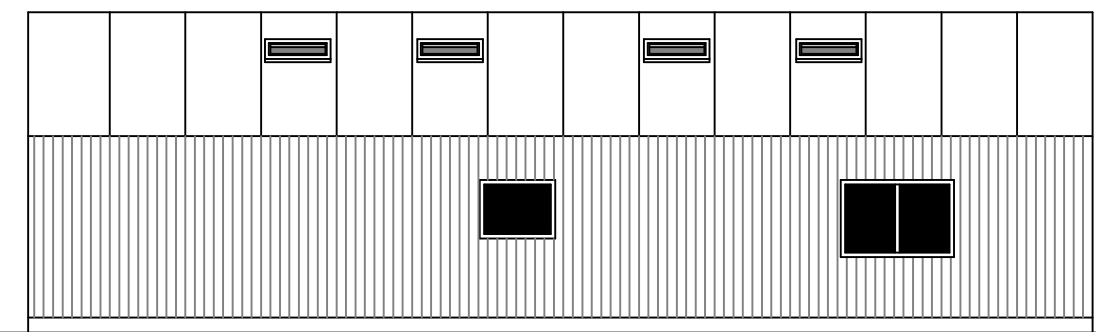
facing east
proposed elevations



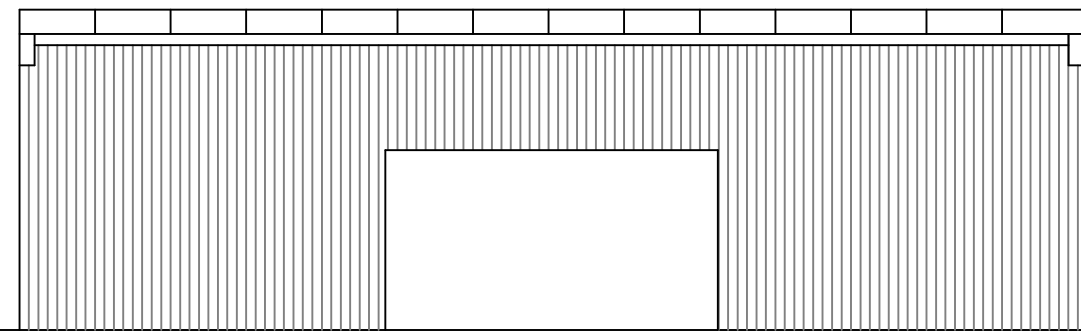
facing north



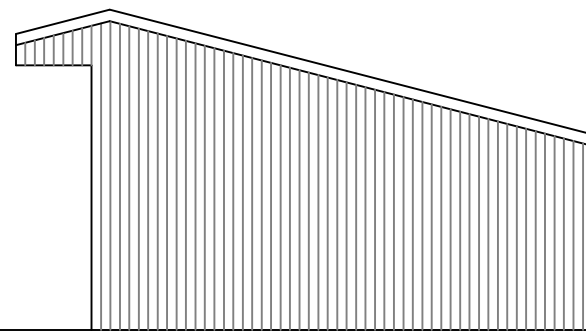
facing south



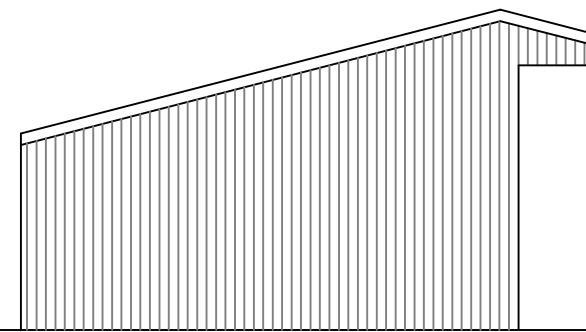
facing west



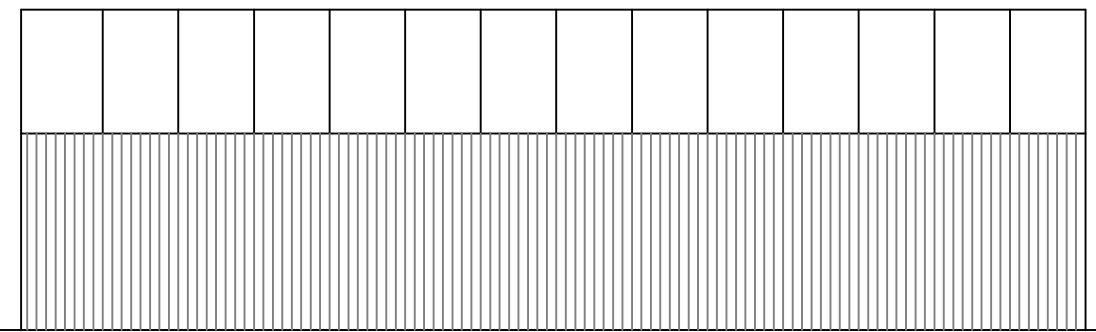
facing east
existing elevations



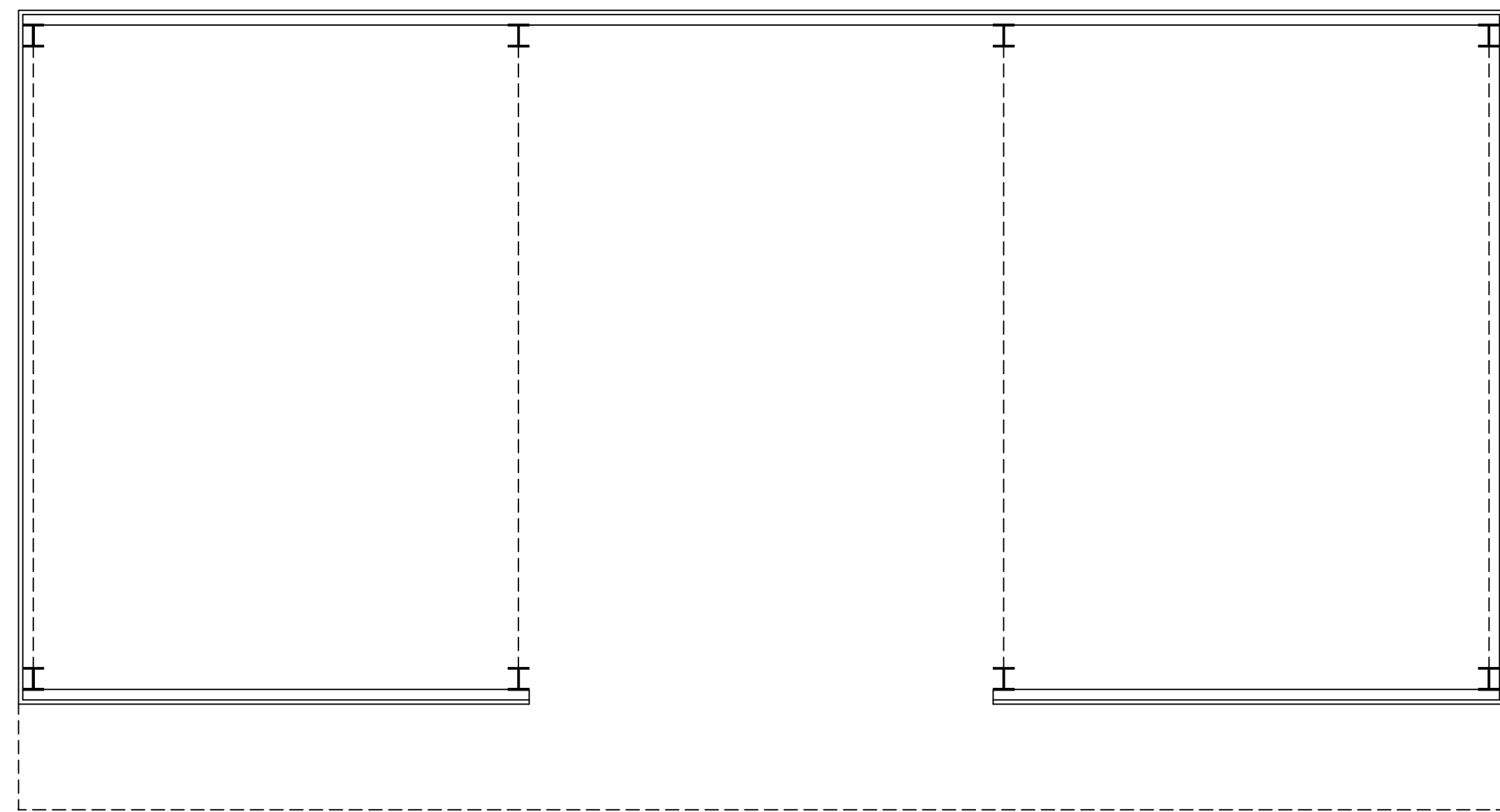
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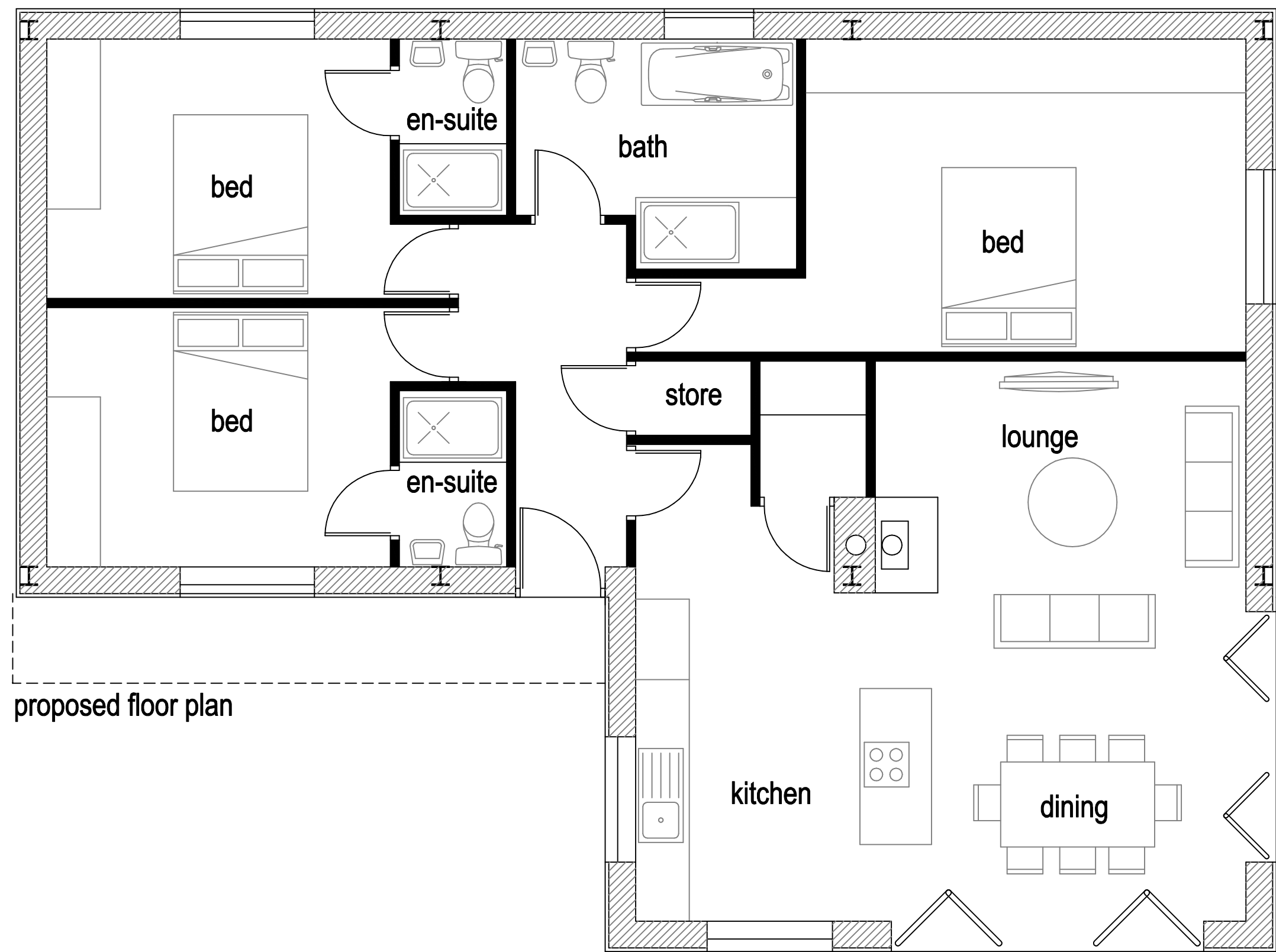
facing south



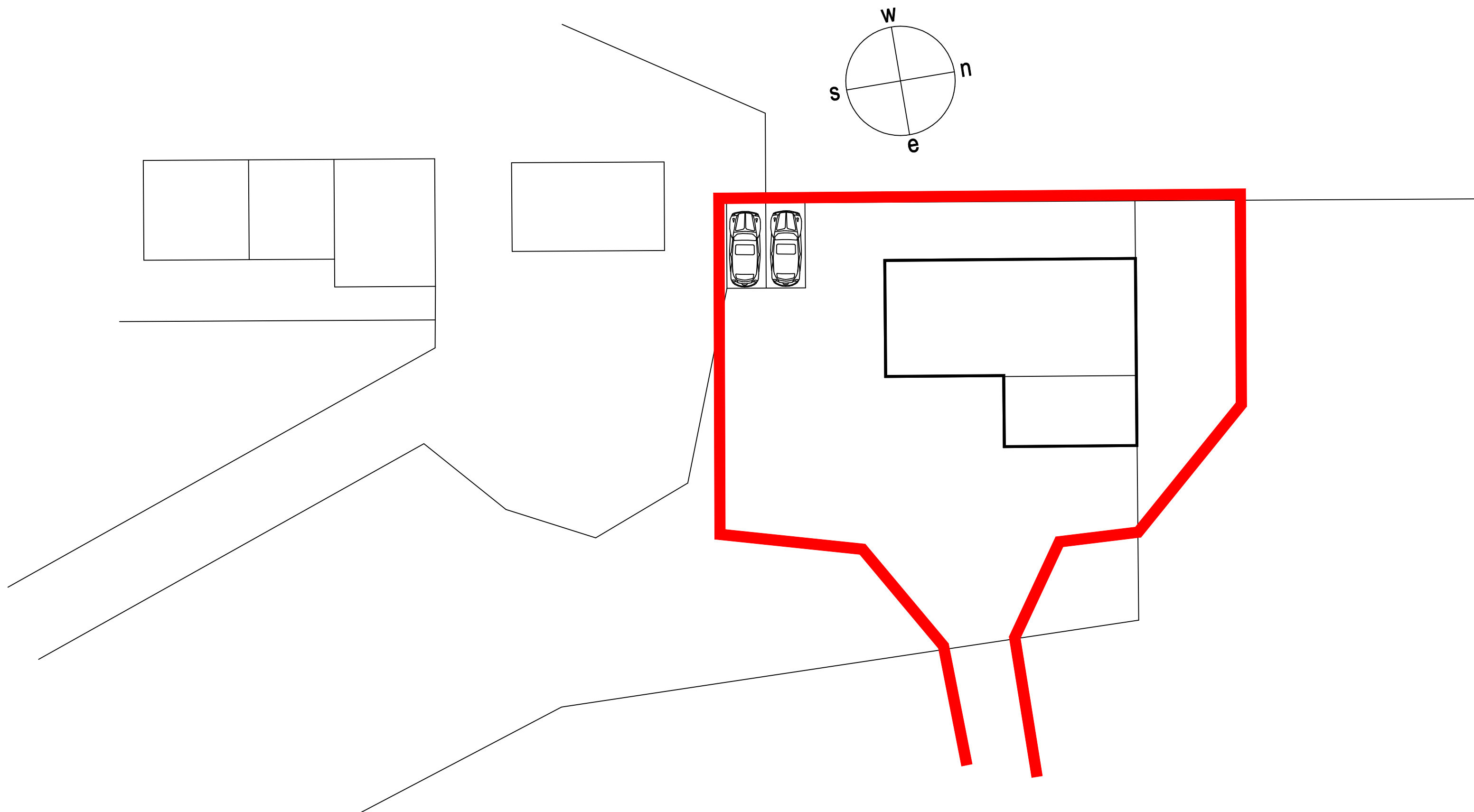
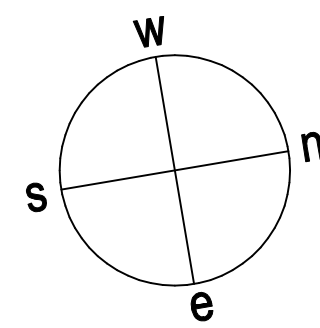
facing west



existing floor plan



proposed floor plan



proposed conversion and extension of
agricultural building to form
3 bed dwelling at

Lower Dick Field Ramsbottom

scale 1:100 1:50 @ A1
0m 10m
linear scale 1:100 @ A1

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

Ward: Ramsbottom + Tottington - Tottington

Item 02

Applicant: Mr Tanveer Ahmed

Location: 24A Moreton Drive, Bury, BL8 1QT

Proposal: Single storey extension at rear

Application Ref: 63144/Full

Target Date: 10/10/2018

Recommendation: Approve with Conditions

This item has brought to Planning Control Committee following a request by Councillor Wright and confirmation from the Chair Councillor Preston. The planning reason set out for this coming to Committee is to consider the application of Supplementary Planning Document 6 where a property is otherwise Permitted Development restricted.

Description

The application relates to a detached dwelling located on a corner plot on Moreton Drive. The premises is located on a residential estate, with Moreton Drive running along the front boundary, and a bridleway located to the south side boundary. The dwelling has a driveway and garden area to the front, with a further area of private amenity space located to the rear. The premises has previously been extended by means of a single storey rear conservatory extension, and conversion of the integral garage.

Planning permission is sought for the removal of the existing conservatory, and for the construction of a single storey rear extension that projects approximately 4000mm from the original rear elevation of the dwelling. The dwelling to which the planning application relates has had it's Permitted Development Rights restricted by condition on the original planning application. Work has commenced on site, however following enforcement intervention building work has stopped to allow this application to be considered.

Relevant Planning History

Planning

23321 - Outline - detached dwelling - Approve with Conditions 12/10/1089

24787 - Approval of reserved matters for one detached house - Approve with Conditions 06/09/1990

36381 - Conservatory at rear - Approve with Conditions 19/04/2000

Enforcement

13/0402 - Change of Use of Garage - 05/09/2013

18/0229 - Single storey rear extension - 15/08/2018

Publicity

Neighbour letters sent to 5 neighbouring properties on the 17/08/2018. 3 objections received (two from addresses not notified) with concerns relating to:

- Too many cars parked on the road.
- Extension started without permission.
- Informed that this is a restricted site and no building can take place.
- Ongoing drainage issues connected to the house.
- Why has no building regulator arrived on site to check everything was in order?
- Informed building work only stopped because homeowner at No. 24 sought legal advice.

- There is no parking at No. 24a.
- Clause on original planning permission (granted in 1989) states that the property "shall not have any extensions added without the prior consent of the Local Planning Authority" and as such the site is restricted and strict control must be applied to prevent over development of the site.
- Land has been illegally excavated, foundations put in, and damp proof brickwork laid and work only halted after Building Control put a hold on the development.
- The extension is illegal.
- Water company have not been informed and no permission has been granted from them.
- There is no land for building materials to be delivered to, and stored on and the applicant is illegally using other people's land to do this.
- No checks have been carried out - only visited by Steven Leach building enforcement officer to tell the occupants to stop and to put a planning application in.
- Extension will prevent access to 24's garage wall, guttering and drain pipe - access is required to repair drains and brickwork/pointing.
- The site would be grossly over developed with no garden at the rear to accommodate recycling bins, or hang out washing.
- Planning permission will be a contravention of GOVERNMENT POLICIES as to the ration of building to garden building being 90% building 10% garden.
- When people visit the children play at the front ant the car is not parked on the driveway
- The applicants park on the road and restrict access to 24 and bridleway.
- The applicant has outlined land they do not own - this land is in the process of legal action and the boundary fence will be removed and land taken back.
- There is not footpath around the side of the property as shown on the submitted map.
- There are two large trees overhanging property.
- "Mr. Ahmed is chair of a charity funded by Bury Council. He as relatives who have office inside Bury Town Hall. He is very, very well Known within that establishment and is strongly connected to Bury council and employees within or connected to it. SHAME ON YOU AND ALL THAT ARE CONNECTED WITH LIES, DECIET AND GROSS MISCONDUCT!"
- Applicant intends to build a two storey extension in the near future.
- Not enough people were notified.
- Planning department have breached notification requirements by not putting up a site notice.
- Applicant has converted garage without planning permission.
- Garage of no. 24 has subsided because of actions of the applicant.

Consultations

None

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

Issues and Analysis

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

Visual Amenity

A condition was placed on the original outline approval for the construction of the dwelling stating that *"Notwithstanding the terms of the General Development Order 1988, or as subsequently amended, the development shall not have any extensions added without prior consent of the Local Planning Authority."* As such, a planning application has been submitted to the Local Planning Authority (LPA) for consideration against the relevant policies, and material planning considerations.

Unitary Development Policy H2/3 - Extensions and Alterations and Supplementary Planning Document 6 - Alterations and Extensions seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

The proposed extension would be located entirely to the rear of the property, however glimpses of the roof may be available from the public bridleway to the south of the site. It is considered that the introduction of a single storey rear extension, in a residential context would not be out of keeping with the locality and as such would not detract from the character of the street scene. As such, the proposal is considered to be acceptable in principle.

The proposed extension is of a simple and unobtrusive design. The use of materials to match the original dwelling would create a harmonious development. The proposed windows and rooflights are considered to be suitably aligned, and the monopitch roof is on an appropriate design. The proposal is of a suitable scale and massing and would allow the applicant to retain garden to the front and rear of the property. It is considered that the proposal would not overwhelm the dwelling or result in over development of the associated residential amenity space.

It is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and therefore complies with Unitary Development Policy H2/3 - Extensions and Alterations and Supplementary Planning Document 6 - Alterations and Extensions.

Residential Amenity

Unitary Development Policy H2/3 - Extensions and Alterations and Supplementary Planning Document 6 - Alterations and Extensions seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

There are no windows facing towards No. 24a Moreton Drive, No. 2 Sandhurst Close or No. 4 Sandhurst Close. The proposed rear windows would be screened by the existing rear boundary, electricity sub station, and the side boundary of No. 29 Alcester Close. In this instance it is considered that the proposal would not lead to a loss of privacy.

The proposed extension would project approximately 3.4 metres beyond the rear elevation of No. 24, exceeding the 3 metres required by SPD 6. As such, it is a requirement to assess the impact of the proposal on a 45 degree line as taken from the nearest habitable room window. The closest window of No. 24 to the proposed extension appears to relate to a kitchen which is a non-habitable room and as such not protected under policy. The nearest habitable room window would therefore be the window located adjacent to the boundary of No. 22. The proposed extension would not impact on a 45 degree line as taken from the midpoint of this window. In this instance therefore the proposal would comply with guidance set out within SPD 6.

The rear elevation of No. 4 Sandhurst Close faces towards the proposed extension. SPD 6 requires a distance of at least 6.5 metres to be provided between the proposed side elevation, and the rear of No. 4. A distance of approximately 17.6 metres can be provided. In this instance therefore the proposal exceeds aspect standards and is therefore considered to comply with guidance set out within SPD 6.

SPD 6 requires off-street parking to be provided for one vehicle to be provided. In this

instance SPD 6 would require a 5 metre driveway to be provided in order to comply. The proposal would retain a driveway to the front of No. 24a that is approximately 6.6 metres long. In this instance therefore the proposal complies with the requirements of SPD 6 and no further parking is required.

It is considered that the proposal would not have a detrimental impact on the residential amenity of the neighbouring properties and therefore complies with Unitary Development Policy H2/3 - Extensions and Alterations and Supplementary Planning Document 6 - Alterations and Extensions.

Response to Objections

There appears to be some confusion over the timeline of the application and which members of Bury MBC have been involved. A timeline of the involvement of Bury MBC can be found below:

Building Control

- Building regulations application and first visit made 19/07/2018
- Foundations 20/07/2018
- Floor slab ready for concrete 27/08/2018

Planning Enforcement:

- Complaint received – 20/07/2018
- Case reviewed. No site visit required as confirmed PD right removed during site history check – 1/08/2018
- Letter sent to owner to inform of breach – 1/08/2018
- Planning application submitted – 07/08/2018

Planning Application

- Valid application received – 15/08/2018
- Site Visit (works on site were not ongoing on this date) – 06/09/2018

The applicant appears to have previously converted their garage, and this was reported to the LPA in 2013 and enforcement subsequently reviewed the matter. The original planning permission for the dwelling included a condition that stated "*Notwithstanding the terms of the General Development Order 1988, or as subsequently amended, the development shall not have any extensions added without prior consent of the Local Planning Authority*" The conversion of the original garage, would not have resulted in the applicant extending their property.

The removal of permitted development rights has been done to ensure that the LPA can assess any proposed extensions at the site. The removal of permitted development rights is not an outright ban on further development. The extension that has been started on site, was considered to be permitted development by the applicant and they were previously unaware of the conditions set on the original planning permission. Once contacted by the LPA in relation to the breach of this condition the applicant stopped works, and submitted a planning application. On the case officer's visit on the 06/09/2018 no building works were taking place.

In relation to parking as stated within the main body of the report, SPD 6 only requires one parking space to be provided at the site, following the completion of the proposal and the application complies with this requirement. The applicant is not seeking to amend the existing parking arrangements at the site, and the extension would provide additional kitchen and living room space rather than bedrooms. The LPA cannot enforce that the applicant only parks on the driveway and parking within the immediate vicinity is not restricted by means of permit parking, or double yellow lines. In addition to this the LPA are not able to restrict the way in which the applicant uses their garden, and they are free to dry their washing within the front garden if they so wish. The applicant would have sufficient space to store bins within the curtilage of the dwelling.

The government policies referred to by the occupants of No. 24 appear to relate to what can be constructed under permitted development. However it is a planning application that has been submitted and as such this is assessed in relation to the policies of the Unitary Development Plan, Adopted Supplementary Planning Documents, National Planning Policy Framework and other material planning considerations. The calculations provided by No. 24 in relation to building to garden ratio must also consider the front garden as part of the space around the dwelling, as the regulations do.

- The original building has a footprint of approximately 61 square metres. This does not include the conservatory which has now been removed.
- The proposed extension has a footprint of approximately 31 square metres.
- The land around the original building (excluding the disputed area to the rear of the garden) has an area of approximately 171.5 square metres.
- The land around the building (excluding the disputed area to the rear of the garden) retained after the proposed extension would be approximately 140.5 square metres.
- The area of the whole site is approximately 232.5 square metres.

As such, following construction approximately 39.57% of the area of the site would be taken up by the dwelling and extension and approximately 60.43% of the site would be retained as residential amenity space, not 90% building and 10% garden as stated within the objection letter. In addition to this the objector appears confused about the percentages allowed. The judgement in relation to what would be allowed under permitted development, the requirement in this instance is that no more than half the area of land around the "original house" would be covered by additions or other buildings. As such, it is the additions and other buildings that are taken into account, and not the footprint of the original building. Approximately 18% of the land around the original house would be taken up by the extension falling below what would be allowed under permitted development.

The applicant currently tends to and maintains an area of land to the rear of the property that is not in their ownership. Whilst this piece of land was originally included within the red line it has since been removed, and neighbours notified of this. A letter from the applicant's solicitor states that the previous owner has sworn a statutory declaration that this bit of land has been used without force since August 1999. The applicant is currently in the process of making an application to land registry to be registered with a possessory title to this area of land. The assessment of the application however has been made without taking into consideration this piece of land as residential amenity space.

The applicant has provided a further statement, outside of the application form stating his involvement with Bury MBC. The company he works for does have dealings with the communities department, and the community safety department however the applicant confirms he is not an officer of Bury MBC, an elected member, related to an officer of Bury MBC or related to an elected member of Bury MBC. No evidence has been provided by the objectors to contradict this.

For this scale of development the LPA are required to notify neighbours via letter OR site notice. A letter was sent to the neighbours that may be impacted by the proposal. Response have been received.

The applicant has applied for a single storey rear extension and this is what has been assessed. Should the applicant wish to add a first floor this would require a fresh planning application and would be assessed accordingly.

The trees highlighted by the neighbouring property are considered to be of a distance from the proposed extension so as not to be impacted by the proposal. The trees are not protected.

Matters controlled under building regulations or other non-planning legislation, private issues between neighbours, problems arising from the construction period of any works, and factual misrepresentation of the proposal are non-material planning considerations not

relevant to the decision.

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 Paragraph 38 of the National Planning Policy Framework.

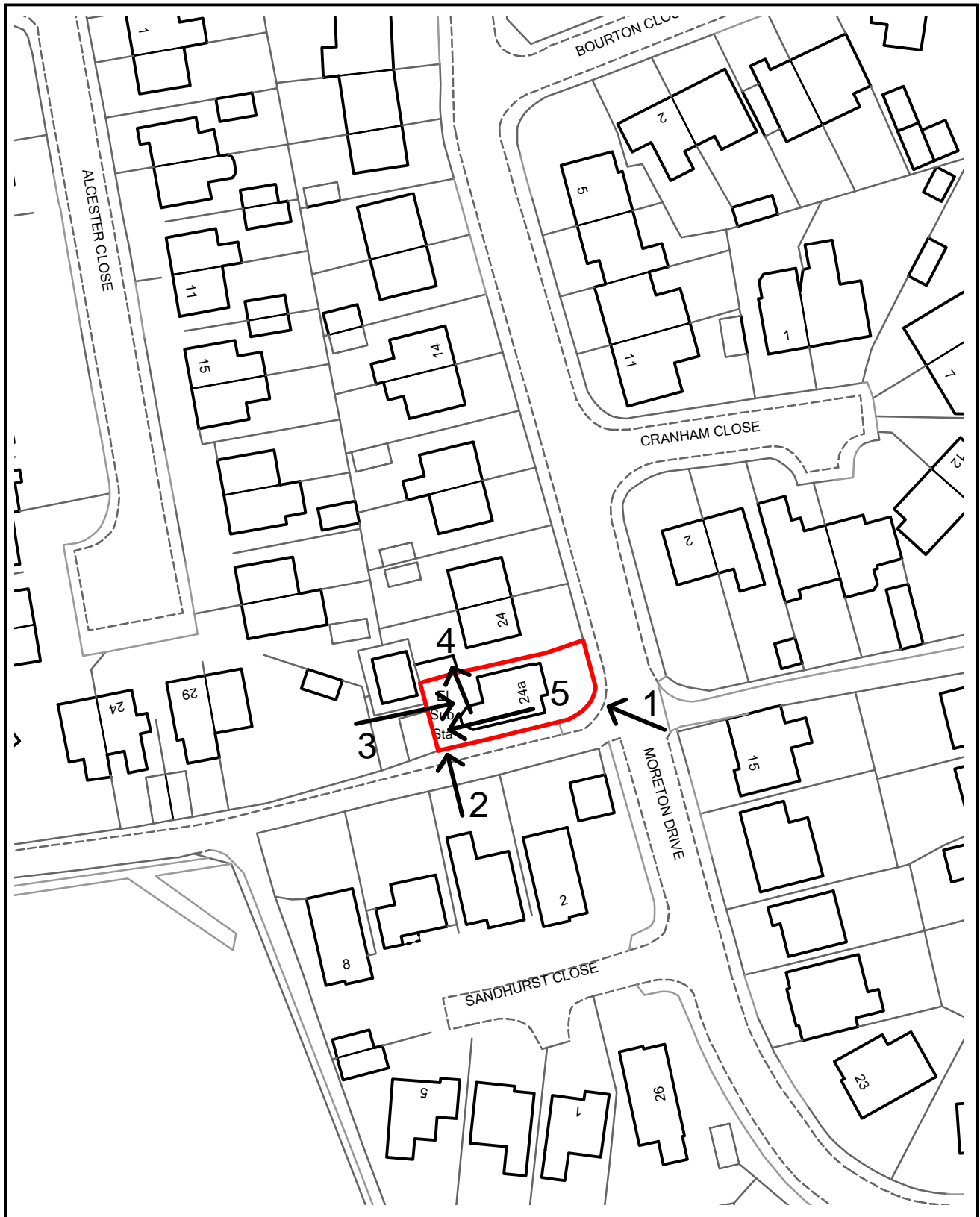
Recommendation: Approve with Conditions

Conditions/ Reasons

1. This decision relates to drawings numbered Site Location Plan received 12th September 2018, Sheet 1 and Sheet 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.
2. The external finishing materials for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 63144

**ADDRESS: 24A Moreton Drive
Bury**

Planning, Environmental and Regulatory Services

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Bury
COUNCIL

63144

Photo 1



Photo 2



63144

Photo 3



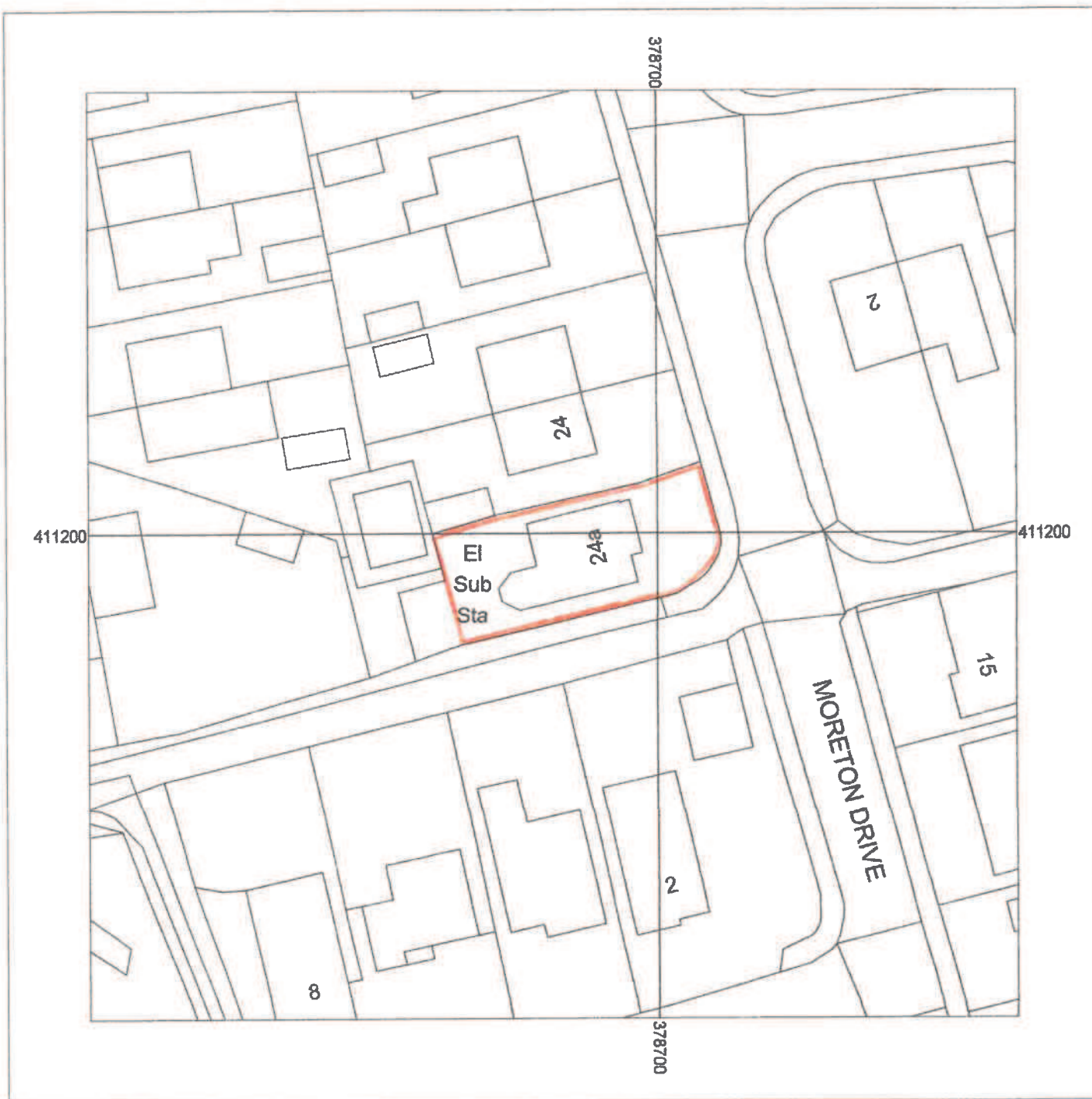
Photo 4



63144

Photo 5





Metres
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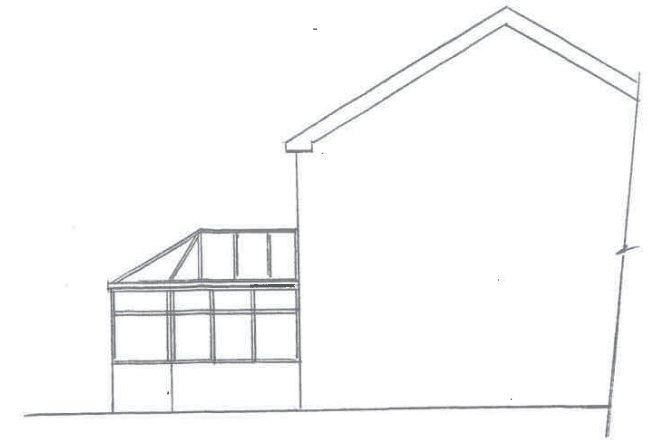
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Download file: 24a Moreton Drive.zip
Project name: BL8 1QT



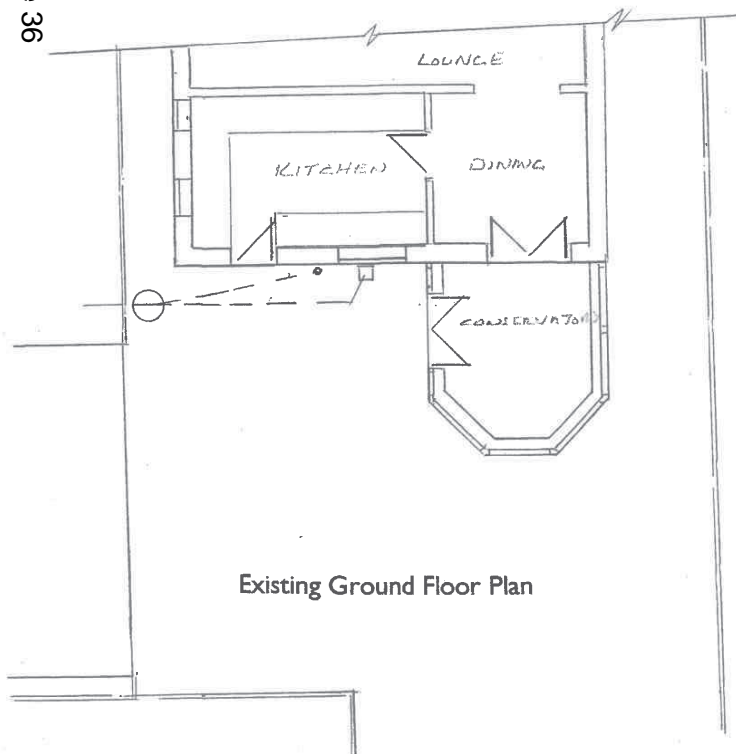
Existing Rear Elevation



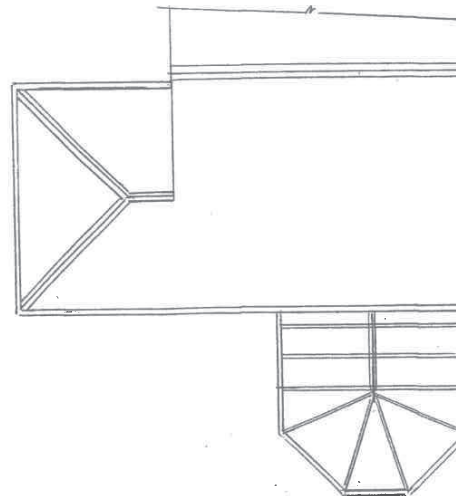
Existing Side Elevation



Existing Side Elevation



Existing Ground Floor Plan

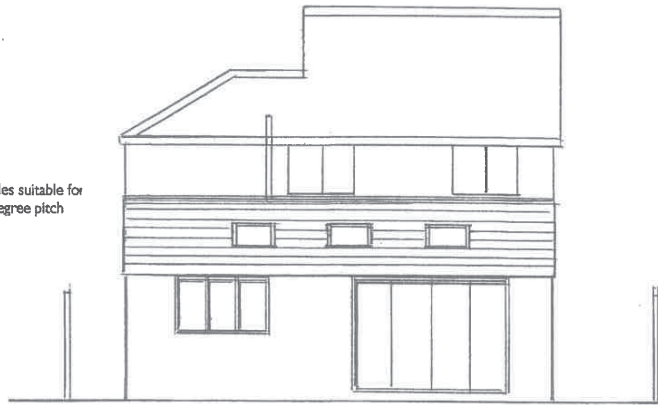


Existing Roof Plan

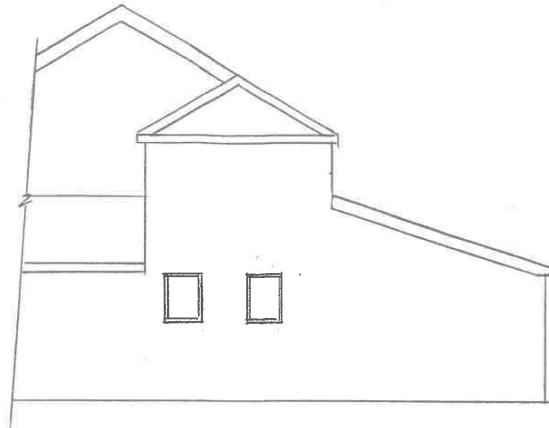
Thompson Designs	
Tel 0161 705 1458 Mob 07884 318634	
Sheet 1	
Existing Plans and Elevation	
24A Moreton Drive	
Bury BL8 1QT	
Scale 1 : 100	Date August 2018

REV1

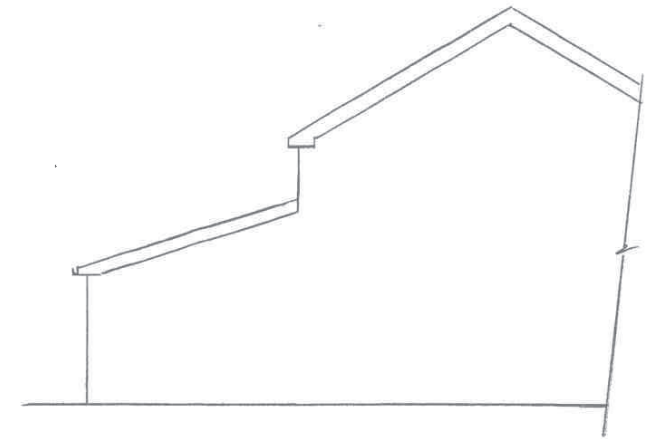
Roof tiles suitable for
17.5 degree pitch



Proposed Rear Elevation

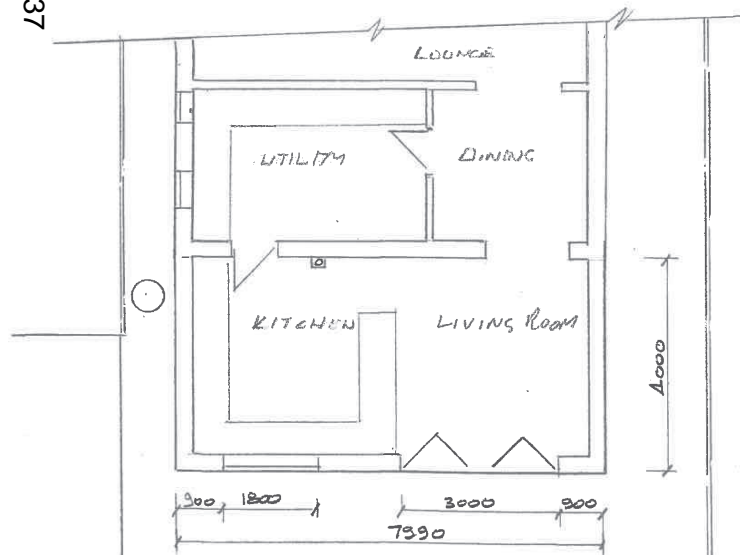


Proposed Side Elevation



Proposed Side Elevation

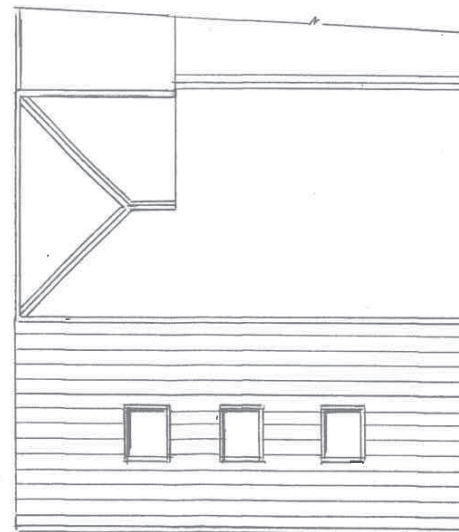
Page 37



Proposed Ground Floor Plan

600 x 150 strip foundation
Weak concrete mix fill to cavity
to 250 below dpc

Extend existing drains. Install
new manholes, position to suit
with screw down air tight covers



Proposed Roof Plan

Thompson Designs	
Tel 0161 705 1458 Mob 07884 318634	
Sheet 2	
Proposed Plans and Elevations	
24A Moreton Drive	
Bury BL8 1QT	
Scale 1 : 100	Date August 2018

REV 1

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BURY COUNCIL
DEPARTMENT FOR RESOURCES AND REGULATION
PLANNING SERVICES

PLANNING CONTROL COMMITTEE

09 October 2018

SUPPLEMENTARY INFORMATION

Item:01 Lower Dickfield Farm, Lower Dickfield, Helmshore Road, Ramsbottom, Bury, BL8 4PD Application No. 63006

Conversion of agricultural building to a dwelling with extension and new access

Additional Condition.

Given the access issues, particularly for emergency vehicles, an additional condition, requiring a sprinkler system to be installed on the site, is considered necessary.

Prior to first occupation of the dwellinghouse hereby approved, a residential sprinkler system to BS 9251:2005 or equivalent standard (or other measures as required by the Greater Manchester Fire and Rescue Service to overcome the site's emergency access deficiencies) shall be installed to the satisfaction of the Local Planning Authority.

Reason. Insufficient information has been supplied and in the interests of fire safety pursuant to UDP Policy H2/2.

Item:02 24A Moreton Drive, Bury, BL8 1QT Application No. 63144

Single storey extension at rear

Nothing further to report.

REPORT FOR NOTING

**Agenda
Item**
5

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	09 October 2018
SUBJECT:	DELEGATED DECISIONS
REPORT FROM:	HEAD OF DEVELOPMENT MANAGEMENT
CONTACT OFFICER:	DAVID MARNO
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	The report lists: Recent delegated planning decisions since the last PCC
OPTIONS & RECOMMENDED OPTION	The Committee is recommended to the note the report and appendices
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Executive Director of Resources to advise regarding risk management
Statement by Executive Director of Resources:	N/A
Equality/Diversity implications:	No
Considered by Monitoring Officer:	N/A
Wards Affected:	All listed
Scrutiny Interest:	N/A

TRACKING/PROCESS**DIRECTOR:**

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

1.0 BACKGROUND

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

2.0 CONCLUSION

That the item be noted.

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

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

Planning applications decided using Delegated Powers
Between 27/08/2018 and 30/09/2018



Ward: Bury East

Application No.: 62968 **App. Type:** ADV 30/08/2018 Approve with Conditions
Location: The Old Court House, Unit 2 Tenterden Street, Bury, BL9 0AL
Proposal: 1 No. replacement non-illuminated sign

Application No.: 62993 **App. Type:** FUL 13/09/2018 Approve with Conditions
Location: 38 Heywood Street, Bury, BL9 7EA
Proposal: Front porch; Part single storey / part two storey extension at rear

Application No.: 63035 **App. Type:** ADV 30/08/2018 Approve with Conditions
Location: 6-10 Princess Parade, Bury, BL9 0QL
Proposal: 2 No. non-illuminated fascia signs

Application No.: 63077 **App. Type:** FUL 21/09/2018 Approve with Conditions
Location: Fairfield Community Primary, Rochdale Old Road, Bury, BL9 7SD
Proposal: Erection of modular classroom to playing fields with associated works

Application No.: 63093 **App. Type:** FUL 19/09/2018 Approve with Conditions
Location: 61-63 Millett Street, Bury, BL9 0JB
Proposal: Linked single storey extension at rear; single storey extension at rear; dormers at front and rear and juliet balconies at rear

Application No.: 63106 **App. Type:** FUL 30/08/2018 Approve with Conditions
Location: 28 Princess Parade, Bury, BL9 0QL
Proposal: Change of use from retail (Class A1) to tanning salon (Sui Generis)

Application No.: 63116 **App. Type:** GPDE 29/08/2018 Prior Approval Not Required - Extension
Location: 15 South Cross Street, Bury, BL9 0RS
Proposal: Prior notification of proposed single storey extension at rear

Ward: Bury East - Moorside

Application No.: 63122 **App. Type:** LDCP 25/09/2018 Lawful Development
Location: Suite 1, Business Lodge, Ground Floor, Minerva House, 63-77 Hornby Street, Bury, BL9 5BW
Proposal: Certificate of lawfulness for a proposed use permitting the occupation of the premises which falls within use Class B1 (office) for the purpose of undertaking the administrative functions of an app based private hire vehicle operator

Application No.:

63142

App. Type:

FUL

05/09/2018

Approve with Conditions

Location:

37 Walmersley Road, Bury, BL9 5AE

Proposal:

Installation of new shop front and security roller shutters

Ward: **Bury East - Redvales**

Application No.:

63037

App. Type:

FUL

30/08/2018

Approve with Conditions

Location:

6 Hampshire Close, Bury, BL9 9EZ

Proposal:

Two/single storey extension at side

Application No.:

63082

App. Type:

FUL

05/09/2018

Approve with Conditions

Location:

14 Somerset Drive, Bury, BL9 9DG

Proposal:

Two storey extension at side and rear

Application No.:

63090

App. Type:

FUL

10/09/2018

Approve with Conditions

Location:

16 Orchid Drive, Bury, BL9 9EL

Proposal:

Single storey extension at side

Application No.:

63097

App. Type:

FUL

21/09/2018

Approve with Conditions

Location:

222 Gigg Lane, Bury, BL9 9EW

Proposal:

Satellite dish in rear garden

Application No.:

63127

App. Type:

DEM

03/09/2018

Prior Approval Required and Granted

Location:

Warth Industrial Estate, Warth Road, Bury, BL9 9NB

Proposal:

Prior notification of proposed demolition of 4 no. buildings Units 05, 08A and 08B, 08

Application No.:

63176

App. Type:

FUL

21/09/2018

Refused

Location:

70 Brecon Drive, Bury, BL9 9LE

Proposal:

Two storey extension at side; Part single storey / part two storey extension at rear

Ward: **Bury West - Church**

Application No.:

62956

App. Type:

FUL

05/09/2018

Approve with Conditions

Location:

8 Haig Court, Bury, BL8 2NQ

Proposal:

Single storey extension at rear

Application No.:

63052

App. Type:

LDCP

10/09/2018

Refused

Location:

1 Foulds Avenue, Bury, BL8 2SF

Proposal:

Certificate of lawfulness for proposed hip to gable with rear dormer

Application No.: 63092 **App. Type:** FUL 31/08/2018 Approve with Conditions
Location: 14 Chantlers Avenue, Bury, BL8 2LN
Proposal: Single storey extension at side and rear

Ward: **Bury West - Elton**

Application No.: 62881 **App. Type:** FUL 13/09/2018 Approve with Conditions
Location: 7 Warwick Close, Bury, BL8 1RT
Proposal: Two storey side extension and providing pitched roof over porch

Ward: **North Manor**

Application No.: 62986 **App. Type:** FUL 17/09/2018 Approve with Conditions
Location: Claremont, Hollymount Lane, Tottington, Bury, BL8 4HP
Proposal: Erection of detached single storey garage

Application No.: 63058 **App. Type:** FUL 10/09/2018 Approve with Conditions
Location: 38 Springwater Avenue, Ramsbottom, Bury, BL0 9RH
Proposal: Single storey infill extension at rear and conversion of existing flat roof at rear to pitched

Application No.: 63071 **App. Type:** FUL 10/09/2018 Approve with Conditions
Location: 11 Troutbeck Close, Tottington, Bury, BL8 4LJ
Proposal: Two storey extension and single storey garage extension at side with juliet balconies at rear; External alterations to include porch and canopy at front and render to elevations

Application No.: 63126 **App. Type:** FUL 21/09/2018 Approve with Conditions
Location: 4 Crag Avenue, Summerseat, Ramsbottom, Bury, BL9 5NZ
Proposal: Demoliton of existing garage and single storey rear annex and erection of single storey extension at rear

Application No.: 63129 **App. Type:** FUL 10/09/2018 Approve with Conditions
Location: 19 Quarlton Drive, Tottington, Bury, BL8 4JY
Proposal: Two storey extension and single storey garage extension at side; Single storey extension at side and juliet balcony above; Raised patio areas at side and rear

Application No.: 63148 **App. Type:** FUL 21/09/2018 Approve with Conditions
Location: 83 Brandlesholme Road, Tottington, Bury, BL8 4DX
Proposal: Single storey rear extension, hip to gable loft conversion and detached garage to replace existing garage

Application No.: 63173 **App. Type:** FUL 21/09/2018 Approve with Conditions
Location: 375 Holcombe Road, Tottington, Bury, BL8 4HF
Proposal: Single storey extension at rear

Ward: **Prestwich - Holyrood**

Application No.:	62782	App. Type:	FUL	07/09/2018	Approve with Conditions
Location:	15 Perrymead, Prestwich, Manchester, M25 2QJ				
Proposal:	Two storey side extension and single storey rear extension				
Application No.:	62992	App. Type:	FUL	10/09/2018	Approve with Conditions
Location:	7 Guest Road, Prestwich, Manchester, M25 3DJ				
Proposal:	Demolition of existing garage and rear outbuilding and erection of single storey extension at rear and 2 no. roof lights to front elevation				
Application No.:	63012	App. Type:	FUL	31/08/2018	Approve with Conditions
Location:	1 Hill Top Avenue, Prestwich, Manchester, M25 1LL				
Proposal:	Single storey extension at side				
Application No.:	63085	App. Type:	FUL	10/09/2018	Approve with Conditions
Location:	25 St Austells Drive, Prestwich, Manchester, M25 1LU				
Proposal:	Two storey extension at rear				
Application No.:	63089	App. Type:	LDCP	07/09/2018	Lawful Development
Location:	23 Cromwell Road, Prestwich, Manchester, M25 1HR				
Proposal:	Lawful development certificate for proposed rear facing roof dormer				
Application No.:	63099	App. Type:	FUL	13/09/2018	Approve with Conditions
Location:	401 Middleton Road, Prestwich, Manchester, M24 4QZ				
Proposal:	Single storey extensions at side and rear				
Application No.:	63110	App. Type:	FUL	17/09/2018	Approve with Conditions
Location:	47 Polefield Road, Prestwich, Manchester, M25 2GN				
Proposal:	Single storey extension at side and pitched roof to existing front bay				
Application No.:	63147	App. Type:	FUL	11/09/2018	Approve with Conditions
Location:	Land at rear of 161 Simister Lane, Prestwich, Manchester, M25 2SF				
Proposal:	Erection of outbuilding				
Application No.:	63175	App. Type:	FUL	21/09/2018	Approve with Conditions
Location:	59 Peveril Close, Whitefield, Manchester, M45 6NS				
Proposal:	Single storey extension at front				
Ward:	Prestwich - Sedgley				
Application No.:	62899	App. Type:	FUL	17/09/2018	Approve with Conditions
Location:	13-15 Fairway, Prestwich, Manchester, M25 0JF				
Proposal:	Single storey extension at rear				

Application No.:	62953	App. Type:	FUL	19/09/2018	Approve with Conditions
Location:	11 Sedgley Park Road, Prestwich, Manchester, M25 0BJ				
Proposal:	Single storey extension at side				
Application No.:	62964	App. Type:	FUL	03/09/2018	Approve with Conditions
Location:	27 Green Walks, Prestwich, Manchester, M25 1DS				
Proposal:	Two/single storey extension at rear and porch at front				
Application No.:	63008	App. Type:	FUL	30/08/2018	Approve with Conditions
Location:	35 Bury Old Road, Prestwich, Manchester, M25 0EY				
Proposal:	First floor extension at side with garage conversion and two storey extension at side/rear				
Application No.:	63057	App. Type:	LDCP	05/09/2018	Refused
Location:	14 Dovedale Avenue, Prestwich, Manchester, M25 0BU				
Proposal:	Certificate of lawfulness for proposed single storey extension to rear of domestic dwelling semi detached house				
Application No.:	63072	App. Type:	ADV	10/09/2018	Refused
Location:	Manchester Maccabi Community and Sports Club, Bury Old Road, Prestwich, Manchester, M25 0EG				
Proposal:	2 No. non-illuminated free standing hoarding signs at entrance				
Application No.:	63080	App. Type:	FUL	13/09/2018	Approve with Conditions
Location:	23 Sheepfoot Lane, Prestwich, Manchester, M25 0BN				
Proposal:	Demolition of existing dwelling and erection of replacement two storey dwelling with basement, accommodation in roof and associated landscaping				
Application No.:	63091	App. Type:	FUL	17/09/2018	Approve with Conditions
Location:	5 Wells Avenue, Prestwich, Manchester, M25 0GN				
Proposal:	Alterations to drive entrance and front boundary wall				
Application No.:	63132	App. Type:	FUL	28/09/2018	Approve with Conditions
Location:	2 Fairway, Prestwich, Manchester, M25 0JH				
Proposal:	Two storey extension at side and rear; Single storey extensions at side and rear; Front porch				
Application No.:	63133	App. Type:	FUL	21/09/2018	Approve with Conditions
Location:	4 Meadfoot Avenue, Prestwich, Manchester, M25 0AR				
Proposal:	Two storey extension at side and rear; Single storey extension at side and rear; First floor extension at rear; Loft conversion with dormers at rear; Front porch				
Application No.:	63134	App. Type:	GPDE	29/08/2018	Prior Approval Required Refused - Ext
Location:	111 Rectory Lane, Prestwich, Manchester, M25 1DA				
Proposal:	Prior notification for proposed single storey rear extension				

Application No.: 63143 **App. Type:** FUL 28/09/2018 Approve with Conditions
Location: 41 Hereford Drive, Prestwich, Manchester, M25 0AG
Proposal: Single/two storey extensions at side/rear

Application No.: 63168 **App. Type:** FUL 21/09/2018 Approve with Conditions
Location: 122 Kings Road, Prestwich, Manchester, M25 0EZ
Proposal: Single storey extension at front, two storey extension at side/rear and single storey extension at rear

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

Application No.: 62765 **App. Type:** FUL 14/09/2018 Approve with Conditions
Location: 51 Rainsough Brow, Prestwich, Manchester, M25 9XW
Proposal: Demolition of existing public house and erection of 15 no. apartment building with basement parking and rear amenity area.

Application No.: 63067 **App. Type:** FUL 10/09/2018 Approve with Conditions
Location: 17 Hilton Crescent, Prestwich, Manchester, M25 9NQ
Proposal: External staircase to access basement on front elevation

Application No.: 63109 **App. Type:** LDCP 10/09/2018 Lawful Development
Location: 8 Carmona Drive, Prestwich, Manchester, M25 3JN
Proposal: Lawful development certificate for proposed single storey rear extension

Application No.: 63161 **App. Type:** FUL 21/09/2018 Approve with Conditions
Location: 3 Agecroft Road West, Prestwich, Manchester, M25 9RE
Proposal: Two storey extension at side

Ward: **Radcliffe - East**

Application No.: 62315 **App. Type:** FUL 30/08/2018 Approve with Conditions
Location: 11 Bury Road, Radcliffe, Manchester, M26 2UG
Proposal: Change of use to: 5 no. apartments on first floor; second floor extension to form 3 no. apartments and roof terrace, parking for 4 cars at ground floor with vehicular access at the rear, landscaping at the front.

Application No.: 62866 **App. Type:** FUL 19/09/2018 Approve with Conditions
Location: The Old Tithebarn, Tithebarn Street, Radcliffe, Manchester, M26 2PY
Proposal: Change of use from retail (Class A1) to MOT station and motor vehicle repairs (Class B2)

Application No.: 62921 **App. Type:** FUL 11/09/2018 Refused
Location: 150-160 Durers Lane, Radcliffe, Manchester, M26 2GF
Proposal: Change of use of industrial unit (Class B2) to a Sui Generis use as a dog day care and training/grooming facility with associated external exercise yard/toilet area, the laying out of car and cycle parking and means of enclosure to the rear

Application No.: 62932 **App. Type:** FUL 05/09/2018 Approve with Conditions
Location: 38 Grindsbrook Road, Radcliffe, Manchester, M26 4JS
Proposal: Extensions to existing dormers at side and first floor juliette balcony at rear; Single storey extension at rear

Application No.: 62944 **App. Type:** FUL 30/08/2018 Refused
Location: Land at Siddall Street, Radcliffe, Manchester, M26 4AX
Proposal: Erection of 7 no. dwellings

Application No.: 62945 **App. Type:** FUL 05/09/2018 Approve with Conditions
Location: 22 Cross Lane, Radcliffe, Manchester, M26 2GY
Proposal: Change of use from public house (Class A4) with flat above to 2 no. dwellings (Class C3)

Application No.: 63070 **App. Type:** FUL 05/09/2018 Approve with Conditions
Location: 18 Irwell Street, Radcliffe, Manchester, M26 1LR
Proposal: Single storey extension at side

Application No.: 63217 **App. Type:** FUL 21/09/2018 Approve with Conditions
Location: 59 Borough Avenue, Radcliffe, Manchester, M26 2QG
Proposal: Single storey extension at rear

Ward: Radcliffe - North

Application No.: 63014 **App. Type:** FUL 30/08/2018 Approve with Conditions
Location: Former garage colony sites at Mayfair Avenue, Radcliffe, Manchester, M26 3ND
Proposal: Variation of condition no. 2 (approved plans) to accommodate a driveway for 9 Mayfair Avenue and condition no.14 (materials) to change render from grey to K rend polar white on planning permission 59928

Application No.: 63033 **App. Type:** FUL 18/09/2018 Approve with Conditions
Location: 39 Bury Old Road, Ainsworth, Bolton, BL2 5PF
Proposal: Proposed replacement and increase in height of roof to existing storage/workshop building and increase in height & slope angle to existing adjacent greenhouse roof

Application No.: 63075 **App. Type:** FUL 13/09/2018 Refused
Location: Site of former garage colony off Mosley Street/Hampson Fold, Radcliffe, Manchester, M26 4PF
Proposal: Change of house type for previously approved erection of 2 no. semi detached dwellings

Application No.: 63084 **App. Type:** FUL 18/09/2018 Approve with Conditions
Location: St Stephens C of E Primary School, Colville Drive, Bury, BL8 2DX
Proposal: Two storey extension at rear

Application No.: 63162 **App. Type:** LDGP 12/09/2018 Lawful Development
Location: 18 Tiverton Close, Radcliffe, Manchester, M26 3UJ
Proposal: Lawful development certificate for proposed single storey extension at rear

Ward: **Radcliffe - West**

Application No.:	62983	App. Type:	FUL	06/09/2018	Approve with Conditions
Location:	Uplands Ringley Road West, Radcliffe, Manchester, M26 1AH				
Proposal:	Two storey extension at side/rear				
Application No.:	63102	App. Type:	FUL	20/09/2018	Approve with Conditions
Location:	Land at Prestolee Road, Radcliffe, Manchester, M26 1HJ				
Proposal:	Variation of condition no. 2 (approved plans) of planning permission 61423 to amend position of stables				
Application No.:	63108	App. Type:	FUL	17/09/2018	Approve with Conditions
Location:	6 Outwood Road, Radcliffe, Manchester, M26 1AQ				
Proposal:	Single storey rear extension				
Application No.:	63119	App. Type:	FUL	21/09/2018	Approve with Conditions
Location:	77 Greendale Drive, Radcliffe, Manchester, M26 1UE				
Proposal:	Two storey side extension				
Application No.:	63166	App. Type:	FUL	21/09/2018	Approve with Conditions
Location:	7A Hollinhurst Road, Radcliffe, Manchester, M26 1LF				
Proposal:	Two storey extension at side				
Application No.:	63189	App. Type:	FUL	21/09/2018	Approve with Conditions
Location:	265 Ringley Road West, Radcliffe, Manchester, M26 1DZ				
Proposal:	Entrance porch at front				

Ward: **Ramsbottom + Tottington - Tottington**

Application No.:	63053	App. Type:	FUL	13/09/2018	Approve with Conditions
Location:	3 Sunnywood Drive, Tottington, Bury, BL8 3EN				
Proposal:	Dormer at rear				
Application No.:	63060	App. Type:	FUL	07/09/2018	Refused
Location:	323 Turton Road, Tottington, Bury, BL8 3QG				
Proposal:	Alterations to front garden area to form parking area and erection of retaining wall				
Application No.:	63118	App. Type:	FUL	10/09/2018	Split Decision
Location:	27 Sycamore Road, Tottington, Bury, BL8 3EH				
Proposal:	A: First floor extension at side and single storey extension at rear B: Dormer at front				

Application No.:	63121	App. Type:	FUL	21/09/2018	Approve with Conditions
Location:	4 Peel Cottages, Watling Street, Tottington, Bury, BL8 3QN				
Proposal:	Single storey extension at rear; Car port at side with first floor extension above and first floor balcony at rear				
Application No.:	63136	App. Type:	FUL	20/09/2018	Approve with Conditions
Location:	25 Sunnywood Drive, Tottington, Bury, BL8 3EN				
Proposal:	Single storey extension at rear; Part conversion of garage and widening of driveway at front				
Application No.:	63141	App. Type:	FUL	21/09/2018	Approve with Conditions
Location:	258 Turton Road, Tottington, Bury, BL8 4AJ				
Proposal:	Single storey extension at rear				

Ward: **Ramsbottom and Tottington - Ramsbottom**

Application No.:	62903	App. Type:	FUL	07/09/2018	Refused
Location:	Fletcher Bank Quarry, Manchester Road, Ramsbottom, Bury, BL0 0DH				
Proposal:	Erection of a gas-fired standby electricity generation plant and ancillary infrastructure				
Application No.:	62948	App. Type:	FUL	07/09/2018	Approve with Conditions
Location:	5 Durham Drive, Ramsbottom, Bury, BL0 9QB				
Proposal:	Single storey extension at rear and raised patio				
Application No.:	63032	App. Type:	FUL	11/09/2018	Approve with Conditions
Location:	12 Garnett Street, Ramsbottom, Bury, BL0 9JW				
Proposal:	Loft conversion with dormer at rear; Single storey infill extension at rear; Replace existing utility outbuilding with single storey utility porch extension at rear				
Application No.:	63078	App. Type:	FUL	30/08/2018	Approve with Conditions
Location:	68 Bolton Street, Ramsbottom, Bury, BL0 9HX				
Proposal:	Single storey extension at rear				
Application No.:	63094	App. Type:	FUL	10/09/2018	Approve with Conditions
Location:	8 School Street, Ramsbottom, Bury, BL0 9HJ				
Proposal:	Removal of condition 4 following grant of permission 45941 to allow conversion of the garage to living accommodation				
Application No.:	63125	App. Type:	FUL	19/09/2018	Approve with Conditions
Location:	1 Uppingham Drive, Ramsbottom, Bury, BL0 9DP				
Proposal:	Decking and balcony				
Application No.:	63128	App. Type:	FUL	21/09/2018	Refused
Location:	1 Wilds Place, Ramsbottom, Bury, BL0 9JU				
Proposal:	Two storey extension at front and side; External alterations				

Application No.:	63155	App. Type:	FUL	21/09/2018	Approve with Conditions
Location:	48 Marlborough Close, Ramsbottom, Bury, BL0 9YU				
Proposal:	Single storey extension at rear				
Ward: Whitefield + Unsworth - Besses					
Application No.:	63041	App. Type:	FUL	30/08/2018	Approve with Conditions
Location:	17 Ridge Crescent, Whitefield, Manchester, M45 8EQ				
Proposal:	Single storey extension at rear and decking area at rear				
Application No.:	63081	App. Type:	FUL	30/08/2018	Approve with Conditions
Location:	Croft Mill, Albert Close, Whitefield, Manchester, M45 8EH				
Proposal:	Erection of single storey building for servicing motor vehicles and creation of trade counter with existing office building				
Application No.:	63115	App. Type:	LDCP	10/09/2018	Lawful Development
Location:	377 Parr Lane, Bury, BL9 8PH				
Proposal:	Lawful development certificate for proposed single storey side and rear extension				
Application No.:	63120	App. Type:	FUL	17/09/2018	Approve with Conditions
Location:	4 Brook Close, Whitefield, Manchester, M45 8FW				
Proposal:	Front porch				
Application No.:	63140	App. Type:	FUL	28/09/2018	Refused
Location:	138-140 Bury New Road, Whitefield, Manchester, M45 6AD				
Proposal:	Change of use of ground floor from shop (Class A1) to bar (Class A4); Air conditioning unit at rear				
Application No.:	63206	App. Type:	GPDE	25/09/2018	Prior Approval Not Required - Extension
Location:	20 Oxbow Way, Whitefield, Manchester, M45 8SG				
Proposal:	Prior notification for proposed single storey rear extension				
Application No.:	63311	App. Type:	GPDE	27/09/2018	Prior Approval Required Refused - Ext
Location:	35 Thatch Leach Lane, Whitefield, Manchester, M45 6EN				
Proposal:	Prior notification for proposed single storey rear extension				

Application No.:	63117	App. Type:	FUL	19/09/2018	Approve with Conditions
Location:	Land at Copper Lane, Whitefield, Manchester, M45 7TP				
Proposal:	Demolition of existing buildings and erection of 1 No. dwelling with associated landscaping and installation of septic tank				
Application No.:	63123	App. Type:	FUL	20/09/2018	Approve with Conditions
Location:	9 Carlton Avenue, Radcliffe, Manchester, M45 7RX				
Proposal:	Loft conversion with rear dormer extension				
Application No.:	63183	App. Type:	FUL	21/09/2018	Approve with Conditions
Location:	10 Wingate Drive, Whitefield, Manchester, M45 7QY				
Proposal:	Single storey extension at front/side, two storey extension at side and single storey extension at side/rear				
Ward:	Whitefield + Unsworth - Unsworth				
Application No.:	63018	App. Type:	FUL	30/08/2018	Approve with Conditions
Location:	All Saints C of E Primary School, Rufford Drive, Whitefield, Manchester, M45 8PL				
Proposal:	Single storey extension at rear				
Application No.:	63062	App. Type:	FUL	30/08/2018	Approve with Conditions
Location:	54 Ajax Drive, Bury, BL9 8EF				
Proposal:	First floor extension at rear				
Application No.:	63076	App. Type:	FUL	10/09/2018	Approve with Conditions
Location:	247 Sunny Bank Road, Bury, BL9 8JU				
Proposal:	First floor extension at side with conversion of garage; Single storey garage extension at rear; New entrance and canopy at front; Gates to existing driveway access				
Application No.:	63103	App. Type:	FUL	10/09/2018	Approve with Conditions
Location:	31 Ennerdale Drive, Bury, BL9 8HY				
Proposal:	Single storey extension at side and rear				
Application No.:	63111	App. Type:	FUL	27/09/2018	Approve with Conditions
Location:	139 Randle Drive, Bury, BL9 8NE				
Proposal:	Railings to existing flat roof canopy at front to form first floor balcony				

Total Number of Applications Decided: 101

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REPORT FOR DECISION

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	9 October 2018
SUBJECT:	PLANNING APPEALS
REPORT FROM:	HEAD OF DEVELOPMENT MANAGEMENT
CONTACT OFFICER:	DAVID MARNO
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	<p>Planning Appeals:</p> <ul style="list-style-type: none"> - Lodged - Determined <p>Enforcement Appeals</p> <ul style="list-style-type: none"> - Lodged - Determined
OPTIONS & RECOMMENDED OPTION	The Committee is recommended to the note the report and appendices
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Executive Director of Resources to advise regarding risk management
Statement by Executive Director of Resources:	N/A
Equality/Diversity implications:	No
Considered by Monitoring Officer:	N/A

Wards Affected:	All listed
Scrutiny Interest:	N/A

TRACKING/PROCESS

DIRECTOR:

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

1.0 BACKGROUND

This is a monthly report to the 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:-

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

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Email: d.marno@bury.gov.uk

**Planning Appeals Lodged
between 27/08/2018 and 30/09/2018**



Application No.: 62473/FUL

Appeal lodged: 10/09/2018

Decision level: COM

Appeal Type:

Recommended Decision: Split Decision

Applicant: Mr Richard Ali

Location Bramley Fold Farm, Hawkshaw Lane, Tottington, Bury, BL8 4LG

Proposal Proposal A: Alterations to existing shed

Proposal B: Two storey extension at rear and two storey extension at side

Application No.: 62991/ADV

Appeal lodged: 06/09/2018

Decision level: DEL

Appeal Type: Written Representations

Recommended Decision: Split Decision

Applicant: Mr Clive Powers

Location Radcliffe Glass & Windows , 1-3 Lodge Brow, Radcliffe, Manchester, M26 1AL

Proposal Proposal A: 1 no. non-illuminated hoarding sign along the south east boundary fronting Lodge Road and the south west boundary.

Proposal B: 1 no. non-illuminated hoarding sign along the north west boundary fronting Outwood Road.

Total Number of Appeals Lodged: 2

**Planning Appeals Decided
between 27/08/2018 and 30/09/2018**



Application No.: 61942/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Ms Amanda Heath

Location: 109A Holcombe Old Road, Ramsbottom, Bury, BL8 4NF

Proposal: Erection of timber pergola in rear garden

Appeal Decision: Allowed

Date: 24/09/2018

Appeal type: Written Representations

Appeal Decision

Site visit made on 11 September 2018

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 24 September 2018

Appeal Ref: APP/T4210/D/18/3197730

109a Holcombe Old Road, Ramsbottom, BL8 4NF

- 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 Ms Amanda Heath against the decision of Bury Metropolitan Borough Council.
 - The application Ref 61942, dated 19 September 2017, was refused by notice dated 1 February 2018.
 - The development proposed is the erection of a timber pergola in rear garden.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a timber pergola in rear garden at 109a Holcombe Old Road, Ramsbottom, BL8 4NF in accordance with the terms of the application, Ref 61942, dated 19 September 2017, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Layout; Location Plan; Plans and Elevations.
 - 2) Before the top slats are installed, details of climbing plants to cover the pergola shall be submitted to and approved in writing by the local planning authority. These details shall include details of bee/butterfly friendly species and a planting implementation programme. The climbing plants shall be planted and trained around the pergola in accordance with the approved details and in accordance with the agreed implementation programme. Any plants which die or are removed within 5 years of planting shall be replaced with similar specimens in the next planting season following death/removal.
 - 3) Before the top slats are installed at least one bird feeder shall be fixed to the pergola. A bird feeder shall be retained and filled with bird food thereafter.

Main Issues

2. The appeal site is in the Green Belt so the main issues are:
 - Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework;
 - Whether the development preserves or enhances the character or appearance of the Holcombe Conservation Area;

- If the proposal would be 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 it.

Procedural Matters

3. The pergola has been partly constructed with roof slats to be added. I have no proposal for any additional vertical posts and I have based my decision on this basis.

Reasons

Whether or not it would be inappropriate

4. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
5. Paragraph 145 of the Framework establishes that new buildings within the Green Belt are inappropriate unless they fall within certain exceptions. The pergola does not fall into any of these exceptions and is therefore inappropriate development, which is, by definition, harmful to the Green Belt. Paragraph 144 of the Framework indicates that substantial weight should be given to any harm to the Green Belt.

Effect on Openness

6. The Council concedes that the pergola has no detrimental effect on the openness of the Green Belt and as it is an open structure to be finished in posts and slats with no solid roof or wall, and as it is a fairly small structure, I find that there would be no material impact upon openness. Therefore I find no material conflict with Unitary Development Plan Policy OL1, the aims and objectives of which are to prevent urban sprawl by keeping land permanently open.

Conservation Area

7. The conservation area is characterised by stone cottages constructed close together surrounded by fields and a narrow cobbled lane lined with greenery. The pergola is clearly visible from other gardens and from the fields behind. It is also glimpsed from the road and can be seen from a small section of the public footpath at the side of the house.
8. I appreciate that the gardens of the appeal house and those adjacent have low post and rail wooden fences. There is also a lack of boundary planting but this characteristic could easily change. The pergola, being a small and open structure is not out of character with the open nature of the surrounding rear gardens. In addition, it is a structure that is a traditional feature of domestic curtilages. Furthermore, the appellant proposes to grow plants around the pergola and this would be consistent with the quaint domestic character of the cottages. For these reasons I also find that it does not harm the Special Landscape Area within which it is situated. I note comments from interested parties that little of the garden remains but, I have seen the extent of the garden which is fairly generous.

9. In my view, with the right planting, the proposal would enhance the character and appearance of the conservation area. Consequently, I find no conflict with UDP Policies H2/3, EN1/2, EN2/1, EN2/2 and EN9/1 which seek to protect the character and appearance of the townscape, of Special Landscape Areas and of Conservation Areas. Neither do I find conflict with the Council's Supplementary Planning Document 6 Alterations and Extensions to Residential Properties which specifically refers to garden structures and advises that they should respect the character of the street-scene.

Other Considerations

10. As a small open structure, I consider that the pergola does not harm the outlook of the adjoining occupiers. I note reference to an appeal decision in 1993¹ but the removal of permitted development rights is not an outright ban on further development.
11. The appellant intends to plant climbers around the pergola to attract bees and butterflies. She also intends to attach a bird feeder to it. These would have a clear benefit to wildlife.
12. I also note that the Council erroneously gave verbal advice to the appellant that planning permission would not be required.

The Green Belt Balance

13. The proposal would constitute inappropriate development in the Green Belt. As such, the Framework requires that the harm by reason of inappropriateness be given substantial weight and that inappropriate development 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 are clearly outweighed by other considerations.
14. The pergola will enhance the character and appearance of the conservation area, there is no harm to openness and it will benefit wildlife. All these other considerations clearly outweigh the substantial harm that arises as a result of the development's inappropriateness. The very special circumstances necessary to justify the proposal therefore exist and there would be no conflict with the Framework.

Conditions

15. I have considered the Council's list of proposed conditions. There is no need for the standard implementation condition as the development has already commenced. A condition requiring materials to match the main building is clearly inappropriate as the main building is stone and the pergola is timber. A plans condition is necessary to ensure that the development does not deviate from that proposed. In the interests of wildlife I have also attached a condition requiring details of planting and to secure the provision of a bird feeder.

¹ T/APP/T4210/A/93/223920/P4

Conclusion

16. I allow the appeal subject to the conditions above.

Siobhan Watson

INSPECTOR

**Details of Enforcement Appeal Decisions
between 27/08/2018 and 30/09/2018**



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

Case Ref:
0321 / 16

Issue: Erection of timber building

Appeal Decision: Dismissed 30/08/2018

Appeal Decision

Site visit made on 24 July 2018

by A A Phillips BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2018

Appeal Ref: APP/T4210/C/17/3188080

Land and property at Parkers Fishing Lodge, Bury BL8 2SW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Keith Talbot against an enforcement notice issued by Bury Metropolitan Borough Council.
- The enforcement notice was issued on 2 October 2017.
- The breach of planning control as alleged in the notice is without the benefit of planning permission, the erection of a timber outbuilding.
- The requirements of the notice are:
 - a) Permanently dismantle and remove the timber outbuilding, including any supporting foundations.
- The period for compliance with the requirements is 30 days.
- The appeal is proceeding on the grounds set out in section 174(2) (c) of the Town and Country Planning Act 1990 as amended.

Summary of Decision : The appeal is dismissed and the enforcement notice is upheld.

The Appeal on ground (c)

1. The ground of appeal is that the matter alleged does not constitute a breach of planning control. The erection of the timber outbuilding comprises operational development within the meaning of s55 of the Act for which s57 indicates planning permission is required.
2. The appellant has stated that the outbuilding is used as a potting shed and tool store and indeed at my site visit I observed that this appears to be the case. The appellant appears to argue that the building is within the curtilage of a dwellinghouse and therefore is permitted development.
3. However, the development does not comprise permitted development for which planning permission was granted by way of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), firstly because it does not lie within the curtilage of a single dwellinghouse and secondly, even if it did, when constructed it was situated on land forward of a wall forming the principal elevation of the original dwellinghouses situated on the opposite side of the reservoir which I understand are known as Nos 24, 26 and 28 Lodge Side.
4. Part 1 of Schedule 2 of the GPDO relates to development within the curtilage of a dwellinghouse. I understand that there is an historic association between the site of the residential properties on Lodge Side and the larger reservoir site, but there is insufficient evidence to persuade me that the site the subject of the enforcement notice is within the residential curtilage of one of those

properties or indeed any other residential property. The timber outbuilding appears to be within the wider curtilage of the two main fishing lodges and associated land and forms part of a large single parcel of land registered as a single land title, but based on the evidence presented by parties and my own site observations the wider area of land in question does not constitute residential curtilage.

5. The appellant has also referred to Policy RT3/2 of the Unitary Development Plan and considers that the site has played a role in promoting derelict land for recreational uses, but in determining whether the development is permitted development these are not relevant considerations.
6. I am also aware of the argument relating to the effect of the development on the living conditions of the occupants of nearby residential properties with particular reference to privacy and overlooking. Whilst I recognise this to be a matter of concern to some local residents and I am aware that the appellant has implemented some measures to mitigate any harm, this does not have any bearing on my consideration of this appeal under ground (c).

Conclusion

7. For the reasons explained above the development is a breach of planning control and therefore the appeal on ground (c) must fail.

Formal Decision

8. The appeal is dismissed and the enforcement notice is upheld.

Alastair Phillips

INSPECTOR

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REPORT FOR INFORMATION

Agenda Item 7

Bury
COUNCIL

**Agenda
Item**

7

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	9th October 2018
SUBJECT:	PLANNING ENFORCEMENT
REPORT FROM:	HEAD OF DEVELOPMENT MANAGEMENT
CONTACT OFFICER:	DAVID MARNO – HEAD OF DEVELOPMENT MANAGEMENT
TYPE OF DECISION:	COUNCIL (NON KEY DECISION) COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	This Report provides statistical information on Enforcement activity between 1 st April 2018 and 30 th June 2018.
OPTIONS & RECOMMENDED OPTION	The Committee is recommended to note the Report
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? No
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Executive Director of Resources to advise regarding risk management N/A
Statement by Executive Director of Resources:	N/A
Equality/Diversity implications:	No (see paragraph below)
Considered by Monitoring Officer:	Yes Comments

Wards Affected:	ALL
Scrutiny Interest:	N/A

TRACKING/PROCESS

DIRECTOR:

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

1.0 BACKGROUND

This report presents a brief analysis of Enforcement performance and activity for the period between 1st April 2018 and 30th June 2018 and includes table 1 (below) showing a statistical analysis of performance over that period.

All Enforcement Notices served and Actions taken are considered against the provisions of the Human Rights Act 1998. In taking account of whether to serve an Enforcement Notice or take Action, which is a discretionary power afforded to Councils under the Town and Country Planning Act 1990 (as amended), consideration is taken as to whether the individual's rights are affected and whether it is expedient to serve such a Notice or take Action against the individual.

Any Enforcement Notice served is considered as to whether it is expedient to do so in accordance with the Council's adopted Unitary Development Plan, National Planning Policy Framework and National Planning Policy Guidance.

Table 1 provides a detailed breakdown of the number and type of notice issued and other actions such as prosecutions during the quarter period. It also includes a performance standard in terms of the speed of the responses to initial site visits having been carried out.

Table 1

	Period 1/04/18 to 30/06/18
Number of Complaints received	122
% where initial site visit within 10 working days	90.16% (average time to visit 3 working days)
Number of complaints resulting in a breach of Planning Control	71
Number of Enforcement Notices served	3
Number of Stop Notices served	0
Number of Breach of Condition Notices served	0
Number of Section 215 Untidy land/building Notices served	0
Number of Temporary Stop Notices served	1
Number of Planning Contravention Notices served	1
Number of Injunctions served	0
Number of Prosecutions made	0
Number of Prosecutions referred to Legal for Prosecution	0
Number of Formal Cautions issued / Interviews Under Caution	0
Number of Works in Default actions taken	0
Number of High Hedges Remedial/Tree Replacement Notices served	0
Total Number of Notices/Actions	5

2.0 ISSUES

CURRENT STAFFING LEVELS AND WORKING ARRANGEMENTS

The Enforcement Team currently comprises of a Senior Planning Enforcement Officer and a Planning Enforcement Officer, who are employed full time. The Officers deal with complaint cases on a Borough wide basis, in accordance with the Council's Customer Charter for the Planning Enforcement Service.

3.0 WORKLOAD/COMPLAINT CASES RECEIVED AND TRENDS IDENTIFIED

Table 1 above sets out statistical information for the period 1st April 2018 to the 30th June 2018.

During this period, we received 122 complaints that required a formal investigation, this number is above average compared to previous quarters.

Out of the 122 complaints 71 resulted in breaches of planning control following investigation, again this is above average. The number of complaints where an initial site visit was carried out within 10 working days remains high at 90.16%, with the average number of working days taken to make an initial site visit being 3.

3.1 FORMAL NOTICES SERVED/ACTIONS TAKEN

Some notable cases which have resulted in formal action being taken during this quarter include: -

Land at Kirklees Street, Tottington – Complaints were received regarding an engineering operation to create a vehicular access, which included removing vegetation, excavation and the creation of a hardstanding surface. An Enforcement Notice was served in June 2018, an appeal has been lodged with the Planning Inspectorate by the appellant which is ongoing, the result of which will be reported in a later quarterly enforcement report.

Ainsworth Mill, Bury New Road, Radcliffe

It was brought to the Council's attention that an extension to an existing, separate industrial building, located within the grounds of Ainsworth Mill was being extended without the benefit of planning permission. The building in question did have planning permission granted in 2011 for an extension but pre-commencement conditions were not discharged. As such the permission had lapsed. A Temporary Stop Notice was served requiring the works to cease, the notice was complied with.

Enforcement Appeal Decisions

96 Scholes Street, Bury – This site is a corner plot and is part of a row of terrace dwellings, complaints were received regarding the construction of a single story rear extension that covered the entire rear yard area of the property. Following an enforcement investigation, a retrospective planning application was submitted, for consideration, and subsequently refused. An Enforcement was served in January 2018 requiring the demolition of the extension, an appeal was made against this notice to the Planning Inspectorate and the appeal decision was received within this quarter. The appeal was dismissed and the enforcement notice upheld. A further planning application has been submitted for a much smaller extension which is recommended for approval.

Members will also be interested in other complaints received during the period, please see Appendix 1 for the full list of complaints formally investigated during this quarter.

4.0 CONCLUSION

A total of 5 formal notices were served this quarter but the vast majority of cases were resolved without recourse to formal action. On average initial site visits were carried out within 3 days and the number of cases resulting in a breach of planning control was above average compared with previous quarters.

The need to thoroughly investigate complaints, draft and issue the formal notices, monitor existing enforcement notices served for compliance, prepare appeal statements is continuing to have a big impact on the workload of the Enforcement Team.

The service provided is primarily a reactive one in that we respond to complaints received from members of the public.

Appendix 1 – List of Enforcement complaints received between 01/04/2018 and the 30/06/2018

Contact Details:-

David Marno
Head of Development Management
Regulation and Resources
3 Knowsley Place
Duke Street
Bury BL9 0EJ

Tel: 0161 253 5291

Email: d.marno@bury.gov.uk

Appendix 1: Enforcement Complaints received between 01/04/2018 and 30/06/2018

18/0092	LPS	1 Audlum Court, Bury, BL9 7PN
10/04/2018		Addition of first floor side window not on approved plans for application 59901
18/0122	LPS	1 Kenmor Avenue, Bury, BL8 2DY
01/05/2018		Alterations to front dormer
18/0113	LPS	1 Parkhills Close, Bury, BL9 9HB
25/04/2018		Pollarding tree at No.1. Trees on opposite side cut back too.
18/0137	LPS	10 Keighley Close, Bury, BL8 2JY
10/05/2018		Chimney built on rear extension
18/0194	PK	10 Ringley Road, Whitefield, Manchester, M45 7LB
25/06/2018		Not being built in accordance with approved plans
18/0168	LPS	10 St Margarets Close, Prestwich, Manchester, M25 2LY
06/06/2018		Untidy land
18/0085	MH	106 Park Road, Prestwich, Manchester, M25 0DY
05/04/2018		Conversion of residential house to 6 no. apartments without any discharge of conditions
18/0141	LPS	11 Rudgwick Drive, Bury, BL8 1YA
14/05/2018		Erection of shed in rear garden
18/0172	LPS	119 Cornwall Drive, Bury, BL9 9EX
11/06/2018		Untidy land and building
18/0115	LPS	12 Victoria Street, Ramsbottom, Bury, BL0 9ED
26/04/2018		Works not according to plan
18/0125	MH	133 Thatch Leach Lane, Whitefield, Manchester, M45 6EP
02/05/2018		New Residential Unit
18/0083	MH	135a Rectory Lane, Prestwich, Manchester, M25 1DA
05/04/2018		'To let' sign which sholud have been previously removed
18/0147	LPS	14 Price Street, Bury, BL9 9EB
16/05/2018		Dormer at rear
18/0197	PK	147 Whalley Road, Shuttleworth, Ramsbottom, Bury, BL0 0DG
26/06/2018		Decking at rear

18/0132	MH	148 Outwood Road, Radcliffe, Manchester, M26 1BG
08/05/2018		Change of use to restaurant
18/0186	PK	15 Sedgley Park Road, Prestwich, Manchester, M25 0BJ
20/06/2018		Cutting down protected trees
18/0105	MH	15 Warwick Avenue, Whitefield, Manchester, M45 6TU
19/04/2018		Development at rear
18/0149	LPS	16 Harris Drive, Bury, BL9 8PS
18/05/2018		Large structure in rear garden
18/0170	LPS	161 Simister Lane, Prestwich, Manchester, M25 2SF
07/06/2018		Erection of outbuilding
18/0165	LPS	17 Inman Street, Bury, BL9 0TP
05/06/2018		Change of use from dwelling to HMO (9-12 people)
18/0161	LPS	2 Booth Way, Tottington, Bury, BL8 3JL
30/05/2018		Untidy Land
18/0086	LPS	2 Bowland Close, Bury, BL8 3DJ
09/04/2018		Erection of fencing
18/0136	LPS	2 Five Acre Barn, Watling Street, Tottington, Bury, BL8 3QW
10/05/2018		Not built according to plan re. garage
18/0118	LPS	2 Silverdale Close, Bury, BL9 9GE
27/04/2018		Erection of extension
18/0097	MH	20 Cuckoo Lane, Prestwich, Manchester, M25 2TD
11/04/2018		Erection of 7no. signs at property
18/0183	LPS	21 Riverbank Drive, Bury, BL8 1UR
18/06/2018		Making furniture and selling cars from residential dwelling
18/0153	LPS	216 Alfred Street, Bury, BL9 9EJ
23/05/2018		Change of use from dwelling house (C3) to bed and breakfast (C1)
18/0198	LPS	22 Deyne Avenue, Prestwich, Manchester, M25 1EJ
27/06/2018		Building works to garage and rear of property
18/0201	PK	220 Rochdale Road, Pimhole, Bury, BL9 7HP
29/06/2018		Change of use to dog breeders and erection of outbuildings

18/0200	PK	222 Gigg Lane, Bury, BL9 9EW
29/06/2018		Satellite dish in rear garden
18/0171	PK	227 Bury Old Road, Prestwich, Manchester, M25 1JE
07/06/2018		Not built according to plan
18/0184	PK	24 Hillsborough Drive, Bury, BL9 8LF
19/06/2018		Erection of outbuilding
18/0145	LPS	24 York Avenue, Prestwich, Manchester, M25 0FZ
15/05/2018		Erection of outbuilding and raised platform
18/0177	LPS	25 Quakers Field, Tottington, Bury, BL8 4AZ
13/06/2018		Extension(s)at the property
18/0160	LPS	26 Lomond Drive, Bury, BL8 1UL
29/05/2018		Erection of fencing
18/0151	LPS	27 Wroxham Close, Bury, BL8 1EN
21/05/2018		Erection of wooden building in rear garden
18/0158	LPS	29 Bowes Close, Bury, BL8 1UA
25/05/2018		Running food business from home
18/0101	MH	3 The Terrace, Prestwich, Manchester, M25 1FD
18/04/2018		Untidy land
18/0193	PK	30 Orwell Close, Bury, BL8 1UU
25/06/2018		Single storey rear extension
18/0110	LPS	33 Raymond Avenue, Bury, BL9 6NN
20/04/2018		Change of use from dwelling house to 4 no. self contained flats
18/0196	LPS	34 Croft Lane, Bury, BL9 8BX
26/06/2018		Creation of access on to a classified road
18/0164	LPS	344 Hollins Lane, Bury, BL9 8BS
05/06/2018		Breach of condion no. 2 of planning permission 60625 - erection of bamboo screen
18/0104	LPS	4 Mile Lane, Bury, BL8 2DS
19/04/2018		Large container at side of property
18/0159	LPS	4 Norwood, Prestwich, Manchester, M25 9WA
29/05/2018		Not being built in accordance with the approved plans (61580)

18/0182	LPS	4 Victor Avenue, Bury, BL9 5EB
15/06/2018		Erection of outbuilding
18/0088	MH	424 Bury Old Road, Prestwich, Manchester, M25 1PR
09/04/2018		Breach of condition no. 2 of planning application 62134
18/0154	LPS	42A Cornwall Drive, Bury, BL9 9EU
23/05/2018		Change of use from dwelling house (C3) to bed and breakfast (C1)
18/0202	PK	46 Mount Pleasant, Nangreaves, Bury, BL9 6SR
29/06/2018		Single storey extension and loft
18/0155	LPS	48 Parkway, Prestwich, Manchester, M25 0JB
23/05/2018		Demolition work begun on property
18/0112	LPS	484 Bolton Road West, Ramsbottom, Bury, BL0 9RU
24/04/2018		Erection of 2.5 metre high fence at rear
18/0140	LPS	49 Rainsough Brow, Prestwich, Manchester, M25 9XW
14/05/2018		Change of use to Car wash
18/0127	LPS	5 Alfred Street, Ramsbottom, Bury, BL0 9NZ; 6 Mary Street, Ramsbottom, Bury, BL0 9PB
03/05/2018		Erection of fencing
18/0117	MH	5 Oakdale Close, Whitefield, Manchester, M45 7LU
27/04/2018		Erection of fencing at rear
18/0166	LPS	518 Bolton Road, Bury, BL8 2DU
05/06/2018		Erection of extension
18/0188	PK	6 Outwood Road, Radcliffe, Manchester, M26 1AQ
21/06/2018		Single storey rear extension
18/0090	LPS	62 Whalley Road, Shuttleworth, Ramsbottom, Bury, BL0 0DE
09/04/2018		Change of use of land / extension of garden; walls, pavements and patio area
18/0152	LPS	63 Sandy Lane, Prestwich, Manchester, M25 9PS
21/05/2018		Breach of conditions 3 & 4 of planning permission 61769
18/0163	LPS	66 Church Street West, Radcliffe, Manchester, M26 2SY
31/05/2018		Erection of fence
18/0138	LPS	67 Sheepfoot Lane, Prestwich, Manchester, M25 0DN
10/05/2018		Erection of outbuilding

18/0167	PK	68 Ringley Road, Whitefield, Manchester, M45 7LN
05/06/2018		Untidy land and derelict property
18/0178	PK	7 Brightwater Close, Whitefield, Manchester, M45 8SE
13/06/2018		Erection of 6ft fence adjacent to the highway
18/0135	MH	7 Fairfax Road, Prestwich, Manchester, M25 1AS
10/05/2018		Erection of fence and formation of decking / smoking area
18/0123	MH	7 Mellor Street, Prestwich, Manchester, M25 3HT
01/05/2018		Erection of dormer at rear
18/0098	MH	70 Croft Lane, Bury, BL9 8BX
11/04/2018		Change of use to office
18/0087	MH	72 Park Road, Prestwich, Manchester, M25 0FA
09/04/2018		Breach of Condition 62178
18/0102	MH	75 Albert Avenue, Prestwich, Manchester, M25 0LU
18/04/2018		Not being built in accordance with the approved plans of application 60905
18/0108	MH	8 Milltown Street, Radcliffe, M26 1WD
20/04/2018		Extension of garage unit at rear
18/0133	MH	8 Roch Crescent, Whitefield, Manchester, M45 8RX
08/05/2018		Porch at front
18/0114	MH	853 & 857 Manchester Road, Bury, BL9 9TP
25/04/2018		Breach of conditions 3,5 and 6 of 61239
18/0134	LPS	88A Hollins Lane, Bury, BL9 8AH
08/05/2018		Breach of Conditions
18/0157	LPS	9 Apollo Avenue, Bury, BL9 8HG
25/05/2018		Erection of decking
18/0191	LPS	9 Beechwood Avenue, Ramsbottom, Bury, BL0 0BH
25/06/2018		CCTV cameras on front elevation
18/0103	LPS	9 Stubbins Lane, Ramsbottom, Bury, BL0 0PU
18/04/2018		Erection of fencing on top of existing single storey rear extension
18/0130	MH	9 Westbourne Avenue, Whitefield, Manchester, M45 7RY
08/05/2018		Replace front garden with tarmac driveway

18/0093	MH	92 Butterstile Lane, Prestwich, Manchester, M25 9PP
10/04/2018		Building works have commenced before decision made on planning application 62581
18/0190	PK	94 Harper Fold Road, Radcliffe, Manchester, M26 3UB
25/06/2018		Single storey rear extension
18/0174	LPS	96 Longsight Road, Ramsbottom, Bury, BL0 9SZ
11/06/2018		Untidy land and property
18/0106	LPS	Ainsworth Mill, Bury New Road, Bolton, BL2 6QG
19/04/2018		Unauthorised extension of building
18/0139	LPS	Ash Grove, Prestwich, Manchester, M25 3DS
14/05/2018		Mobile car veleting service parked up on residential street
18/0187	LPS	Barnbrook Building, Barnbrook Street, Bury, BL9 7DT
21/06/2018		Engineering works
18/0203	LPS	Boaredge Farm, Woodgate Avenue, Woodgate Hill, Bury, BL9 6UQ
29/06/2018		Living in a caravan and running a business (puppy farm)
18/0116	LPS	Burnt House Farm, Turton Road, Tottington, Bury, BL8 3QF
26/04/2018		Infilling of land / deposit of waste
18/0096	MH	Cussons Sons and Co Ltd, Kersal Vale Road, Prestwich, Salford, M7 0GL
10/04/2018		Untidy land
18/0142	LPS	Elton High School, Walshaw Road, Bury, BL8 1RN
14/05/2018		Breach of conditions (58279)
18/0107	MH	Farmers Arms, Simister Lane, Prestwich, Manchester, M25 2SU
19/04/2018		Not built according to plan
18/0146	LPS	Fernhill Mill, Hornby Street, Bury, BL9 5BE
15/05/2018		Breach of condition no. 4 (gym opening hours) of p/p 51343; Change of use of unit to frozen food shop with generator (below gym)
18/0095	MH	Field near to Newbank Garden Centre, Irwell Bank Farm, Bury Road, Radcliffe, M26 2WX
10/04/2018		Untidy land
18/0192	PK	Former Toppings Butchers, 11 Bolton Street, Ramsbottom, Bury, BL0 9HU
25/06/2018		Alterations to shop front
18/0120	LPS	Ginnel/Walkway between Walshaw Road & Warwick Close, Bury
30/04/2018		Erection of fencing

18/0148	LPS	Higher House, Moor Road, Ramsbottom, Bury, BL8 4NX
16/05/2018		Windows installed not in accordance with the approved plans
18/0082	LPS	Higher Spen Moor, Bury And Bolton Road, Radcliffe, Manchester, M26 4LB
05/04/2018		Alterations not conforming to plan (60992) - Digging out wider junction and opposite the wrong block of houses
18/0144	MH	J O Transport, Wellington Works, Stopes Road, Radcliffe, Bolton, BL3 1NP
15/05/2018		Unauthorised advertisement
18/0143	LPS	Land a Spen Moor (Tudor Grange), Bury and Bolton Road, Radcliffe, Manchester, M26 4JY
14/05/2018		Breach of condition (58810) - Construction traffic management plan
18/0162	LPS	Land adj to Gorsey Clough Nursing Home, Harwood Road, Tottington, Bury, BL8 3PT
30/05/2018		Siting of caravan, and sheds with construction of soil wall
18/0189	PK	Land adjacent 37b Bury Old Road, Ainsworth, Radcliffe, Bolton, BL2 5PJ
21/06/2018		Untidy land
18/0091	MH	Land At Bank Street, Whitefield, Manchester, M45 7JF
10/04/2018		Not being built in accordance with approved plans of planning permission 60901
18/0129	MH	Land at rear of 152-156 Bury New Road, Whitefield, Manchester, M45 6AD
08/05/2018		Siting of containers
18/0100	LPS	Land at Spen Moor (Tudor Grange), Bury and Bolton Road, Radcliffe, Manchester, M26 4JY
16/04/2018		Breach of condition (58810) - Construction traffic management plan
18/0084	LPS	Land at Spen Moor, Bury And Bolton Road, Radcliffe, Manchester, M26 4JY
05/04/2018		Engineering operation and lopping of tree
18/0150	LPS	Land between 13 & 14 Scholes Walk, Prestwich, Manchester, M25 0AZ
21/05/2018		Untidy land
18/0131	MH	Land off Dumers Lane & Morris Street, Radcliffe, Manchester, M26 2HF
08/05/2018		Breach of conditions 3 & 4 of p/p 55584
18/0121	LPS	Land off Harwood Road, Tottington, Bury, BL8 3PT
01/05/2018		Change of use to plant storage
18/0124	LPS	Land off Lowercroft Road, Bury, BL8 3PA
01/05/2018		Siting of caravan in field
18/0094	MH	Land Off Roach Bank Road, Bury, BL9 8RQ
10/04/2018		Untidy land

18/0089	LPS	Land To The North Of Roach Bank Inn, Croft Lane, Bury, BL9 8QH
09/04/2018		Change of use of land to car park and erection of gates
18/0109	MH	Lidl Store, Dale Street, Radcliffe, Manchester, M26 1AA
20/04/2018		Breach of condition no. 14 of planning approval 60908
18/0176	LPS	Loebank Farmhouse, Bolton Road, Tottington, Bury, BL8 4JA
12/06/2018		Siting of container
18/0119	LPS	Lyons Stonework, Unit 2, Hope Mill, Whalley Road, Shuttleworth, Ramsbottom, Bury, BL0 0ES
30/04/2018		Storage container on site and untidy land
18/0175	LPS	Mozzarella, 5 Kings Road, Prestwich, Manchester, M25 0LE
12/06/2018		Erection of flue
18/0169	LPS	Nik's Greek Taverna, 36 Haymarket Street, Bury, BL9 0AY
07/06/2018		Erection of roller shutter
18/0099	LPS	Paul Anthony Commercials, Bury Road, Tottington, Bury, BL8 3DT
11/04/2018		Subdivision of unit
18/0173	PK	Red Bridge Inn, Bury Old Road, Ainsworth, Radcliffe, Bolton, BL2 5PJ
11/06/2018		Untidy land
18/0128	LPS	Rose Bank, Ainsworth Hall Road, Ainsworth, Radcliffe, Bolton, BL2 5RX
03/05/2018		Works to trees
18/0181	PK	Royal Hotel, 262 Bury Road, Tottington, Bury, BL8 3DT
15/06/2018		Creation of raised seating area and outdoor bar
18/0179	PK	Sedgley Park Rfuc, Park Lane, Whitefield, Manchester, M25 7PA
14/06/2018		Erection of gates
18/0199	PK	St Johns Court, Ramsbottom, Bury, BL0 9BB
27/06/2018		Plastic windows fitted
18/0195	LPS	The Old Vicarage, 1 Ainsworth Hall Road, Ainsworth, Radcliffe, Bolton, BL2 5RX
26/06/2018		Works to trees
18/0126	LPS	Tithebarn, Tithebarn Street, Radcliffe, Manchester, M26 9PY
02/05/2018		Works to a listed building
18/0156	LPS	Twine Valley Farm, Church Road, Shuttleworth, Ramsbottom, Bury, BL0 0EH
25/05/2018		Engineering operations and change of use of land to tipping of materials

18/0185 LPS Wellington Barracks Club, Bolton Road, Tottington, Bury, BL8 2PL
20/06/2018 Siting of 4 no. containers

18/0180 PK Woodhey Farm, Woodhey Road, Ramsbottom, Bury, BL0 9RD
15/06/2018 Running car valeting business from home

18/0111 MH Woodland View, Valley Park Road/Clifton Road, Prestwich, Manchester, M25 3TG
23/04/2018 Breach of condition no.6 (drainage) of approved planning application 58655

Number of Complaints 122

REPORT FOR DECISION

Agenda Item 8



Agenda
Item 8

MEETING: PLANNING CONTROL COMMITTEE
DATE: 9 October 2018
SUBJECT: TREE PRESERVATION ORDER CONFIRMATION
REPORT FROM: HEAD OF DEVELOPMENT MANAGEMENT
CONTACT OFFICER: DAVE MARNO

TYPE OF DECISION: COUNCIL

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

SUMMARY: The report considers the confirmation of a temporary tree preservation order currently made Crow Lumb Wood, Ramsbottom

OPTIONS & RECOMMENDED OPTION To amend the Order; reject the Order or confirm the Order as proposed.

The Committee is recommended to confirm, the extant temporary Tree Preservation Order (No.343) designated as Crow Lumb Wood Ramsbottom.

IMPLICATIONS:

Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Financial Implications and Risk Considerations:	Director of Finance and E-Government to advise regarding risk management - N/A
Statement by Director of Finance and E-Government:	N/A
Equality/Diversity implications:	N/A

Considered by Monitoring Officer: N/A

Are there any legal implications? Yes – Confirmation of the Order and recording on the Local Land Charges Register

Staffing/ICT/Property: N/A

Wards Affected: North Manor

Scrutiny Interest: N/A

TRACKING/PROCESS

EXECUTIVE DIRECTOR:

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

Introduction

This report sets out the issues relating upon the current temporary tree preservation order (TPO) currently designated at Crow Lumb Wood, Ramsbottom.

The Tree Preservation Order was made on 1st May 2018 and took effect on that date on a provisional basis. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees included in the Order, without the Council's consent. The Order remains in force for a period of six months or until the Council makes a decision to confirm the Order. When an Order is confirmed, it takes effect on a permanent basis. Before making a decision on whether to confirm the Order, the Council must consult those with an interest in the land and consider any objections received. The Council has received one objection and must now consider that objection and determine whether the Order should be confirmed i.e. made permanent. The Order may be confirmed with or without modifications. If the Order is not confirmed by 1st November 2018, it will lapse and the trees included in the Order will lose protection.

Discussion

The site is a large area of land that stretches from Bolton Street in the north west to the River Irwell to the east and follows the river in the downstream direction between Holme Mill and Nuttall Lane estate. (See attached map).

Following an assessment of trees on the site, the Council imposed a temporary Tree Preservation Order on 1st May 2018. The order, attached at Appendix 1 at the back of this report, related to an area comprising mainly mixed hardwoods including Ash,

Willow, Oak, Beech, Hawthorn, Silver Birch and Hazel trees, and covered an area of approximately 7Ha.

The decision to initiate the TPO Order was as a result of concern that the extent of the tree cover on the site may be under threat from redevelopment of the site following the submission of historic pre-application discussions, some unmanaged tree removals in the immediate locality and the contribution to amenity in terms of its juxtaposition to the Ramsbottom Conservation Area and relationship to public views within the valley.

The Council made the Order because the woodland provides a significant contribution to the Site of Biological Importance and a significant framing contribution to the Conservation Area and views from the valley. The woodland provides an important screening effect obscuring the housing estate along Nuttall Lane which would otherwise dominate the skyline looking from Nuttall Park. The woodland is of some age (150 years +) and the trees are in good condition and of high amenity value to the area. The trees also provide a wildlife habitat and benefit to nature. It was therefore considered expedient in the interests of amenity to make the Order.

Pursuant to Regulation 6 of the The Town and Country Planning (Tree Preservation) (England) Regulations 2012, objections and representations that are made in writing must be appropriately considered.

Representation

Letters were issued to the owners/occupiers of land within the proposed woodland order and one representation has been received from FLAC on behalf of the substantive land owner Peel Investments (North) Ltd dated 25th May 2018. This representation is appended.

The representation made includes the following points:

- The order encompasses the totality of their client's land and includes substantial areas where no trees are present or includes scrub land only. These areas cannot be protected by a TPO.
- There was no expediency in making the order as the land does not include churchyard, garden, orchard or public open space and therefore enjoys statutory protection under the Forestry Act 1967. As such the order is duplication.
- The owner's development aspirations for the site and good standing is such that the LPA has no risk of pre-emptive felling.
- Consider that the Order has been done without proper assessment and that there are trees of low merit that do not warrant statutory protection.
- The proposed TPO is unnecessary, be allowed to lapse or ask that it be revoked.

The land owner's agent goes on to provide their own field work assessment and suggested Landscape and Biodiversity Management Plan and they say to address management issues of retained woodland and geared towards delivering significant net benefit to biodiversity. The representation considers that the habitats are being degraded due to an increasing cohort of invasive sycamore, Himalayan balsam and it is apparent that the areas of better quality woodland would benefit from positive management.

The representation received must form part of the consideration as to whether the TPO is confirmed together with the respective merits of the case for and against.

Consultee Responses

Forestry Commission – No objections having reviewed the proposals.

Greenspace and Local Nature Reserves Officer - No objections.

Analysis

S198 of the Town and Country Planning Act 1990 sets out the provisions for making tree preservation orders. S198(1) states that if it appears to a LPA that it is expedient *in the interests of amenity* to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.

The Town and Country Planning (Tree Preservation)(England) Regulations 2012 sets out the detailed process of tree preservation order designation and details required for such orders including timeframes, prohibited activities, determination, revocation et al.

The proposed order would seek to protect woodland in this instance and can only protect trees and not bushes or scrub.

The woodland is an extensive area that sits adjoining the Ramsbottom Conservation Area and has a close relationship in enhancing that Conservation Area. It would be possible to have sought to expand the Conservation Area to include the land and legislation provides protection for trees where they are located within such areas. However, should proposals come along for the land that would require tree removal, where the LPA considers it expedient to do so in consideration of the respective tests, then a TPO would have to be issued where it considers that trees ought to be retained. The effects of a Conservation Area imposition does also provide a greater constraint on development of land. As such, the proposed imposition of a TPO seeks solely to protect trees.

The land is crossed by public rights of way, which provides public access into the woodland from Bolton Street down to the River Irwell and in a northerly direction towards Kay Brow and Holme Mill. Additionally, due to the topography of the area, the woodland can be seen as an imposing natural feature from the varying vantage points including Holcombe, Ramsbottom town centre and also from the opposite side of the valley including Nuttall Park and Bury New Road.

The tree cover is readily seen as a key and integral part of the natural landscape, which this area is recognised not only in terms of its heritage, topography, hillside location but also a key feature to the way in which the town has developed and nestled in to the wider natural landscape, which this site is part of.

As such, it is considered that there is a significant weight of argument in relation to visual amenity.

In consideration of expediency, there is a degree of overlap as to whether a TPO is necessary or whether a matter be left to the Forestry Commission to regulate through the Forestry Act 1967. The expediency test here can have a number of factors and threat on trees is one, the volume of trees to be removed in any year without need for consent is another. TPO orders protect trees regardless.

The 2012 regulations sets out within Schedule 2 how much information is required to fulfil the requirements of a TPO, and different degrees of information are required depending upon the number or type to be protected.

The representation made by on behalf of the land owners describes development aspirations and that they are responsible owners. The designation a TPO does not ban tree removal at all costs but becomes a significant material consideration within development proposals. Future removal of trees would be subject to assessment and consideration by the LPA and where works are considered to be appropriate, works could be permitted to be carried out under circumstances and/or subject to conditional controls. In addition, any tree removals can be subject to replanting requirements to serve to maintain the natural aesthetics the site provides.

There have been examples of the land owner removing trees in this vicinity and indeed the Forestry Commission were engaged within the consideration of enforcement action.

The imposition of a TPO on this site is considered to be expedient such that unrestricted levels of tree removals do not happen again. Furthermore, the Forestry Act does permit levels of removals, which if the order was not confirmed could allow tree removal to take place, over time, which would harm the positive natural presence that this woodland provides.

The effects of a TPO do not prevent good maintenance being carried out nor does it prohibit good land management. There has not been any works done to the land for a considerable period of time and with an appropriate approach to the LPA, a proposal could be duly considered and following any approval from the LPA, duly carried out.

The schedule within the 2012 regulations in relation to woodland designation does not require specific trees to be identified, but does permit designation to be confirmed on a broader description of trees (e.g. mixed hardwoods (mainly oak, ash and alder)) and to be identified within a continuous black line on a map. This has been duly followed within the current temporary order. Whilst the representation goes on to state that areas have been included that do not contain trees, it is clear that such provisions are not required and that where woodland orders are concern, there would be areas within it that would not contain trees. The issue here is one of pragmatism in securing a protective designation.

Recommendation Confirm the Order.

List of Background Papers:-

Appendix 1 - Temporary Tree Preservation Order dated: 1 May 2018

Appendix 2 - Representation received from FLAC on behalf of a substantial land owner within the site proposed site Peel Investments (North) Ltd

Contact Details:-

David Marno
Head of Development Management
Dept of Resources and Regulation
3 Knowsley Place
Bury BL9 0EJ

Tel: 0161 253 5291

Email: d.marno@bury.gov.uk

TREE PRESERVATION ORDER
Town and Country Planning Act 1990

The Metropolitan Borough of Bury
(Crow Lumb Wood, Ramsbottom)
Tree Preservation Order (No. 343) 2018

The Metropolitan Borough of Bury (Bury Council) in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as the Metropolitan Borough of Bury (Crow Lumb Wood, Ramsbottom) Tree Preservation Order (No. 343) 2018

Interpretation

2.—(1) In this Order “the authority” means Bury Council

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.—(1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 1st day of May 2018.

The Common Seal of the Metropolitan Borough of Bury
was affixed to this Order in the presence of—

.....
[Signature]

Council Solicitor



CONFIRMATION OF ORDER

This Order was confirmed by the Metropolitan Borough of Bury without modification on the
day of 20

OR

This Order was confirmed by the Metropolitan Borough of Bury, subject to the modifications
indicated by , on the day of 20

Signed on behalf of the Metropolitan Borough of Bury

.....
Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by the Metropolitan Borough of Bury on the
day of 20

Signed on behalf of the Metropolitan Borough of Bury

.....
Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the Metropolitan Borough of Bury on the day of
20 by a variation order under reference number a copy of which is
attached

Signed on behalf of the Metropolitan Borough of Bury

.....
Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by the Metropolitan Borough of Bury on the day of
20

Signed on behalf of the Metropolitan Borough of Bury

.....
Authorised by the Council to sign in that behalf

SCHEDULE

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None.		

Trees specified by reference to an area (within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None.		

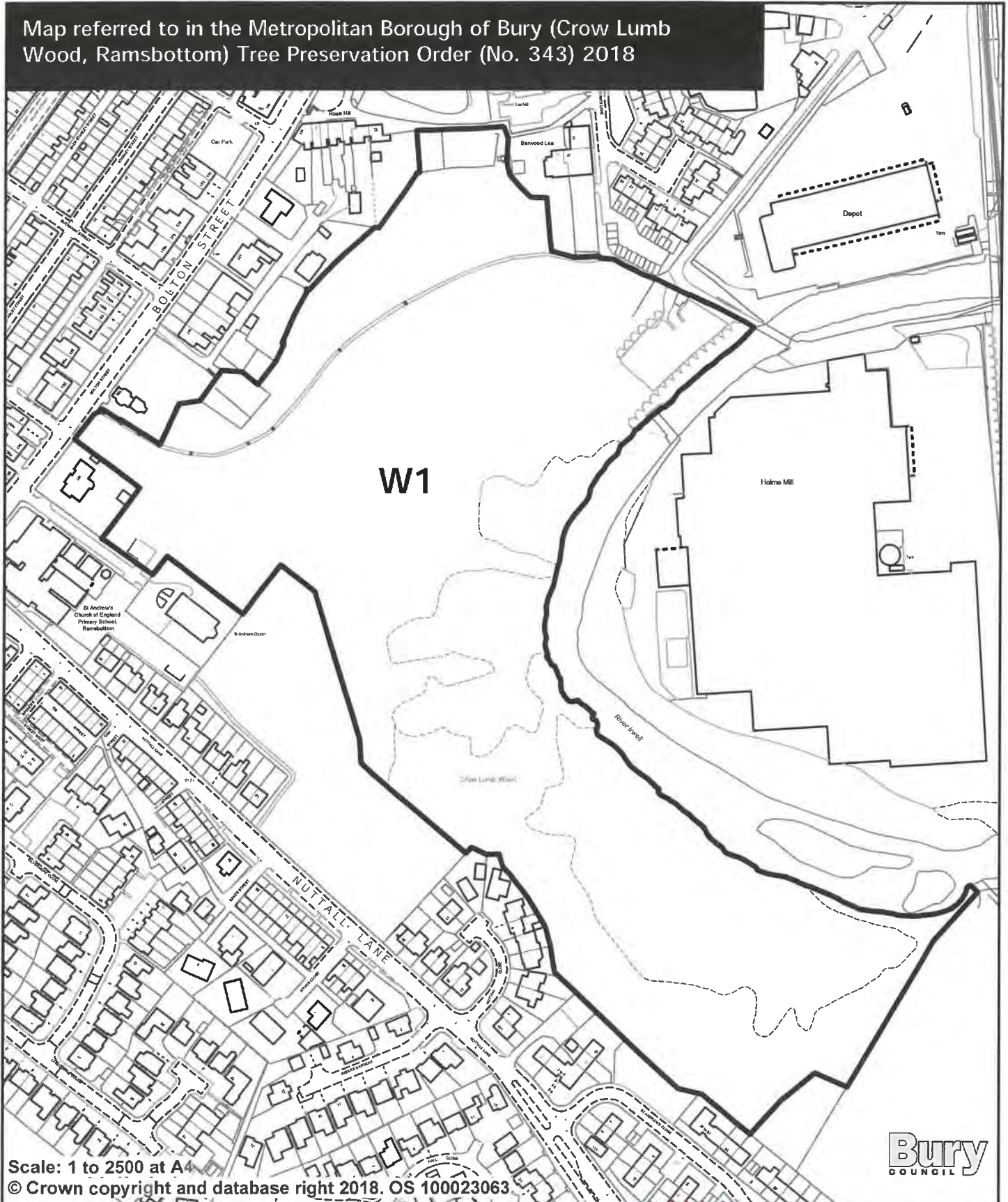
Groups of Trees (within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None.		

Woodlands (within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	Mixed hardwoods (mainly Ash, Willow, Oak, Beech, Hawthorn, Silver Birch and Hazel)	Throughout the site

Map referred to in the Metropolitan Borough of Bury (Crow Lumb Wood, Ramsbottom) Tree Preservation Order (No. 343) 2018



Scale: 1 to 2500 at A4
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Bury
COUNCIL

THE COMMON SEAL of THE
METROPOLITAN BOROUGH OF BURY
was hereunto affixed on the 15th
day of May 2018
in the presence of:-

[Signature]
.....
Council Solicitor



344/18



Principal Consultant
Julian Forbes-Laird
BA(Hons), MICFor, MRICS, MEWI, RC.Arbor.A, Dip.Arb.(RFS)

Operations Director, Planning & Development
Patrick Stileman
BSc(Hons), MICFor, MRICS, RC.Arbor.A, CUEW, Dip.Arb

Executive Consultant
Richard Nicholson
B.Ed, F.Arbor.A, Dip.Arb(RFS)

CC38-1023
CROW LUMB WOOD

25 May 2018

Ms Jayne Hammond
Assistant Director, Legal & Democratic Services
Bury Council
Town Hall
Knowsley Street
BURY, BL9 0SW

By Royal Mail recorded delivery

Dear Ms Hammond,

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012

Bury Council TPO 343/ 2018 - OBJECTION

We write as arboricultural advisors to Peel Investments (North) Ltd, pursuant to the Regulations referred above, to lodge an **Objection** to your council's Tree Preservation Order *Crow Lumb Wood, Ramsbottom* (No. 343) 2018.

We set out our Grounds for Objection as follows:

1. At S.198 of the T CPA is provided the power for competent authorities to place "trees" (including where they occur as woodland) under statutory protection, where it is considered *expedient in the interests of amenity* for them to do so. Tree Preservation Orders cannot be used to protect anything other than "trees"
2. Apparent from S.198 of the Act are two tests:
 - i) Do the trees (or woodland) have sufficient amenity value to merit this protection?
 - ii) Is it expedient to protect them?
3. Both tests must be passed if the power is to be employed in accordance with the statute, and accordingly it is against these tests that any new TPO should be examined



www.flac.uk.com



The Order seeks to protect things other than “trees”

4. Your TPO 343/ 2018 protects the totality of the site owned by our clients as “Woodland”. However, within the compass of the site are substantial areas where no trees are present and/ or where the vegetation is properly described as scrub or shrubs, neither of which are “trees”. These vegetation types cannot be protected by a Tree Preservation Order. This is settled law and accordingly the Order is ultra vires

There was no expediency in the making of the Order

5. The site is none of: churchyard, garden, orchard or public open space. As such trees thereon enjoy statutory protection under the Forestry Act 1967, in any event. It follows that they are protected against all but very small-scale felling. For this reason, the TPO is a duplication of extant protection, and it was therefore inexpedient to make it. In this regard, also, the TPO is ultra vires
6. Moreover, your authority is well aware both of our client’s development aspirations for the site, and of its good standing within the business and developer community in the northwest and beyond. Your authority has no basis for considering the trees to be at risk of pre-emptive felling which would, anyway, be a straightforward contravention of the Forestry Act 1967 (as amended). Seen in this light, the Order is further shown to have been made absent the necessary driver of expediency

Some of the trees included within the Order lack sufficient amenity to justify a TPO

7. The Order appears to have been made with no or no proper assessment of the amenity of the trees which it seeks to protect. This is demonstrated by the inclusion of a) scrub and shrubs and b) trees of low or very low merit that do not warrant statutory protection (it being manifestly not the intention of the Act to require preservation of trees of unspecial quality)

This completes our Grounds for Objection.

Background information which might assist your authority in revisiting the Order

8. We have undertaken field work to assess the trees on the site and append below a brief summary of our findings, and an indicative plan showing the location of relevant features. It is apparent from this information that the site includes areas of Priority Habitat: both *lowland deciduous woodland* and *wet woodland* are present
9. Unfortunately, these habitats are being degraded due to the presence both of an increasing cohort of invasive sycamore, and of the highly invasive weed Himalayan Balsam. It is apparent, therefore, that these areas of better quality woodland would benefit strongly from positive management
10. We have already referred to our client’s development aspirations for the site. In due course draft proposals will be put before your authority for consideration, which will be accompanied by an undertaking to promote the site on the basis of a comprehensive and detailed Landscape and Biodiversity Management Plan

11. This Plan will seek inter alia to address management issues in areas of retained woodland (broadly, the Priority Habitat woodland), and will be geared towards delivering a significant net benefit to biodiversity

12. We surmise that this approach would be welcomed by your Officers, and it is on this positive and environmentally responsible basis that our client intends to move forward. In addition to the serious flaws in the TPO, as you can see it was wholly unnecessary to make it

What we now seek, on behalf of our client

13. In light of the foregoing, we ask that the TPO is not Confirmed and instead is allowed to lapse at the end of the six-month lifespan for unconfirmed Orders. Alternatively, should your authority prefer, we ask that it be revoked

The alternative

14. Should your authority not be minded to adopt either of these approaches, which we would consider to be most unfortunate, as you are well aware it would need to consider this Objection properly, per central government advice

15. If your authority decides to go down the TPO route, we would require:

- i) Confirmation that this Objection has been received;
- ii) Confirmation that the TPO will not be Confirmed until the Objection has been properly considered;
- iii) Information as to the Council's internal processes for properly considering the Objection, including:
 - a) timeline, including date of submission for further evidence in support of this Objection (should this be required)
 - b) whether the matter will be heard before a panel
 - c) how this panel would be constituted
 - d) details as to how oral representations may be made to the panel (on the assumption that Officers will be afforded this opportunity);
- iv) Confirmation that all aspects of the process will not include decision-making powers being vested in Officers concerned with making the Order: clearly, such Officers could not be involved whilst still meeting the needs of visible fairness

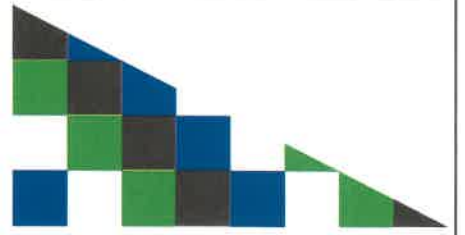
In closing, we reiterate our client's willingness to work constructively with Officers regarding this site and to this end we would gladly attend a meeting, either at the Town Hall or on site as preferred, in order to put matters into a positive light.

Yours sincerely,

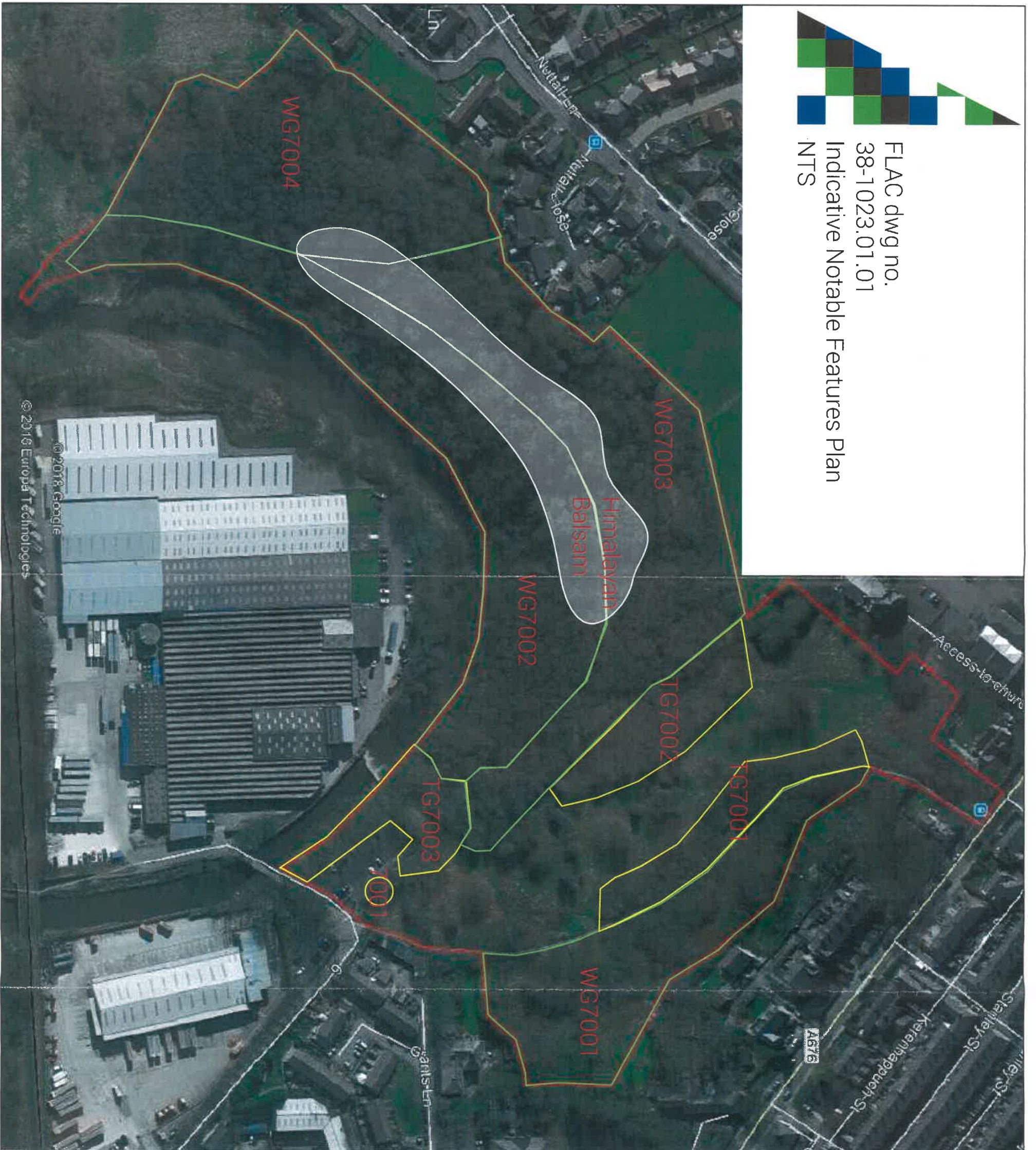
Julian Forbes-Laird

Summary of key attributes of principal arboricultural features

FLAC ident.	Species	Age class	Notes	Category
7001	Ash	M	Very large tree, bordering on veteran status. Large open cavity at base through entire width of stem. Historic storm damage in central and upper crown have left decaying stubs. No sign of fungal fruiting bodies. Foliage appears healthy throughout. Stem dia. ca. 950mm	A3
TG7001	Crack willow, goat willow, alder, hawthorn	EM	Dense group of scrubby trees around small water course on relatively damp ground. All trees in group are multiple stem specimens with many having partially failed stems/limbs near to ground level, creating a generally dense continuous group up to the edge of the paved path. Height = 9m Diameter = 250mm	C
TG7002	Hawthorn, goat willow, sycamore	EM	Area of dense, but generally younger/less mature in appearance (than adjacent woodland WG7001) trees. These are obviously self set trees growing on the sloping ground above the more open predominantly grass area. No sign of disease or dieback in group. Height = 12m Diameter = 250mm	B
TG7003	Goat willow, ash, sycamore	EM	Area of dense scrubby tree growth with thicker-like natural regeneration of ash present around a small number of more mature trees. Goat willows are relatively mature here. Height = 12 Diameter = 200mm	C
WG7001	Sycamore, ash, goat willow, crack willow, hawthorn, holly, elder, pedunculate oak	M	Majority of high trees are ash/sycamore with relatively dense lower level of hawthorn, willows and holly. Mixed maturity patches throughout area. Ground flora is diverse with a few small areas dominated by bluebells and other wild flowers, but large areas are dominated by ruderals also. Height = 15m Diameter = 400mm	B
WG7002	Alder, sycamore, ash, goat willow	M	Sloping land down towards river. Generally wet and boggy under foot. Majority of high canopy is alder with sycamore being the second most numerous species. Ash and willow are generally found towards the N and S edges with a scattering of oaks along the W compartment edge. Understorey is not very distinct here with pockets of dense and less dense natural regeneration of sycamore and ash (in a just a few locations). Wood horsetail dominated ground flora in damp areas. Height = 17m Diameter = 350mm	B
WG7003	Pedunculate oak, ash, goat willow, beech, sycamore, holly	M	Mature woodland on less sloping land but still a few patches of wet/boggy ground present. Oak forms majority of high canopy with scattered ash present also. Willow forms section, along with holly and beech of understorey with a few small pockets of thicket-like growth within the larger woodland. Height = 17 diameter = 420mm	A
WG7004	Goat willow, ash, sycamore	M	Dense thicket of goat willow with occasional ash on generally damp soil. Where ground is particularly damp Himalayan balsam and mare's tail cover the ground. Height = 10m Diameter = 240mm	C



FLAC dwg no.
38-1023.01.01
Indicative Notable Features Plan
NTS



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