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AGENDA FOR

PLANNING CONTROL COMMITTEE

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To: All Members of Planning Control Committee
(Membership subject to change following Council AGM on 20/05/20)

Councillors : G McGill (Chair), S Briggs, T Cummings, S Haroon, J Harris, M Hayes, G Keeley, J Mason, B Mortenson, I Schofield, C Tegolo, K Thomas and D.Vernon.

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, 26 May 2020
Place:	Virtual Meeting via MS Teams & live streamed https://new.digitaltreemedia.co.uk/burycouncil/
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.
Notes:	**Planning Committee Site Visits during Covid-19** • Due to the Government's social-distancing guidelines, it is not possible to operate the usual committee site visits as a group at the current time. • Committee site visits are not essential and members are usually able to rely on the visual information provided in the officer report and the web based images viewed during the Committee briefing. • In order to continue to meet its obligations to determine planning application within statutory timescales (which have not been relaxed during the lockdown), the Council will carry out "virtual" site visits by the planning officer

	recording the site visit on video and the Committee members viewing the footage. This will only be possible where it is safe for the officer to undertake the site visit within social distancing guidelines. • If a member considers that an actual visit to the site by Committee members is necessary before a decision on an application can be made and no alternative arrangement is possible, the member may propose to defer consideration of the application until an actual site visit by the Committee is able to be safely carried out and this would be subject to the normal voting process. • It should be noted that an actual site visit will not be possible until there is a change in the Government guidance on social distancing which may not happen for a number of weeks, possibly months. This is likely to mean that the application will not be determined within the statutory timescales. Officers will seek to agree an extension of the statutory timescale with the Applicant to facilitate an actual site visit where this is voted for by a majority of the Committee but, in the absence of such agreement, the Council would be at risk of an appeal for not determining the application within the required timescales (non-determination). In the event of an appeal, the application would be decided by the Planning Inspectorate instead of the Council and the Council may be at risk of an award of costs.

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 THE 18TH FEBRUARY 2020 *(Pages 1 - 4)*

Minutes of the meeting held on Tuesday the 18th February 2020 are attached.

4 PLANNING APPLICATIONS *(Pages 5 - 168)*

Report attached.

5 DELEGATED DECISIONS *(Pages 169 - 200)*

A Report from the Head of Development Management on all delegated planning decisions since the last meeting of the Planning Control Committee is attached.

6 PLANNING APPEALS *(Pages 201 - 236)*

A report from the Head of Development Management on all Planning Appeals decisions since the last meeting of the Planning Control Committee is attached

7 URGENT BUSINESS

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

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Minutes of: **PLANNING CONTROL COMMITTEE**

Date of Meeting: 18 February 2020

Present: Councillor G McGill (in the Chair)
Councillors T Cummings, R Gold, S Haroon, J Harris, M Hayes, J Mason, I Schofield, C Tegolo, K Thomas and D.Vernon

Also in attendance:
Councillor P Cropper

Public Attendance: 16 members of the public were present at the meeting.

Apologies for Absence: Councillors G Keeley and T Rafiq

PCC.1 DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

PCC.2 MINUTES OF THE MEETING HELD ON 21ST JANUARY 2020

Delegated decision:

That the Minutes of the meeting held on 21st January be approved as a correct record and signed by the Chair.

PCC.3 PLANNING APPLICATIONS

A report from the Development Manager was submitted in relation to various applications for planning permission. Supplementary information was also submitted in respect of application numbers 64875, 64955 and 64967.

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

Councillor Cropper spoke as a Ward Representative in relation to planning application 64875.

Prior to the Committee meeting, a site visit took place in respect of planning applications 64875 and 64967.

Delegated decisions:

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

64875 Land off Ainsworth Hall Road, Ainsworth, Bolton BL2 5RY

Proposed dwelling house with attached 'granny annex', detached garage, formation of driveway off existing access lane, associated private garden curtilage, erection and alteration of means of enclosure and hard/soft landscaping

Note: Councillor Harris proposed an alternative motion, to reject the application as it is an inappropriate development in both size and scale and therefore does not preserve or enhance the Conservation Area. The motion was seconded by Councillor Mason. The Committee voted against the alternative motion

Note: Councillor Tegolo proposed an alternative motion, to defer the application subject to further discussions with applicant/agent with regards to the possibility of reducing the scale/mass of the building as well as a review of the boundary. The motion was seconded by Councillor Hayes. The Committee voted against the alternative motion

64967 Land at Junction of Arthur Lane/Bury Old Road, Ainsworth, Bury
Demolition, conversion and extension of existing stable/livestock buildings to create 1 no. single storey dwelling with enclosed garden and parking

2. That the following planning application be **deferred** for a site visit prior to consideration by the Committee:-

64955 Margaret Haes Riding Centre, Moor Road, Ramsbottom, Bury, BL8 4NX.
Retention of welfare unit with associated landscaping to form welfare and security accommodation

Note: Councillor Harris proposed an alternative motion for a site visit to take place in relation to this application prior to consideration by the Committee. The proposal was seconded by Councillor Tegolo and the Committee voted in favour of the site visit. No further discussions took place in respect of this application.

PCC.4 DELEGATED DECISIONS

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

Delegated decision:

That the report be noted

PCC.5 PLANNING APPEALS

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

Delegated decision:

That the report be noted

PCC.6 DEVELOPMENT MANAGEMENT VALIDATION CHECKLIST CRITERIA

A report from the Development Manager was submitted. The report outlines the updated checklists that are required for the validation process of planning applications submitted.

Delegated decision:

The Planning Control Committee endorse those lists that remain unchanged and where changes have been identified, that the Local Planning Authority carry out a consultation exercise on those changes suggested to the list(s). Following this exercise, the final report be made back to the planning control committee to determine.

COUNCILLOR G MCGILL
Chair

(Note: The meeting started at 7.00 pm and ended at 8.03 pm)

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Title	**Planning Applications**
To:	**Planning Control Committee**
On:	**26 May 2020**
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:** Whitefield + Unsworth - Besses **App No.** 64333

Location: Land between 21 & 23 Mode Hill Lane, Whitefield, Manchester, M45 8JF
Proposal: Erection of 1 no. dwelling
Recommendation: Approve with Conditions **Site Visit:** N

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02 **Township Forum - Ward:** Bury West - Elton **App No.** 64640

Location: Land at Brandlesholme Road, Bury, BL8 1BA
Proposal: Residential development comprising of 52 no. dwellings, associated means of access and landscaping
Recommendation: Minded to Approve **Site Visit:** N

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03 **Township Forum - Ward:** Ramsbottom and Tottington - Ramsbottom **App No.** 64786

Location: Land to the south of Moorbottom Road, Holcombe, Bury, BL8 4NS
Proposal: Erection of agricultural storage building, retention of field shelter, pig arc and replacement gate & gate post
Recommendation: Approve with Conditions **Site Visit:** Y

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04 **Township Forum - Ward:** Ramsbottom and Tottington - Ramsbottom **App No.** 64955

Location: Margaret Haes Riding Centre, Moor Road, Ramsbottom, Bury, BL8 4NX
Proposal: Retention of welfare unit with associated landscaping to form welfare and security accommodation
(Temporary consent for 5 years)

Recommendation: Approve with Conditions **Site Visit:** Y

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05 **Township Forum - Ward:** Prestwich - St Mary's **App No.** 64975

Location: 46 Rectory Lane, Prestwich, Manchester, M25 1BL
Proposal: Change of use of residential dwelling (Class C3) into a residential respite centre (Class C2) with a bay window at front, raised platform at rear and associated external alterations.
Recommendation: Approve with Conditions **Site Visit:** N

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06 **Township Forum - Ward:** Bury East - Redvales **App No.** 65021

Location: 192 Manchester Road, Bury, BL9 9BD
Proposal: Change of use of first floor from residential to form extension to existing ground floor day nursery (Class D1), for a maximum of 14 additional children.
Recommendation: Approve with Conditions **Site Visit:** N

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07 **Township Forum - Ward:** Ramsbottom + Tottington - Tottington **App No.** 65234

Location: Meadow View (Plot 2), Howarths Farm, Watling Street, Bury, BL8 3QR
Proposal: Replacement stables (revised submission)
Recommendation: Approve with Conditions **Site Visit:** N

Ward: Whitefield + Unsworth - Besses

Item 01

Applicant: C/O SPI Homes

Location: Land between 21 & 23 Mode Hill Lane, Whitefield, Manchester, M45 8JF

Proposal: Erection of 1 no. dwelling

Application Ref: 64333/Full **Target Date:** 01/10/2019

Recommendation: Approve with Conditions

The application was postponed from the April 2020 Planning Control Committee Meetings in response to the emergency Government instructions on Covid-19.

Description
The site is located to the north of Mode Hill Lane and forms part of the garden to plot 1 of planning permission 59296. The area where the dwellings have been constructed is not located in the Green Belt, but the northern part of the site is located in the Green Belt.

Planning consent was granted for the erection of 9 dwellings in 2016 and these properties have been constructed. The area of land immediately to the north of the site, which is located within the Green Belt has been fenced off into individual plots, without planning consent. This is a current enforcement case.

There are trees and open land beyond at the north of the site and residential properties to all other boundaries.

The proposed development involves the erection of a single dwelling, which would be located in the garden area to plot 1 of the previously approved scheme (references 59296 & 61825). The proposed dwelling would be two storeys in height with additional living accommodation in the roofspace and would be constructed from red brick and grey roof tile. Parking would be provided by a driveway, which would be accessed from Mode Hill Lane.

Relevant Planning History
36354 - Outline - 6 dwellings at land at north side of Mode Hill lane, Whitefield. Approved with conditions - 1 December 2000.

41565 - Residential development - 9 townhouses and 4 flats at land off Mode Hill Lane, Whitefield. Refused - 21 January 2004.
This application was refused due to an oversupply of housing and the form of residential layout.

43583 - Residential development - 9 townhouses and 4 flats at land off Mode Hill Lane, Whitefield. Refused - 7 December 2004.
This application was refused due to an oversupply of housing and the parking space for 2 units were not large enough to accommodate a car.

59296 - Residential development - 9 no. dwellings at land at Mode Hill Lane, Whitefield. Approved with conditions - 19 January 2016.

61825 - Non material amendment following grant of permission 59296 at land at Mode Hill Lane, Whitefield:
1. Amendment to dormers at rear and rooflights to front
2. Addition of window to front elevations with internal alterations to ground floor layout
3. Repositioning of plot no. 1
Approved - 20 September 2017.

Enforcement
19/0199 - Not being built in accordance with approved plans at land at Mode Hill Lane, Whitefield.
The residential gardens for plots 1 - 9 had been extended into the Green Belt. The developer has tried to arrange for works to remove the fencing to ensure that the development is compliant. The owners have refused consent and the next steps are being assessed currently.

Publicity
The neighbouring properties were notified by means of a letter on 8 August 2019.

2 letters have been received from the occupiers of 21 and 34 Mode Hill Lane, which have raised the following issues:

- This land is located at the rear of my garden. I am happy for developers to build. Otherwise the land will be disused and not attractive.
- I object in strongest terms to this application
- This is not a new planning application in my view but rather a retrospective application to amend the site plan for planning reference 59296
- The proposed development sits on the land assigned as garden for plot 1 of application 59296.
- The developer has breached planning conditions relating to green belt, wildlife corridor and positioning of plot 1 and the council has taken no formal action
- Part of the site is covered by a covenant and should be amenity land.
- The developer is using Green Belt as the garden of the property
- The proposed dwelling will lead to a loss of light to my property.
- The proposed development would cause highway safety issues during construction. It is also impossible to provide access for machinery and plant or for parking of contractors vehicles
- Mode Hill Lane is a main thoroughfare for both traffic and pedestrians and is used by school children - it is always busy.
- The developer is not providing adequate parking for vehicles associated with the building. By dropping the kerb, there are fewer spaces for existing residents.
- Where would visitors to the new and proposed dwellings park?
- There is inadequate garden space for the proposed property and it has a boundary wall to Green Belt with patio doors straight out to the Green Belt land.
- The proposed property does not sit outside of the minimum required distance from the front elevation of my home
- The developer has been on site opposite my home for 4 years - 3 years and 6 months of which they operated a site entrance directly opposite my home
- They did not comply at any time during the development of 59296 with the construction traffic management plan nor the site operation times - indeed over the Christmas of 2018 their electrician was undertaking work after 10pm at night and their scaffolders and ground working was undertaken on Sundays - the developer has shown scant regard to planning conditions and to reasonable protection of neighbours to the sire over a very extended period of time.
- The developer is basically seeking permission to use the entire of the Green Belt at the rear of his site as fenced gardens - a direct breach of the conditions for 59296 and in doing so create a further narrow plot of land on which to build another large home and thus over develop the site.
- That this is out for consultation rather than subject to enforcement confuses me greatly.

The neighbouring properties were notified of revised plans on 18 February 2020.

7 letters have been received from the occupiers of 25, 27, 29, 31, 33, 34 Mode Hill Lane and 8 Croftleigh Close, Whitefield, which have raised the following issues:

- The developer has breached various conditions, including Green Belt, wildlife corridor, the positioning of plots 1 and 2, fence lines and height, parking provision and fencing

materials.

- The planning department are - in this matter - a public body undertaking a legal duty - it is your absolute responsibility to undertake this duty with a due diligence which is - thus far - not being evidenced in the conduct which has been allowed by this developer.
- As the developer currently has no active planning permission relating to this land I believe it is quite correct to express my disappointment that a portable toilet is still the prevailing view from my front elevation windows which I believe to constitute a statutory nuisance and which the planning team have made no efforts to rectify.
- I object on the basis that the developer does not hold a deed of ownership to the entire curtilage of the proposed site.
- I object as the developer is proposing a scheme that will have a lasting and significant adverse effect upon the local amenity. The entire length of Mode Hill Lane will become a continuous parking bay. Double parking will significantly restrict access to both waste and blue light services to an estate of over 100 families.
- The proposed scheme footprint will make it IMPOSSIBLE to park contractors vehicles within the curtilage
- I object as the proposed development will almost certainly deprive my front elevation windows of their right in law to light - the significantly closer proximity to my property and high ridge height will place my property in shadow for a significant part of the evening each day - unacceptable and unlawful
- As a Council tax paying resident, I object to the new build and Bury Council must stand by my objection and reject the proposal.
- The developer is required to free up green belt space and this means taking down my intermediate fencing to fulfill the requirement.
- I brought my property with the fencing and the current arrangement provides security and safety for all residents.
- The fencing forms the boundary to my property as per the HM Land Registry title plan. The removal of any part of the fencing will expose my home too all vulnerabilities, such as trespassing, intrusions, burglaries and the complete removal of my privacy.
- Under Occupiers Liability Act 1957, the existing fences must be maintained as the Act deals with lawful visitors to your home and places a duty of care on you to ensure the safety of those visitors whilst on your premises.
- There is also the Occupiers Liability Act 1884 and this deals with trespassers on your land and home, but only applies to personal injury. A 'trespasser' has a wide meaning and could be a thief about the burgle your home or a child attempting to retrieve his ball.
- Will Bury Council be responsible for paying legal fees and damages, should I be sued in the event of an accident? Bury Council is legally obliged to protect their tax paying residents' lawful rights.
- The proposal will have a negative impact upon the amenity of another property in the community.
- Dust particles are inevitable and are a serious health hazard which will impact upon residents causing serious respiratory problems
- Noise pollution is an issue as the development will potentially start work earlier and finish after legal timings.
- The proposal reduces the amount of car parking available as residents park their cars on Mode Hill Lane.

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

Statutory/Non-Statutory Consultations
Traffic Section - No objections, subject to the inclusion of conditions relating to driveway arrangements, visibility, bin storage arrangements, highway remedial works and a construction traffic management plan.
Drainage Section - No response.
Environmental Health - Contaminated Land - No objections, subject to the inclusion of conditions relating to contaminated land.
Environmental Health - Air Quality - No objections, subject to the inclusion of condition relating to a scheme for electric vehicle charging.

Public Rights of Way Officer - No response.
Waste Management - No response.
United Utilities - No objections, subject to the inclusion of informatives relating to drainage.

Pre-start Conditions - Agent has agreed with pre-start conditions.

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
OL1/2	New Buildings in the Green Belt
RT2/2	Recreation Provision in New Housing Development
HT2/4	Car Parking and New Development
HT4	New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD1	Open Space, Sport and Recreation Provision
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

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

Principle (Green Belt) - The National Planning Policy Framework (NPPF) states that great importance is attached to the Green Belt. The construction of new buildings within the Green Belt would be inappropriate development and exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate buildings for outdoor sport, outdoor recreation and for cemeteries, as long as they preserve the openness of the land and does not conflict with the purposes of including land within it;
- the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The northern part of the site is located within the Green Belt. The plans submitted are clear in that the land to the north would not form part of the residential garden. As such, the

proposed development would not involve any development within the Green Belt. Therefore, the proposed development would not be located in the Green Belt and would not conflict with Policy OL1/2 of the Bury Unitary Development Plan and the NPPF.

Principle (Residential) - The National Planning Policy Framework should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. There is a particular emphasis, as in previous national planning guidance, to identify a rolling five year supply of deliverable housing land.

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

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

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

Design and layout - The proposed dwelling would be located off Mode Hill Lane and would be two storeys in height. The proposed dwelling would be constructed from red brick with a grey tile roof, which would match the surrounding dwellings. The use of pike detail, headers, cills and canopies would add visual interest to the elevations. Therefore, the proposed development would not be a prominent feature in the streetscene and would be in accordance with policies H2/1, H2/2 and EN1/2 of the Bury Unitary Development Plan.

Impact upon surrounding area - There would be space within the side/rear garden for bin storage. The proposed fencing would be a concrete post and timber waney lap fencing. At the rear the fencing would be 1.8 metres in height and at the front would be 1.1 metres in height to maintain visibility from the driveway. The proposed fencing would be acceptable and would match the existing fencing in the locality.

The proposed development would reduce the amount of garden space available to the occupiers of No. 23 Mode Hill Lane. However, there is a front, side and rear garden available and whilst it would be smaller than previously approved, the amount of private amenity space would be acceptable. Therefore, the proposed dwelling would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

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

The previous scheme approved 9 dwellings on the adjacent site, which front onto Mode Hill Lane. The first dwelling (No. 23 Mode Hill Lane) is located opposite No. 34 Mode Hill Lane, which has been extended to provide a study at ground floor and a bedroom at first floor. The previous report confirmed that there would be 20.1 metres between the front elevation of No. 34 Mode Hill Lane and the front elevation of the proposed dwelling (now No. 23 Mode

Hill Lane). The distance is in excess of the 20 metre aspect standard.

The proposed dwelling would have an outlook over part of the front garden to No. 34 Mode Hill Lane and the car park to the Unsworth South Social Club. The proposed dwelling would not have a direct relationship with any dwelling. In any case, there would be 12.5 metres between the front elevation of the proposed dwelling and the boundary with the car park, which would exceed the 7 metre aspect standard.

There would be 15.1 metres between No. 21 Mode Hill Lane and the gable elevation of the proposed dwelling, which would exceed the 13 metre aspect standard.

Therefore, the proposed development would result in appropriate aspect distances without undue impact upon light or outlook; it would not have a significant adverse impact upon the amenity of the neighbouring properties and is considered to be policy compliant.

Highways issues - The proposed dwelling would be accessed from Mode Hill Lane via a driveway. The proposed fencing to the west of the driveway would be 1.1 metres in height to ensure there would be visibility between pedestrians and vehicles manoeuvring on and off the driveway

The Traffic Section has no objections, subject to the inclusion of conditions relating to driveway arrangements, visibility, bin storage arrangements, highway remedial works and a construction traffic management plan.

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

Parking - SPD11 states that the maximum parking standards for a dwelling with 2 bedrooms is 1 space per dwelling.

The proposed development would provide 1 space and the proposal would comply with the maximum parking standards. Therefore, the proposed development would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

Response to objectors

- The issues of loss of light, privacy, residential amenity, parking and traffic have been addressed in the report above.
- The red edge does not include the land within the Green Belt.
- The current proposal is not reliant upon the clearance of Green Belt land to the rear of Nos 23 - 39 Mode Hill Lane. This is a breach of condition 2 of permission 59296, which relates to the extension of the residential garden into the Green Belt and the erection of fencing and sheds is being investigated by the Enforcement Section - reference 19/0199.
- The residents have been advised that whilst they may own the land to the north, which is located within the Green Belt, it does not form part of their gardens and all fencing should be removed.
- If the residents are concerned about security, a 2 metre high fence could be erected along the rear boundary of the gardens under permitted development.
- Restrictive covenants are not material planning considerations but are private matters.
- Concerns relating to construction hours, noise and dust during construction are not material planning considerations and would be dealt with under the Environmental Pollution Act.

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 drawings numbered Location plan, 19030-02-B, 19030-05-A, 19030-10 Rev A and the development shall not be carried out except in accordance with the drawings hereby approved.
   Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.

3. The external finishing materials for the proposal hereby approved shall match those of the existing dwellings to the east of the site.
   Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

4. No development shall commence unless and until:-
   - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
   - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
   - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

   Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

5. Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
   Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

6. No development shall commence unless and until surface water drainage proposals have been submitted to and approved in writing by the Local Planning Authority. The scheme should be in accordance with the submitted Surface Water Sustainable Drainage Assessment and must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in

accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed maintenance arrangements should also be provided. The approved scheme only shall be implemented prior to first occupation and thereafter maintained.
Reason. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

7. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

8. No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:
   - Hours of operation and number of vehicle movements;
   - Parking on site of operatives' vehicles together with storage on site of demolition/construction materials;
   - If proposed, site hoardings/gate positions to be located clear of visibility splays required to be maintained at the junction of the site access and the access to No. 23 with Mode Hill Lane;
   - Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

   The approved plan shall be adhered to throughout the construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition/construction periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials.
   Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

9. No development shall commence unless and until full details of the following have been submitted to and approved in writing by the Local Planning Authority:
   - Proposed parking and driveway arrangements for the new dwelling, incorporating the provision of a 5.0m minimum long hardstanding in a either a permeable material or incorporating measures to prevent the discharge of surface water onto the adopted highway;
   - All boundary fencing to the new dwelling, including the sections abutting the adopted highway to be in positions/of a height that ensures that adequate visibility from the proposed and existing driveways can be provided/maintained at the junctions with Mode Hill Lane and at the back edge of the footway and incorporating foundations that do not encroach under the adjacent adopted

highway.

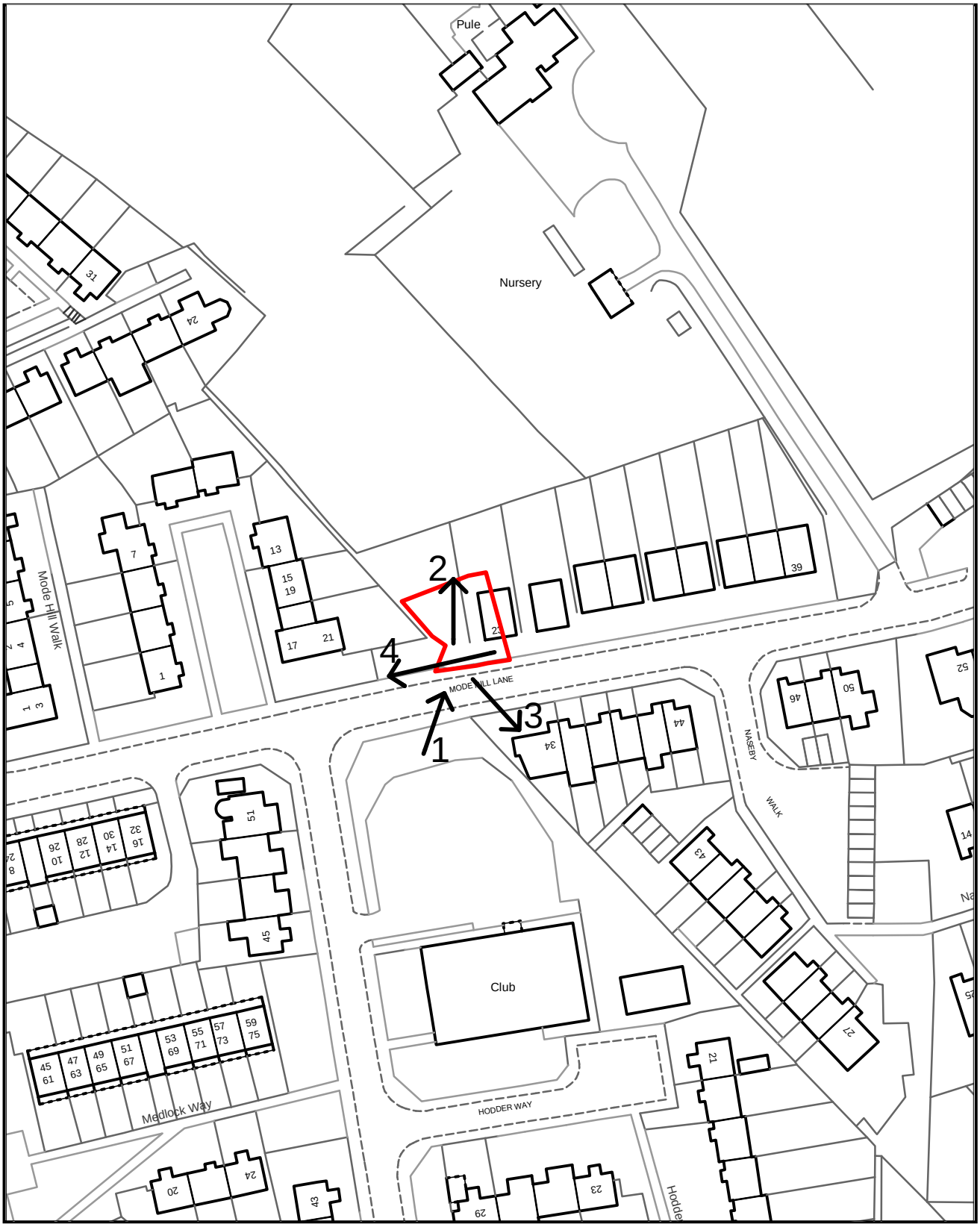
- Bin storage arrangements within the curtilage of the dwelling in accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments'.

The details subsequently approved shall be implemented prior to the dwelling hereby approved being first occupied.
Reason. To ensure good highway design and adequate off-street car parking provision and arrangements, in the interests of road safety pursuant to Policies EN1/2 - Townscape and Built Design and Policy HT2/4 of the Bury Unitary Development Plan.

10. All associated highway remedial works required as a result of the proposed development and statutory undertakers connections to the new dwelling shall be implemented prior to the dwelling hereby approved being first occupied.
Reason. To ensure good highway design in the interests of highway safety and to maintain the integrity of the adopted highway pursuant to Policy EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan.

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 64333

ADDRESS: Land between 21 & 23 Mode Hill Lane Whitefield

Planning, Environmental and Regulatory Services

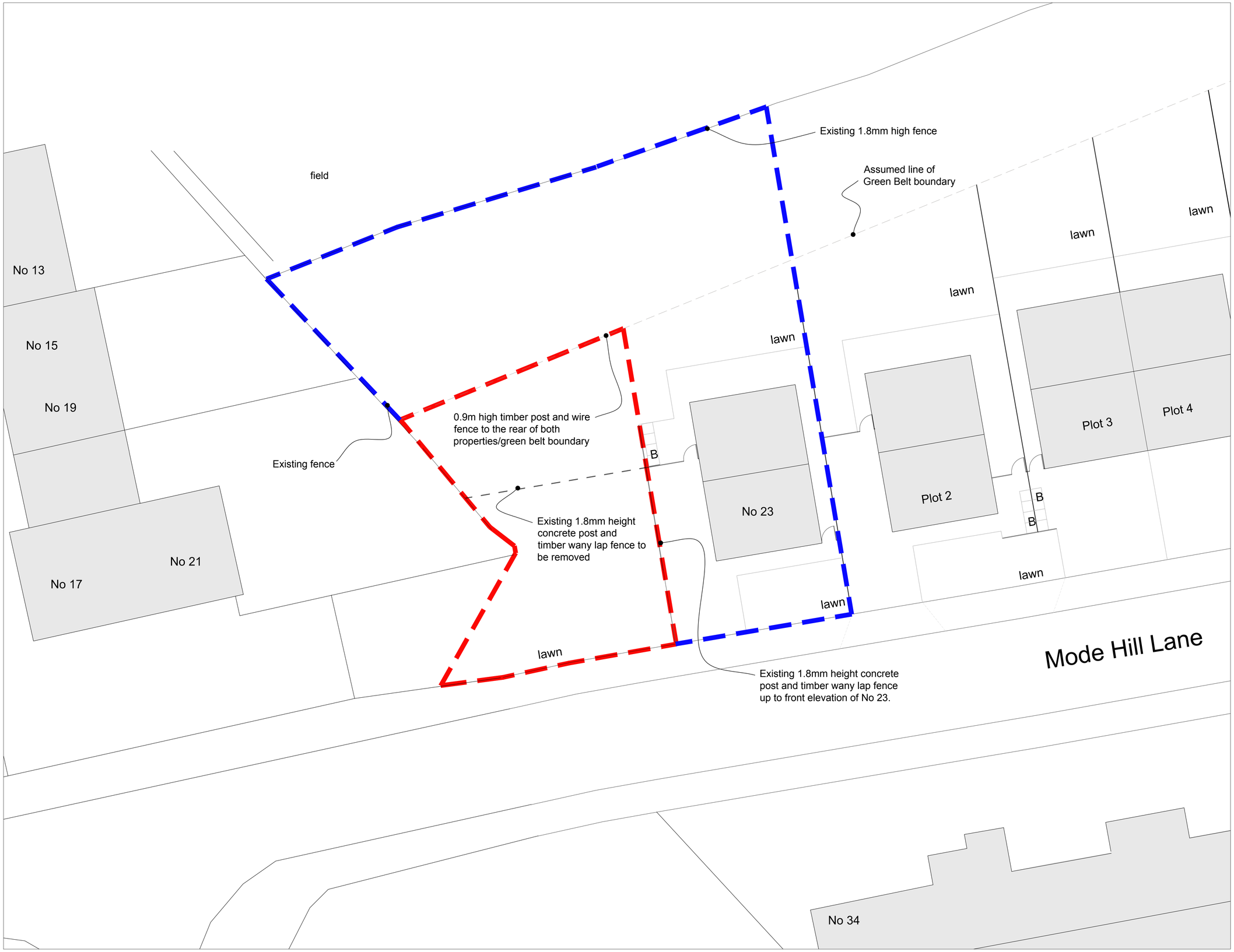
(C) Crown Copyright and database right (2015). Ordnance Survey 100023063.

Photo 1

Photo 2

Photo 3

Photo 4



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All materials and workmanship to be in accordance with the current British Standards and codes of practice.

Rev	Date	Drawn by	Comments
B	06.08.2019	JPT	Updated Boundaries
A	Jul 2019	JPT	Updated Layout

Client
SPI Homes

Project
Land at Mode Hill Lane
Whitefield, Manchester

Drawing
EXISTING SITE LAYOUT

Date	Drawn by	Scales
MAY 2019	JPT	1:100 @ A1

Job No - Dwg No - Rev
19030-02-B

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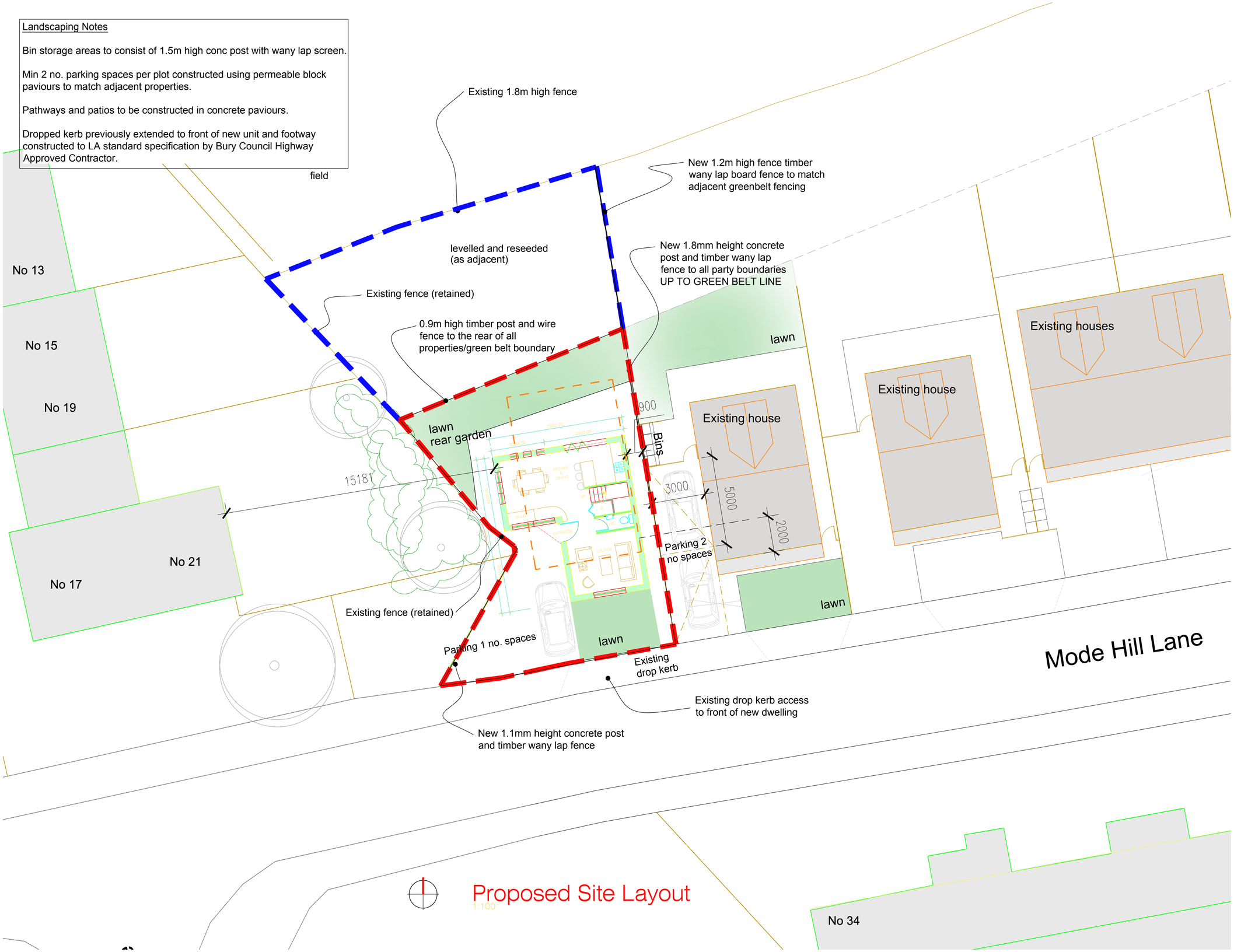
Landscaping Notes

Bin storage areas to consist of 1.5m high conc post with wany lap screen.

Min 2 no. parking spaces per plot constructed using permeable block paviours to match adjacent properties.

Pathways and patios to be constructed in concrete paviours.

Dropped kerb previously extended to front of new unit and footway constructed to LA standard specification by Bury Council Highway Approved Contractor.



Proposed Site Layout
1:100

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Rev	Date	Drawn by	Comments
A	28-11-19	jad	parking space layout amended

Client
SPI Homes

Project
Land at Mode Hill Lane
Whitefield, Manchester

Drawing
PROPOSED SITE LAYOUT / LANDSCAPING PLAN

Date	Drawn by	Scales
NOV 2019	TT	1:100 @ A1

Job No - Dwg No - Rev
19030-10 rev A

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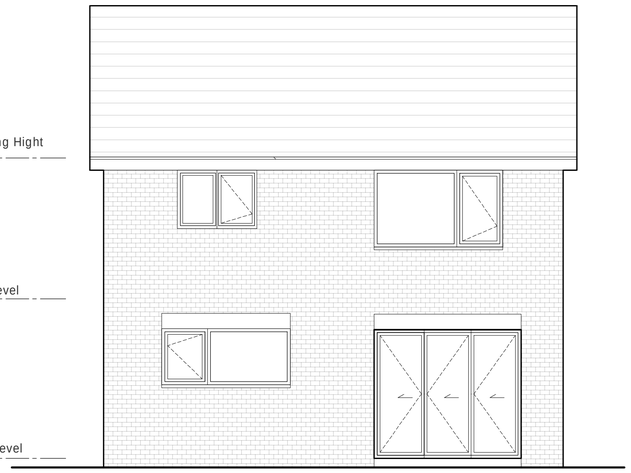
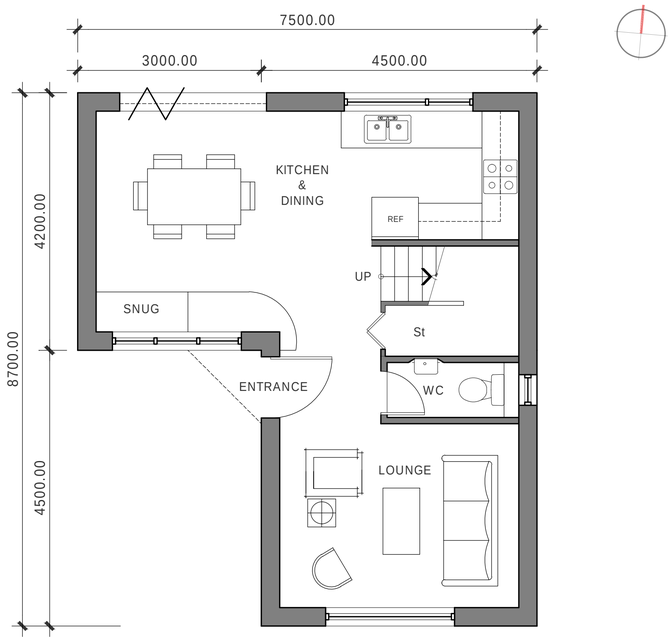
Front Elevation(South-Facing)

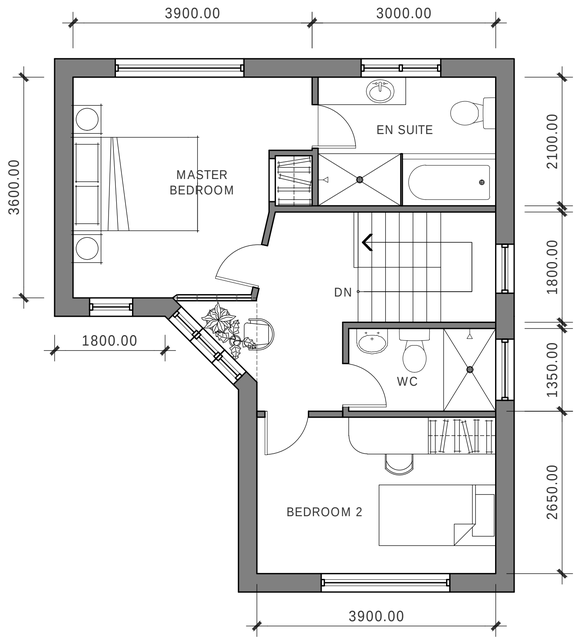


Rear Elevation(North-Facing)

Side Elevation (West-Facing)



Ground Floor Plan



First Floor Plan

Side Elevation (East-Facing)

Rev	Date	Drawn by	Comments
A	1302	TT	Rear windows updated

Client
SPI Homes

Project
Land at Mode Hill Lane
Whitefield, Manchester, M45 8JF

Drawing
Proposed Plans and Elevations

Date	Drawn by	Scales
02 2020	T T	1:50 @ A1

Job No - Dwg No - Rev
19030-05-A

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Ward: Bury West - Elton

Item 02

Applicant: Shaheen Developments Ltd

Location: Land at Brandlesholme Road, Bury, BL8 1BA

Proposal: Residential development comprising of 52 no. dwellings, associated means of access and landscaping

Application Ref: 64640/Full **Target Date:** 28/02/2020

Recommendation: Minded to Approve

It is recommended that this application is Minded to Approve subject to the signing and completion of a Section 106 agreement for recreation provision in accordance with Policy RT2/2 of the adopted Unitary Development Plan and SPD1 and for Affordable Housing in accordance with Policy H4/1 of the UDP and SPD5. If the agreement is not signed within a reasonable timeframe, then delegated authority is sought by the Development Manager to determine the application.

Description

The application site comprises 2.7 hectares of disused and vacant land which forms a linear route along part of the national cycle route and walkway from Brandlesholme to the Kirklees Valley. The site had formerly been planted with trees, many being the subject of a TPO but most were cleared circa 2014 without a consent. The trees were required to be replaced by an extant planning permssion for a residential development on the site (see history below).
The site is now fairly open, with vegetation comprising mainly self seeded shrubbery, trees and scrub.

To the southerly end of the site is an old lagoon at the foot of sloping land, below the main development area, which was once used in connection with the former paper mill in Kirklees Valley. There is an existing woodland footpath which runs from Brandlesholme Road along the southern boundary of the site which winds its way to meet the cycle and footpath which runs along the top end of the development site in an east-west direction.

The development site itself is fairly level where it sits in close relation to the cycle route but is lower in level to properties on Brandlesholme Road and Brandle Avenue which are located above the path to the north. The rear of these houses are bounded by a variety of fences, supplemented by trees and other shrubs and vegetation.

To the south of the site the land drops quite steeply to Woodhill Brook, beyond which are the houses which have been built out in more recent years at Valley Close.

The site has an extant planning permission for a residential development for 57 houses with a new access, granted by an outline consent in 2012 and reserved Matters approval in 2016. Conditions had been discharged to enable a material start on the site.

This application seeks a fresh planning permission for a residential development of 52 no. dwellings, associated means of access and landscaping.

The proposed layout would not effectively change from the layout which has already been approved. The development would follow a linear format with the majority of the dwellings set along the northern part of the site and the more level land adjacent to the route of the cycle path and a shorter row of properties sited to the east behind houses which front onto

Brandlesholme Road.

The access into and out of the site is proposed off Brandlesholme Road between two houses, Nos 133 and 135. The road would then split, the left turn ending in a cul de sac along which 4 self build houses are proposed as part of the development and the right turn into the site would accommodate 2 apartment blocks. The road would then extend northwards and follow the cycle route, along which houses and 1 apartment block would be positioned. The road would terminate in a cul de sac format and turning head at the western most point of the site.

It is also proposed to form an emergency access into the site. This would be located where the cycle path meets Brandlesholme Road. Demountable bollards would be in place to ensure the access was for emergency purposes only.

The 52 dwellings would comprise 36 no private dwellings, 4 no self build and 18 apartments. House types are proposed as:

House type C - 20 no. x 3 bed dwelling - parking spaces - 2 per dwelling
House type D - 18 no. x 2 bed apartments (in 3 blocks) - parking spaces - 1 per unit, 2 visitor spaces per block
House type E - 10. no x 5 bed dwelling - parking spaces - 3 per dwelling
House type J - 4 no x 6 bed dwellings (self-build) - parking spaces - 3 per dwelling and 4 visitor spaces.

The houses would be orientated to front the new access road into the site and due to the topography of the land which slopes towards the south, the properties would be split level in design.

Gardens would be located at the rear and bounded by fences either side. Parking would be provided either on the driveway or integral garages and it is proposed to facilitate an additional 11 visitor spaces within two lay-by's which would be located opposite the main row of dwellings adjacent to the cycle path.

The dwellings would be of a relatively modest design and similar to other new residential estates built out more recently in the Borough, with materials comprising a mix of red brick, render, profiled roof tiles and brick coursework to provide detail to elevations.

The development includes proposals for a landscaping scheme including tree replacements.

Planning obligations require the provision for on-site recreational enhancements and 12 no. affordable units in a mix of housetypes. This would be secured through a S106 Agreement.

Relevant Planning History
54738 - Outline - Residential development (18 flats and 39 houses) with details of the means of access to the site - Approve with Conditions 11/06/2012
58413 - Reserved Matters application following Outline planning approval 54738 for construction of 39 houses and 18 flats, junction improvements, new access road and associated landscaping - Approved with Conditions 15/1/2016
14/0109 - Enforcement Case - Trees felled in breach of planning approval conditions - 12/03/2014

Publicity
Letters sent to 116 properties on 7/10/2019. A full list of those who were notified can be found on the public file.
Site notices posted 10/10/19
Press advert in the Bury Times 10/10/19

Application re-publicised due to change in land ownership of the application site.
Site notices posted 15/12/2019

Press advert in the Bury Times 12/12/2019

22 Letters of objection received from properties on Brandlesholme Road, Brandle Avenue, Valley Close, Rushmere Drive, Kendal Road West, Woodhill Vale, Riverbank Drive, Dunsters Avenue, Woodhall Close, Hawthorn Avenue, Booth Way, Westcombe Drive, Cleadon Drive South.

- Traffic on Brandlesholme Road is already grid locked and every morning queues are bad which will exacerbate the problem
- Concerns regarding air pollution and the impact of this on the public health of residents.
- Detrimental to the environment and wildlife
- There are regular sightings of deer on this land
- Heron can often be seen fishing in the stream and I would like to see the preservation of this habitat included in the conditions of any approval.
- The woodland walk is badly littered with waste and rubbish and I would like to see the clean up of this amenity also included as a condition of any approval.
- There has been some fly-tipping over the years and then there is the rubbish left by people using the path.
- Will push water down into Radcliffe causing flooding
- The walkway next to my house would be compromised by everyone using it;
- Houses on Brandle Avenue would have their pleasant view spoiled
- Disruption in the vicinity would be considerable
- Pressure on local services
- The Council have declared a climate emergency - this is in conflict with the destruction of our remaining green spaces, local wildlife habitat and is therefore dishonest
- There are plenty of disused urban sites that should be used first
- The land should be non-residential, after making the lines up to Greenmount so nice and usable, lets not tarnish what little bit of countryside is left down this area with a development to spoil the whole area
- This development spells disaster to the local community, so lets please think of people rather than profit and money
- Trees are under a Preservation Order - some have disappeared
- Entrance to the walkway cycle path is there where people walk and walk their dogs and cycle for Leisure
- The proposed site runs directly opposite the Kirklees trail which is well used by many and backs on to Green Belt land.
- 3 storey houses would impact on privacy - especially the bungalows
- The council should be promoting green spaces not only for the above reasons but also for promoting the mental well - being of their residents who regularly use the area.
- It is a safe environment for walking and children
- The access road is not big enough.
- Previous attempts to develop this site have stalled and at no point has there been any attempts to rectify previous woodland damage.
- There have been a number of applications to build on this piece of land over several years for a variety of uses, although previous applications have not been granted, the objections from local residents remain valid and should be upheld declining planning consent.
- The site plans states that the 5 bed houses (type E) should have 3 car parking spaces but there are only 2 per house shown on the plans.
- The houses, parking and access road are too close without a break in hardstanding with only a narrow strip before cycleway resembling a dual carriageway. Why destroy existing amenity for what is a poor design? There is a lot of space to the rear of the houses to move them back for a wider front landscape strip to mitigate traffic noise and loss of existing visual amenity.
- Back in June, Bury Council, announced its aim was to be carbon neutral, so how is building, 50 houses here, 300 up Walmersley, joining Tottington village up with Bury helping with that cause? Along with the destruction of more green spaces, the forced migration of the already threatened wildlife, the increase in traffic along an already poorly thought out road, the additional water going into a sewage system that wasn't

built for this many dwellings. Going carbon neutral is more than just saying it
- The land should be a compulsory repurchase by the council and re seeded with trees for the wild life that has already be lost due the previous trees being felled with planning being agreed
- Involve extra drains which would cause more disruption to the area;
- Woodbank School may not be able to accommodate the extra number of pupils;
- The proposed land for these houses is contaminated and contains cyanide from the paper mills which would cause poison to be released into the air once the building work is commenced;
- Previous planning permission have already pointed out the risks involved in building on this land;
- Site notices should be displayed in prominent positions - ie adjacent to the site entrance or the footpath running of Brandlesholme Road
- Has the previous application been withdrawn?
- Who are the applicants?
- What steps have Bury taken to enforcing unlawful tree removal?
- The application is against the ethos of the UDP for Bury and Brandlesholme area in particular;
- The Bury-Tottington footpath is becoming more and more a walk from one housing estate to another - or is it the ultimate aim first a footpath then a road;
- Independent surveys have highlighted various aspects of the sites unstableness for building. In light of the previous mining activity on the area and houses previously falling down within the locality, pilling has the potential to cause damage and unrest in the area;
- Where are the entry and exit points for the site? Assume it's Brandlesholme Road creating more congestion. Previously it was proposed to add a roundabout which if still the case will slow traffic further, which in itself raises issues;
- Do not consider proper notification was given to all residents and tying pieces of paper in plastic sleeves onto poles is not due notification;
- Crossing the road and emerging is already very difficult. There is a busy petrol station on the other side of the road from the proposed development and I am very concerned that adding another access road (which will be used frequently) will make a dangerous stretch of road even more so.

5 letters of support from Brandlesholme Road and Plunge Farm Ramsbottom:
- A fantastic idea
- I feel that the houses will expand our community and make use of unsightly land at the back of the houses.
- Give much needed housing to the unused land.
- It's unfortunate that this piece of land which was once green and lush, full of wildlife has over decades been neglected and run down by Bury council. This council has no interest in preserving green spaces and making lives of residents of Bury any healthier, as much as it proclaims to do so. I support this application for the reasons: since Bury council is not willing to preserve wildlife and green spaces at least this derelict and disused land will be developed and put to good use for housing purposes and generate financial revenue for the Council.

Those who have made representations have been notified of the Planning Control Committee meeting.

Statutory/Non-Statutory Consultations
Traffic Section - No objection subject to conditions.
Borough Engineer - Drainage Section - No objection subject to condition
Environmental Health - Contaminated Land - No objection subject to conditions
Environmental Health - Pollution Control - recommend an informative re working hours
Public Rights of Way Officer - No objection.
Waste Management - No response received.
Environment Agency - No objections subject to conditions.

United Utilities (Water and waste) - No objection subject to conditions
The Coal Authority - No objection subject to condition.
Fire Service HQ Greater Manchester - No objection.
Greater Manchester Ecology Unit - No objection. Recommend conditions and informatives.
Canal & River Trust - No objection subject to a condition for prevention of discharge of silt laden run-off, materials or dust or any accidental spillages entering Woodhill Brook or Elton Feeder
Design for Security - No objection subject to the implementation of the physical security specifications set out in the Crime Impact report.
Transport for Greater Manchester (TfGM) - No objection

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

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EC1/1	Land for Business (B1) (B2) (B8)
EC1/2	Land Suitable for Business (B1)
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
EN1/2	Townscape and Built Design
EN6/4	Wildlife Links and Corridors
EN6/3	Features of Ecological Value
EN8	Woodland and Trees
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
HT6/3	Cycle Routes
HT6/1	Pedestrian and Cyclist Movement
HT4	New Development
OL5/2	Development in River Valleys
RT3/4	Recreational Routes
RT2/2	Recreation Provision in New Housing Development
MW1/1	Areas of Search
SPD1	Open Space, Sport and Recreation Provision
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury

Issues and Analysis

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

Principle - The National Planning Policy Framework should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. There is a particular emphasis, as in previous national planning guidance, to identify a rolling five year supply of deliverable housing land.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up with sites that have an extant planning permission and sites that

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

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

UDP Policies H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development takes into consideration factors relating to the height and roof type of adjacent buildings, the impact of developments on residential amenity, the density and character of the surrounding area and the position and proximity of neighbouring properties. Regard is also given to parking provision and access, landscaping and protection of trees/hedgerows and external areas.

Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties provides useful guidance in terms of acceptable aspect standards between dwellings and design criteria.

The majority of the site is shown within the UDP as land allocated under Policy EC1 as Employment Land Provision specifically under Policy EC1/2 - Land Suitable for Business (B1) and Office Use (Proposal EC1/2/4 - Land Adjoining Olives Paper Mill (2.14ha)). However, the site has previously been reviewed and assessed for continued employment use and it was concluded that due to its location, it was inappropriate in land use terms for employment use and that the allocation should not be carried forward as part of the new Local Plan. Consequently, whilst the site is technically an employment allocation in the UDP, alternative uses would be considered for the site.

The site has previously been assessed for a residential development and the principle of a residential development has previously been established on this site by the grant of outline planning approval reference 54738 in 2012 and reserved matters approval 58413 in 2016. A material start has been made on the site and the planning consents are extant.
The approved development could therefore be built out at any time, subject to discharge of outstanding conditions.

The site is in a sustainable and urban area and adequately served by existing infrastructure, with public transport, cycle and pedestrian links to the town centre and northern parts of the Borough. The site is located next to well-established residential development and would not conflict with the local environment in terms of character and surrounding land uses.

The proposed development would regenerate an available but overgrown and currently unusable piece of land which would contribute to meeting local housing targets and much needed Affordable Housing stock for the Borough.

As such, the proposed development is therefore considered to be acceptable in principle and comply with the principles of the NPPF and UDP Policies H1/2, H2/1, H2/2 and H4/1.

Scale and layout
Proposed residential development - The development site is linear in shape, and follows what is essentially an 'L' shape configuration, running south to north parallel to and behind houses Nos 127-149 Brandlesholme Road, with the longer leg continuing towards the west in line with the cycle path, for approximately 235m.

The layout of the development has largely been informed by the linear pattern of the site and the topographical constraints and challenges it poses where the land drops from the relatively level plateaux along the cycle path down to the Brook to the south and west.

For all intents and purposes, the proposed development would largely reflect the layout of the previous development which was approved on the site. It is therefore proposed to site the dwellings on the level area of land. Where the land drops lower, the dwellings would be formed in a split level arrangement with gardens at the lower level to the houses. Working with the existing levels on site would enable the ridge heights of the dwellings to be fairly consistent throughout the site.

The houses and apartments would be orientated to front towards the cycle path and proposed access roads which is considered to be 'good planning design' as the development would not turn its back on the public areas and would create a streetscene frontage along this route. Each dwelling would have a front driveway with integral garages provided to House types C and E and private garden areas at the rear would be enclosed by a 1.8m high timber boarded fence and a 1m high post and rail fence where the land would be opened out as public space.

Two of the apartment blocks would be located behind the rear of houses on Brandlesholme Road, with the third proposed towards the end of the cul de sac along the cycle route. The 3 apartment blocks would have a shared garden area at the rear with parking to the front for residents and visitors. Bin store areas would be located adjacent enclosed by a 1.8m hit and miss fence.

The 4 self-build properties would be located in the most south eastern part of the site and it is anticipated these dwellings would be 5/6 bedroomed properties. The proposed layout demonstrates that driveway parking and gardens could be comfortably accommodated in this area.

It is also proposed to make provision for visitor parking within the site for 11 spaces and this would be in the form of 2 lay-by's located on the opposite side of the cycle path within the existing verge.

The access into the site would be formed off Brandlesholme Road, between nos 133 and 135 which would require widening works to provide a route into and out of the site and to also provide acceptable visibility splays at the new junction. A 2m wide pedestrian footpath would be formed on either side of the access road to facilitate the safe movement of pedestrians. These works would require use of some land within the curtilages of No 133 and 135 and which would be the applicant's responsibility to provide in order to make the development acceptable. Parking for these houses would be re-provided at the side/rear.

<u>Proposed open space</u> - The remainder of the site comprises a woodland path which runs parallel with the brook at the southern part of the site and an existing 'Right to Roam' area to the west, which is all within the ownership and control of the applicant. This land would come forward as the contribution to on-site recreation provision. This is discussed in more detail below under the s106 obligations.

It is considered that the proposed layout of the development would maximise the developable land available and would work with the constraints and topography of the land to ensure that the scale and massing of the development would be appropriate not only to the site area but also respect of the character of the surrounding land.
The proposed development would offer both well-designed family sized housing and smaller scale apartment living to secure additional and affordable housing provision in the area.

The layout of the proposed development would not be significantly altered from the previous scheme which has already been approved on the site and which has an extant permission.

As such, the proposed development is considered to be acceptable and would comply with Bury unitary development plan Policies H1/2, H2/1, H2/2, EN1/2 and the principles of the NPPF.

Design and appearance - The site is in a well-used and visited area by users of the cycle and footpath and is open to views from the public open space and houses on the periphery. Given its location, a development which relates well to the area and of a high design specification would be expected.

The proposed development would comprise a mix of tenures, 2-3 storey in height and comprise short terrace type rows, semi and detached dwellings and 3 apartment blocks. The properties would be split level, designed to work within the existing topography and levels on site, and in so doing would be a sensitive solution to developing out the site.

The design approach has taken its influence from newer housing stock and estate type development in the area, as well as the more traditional red brick mix of terrace, semi and detached properties which are in the immediate locality. The resulting design would be a modern/contemporary but modest approach incorporating details of piked roof projected elevations on frontages with brick course layers and brick design detailing. Symmetrically aligned fenestration patterns and a simple palette of materials of red brick rendered elevations and brown profiled roof tiles would not over complicate the development and would also reflect the more traditional builds which are found in this area.

It is considered that the proposed design would allow the site to establish its own individual character, whilst sensitively acknowledging and responding to the existing housing stock and context of the area.

It is therefore considered that the proposed development would comply with UDP Policies EN1/2, H2/1 and the principles of the NPPF.

Impact on the surrounding area - Whilst there is no specific guidance on aspect standards for new residential development, the Council's SPD 6 contains supplementary guidance and advice on householder extensions and assessments for relationships to adjacent properties. It is generally advised that minimum distances of 13m should be maintained between a principal window to a ground floor habitable room and a two storey blank wall; 6.5m between a habitable room and single storey blank wall; and a minimum distance of 7m between first floor habitable windows and a directly facing boundary with a neighbouring property. Where there is a difference in levels or additional storeys, additional separation of generally 3m would be sought.

The site is fairly well contained and isolated in respect of proximity to the surrounding properties. There would be a minimum distance of 27m between the proposed houses to the northern part of the site along the public path/cycle route to the houses on Brandle Avenue and Bankhouse Road. These houses are predominantly off set to the development site and have no direct relationships from habitable room windows. In any event, aspect standards would be satisfied.

From the houses on Brandlesholme Road to the development along the eastern part of the site, there would be a distance in excess of 40m and again, no issues in respect of overlooking or privacy issues.

Houses to the south on the Valley Close Estate and the side streets off Tottington Road would be more than 60m away and again, relationships to the houses from the development would either be oblique or far exceed any issues of visual impact, more so with the screening by trees and vegetation on the intervening land and it is considered that outlook across the valley would not be significantly or adversely affected by the proposed development.

As such, it is considered that there would not be a detrimental impact on nearby residential

amenity and that aspect standards would be more than comfortably satisfied and in compliance with UDP Policies H2/1, EN1/2 and SPD6.

Landscaping - Prior to the current applicant/landowner acquiring the site, the site had already been substantially cleared of vegetation and trees some years ago (2014), a number of which were subject to individual and group Tree Preservation Orders (TPO). No consent was granted for the tree removal and the Council's Enforcement Team were involved in investigating the matter.

In consideration of the unauthorised tree removals, and in view that there was an extant planning permission for the site which would have required the removal of trees in any event (a planning permission overrides a TPO), the normal course of action would be to require significant re-planting of a high specification and this was proposed as part of the previously approved schemes in the submission of a landscaping scheme for the site itself and through the provision of the public open space which was to be enhanced as part of the planning obligations for the site.

Similarly for this application, a detailed landscaping scheme and full planting schedule has been submitted and this shows a replacement tree/vegetation planting scheme would be incorporated within the residential development site. A condition of the application would secure the delivery and management of such a scheme.

There is also an extensive area of open land to the south and west of the proposed residential site which is to be improved as part of the on-site public open space provision. Details of the proposals for this area has been submitted in a Landscape Management Plan and this would form part of the S106 Agreement for the on-site recreation provision.

As such, it is considered that the proposed landscaping scheme would be appropriate to the scale of the development and satisfactory to compensate for the trees and vegetation which has previously been removed.

As such, it is considered that the proposed development would comply with the principles of chapter 15 - Conserving and enhancing the natural environment of the NPPF.

Highways issues

Access

For background information, the previously approved development proposed the main access from the in/out route of the cycleway and footpath off Brandlesholme Road, opposite the junction with Brandlesholme Close. This application now proposes to use this area as the emergency access only into the site and to be used in the event of an emergency by the Fire Service or other such services to access the site at the northern end. It is proposed to erect 2 sets of demountable bollards which would prevent any other type of vehicle from entering the site at this point. The existing maintenance vehicle access would be retained.

Greater Manchester Fire and Rescue Services (GMF&RS) have been consulted on the application and are satisfied with the design of the emergency access, length of the proposed cul-de-sac road and location of and access to the fire hydrant on Brandle Avenue. There are no concerns regarding access to the site in the event of a fire or emergency situation and there would be no requirement for properties to install domestic sprinkler systems.

The main access is now proposed off Brandlesholme Road between Nos 133 and 135. There is an unusually wide gap between these 2 properties which is additional land formed between the 2 driveways. The application proposes to carry out widening and improvement works to facilitate the entrance and exit of cars onto the highway and ensure that acceptable levels of visibility could be achieved. A 2m wide footway would be provided either side of the access road for safe pedestrian access.

The proposals would necessitate use of some of the land in the ownership of Nos 133 and

135 and require their existing driveways to be permanently blocked off and relocated to the rear of each property. The proposed plans demonstrate a level of detail to show that access in this location would be achievable and deliverable, whilst ensuring that access and parking for nos 133 and 135 could also be facilitated within the development.

There have been some concerns raised by local residents that the location of a new junction just off-set to the access into the BP petrol station on the opposite side of Brandlesholme Road would cause highways safety issues.

In terms of the location of the proposed access, the previous consent would have resulted in the formation of a 'four way crossing' with Brandlesholme Road and Brandlesholme Close and this was deemed acceptable if the new development was controlled by a traffic light system. This proposed development would not create such a junction nor would it require traffic controlled signals to be introduced. Vehicles entering the site would do so without delay and those exiting would only be able to do so at breaks in traffic movement along Brandlesholme Road. The exit from the site would be largely self-regulating, allowing traffic to flow along the highway as normal. Movement of vehicles to and from the petrol station is not particularly intensive in itself and it is considered that the location of the proposed access would not significantly add to vehicles exiting the site at any one given time.

In terms of traffic generation, it should not be overlooked that the site has an extant permission for a similar scale of development for 57 properties. Whilst it was previously accepted that the scheme would add to exiting traffic flows, the assessment carried out concluded that the scale of the development would be such that there would not be any undue impact upon flows. It was also borne in mind that the site was originally designated for employment use which in itself could generate a significant volume of traffic and heavier goods vehicles. In taking into account these factors and appraising the scale and location of the development proposed, it was considered that the nearby junctions and carrying capabilities of the highway would still be able to operate satisfactorily.

Transport for Greater Manchester (TfGM) have reviewed the Transport Assessment submitted in support of the development and considered that the proposed trip generation would unlikely have a significant impact on the network in capacity terms. Comments on transport issues are offered as advisories, the main considerations being the provision of tactile paving and dropped crossings at the new junction access and ensure that sufficient restrictions are in place to prevent vehicles using the proposed pedestrian/cycle link as a through route. In addition, a Construction Traffic Management Plan will be needed.

These issues have been considered by the Highway Section and conditions and informatives are recommended to address these considerations.

The LPA's Highway Section have no objections to the proposed access or the proposed development and are satisfied that with conditions in place the development would not cause a detrimental impact on highly safety and there would be no justifiable reason to refuse the scheme on highway grounds.

<u>Parking</u> - SPD11 states that maximum provision for 2, 3 and 5/6 bed properties in a high access area would be 1.5, 2 and 3 spaces respectively.

For the proposed house types C and E (3 and 5 bed houses), the development would provide a single integral garage or car port for each property and driveway parking for 1 or 2 cars and as such the proposed parking for these properties would comply with policy guidance.

For the 2 bed apartments, it is proposed to provide 1 space per apartment with 2 visitor spaces per block (at total of 8 spaces for 6 apartments). Whilst this would be 1 less than guidance advises, these are maximum standards and given the high access area and the emphasis on sustainable development, this provision is considered acceptable.

There would also be 11 visitor spaces in a lay-by arrangement at the northern part of the development site.

House type J are proposed as the self-build properties and for these 6 bed houses, 3 driveway parking spaces each would be provided with 4 additional visitor spaces and as such would be policy compliant.

The site is located in a high access and sustainable location with a frequent public transport service and pedestrian and cycle links to the north of the Borough and Bury Town centre.

As such, it is considered that the proposed parking provision would be acceptable and would be in compliance with SPD11, HT2/4 and the principles of the NPPF.

As such, it is considered that the proposed development in terms of access and parking provision would be acceptable and would comply with UDP Policies H2/2, EN1/2, HT2/4, HT6/2, SPD11 and the principles of the NPPF.

Ecology
Greater Manchester Ecology Unit (GMEU) have been consulted on the proposed development.

Summary - The site has been subject to numerous ecological surveys as part of the previous applications and permissions. These have been reviewed and updated. Ecological issues remain unchanged and can be resolved via condition and informative.

Validity of surveys - The consultants have reviewed the most recent full survey dated 2015. Best practice would indicate that a full resurvey would be required once a report is over 3 years old rather than just a review. However the site has a long history of survey and the key issue badgers has been updated with a new survey as well as desk top information. GMEU are therefore satisfied to accept that full resurveys are not required for invasive species, nesting birds and other protected species owing to lack of suitable habitat for these species.

Bats - It has been previously accepted that the site lacks bat roosting habitat. The wider valley is however known to be of high value for bat foraging with a number of known bat roost in housing adjacent to the valley and structures within the valley. The consultant has updated desk top data and revisited the site and concluded that the situation remains unchanged. GMEU have no reason to doubt the findings of the report. The consultants have confirmed that there would be no external lighting which would impact on the habitats within the valley. Mitigation for loss of bird nesting habitat and bats would be sought by conditions.

Badgers - An updated report has been provided. No evidence of badgers was found. However as badgers have been reported and recorded previously and the development has been proposed but not built out, a condition is recommended that prior to earthworks, a survey of the site should be carried out and submitted to the LPA for approval.

Nesting birds - The development would result in the loss of bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. GMEU recommend a condition to restrict the removal of vegetation unless a detail survey has been carried out to confirm no active bird nests are present.

Invasive species - The review confirms that invasive species are still present and increased. GMEU therefore recommend a condition that prior to any earthworks, a method statement detailing eradication and/or control and/or avoidance measures for himalayan balsam and japanese knotweed should be submitted for approval and the approved method statement thereafter adhered to and implemented.

Proximity to Woodhill Bank - Since the previous permissions the river basin management plans for the NW have been reviewed and the need to take in to account the Water Framework Direct as a material matter become more prevalent. The proposed development is buffered by a significant amount of semi-natural vegetation and unlikely to impact directly on the Brook. However it is possible that surface water drainage may be discharged to the Brook and that the proposed landscape area will impact on the watercourse. Clarification has been received on this matter and GMEU have no objection in principle to the discharge of surface water in the Brook via the balancing pond.

Contributing to and Enhancing the Natural Environment - Section 170 of the NPPF 2018 states that the planning system should contribute to and enhance the natural and local environment. It has been previously accepted that the land below the development site down to the Brook will be re landscaped as mitigation for loss of habitats associated with the development site and as a recreational area. The consultants have noted that since the previous permissions government policy has strengthened guidance in the NPPF relating to the need to protect and enhance the natural environment. The previous conditions of the outline permission relating to this issue broadly pick out these issues but do not include a time period for the duration of the plans and it is considered that 10 years would be reasonable. Measures for mitigation for loss of bird nesting habitat and the opportunity to enhance the new development for bats should also be considered as a condition. GMEU therefore recommend that these points be included in the condition for the submission of a landscape and environmental management plan.

Environment Agency (EA)
Biodiversity - The proposed riparian development and associated works could have an unacceptable effect on the ecological value of the Kirklees Brook waterbody and wildlife corridor at this site.

In light of the above, the proposed development will only be acceptable if a planning condition requiring a landscape management scheme is included.

This approach is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

The Kirklees Brook is a highly dynamic watercourse and has been subject to natural erosive pressures, and would recommend any new riparian footpath routing is appropriately located to accommodate these natural processes and ensure safe riparian public access in long term.

The EA would also not be supportive of 'tidying' the riparian corridor by removing natural woody material from the river channel, unless this is deemed a significant flood risk or pollution risk issue, as this can provide important ecological benefits

The proposed development will be acceptable if a planning condition is included requiring a method statement to be agreed to put appropriate control measures in place regarding the invasive species Japanese knotweed and Himalayan balsam present.

Flood Risk - This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency for any proposed works or structures, in, under, over or within 8m of the bank of Kirklees Brook which, is designated a 'main river'. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website

Contaminated land - The proposed development site appears to have been the subject of

past industrial activity which poses a risk of pollution to controlled waters. The EA advise that the applicant refer to their guidance on this subject and that the LPA's Contaminated Land Section will advise further on this matter. (See below).

Environmental Health Contaminated Land
The majority of the site is currently covered by rough vegetation, stands of Japanese Knotweed and mounds of domestic and building waste behind the houses on Brandlesholme Road. The north east area of the site is part of the Woolfold Gap cycle route which follows an old railway line. Adjacent land use includes housing, a small park and areas of rough vegetation/informal public open space. Previous land uses on the site have included open ground, a railway cutting, a brick reservoir, allotment gardens including sheds and greenhouses and possible waste disposal associated with the adjacent paper mill. It is understood that the site was previously owned by Olive Paper Mill. Previous uses in the surrounding area have included Croston Clough Mill, Woodhill Cotton Mill, Woolfold Paper Mill, filter beds and areas of filling/waste disposal associated with the Paper Mill and straightening of the Woodhill Brook.

The site is adjacent and partly within a landfill site known as Woolfold Paper Mill Landfill. The landfill site comprises of lagoons which were partly filled and used for the settlement of effluent. The site has been filled with incinerator, construction, industrial, effluent and difficult waste. The licence was granted to Olive's Paper Mill Co. Ltd (Licence No. RD/LIC/0080/77) in 1979 and was revoked in 1996. The site lies in close proximity to Woodhill Brook and a number of pond-like features, some of which have been filled. The site lies above the Lower Coal Measures Secondary A aquifer which is overlain by drift deposits comprising of alluvium, river terrace deposits, glacial till and fluvioglacial sand and gravel. Part of the site is within a flood risk area. Stands of Japanese Knotweed are located across the site.

In line with the National Planning Policy Framework, the site is proposed for a sensitive end use and therefore the EH Section recommend conditions for the submission of Site Investigation, Risk Assessment, Remediation and Verification Reports.

Air Quality
The site is not located within an Air Quality Management Area. Due to the scale of the development it is considered unlikely that the development would create an increase of more than 500 AADT (annual average daily traffic). Therefore, in line with the EPUK Guidance, an air quality assessment will not be required.

However, Bury Council has been identified by DEFRA as an area requiring to significantly improve air quality. The Government report, 'UK Plan for Tackling Roadside NO2', published in July 2017, identified Bury Council as an area having one or more roads with concentrations of NO2 above statutory limits, according to more recent modelling results. Bury is therefore required to address these exceedances and we are currently engaging with Government on our proposed plans to reduce NO2 concentrations across the borough.

Due to this requirement and in line with the principles of Good Practice set out in the EPUK Guidance, the EH Section recommends a condition be placed on any planning permission granted for the applicant to provide one EV charging point per unit (dwelling with dedicated parking) or one EV charging point per 10 spaces (unallocated parking).

This is to encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable and to safeguard residential amenity, public health and quality of life, in accordance with the NPPF.

Drainage - A Drainage Scheme has been received and it is proposed to discharge surface water into the Kirklees Brook via the balancing pond. Confirmation has been received from the applicant's engineers that the proposed balancing pond is large enough and suitable for the storage of water and which has been accepted by the LPA's Drainage Engineer.

No other information is required and it is recommended by condition that the submitted drainage scheme be implemented as approved prior to the first occupations of an approved development.

Canal and River Trust - No objection to the proposed development. It is recommended that a condition be included for steps to be taken to prevent the discharge of silt-laden run off, materials or dust or any accidental spillages entering the Woodhill Brook or Elton feeder.

Coal Authority - Have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that the eastern half of the site has been subject to recorded underground coal mining at shallow depth.

The planning application is accompanied by a Mining Desk Study (January 2012) prepared for the application site by Ateb Consult. It is noted that the Coal Authority have previously been consulted on the development of this site (54738 - Outline application) of which the above Desk Study was submitted. The Coal Authority raised on objections to the previous planning application (outline) subject to the Local Planning Authority imposing a condition to secure intrusive ground investigations (as recommended by the report author: Section 6.2 & 6.3).

In accordance with their records, it does not appear the Coal Authority have been consulted on any discharge of condition application for this site and / or a permit being granted by our Licensing and Permitting Team for the undertaking of intrusive ground works. Therefore, it does not appear that any site investigation works have yet been undertaken within this site.

The applicant should be made aware that the Coal Authority's written consent from the Licensing and Permitting Department is required prior to undertaking any intrusive ground investigations relative to coal mine workings.

In light of the above, the Coal Authority considers that in order to ensure that sufficient information is provided by the applicant to demonstrate to the LPA that the site is safe and stable for the development proposed the imposition of a planning condition should be considered that cover the issues set out below.

Prior to the commencement of development:

- The undertaking of the scheme of intrusive site investigations, designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity;
- The submission of a report of findings arising from the intrusive site investigations and any remedial works and/or mitigation measures considered necessary;
- Implementation of the remedial works and/or mitigation measures.

The Coal Authority has no objection to the proposed development, subject to the imposition of a planning condition or conditions to secure the above.

Design for Security - A Crime Impact Statement has been submitted with the application and the Secure by Design Team consulted on the proposals.
There is no objection to the development subject to the implementation of the security measures as outlined in the report. This would be included as an informative to the applicant.

S106 Obligations
Recreation provision - Saved UDP Policy RT2/2 requires developers of new housing on sites of more than 10 dwellings to make an appropriate contribution towards the provision

or enhancement of open space, sport and recreation in order to meet the needs of the prospective residents and avoid deterioration of existing assets. The Council's SPD1 adopted in June 2015 supports Policy RT2/2 and specifies that the priority is for this requirement to be in the form of an off-site developer contribution. On-site provision is generally only considered in exceptional circumstances and where justified by the individual merits of a site.

In this instance, the delivery of on-site recreation provision has previously been established as acceptable in principle following the approval of the Reserved Matters application for the site in 2016 for the development of 57 dwellings. There has been no change to planning policy in the meantime and therefore it is considered that on-site recreation provision would be similarly acceptable.

A key objective of the obligation is to upgrade, enhance and facilitate the areas to the south, west and north west of the development to make them functional and publicly accessible recreational spaces for the benefit of future occupiers and also for residents in the locality and the Borough as a whole.

The proposed recreation provision for all intents and purposes is effectively the same as that proposed previously, which proposed improvements to and the re-instatement of footpaths, landscaping and maintenance works which would improve the green infrastructure links through the Kirklees Valley.

The S106 Agreement provides that recreational enhancements (as specified in the landscape management plan) are to be completed to the Council's written satisfaction prior to first occupation and the Owner is thereafter required to manage and maintain the Recreation Land in accordance with details set out in the Landscape Management Plan. The responsibilities pass to successors in title so if the land is sold, the new owner will become liable for the obligations.

Affordable Housing - The application proposes a total of 52 no. dwellings and is subject to providing affordable Housing pursuant to UDP Policy H4/1, SPD5 and paras 62-64 of the NPPF. For this development, the policy would require 12 no. affordable units to which the applicant has agreed.

It is proposed to provide 5 x 2 bed apartments units, 5 x 3 bed dwellings and 2 x 5 bed dwellings which would be 'pepper potted' throughout the site to provide an even mix and spread. This is considered to be acceptable and would comply with policy requirements.

Response to objectors

- In terms of reducing potential pollutions, a condition has been recommended for the implementation of Electric vehicle charging points for the development.
- All new developments involve some levels of disruption to the locality and would be a temporary situation.
- The site already has an extant planning permission for the development for 57 houses which could be built out.
- The cycle and pedestrian path would not be affected by the proposed development.
- Site notices were posted at various locations of the proposed development area and accesses and nearby residencies. The application has been advertised in the local press. Letters have been sent to 116 nearby properties. Publicity of the application has therefore been duly carried out.
- All other issues regarding highways, access, traffic, impact on residential amenity, ecology, wildlife, drainage and TPO's have been covered in the main body of the report.

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: Minded to Approve

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
   Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

2. This decision relates to drawings numbered -

   Jenkins Design plans
   Site drawings
   SI-XX-DR-A-0800/0810/0820/1001 H/1002 H/1003 H/1004 B/1005 B/1006/1007/1008/1009/1010/1011/1012 C/1013/1014 A/1015/1016/1021/1022/1023

   House type drawings
   B1-00-DR-A-2000/B1-01-DR-A-2001/B1-02-DR-A-2002/B1-ZZ-DR-A-3000/B1-ZZ-DR-A-3001/B1-ZZ-DR-A-4001
   B2-00-DR-A-2000/BS-ZZ-DR-A-2001/BS-ZZ-DR-A-3000/BS-ZZ-DR-A-3001/B1-ZZ-DR-A-3002
   B3-ZZ-DR-A-2000/B3-ZZ-DR-A-2001/BS-ZZ-DR-A-3000/B3-ZZ-DR-A-4000/B3-ZZ-DR-A-5001/B3-ZZ-DR-A-5002
   B4-00-DR-A-2000/B4-01-DR-A-2001/B4-02-DR-A-2002/B4-ZZ-DR-A-3000/B4-ZZ-DR-A-3001/B4-ZZ-DR-A-4000/B4-ZZ-DR-A-5001

   TEP landscape plans
   D5304.001/D5304.002/D5304.003/D5304.004

   WYG plans
   A113188-P01 C/P02/P03/P04 C/P05 C/A113188-TR001 A

   Highways/Drainage plan 17008/D100 Rev I (relates to the drainage scheme only and not the finalised road layout) and Longitudinal Section plan 17008/D101 Rev D
   Landscape management plan V2:2020 dated 6/4/20 ref JE7108.20 by CCNW

   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. Following the commencement of groundworks on the development hereby approved, details/samples of the materials to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved by the Local Planning Authority. Only the approved materials/bricks shall be used for the construction of the development hereby approved.
   Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policies EN1/2 - Townscape and Built Design and H2/1 - The Form of New Residential Development.

3. No development shall commence unless and until:-
   - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
   - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
   - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

   Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

4. Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and
   A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
   Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

5. Prior to occupation the applicant shall provide one EV charging point per unit (dwelling with dedicated parking) or one EV charging point per 10 spaces (unallocated parking).
   Reason. To encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable and to safeguard residential amenity, public health and quality of life, in accordance with the principles of the NPPF.

6. A 10 year landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to, and approved by, the local planning authority. The scheme shall include the following elements:
   - details of maintenance regimes of retained or restored habitats.
   - details of maintenance of any new habitat created on site including mitigation for loss of bird nesting habitat and bats
   - details of sensitive treatment of site boundaries and/or buffers around water bodies
   - details of any new boundary fencing and footpaths in the Kirklees Brook wildlife corridor.
   - details of any new site surface water discharge arrangements within a dynamic riparian corridor.
   - details of management responsibilities.

   The landscape management plan should clearly detail how the site surface water drainage proposals and ecological conservation elements will be balanced to achieve mutually beneficial aims; and ensure any new surface water discharges to waterbody are sensitively located and designed. The landscape and ecological management plan shall be carried out as approved.

Reason. To ensure the protection of wildlife and supporting habitat and to secure opportunities for enhancing the site's nature conservation value in line with chapter 15 - Conserving and enhancing the natural environment of the NPPF.

7. No development shall commence unless and until a detailed method statement for removing or the long-term management / control of Japanese knotweed and Himalayan balsam identified on the site has been submitted to and approved by the local planning authority. The method statement shall include proposed measures that will be used to prevent the spread of Japanese knotweed and Himalayan balsam during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.
Reason. The scheme does not provide full details of the actual extent of Japanese Knotweed and Himalayan Balsam in the interest of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

8. No development shall commence unless and until a construction and environmental management plan has been submitted to and approved by the Local Planning Authority. The plan shall include the steps to be taken to prevent the discharge of silt run-off, materials or dust or any accidental spillages entering the Woodhill Brook or Elton Feeder. The approved plan only shall be implemented prior to the commencement of any works and maintained for the duration of the build out of the development.
Reason. Information not submitted at application stage. To ensure a safe and satisfactory development of the site in relation to the protection of the Woodhill Brook and Elton Feeder from any pollutants and construction disturbance which may cause risk, pursuant to chapter 15 - Conserving and enhancing the natural environment of the NPPF.

9. Prior to commencement of earthworks a survey of the site, and within 30m boundaries where possible, for badger setts shall be carried out and submitted for approval to the Local Planning Authority. Any approved mitigation measures or recommendations of the survey shall be implemented.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and Section 11 of the National Planning Policy Framework.

10. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

11. No development shall commence unless and until:
    - A scheme of intrusive site investigations, designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity has been carried out;
    - The submission of a report of findings arising from the intrusive site investigations and any remedial works and/or mitigation measures considered

necessary;

- Implementation of the remedial works and/or mitigation measures.

Reason. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

12. The surface water drainage scheme shall be constructed in accordance with the submitted details as detailed on drawing ref 17008/D100 Rev i. The scheme must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015).
Details of proposed long term maintenance arrangements should also be provided prior to first occupation of the development hereby approved. The approved scheme only shall be implemented prior to first occupation and thereafter maintained.
Reason. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

13. Foul and surface water shall be drained on separate systems.
Reason. To secure proper drainage and to manage the risk of flooding and pollution pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

14. Notwithstanding the details indicated on the approved plans, no development shall commence unless and until full details of the following have been submitted on a topographical based survey of the site and adjacent adopted highways to the Local Planning Authority:

- Formation of the 6.5m wide site access onto Brandlesholme Road, incorporating the provision of adequate arrangements at the interface with the adopted highway to form a maximum 1 in 20 plateau, provision of visibility splays appropriate for a design speed of 30mph, alterations to the adjacent property boundaries if required in order to ensure that there will be no obstructions within the splays above a height of 0.6m, demarcation of the limits of the adopted highway, tactile paved crossing points, give-way markings and alterations to the existing road markings on Brandlesholme Road, relocation/replacement of the affected telegraph pole and all associated highway and highway drainage remedial works;
- Reinstatement of the redundant vehicular accesses to No.'s 133 & 135 Brandlesholme Road along with all works at both properties to ensure that the existing driveways are permanently closed and relocated to the rear of the properties, 6.0m x 6.0m hardstandings at both relocated parking facilities and revised boundary treatments with foundations that do not encroach under the adjacent footways;
- In the event that the site access/estate roads are not to be considered for adoption by the Council, measures to prevent the discharge of surface water onto the adopted highway;
- Formation of the secondary emergency access from Brandlesholme Road to a specification to be agreed, incorporating the provision of full height kerbs and removable & fixed bollards (number and positions to be agreed) at the

interfaces with the adopted highway and proposed estate road, measures/boundary treatment to prevent the misuse of and encroachment onto the access (including the retention of most of the existing boundary railings), relative level details between the facility and the 'Soft Landscaping' area & 'Landscape Zone' to the north and south of the route and proposed planting/surfacing details and management/ maintenance arrangements, and all associated highway and highway drainage remedial works;

- In the event that any retaining structures are required that abut/sited in close proximity to the adopted highway, an 'Approval In Principle' for the proposed structure, incorporating full structural, construction and drainage details, calculations, pedestrian protection measures and a detailed construction method statement;
- Provision of a street lighting assessment to a scope and specification to be agreed (and, where necessary, a scheme of improvements) for the junction of the site access with Brandlesholme Road, secondary emergency access from Brandlesholme Road to the proposed residential development and proposed residential estate roads;
- Proposals for the introduction of waiting restrictions to scope to be agreed at the junction of the site access with Brandlesholme Road, including all necessary road markings and signage;
- A scheme of 20mph traffic calming measures on the proposed internal roads to a scope and specification to be agreed including details of proposed materials, road markings and signage as required;
- Pedestrian/cycle link to National Cycle Route 6 to the north of the site in a position to be agreed, incorporating a minimum width of 3.0m to facilitate two-way cycle movements and appropriate levels, gradient, materials, markings and signage;
- 'Footpath link ramps' to the north and west of the site in positions to be agreed, incorporating appropriate widths, levels, gradients, materials and signage.

The details subsequently approved shall be implemented to an agreed programme and to the approval of the Local Planning Authority.
Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design, ensure the intervisibility of the users of the site and the adjacent highways and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to Bury unitary development plan Policies H1/2 - Further housing Development, H2/1 - The Form of New residential development, H2/2 - The layout of New Residential Development, EN1/2 - Townscape and Built Design, HT2/4 - Car Parking and New Development, HT4 - New Development, HT6/1 - Pedestrian and Cyclist Movement and HT6/2 - Pedestrian/Vehicular Conflict.

15. In the event that it is intended for the proposed residential estate roads to be considered for adoption by the Council, notwithstanding the details indicated on the approved plans, no development shall commence unless and until full details of the following have been submitted on a topographical based survey of the site and adjacent adopted highways to the Local Planning Authority:

- Formation of the proposed estate roads (including all necessary land filling operations and method of compaction) and 6.5m wide connection with the proposed priority junction at Brandlesholme Road, incorporating minimum 5.5m carriageway and 2.0m footway widths;
- Provision of long sections and cross sections at positions to be agreed through the proposed estate roads and turning heads to ensure that adoptable gradients will not exceed 1 in 14 for the purposes of adoption and incorporating a maximum 1 in 20 plateau at each junction within the development and at the interface with the adopted highway and connection onto National Cycle Route 6;
- Proposed parking lay-by's of a design that facilitates cleansing by a

mechanical sweeper and incorporates 2.0m adjacent footways;

- Construction details for and cross sections through any retaining walls that may be required adjacent to the proposed parking lay-by's confirming no foundation encroachment under the future adopted highway or adverse impact on the adjacent cycle National Cycle Route 6;
- Service strips at all necessary locations of a width to be agreed;
- Demarcation of the limits of adoption in the vicinity of Plot 7;
- Revised, adoptable turning head arrangements opposite Plot 52;
- Provision of visibility splays and forward visibility envelopes appropriate for a design speed of 20mph at all internal junctions and bends in accordance with the standards in Manual for Streets with no obstructions above the height of 0.6m within them;
- Swept path analysis of the proposed estate roads to ensure an 11.85m long refuse collection vehicle can pass a private car and manoeuvre at all turning heads;
- Proposed planting/surfacing details and management/maintenance arrangements for all 'Soft Landscaping' areas abutting the proposed adopted highway;
- Proposed foul and surface water drainage scheme including an assessment of any adverse impact on existing sewers and easements across the site that follow the line of two of the proposed estate roads.

The details subsequently approved shall be implemented to an agreed programme and to the approval of the Local Planning Authority.
Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design, ensure the intervisibility of the users of the site and the adjacent highways and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to Bury unitary development plan Policies H1/2 - Further housing Development, H2/1 - The Form of New residential development, H2/2 - The layout of New Residential Development, EN1/2 - Townscape and Built Design, HT2/4 - Car Parking and New Development, HT4 - New Development, HT6/1 - Pedestrian and Cyclist Movement and HT6/2 - Pedestrian/Vehicular Conflict.

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

- Dilapidation survey of the footways and carriageways leading to and abutting the site accesses in the event that subsequent remedial works are required following construction of the development;
- Access route for vehicles from the highway network;
- Access points to the site for each phase of the development, including any temporary works and measures required to protect highway users and facilitate vehicular access;
- Hours of operation and number of vehicle movements;
- Proposed site hoarding/gate positions clear of appropriate visibility splays onto Brandlesholme Road;
- A scheme of appropriate warning/speed limit signage in the vicinity of the construction site access(es);
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
- Parking on site of operatives' and construction vehicles together with storage on site of construction materials;
- Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

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

17. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed estate road within the development have been submitted to and approved by the local planning authority. The estate road shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.
Reason. Information not submitted at application stage. To ensure that the unadopted estate road serving the development is maintained to an acceptable standard in the interest of residential/highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway pursuant to Bury unitary development plan Policies H1/2 - Further housing Development, H2/1 - The Form of New residential development, H2/2 - The layout of New Residential Development, EN1/2 - Townscape and Built Design, HT2/4 - Car Parking and New Development, HT4 - New Development, HT6/1 - Pedestrian and Cyclist Movement and HT6/2 - Pedestrian/Vehicular Conflict.

18. The various turning facilities indicated on the approved plans shall be provided before the areas of the development to which they relate are first occupied and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Bury unitary development plan Policies H1/2 - Further housing Development, H2/1 - The Form of New residential development, H2/2 - The layout of New Residential Development, EN1/2 - Townscape and Built Design, HT2/4 - Car Parking and New Development, HT4 - New Development, HT6/1 - Pedestrian and Cyclist Movement and HT6/2 - Pedestrian/Vehicular Conflict.

19. Minimum hardstandings lengths of 5.5m measured between the highway boundary and any proposed garage doors or 5.0m at dwellings without garages shall be provided and thereafter maintained
Reason. To enable a vehicle to stand clear of the highway whilst the garage doors are opened and to allow adequate space to maintain a vehicle clear of the highway in the interests of road safety pursuant Bury UDP Policies H1/2 - Further Housing Development, H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design, HT2/4 - Car Parking and New Development, HT4 - New Development, HT6/1 - Pedestrian and Cyclist Movement and HT6/2 - Pedestrian/Vehicular Conflict.

20. The car parking indicated on the approved plans shall be surfaced and made available for use to the written satisfaction of the Local Planning Authority prior to the each dwelling/part of the site to which it relates being occupied and thereafter maintained at all times.

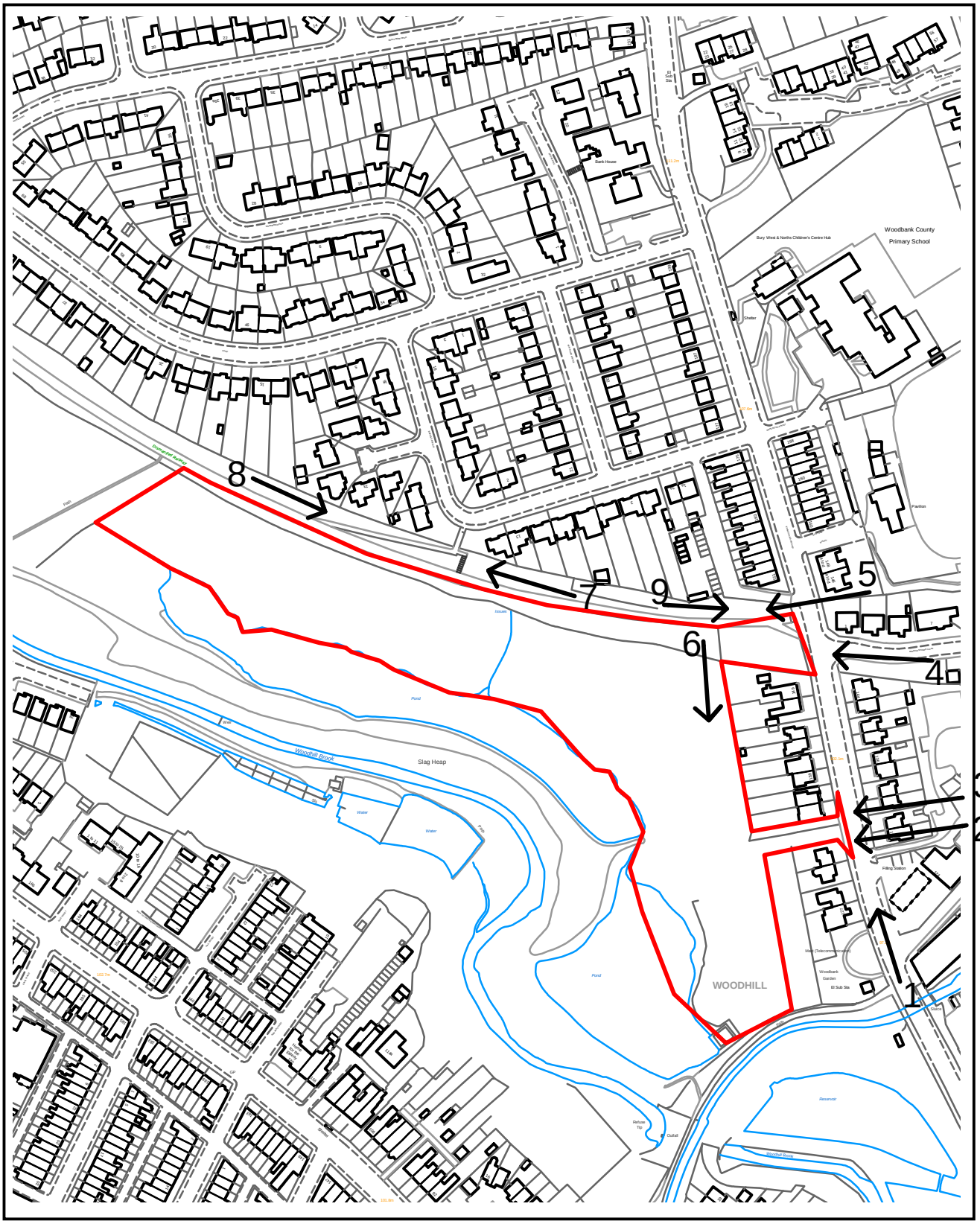
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Bury UDP Policies H1/2 - Further Housing Development, H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design, HT2/4 - Car Parking and New Development, HT4 - New Development, HT6/1 - Pedestrian and Cyclist Movement and HT6/2 - Pedestrian/Vehicular Conflict.

21. Bin storage arrangements shall be provided within the curtilage of each dwelling in accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments'.
Reason. To ensure that adequate bin storage arrangements are provided within the curtilage of each dwelling pursuant to Bury UDP Policies H2/1 - The Form of New Residential development, H2/2 - The Layout of New Residential Development and EN1/2 - Townscape and Built Design.

22. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 of Schedule 2 of the Order, without the submission and approval of a relevant planning application.
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed.

For further information on the application please contact **Jennie Townsend** on **0161 253-5320**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 64640

ADDRESS: Land at Brandlesholme Road
Bury

N
W E
S

Bury
COUNCIL

Planning, Environmental and Regulatory Services

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64640

Photo 1

Photo 2

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Photo 3

Photo 4

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Photo 5

Photo 6

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Photo 7

Photo 8

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Photo 9

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PLANNING

NOTES:-

Red line denotes the area of the proposed site within Brandlesholme

Site Area: 26,667m² / 2.67Ha / 6.58Acres

0m 25m 50m 75m 100m 125m

Scale Bar 1:1250 @ A1

Location Plan

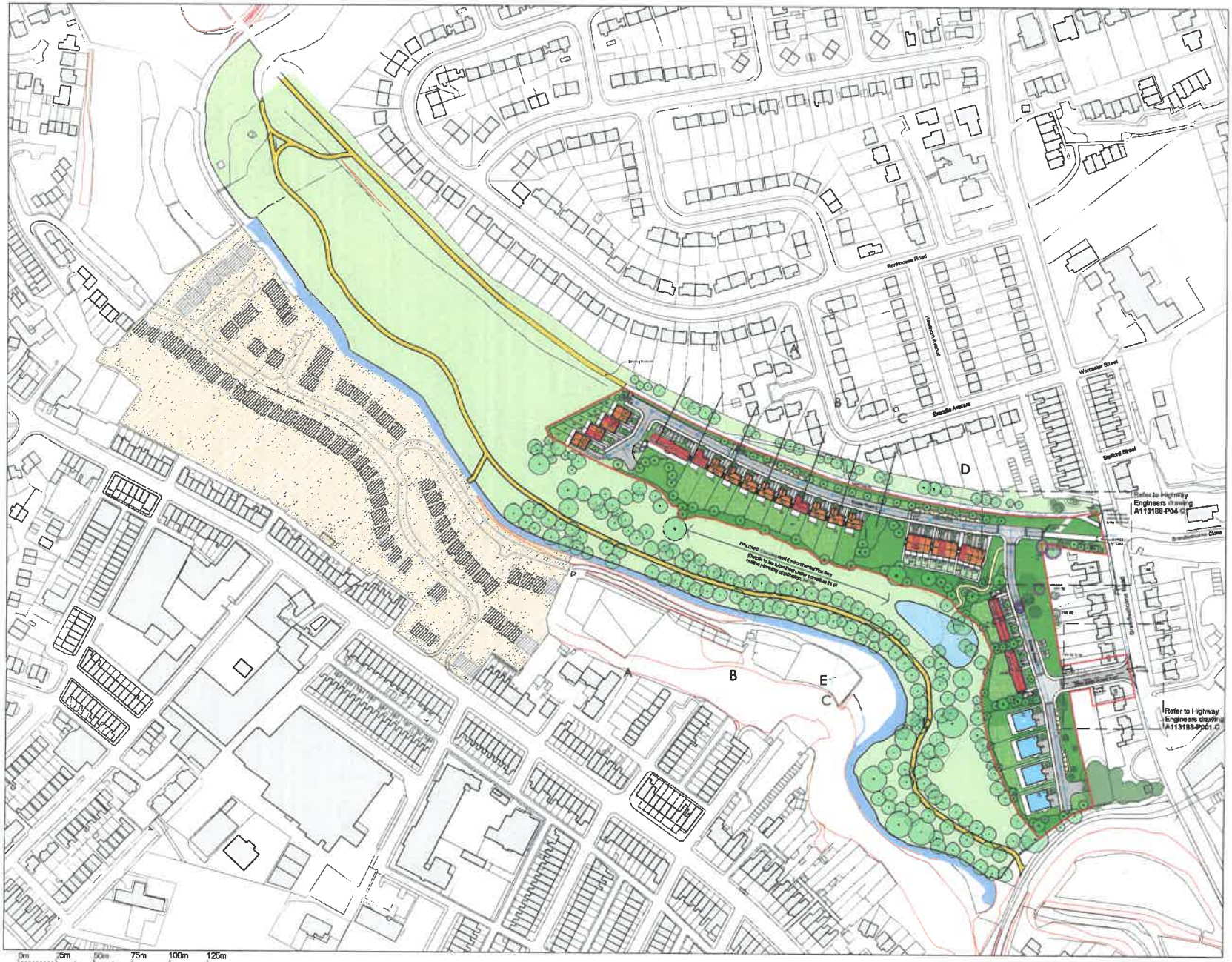
Scale 1 : 1250

rev	description	by	date

Project:	Olives Park Land at Brandlesholme Road Bury
Title:	Location Plan
Client:	Shaheen Developments
Drawn By:	GH
Checked By:	BJ on 01/05/2019
Original Size:	A1
Project Number:	21942
Drawing Number:	SI-XX-DR-A-0810

JENKINS DESIGN SERVICES

ARCHITECTURE INTERIOR DESIGN PROJECT MANAGEMENT CDM CO-ORDINATOR BUILDING CONSULTANCY



0m 25m 50m 75m 100m 125m

Scale Bar 1:1250 @ A1

Proposed Site Plan

Scale 1 : 1250

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PLANNING

NOTES:-

Red line denotes the area of the proposed site within Brandlesholme

Site Area: 26,667m² / 2.67Ha / 6.58Acres

Key:

- Existing trees to be retained
- Proposed Trees subject to landscape design
- Existing trees with Tree Preservation Order
- Affordable Housing Dwellings — 12No.
- Self-Build Dwellings within gated area — 4No.
- Private Dwellings — 36No.

Schedule of Accomodation:

House Type C - 3 Bedroom House
Plots: 01-08, 25-36
Total: 20No.

House Type D - 2 Bedroom Apartment (For Affordable housing allocation refer to drawing B2-ZZ-DR-A-3002)
Plots: 09-14, 37-48
Total: 18No.

House Type E - 5 Bedroom House
Plots: 15-24
Total: 10No.

House Type J - 5 Bedroom House
4 no. Turnkey Development Houses
Plots: 49-51
Total: 4No.

Total No. Units: 52No.

Parking Schedule:

House Type C - 3 Bedroom House
Parking spaces: 2no. per house.
Total: 40No.

House Type D - 2 Bedroom Apartment
Parking spaces: 1no. per apartment
Visitor spaces: 2no. per block.
Total: 18No. + 6No. Visitor

House Type E - 5 Bedroom House
Parking spaces: 3no. per house.
Total: 30No.

House Type J - 6 Bedroom House
Parking spaces: 3no. per house.
Total: 12No.

Total No. Spaces: 96No.

rev	description	by	date
H	Access roads amended to align highway engineers drawings	CM	02.04.20
G	Affordable Housing and access road amended	CM	18.02.20
F	Access Roads and Boundary Line amended	CM	13.11.19
E	House type D diagram added	CM	05.11.19

Project: **Olives Park Land at Brandlesholme Road**
Bury

Title: Proposed Site Layout Plan
1:500

Client: Shaheen Developments

Drawn By: GH Checked By: BJ on 01/05/2019

Original Size: A1 Project Number: 21942

Drawing Number: SI-XX-DR-A-1001H

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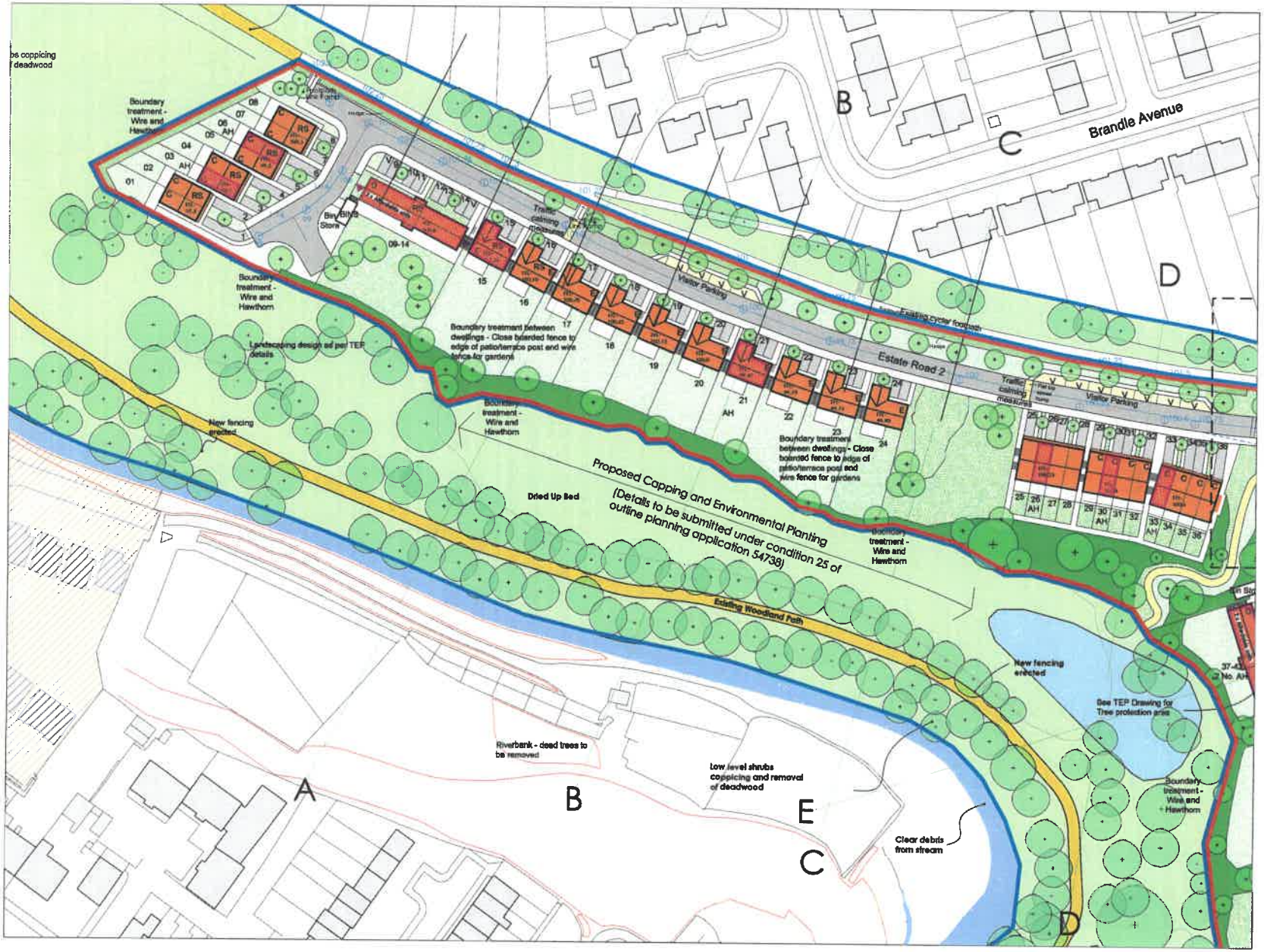
ARCHITECTURE INTERIOR DESIGN PROJECT MANAGEMENT CDM CO-ORDINATOR BUILDING LONDON FAMILY



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PLANNING

NOTES:-

Red line denotes the area of the proposed site within Brandleshoime

Site Area: 26,667m² / 2.67Ha / 6.58Acres

Key:

- Existing trees to be retained
- Proposed Trees subject to landscape design
- Existing trees with Tree Preservation Order
- Affordable Housing Dwellings — 12No.
- Self-Build Dwellings within gated area — 4No.
- Private Dwellings — 36No.

Schedule of Accomodation:

House Type C - 3 Bedroom House
Plots: 01-08, 25-36
Total: 20No.

House Type D - 2 Bedroom Apartment ← (For Affordable housing allocation refer to drawing B2-ZZ-DR-A-3002)
Plots: 09-14, 37-48
Total: 18No.

House Type E - 5 Bedroom House
Plots: 15-24
Total: 10No.

House Type J - 5 Bedroom House
Plots: 49-51
Total: 4No.

Total No. Units: 52No.

Parking Schedule:

House Type C - 3 Bedroom House
Parking spaces: 2no. per house.
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House Type J - 6 Bedroom House
Parking spaces: 3no. per house.
Total: 12No.

Total No. Spaces: 96No.

rev	description	by	date
H	Access roads amended to align highway engineers drawings	CM	02.04.20
G	Affordable Housing and access road amended	CM	18.02.20
F	Access Roads and Boundary Line amended	CM	13.11.19
E	House type D diagram added	CM	05.11.19

Project: **Olives Park Land at Brandleshoime Road Bury**

Title: Proposed Site Layout Plan 1:500 Extract (1 of 2)

Client: Shaheen Developments

Drawn By: GH Checked By: BJ on 01/05/2019

Original Size: A1 Project Number: 21942

Drawing Number: SI-XX-DR-A-1002H

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ARCHITECTURE INTERIOR DESIGN PROJECT MANAGEMENT CDM CO-ORDINATOR BUILDING CONSULTANCY

0m 10m 20m 30m 40m 50m

Scale Bar 1:500 @ A1

Extract 1 of Proposed Site Layout Plan

Scale 1 : 500

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PLANNING

NOTES:-

Red line denotes the area of the proposed site within Brandlesholme

Site Area: 26,667m² / 2.67Ha / 6.58Acres

Key:

- Existing trees to be retained
- Proposed Trees subject to landscape design
- Existing trees with Tree Preservation Order
- Visibility Splay
- Affordable Housing Dwellings 12No.
- Self-Build Dwellings within gated area 4No.
- Private Dwellings 36No.

Schedule of Accomodation:

House Type C - 3 Bedroom House
Plots: 01-08, 25-36
Total: 20No.
(For Affordable housing allocation refer to drawing B2-ZZ-DR-A-3002)

House Type D - 2 Bedroom Apartment
Plots: 09-14, 37-48
Total: 18No.

House Type E - 5 Bedroom House
Plots: 15-24
Total: 10No.

House Type J - 5 Bedroom House
Plots: 49-51
Total: 4No.

Total No. Units: 52No.

Parking Schedule:

House Type C - 3 Bedroom House
Parking spaces: 2no. per house.
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Parking spaces: 3no. per house.
Total: 30No.

House Type J - 6 Bedroom House
Parking spaces: 3no. per house.
Total: 12No.

Total No. Spaces: 96No.

rev	description	by	date
H	Access roads amended to align highway engineers drawings	CM	02.04.20
G	Affordable Housing and access road amended	CM	18.02.20
F	Access Roads and Boundary Line amended	CM	13.11.19

Project: **Olives Park Land at Brandlesholme Road** Bury

Title: Proposed Site Layout Plan 1:500 Extract (2 of 2)

Client: Shaheen Developments

Drawn By: Checked By: B on 01/0 /2019

Original Size: A1 Project Number: 21942

Drawing Number: SI-XX-DR-A-1003H

JENKINS DESIGN SERVICES

ARCHITECTURE INTERIOR DESIGN PROJECT MANAGEMENT CDM CO-ORDINATOR BUILDING CONSULTANCY

0m 10m 20m 30m 40m 50m

Scale Bar 1:500 @ A1

Extract 2 of Proposed Site Layout Plan

Scale 1 : 500

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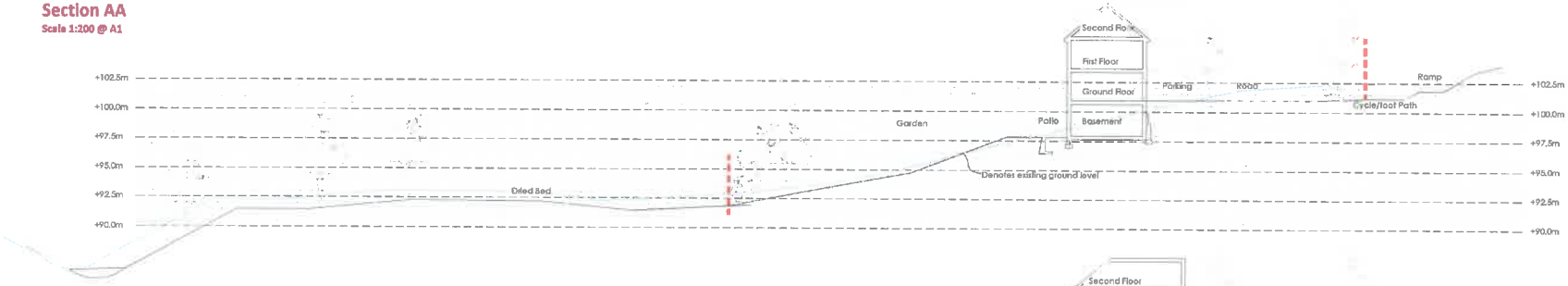
PLANNING

Section AA
Scale 1:200 @ A1



Section BB
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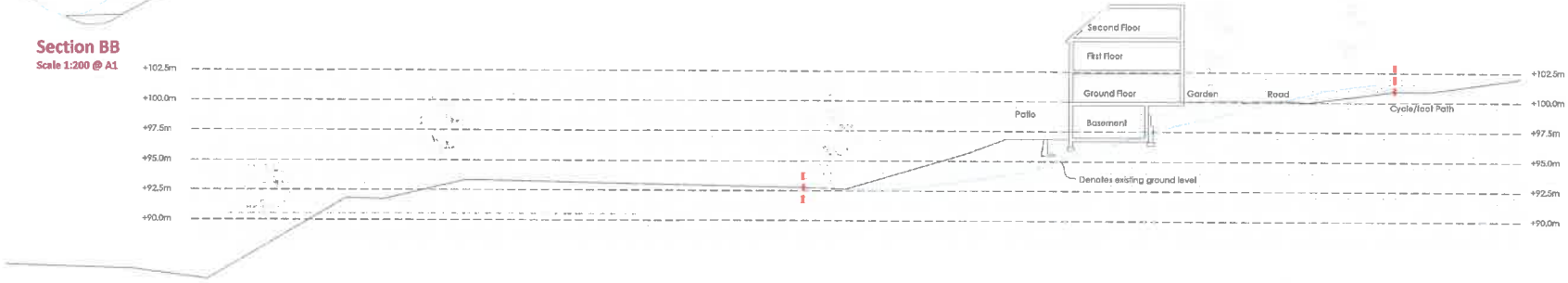

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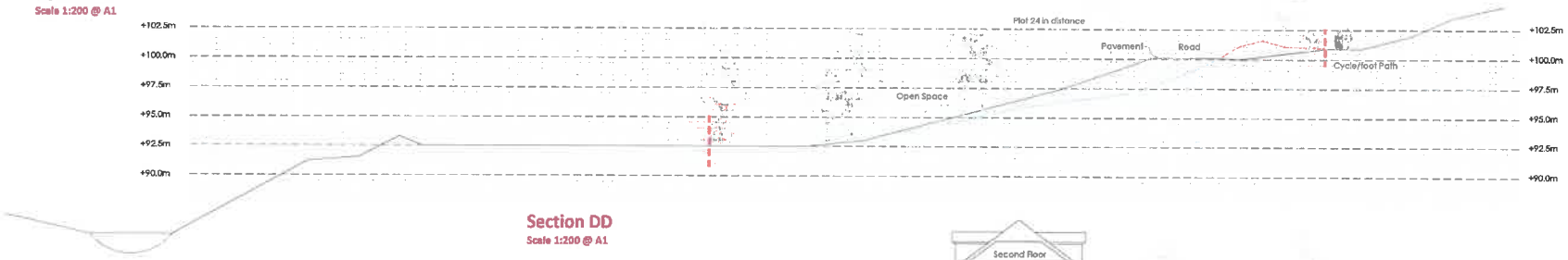

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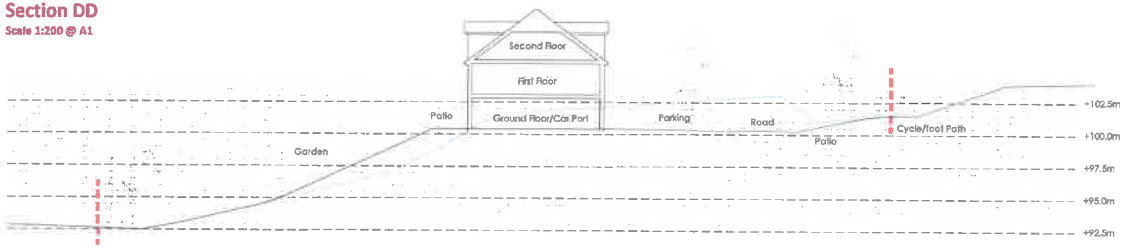

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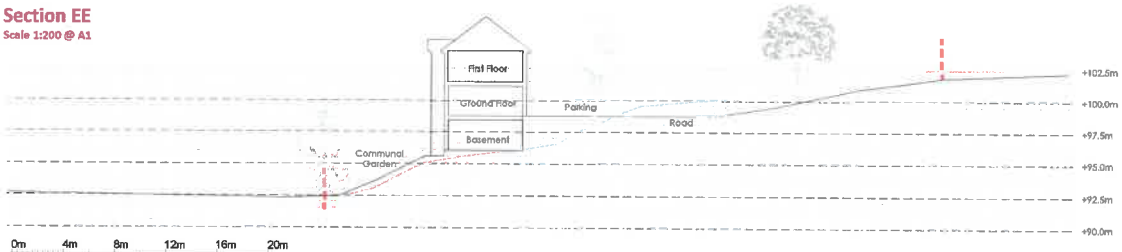

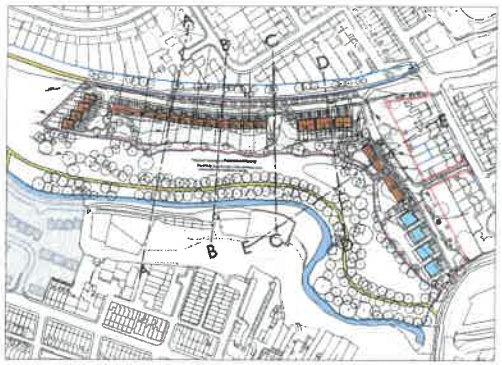

0m 25m 50m 75m 100m 125m

Scale Bar 1:1250 @ A1

Proposed Site Layout Plan
Scale 1 : 1250

0m 4m 8m 12m 16m 20m

Scale Bar 1:200 @ A1

rev	description	by	date

Project: Olives Park Land at Brandlesholme Road Bury

Title: Proposed Site Sections

Client: Shaheen Developments

Drawn By: GH Checked By: BJ on 01/05/2019

Original Size: A1 Project Number: 21942

Drawing Number: SI-XX-DR-A-1006

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PLANNING

Street Elevation (Front) 1:500 @ A1

Section 1 - 1:200

Section 2 - 1:200

Section 3 - 1:200

0m 4m 8m 12m 16m 20m

Scale Bar 1:200 @ A1

Proposed Street Elevations (Front)

Scale 1 : 200 / 1 : 500

rev	description	by	date

Project: Olives Park Land at Brandlesholme Road Bury

Title: Proposed Street Elevations (Front)

Client: Shaheen Developments

Drawn By: GH Checked By: BJ on 01/05/2019

Original Size: A1 Project Number: 21942

Drawing Number: SI-XX-DR-A-1007

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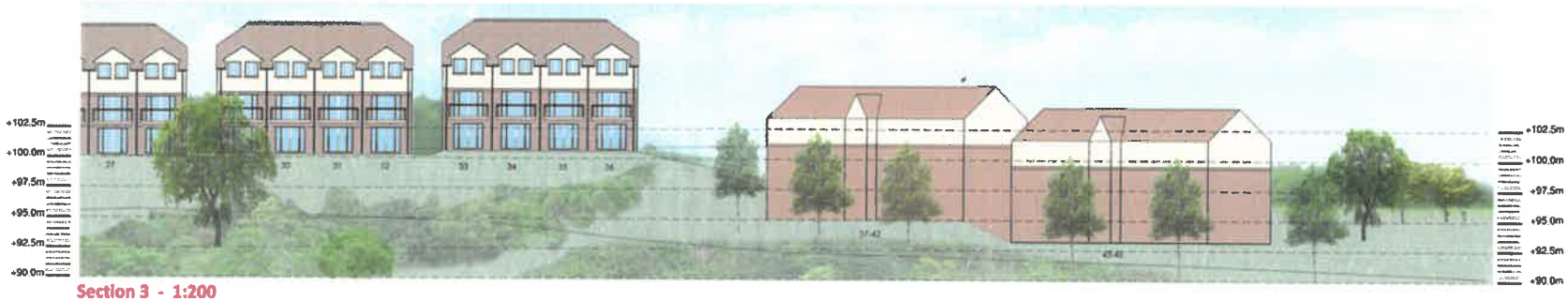
PLANNING

Street Elevation (Rear) 1:500 @ A1

Section 1 - 1:200

Section 2 - 1:200



Section 3 - 1:200

Proposed Street Elevations (Front)

Scale 1 : 200 / 1 : 500

rev	description	by	date

Project: Olives Park Land at Brandlesholme Road Bury

Title: Proposed Street Elevations (Rear)

Client: Shaheen Developments

Drawn By: GH Checked By: BJ on 01/05/2019

Original Size: A1 Project Number: 21942

Drawing Number: SI-XX-DR-A-1008

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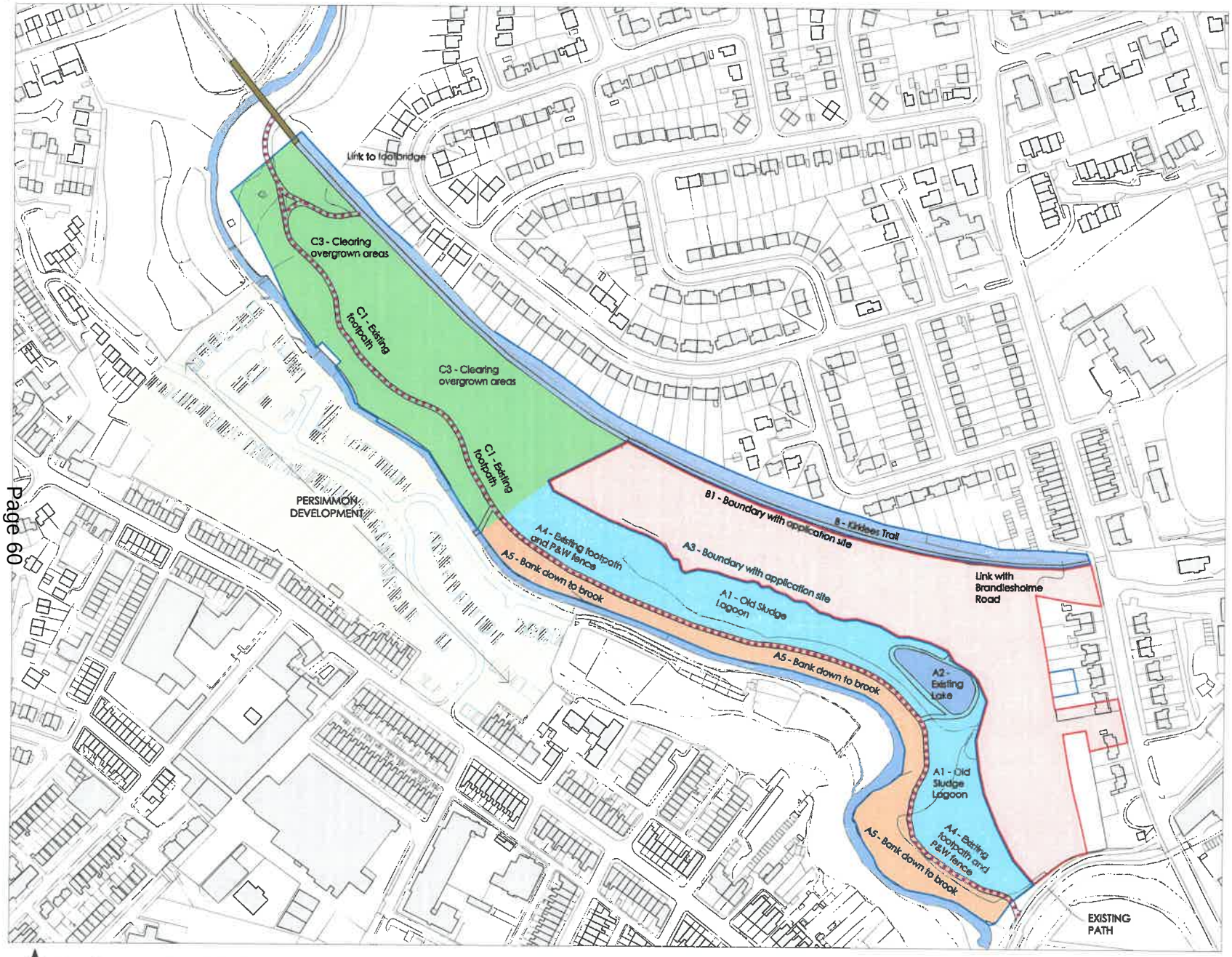
PLANNING



A - Private open space - Lagoon and lake

A - Private open space - Footpath and bank

B - Kirklees Trail Cycle way/ footpath

C - 'Right to Roam'

D - Application Site

E - Upgrade to Footpath

rev	description	by	date
C	Amendment to Footpath noted	TR	22.04.20
B	Amendments to Boundary Line	CM	13.11.19
A	Upgrade to footpath added	CM	TR

Project: Olives Park Land at Brandlesholme Road Bury

Title: Open Space Provisions Plan

Client: Shaheen Developments

Drawn By: GH Checked By: BJ on 01/05/2019

Original Size: A1 Project Number: 21942

Drawing Number: SI-XX-DR-A-1012C

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0m 25m 50m 75m 100m 125m

Scale Bar 1:1250 @ A1

Open Space Provisions Plan

Scale 1 : 1250

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PLANNING

NOTES:-

Red line denotes the area of the proposed site within Brandlesholme

Site Area: 26,667m² / 2.67Ha / 6.58Acres

Schedule of Accomodation:

House Type C - 3 Bedroom House
Plots: 01-08, 25-36
Total: 20No.

House Type D - 2 Bedroom Apartment ← (For Affordable housing allocation refer to drawing B2-ZZ-DR-A-3002)
Plots: 09-14, 37-48
Total: 18No.

House Type E - 5 Bedroom House
Plots: 15-24
Total: 10No.

House Type J - 5 Bedroom House
4 no. Turnkey Development Houses
Plots: 49-51
Total: 4No.

Total No. Units: 52No.

Parking Schedule:

House Type C - 3 Bedroom House
Parking spaces: 2no. per house.
Total: 40No.

House Type D - 2 Bedroom Apartment
Parking spaces: 1no. per apartment
Visitor spaces: 2no. per block.
Total: 18No. + 6No. Visitor

House Type E - 5 Bedroom House
Parking spaces: 3no. per house.
Total: 30No.

House Type J - 6 Bedroom House
Parking spaces: 3no. per house.
Total: 12No.

Total No. Spaces: 96No.

Drawing to be read in conjunction with Site Plan drawings **SI-XX-DR-A-1001,1002,1003** with reference to drawing key and section lines for further information.

rev	description	by	date

Project: **Olives Park Land at Brandlesholme Road Bury**

Title: Proposed Site Layout Plan - Access 1:500 Extract (1 of 2)

Client: Shaheen Developments

Drawn By: CM Checked By: TR on 03/04/2020

Original Size: A1 Project Number: 21942

Drawing Number: SI-XX-DR-A-1022

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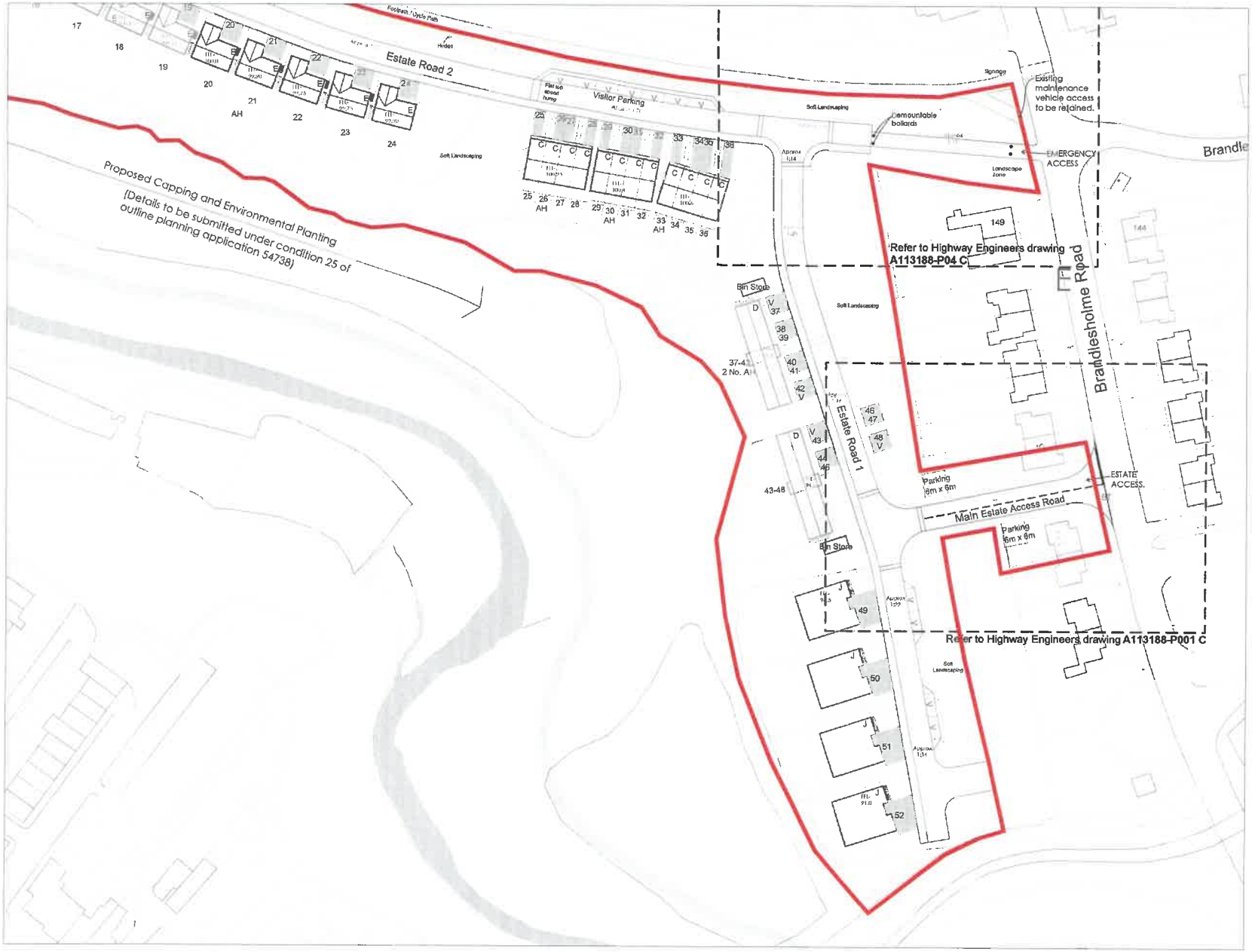
TEL: 0161 763 7272
E-mail: jenkins-design@btclick.com

0m 10m 20m 30m 40m 50m

Scale Bar 1:500 @ A1

Extract 1 of Proposed Site Layout Plan

Scale 1 : 500



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PLANNING

NOTES:-

Red line denotes the area of the proposed site within Brandlesholme

Site Area: 26,667m² / 2.67Ha / 6.58Acres

Schedule of Accomodation:

House Type C - 3 Bedroom House
Plots: 01-08, 25-36
Total: 20No.

House Type D - 2 Bedroom Apartment ← (For Affordable housing allocation refer to drawing B2-ZZ-DR-A-3002)
Plots: 09-14, 37-48
Total: 18No.

House Type E - 5 Bedroom House
Plots: 15-24
Total: 10No.

House Type J - 6 Bedroom House
4 no. Turnkey Development Houses
Plots: 49-51
Total: 4No.

Total No. Units: 52No.

Parking Schedule:

House Type C - 3 Bedroom House
Parking spaces: 2no. per house.
Total: 40No.

House Type D - 2 Bedroom Apartment
Parking spaces: 1no. per apartment
Visitor spaces: 2no. per block.
Total: 18No. + 6No. Visitor

House Type E - 5 Bedroom House
Parking spaces: 3no. per house.
Total: 30No.

House Type J - 6 Bedroom House
Parking spaces: 3no. per house.
Total: 12No.

Total No. Spaces: 96No.

Drawing to be read in conjunction with Site Plan drawings **SI-XX-DR-A-1001,1002,1003** with reference to drawing key and section lines for further information.

rev	description	by	date

Project: **Olives Park Land at Brandlesholme Road** Bury

Title: Proposed Site Layout Plan - Access 1:500 Extract (2 of 2)

Client: Shaheen Developments

Drawn By: CM Checked By: TR on 03/04/2020

Original Size: A1 Project Number: 21942

Drawing Number: SI-XX-DR-A-1023

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0m 10m 20m 30m 40m 50m

Scale Bar 1:500 @ A1

Extract 2 of Proposed Site Layout Plan

Scale 1 : 500

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PLANNING

House Type C - 3 Bedroom House

Land at Brandlesholme Road Bury

Materials Schedule

Roof - Brown profiled concrete tiles & recon slate
Walls - Brick, Render & New & Recon stone cills
Windows & Doors - Double Glazed uPVC - White

0m 1m 2m 3m 4m 5m

Scale Bar 1:50 @ A1

House Type C - Proposed Front Elevation

Scale 1 : 50

House Type C - Proposed Side Elevation

Scale 1 : 50

rev	description	by	date

Project: **Olives Park Land at Brandlesholme Road** Bury

Title: House Type C Proposed Elevations

Client: Shaheen Developments

Drawn By: GH Checked By: BJ on 01/05/2019

Original Size: A1 Project Number: 21942

Drawing Number: B1-ZZ-DR-A-3000

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PLANNING

House Type C - 3 Bedroom House

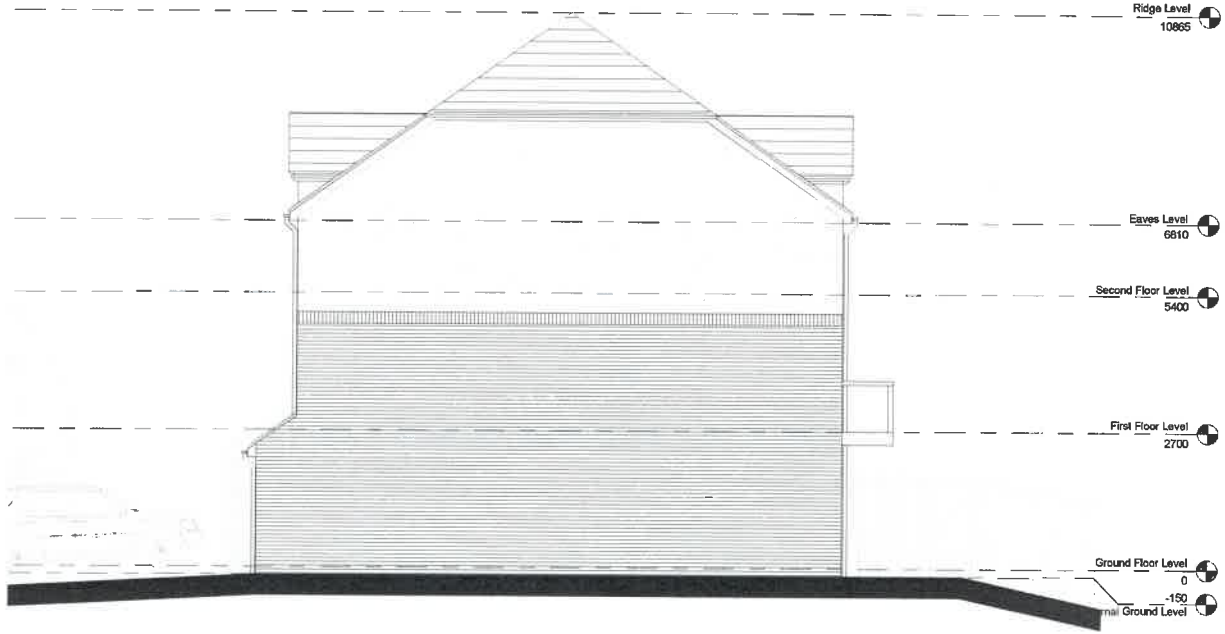
Land at Brandlesholme Road Bury

Materials Schedule

Roof - Brown profiled concrete tiles & recon slate
Walls - Brick, Render & New & Recon stone cills
Windows & Doors - Double Glazed uPVC - White

House Type C - Proposed Rear Elevation

Scale 1 : 50



House Type C - Proposed Side Elevation

Scale 1 : 50

rev	description	by	date

Project:	Olives Park Land at Brandlesholme Road Bury				
Title:	House Type C Proposed Elevations				
Client:	Shaheen Developments				
Drawn By:	GH	Checked By:	BJ	on	01/05/2019
Original Size:	A1	Project Number:	21942		
Drawing Number:	B1-ZZ-DR-A-3001				

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Front Elevation

Rear Elevation

0m 1m 2m 3m 4m 5m

Scale Bar 1:50 @ A1

House Type D - Proposed Front & Rear Elevations

Scale 1 : 50

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PLANNING

House Type D - 2 Bedroom Apartment

Land at Brandlesholme Road Bury

Materials Schedule

Roof - Brown profiled concrete tiles & recon slate
Walls - Brick, Render & New & Recon stone cills
Windows & Doors - Double Glazed uPVC - White

rev	description	by	date

Project:	**Olives Park Land at Brandlesholme Road** Bury
Title:	House Type D Proposed Elevations
Client:	Shaheen Developments
Drawn By:	GH
Checked By:	BJ on 01/05/2019
Original Size:	A1
Project Number:	21942
Drawing Number:	B2-ZZ-DR-A-3000

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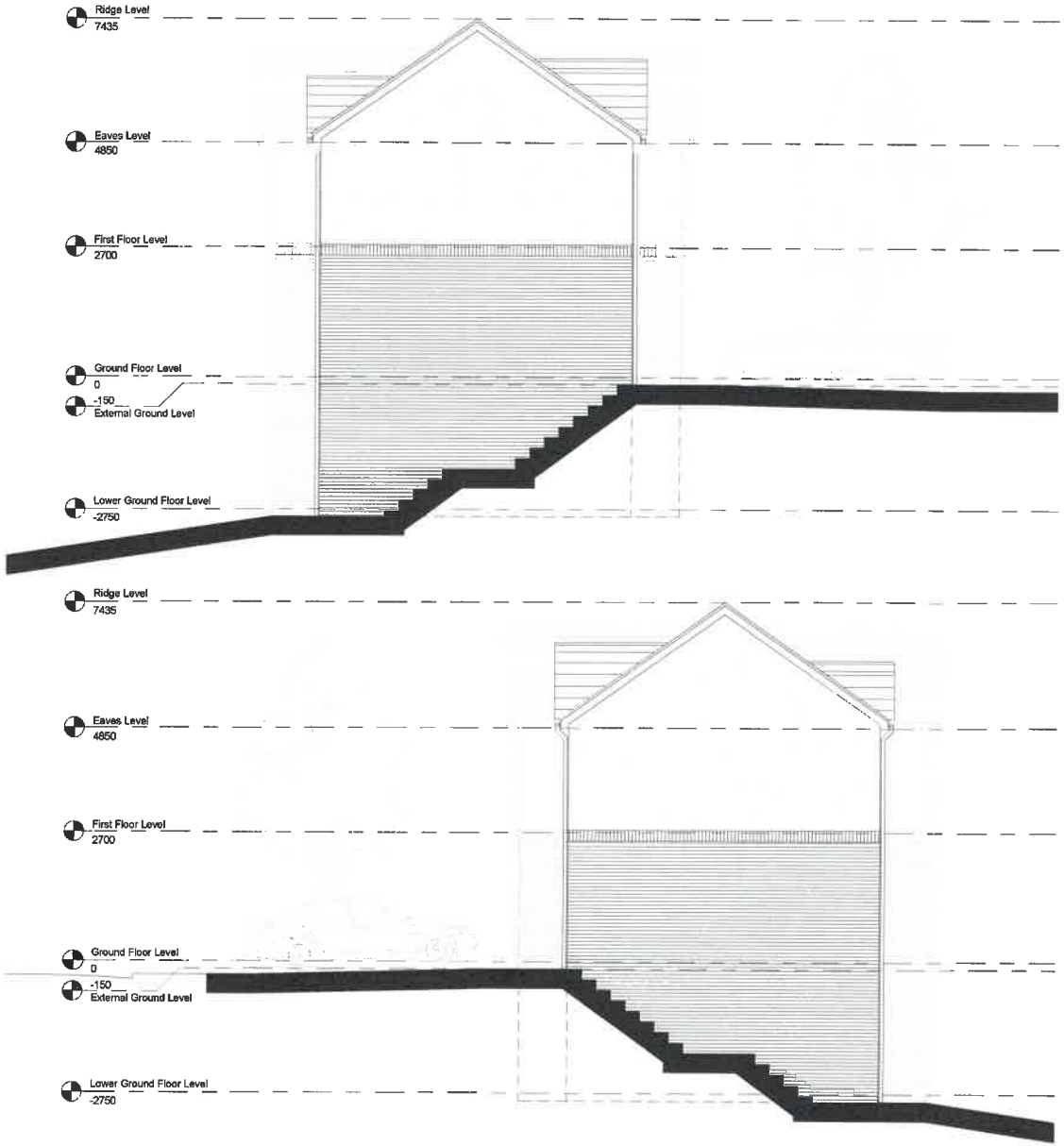

0m 1m 2m 3m 4m 5m

Scale Bar 1:50 @ A1

House Type D - Proposed Side Elevations

Scale 1 : 50

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PLANNING

House Type D - 2 Bedroom Apartment

Land at Brandlesholme Road Bury

Materials Schedule

Roof - Brown profiled concrete tiles & recon slate
Walls - Brick, Render & New & Recon stone cills
Windows & Doors - Double Glazed uPVC - White

rev	description	by	date

Project:	Olives Park Land at Brandlesholme Road Bury
Title:	House Type D Proposed Elevations Sheet 2
Client:	Shaheen Developments
Drawn By:	GH Checked By: BJ on 01/05/2019
Original Size:	A1 Project Number: 21942
Drawing Number:	B2-ZZ-DR-A-3001

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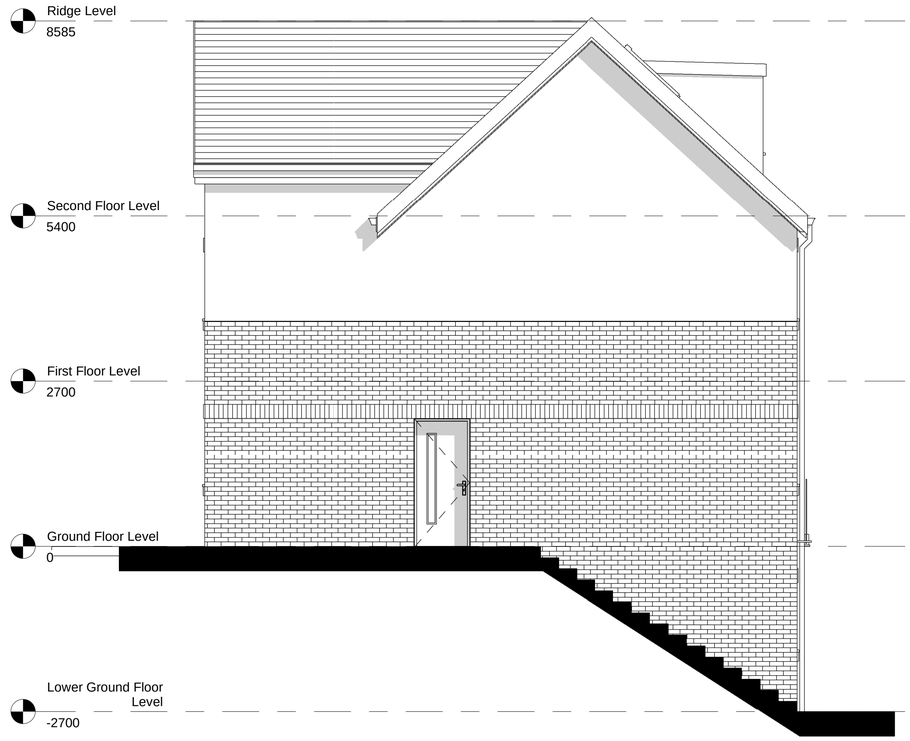
Front Elevation
Scale 1 : 50

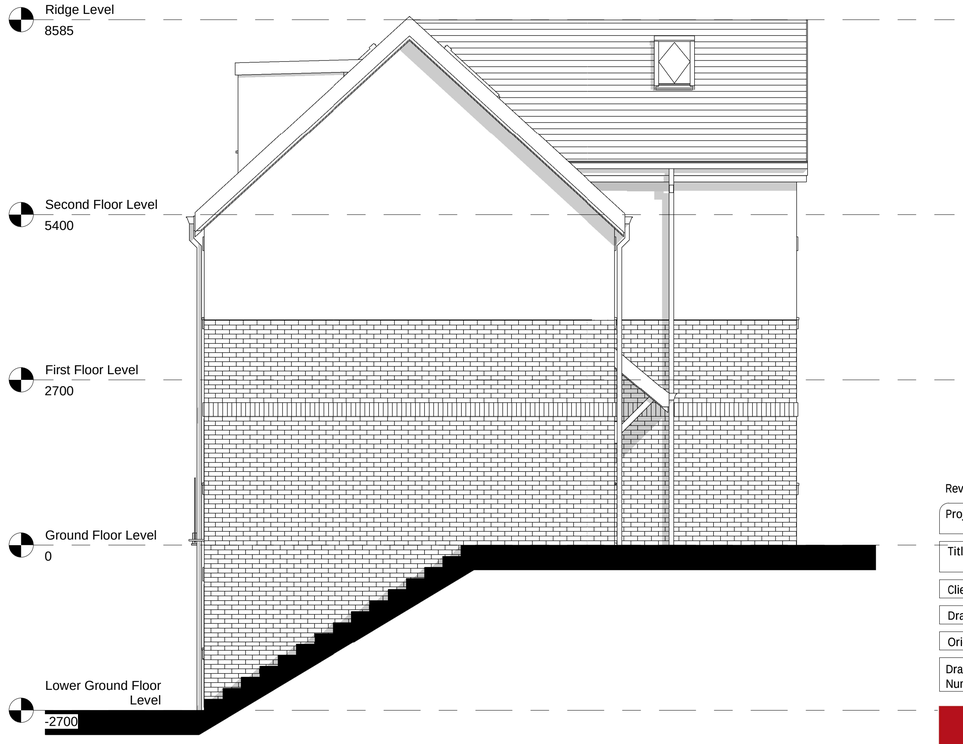


East Elevation
Scale 1 : 50

Rear Elevation
Scale 1 : 50

0m 1m 2m 3m 4m 5m

Scale Bar 1:50 @ A1



West Elevation
Scale 1 : 50

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PLANNING

House Type E - 5 Bedroom House

Land at Barandlesholme Road Bury

Materials Schedule

Roof - Brown profiled concrete tiles & recon slate
Walls - Brick, Render & New & Recon stone cills
Windows & Doors - Double glazed uPVC - White

Rev	Description	by	Chk by	Date

Project:	Olives Park Land at Brandlesholme Rd Bury		
Title:	House Type E Proposed Elevations		
Client:	Shaheen Developments		
Drawn By:	GH	Checked By: BJ	on 19/06/19
Original Size:	A1	Project Number: 21942	
Drawing Number:	B3-ZZ-DR-A-3000	REV	

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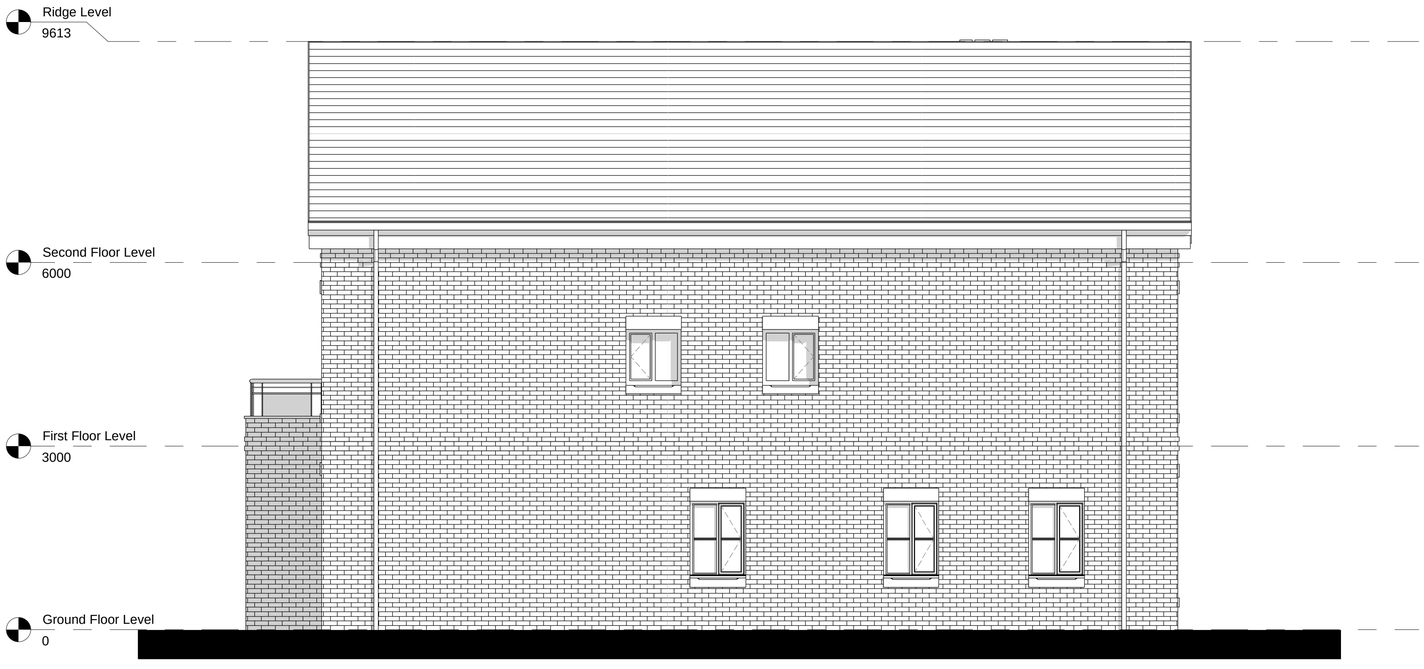
Front Elevation

Scale 1 : 50



South Elevation

Scale 1 : 50

0m 1m 2m 3m 4m 5m

Scale Bar 1:50 @ A1

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PLANNING

House Type J - 6 Bedroom House

Land at Brandlesholme Road, Bury.

Materials Schedule

Roof - Brown profiled concrete tiles & recon slate
Walls - Brick, Render & New & Recon stone cills
Windows & Doors - Double glazed uPVC - White

Rev	Description	by	Chk by	Date

Project:	Olives Park Land at Brandlesholme Rd Bury		
Title:	House Type J Proposed Elevations Sheet 1 of 2		
Client:	Shaheen Developments		
Drawn By:	GH	Checked By:	BJ on 05/23/19
Original Size:	A1	Project Number:	21942
Drawing Number:	B4-ZZ-DR-A-3000	REV	

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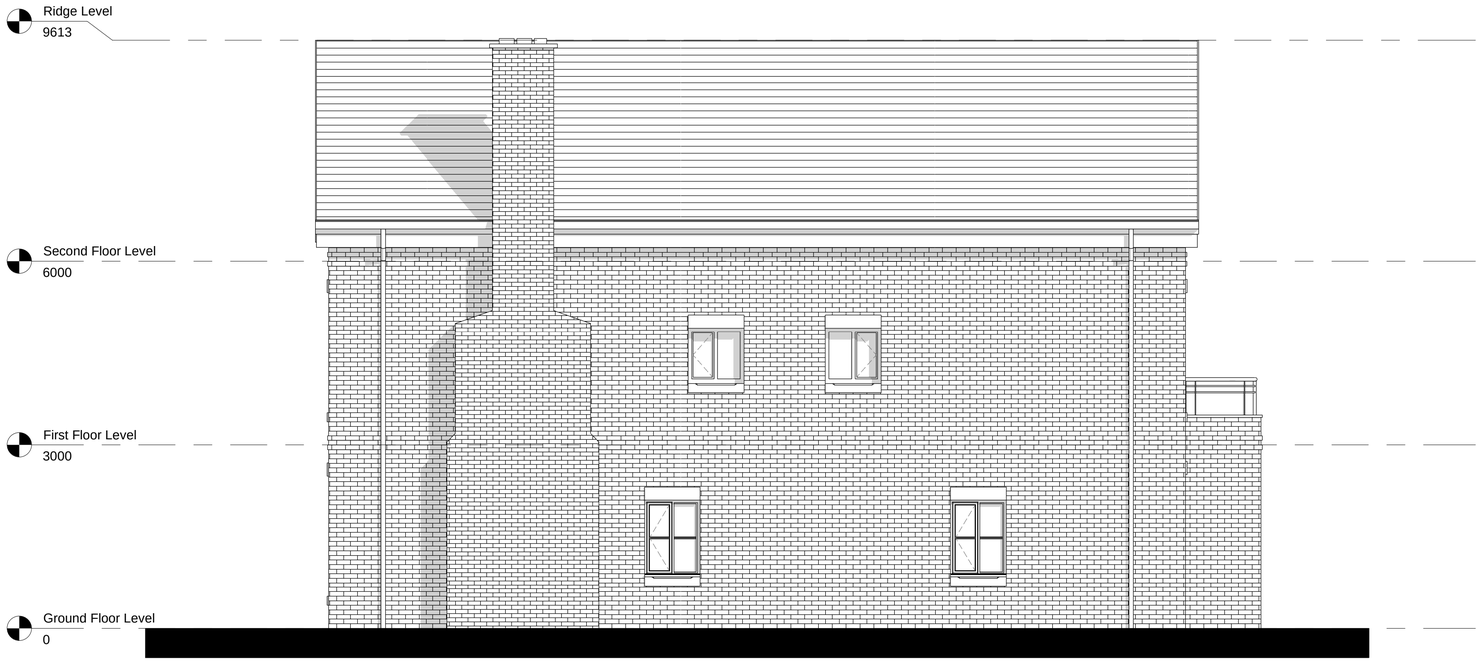
PLANNING

Rear Elevation

Scale 1 : 50



North Elevation

Scale 1 : 50

0m 1m 2m 3m 4m 5m

Scale Bar 1:50 @ A1

Rev	Description	by	Chk by	Date

Project:	Olives Park Land at Brandlesholme Rd Bury		
Title:	House Type J Proposed Elevations Sheet 2 of 2		
Client:	Shaheen Developments		
Drawn By:	Author	Checked By:	Checker on 08/07/19
Original Size:	A1	Project Number:	21942
Drawing Number:	B4-ZZ-DR-A-3001	REV	

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ARCHITECTURE INTERIOR DESIGN PROJECT MANAGEMENT CDM CO-ORDINATOR BUILDING CONSULTANCY

Ward: Ramsbottom and Tottington - Ramsbottom

Item 03

Applicant: Mr & Mrs M Unsworth

Location: Land to the south of Moorbottom Road, Holcombe, Bury, BL8 4NS

Proposal: Erection of agricultural storage building, retention of field shelter, pig arc and replacement gate & gate post

Application Ref: 64786/Full **Target Date:** 27/01/2020

Recommendation: Approve with Conditions

The application was postponed from the March and April 2020 Planning Control Committee Meetings. In response to the emergency Government instructions on Covid-19.

Description

The application site relates to a field which is used for the grazing of animals and is located on a parcel of land which is located in the Green Belt, Special Landscape Area and West Pennine Moors and is within the Holcombe Conservation Area.

The field comprises approximately 4 acres of land in a triangular form which is set on a hillside and forms the lower part of the hill which is locally known as Holcombe Hill, with Peel Monument, a Grade II Listed Building at the summit.

The access to the field is taken from the northern most corner of the field which forms the meeting of three roads, Moorbottom Road, Holcombe Old Road and Cross Lane. Holcombe Old Road runs along the eastern boundary of the field and is at a much lower level to the site. The road comprises a cobbled surface and is used by walkers and residents who live along this stretch, and where there is a row of stone built terrace cottages.

Moorbottom Road forms the western boundary and the highest part of the field and is separated by a dry stone wall. It is an unmade track used by walkers although there are some properties located along this stretch.

Cross Lane leads from the village centre along which are residential dwellings, some of a Listed status or are Non-Designated Heritage Assets (NDHA's).

The applicant currently keeps sheep and alpacas on the field and are seeking to extend the herd of Alpacas with two breeders. Also on the field is a small pig arc and shed located at the lower end of the field towards the southern boundary which are used to provide some shelter for the herd, albeit very limited. These structures do not have planning permission. The applicant also has some machinery and equipment which are needed to facilitate the keeping of the animals, as well as foodstuffs, but nowhere in which to store these, resulting in them being kept in various remote locations open to inclement weather and theft.

The application proposes the erection of an agricultural building together with the retention and relocation of the shed and pig arc. In addition, a galvanised steel gate has also been erected to the field access to the north. It is now proposed to replace this with a timber gate.

Application details

Proposed - Agricultural building - Constructed of timber boarding and barn style door with a grey sheeted monopitch roof and overhang to the frontage. The build would be 12.2m long, 6.1m wide and height between 3-4m (floor area of 74.4 sqm).
The build would be positioned against the western boundary and the stone wall, approximately half way across the field boundary. The building would provide secure and weather tight storage for equipment, machinery and foodstuffs and when needed, for animal welfare purposes during the lambing season.

Pig arc - Constructed of wooden panelled ends and a corrugated tin surround and measures 3m long, 2.5m wide and 1.2m high. Used as an animal shelter in inclement weather.

Shed - A timber boarded shed with a corrugated roof and dimensions of 3.6m long, 2.4m wide and 2.1m high. Used as an animal shelter in inclement weather.

Access gate - Located at the field access to the north. It is proposed to replace the steel gate with a timber 5 bar gate.

It is proposed to perform a minor cut and fill operation so that the agricultural building, pig arc and shed would be set into the ground and levels changed to the rear and supported by the erection of a retaining wall to be formed around this area. In front of the structures, approximately 10m further down the field to the east, it is proposed to create a minor bund or earth mound which would be formed to follow the natural contours of the field and which would partly screen the structures from some views.

The application seeks full planning permission for the erection of the agricultural building and for the re-siting and retention of the pig arc, timber shed and gate.

Relevant Planning History
02312/E - Agricultural Building

Publicity
14 letters sent on 9/12/2019 to properties at Hill End Farm, Moorbottom Road, 83-109 Holcombe Old Road and 50, 52 Cross Lane.
Site notice posted 18/12/2019.
Site notice posted 24/4/2020
Press advert in the Bury Times 12/12/2019.

6 letters of objection received from Hey House Cottage, Branch Road, 1 Lumb Carr Road, c/o 296 Holcombe Old Road, 103 Holcombe Old Road (x2), Higher Barn Farm, 155 Lumb Carr Road.

The following issues were raised:

- The proposed application is not in keeping with the Holcombe Conservation Area and does not enhance the natural beauty and character of the area. An eyesore in full view of Holcombe Village.
- This area of land used to consist of one large field where sheep grazed. There were no buildings and access was via a large wooden gate. It was a pleasing area of green. The field has now been split into three with iron gates in between, the wooden gate has been replaced with an iron gate, and the entrance widened necessitating the part demolition of the ancient stone walls either side. There are now dustbins clearly visible in the middle of the field. The area looks unkempt, even industrial, and there are considerable areas of mud resulting in the alpacas in particular looking as if they have had a mud bath.
- The proposed new building will be visible from both Moorbottom Rd and Holcombe Old Rd and the roof lights within the building will be clearly visible at night and from Holcombe Hill.

- Negative impacts from other approval granted (not specified by the objector).
- Previously a simple pasture, such sheds, including a small wind turbine (!), are annoyingly sited in the centre of the field.
- Considerable unauthorised development has already taken place in the field bounded by Moorbottom Road and Holcombe Old Road which used to be open grass land grazed by sheep
- This is of considerable size and will be located adjacent to Moorbottom Road. This will ultimately need excavation of the bank that rises steeply to Moorbottom Road and will scar the landscape. The storage building will be clearly visible from the surrounding area and will be yet another wooden structure at the foot of Holcombe Hill. The huge barn at Hill End next door was erected 9 years ago despite considerable local opposition and has remained largely empty and unused and is a blight on the previously open landscape. The intended purpose of the new development is to breed alpacas and to store farm machinery. This amounts to agricultural development of a small field on an industrial scale. This seems to be wholly at odds with what a Conservation Area is for.
- The planning application is essentially for a new extensive farm business on a previously completely undeveloped small field at the centre of Holcombe Conservation Area. How can this possibly enhance the landscape character and nature conservation value of the countryside?
- The 'openness' of the landscape is already seriously compromised with a number of intrusive fences which are not drawn on the applicant's plan.
- The 'pig arc' is simply ludicrous, dominating the field centre with its shiny roof.
- The barn building may damage the safety of the wall
- It must be envisaged that the development would not function effectively medium to long term without the requirements for a track and surfacing
- The applicant is looking to expand a farming business - not appropriate to this site
- Needs to be demonstrated that the development complies with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas Act) 190.
- The development would fall in direct line with the first open view for visitors of the front of the hill and the Tower.
- The builds are not of high design standard
- The agricultural building would blot out part of the dry stone wall which is characteristic to the area.
- Steep slopes are characteristic of the area - the development would detract from that
- The red edge does not include all the land needed..
- The blue edge has been drawn to include land not in the applicants ownership
- application form states there are no waste arrangements
- Elevations of the building show a central ridge but the side elevations are mono pitch
- Conflicts with UDP policies and the NPPF.
- Does not preserve or enhance the Conservation Area and is harmful to the setting of Listed Buildings.
- Surely it would make better business sense to establish this kind of business within a small holding where land is less expensive and in an area that does not have these constraints.
- Though this is an application for agricultural buildings and this seems innocent in itself to house some beautiful animals and to help with storage of agricultural equipment, the utilities installed and the long term intention should be considered by the committee.

Comments by applicant to objections raised - 8/1/20 :

- The Heritage Asset is the Conservation Area.
- Within the Holcombe Conservation Area Appraisal, there is an acknowledgement that agriculture is the main economic activity in the local area. The proposal therefore accords with the main economic activity in the locality and we are of the opinion that there will be no impact.
- 'The character of the Conservation Area largely relies upon the existing pattern of land uses, while recognizing that the nature of the use of agricultural land may need to adapt to ensure economic viability, exemplified by the number of stables within the Conservation Area.'

- The Heritage Statement refers to the need to adapt through the use of stables which would have a larger impact on the Conservation Area than the proposed agricultural building, as a result the proposed agricultural building will have no impact on the heritage asset.
- The Bridleway will not be affected. Due to the use of Cut and Fill, the roofline of the building will be below the wall along Moorbottom Road, and will not impede the view from the Bridleway.
- The building is not shown as having a dual pitched roof on the drawings. The Western Elevation on the proposed elevation plan is still showing a monopitch roof as described, giving a visual representation of the roof lights in order to maximise natural light within the building.
- It is of the opinion that the proposal is in keeping with other gates located in the conservation area and will therefore have no impact upon it as a result.

Representation received from c/o Dawes Bank, Holcombe in response to the applicants statement:

- The Heritage Asset is also the Listed Holcombe Tower - overlooked by the applicant
- This proposal does not have 18th or 19th C character
- The application submission singularly fails to demonstrate "no impact". In fact, quite the opposite
- This application goes considerably beyond a stable and by its own admission is about setting up a base for the entire farm business holding - not merely a field shelter for livestock which could be effected very readily by a potentially modest two or three-sided roofed shelter in say a corner position.
- The proposal includes a 12m x 6m x 4m high building - cut into an engineered shelf in the rising ground. Why would a stables have a larger impact? There is no logic to the presented conclusion that the application has zero impact - this doesn't make sense…
- The submitted drawing has at its centre a roof plan specifically annotated with the words 'ridgeline' along the centre - it is this which is causing the ambiguity clearly indicating a dual pitched roof. If this is not intended this needs to be corrected.
- A timber gate, kept to original size, is an important way of keeping the humble heritage character. Why for example is the now widened gate width actually necessary? Additionally, the development at this gateway has already gone beyond mere replacement of a gate but involves a cut away level with setts stockpiled in readiness for laying a domestic style driveway surface - as opposed to humble field entrance -and electricity and telecommunications ducting laid in.
- Clearly substantially more information could be provided re cut-and-fill dimensions and the gateway - and how the entrance to the 12m shed on steeply sloping ground outside the doorway would be made practical and serviceable could be provided. However, I don't see that any further detail would overcome the profound in-principle objection to this scheme.

17 letters of support received from Nos 11,21 (x2) Cliff Mount, 9 Burrswood Avenue, Unit 3 Fernhill Street, 35 Lathom street, 75 Manchester road, 38 Haslam Street, 17 Rupert Street (x2), 15 Bridgewater Close, 39 Valley Mill lane, 78 Church Street, 8 Lepp Street, 35 Lathom Street, 28 Whitehead Crescent, 9 Bond Street, Springside Cottages.

The following issues of support were raised:

- The owners are trying to make an agricultural business work in a Conservation Area. I fully agree with the conclusions in the Design and Access Statement that the buildings are critical and necessary to effectively run an agricultural business and even more importantly for the safe welfare of the animals, especially with lambing season coming up.
- The buildings and structures in the photos are sympathetic in design and are in keeping with existing structures, also in the Conservation Area and on adjoining properties.
- The planned building is in keeping with the surroundings and will add to the rural character of the area. Not only that, but it will enable the keeping of livestock that will enhance the experience of visitors and walkers around Holcombe. The planned building

will not block any views or cause disruption to local residents.
- Regularly walk this area and children love to see the animals
- Aware of the difficulties to manage animals with the level of rainfall in the area
- Evident the owners care for their animals and welfare
- disappointed in those who are trying to obstruct this going ahead, this structure is for the benefit of the animals i think they need to remember this.
- What makes people think that they are running a business from this land. The applicant's are purely hobby farmers.
- If anything the area would be enhanced.

Revised plans received to relocate the pig shelter and field shelter, details of cut and fill works and formation of a bund, elevation of agricultural building amended. Those who were originally notified of the application and any additional objectors were notified of the revisions by letter on 24/2/20.

One letter of objection and one comment received from No 296 Holcombe Old Road with the following issues:
- Whilst understanding the consolidation of buildings, the necessary excavation has been dramatically enlarge to achieve it. This is a very engineered approach - a technical solution but not good design.
- Details of the retaining stricture work would be needed.
- The main building is less about providing weather shelter but more about establishing a whole farm operational base - wholly unreasonable to have expectations of a complete farm unit.
- Inevitable need for an access track and hardstanding surface to the entrance. Needs to be shown on the plans. Otherwise will be an enforcement nightmare.
- Should the red edge include the access track? Expect highways to be consulted.
- Service connections to the build bearing in mind the TPO's.
- Access works to the entrance gateway - still more setts are accumulating.
- Confirm this will be site visited by Committee.
- The field is grossly over stocked - am advised this is a field for 8 sheep only.
- Has Natural England been consulted as previously?
- The revised location plan does not fairly or accurately represent the spread of the development. The buildings are set further into the field and the bund is so much further out it is not even fully in the red edge.
- Can I presume that you will ask the applicant to revise the location plan and confirm the scale of the section plans as these are not actually marked with a scale.

Further letter of objection received on 10/3/20 from c/o Dawes Bank, Holcombe. Issues raised are:
- According to the Land Registry, the applicant has paid a significant amount of money for the land which suggests a potential level of intent which seem to go beyond any farming endeavour proportionate to the small area of relatively poor agricultural land they have purchased. Total area of land owned by the applicant is 1.4ha or 3.5 acres.
- In account of the cross section profiles and topographical drawings C/3956 1/1 and 1/2, the drawings show significant land engineering work to create a levelled area of c. 270 sqm, involves excavating 390 sqm of substrata.
- An exposed vertical face of 3m by 26m long would result and require a retaining wall. No details are given of a newly formed yard which would be required.
- The bund would cut into the openness of the Green Belt
- The works required would significantly affect the Green Belt and go beyond what would be appropriate and necessary.
- The agricultural justification by the applicant does not give a reasonable assessment for the scale of development involved.
- Lack of clarity for the purpose of keeping Alpacas.
- Large engineered excavation and bund would be completely out of place with the topography and land form for the location which would be at odds with the Conservation Area and would not enhance the character of appearance.

- The site falls centrally in line with key views of the Listed Holcombe Tower causing harm to the heritage significance.
- Statutory duty of the LPA under Section 66 of the planning (Listed Building and Conservation areas) Act 1990 to consider impacts on historic interest and heritage assets. There is no convincing justification for the development.
- There is no identified public benefit for the development.
- Impacts and harm would be caused to the setting of Hill End farm - a NDHA.
- The development does not represent sustainable development.
- Conclusion - There are no public benefits from this proposal; any economic contribution would be negligible as would any contribution to national agricultural production. The disbenefits of this proposal are by contrast specific and several and in each case are significant and demonstrable – adversely affecting Green Belt and Heritage, including two designated heritage assets and one non-designated; there is also a case that even without the heritage designations these proposals are unduly harmful to landscape and nor do they represent good design. The scheme is contrary to the Borough's planning policies in each of these respects.

Those who have made representations have been informed of the Planning Control Committee meeting.

Statutory/Non-Statutory Consultations
Borough Engineer - Drainage Section - No response received.
Environmental Health - Contaminated Land - No comments to make
Public Rights of Way Officer - No objection
Conservation Officer - No objection.
United Utilities (Water and waste) - No response received.
Natural England - Initial response received. Concerns about impacts on the SSSI from surface water drainage, animal waste and construction of the development.
Historic England - No objection

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

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN2/3	Listed Buildings
EN5/1	New Development and Flood Risk
EN8/1	Tree Preservation Orders
EN9/1	Special Landscape Areas
OL1	Green Belt
OL1/2	New Buildings in the Green Belt
OL4/5	Agricultural Development
OL7/2	West Pennine Moors
EN5/1	New Development and Flood Risk
EN7/3	Water Pollution
EN7/5	Waste Water Management
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt

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.

Green Belt Policies and Principles

Paragraphs 143 and 144 of the NPPF state that inappropriate development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances (VSC). Planning Authorities should ensure that substantial weight is given to any harm in the Green Belt. VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 145 regards the construction of new buildings as inapprorpiate in the Green Belt. Exceptions to this include bullet point a) for buildings for agriculture and forestry.

Paragraph 146 states that certain other forms of development are also not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land in it. One such development is point b) engineering operations.

UDP Policy OL4/5 - Agricultural development requires buildings or structures to be sited in a manner as to minimise their visual impact on the landscape with regard to height, materials, landform and landscaping, should relate well to existing farm buildings and not have an unacceptable impact on amenity.

UDP Policy EN9/1 - Special Landscape Areas states that development in such areas will be strictly controlled and required to be sympathetic to is surroundings in terms of visual impact. High standards of design, siting and landscaping will be expected. Unduly obtrusive development will not be permitted in such areas.

SPD8 provides more detailed advice on new buildings in the Green Belt and in particular with regards to the siting, position, scale, materials and form of a development.

The application seeks the erection of an agricultural building and retention of the two existing field shelters for the purposes of housing the applicant's feedstuff and agricultural equipment in association with the keeping and grazing of sheep and alpacas.

The Appeal Decision at Twine Valley Farm, ref APP/T4210/W/16/3151468 for development of agricultural building for housing livestock, found that the NPPF sets no limits on the scale of agricultural buildings or requires evidence of its necessity. It is also stated that unlike some other development types stated in Paragraphs 89 and 90 of the NPPF, the effects of agricultural buildings on the openness or purposes of the Green Belt are not relevant to a consideration of whether or not they are inappropriate.
As it is one of the exceptions given in paragraph 89 it does not therefore have a harmful effect on the openness or purposes of the Green Belt. In this regard also the scheme would not conflict with OL1/2 of the Bury Unitary Development Plan.

Within the context of the current NPPF, the proposed development would constitute appropriate development in the Green Belt and would comply with the principles of bullet point a) of chapter 145 of the NPPF and with Bury UDP Policy OL1/2.

The cut and fill works would comprise an engineering operation. The proposed works would enable the agricultural buildings to sit within the landform and in doing so would soften the visual impact to ensure that openness and the character of the Green Belt would be preserved, and as described in detail in the 'Siting, design and visual impact' section below. The proposed works would not conflict with the purposes of including land within it. As such, it is considered that the proposed development would comply with point b) of Paragraph 146 of the NPPF.

The proposed bund is also considered as an engineering operation under para 146 b). The bund would be formed from earth and grass excavated from the cut and fill works and envisaged to be sculpted and moulded to emulate the gentle undulating and rolling form of the existing field. It is not intended for the bund to appear ‘manufactured’ or artificial within the field, or require such significant engineering operations which would be adversely detrimental to the character or

appearance of the Green Belt.

It is therefore considered that the proposed development would not impact on the openness of the Green belt and would not conflict with the purposes of including land within it, and as such considered to comply with para 146 b).

Heritage and Conservation Policies and Principles
Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires LPA's *in the exercise of their planning functions to have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in the exercise of their planning functions to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Paragraph 189 of the NPPF states that in determining applications, LPA's should require an applicant to describe the significance of any heritage assets affected, including any contribution to their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 190 states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

In paragraph 192, LPA's should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraphs 193 - 194 states that when considering the impact of a proposed development on a heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm should require clear and convincing justification.

Paragraph 195 states that where a proposed development will lead to substantial harm to a designated heritage asset, LPA's should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve public benefits. Paragraph 196 states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

UDP Policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control seeks to preserve or enhance the special character or appearance of the area. In considering proposals, regard will be given to factors including the nature of the development in terms of its design and appearance and relationship to the visual qualities of the area.

EN2/3 - Listed Buildings - Actively seeks to safeguard the character and setting of Listed Buildings by not permitting works, alterations or changes of use which would have a detrimental effect on their historical or architectural character and features.

<u>Conservation Area</u>
In this case, the heritage asset is the Holcombe Conservation Area. The Holcombe Conservation Area Appraisal describes the area as rural in character with settlements comprising a series of scattered hamlets. Key characteristics are identified as steeply sloping land forms

and dispersed groupings of agricultural and residential buildings, dating from the 18th and 19th centuries, reflecting the predominance of agriculture as the main economic activity. The proposed site is a triangular piece of land which forms part of the eastern slope of Holcombe Hill. This part of the conservation area derives its significance from the open sloping rural landscape. In accordance with paragraph 189 of the NPPF, the applicant is required to describe the significance of any heritage assets affected. The submitted heritage assessment adequately describes the significance of the conservation area and the impact of the proposal on that significance.

Turning to Paragraph 195 of the NPPF, and assessment of the degree of harm caused, or otherwise, in terms of the siting of the development, the proposed agricultural building would be sited against a dry stone boundary wall, behind which is a line of trees and the side of the hill which slopes steeply up to Holcombe Tower.

S336 of the TCPA 1990 provides the definition of agriculture to include the following - 'agriculture includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly. The land subject to this application is being used for an agricultural purpose, used by animals in connection with an agricultural purpose and is within Green Belt. By definition the use of the land is considered appropriate (Paragraph 145 a) of the NPPF) and is not at question. As this is the case, the applicant is not required to demonstrate need for the use of the land.
It follows that the use of land for the purpose described animals will require welfare facilities and shelter in some shape or form. Understanding the Conservation Area allocation and its value, there is a required need to balance public benefits of a proposal as set out within para 196 of the NPPF.

In appearance, the agricultural build would be a simple timber construction with a mono pitch roof and which is of a type which is commonly found in such rural settings. Likewise, the existing timber shed and low level small curved pig arc (subject to re-painting a less strident colour) are also considered characteristic to the rural setting. Following advice from the LPA, the applicant has also agreed to replace the steel gate (which was erected without planning consent) with a 5 bar timber gate. Details are to be secured by condition.

The cut and fill exercise to reduce visibility and the formation of the earth mound would further mitigate visual impacts. The pig arc and shed, re-located from the centre of the field next to the agricultural building, would sit below the wall, lessening the sprawl of built development.

It is considered that the proposed development would not represent substantial harm or total loss of the significance of the conservation area within the terms of paragraph 195 of the NPPF as the development would not relate to the whole of the conservation area or its total loss. The pig arc and field shelter are ephemeral and reversible and as such summarily considered not to justify refusal. As such, it is considered that the development would represent less than substantial harm to the significance of the conservation area.

Paragraph 194 of the NPPF requires that any harm, (concluded above as being less than substantial), should require clear and convincing justification. In occupying the land for the accepted purposes of agriculture, the livestock consisting of breeding sheep do require housing for husbandry purposes especially at lambing time as well as other animals that may be kept there. This is clearly evidenced in a letter from a specialist animal and equine veterinary surgeon/practice. As such, in Conservation principles, this would represent clear and convincing justification for the proposal, including the use of the land for agricultural purposes in any event, and would comply with paragraph 194 of the NPPF.

Therefore, it is a requirement of paragraphs 194 and 195 of the NPPF to assess the amount of harm, if any will be caused to the significance of the heritage asset or its setting. Total loss of

significance would represent more than substantial harm and should be refused unless exceptional or wholly exceptional justification can be put forward. As the proposal does not represent total loss of significance, its represents less than substantial harm (Para 196 of the NPPF). That harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. This assessment has been carried out in the above report and concluded that while there is harm there is less than substantial harm given the merits of this particular case which would justify in allowing the proposal. In carrying out the statutory duty in Section 72 (to pay **special attention** to the desirability of preserving or enhancing the character or appearance of that area by attaching considerable importance and weight to that desirability) the appropriate assessment has been made and conclusion reached.

Consideration should now be given to Paragraph 196 of the NPPF and in weighing the development against the public benefits.

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as stated in the NPPF and is for each application to consider. Clearly in this instance, the siting of structures for welfare purposes has to be balanced against the Conservation Area principles and tests, and public interest can also include the perception of land, visual amenity, history, views or outlook and setting, to name a few. Therefore in accepting the principle of animals being in this location, there is a need to accept that welfare of those animals must also weigh in that balance. Therefore the location and appearance of the chattels, structures and other features required must form part of that balance. The current location of existing structures are sited in the middle of the field. This location is open, public and visible to many from many vantage points. The application shows that the structures would be relocated to the northerly side of the field, within a minor cut into the embankment and with the creation of a bund in front of them.

The relocation in balance and consideration of public benefit would mean that the total collection of the structures would be retained to a small enveloped area of less than 300sqm at the edge of the field, where visibility of this structures would be oblique and slight from Moorbottom Road and screened and largely shielded from view from Holcombe Old Road. Thereby in a public benefit consideration, the proposed location would be far less sensitive.

The development represents limited economic development, which should be encouraged and where development is appropriately managed in a conservation area, this can preserve the character and appearance of the conservation area, ensuring that in the planning balance, impact is neutral and provides a public benefit in conservation terms. This recognises that planning policy and law is there to facilitate the management of change and not to bar it. By managing change to heritage assets appropriately, the aims to conserve significance and future is in the public benefit.

The use of conditions as set out within the NPPG where they pass the tests of usage, can ensure that development can take place in an appropriate way and can maintain relationships in sensitive areas for many reasons, including visual amenity. The recommendation includes the use of conditions that would control and mitigate for visual impacts of the development and restrict further development by the removal of permitted development rights (condition 7) and can also be used to reinstate the unlawful works to the gate and widened entrance. The condition 6 relates to the gate requiring it to be reinstated to a timber 5 bar gate and to reinstate the original width of the opening using matching construction methods and materials to the field boundary wall.

With the mitigation proposed, it is considered the development would not interrupt sensitive views across this part of the rural landscape and as such its effect on the character and appearance of the conservation area would be neutral in the planning balance. It is considered that in this case, the proposed development would be appropriately and acceptably be managed and impacts on the character of the conservation area would not be significant and therefore would be in accordance with Paragraph 196 of the NPPF.

<u>Setting of Listed Buildings - Holcombe Tower</u>

Holcombe Tower is only partly visible from Holcombe Old Road. Whilst some of the proposed development would be visible from Holcombe Old Road, the topography of the landscape and intervening forms are such that views of the Tower would not be interrupted
The existing views from the various footpaths to the Tower would also not be hindered by the proposal and as such the way in which the setting of the Tower is experienced in its approach via the various footpaths would not be affected.

As such it is considered that the setting of the Tower would not be affected by the siting of the development and would comply with UDP Policies and the principles of the NPPF.

Setting of Hill End Farm - Non-Designated Heritage Asset (NDHA)
The proposed siting of the buildings when viewed from the various footpaths would not interrupt views of Hill End Farm and as such the way in which the setting of Hill End Farm would be experienced in its approach from the footpaths would not affected. From Holcombe Old Road, the proposed development would not obstruct or interrupt views of the Farm.
As such, it is considered its setting would be preserved.

Conclusion on Conservation/Listed Building issues
Conservation policies recognise that change takes place and seeks to guide the way changes are made so that the traditional character of the area is preserved. Given the above, it is considered that the proposals seen alongside the use of planning conditions would preserve the character of the Holcombe Conservation Area and protect the setting of the Listed Building and would therefore comply with paragraphs 189, 190, 193, 194, 195 and 196 of the NPPF and EN2/1, EN2/2 and EN2/3 of the adopted UDP and satisfy the obligations of Section 66 and Section 72 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990.

Siting, design and visual impact

Proposed agricultural building and retention of shed and pig arc
As concluded above, the erection of a building for the purposes of agriculture is not inappropriate development in the Green Belt according to paragraph 145 of the NPPF.

However, the development would need to be assessed against UDP Policies OL4/5 and EN9/1 which requires agricultural buildings to be sited in a sympathetic manner so as to minimise visual impact on the landscape with regards to height, materials, landforms and landscaping. High standards of design would be expected and unduly obtrusive development will not be permitted in such Special Landscape Areas.

The natural character of rural areas includes the use of land for agricultural purposes. It is not unreasonable that buildings or structures are sought to accompany such land uses which as a matter of principle is confirmed by the NPPF as acceptable. The original siting of these structures was for them to be in the middle of the field. For all the reasons above (Heritage and landscape importance) their relocation has been negotiated.

The agricultural building would be sited at the top of the field and set against a dry stone boundary wall which is approximately 1.5m in height. Beyond that is a line of trees behind which the landscape slopes very steeply up towards Holcombe Hill and the Tower. The proposed agricultural building would have a mono pitched roof with the highest elevation at 4m facing open views from Holcombe Old Road. It would be a simple and uncomplicated build, constructed of a close timber boarding with a grey fibre sheeting. Sited next to it would be the pig arc with a height of 1.2m of a curved tin form which has been painted green. Whilst a low level structure and not particularly obtrusive in itself, the colour does appear to jarr against the backdrop of the earth and field and it would therefore be recommended a darker green or some such equivalent be applied to the outer part to blend within the landform. This could be sought by condition. The field shelter at a height of 2.1m is also of basic design and constructed of timber. Both these would be re-located from the centre of the field.

The design and materials are what would be expected to be used for such type of buildings, would be ephemeral in both construction and character and which are not uncommon to rural and

open field locations, and those areas which are used for the grazing of animals.

In terms of siting, a number of options have been explored, and the applicant has taken the approach to set the buildings into the sloping land in a cut and fill engineering operation. The agricultural building would be viewed against the dry stone wall and the two other structures would be lower. This would result in the structures nestling within the landform and when viewed against the boundary wall , tree line and steeper slope to Holcombe hill, views and visual impacts from the immediate and surrounding areas would not be significantly interrupted or disturbed.

In addition, it is proposed to form a bund approximately 10m to the east of the buildings. This would be moulded and shaped into the land to emulate the topography of the field and which would obscure much of the structures from views, particularly those from the east.

There is sufficient information submitted with the application to understand how the cut and fill operations and subsequent siting of the buildings and the bund would be viewed from all directions, but further detail would be needed as to how it would be made to 'bed in' with the existing land formation. It is therefore considered reasonable to include a condition that further details of this are submitted for approval to secure this.

Turning to consideration of views from the west, from the public path, views of the buildings would be limited by the dry stone wall which forms the boundary and only the upper part of the agricultural building would be visible, with the pig arc and shed much lesser so. Higher up Holcombe Hill, there would be a view of the buildings, but set against the wall and relatively small in size and scale comparative to the surrounding land, only the top of the builds would be noticeable. When viewed from above, the treatment to form the roof of a dark grey fibre sheeting and the re-painting of the pig arc would significantly minimise visual impacts.

From the north and the south, the structures would be partially seen 'side on,' and set within the ground with the land sculpted to naturally mould within the topography, views of the buildings would be limited.

It is therefore considered that the proposed siting and position of the buildings in this location would not have a significantly detrimental impact on the character and openness of the Green belt or the Special Landscape area. The builds would be sensitively sited as opposed to their central location in the middle of the field so as to minimise visual impact from both short and long range views and the design and materials appropriate for the location and uses.

As such, it is considered that the proposed development would be acceptable and comply with UDP Policies OL1/2, OL4/5, EN9/1, SPD8 and the principles of the NPPF.

<u>Retention of gate</u>
The replacement gate which forms the entrance to the site, is a modern 5 bar galvanised steel gate. It is located on a prominent corner position and set and attached between two historic stone pillars. The gate as currently presented, is a striking and visually prominent addition in what is a typically rural setting and appears to be a discordant feature in this prime location.

It is therefore considered that a traditional 5 bar timber gate would be more appropriate and in keeping within this rural setting and more so given its position at the centre of the meeting of 3 well traversed paths/roads. The requirement to replace the gate would be covered by a suitable condition. The condition would also include the requirement to re-instate the original width of the opening of the field boundary wall.

As such, it is considered that the proposed development would be acceptable and comply with UDP Policies OL1/2, OL4/5, EN9/1, SPD8 and the principles of the NPPF.

Impact on residential amenity - The nearest properties are those to the north of the site on Cross Lane, the terraced cottages on Holcombe Old Road to the east and Hill End Farm to the south off Moorbottom Road.

Cross Lane - The closest properties would be Nos 50-52 which are set directly to the north of the site over 130m away from the structures. The orientation of the houses are such that there would be no direct views and as such the builds would not be visible to residents.

Holcombe Old Road - These houses are set at a lower level to the field and the existing shed and pig arc are visible from these houses and on the approaches along Moorbottom Road. Relocating these structures and erecting the agricultural building higher up the field would move the development further away from these houses, to approximately 100m away. The cut and fill works and the position of the bund would screen much of the buildings from their views.

The pig arc and shed would be relatively small in size and scale and it is not uncommon to see such structures within rural settings. Whilst the proposed agricultural building would be a larger building, it is similarly the case that such timber 'shed' type builds are also commonplace in rural and agricultural settings.

It is therefore considered that the proposed development would not detrimentally impact on the amenity or views from these properties.

Moorbottom Road - The nearest house would be Hill End Farm which would be just over 85m from the site. Views of the buildings from this property would be partly obscured by the boundary wall and as the agricultural building would be cut into the land, only the upper part of the structure would be perceptible. The pig arc and shed would not be visible, as they would be lower in height and set within the cut of the land. It is therefore considered that impact on this property would not be significantly damaging.

In consideration of the distance between the proposed buildings and the surrounding residential properties, together with siting the structures within the landform, formation of a bund and external treatment of the buildings, it is considered that impact on the amenity of local residents would not be compromises or detrimentally affected by the proposed development.

Access - There is an existing access into the field via the gated entrance at the meeting of Cross Lane, Moorbottom Road and Holcombe Old Road. Apart from the replacement gate, assessed above, there would be no changes to how the field of the structures would be accessed.

There would be no impacts on publicly accessible routes and footpaths close to or around the site and the Public Rights of Way Officer has raised no objection.

Natural England (NE) - Natural England have raised concerns about the proximity of the West Pennine Moors SSSI to the proposed site and how surface water and animal waste would be controlled so as not to affect this area.

The site is in proximity to, but not part of the SSSI, being separated by Moorbottom Road and the dry stone boundary wall. The site is at a lower level to the SSSI and slopes downwards away from the SSSI from west to east.

The field is already being used for the purposes of grazing and agriculture and the proposed agricultural building would predominantly be used for storage purposes. The concerns by NE can be addressed by conditions, for the submission of a drainage scheme and treatment for animal waste to be submitted for approval and for the submission of a construction management plan. These have been recommended as conditions 9 and 10 respectively.

Any updates will be reported in the Supplementary Agenda.

Response to objectors

- Given the cut and fill operation and the significant rise in gradient of Holcombe Hill, the proposed structures would not be viewed against the backdrop of Holcombe Hill or the Grade II Listed Holcombe Tower to adversely impact on the setting of the Listed Building.
- The site is an open field and can be used for the grazing of animals without the need for planning permission.

- Chattels can be erected without the need for planning permission.
- Conditions would be recommended to seek further details of how the land would be formed around the proposed cut and fill works and the proposed bund.
- Permitted Development Rights would be removed to restrict any further developments on the site.
- The site/proposals do not fall within the requirement to consult with Natural England.
- Issues relating to openness, impacts on Heritage assets and the Conservation area, landscape, siting, design, materials and appearance have been considered in the above report.

Update and responses to the representations received to the application since the deferment of the 24th March 2020 and 21st April 2020 Planning Committee Meeting.

Publicity

Further letter of objection received from c/o Dawes Bank, Holcombe which raises the following issues:

- There seems to be at least 3 solid grounds for refusal based on - the engineering operation in the Green Belt, Heritage and design.
- A Conservation Area assessment should not treat a proposal just like any other but should reach a higher plane.
- Critical of the applicant's heritage assessment - a fundamental misunderstanding of what constitutes the Holcombe Conservation Area and what comprises its heritage significance.
- The Conservation officer's comments are incomplete and in places contradictory.
- Incomplete in its application of the NPPF and the advice should not be exclusively relied on.

Objection received from 1 Lumb Carr Road which raises the following issues:

- The Conservation Area Appraisal 2010 states that the Council will resist all proposals to develop open spaces within the Conservation area with building.
- Already this field is compromised by both the hut sited in the field centre and number of fences and openings.
- Good to know that the buildings are recommended to be re-sited and grouped and the gate is to be replaced by one more appropriate.
- Still have reservations to the proximity near to the wall and impact on views from and to the Conservation Area.
- To view this simply as an agricultural matter could be misplaced. Alpacas are not part of the UK food chain, - are they personal pets or is the wool marketed - there is no economic benefit to the public purse.
- Retrospective applications put the LPA on the back foot.
- Locals already see the alpacas being harnessed and trained for 'walking on the lead' - a feature of other alpaca petting stations for children.
- Should these concerns as to the true nature of this project be valid, there is no obvious sensible infrastructure to support visitors which could be numerous. Cross Road is not suitable for extensive parking. If such a zoo was permitted would residents have to have parking permits or double yellow lines? Clearly the LPA would not entertain a public car park on the field itself.
- Make no mistake - if approved this business could totally change the character of this central area of Holcombe and be a huge trouble to the community.
- Important note - NO HOLCOMBE RESIDENTS' SUPPORT
- Looking more closely at the Conservation Officer's scrutiny , as a long term resident of Holcombe, I disagree with various points.
- I can see no substantial benefit to the public, nor does the questionable economic value outweigh the Conservation mandate of enhancement. The large barn and the unpleasant bizarre bund would very much impact on views from Holcombe Old Road, and will be noticeable from Moorbottom Road as an ugly structure with no historical precedent in the area.
- The character of the previous open pasture will be substantially changed for the worse. Clearly the original development done without permission, was judged to be in total breach of

the Conservation regs.

- Recently there has been an attempt to lay an electrical service to this proposed new small holding. The Community was amazed at a Highways Order to close Cross lane for electrical works, only to discover these were for the business proposed.
- Personally concerned over possible lighting being claimed for 'security' when no flood lighting is needed. In my view conditions need to be applied strictly to exclude such and protect the heritage landscape.
- Either these eccentric animals are suitable for such a pasture without extra non vernacular structures to blight the landscape or if not surely, major spoiling of the latter is not justified just to indulge a personal whim. Mains Water supply for hygiene of any visitors is also key; is this service to hand as salmonella is a known risk, especially for children ?
- Photos provided of floodlights at Daril Uloom
- Recommendation of approval is most disappointing; , depressing given the Conservation Area regs.
- There is no condition recommended for either protection for the nearby residents to prevent the applicant starting a Visitor Centre or condition to limit lighting of this new building to the interior and not flood lighting.
- Development non resident hawks are circling the village, capitalizing on its beauty and ruining Holcombe for their own selfish return.
- Troubled by the significant earth bund - This will change the topography of the field markedly. Whereas the Conservation Appraisal emphasised the natural open rolling nature of the fields was part and parcel of the medieval field patterns, and should be retained. Such bunds are generally for flood defence use in civil engineering - but here I can see no sensible reason for this construction, nor can I source any explanation in the documents submitted. I am suspicious that this is merely being used to enable the applicant to 'hide' all the earth due to the large scale excavation for the barn foundations, rather than remove it from the site, an expensive exercise, and leave the natural terrain unspoiled.
- Recommend the Conservation Officer to revisit the initial judgement - 'Saxon works' are simply no part of a previously beautiful open pasture.

Objection received from No 145 Holcombe Old Road which raises the following issues:

- The development in respect of which the application has, belatedly, been made has already been substantially effected without permission. From a positive point of view this has demonstrated the effect of the development on the landscape in the Holcombe Conservation area. Inspection reveals that the effect has been completely adverse and has created and will, if permitted, have a continuing detrimental effect on this very important conservation area.
- Previously, the land was a beautiful meadow grazed by sheep which, as sheep do, cropped the grass perfectly and without damage to the underlying terrain. Now there are random and unsightly buildings, churned up land and an incomplete and unnecessary car parking bay created at the junction of Cross Lane and Moorbottom Road .This conservation area is a favourite walking area in the Borough and is also the main point of access to Holcombe Hill , Holcombe Moor and the National Trust Estate. The view for walkers is now appalling.

Objection from 155 Lumb Carr Road which raises the following:

- Further to my previous objection, since the applicant has made alterations to the application. I still stand by the reason that this development is not in line with the appraisal of the Holcombe conservation area 2010 and neither with Article 4. It is at present ruining a meadowland and aspect of the Greenbelt area. The council will uphold the article 4 for residents but should bear this in mind when considering this drastic change.

Objection from Higher Barn Farm which raises the following:

- Yet another Trojon horse in our midst ! 41 ft building that supposedly will be hidden from view by placing an earth bund 30 meters in front of it .... our very own Holcombe Hobbit Land.. supported entirely by people whom don't live in the village. One wonders why ?

Objection from
103 Holcombe Old Road which raises the following

- The application now involves excavation works. As I said in my original objection this

application is completely at odds with The Conservation Area Appraisal (2010) and the Bury Unitary Plan. In addition, successful lambing has now occurred in the field without the need for an enormous shed.

Objection from 109 Holcombe Old Road which raises the following

- Completely at odds with the Conservation Area Appraisal and Bury UDP.
- The revised plans will not make the view any more appealing; what was an idyllic view will be forever an eyesore. Being an avid animal lover myself I have noted the animals have lived outside quite happily during their placement. I do not feel that there is a requirement for such an imposing structure to be validated.

Objection from 115 Holcombe Old Road which raises the following

- I live on the Old Road . We all love animals but comments in favour do not take account of the scale of disruption to Holcombe Hill which is (see the addresses) used by people from all over Bury.
- This new plan will butcher a small and pretty field on the lower slopes in a Conservation Area
- It seems Bury is allowing this area to become a site of working farms not an area of beauty & calm used and loved by many. This cannot be right.

Comment received from Home Meadow Barn, Lumb Carr road:

- No objection to field shelter, pig shelter, fencing and gate. However, I do question the size of the agricultural building at 12.9 metres (over 42 feet) and 6.09 metres (almost 20 feet) wide. It is not justified for the size of the pasture which is relatively small at around 4 acres . To have a building with the potential to store a quad bike, trailer , hurdles, chain harrow, 6 deep straw/hay bales, hard feed etc is huge bearing in mind the small number of animals. In recent years, the Council has been extremely strict as to limiting the size of outbuildings in Holcombe area. Being in a conservation area any urbanisation is an issue.
- The location of shelters and storage in one location on an edge of the pasture seems a better solution than spread around the site.
- The land owners have a right to enjoy the land, animals and I am sure the present owners are careful custodians of our countryside. However, the size of storage seems to large.

Additional objection received from c/o Dawes Bank with the following issues:

- Have a personal interest in the area of Holcombe from family history to growing up. It is right and important that any planning decision affecting the Conservation Area and Green belt deserves to be carefully and properly assessed.
- Green belt - perplexed by the conclusions in the report - the extent of excavation and size of development cannot be considered anything other than intrusive and encroachment.
- Conservation Area - (i) the apparent contradiction of finding the effects both harmful and neutral; (ii) the assertion that because you can see beyond and around the development it therefore somehow does not adversely impact on the overall character and setting; (iii) the assertion that the scheme brings public benefits because it incorporates measures to mitigate the adverse impacts - there are no public benefits.
- The report's finding - erroneous in my view - of no harm to the Listed Building setting of Holcombe Tower and similarly Hill End (non-designated heritage asset) and consequently the absence of any balanced weighting of this harm as would be required by the NPPF.
- A mis-representation in the report of the degree to which the Moorbottom wall would mask the development - the wall is stated as 1.5m high but in fact is at or less than c.0.5m high along much or all of the length of the development site.
- Why has Natural England not been consulted as the Government website indicates that it should be owing to being adjacent to the West Pennine Moors SSSI?
- What PD rights could be removed and how beneficial could this be, given that the planning site area red edge is limited and does not include the whole field?
- Given the very specific and precise details now submitted regarding the excavation and bund, what additional information is sought by condition 3? Does this not reveal that the submitted scheme is actually not found acceptable?
- The planning balance - duty to find solutions versus duty to balance harm - Ultimately, not all applications can or should be approved - there are no public benefits and the development

would adversely affect the Green Belt and heritage, are harmful and represent poor design. The scheme is contrary to policies in all respects.

- These grounds of objection are fully defendable at appeal.
- Failure to take reasonable steps to ensure that the statutory site notice publicity took place for the required 21 days despite advising at the time that a replacement notice would be displayed.
- Statutory requirement to consult with Historic England on site area above 1,000m2 affecting Conservation Area character and appearance - has this been undertaken?
- Refusal of the LPA to divulge the pre-application advice for public scrutiny.

Objection received from No 12 Helmshore Road:

- I firstly must point out that I am totally against this - as it is the start of a process in which the owner of the land has bought it strategically in order to at some point apply to build a house on the land - having livestock is the start.
- We must preserve our green belt and especially when it is a SSSI and conservation area. There is no need to erect any further structures in or around the site as there weren't any there previously. The sheep only need a temporary structure when they are lambing.

Objection received from No 103 Holcombe Road

- As this large development lies in the Conservation area it is critical that a site visit takes place so that the Committee can see the effect the application will have. The present lockdown will prevent this and a virtual site visit would not work. There is no reason the application cannot be delayed until we are out of lockdown.
- There would appear to be no animal welfare issues as successful lambing has already taken place in the field.
- Site notices were placed adjacent the site around Christmas but these disappeared quickly. This was brought to the attention of the case officer then. Planning notices for a revised application were again displayed adjacent to the field on the morning of Friday 24th April and these had disappeared by 5.30pm. This means that there has been no adequate public display of planning notices. Another reason to delay the May Committee Meeting for this application. Further signs need to be displayed and left in place.
- One of the Ward Councillors will not be able to attend the meeting due to the pandemic and we therefore have no Councillors to speak for us.
- The application is contentious with no local support on the Planning website.
- There are procedural problems which need to be addressed. The best way to achieve these would be to delay the Committee Meeting for this application until there is a physical site visit, adequate display of site notices and a Councillor voice to speak.

Response to additional objections

- The LPA is required to assist an applicant where it can remedy unauthorised works and this includes the ability to submit applications retrospectively and dealing with them (article 35(2) TCP (General Development Management Procedure)(England) Order 2015. The Planning Act 1990 makes it clear in s179 that "it shall be a defence [for the perpetrator] to show that he did everything he could be expected to secure compliance" - this can include discussions, actions and including the submission of an application under s73A (retrospective - ie planning permission for development already carried out). The applicant has been responsive in this respect.
- It is considered a simple refusal of the planning application would not have assisted in any positive recourse or solutions. The LPA has worked with the applicant to progress proposals which would provide the best and most positive solution to the situation.
- That the objectors do not agree with the Conservation officer response is not a reason to refuse the application. Views on matters can be different.
- Natural England were consulted on 24/4/20
- A further site notice was posted 24/4/20. the application has been advertised in the press, letters have been sent to nearby neighbouring properties and site notices have been posted on two separate occasions. The requirements of publicising the application have therefore been fulfilled.
- Due to the current Covid-19 situation, the government has introduced new legislation that

enables local authorities to resume, as far as possible, their usual business, using both flexibility and modern technology. This includes holding 'virtual' Planning Committee Meetings and carrying out 'virtual' site visits.

- Representations by Ward Councillors on behalf of local residents can still be made through submission of a written response.
- Historic England have been consulted and have no comments to make on the application proposals.

Further objection received from c/o Dawes Bank, Holcombe on 14th May 2020.
Very concerned about aspects of the LPA's Conservation and Heritage Assessment in the report and has led to me independently commissioning the views of a Heritage Conservation specialist, Kathryn Sather and Associates (KSA) (report dated April 2020)

The KSA Report states two issues - the applicant's inadequate understanding of the significance of the Heritage Assets and their setting; the incomplete and inadequate assessment of the impact of the proposals on the Holcombe heritage assets.

KSA have assessed each element of the proposed new development using the ICOMOS Heritage Impact Assessment Methodology.

The KSA Report can be summarised as follows:

- KSA states that the applicant's Heritage Statement identifies only two heritage assets (Peel Tower and Holcombe Conservation Area) but is deficient in discussion of their setting and significance. Other listed buildings and NDHA in the vicinity are not mentioned.
- The applicant's later submission shows their understanding of the Conservation Area remains partial and selective.
- Removal of pig arc and field shelter from current location - Would constitute a slight visual change which is characterised as a minor change. Therefore the significance of impact is slight, would constitute an improvement to the setting and views so would have a slight beneficial impact.
- Cut and fill engineering works - It is not clear the bund would screen the building from all viewpoints (the oblique angles). Neither the applicant or LPA make reference to introducing this artificial feature into the open slope. The engineering works would result in a visual change to a few key historic aspects of the landscape character - namely a minor change - which would have a slight adverse impact.
- New agricultural building - Problematic in terms of scale and materials which are not characteristic of the area. This element is assessed as having a slight adverse impact.
- Relocation of the field shelter and pig arc - Due to the excavation, they will have reduced visibility from Moorbottom Road. Constitute a slight adverse impact.
- Gate - Already conditioned to be timber rather than steel. But no reference is made to a condition to re-instate the opening width or the stone walls.
- The ICOMOS methodology summarises the impact of the elements as follows - relocation of the pig arc and field shelter would have a slight beneficial impact on the character and appearance of the Conservation area and setting of Peel Monument. All other elements would have a slight adverse impact on the heritage assets.
- The main heritage considerations whether the proposed works would preserve or enhance the character or appearance of the Holcombe Village Conservation area or cause harm to the setting of Peel Monument.

<u>Conclusion of the KSA Report:</u>

- The Applicant's Heritage Statement does not adequately describe the significance of the Conservation Area and the impact of the proposals. It is partial and selective in its approach to the point that it is misleading.
- The LPA fails to draw attention that the field shelter and pig arc were erected without permission - hence retrospective consent.
- Does not identify the need to 'make good' the widening works carried out to the gateway and

wall.

- The proposed works will have a slight adverse impact on the character and appearance of the Conservation Area - the proposal is for a new group of buildings in a location where there were previously none and in materials and grouping not in character of the Conservation area.
- No reference has been made to the impact of introducing the bund.
- Regarding views within the Conservation Area and setting of Peel Monument - the proposed development will be experienced by walkers along Holcombe Old Road and affect views from Lumb Carr Road.
- Para 193 of the NPPF states that 'great weight should be given to the asset's conservation, irrespective of whether the potential harm is substantial or less than substantial'. To justify approval of a proposal of less than substantial harm, the case for public benefit needs to be clear and convincing - para 194. The LPA's report maintains it constitutes limited economic development, managed in such a way that impact would be neutral - this is not the case.
- 'Minimal impact' is adverse impact, and therefore harmful.
- The KSA report concludes that the proposal will cause less than substantial harm to the setting of Peel Monument and the character of the Conservation Area and should not be permitted. In addition, enforcement action should be taken to restore the widened opening to its earlier appearance.

In response to this objection and the KSA Report, the Officer Report has been updated above.

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. Within 28 days of the development hereby approved, a scheme for the implementation of the development, including a timetable of works, shall be submitted to and approved by the Local Planning Authority. The approved scheme only shall be implemented thereafter.
   Reason. In the interests of visual amenity and to protect the setting of the Holcombe Conservation Area pursuant to Bury Unitary Development Plan Policies EN1/1 - Visual Amenity, EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Area Control, EN9/1 - Special Landscape Areas and OL4/5 - Agricultural Development.

3. No development shall commence unless and until details of the proposed cut and fill works and bund, including a methodology, together with details of the appearance of any exposed structures, grading and resulting topography of the land on all sides of the cut and fill works and the bund has been submitted to and approved by the Local Planning Authority. The approved details only shall be

implemented and approved land form and topography only shall be retained as approved.
Reason. In the interests of visual and residential amenity and to preserve the setting of the Holcombe Conservation Area, Area of Special Landscape and the character of the Green Belt pursuant to Bury Unitary Development Plan Policies EN1/1 - Visual Amenity, EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Area Control, EN9/1 - Special Landscape Areas, OL1/2 - New Buildings in the Green Belt and OL4/5 - Agricultural Development.

4. Within 28 days of the development hereby approved, the pig arc shall be coloured matt black and thereafter maintained in that colour.
Reason. In the interests of visual amenity and to preserve the openness of the Green Belt and protect the special character of the area pursuant to Bury Unitary Development Plan Policies EN1/1 - Visual Amenity, EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Area Control, EN9/1 - Special Landscape Areas, OL1/2 - New Buildings in the Green Belt and OL4/5 - Agricultural Development.

5. The agricultural building hereby approved shall be constructed of a timber boarded material with a dark grey sheet roof and thereafter maintained.
Reason. In the interests of visual amenity and to preserve the openness of the Green Belt and protect the special character of the area pursuant to Bury Unitary Development Plan Policies EN1/1 - Visual Amenity, EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Area Control, EN9/1 - Special Landscape Areas, OL1/2 - New Buildings in the Green Belt and OL4/5 - Agricultural Development.

6. Within 28 days of the development hereby approved, a timber gate to replace the existing 5 bar steel galvanised gate to the north access of the field, as shown located on approved plan 'Proposed Location Plan Version 3', together with details of works to re-instate the original width opening to the field boundary wall shall be submitted to the Local Planning Authority for approval. Within 56 days of the approval of the details, the approved timber gate only shall be used to replace the existing gate, and the works carried out to re-instate the opening, and to be thereafter retained as approved.
Reason. In the interests of visual amenity and protect the special character of the area pursuant to Bury Unitary Development Plan Policies EN1/1 - Visual Amenity, EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Area Control and EN9/1 - Special Landscape Areas.

7. 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 Class B of Part 6 of Schedule 2 of the Order, without the submission and approval of a relevant planning application.
Reason. To safeguard and protect the visual amenity and special character of the area to ensure that future inappropriate development does not occur pursuant to policies of the Unitary Development Plan listed.

8. This decision relates to drawings numbered Proposed Location plan V3; Proposed agricultural building C3956-1-1A; section plan C3956-1/2A; Volume results plan and topographical plan C3956-1/1-A 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.

9. Within 28 days of the development hereby approved, details of a drainage scheme and the treatment for animal waste shall be submitted to and approved by the Local Planning Authority. Details of proposed maintenance arrangements should also be provided. The approved scheme only shall be implemented on first use of the development hereby approved and thereafter maintained.

Reason. To ensure there would be no adverse impact from pollutants from the development and the site on the natural habitat of the area in accordance with chapter 15 - Conserving and enhancing the natural environment of the NPPF.

10. Prior to any works commencing on site, details of a Construction Management Plan' shall be submitted to and approved by the Local Planning Authority and shall confirm/provide the following:

- Type of vehicle movements;
- Access points to the site;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
- Parking on site of operatives' and construction vehicles together with storage on site of construction materials;
- Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dirt and dust nuisance caused by the operations

The approved plan shall be adhered to throughout the construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction periods. The areas identified shall not be used for any other purposes other than the access/turning/parking of vehicles and storage of construction materials.
Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent area and ensure adequate access and parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/1 - Visual Amenity, EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Area Control, EN9/1 - Special Landscape Areas and OL4/5 - Agricultural Development.

11. Should the land cease to be used for the agricultural purposes or the structures hereby approved cease to be required or used, the approved structures shall be removed from site and the land re-instated to its former state, and within 3 months of it ceasing operation.
Reason: In the interests of the visual amenity pursuant to Policies EN1/1 - Visual Amenity, EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Area Control, EN9/1 - Special Landscape Areas and OL4/5 - Agricultural Development.

For further information on the application please contact **Jennie Townsend** on **0161 253-5320**

64786

Photo 1

Photo 2

Photo 3

Photo 4

Photo 5

Photo 6

Photo 7

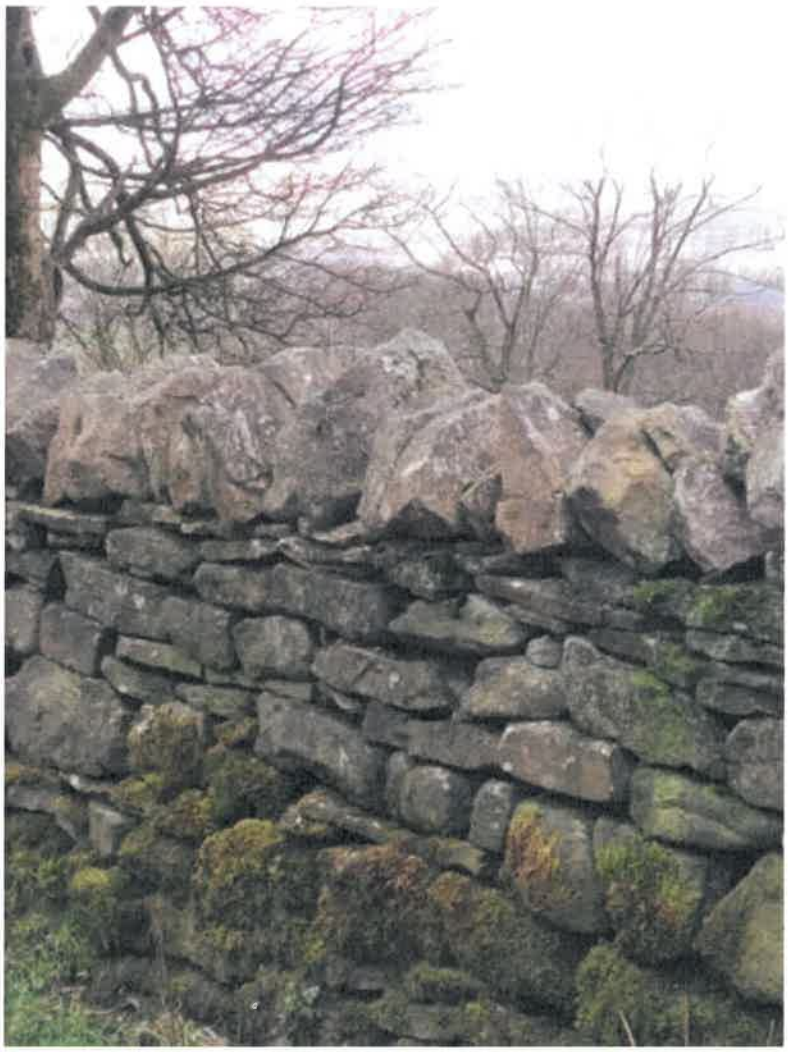
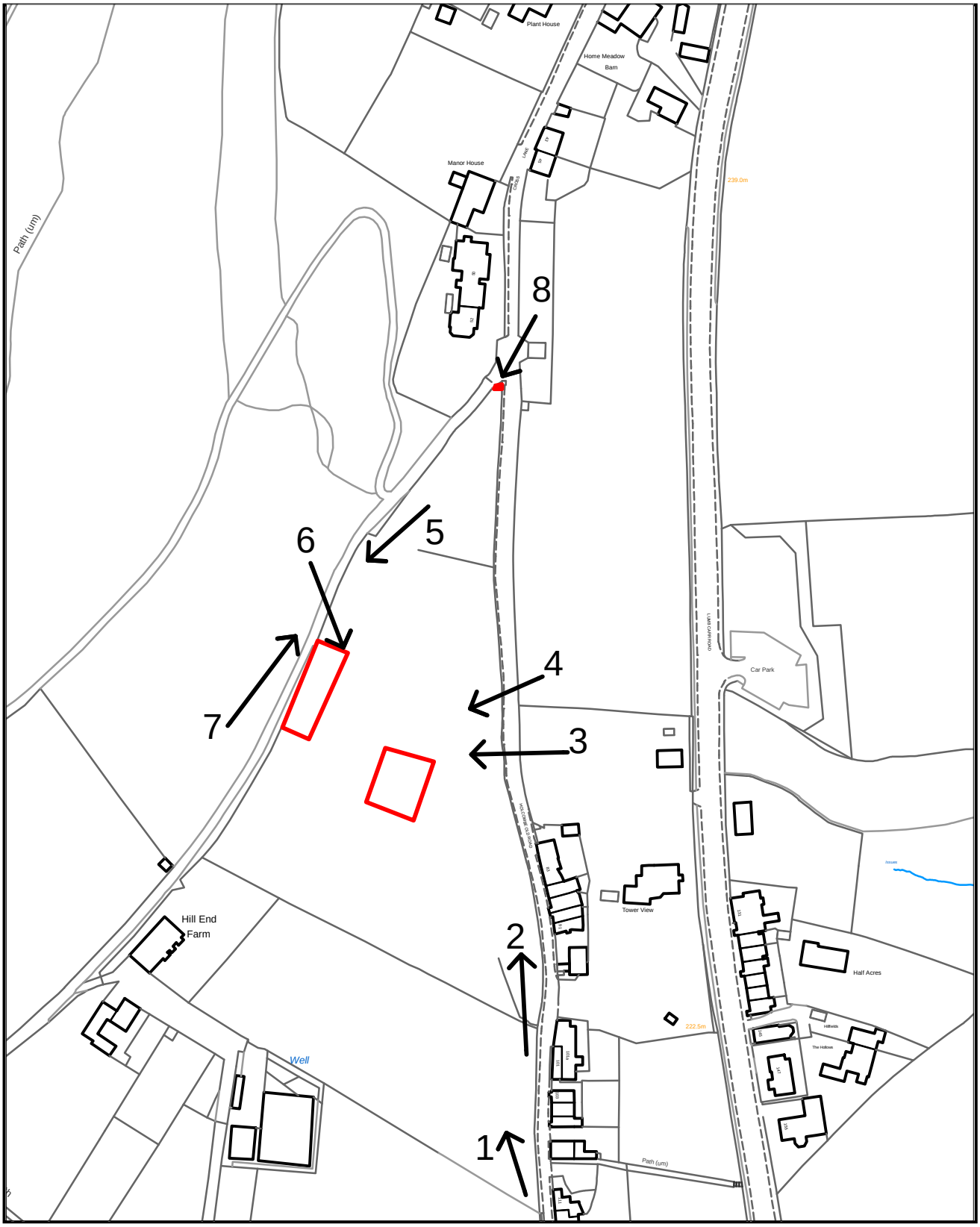


Photo 8

Viewpoints



PLANNING APPLICATION LOCATION PLAN

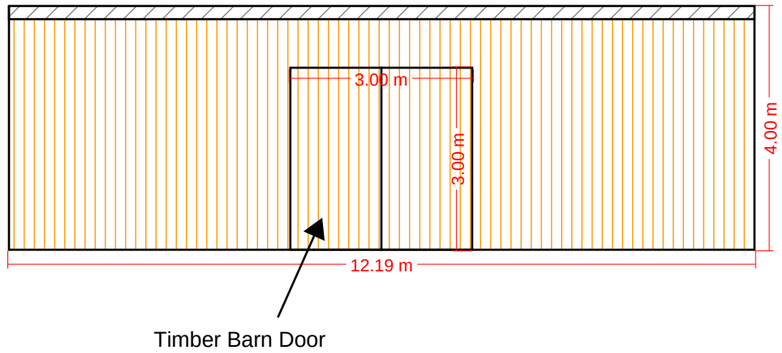
APP. NO 64786

ADDRESS: Land to the south of Moorbottom Road Holcombe

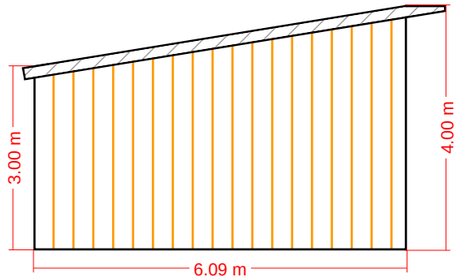
Planning, Environmental and Regulatory Services

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

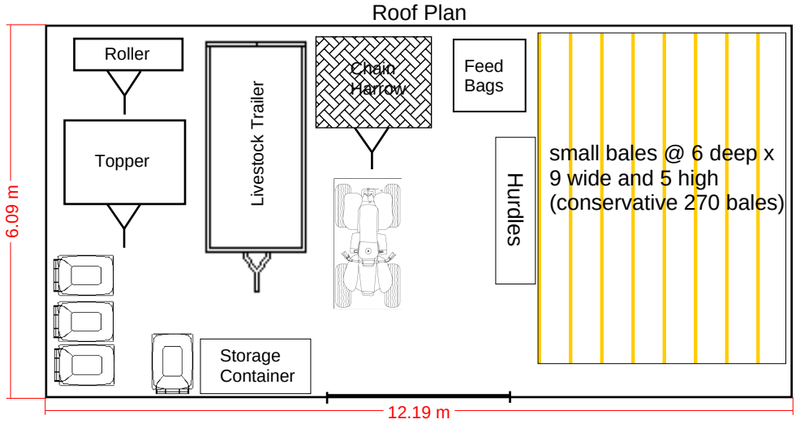
Eastern Elevation



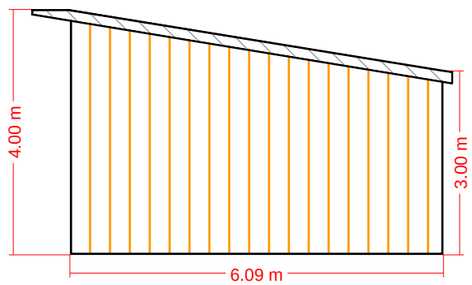
Southern Elevation



Roof Plan

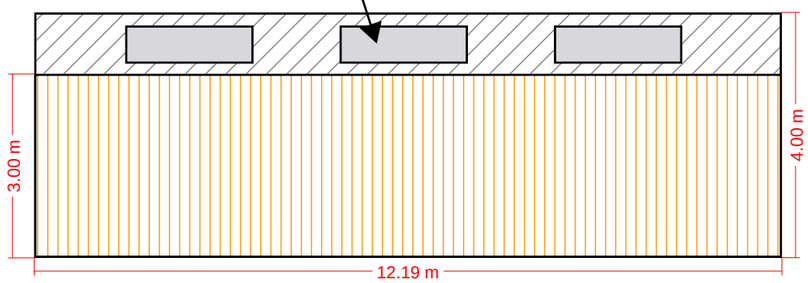


Northern Elevation



GRP Rooflights

Western Elevation



Do Not Scale From This Drawing

Notes:

THIS DRAWING IS STRICTLY FOR THE PURPOSE OF ASSISTING THE PLANNING AUTHORITY TO MAKE A DECISION ON THE PROPOSED DEVELOPMENT.
THE PLANNING DECISION NOTICE SHOULD BE CONSIDERED AS BEING THE DEFINITIVE DOCUMENT WITH REGARD TO THE DIMENSIONS OF THE BUILDING.
UNDER NO CIRCUMSTANCES SHOULD THIS DRAWING BE USED AS DEFINITIVE AND ALL CRITICAL MEASUREMENTS MUST BE CHECKED ON SITE.

SPEC:

Structure: Timber Framed

Side elevations: tanalised timber close boarding.

Roof details: Natural Grey fibre Cement Sheeting with GRP Rooflights.

0.6m overhang to front elevation

15deg roof pitch complete with crown ridge, barge flashings and foam ridge fillers. All eaves to have trimline box gutters complete with PVC fall pipes.

Client:

Mr. & Mrs. M. Unsworth

Drawing Title:

Proposed Agricultural Building

Project Address:

Land off Moorbottom Road, Holcombe, Bury

DRG No.	Scale
C3956-1-1A	1:100 @ A3

Drawn	Checked	Approved
TW	MU JU	TW

p wilson & company
chartered surveyors

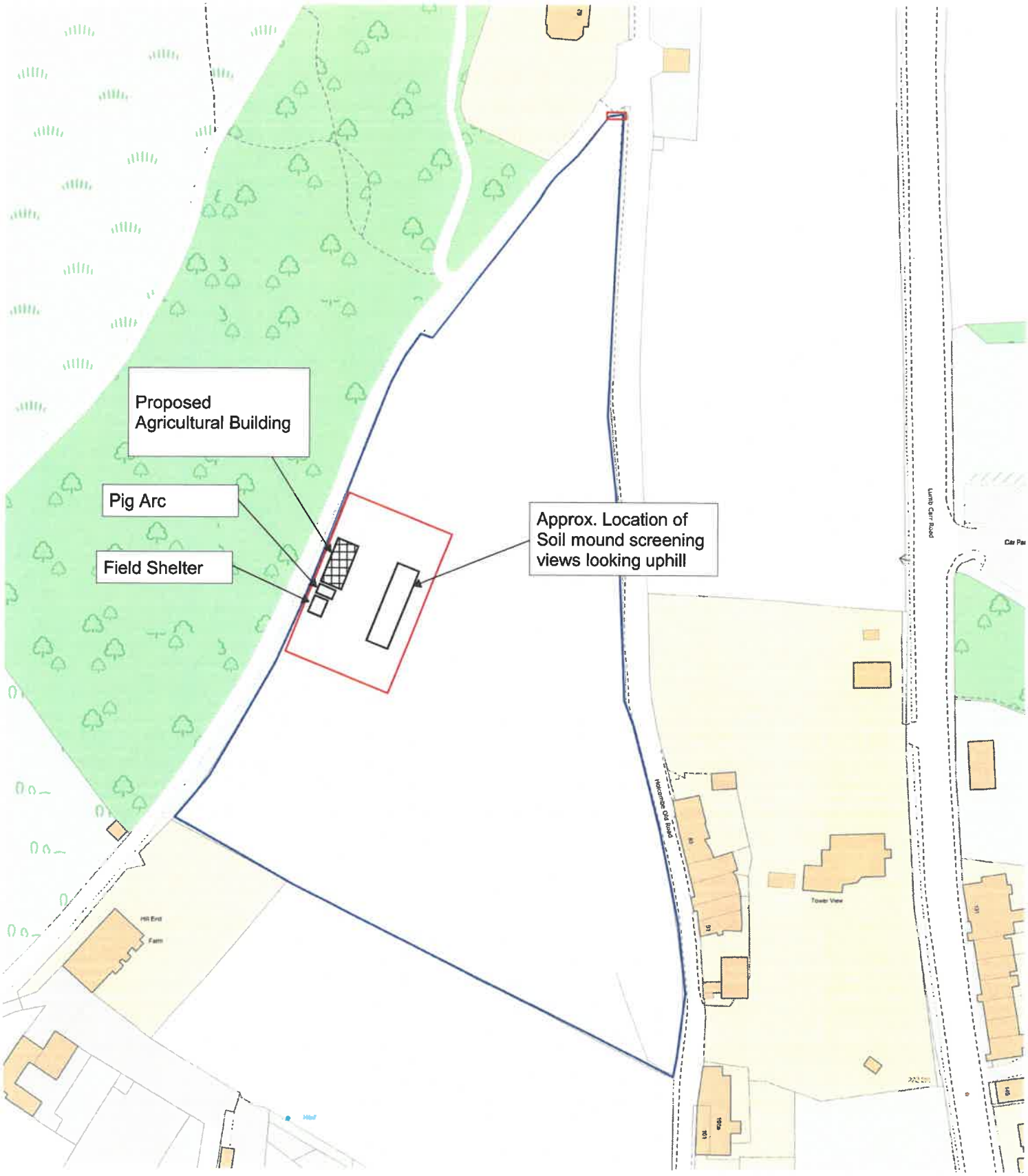
UKLANDandFARMS.co.uk AMC AGENT RICS

Date	www.pwcsurveyors.co.uk	Revision
18.02.2020	01772 882277	C

land at Moorbottom Road,
Bury, BL8 4NF

The land app

Proposed Location Plan V3



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P Wilson & Company
Chartered Surveyors

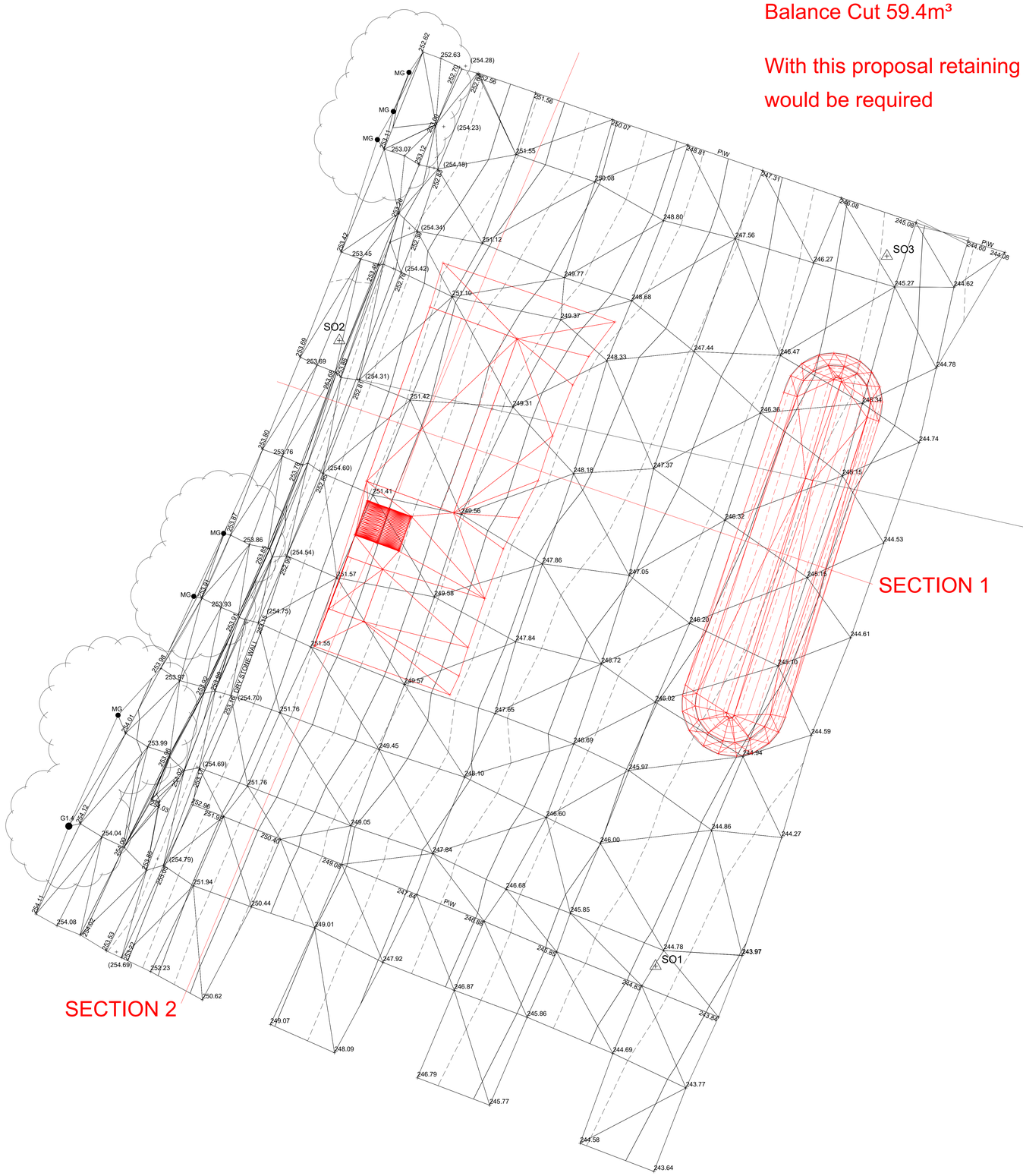
20 m
Scale 1:1250 (at A4)

N

Volume Results
Cut 388.9m³
Fill 329.5m³

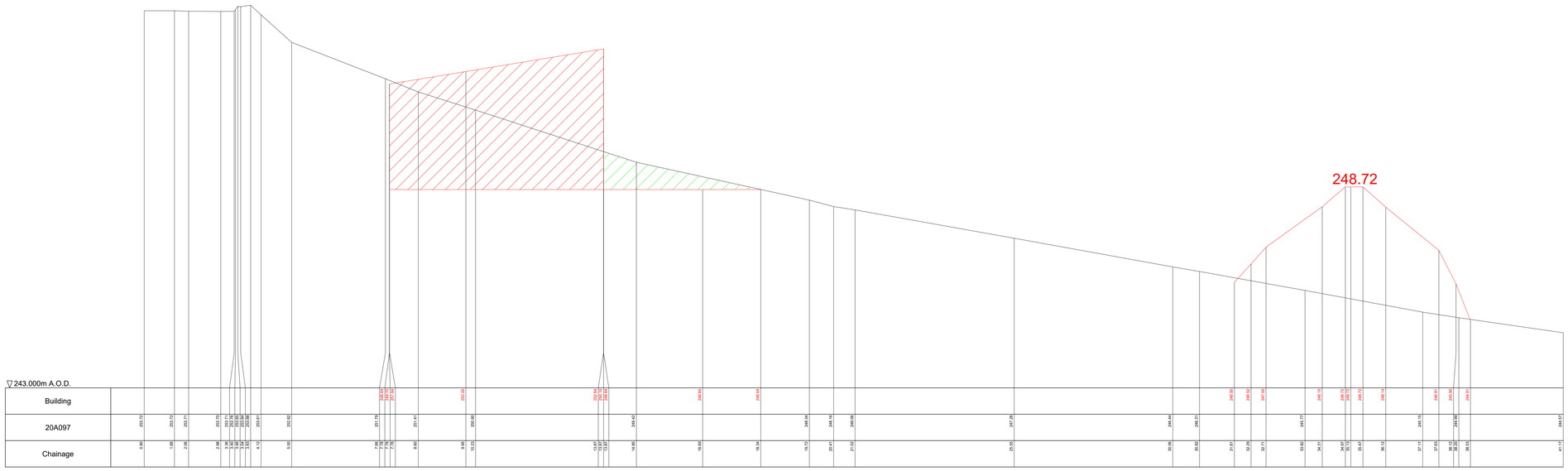
Balance Cut 59.4m³

With this proposal retaining walls would be required



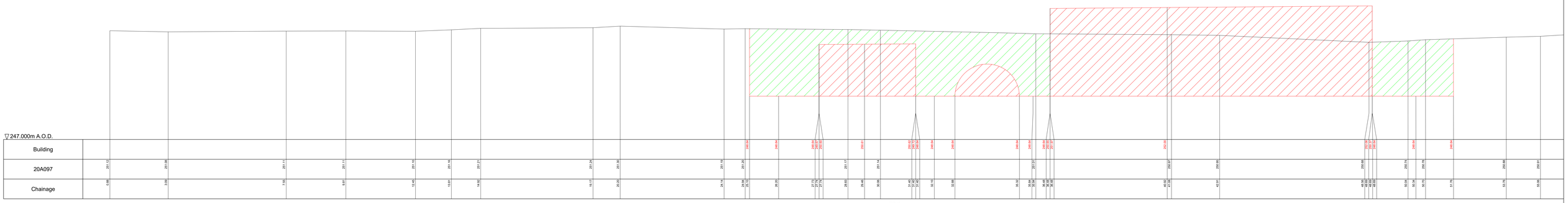
Approximate point for view uphill + 2m from ground Level obtained from Lidar

PLAN No. C3956-1/1-A



CS 1
Section1

AREAS HATCHED GREEN/RED TO BE CUT



CS 2
Section2

PLAN No. C3956-1/2-A

Ward: Ramsbottom and Tottington - Ramsbottom

Item 04

Applicant: Margaret Haes Riding Centre

Location: Margaret Haes Riding Centre, Moor Road, Ramsbottom, Bury, BL8 4NX

Proposal: Retention of welfare unit with associated landscaping to form welfare and security accommodation
(Temporary consent for 5 years)

Application Ref: 64955/Full **Target Date:** 27/01/2020

Recommendation: Approve with Conditions

The application was deferred at the February 2020 Planning Control Committee meeting to carry out a site visit.

The application was postponed from the March and April 2020 Planning Control Committee Meetings. In response to the emergency Government instructions on Covid-19.

Virtual site visit can be carried out and photographs of the site are included within the report.

Description
The application site relates to a riding centre which is located on the edge of Holcombe Village and is within the Green Belt, Special Landscape Area and West Pennine Moors and the Holcombe Conservation Area. The site is accessed via Moor Road, an unmade and unadopted access road which is a designated bridleway and leads to residential properties, Higher Barn House and Higher barn being the closest to the north of the site. To the east and at a lower level is the Emmanuel C of E Primary School which fronts Helmshore Road and to the south is Higher House Cottage and Higher House at the lower end of Moor Road. To the west, the land rises steeply from the site and is part of Holcombe Hill.

Part of the riding school when viewed directly to the east from Moor Road is elevated and separated by a steep embankment which forms the boundary. As Moor Road rises northwards, the access into the site becomes level with the road.

The riding school comprises a number of buildings and facilities which would be expected of a facility of this type, namely an indoor and outdoor riding arena, stables and tackroom. The buildings are located more or less centrally within the site, close together around the indoor and outdoor arenas and there is a concrete stable yard which leads from the access into the site.

The applicant has sited a green metal container on a concrete apron located on the eastern edge of the site directly adjacent to the embankment with Moor Road without planning permission. The container is 9.75m long, 3m wide and 2.7m high.

Following enforcement processes, the application has been submitted retrospectively. The application originally sought retention of the welfare unit in its current position. Following negotiations with the LPA, the scheme has been amended to re-locate the build and make changes to the external appearance.

It is proposed to re-site the container approximately 10m west, adjacent to the outdoor arena and behind the line of the tackroom and stables. The new location would require minor re-profiling and grading of land to form a base which would be level with the riding yard.

It is also proposed to re-clad the entire exterior of the building with timber boarding and form a mono pitch grey felt shingle roof with an overhang canopy at the front, akin to a stable or shed type structure.

The riding school specialises in offering lessons and activities for those with special needs as well as the able-bodied, and of all ages. The applicant states that the development is required to provide an ancillary resource in association with the riding school for a small administrative office and to enable better and secured welfare facilities for staff, visitors and users of the riding facility. The building would also enable natural surveillance over the entrance to the site which is particularly important and crucial to the well-being of the children and other vulnerable users who attend the school.

For clarity, the applicant has confirmed that the timber framed building which is located between the indoor and outdoor arena is an existing build is to be converted to provide accessible changing rooms and toilet facilities and covered area for parents and carers to spectate both arenas. It does not form part of this planning application and planning permission is not required for the conversion works.

Relevant Planning History
47759 - Erection of building to include new loose boxes, equipment store and disabled wc' s - Withdrawn by Applicant 01/05/2007
48135 - New loose boxes plus w.c. for the disabled - approve with conditions 27/06/2007
19/0292 - Enforcement case - Storage containers

Publicity
Letters sent on 9/12/2019 to 11 properties on Moor Road, Helmshore Road and Holcombe Village.
Site notice posted 18/12/2019
Press advert in the Bury Times 19/12/2019.

15 Letters of objection received in total.
The following commented on the original submission - Nos 12, 14 ,18 Helmshore Road, Harcles Hill farm, 155 Lumb Carr Road, 1 Lumb Carr Road, 103 Holcombe Old Road, Higher Tops barn, Higher Barn Farm, Higher Tops Farm, c/o Dawes Bank Holcombe Old Road, Higher House, Tower View.

The issues raised were:
- Object to the size, industrial appearance and position on the edge of the lane - very visually prominent.
- Conflicts with the landscape and question whether it is in keeping with conservation regulations.
- Possibility of the relocation of the unit with appropriate screening of the unit at the very least?
- Not ideal construction in an SSSI and Conservation Area and does not enhance the character of the area.
- Large amounts of earth and other materials have been added on top of a very steep bank that is only supported by a dry stone wall - parts of the wall have already fallen down as a result and any slippage in the ground would result in more wall and possibly the bank falling onto Moor Road which is the only access to my property and other farms. Dangerous location.
- Works should be carried out to ensure the bank is properly supported and earth/sand/hardcore would not wash down the bank and into the drainage ditch below, which would result in further silting up of a drainage system already causing problems.
- Disappointed the applicant has not consulted the Holcombe Society of which he is a

member.

- Looking at the plans the location of trees has been changed on a photograph which does not show true representation at all of the situation. All in all this is something which should not have been placed in this area and need to be removed and a relevant aesthetically pleasing natural material construction be put forward.
- Contravenes the special Article 4 Conservation Area character
- One side appears to have some artificial foliage attached, but the sides remain ugly and out of keeping with the rural aspect.
- I bought a house in a conservation for a reason and not to look out on an industrial unit that is totally incongruous with the natural environment. I am very concerned the charitable nature is only a ruse to secure residential accommodation and either way this should not be allowed to go forward. Our countryside needs protecting as well as the integrity of applications.
- Bury Council should send out a very strong message to the owner of the land, that you simply cannot put any unsightly units on your land, whatever the use.
- There are no contracts for the riding schools attached to the deeds - this is an obvious exit plan for the owner - your ability to grant permission paves the way for it to change to a residential development.
- My main concern is the underpinning legality of the application which I would strongly recommend that the Planning Officers investigate with legal specialists if need be. I do not believe that BMBC can permit an application if there is any doubt that the applicant is neither the owner nor the tenant in question.
- I strongly recommend that any Planning Permission granted is strictly tied to the Riding School as tenants (with the caveat of course that this is proven) and cannot roll on to benefit change of the use of the land to say an urban development.
- Visually ghastly
- The location of the container is incorrectly depicted on the plan.
- Inconsistent with the claim for needing security as it is so distant from the access slope.
- The recently constructed floodlights cannot be justified.
- It is in full view of houses and the iconic Peel Tower.
- Would be better as custom built next to the original stables.
- What is the other new block specified on the plans but not referred to in the application?
- Are water mains available for the facility?
- An inaccuracy of the application is the access track up a slope from Moor Road to the Riding School on the agents plan which suggest this is all the long term property of the Riding School under the terms of the lease.
- Strongly recommend a site visit by Councillors and officers
- Describing the site as 'brown field' is false. It is in a conservation area, is green belt and boarders National Trust Land. It also adjoins a main route used weekly by hundreds of walkers going to Bury's true iconic Peel Tower.
- Policy is incorrectly stated in the application
- Am sure everyone would like the centre to have secure facilities but the location of the container is not appropriate.
- The landscaping is a concern as the banking to the boundary with Moor Road is already compromised.
- If permission is to be granted it should be temporary to allow for long term more suitable plans.
- Does not preserve the openness of the Green Belt would conflict with the NPPF and therefore very special circumstances would be needed.
- Heritage - Grade II Listed Higher House and Holcombe Church - considered to harm the setting.
- If approved a condition should be attached to require its removal in the event it is no longer needed.
- As a separate matter, apparent/potential planning breached at the overall site should be investigated.
- Concerns are compounded by the fact that the agent for this application has a track record of large scale development and no record of working with charitable

organisations (see their website).
- I would have no objections if such were built in a safe and sympathetic manor in keeping with the surroundings.
- Should take into account the line of sight judgement as on other applications

Revised plans received to relocate the welfare unit in the site together with proposals to timber clad the exterior of the building and form a mono pitch to the roof.

Those originally notified and those who have made previous representations to the application were re-notified of the revisions by letter on 28/1/2020.
Letters of objection received from Nos 1, 155 Lumb Carr Road, Harcles Hill Farm, 12 Helmshore Road, Tower View Lumb Carr Road, Higher Barn Farm, Higher House

- After consideration of changes, it is still a grotesque structure which has no place in a conservation area.
- This will change the outlook of the view in this village which should be cherished.
- The prime issues here are Green Belt stringent regs. coupled with such a High Grade Conservation Area protection, balanced against possible exceptional circumstances which would qualify breaking these stringent constraints legally. I, as an amateur, can see no case for such.
- To reason that a Shipping Container, clad or not clad, with no proper foundation - hence certainly not a 'building' , no conventional heating in such an exposed position, no sanitation , sewerage, toilets or running water (food is specified as being consumed, with no facility for washing hands after dealing with horses !) can be classed as a welfare unit for the disabled is frankly ludicrous. Far better for the Riding School Chair and Officers to have constructed a purpose built unit, most favourably within the footprint of the original building (plenty of space), incorporating all such services under one roof perhaps even with showers and hot towns water to service. Investment seems to have been mismanaged……..
- And further two other such temporary constructs of truly ugly character, quite inappropriate to our treasured hill have come to my attention already on site. Should these be included in a planning application at this very late stage ?
- The site owner is acting as the Chair of the riding school so there is clearly divided loyalty.
- Still have serious reservations regarding the application. Nothing has been done at all to address the risks to the steep bank overlooking Moor Road, which is the sole access for myself and other residents to our properties. The addition of extra weight (including large areas of concrete, which are not even mentioned in the application, and several wagon loads of hardcore and sand under them) has already resulted in part of the bank starting to slide down.
- There is also a section of the wall that has buckled out and is at risk of collapse into the drainage channel and onto the road.
- I will be contacting the Chief Planning Enforcement Officer to request a site inspection.
- The applicant is completely out of touch in the way they are trying to call the section of Land 'Brownfield' - this section of land is within the conservation area and therefore needs to be protected vigorously.
- Alarm bells ring as the owner is looking for a residential development on this site
- Its charitable status is only reason why it is viewed favourably.
- Unfair no enforcement action has been taken.
- Two other containers have appeared on site.
- Sanctioning the container clad or unclad would set a dangerous precedent for the future.
- Historically all local residents and other enterprises have been required to comply with the most stringent and rigorous planning regulations - allowing it would be inequitable and an insult.
- Cladding the container is a quick fix, cheap accommodation - should utilise and improve existing facilities and restore dilapidated buildings on site makes more sense economically and environmentally friendly.
- H&S concerns of safety and the concrete foundations.

- New location would be more visible from Moor Road from the entrance.
- Insufficient time for representations to be made
- the original plan and elevations bear no resemblance at all to the actual shipping container which had been placed on the site and therefore it is highly unlikely in my submission that the new proposal will bear any resemblance to the drawings.
- The new proposed siting of the shipping container is also still within the line of sight from Helmshore Road, it was a pre-condition for a previous application (48135) that no structure should be visible.
- Should be a new application as the changes are material.
- Refer the committee to aerial photo which shows the concrete has been extended to a large area.
- It appears that the Council have been providing advice as to how the applicant can be amended.
- Floodlights have also been installed on the site which also should be considered by the council, no permission or consultation has been sought by the applicant for this.
- Strongly urge the committee to visit the site in order to appreciate the extent of the changes which have been made, and the council should bear in mind all the time that the applicant only has made this retrospective application in response to a visit by an enforcement officer.
- Failure to address the concern this is a permanent application for a non permanent need. The appropriate application should be for a temporary structure.
- Bury MBC has a duty to protect and preserve the Green Belt and conservation nature of this area.

Those who have made representations have been informed of the Planning Control Committee meeting.

Statutory/Non-Statutory Consultations
Traffic Section - No objection or comments to make
Borough Engineer - Drainage Section - No response received.
Environmental Health - Contaminated Land - No comments to make
Conservation Officer - No objection.
Public Rights of Way Officer - No PROW issues

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

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EC4/1	Small Businesses
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN9/1	Special Landscape Areas
OL1	Green Belt
OL1/2	New Buildings in the Green Belt
OL4/7	Development Involving Horses
OL7/2	West Pennine Moors
HT5	Accessibility For Those With Special Needs
HT5/1	Access For Those with Special Needs
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD10	Planning for Equestrian Development
EN7/2	Noise Pollution

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.

Green Belt Policies and principles

Paragraphs 143 and 144 of the NPPF state that inappropriate development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances (VSC). Planning Authorities should ensure that substantial weight is given to any harm in the Green Belt. VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 145 considers the construction of new buildings as inappropriate development in the Green Belt. Exceptions to this include b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation etc as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

UDP Policy OL1/2 - New Buildings in the Green Belt states that the construction of new buildings is inappropriate development unless it meets one of the listed exceptions, which includes b) essential facilities for outdoor sport and recreation which preserve the openness of the Green Belt. Examples of such facilities include small changing rooms or unobtrusive spectator accommodation or small stables.

UDP Policy OL4/7 - Development Involving Horses states that the keeping of horses for recreational purposes or as part of commercially based equestrian activities will be considered acceptable where it would not have an adverse effect on the appearance of the rural areas. In particular, high standards of design, construction and maintenance will be expected as part of any development proposals.

UDP Policy EN9/1 - Special Landscape Areas states that development in such areas will be strictly controlled and required to be sympathetic to is surroundings in terms of visual impact. High standards of design, siting and landscaping will be expected. Unduly obtrusive development will not be permitted in such areas.

SPD 8 - New Buildings and Associated Development in the Green Belt states that essential facilities for sport and outdoor recreation can be viewed as being an appropriate use in the Green Belt

SPD 10 - Planning for Equestrian Development - Whilst mainly concerned with stables and riding arenas, SPD 10 also provides guidance on storage areas and other forms of equestrian-related development, advising that they should be sympathetic to their surrounding area in terms of siting, appearance and future maintenance of the Green Belt and other sensitive open land areas, and ensuring that the environmental quality and amenity is not harmed by inappropriate equestrian development.
New buildings should be sited close to boundaries or adjacent to existing buildings and well designed with mono pitch or sloping roofs and of timber construction.

The proposed development would provide an ancillary building in association with an existing recreation facility. The welfare unit would be 9.75m in length, 3m wide and 3.5m at the highest point. It would be sited directly in front of the existing outdoor arena, close to and viewed against the backdrop of existing stables and the indoor arena. It is therefore considered that the proposed siting of the unit would preserve the openness of the Green Belt and would not conflict with the purposes of including land in it.

The proposed building would be 'free standing' and there would be limited ground works

required to re-locate the building and being constructed of a metal material, for all intents and purposes, the make-up of the structure is more of temporary type build.

It could be removed from the site at any time and therefore not a build which would permanently harm the openness of the Green Belt. Given the sensitivities of the location of the site, it is therefore considered that a grant for a temporary consent for a period of 5 years would be a reasonable approach and a condition to this effect would be recommended.

It is therefore considered that the proposed building would be appropriate development in the Green Belt to provide a facility in connection with the existing riding centre. The proposed development would continue to preserve the openness of the Green Belt and would therefore comply with point b) of para 145 of the NPPF and would therefore be acceptable.

Heritage and Conservation principles
Paragraph 189 of the NPPF states that in determining applications, LPA's should require an applicant to describe the significance of any heritage assets affected, including any contribution to their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 190 states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

In paragraph 192, LPA's should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

UDP Policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control policies only support proposals where it can be demonstrated that development would preserve or enhance the special character of the area. Proposals will encourage measures to retain, replace and restore features of historical and architectural interest, remove dereliction and bring unused land or buildings back into beneficial use, have regard to the special character of the surrounding area and in the case of re-use of buildings or introduction of new uses, the impact of the proposal on the character or appearance of the area and the fabric of the existing building.

In view of para 189 of the NPPF, the applicant has been asked to provide a Heritage Assessment of the development which has been submitted as an addendum to the Planning Statement.

The Holcombe Conservation Area Appraisal summarises the special characteristics of the Conservation Area, identifying Moor Road as a key feature of the area and which is described as a main focus of historic development and an old packhorse route. The Appraisal also refers to the riding stables as being included within the Conservation Area with views of the site are both close to and from wider vantage points.

The re-siting of the welfare unit back away from its exposed position would place it in the context of the existing stable buildings. With the proposed timber board cladding and mono-pitched felt roof it would essentially have the appearance of a stable building within a group of others. The use of the building would be consistent and appropriate to the

context of the site and would provide a facility of benefit to both staff, visitors and users of the riding school, enabling the facility to continue to contribute a valuable facility for the local and wider communities, and in compliance with para 192 of the NPPF.

The physical size and scale of the development would be relatively small scale within the context of the wider Conservation Area and the site itself and in considering the proposed relocation of the building and visual conversion, it is considered there would be no harm caused to that part of the conservation area and as such would preserve its character and appearance.

In terms of its proximity to Listed Buildings, those nearest are Holcombe Emmanuel Church over 140m away to the east and Higher House 65m to the south, with a number of Non Designated Heritage Assets (NDHA) located to the north, east and south. The development would not be viewed within the setting or proximity of any of these Heritage Assets. It would be a significant distance away and separated by intervening landforms and other properties. It is therefore considered the development would not have a detrimental effect on the historical character or importance of the Listed Buildings or NDHA's.

It is therefore considered that the proposed development would continue to preserve the special character of the heritage assets of Holcombe and would comply with the principles of the NPPF and UDP Policies EN2/1, EN2/2 and EN2/3.

Siting and visual impact - The unit currently sits in a prominent and highly visible location when viewed not only from both directions and approaches along Moor Road which runs along the eastern perimeter of the site but also from the west where the land is at a much higher level on Holcombe Hill.

It is proposed to re-locate the unit in front of the outdoor arena and close to the stables and tack room within the stable yard. The land on which it would be sited is on a slight rise and banking. It is proposed to excavate and re-grade the land to form an area level with the existing concrete hardstanding yard on which the unit would stand.

Once moved, the unit would have a much lesser visual impact when viewed directly from the eastern part of Moor Road which is at a significantly lower level and screened by vegetation, and when viewed approached from further away along Moor Road to the north and south, views of the unit would be far less perceptible.

To the west and the land which is much higher on Holcombe Hill, the unit would be a more visible feature. However, for the most part, it would be the roof and front elevation only which would be seen and given its setting and proximity to the other built forms on site, together with the proposals to re clad and re-roof the build (see section below), it would be viewed as a simple, modest and appropriate addition to the riding school.

It is therefore considered that the proposed siting would not have a detrimental, negative or damaging impact on views and visual amenity of the area and would comply with UDP Policies OL1/2, OL4/7, EN9/1, SPD8 and SPD10 and the principles of the NPPF.

Size, design and appearance - The existing building is currently a green metal shipping type container, and of a somewhat incongruous and discordant feature within the landscape and more so due to its prominent siting. OL4/7 - Development Involving Horses and SPD's 8 and 10 clearly state that development should not have an adverse impact on the appearance of rural areas and in particular, high standards of design would be expected. Green Belt, Special Landscape and Conservation policies stress the importance of sensitive development and again with high expectations of siting, design and appearance.

The application has been revised from the original submission and it is now proposed to entirely clad the unit in a timber boarding, adding a grey felt mono pitched roof and overhang to the frontage. The facility would appear as a timber shed or stable and one

which is commonly found and seen in such rural and countryside settings.

The unit is 9.75m long, 3m wide and 3.5m maximum height and of a similar size and scale to a stables or storage type building which would be typically associated within a riding stables. Located within the site and nestled close to the other equestrian facilities, it is considered that the unit would not be an incongruous addition or incompatible with the existing buildings and therefore considered acceptable.

However, it is acknowledged that for all intents and purposes, the build is a metal container type and one which is not permanently fixed by foundation works within the ground. It is therefore considered to be a more temporary solution to other builds which are located within the Riding School site. As such, a temporary consent for 5 years would be a considered and balanced approach and this would be recommended by condition, to which the applicant has agreed.

It is therefore considered that the proposed works to the externality of the unit would sensitively acknowledge and sit comfortably within the setting of the riding arena and within its locality. A suitably worded condition would be recommended to ensure that the works to re-locate and overclad the exterior of the building would be carried out within a given time. It is considered that due to the technical and practical matters involved of moving and re-cladding, 90 days is considered a reasonable and achievable timescale for completion, to which the applicant has agreed.

It is therefore considered that the proposed development would therefore comply with UDP Policies OL1/2, OL4/7, EN9/1, SPD8, SPD10 and the principles of the NPPF.

Impact on residential amenity - The nearest residential properties are those to the north, at Higher Barn Farm approximately 85m away and Higher House and Higher House cottage 65m to the south. To the east, the Emmanuel Primary School is located 50m away and at a lower level to the riding school and beyond are houses in Holcombe Village which front onto Helmshore Road.

The building would be sited within the riding school and screened from views from the north by the existing structures and from the south by the intervening landform and landscaping. These houses are also a significant distance away from the site and it is considered that their amenity would be not be detrimentally affected by the development.

From the east, the difference in levels and topography of the land, the steep gradient of the embankment and landscaping would also substantially screen the unit from this area of the village and it is considered that impact on views and outlook would be relatively insignificant.

The building would be used as a welfare facility to provide for the existing staff, parents, carers and visitors and as such would not generate any more trips or activity to the site than already exists, and therefore would be negligible in terms of any additional noise and disturbance created within, from or to the site.

It is therefore considered that the proposed development would not have a detrimental impact on residential amenity and would comply with UDP Policies EN1/1, EN1/2 and EN7/2 and OL4/7.

Response to objectors -

- The LPA is required to assist an applicant where it can remedy unauthorised works and this includes the ability to submit applications retrospectively and dealing with them (article 35(2) TCP (General Development Management Procedure)(England) Order 2015. " The Planning Act 1990 makes it clear in s179 that "it shall be a defence [for the perpetrator] to show that he did everything he could be expected to secure compliance" - this can include discussions, actions and including the submission of an application under s73A (retrospective - ie planning permission for development

already carried out). The applicant has been responsive in this respect and discussions have been on-going up to this time of presenting the application before the Planning Committee.

- It is considered a simple refusal of the planning application would not have assisted in any positive recourse or solutions. The LPA has worked with the applicant to progress proposals which would provide the best and most positive solution to the situation.
- The NPPF states, at Para 38, that LPA's should approach decisions on proposed development in a positive and creative way.....and work proactively with applicants to secure developments that will improve economic, social and environmental conditions of the area. Decision makers at every level should seek to approve applications for sustainable development where possible.'
- This application is not in connection with any proposals for the redevelopment of the site for any other purposes.
- All issues with regards to the siting and appearance of the build and impacts on the Green Belt, Conservation Area and Listed Buildings have been covered in the above report.
- With regards to the other 2 containers referred to. One is used as a secure tack room. The applicant states that this container was brought on several months ago to replace an existing. Notwithstanding this, the replacement container requires planning permission and this is being investigated. The other a smaller container type which appears to be a more recent addition. Again, the applicant will be advised to apply for a planning consent for its retention or remove it, if it has not been removed already.
- In terms of the safety of the embankment, the applicant has refuted that the siting of the container has resulted in earth and stone slippage from the embankment and onto Moor Road. Close inspection and photographs submitted show that part of the container has been positioned on concrete blocks on the upper part of the embankment to form a sturdy base. There does not appear to be any harm caused to the safety of the embankment and therefore it would not be reasonable to require the applicant to carry out a full survey or strengthening works. What would be reasonable, would be to include a condition that a scheme for the landscaping of the area be submitted for approval, that once the container is moved.
- In relation to application reference 48135 in 2007, this current application is judged on its own merits.
- The floodlights are not part of the current application and subject to an enforcement matter. The applicant has, however, clarified that lamps have been attached to existing structures and no new poles or lighting have been erected.

Update to the application since the deferment of the 24th March 2020 Planning Committee Meeting.

Publicity

Letter of support received from No 9 Astley Hall Drive with the following comments:

- The riding centre is a fantastic asset to the community as whole.
- My disabled daughter has been going to the centre for nearly 20 years with Jigsaw, another great community organisation.
- Over the last few years the facilities have slowly been improving with the work of the charity that runs the centre and the welfare unit is much needed, especially in inclement weather, which is not unknown in Holcombe!
- The centre have taken note of the comments of the local residents and re-sited the unit so it has limited visibility and will clad it so it looks like a stable.
- The development such is supported by local and national policy, particularly NPPF Policy 145 b) on Green Belt, which has an exception allowing buildings for recreational purposes and policy 96 promoting facilities for sport and recreation.
- The application has my wholehearted support, given the invaluable experiences they deliver to the disabled community and its compliance with policy.

Objection received from No 1 Lumb Carr Road with the following comments -

- Troubled that in the Supplementary information feb 2020 LPA meeting the case officer recommends - "Permission is hereby granted for a limited period only, namely for a period expiring 5 years from the date of this decision notice.....unless a valid application is received by the LPA for its retention."
- To me this leaves the door open for future retention, and does not seem to completely exclude such, as I have been advised by officers was their intention. Their statement that ' A Shipping Container is always a Shipping Container' , which they claim to always be a temporary construction and never a true building seems at variance with the wording of this condition (Item 02). I strongly urge hence that the lack of opportunity to 'roll on' timber clad or not timber clad' over the 5 year restriction is tightly specified. And this clause removed to emphasise the regulated terminal time limit of this ugly artefact.

Response
The condition has been amended to read:
Permission is hereby granted for a limited period only, namely for a period expiring 5 years from the date of this decision notice, and the building and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued at the end of the said period and the land reinstated to its former condition.

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 drawings - Site location plan 10910 01 D; Proposed site plan (red edge) 10910 L04 A; Proposed site plan 10910 L05 A; Proposed plan and elevations 10910 E02 B and the development shall not be carried out except in accordance with the drawings hereby approved.
   Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.

3.
   - The welfare unit shall be relocated to the approved siting as shown on plan number 10910 L04 Rev A within 60 days of the date of this permission.
   - The recladding to the welfare unit as shown on plan number 10910 E02 Rev B shall be carried out within 30 days of being relocated and thereafter maintained as such.
   - A scheme relating to the lanscape (hard and soft) reinstatement of the former site and timetable for implementation shall be provided within 28 days of the relocation of the welfare unit and be carried out in accordance with the approved details and timetable.

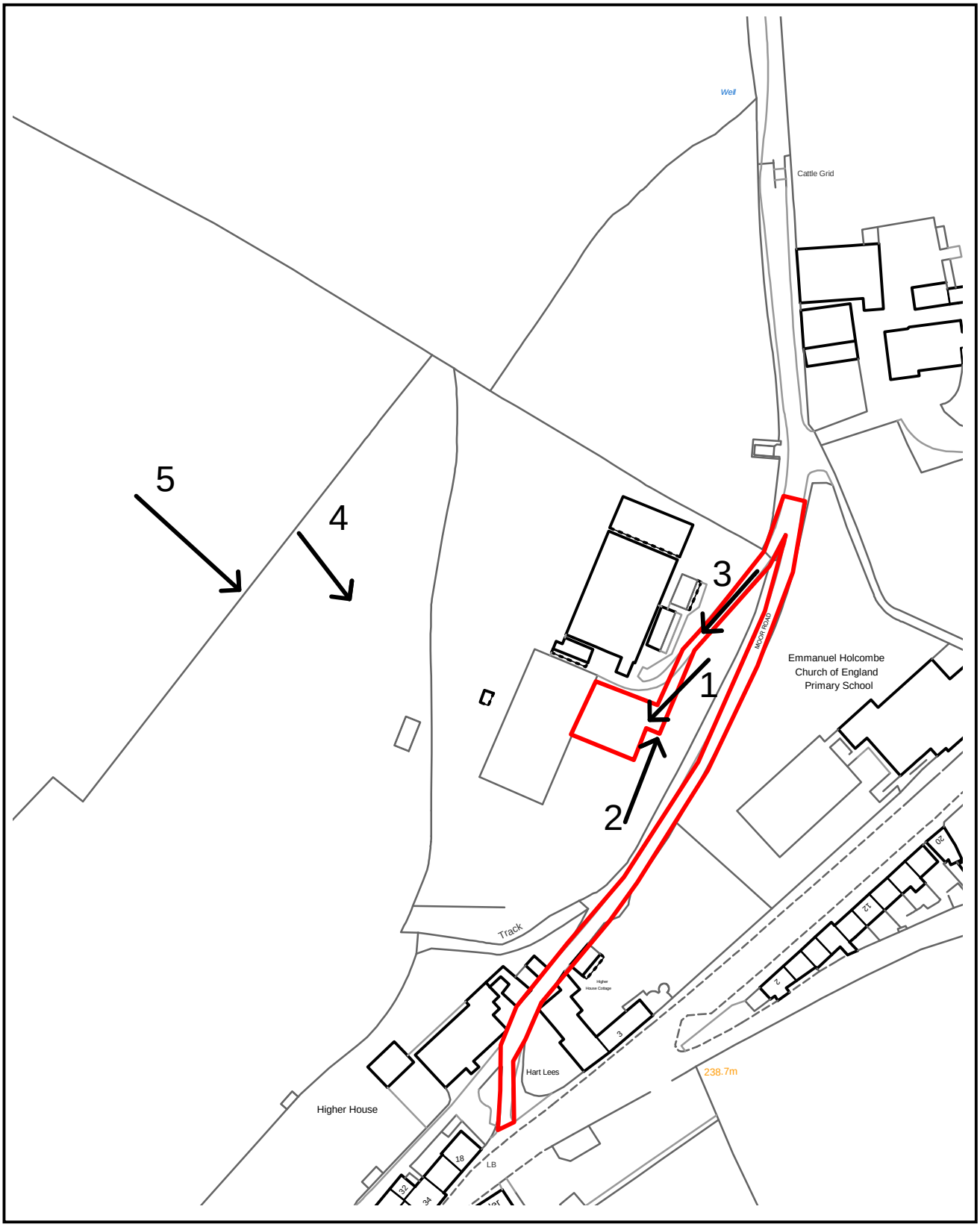
   Reason. In the interests of visual amenity and to ensure preservation of the special character of the area pursuant to Policies OL1/2 – New Buildings in the Green Belt, OL4/7 - Development Involving Horses, EN9/1 - Special Landscape Areas, EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area

Control of the Bury Unitary Development Plan and the principles of the NPPF.

4. Permission is hereby granted for a limited period only, namely for a period expiring 5 years from the date of this decision notice, and the building and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued at the end of the said period and the land reinstated to its former condition.
Reason. In view of the temporary nature of the building hereby approved and having regard to the particular nature of the site and surroundings pursuant to Policies OL1/2 – New Buildings in the Green Belt, OL4/7 - Development Involving Horses, EN9/1 - Special Landscape Areas, EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control of the Bury Unitary Development Plan and the principles of the NPPF.

For further information on the application please contact **Jennie Townsend** on **0161 253-5320**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 64955

ADDRESS: Margaret Haes Riding Centre, Moor Road Ramsbottom

N W E S

Bury COUNCIL

Planning, Environmental and Regulatory Services

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

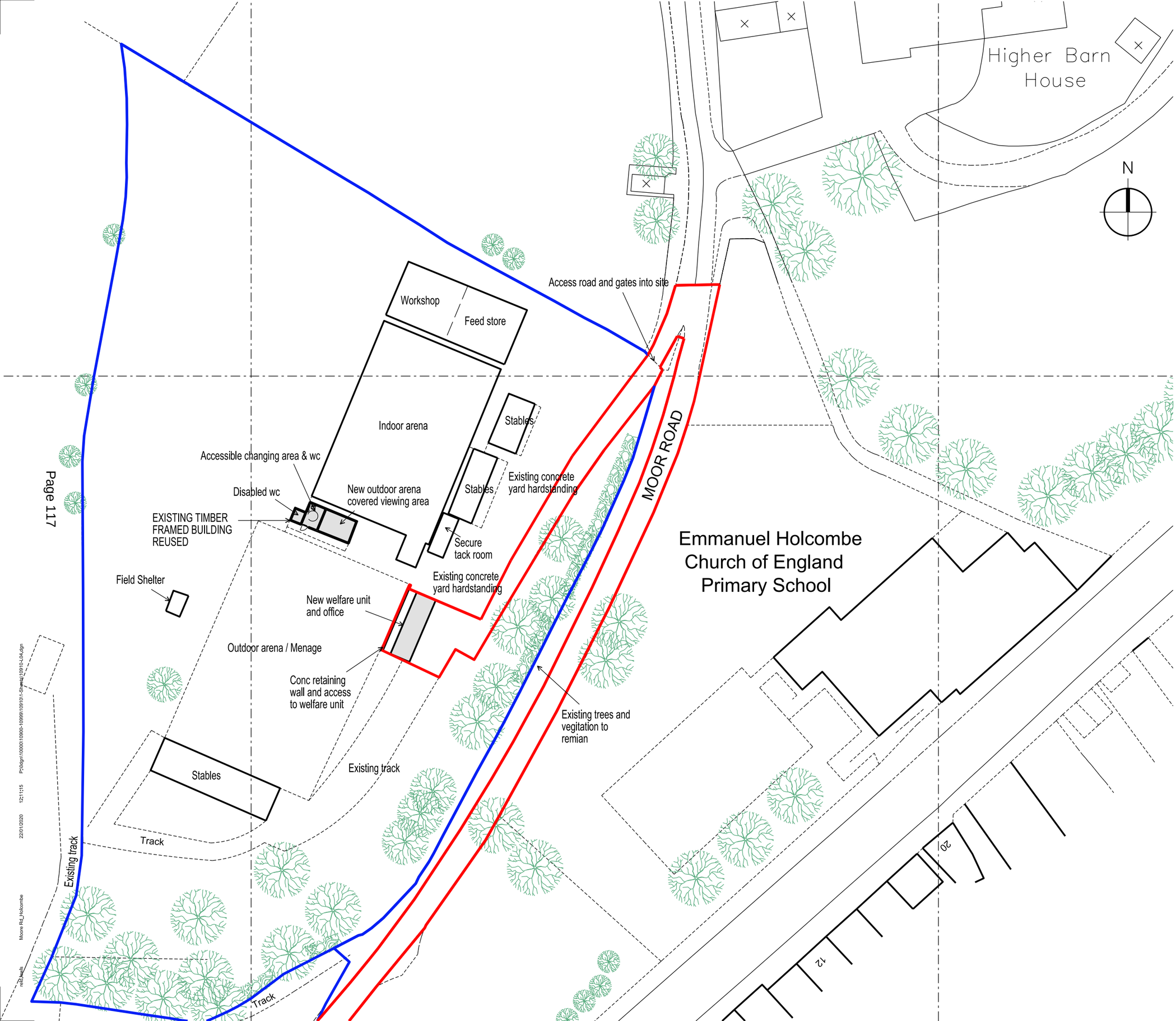
Photo 1

Photo 2

Photo 3

Photo 4

Photo 5



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SITE SPECIFIC HAZARDS

IN ACCORDANCE WITH THE REQUIREMENTS OF THE CDM REGULATIONS 2015 THE FOLLOWING SIGNIFICANT RESIDUAL HAZARDS HAVE NOT BEEN DESIGNED OUT OF THIS PROJECT AND MUST BE TAKEN INTO CONSIDERATION BY CONTRACTORS PLANNING TO UNDERTAKE THE WORKS SHOWN ON THIS DRAWING:

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NOTES

ASSUMED SITE BOUNDARY

OTHER LAND IN THE OWNERSHIP IF THE CLIENT

SCALE 0 5 10 15 METRES

REV.	DATE	NOTES	INIT.
A	22.01.20	UPDATED TO CLEINT COMMENTS	RSL

CLIENT / PROJECT

JEREMY BUCKLEY

HOLCOMBE RIDING SCHOOL

MOOR ROAD, HOLCOMBE

DRAWING TITLE

PROPOSED SITE PLAN

STATUS

PLANNING

DATE	DRAWN	SCALE @ A3
21.01.20	RSL	1:500

PROJECT NUMBER	UNIT / BLOCK	CI / SFB CODE	TYPE & NUMBER	REVISION LETTER
10910			L04	A

Site Location Plans	L	GA Plans	P	Elevations	E
Sections	S	Details	D	Prefix; Colour	C

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RGP architects

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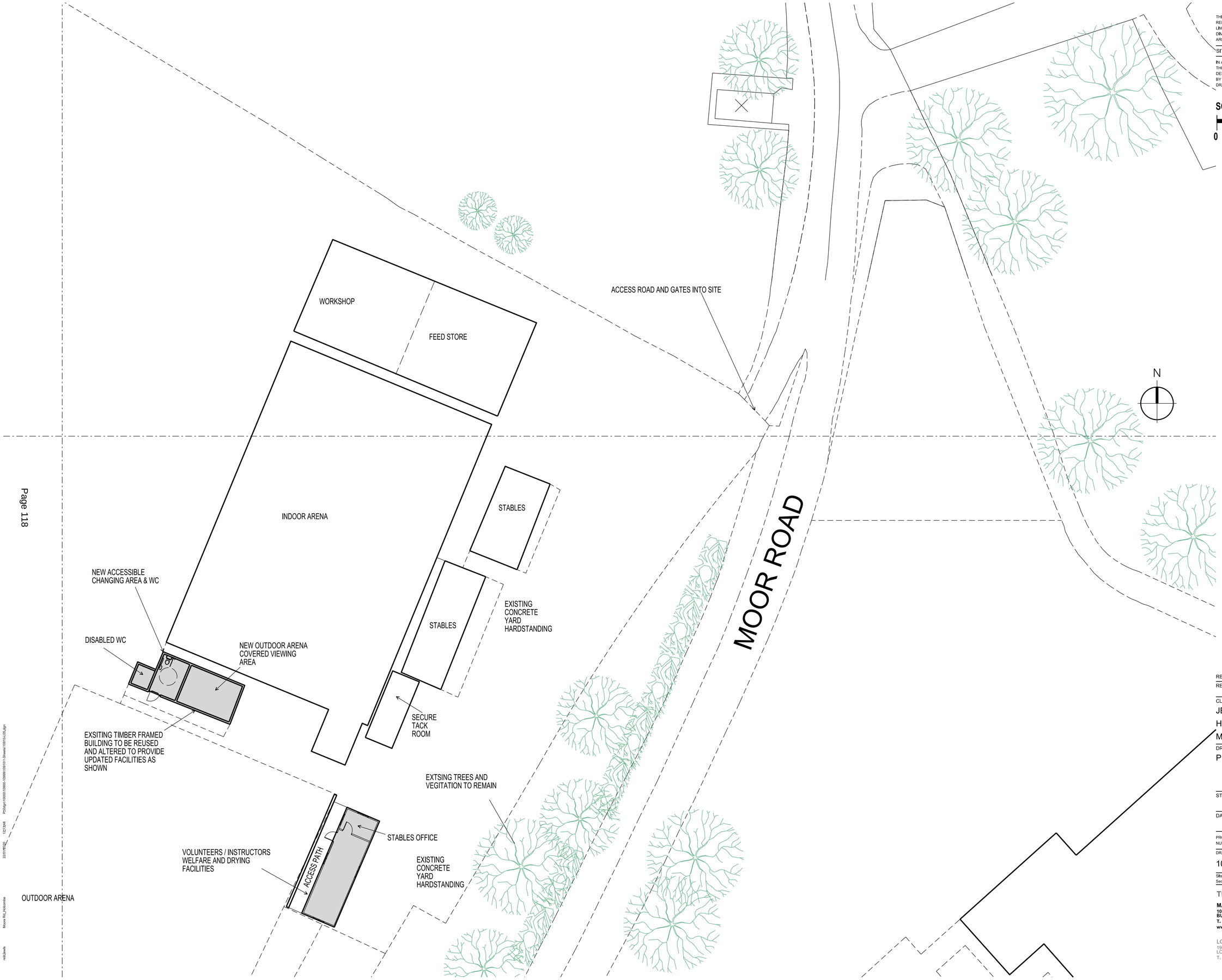
Moore Rd_Holcombe
rgp_bw.pls



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SCALE

0 5 10 METRES

REV.	DATE	NOTES	INIT.
A	22.01.19	UPDATED TO CLEINT COMMENTS	RSL

CLIENT / PROJECT

JEREMY BUCKLEY

HOLCOMBE RIDING SCHOOL

MOOR ROAD, HOLCOMBE

DRAWING TITLE

PROPOSED SITE PLAN

STATUS

PLANNING

DATE	DRAWN	SCALE @ A2
21.01.20	RSL	1:200

PROJECT NUMBER	UNIT / BLOCK	CI / SFB CODE	TYPE & NUMBER	REVISION LETTER

DRAWING NO.

10910	L05	A

Site Location Plans	L	GA Plans	P	Elevations	E
Sections	S	Details	D	Prelim Colour	C

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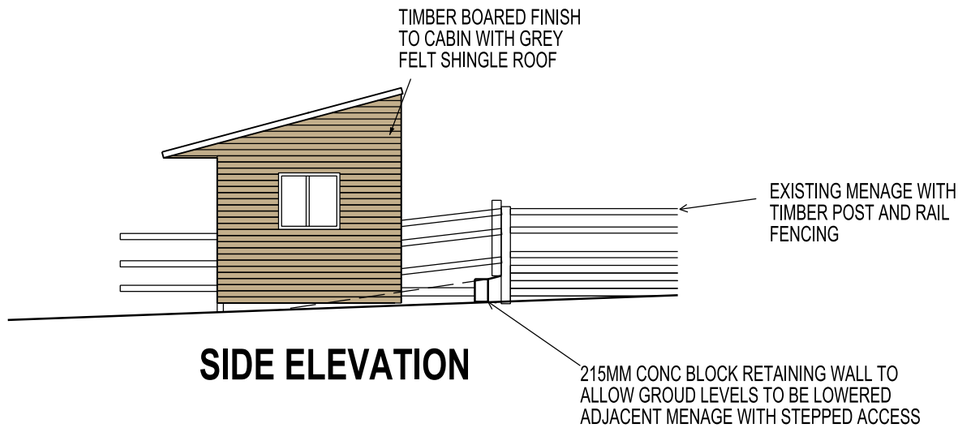
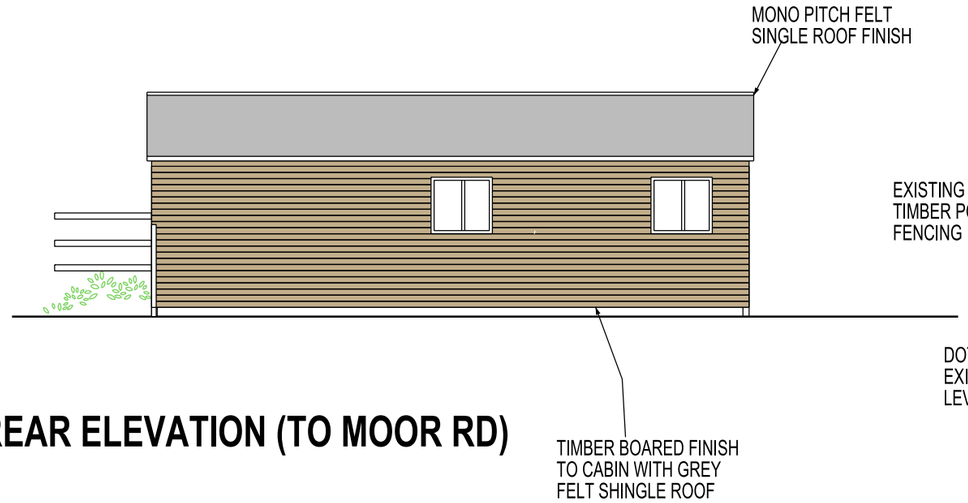
ALL WINDOWS TO BE SHUTTURED FOR SECURITY

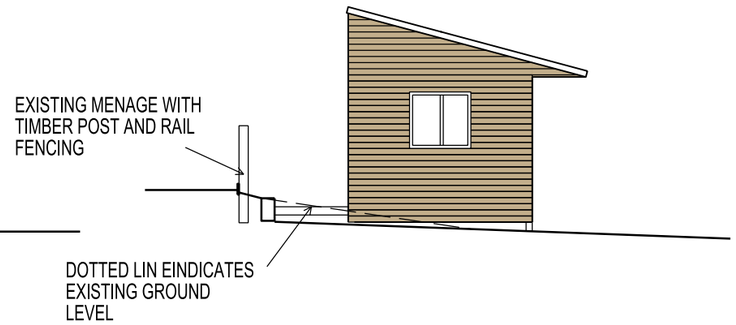
FRONT ELEVATION (TO MENAGE)



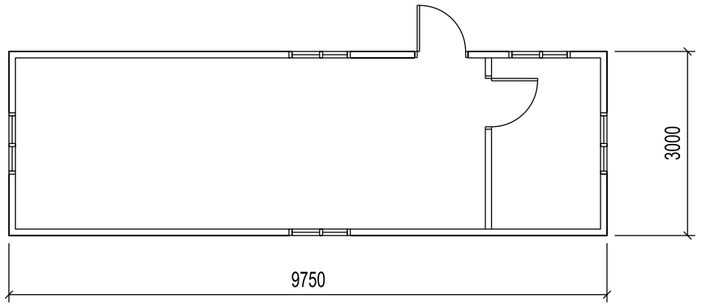
SIDE ELEVATION



REAR ELEVATION (TO MOOR RD)



SIDE ELEVATION



GA PLAN

REV.	DATE	NOTES	INIT.
B	27.01.20	MONOPITCH ROOF EXTENDED	RSL
A	25.01.20	MONOPITCH ROOF ADDED	RSL

CLIENT / PROJECT

JEREMY BUCKLEY

HOLCOMBE RIDING SCHOOL

MOOR ROAD, HOLCOMBE

DRAWING TITLE

PROPOSED PLAN AND ELEVATIONS

STATUS

PLANNING

DATE	DRAWN	SCALE @ A3
081019	RSL	1:100

PROJECT NUMBER	UNIT / BLOCK	CI / SFB CODE	TYPE & NUMBER	REVISION LETTER
10910			E02	B

DRAWING NO.

Site Location Plans	L	GA Plans	P	Elevations	E
Sections	S	Details	D	Prefix: Colour	C

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RGP architects

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Moore Rd_Holcombe
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Ward: Prestwich - St Mary's

Item 05

Applicant: Mosscare St. Vincent's

Location: 46 Rectory Lane, Prestwich, Manchester, M25 1BL

Proposal: Change of use of residential dwelling (Class C3) into a residential respite centre (Class C2) with a bay window at front, raised platform at rear and associated external alterations.

Application Ref: 64975/Full **Target Date:** 04/02/2020

Recommendation: Approve with Conditions

The application was postponed from the March and April 2020 Planning Control Committee Meetings. In response to the emergency Government instructions on Covid-19.

Description

The application relates to a residential dwelling which is situated within an urban area of Prestwich. The locality is residential in character with houses along Rectory Lane and opposite and to the rear on Branksome Avenue, although the adjacent property, No 44 is currently used as a community centre.

The application property is a traditional style 4 bedroomed, 2 storey detached house and comprises living areas and an integral garage at ground floor and 3 to 4 bedrooms and study at first floor. There is paved driveway parking at the front with 2 gated vehicular access points off Rectory Lane. To the rear is a generous garden area which is bounded by a timber fence and landscaping.

The application proposes a change of use from a dwellinghouse (Class C3) to a residential respite centre (Class C2).

Background

The identified end user of the facility would be Maytree Respite Centre, a national registered charity. It was founded in 2002 and provides support and comfort for people with mental well-being issues and in suicide crisis. Amongst other services, Maytree offer a residential service which offers free four-night/5-day stays for adults over the age of 18 in the aim to provide a safe, confidential and non-medical environment for those in need.

Mental well-being has become increasingly acknowledged as a problem in today's society and the Manchester area has been identified as lacking such a facility. The applicant has been working in partnership with Bury Council to seek to establish such a facility in the Borough. A comprehensive site selection process has identified this area as ideal due to its good connections with qualified and experienced staff and its suburban, safe and accessible location. The property itself would provide the level of accommodation and space which would be required for a facility of this type and scale.

The proposal

The property would accommodate a maximum of 4 guests at any one time, offering short respite care for 4 nights. The property would be staffed 24 hours a day, 7 days a week by paid and volunteer staff, operating a 24 hour shift system.
The application has broken the times the facility would be staffed (comprising paid and volunteer staff) :

8am - 10am - maximum of 3 staff
10am to 5pm - maximum of 5/6 staff
5pm - overnight until 8am - maximum of 2/3 staff

There would be a crossover of staff during the handover of shifts. The most intense times would be at 1pm and 4pm when there would be a total of 8 staff on site, for a maximum period of 30 minutes.

Internally, the accommodation would be modified but not to significant degree. It is proposed to convert the garage space to a bedroom and en-suite with the lounge, dining, kitchen and utility to remain as existing. At the first floor, 3 bedrooms, a counselling room and office and sleep over room for staff would be provided.

There are some minor external alterations proposed and these comprise of re-grading the driveway to the front entrance, formation of a bay window to replace the garage door and a raised patio area around the conservatory the rear to form a level access.

It is proposed to provide 3 parking spaces on the driveway with 2 additional spaces to be provided remotely from the site but within reasonable distance.

Revised plans were received to show an amendment to the proposed site layout to omit the ramp and regrade the driveway, provide 3 parking space to the front drive. A Transport Statement has also been submitted.

Relevant Planning History
None

Publicity
Letters sent on 17/12/2019 to 8 properties at Nos 44, 48, 73 Rectory lane, 10, 11, 12 Branksome Avenue, 1, 2 The Drive.

13 letters of objection received from Rectory Lane, The Drive, Oakhurst Gardens which raise the following issues:

- Concern for the safety of our children with the intended residents not in the best place mentally
- The boundaries are not secure with low walls between two properties in places
- The other issue is parking - Rectory Lane is a rat run and parking is a nightmare without the introduction of all these other cars.
- Concern about the people coming for respite with the property being so close to local schools;
- Rectory lane is a residential area and should not be turned into a business property
- The property next to No 46, Langdon Community operated as a residential home and people to this property cause parking issues, parking on both sides of the road and causing an obstruction.
- Hazardous junction when exiting The Drive and will be made worse by the approval of the application.
- Why has a house in Prestwich been chosen when this is one of the most expensive areas in Bury?
- Why aren't the patients sent to Prestwich Hospital?
- Rectory Lane is not a suitable area for suicidal patients to live - it is near a busy main road, motorway and trams.
- It is stated that none of the patients have acute mental health - what is a suicide state of mind if not acute?
- Increase in traffic to an already over congested area.
- Distinct lack of on site parking which would increase car use and on street parking
- Increase level of noise and disturbance resulting from change of use, which would be detrimental to the immediate residential neighbours and surrounding predominantly residential area.

- The visual impact and loss of privacy would be detrimental to immediate neighbours in this residential area.
- A ramp in front of the property would ruin the character of the property and local residents along with house prices being devalued by the building and its proposed business.
- Note that the application is not made by the owners currently on the Land Registry.
- The ramp would identify the property as an institutional building not a family home - seems at odds with the ethos of Maytree respite Centre's wish to provide a safe and confidential setting.
- The application quotes up to 12 people at the premises during hand over time with potential for 12 separate vehicles - already a parking and traffic issue within the area. With the ramp, it does not seem feasible 3 cars could be accommodated on the drive.
- Vehicles could not exit the drive in a forward gear which would be a further disruption to traffic and risk accident.
- The proposed use involves short stays and high turnover rate of residents. Given respite is offered on a 5 day basis 365 days a year means a potential of nearly 300 residents per annum. This transitionary nature would have a major impact on the neighbourhood and us as neighbours.
- If this class change is granted Class C2 will permit future use such as residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres - I consider these as incompatible for this residential area.
- Insufficient consultation with people living closest to the development
- Double yellow lines should be put down the side of The Drive on Rectory Lane.
- There is no support from those living in the immediate vicinity of the property.
- Residents struggle to turn safely out of Oakhurst Gardens due to vehicles parking on Rectory Lane . The entrance to Oakhurst Gardens regularly has pavements blocked by parked cars.
- Note those in favour to date live nowhere near the property and therefore will not be detrimentally effected by it's change of use.
- We have not as far as I can tell been given any information about this. Drug users? Alcohol issues? Any issues concerning the close proximity of a school?

2 Comments received from The Drive, one comment with no postal address provided:

- There is no enough information about how the changes to this establishment will affect the local residents - Will it be housing mentally ill patients or supporting people with suicidal tendencies or depression!
- There is definitely a need to support to young people who feel they want to take their own lives but at the same time if the property is housing mentally ill patients who would be more suited to a more secure environment and would affect those with children. From what I can sense from the residents I have spoken to, they just want the application declined for fear of the latter or not being told the truth until it has changed.
- If we are properly informed then maybe we could support the project if it will be safe for our families.
- Support the use of the building for respite but not the increase in traffic and the addition to the congestion in the area. there needs to be parking restrictions and enforcement to ensure everyone's safety.

22 letters of support received from Heaton street, Grosvenor street, Pendlebury Close, Walker Avenue, Alden Close, Tuscany View , Polefield Approach, Polefield Circle, Heywood Road, Oxford Avenue, Wiseman Terrace, Bolee Close, Beech Tree bank, Windsor Avenue, Kersal Road, St Margarets Road, Grosvenor Street, Oakhurst Gardens, Church Drive, Earl Street, Oakhurst Gardens:

- A great initiative which we need more of.
- It is incumbent upon all caring people of this community to support and encourage any positive contribution to the mental well-being of those less fortunate than themselves.
- Where suicide rates are at an alarming high, this can only be of benefit
- There is a great need for facilities of this type in Prestwich and surrounding areas.
- Supporting people in community/ residential living provides an step up / step down

support for people who require it.
- As someone who lives 5 minutes away from here, I think this is a wonderful idea
- Great to have increased mental health facilities for the area.
- Centres such as the one being proposed are sadly becoming increasingly necessary and the benefits to users of this centre, along with benefits to the residents family and friends, far outweigh any potential traffic or parking problems.
- The nearby mental health facility in Prestwich has caused no adverse effects for the wider community and there is no evidence to assume that this centre would negatively impact the population of Prestwich.
- Mental health doesn't discriminate and I support and encourage more residential centres, services and support in the area
- Lose this 'not on my doorstep' attitude.
- As a local resident and parent to a young child who attends Park View and frequently plays in St Mary's Park, I am in no way concerned that this facility will have any detrimental effect on the local area of the lives of residents. Those who are objecting are closed minded individuals who I assume are lucky enough never to have been affected by poor mental health.
- saddened to see so many of my neighbours have objected.
- I hope that Council will support this care facility, and ensure there is robust measurement and communication of its impact. I feel it is important that residents are kept informed annually about whether this approach leads to significantly better outcomes than comparable non-residential-located respite centres.
- Withdraw previous objection now i know more about it

Those who have made representations have been informed of the Planning Control Committee meeting.

Statutory/Non-Statutory Consultations
Traffic Section - No objection subject to conditions for the submission of a parking management plan and provision of the proposed driveway parking.
Environmental Health - Pollution Control - No comments to make
Adult Care Services - No response received

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

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
CF1	Proposals for New and Improved Community Facilities
CF1/1	Location of New Community Facilities
CF3	Social Services
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
H3/1	Assessing Non-Conforming Uses
H4/2	Special Needs Housing
EN7/2	Noise Pollution
SPD11	Parking Standards in Bury

Issues and Analysis

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

Principle
The NPPF advocates the objectives to achieve sustainable development, one such objective is to support strong, vibrant and healthy communities by fostering well-designed and safe built environments with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

Chapter 8 - Promoting healthy and safe communities of the NPPF states that policies and decisions should aim to achieve healthy, inclusive and safe places which amongst things, promote social interaction, are safe and accessible and enable and support healthy lifestyles. Account should also be taken to support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.

Policy CF1/1 - Location of Community Facilities gives regard to factors including impact on residential amenity, traffic generation and parking, scale and size of development, accessibility to shops and services, suitability of the chosen location, public transport and needs/requirements of those with a physical disability.

Policy CF3 - Social Services considers favourably proposals for the provision of new, and the improvement of, existing facilities for children, young and the elderly, those with mental health or physical and special needs, encouraged to live in the local community rather than in large institutions. Support for new and improved services is supported providing that there is no conflict with existing residential amenity and the environment.

Policy H4/2 - Special Needs Housing - seeks to support the provision of special needs housing recognising that specialist accommodation is needed for the most vulnerable members of society. Regard is given to factors including the convenience of location to shops, public transport and community facilities, location of health care facilities, gradient and accessibility to public transport, parking and amenity provision and high standards of design, layout and landscaping to achieve a satisfactory environment.

Policy H3/1 - Assessing Non-Conforming Uses in primarily residential areas assess proposals, including the change of use, in consideration of factors including noise, vibration, smell, visual intrusion, traffic generation, parking arrangements and hours of operation.

The application proposes to provide temporary shelter and accommodation for adults within a residential and community setting and would provide a safe, secure and positive environment for its occupiers.

The applicant is a registered charity and has been operating since 2002. It provides a safe and confidential support service offering temporary accommodation to those who need a safe haven and respite in a secured and understanding environment.
Mental health and mental well-being is becoming increasingly recognised as a social issue in today's society and at the forefront of political and social agendas, and gaps exist in many areas to provide such facilities and the proposed.

The project is a strategic housing priority for Bury Council who have clear aspirations to improving mental health and well-being.

To understand the reasons for the selection of this specific site, the applicant undertook a thorough site selection process having identified a demand in the Manchester area for such a service. Discussions with National Suicide Prevention Strategy for England identified that there are no comparable services offered in this part of the region and the proposed facility would provide a valuable asset and worthwhile addition to support existing hospital and mental health services in the Borough. The area also has good connections to educational facilities and a pool of qualified staff. It was also recognised that such a facility should be located in safe suburban areas with good access to transport links.

The applicant has confirmed there are a number of reasons why this property is a suitable site for the new facility:

- The nature of the neighbourhood is one of a peaceful and attractive character. One of the key requirements is that the facility appear as a 'normal' home within a 'normal' residential area and not one of a clinical or remote type or location.
- The proximity to outdoor spaces has proved to be to contribute to mental well-being. Its distance from busy and sometime hostile and threatening environment such as town or city centres, but its accessibility to public transport makes this an ideal location.
- The size and layout of the property would meet the applicant's needs and would not require extensive works.
- Prestwich benefits from an established network of local mental health facilities and the facility would have the benefit of being a part of and contributing to this network.

The property would not require extensive works to facilitate its use and the occupation and living habitats would be commensurate with that of a home and residential dwelling. The property could only accommodate a maximum of 4 residents at a time, and apart from staff change over times, when there would be more movement to and from the property, for all intents and purposes, it would appear and function as a house.

It is therefore considered that the principle and the scale of the proposed change of use would not have an adverse or detrimental impact on the character or amenity of the surrounding area.

It is therefore considered that the proposed use would provide a valuable facility for more vulnerable members of society and as such it is considered that the proposed development would comply with UDP Policies CF1/1 and CF3 and the principles of the NPPF.

Layout - The proposed layout would not fundamentally change from the current arrangements.

Access to the property would continue to be provided via the 2 driveway entrances which would lead to the main entrance of the building. It is proposed to re-grade the driveway so that a level access to the building can be provided which would facilitate parking for 3 cars on the drive.

At the rear, there would be a raised platform formed around the conservatory to enable level entry at the rear of the house. And there is a generous garden area which would provide a quiet outdoor space.

Internally, the ground floor would be re-configured and the garage converted to a bedroom with ensuite facility. This would require the removal of the garage door and a replacement bay window is proposed to match that of the existing frontage. The remainder of the ground floor would provide usual living spaces of lounge, dining, kitchen and utility.

At first floor, there would be 3 bedrooms for residents, a counselling room and office and sleep over room for staff on night shift.

The internal accommodation, apart from time of staff changeovers, would not offer accommodation above and beyond would what be expected for a residential property of this size, which could accommodate a family of 4 or more.

It is therefore considered that there would be no detrimental impact on the character of the residential use or appearance of the dwelling and no change to the locality or the character of the area.

As such, it is considered the proposed layout would comply with UDP Policies EN1/2, H4/2, CF3 and CF5.

Impact on residential amenity - As discussed above, it is considered that for all intents and purposes, the character and the scale of the use would be consistent with that of a family household occupying a 4 bedroomed house. The applicant has stated that one of

the key objectives and ethos of the facility is to provide an environment which is not only safe and secure but would be consistent with 'normal' residential living conditions and the regularity of daily living. It is intended the facility function discreetly within the neighbourhood.

The applicant is a registered charity and has been providing this type of support facility for 18 years. They have extensive experience and knowledge in the services they offer and the people they cater for.

Some of the objections allude to the 'type' of person who could be accommodated at the property and the potential risk or disruption this could bring to the area or threat this could pose for nearby residents.

The applicant has stated in their application that each guest would be subject to a thorough assessment before they could stay at the residency. There is a strict no drugs and alcohol policy and accommodation is not offered to those who are homeless or misusing illegal substances, or those with acute mental health problems which require specialist medical support. The residents would have 24 hour supervision and support from trained staff.

It is in the interests of the applicant that the facility integrate with neighbours and the community rather than be a cause of conflict. It would also be in the best interests of the applicant to ensure that the residents were able to live as part of the local community, functioning as a 'normal household' to offer stability and to be able to live as part of the community.

It is therefore considered that the proposal would not conflict with the character of the area or cause disruption or noise issues and would not have an adverse impact on the amenity of local residents.
The proposal would therefore comply with UDP Policies CF1/1, CF3, H3/1, EN1/2 and EN7/2.

Highways issues -
There are no set standards in the guidance note SPD11 - Parking Standards in Bury for of this type of C2 use. Applications are assessed on their own merits and in consideration of their location and potential parking facilities.

The main issue is the amount of parking which would be required and which could be provided for the number of staff who would be visiting the site and access.

The applicant has provided a forecast of the breakdown of numbers of staff who would be at the site at any one time. For the most part, there would be between 5 and 6 staff at the premises during the day and between 2 and 3 earlier in the morning and later in the evening. There would be a maximum of 2 staff on the overnight shift.

The main disruption and reliance for parking would be at shift changeover times.

The property has a driveway and could facilitate parking for 3 cars. There are 2 access points into the driveway off Rectory lane and these would be retained. The on-site parking could be managed by the applicant and staff so that those spending the longer time at the property would park on the driveway and when shift changes occur, there would realistically only be a couple of minutes when cars would be swopped around.

As a 4 bed dwelling, the property could easily be occupied by 3 car owners, plus any additional trips to the site by visitors, friends/family and from deliveries or servicing requirements associated with day to day living. In terms of reversing out onto the highway, this situation already exists and access arrangements for the proposed use would be no different to what could currently occur.

There would be 2 peak periods in the day when there would be a maximum of 8 staff at the

premises at one time. This would be at 1pm and 4pm when staff and would be for 30 minutes only whilst staff exchange notes and discuss needs or requirements of the residents for the rest of the day - At these times there would be a heavier reliance for parking and comings and goings to the site would be more intense.

The local residents have raised concerns about the inadequate parking provision for the use and the pressure this would put on the local roads which are already congested.

The applicant has sought to address such concerns and has secured 2 off-site parking spaces. The applicant has agreement with a local community centre which is located at the top of Rectory Lane, less than 5 minutes walk away for 2 spaces. A confirmation letter to this effect has been received from the applicant. It would be the intention that these parking spaces would be used by the full time permanent members of staff in order to ensure that the driveway parking spaces at the site would be available during shift handovers and to lessen disruption to local residents.

To ensure that 2 off-site spaces would always be available for the development, a condition would be included that a parking management plan be submitted for approval and prior to the first occupation. The plan will need to show parking provision for at least 2 cars and which should be located within a reasonable walking distance. This provision would need to be available before the use could commence. The condition would also require that the spaces be retained for the duration of the development, and in the event they would not longer be available, the applicant would either need to secure 2 spaces elsewhere, or the use would be required to cease.

The applicant is agreeable to this condition.

In securing the additional off-site parking, there would be 5 parking spaces in total provided. For the majority of the time, the maximum number of staff would be between 5 and 6.
The NPPF states that development proposals should take appropriate opportunities to promote sustainable methods of transport. The site is located less than 450m away from the tram station and within walking distance of a bus route. There are shops and community services within 300m.
It is anticipated that a high proportion of the volunteer staff would live in the local area and travel by public transport or walk.

In terms of the shift change over times, and the coming and goings of staff and 'car changes overs' this would occur at 2 periods during the day and for a maximum of 30 minutes. Over the course of the day, It is considered that this occurrence would not be of such significance or intensive to impact on highway safety or the amenity of local residents.
The Highway Section have raised no objection to the application with the condition for the off-site parking and do not identify there would be any detrimental impact of the development on the local highway.

Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
It is considered that the scale of the use and with the conditions imposed, there would not be a detrimental, or indeed severe impact in terms of parking or highway safety and as such the proposed development is considered to comply with EN1/2, HT2/4 and HT6/2 and the principles of the NPPF.

Response to objectors

- The adjacent property, No 44 Rectory Lane, Langdon Community Centre has a large driveway and parking at the rear of the property. It is considered there is adequate parking provided for this property and there would be no additional parking issues as a result of the proposed development.
- The ramp has been removed from the application and it is proposed to re-grade the driveway to prevent level access to the property.

- All other issues have been covered in the above report.

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 drawings numbered - Site location plan URB PW(08)00 01 D00; Site block plan as existing and proposed URB PW(08)00 02 D02; Ground and first floor plan as proposed URB PW(08)00 04 D03; Elevations as proposed URB PW(08)00 70 02 D01 - 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. Prior to the first occupation and use of the development hereby approved, a staff travel and parking management plan shall be submitted to and approved in writing by the Local Planning Authority. Such a plan shall include details of off-site parking for at least two vehicles within a reasonable walking distance of the site. The approved parking provision shall be made available prior to the first occupation and use of the development hereby approved and thereafter be permanently retained for the duration of the development otherwise the use of the building hereby permitted shall cease.
   Reason. To ensure adequate parking provision is made available for the development in the interests of road safety and pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, CF1/1 - Location of New Community Facilities and H2/4 - Car Parking and New Development

4. The car parking indicated on approved plan reference 2393 URB PW 08 00 02 D02 shall be surfaced and made available for use prior to the use hereby approved commencing and thereafter maintained at all times.
   Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policies HT2/4 - Car Parking and New Development, EN1/2 - Townscape and Built Design and CF1/1 - Location of New Community Facilities of the Bury Unitary Development Plan.

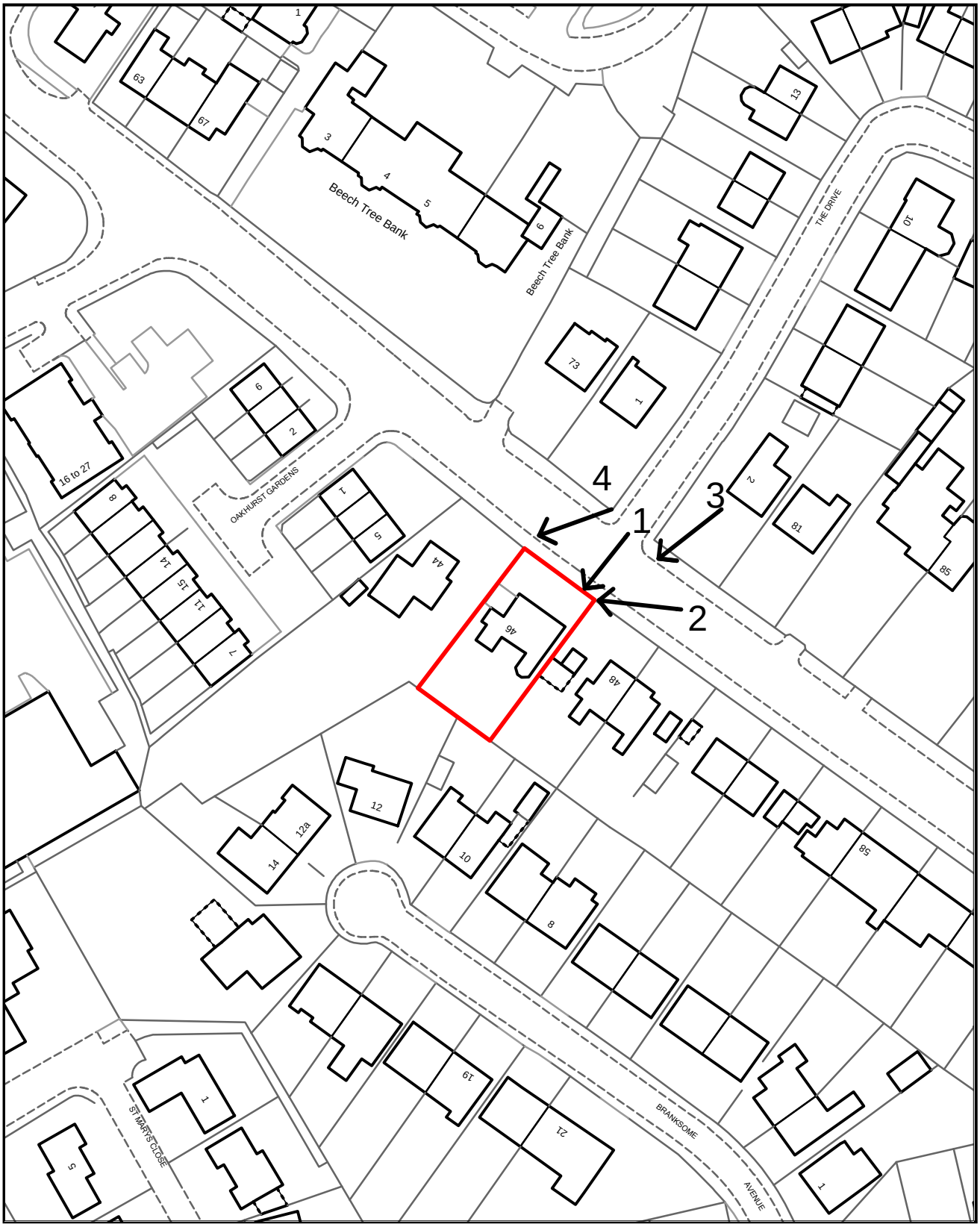
5. The premises to which this approval relates shall be used for residential respite accommodation and care and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).
   Reason. To ensure the intensification and scale of uses in the property does not extend beyond acceptable levels which would cause impact to residential amenity and highway safety in respect of the associated parking, access and servicing requirements or general activity and disturbance pursuant to policies EN1/2 -

Townscape and Built Design, CF3 - Social Services, H4/2 - Special Needs Housing, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict of the Bury Unitary Development Plan.

6. 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

For further information on the application please contact **Jennie Townsend** on **0161 253-5320**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 64975

ADDRESS: 46 Rectory Lane
Prestwich

Planning, Environmental and Regulatory Services

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Photo 1

Photo 2

Photo 3

Photo 4

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RED LINE BOUNDARY

Revision	Description	Date
D00	ISSUED FOR PLANNING	05.11.2019

URBANEDGE

Client: **MOSSCARE ST VINCENT'S HOUSING GROUP**

Project: **46 RECTORY LANE, PRESTWICH MANCHESTER**

Drawing: **SITE LOCATION PLAN**

SCALE 1 : 1250 — 0m 10m 20m 40m 60m 80m 100m 120m

SCALE 1 : 1 — 0m 10mm 20mm 40mm 60mm 80mm 100mm

PLANNING

Scale: 1:250 @ A4 — Drawn: JS
Date: NOV 19

Project No.	Drawing No.	Revision
2393	URB PW[08]00 01	D00

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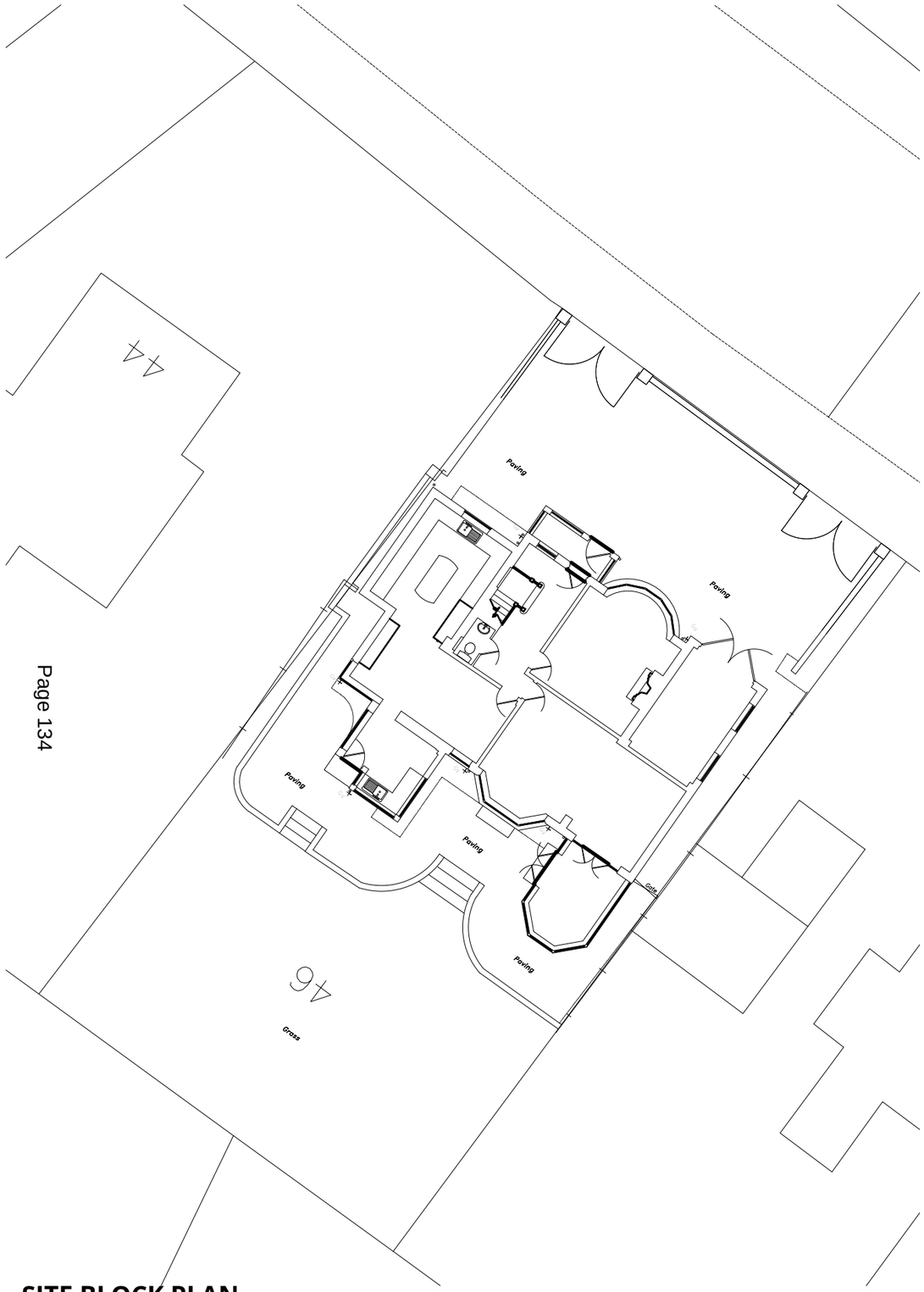
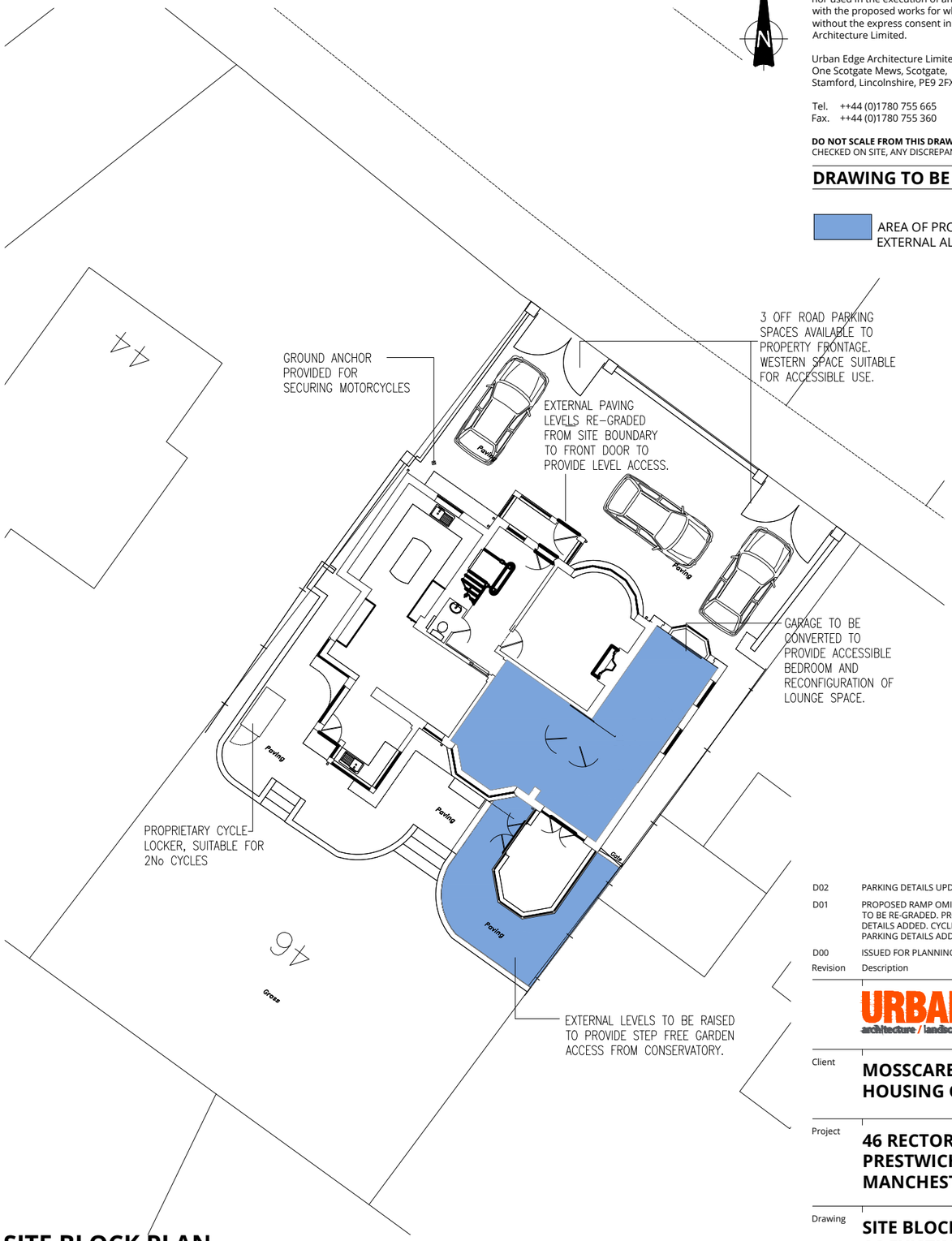
AREA OF PROPOSED LAYOUT/ EXTERNAL ALTERATIONS.



SITE BLOCK PLAN
AS EXISTING



SITE BLOCK PLAN
AS PROPOSED

SCALE 1 : 200 — 0m, 5m, 10m, 15m, 20m
SCALE 1 : 1 — 0m, 10mm, 20mm, 40mm, 60mm, 80mm, 100mm

Revision	Description	Date
D02	PARKING DETAILS UPDATED	27.01.2020
D01	PROPOSED RAMP OMITTED, PAVING NOW TO BE RE-GRADED. PROPOSED PARKING DETAILS ADDED. CYCLE & MOTORCYCLE PARKING DETAILS ADDED	17.01.2020
D00	ISSUED FOR PLANNING	05.11.2019

URBANEDGE
architecture / landscape / masterplanning

Client
MOSSCARE ST VINCENT'S HOUSING GROUP

Project
46 RECTORY LANE, PRESTWICH MANCHESTER

Drawing
SITE BLOCK PLAN AS EXISTING & AS PROPOSED

Scale 1:200 @ A3 — Drawn JS
Date OCT 19

Project No. 2393 — Drawing No. URB PW[08]00 02 — Revision D02

PLANNING

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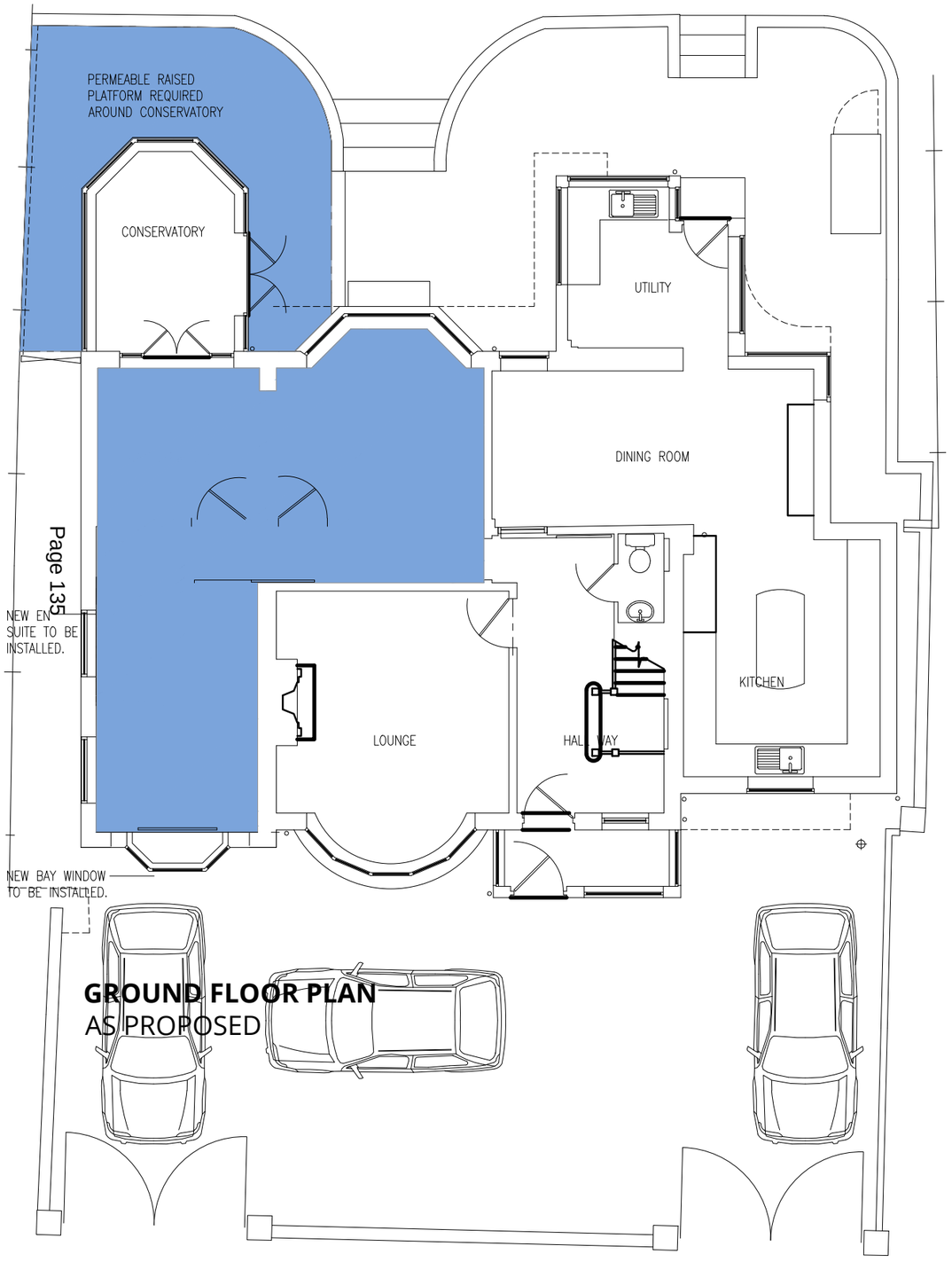
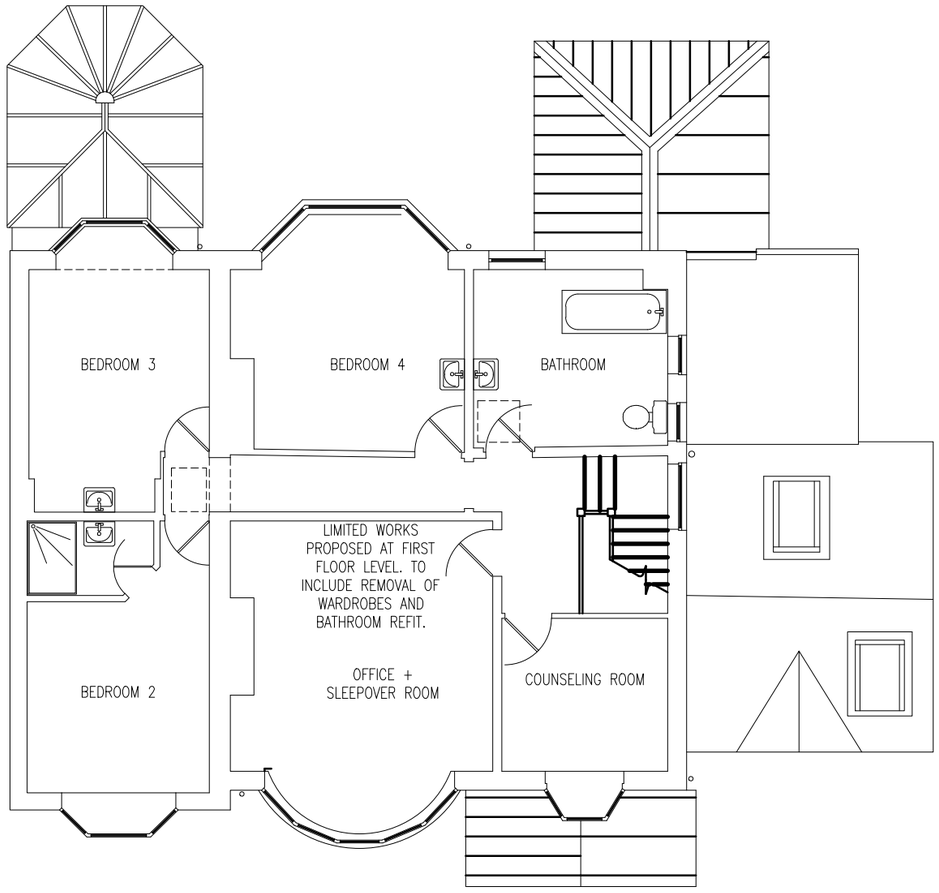
PRIMARY AREA OF WORKS

DRAWINGS BASED ON 3RD PARTY SURVEY INFORMATION CARRIED OUT BY GREENHATCH PROVIDED ON 04/10/2019.



GROUND FLOOR PLAN
AS PROPOSED



FIRST FLOOR PLAN
AS PROPOSED

SCALE 1 : 100 — 0m 1m 2m 4m 6m 8m 10m
SCALE 1 : 1 — 0mm 10mm 20mm 40mm 60mm 80mm 100mm

PLANNING

Revision	Description	Date
D03	PARKING DETAILS UPDATED	27.01.2020
D02	GENERAL UPDATE	17.01.2020
D01	PROPOSED RAMP OMITTED, PAVING NOW TO BE RE-GRADED. PROPOSED PARKING DETAILS ADDED.	17.01.2020
D00	ISSUED FOR PLANNING	05.11.2019

URBANEDGE
architecture / landscape / masterplanning

Client
MOSSCARE ST VINCENT'S HOUSING GROUP

Project
46 RECTORY LANE, PRESTWICH MANCHESTER

Drawing
GROUND & FIRST FLOOR PLAN AS PROPOSED

Scale 1:100 Drawn JS
Date OCT 19

Project No. 2393 Drawing No. URB PW[08]00 04 Revision D03

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DRAWING TO BE READ IN COLOUR

FRONT ELEVATION
AS PROPOSED

SIDE ELEVATION
AS PROPOSED

REAR ELEVATION
AS PROPOSED

SIDE ELEVATION
AS PROPOSED

SCALE 1 : 100 — 0m 1m 2m 4m 6m 8m 10m
SCALE 1 : 1 — 0mm 10mm 20mm 40mm 60mm 80mm 100mm

Revision	Description	Date
D01	PROPOSED RAMP OMITTED, PAVING NOW TO BE RE-GRADED TO PROVIDE LEVEL ACCESS	17.01.2020
D00	ISSUED FOR PLANNING	05.11.2019

URBANEDGE
architecture / landscape / masterplanning

Client: **MOSSCARE ST VINCENT'S HOUSING GROUP**

Project: **46 RECTORY LANE, PRESTWICH MANCHESTER**

Drawing: **ELEVATIONS AS PROPOSED**

Scale: 1:100 @ A3 — Drawn: JS
Date: NOV 19

PLANNING

Project No. 2393 — Drawing No. URB PW[08]70 02 — Revision D01

Ward: Bury East - Redvales

Item 06

Applicant: Thorp Design Services Ltd

Location: 192 Manchester Road, Bury, BL9 9BD

Proposal: Change of use of first floor from residential to form extension to existing ground floor day nursery (Class D1), for a maximum of 14 additional children.

Application Ref: 65021/Full **Target Date:** 06/03/2020

Recommendation: Approve with Conditions

The application was postponed from the March and April 2020 Planning Control Committee Meetings. In response to the emergency Government instructions on Covid-19.

Description

The application relates to a 3 storey red brick semi-detached property which is located on the west side of Manchester Road close to a four way crossroads junction. The area is characterised by a mix of residential properties on the same side as the application site and commercial properties opposite Manchester Road to the east. The attached property, 194 Manchester Road and those immediately to the north are houses of a similar size and style. To the rear is Bury Sports Club which is accessed from Radcliffe Road. There are parking restrictions along Manchester Road in front of the site.

The ground floor of the property currently operates as a children's nursery which was granted planning permission in 2015. Residential use was retained in the upper floors (planning reference 58708). The property has a pedestrian access off Manchester Road but there is no vehicular access or parking within the curtilage of the site. At the rear is a large garden which extends 40m to the rear boundary and which is sectioned off approximately half way down to provide the outdoor play space for the nursery.

There are 15 parking spaces which the nursery secured at Bury Sports Club when permission was first granted for the change of use of the ground floor and which have been individually marked out for use by staff and parents/carers to park and for dropping off and picking up children.

The nursery currently accommodates 21 children in 3 rooms on the ground floor.
The nursery operates between 8am and 6pm, Monday to Friday.

An application was submitted in June 2019 to extend the nursery to use the entire 1st and 2nd floors, essentially changing the use of the whole property into a nursery. It was proposed to accommodate an additional 21 children totalling 42. This was refused for two reasons, impact on the immediate neighbours by reason of noise and disturbance and inadequate car parking provision to cater for the intensified use.

The applicant has sought to address these reasons for refusal and now proposes a new scheme, which has also been revised through the application process where numbers of children have been reduced, the 1st floor has been re-configured and sound mitigation measures secured. It is not proposed to use the 2nd floor.

This application now seeks to extend the nursery use into two rooms on the first floor to accommodate a maximum of 14 additional children, totalling 35. The children would be pre-school age. The application form states opening hours are proposed as 7.30am to 6pm,

half an hour earlier than the original approval.
The application is supported by a Noise Assessment Report and a Heritage Statement.

It is proposed to retain the use of the 15 parking spaces at Bury Sports Club.

Relevant Planning History
58708 - Change of use of ground floor from residential dwelling (Class C3) to nursery (Class D1); - Approve with Conditions 02/09/2015
58709 - 1 No. stainless steel sign - Approve with Conditions 02/09/2015
60729 - Change of use of first and second floors from residential to form extension to existing ground floor day nursery (Class D1); external fire escape
- Withdrawn by Applicant 13/12/2016
63577 - Change of use of first and second floors from residential to form extension to existing ground floor day nursery (Class D1); external fire escape - Withdrawn by Applicant 27/02/2019
64302 - Change of use of first and second floors from residential to form extension to existing ground floor day nursery (Class D1) - Refused 15/08/2019

Publicity
Letters sent on 10/1/2020 to 42 properties on Manchester Road, Parkhills Road, Radcliffe road, Caton Close, Rochdale Old Road, Riverside road, Bispham Close, Waterloo Court, Highbank road, Linksway drive, Gigg lane, Brierley street, Radcliffe Road, Horne Street, Ashworth Street.

80 representations to the application received.
69 in total received in support of the application.
11 in total received in objection of the application.

Letters of objection received from Nos 180, 184, 188, 190, 194 Manchester Road which raises the following issues:

- Bambino's entrance is extremely close to our front door. The door opens and closes at least 42 times per day plus when staff arrive and leave.
- With the proposed expansion this would increase the number of times to 74 times per day.
- Staff are arriving from 7am and it is after 6pm when they leave so this is going on for a long period of time.
- The acoustics test is not independent. It is paid for by Bambino's so is more than likely going to show a favourable result.
- Noise can be heard through the ground floor walls.
- National Planning Policy Framework statements as follows: 180 Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This proposal goes against the statement.
- Bambino's causes us stress on a daily basis affecting ours and other neighbour's health.
- The gardens are meant to be tranquil however any peace expected in a garden is ruined when the children are outside.
- Having recently reduced our working days we are unable to enjoy time outside.
- There is an assumption mentioned by Bambino's that the traffic noise is louder than the children, this is totally incorrect.
- Bambino's state that no formal complaints have been received. Whilst we have not made formal complaints the fact that so many neighbours mentioned noise in their previous objections shows that this is a problem.
- In addition to the noise our privacy is also affected, people walking up the steps to the nursery can see into our house. The steps are immediately adjacent to ours.
- Security is therefore compromised, people know when we are in or out of our house.
- Has a crime impact statement ever been undertaken? We understand that this should

have been done.

- Firstly we would like to question the credibility of the supporting comments. There are at least 8 which comment about the ease of parking however the nursery confirm only 5 drive?
- There are also comments from members of staff who confirm nobody parks on Manchester Road, we have several pictures of parents pulling up outside the house on double yellow lines causing total havoc on what is already a busy dangerous road where there have been many accidents.
- Parents daily use Richmond Street to park. This is dangerous as they then cross 5 lanes of traffic carrying small children. Richmond Street is designated for permit holders and therefore we are sometimes unable to park there ourselves due to this.
- Bambino's state that parking is provided at Bury Sports Club. They recently installed signs to show demarcated parking. We have it on good authority that the sports club have written to Bambino's requesting that the signs be removed as they did not have permission to install them. They also as we understand did not have permission to paint the white lines in the parking places. This was one of the original conditions which had not been discharged despite them trading for over 3 years. We also understand that the sports club cannot enter into a commercial agreement due to their charitable status.
- The distance between the sports club parking area and Bambinos is approximately 180 metres. (we have measured) This is too far, particularly in bad weather and the reason parents do not use the facilities.
- The parking is not used is as it is unlit and parents with babies and young children will not feel safe in the dark walking along the path.
- Following the last application which was refused the report did state that the parking arrangements are not adequate for any increase in numbers.
- People park on our driveway.
- Where do people park when the bays are full at the Sports centre
- Who checks the correct people are using them?
- Where do people park in floods?
- Who grits the slope when it's freezing ice?
- These properties are part of the draft proposals for a local list of historic buildings. The use and heritage of these properties was intended to be residential houses. By allowing Bambino's to extend further this is detrimental to the heritage of the road. We also feel that this would set a precedence and other properties would then be applying to be commercial premises. There is also the loss of a residential property on the 1st and 2nd floors when there is a housing shortage.
- We purchased this lovely property in a row of Victorian houses assuming that is how they would stay. We did not expect to be living next to a commercial property which generates a lot of noise.
- The issues with noise and traffic outweigh the opinions regarding the child care provided.
- We would also like to point out that Bambino's show a lack of respect to planning regulations by having previous breaches of conditions and unauthorised advertising with large posters.
- They have also had work undertaken with commercial lighting already upstairs prior to any permission being granted.
- The Traffic Department's own findings showed it to be dangerous and is planned for improvements.
- Applications on this residential row have been refused including a chiropodist at 190.
- Not only do I live here but I work here, I run my business from my office upstairs and I don't want the noise to start effecting my work life.
- We have solid evidence of all the inconvenience caused, sound recordings of the sound pollution through the walls, cctv recordings of people parking in the drive and then walking someone to the nursery and we have pictures of the flooded parking.
- This objection is not because Bambinos is a good or bad nursery for the community, but simply because it is the wrong location for such a business.

Photographs sent in by neighbour to show cars parked outside the premises and the

proximity of the two properties.

Letters of support - A list of those who have made representations can be found on the public file.

- No issues whatsoever with this application. Fantastic day nursery that deserves to be able to extend and improve on what is already a great alternative to chain nurseries. I cannot see any issues for surrounding neighbours as Bambinos is already a established day nursery - so this would only be enhancing it.
- Expanding the business would not only support the business itself but also the community, where parents are able to send their children to a safe space and for potential new jobs to be available.
- 100% support this - my child attends and it is a positive environment
- Provides affordable child care places to local people.
- Little impact on neighbours, traffic or noise;
- they provided sign posted off-road parking which allows parents to drop off and pick up children safely
- The nursery is an asset to the community
- There is a full noise survey which concludes noise is below desirable levels.
- Would create jobs.
- A vast majority of people walk to the nursery.
- We should be supporting local businesses in our community.
- Parking is clearly marked and regularly re-enforced by the nursery
- I have always known the applicant to be a determined businesswoman. She proved it when she successfully set up her nursery from the ground up a few years ago. An asset to this town and the community. I understand that she provided all the evidence to show that she was fully compliant after the concerns that were raised on noise and parking spaces through her first application. In short, the applicant is someone this council should invest on and look for all constructive avenues to support her plans. It is the council's duty and mission to arbitrate in favour of such plans when they have met all their regulatory requirements.
- We are a quiet nursery and have plenty of parking for everyone and i have never witnessed parents parking outside the nursery when dropping off their children.
- I am deputy manager and in full support of tis expansion - we have had no complaints over the past 3 years so where are these complaints coming from? Feel as though previous applications have all been rejected on opinions not facts.
- Bury children need these extra spaces.
- Feel there is a vendetta against the application
- Surely its time that the bullying tactics of small minded neighbours are thwarted once and for all
- Expanding allows other children to attend and develop skills and build positive relationships with both the members of staff and other children, which will allow them to reach milestones and develop key skills, which will be of benefit to them
- As this is a fair and transparent process, I anticipate planning will be granted this time
- As the objections of neighbours were utterly disregarded by the Planning Officer for the change of use of 219 Manchester Road from a family home to a HMO and possible half way house for offenders, I expect the same position from Bury planning in respect of this application.
- The nursery pays for private waste collection so council resources are not impacted.
- Where recent planning applications have been approved for unnecessary fast food outlets and other businesses that reduce the perceived value of the area, here is a chance to invest in the community; its children, families and economy.

Revised plans received to re-configure the 1st floor and move the playroom 2 to the rear of the property and storage room to the front, number of children reduced to 14, 1st floor used only after 9am.
Letter sent to the connecting neighbour, No 194 Manchester Road of the proposed amendments.

Further letter of objection received from No 194 Manchester Road with the following issues raised:

- Still strongly object and the re-configuration of the first floor will not change the fact more children will simply make more noise. We can hear them already so its obvious the noise level will increase no matter where there are situated.
- There is no sound proofing and attached to a residential home is not right.
- An extension will increase noise downstairs and upstairs, parking problems still exist and have never gone away and no doubt get worse.
- Also notice it is mentioned children will not be allowed upstairs until after 9am - an admission there will be more noise?

Further letter of objection received with no postal address provided. Issues raised are:

- The heritage statement was never submitted when the property initially changed from being residential to a nursery.
- The row of houses where Bambinos is situated is on a local list, as non-designated heritage assets, and need to be treated as such. The look and feel of the residential row has been detracted from the introduction of Bambinos.
- Bargeboards have been replaced. Everyone else on the residential row has been sympathetic to the history of the houses by restoring them.
- Should the business move location or fail, consideration needs to be taken on how it may be turned back into a residential property given that Bambinos have already destroyed original features and furnishings.
- Another major area of concern is that Bambino's have no car park.
- Witnessed many times that parents park in front of Bambino's.
- Bambinos don't have parking access at all times, there is no footpath or widened vehicle access. Even if they did, the access and egress to the Sports club is not adequately lit and frequently floods.
- Bury sports club have written to Bambinos to request removal of the signs from their parking facilities.
- It is against a covenant of the Sports Club to provide commercial parking.
- The 5 ways junction is even more dangerous.
- Noise levels are too great for neighbours.
- Bambinos have not met conditions 3 and 4 of the original approval.
- A nursery at No 178 Manchester Road was refused.
- A nursery at No 27 Knowsley Street was refused - unacceptable noise from the external area.
- Have visited other nurseries in the Borough all of which would have their own parking.

Those who have made representations have been informed of the Planning Control Committee meeting.

Statutory/Non-Statutory Consultations
Traffic Section - Recommend refusal on inadequacy of the servicing and car park arrangements.
Environmental Health - Pollution Control - No objection subject to a condition to provide a noise control plan to mitigate potential noise nuisance.
Conservation Officer - No objection.

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

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/7	Throughroutes and Gateways
EN7/2	Noise Pollution
EC4/1	Small Businesses
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs

HT6/2	Pedestrian/Vehicular Conflict
CF1/1	Location of New Community Facilities
CF5	Childcare Facilities
H3/2	Existing Incompatible Uses
NPPF	National Planning Policy Framework
SPD11	Parking Standards in Bury

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.

Policies
Policy CF1/1 - Location of New Community Facilities considers proposals with regards to impact on residential amenity and local environment, traffic generation and parking, scale and size of development, access to shops and services, relation to local community, accessibility by public transport, needs and requirements of the disabled.

Policy CF5 Childcare Facilities states that the Council will look favourably on proposals for childcare facilities, including nurseries.

Policy H3/1 - Assessing Non-Conforming Uses - Assesses proposals for the development of non-conforming uses in primarily residential areas and will not permit proposals considered to be incompatible. Factors taken into account will include noise, vibration, visual intrusion, traffic and parking arrangements and hours of operation.

Policy H3/2 - Existing Incompatible Uses - Seeks to ensure that any existing conflicts are resolved where possible and where opportunities arise. Where appropriate, measures will be implemented to ensure that existing non-residential uses would not detract from the amenity of neighbouring residents by virtue of factors such as hours of operation, parking arrangements, traffic generation, noise and pollution. Where nuisance does occur, the Council will seek to ensure that any harmful effects are mitigated through appropriate regulations including planning conditions.

Policy EN7/2 - Noise Pollution - In seeking to limit noise pollution, the Council will not permit development which could lead to an unacceptable noise nuisance to nearby occupiers and/or amenity users or development close to a permanent source of noise.

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

The principle of the use of part of the ground floor of the building for use as a children's day nursery has previously been accepted by the grant of planning permission reference 58708. The main considerations would be whether the two additional rooms at the first floor would significantly intensify the use to such a degree so as to have an adverse impact on residential amenity in terms of additional noise and disturbance, together with any impacts on parking and highway safety.

Background - Existing layout and current situation
In terms of the existing layout and accommodation at the ground floor, there are 3 playrooms for a total of 21 children who currently attend the nursery. Also provided is a kitchen, toilet facilities and entrance. Staff facilities are located in a separate outbuilding in

the rear garden. The rear garden is also used for outdoor play which is partly decked and contains some play equipment.

The original approval for the ground floor included a condition that the sound insulation of the party walls be improved in accordance with relevant Building Regulations. Following a visit from the Building Control Officer it was established that the party wall already complied with BR Standards and as such soundproofing of the ground floor was not incorporated at the nursery.

Following the implementation of the use, which has been in operation for over 3 years, there have been no formal complaints received by the Environmental Health Section in relation to noise.

The proposals
Through the application process, the applicant has sought to address the concerns which have been raised by the objectors, and in particular the attached neighbour, as well as initial concern expressed by the LPA's Environmental Health Pollution Control Section with regards to noise.

The applicant has therefore reduced the number of children to 14, re-configured the 1st floor arrangements and proposed a scheme for sound mitigation measures regardless of the existing building construction.

The details of this application are discussed below.

Proposed internal layout and noise impacts
The application was initially submitted to show both playrooms located at the front of the property, with playroom 2 on the shared wall with a bedroom of the attached property, No 194 Manchester Road. Residents of this property raised considerable concerns with regards to the additional noise and disturbance from the increase in numbers of children to the nursery, beyond which they say is already a noise nuisance.

The LPA's Environmental Health Section also expressed concern that the intensified use may give rise to unacceptable levels of noise above that which should be experienced by occupiers of a residential property. However, there is uncertainty that this would be the case.

To gain a full understanding of the situation, how the nursery operates and how the layout of the nursery relates to the layout of the attached property, No 194 Manchester Road, a site visit was carried out by the Planning Officer and the Environmental Health Officer. Both the application site and the neighbour were visited.

At the time of the visit, in the early afternoon, there was no noise experienced to No 194 Manchester Road at the ground floor. That said, the resident did produce recorded evidence of noise which they have been subjected to, which it is understood that noise disturbance is not constant.

The visit to the nursery clarified that the room proposed as playroom 2 was to be located on a wall shared with the neighbour's bedroom and whilst the room would only be used during the day, the neighbour expressed concern that the increase in children and use of the 1st floor would further increase noise experienced per se, and to more this to more unacceptable levels.

In view of this, the applicant has sought to address the neighbour's concerns by several means.

Firstly, the 1st floor has now been re-configured to locate the storeroom to the front of the property on the adjoining wall to the neighbour's bedroom and playroom 2 switched to the rear of the property, sharing a party wall with the neighbour's bathroom and part of a

corridor, both non habitable spaces.
Playroom 1 would remain at the front of the property, on the north eastern side and would not be connected to another house.

The applicant has agreed to incorporate a soundproofing scheme which would come forward in a comprehensive noise control management plan. Mitigation measures may include the full soundproofing of identified rooms in the first instance, with further measures which could be added should the need arise following a review controlled by a condition. This may involve treatment of circulation spaces and self-closing doors, or the carpeting of floors and use of soft furnishings which absorb sound, and in discussion with the Environmental Health Officer.
In any event, Ofsted require doors to be closed to all the rooms used as playrooms.

The applicant has also proposed:

- to reduce the number of children to 14 in total,
- that 6 children only would be accommodated in playroom 2 (on the party wall to the neighbour's bathroom) at any time,
- proposed that the 1st floor would not be used for nursery purposes before 9am. This has been annotated as a note on the proposed floor plans and the applicant is also happy to accept a condition to this effect.

These measures are welcomed.

The nursery currently operates between 8am to 6pm and it is considered reasonable hours are not to be extended. The applicant is agreeable to this.

The Environmental Health Section has been key to the consideration and assessment of the proposals in terms of the ability to control noise and is now satisfied with the sound insulation mitigations proposed. They recommend this is addressed by a condition for the submission of a noise control management plan. The re-configuration of the 1st floor and reduction in children numbers would also be of benefit.

The applicant has confirmed they would be agreeable to all these terms.

Childcare facilities have become increasingly important over the last few years, and proposals for the provision of such facilities are generally looked on favourably (subject to consideration of any negative impacts identified in Policy CF1/1). They are also largely found in areas which are residential or mixed use in character, easily accessible and located in an area which would serve local needs.
It is understood that there is a lack of childcare provision in the Borough and Bambinos itself has a long waiting list. Whilst of a relatively small scale development, the proposed increase in numbers would go some way towards fulfilling need at the local level.

A nursery is an environment whereby children are in a controlled and cared for situation and where they have to be cared for in accordance with national regulations set by a central government agency, Ofsted. Part of this regulation requires proper supervision of the children and as such whilst there may be some noise created, it is considered that the level of supervision, together with appropriate soundproofing and reconfigured floor areas will be such to ensure that noise levels would be acceptable.

It is therefore considered that an additional 14 children attending the nursery would not significantly intensify the use to such a degree to cause unacceptable levels of disturbance and noise to either the adjoining property, No 194 Manchester Road or those who live nearby, and not sufficient to warrant a refusal of the application.

With the conditions and measures imposed, the proposed development is therefore considered to be acceptable and would comply with UDP Policies CF1/1, CF5, H3/1, H3/2 and EN7/2.

Proposed outdoor play and noise
There would be no changes to the amount of outdoor space provided and use of the outdoor area would be limited in any event by the daily routine of prescribed 'classroom' times, breaks and lunchtimes and, for the younger children, quiet time. Furthermore, the use of the outdoor space would be determined by the opening times of the nursery and factoring in inclement weather and the darker months, the opportunity for outdoor play would be limited.

The additional children to the nursery would need to be factored into the current arrangements and time available for outdoor play would be restricted. It is also unlikely that all 14 additional children would utilise the outdoor area at one time, given the supervision which would be required and the space which is available in the garden.

It is therefore considered that there would be very little, if any at all, impacts from outdoor play arrangements as a result of the additional children proposed.

The Environmental Health Section have raised no concerns in regard to potential noise impacts from the use of the outdoor space.

As such, it is considered that the proposals would be acceptable and comply with UDP Policies CF1/1, CF5, H3/1, H3/2 and EN7/2.

Parking and access
The property has no designated off-road parking and is situated fronting one of the busiest roads in the Borough, close to a signalised junction. This part of Manchester Road has stopping and parking restrictions.

The objectors have stated that there have been incidents of parents pulling up outside the property on double yellow lines causing highway safety issues on what is already a busy dangerous road where there have been many accidents. The neighbour at No 194 Manchester Road has also cited that parents have used their own private driveway located off Radcliffe Road on which to park when dropping off children.

The applicant already has secured parking at Bury Sports Club for 15 spaces which are solely dedicated for the nursery's use. These were provided following the approval for the change of use of the ground floor. The spaces are located close to the entrance of the Sports Club and each bay is clearly signed as 'Reserved Parking for Bambinos only'. These spaces are available at all times the nursery is open for staff, parents and visitors and for the purposes of dropping off and picking up.

Drop off and pick up times are at staggered times in the morning and afternoon/evenings. There are also a number of parents who live in the locality and walk to the nursery. A number of site visits at different times of the day have confirmed that the parking is not generally fully utilised. The number of spaces provided is therefore considered more than adequate to fulfil the parking needs of the nursery.

What has also been raised as an issue, not just by the objectors but also the LPA's Highway Section, is the location of the spaces in relation to the nursery itself, which requires parents/employees to park and walk round Radcliffe Road and onto Manchester Road. This was considered an acceptable arrangement by the Highway's Section for the original grant of permission.
The Highway's Section however, considered it was not acceptable on the application which proposed to increase numbers by 21 and to which the Section recommended refusal based on the intensification of use, inadequate parking and servicing arrangements.

This current application seeks a reduced number of children - a third less than previously proposed. Whilst the Highway Section have maintained their objection on highway safety grounds, the LPA considers the proposals to be reasonable for a number of reasons -

- The additional trips made to the nursery would be staggered, some parents would walk and not all would drive. There are a sufficient number of dedicated parking spaces which are already provided for the development and which would facilitate the additional numbers of trips which would be made. Parking is only likely to be more fully utilised at the beginning and ends of the day and is more than adequate to serve the needs of the staff who would park there full time.
- It cannot be assumed that parents would perform illegal or dangerous manoeuvres by stopping on Manchester Road and putting children or themselves at risk from potential traffic incidents.

Having brought this to the attention of the applicant, they have been very proactive in strongly reminding and notifying parents and visitors to use the dedicated parking area at Bury Sports Club and not to park outside the property. Reminders have been sent to parents by letter and there is also signage in front of the property directing parents to park at the Club.

As stated above, the arrangements at Bury Sports Club were considered to be acceptable for the original change of use application and there is no reason why the current arrangement would not be acceptable in respect of this application.

It cannot be assumed that parents/carers would pull up outside the nursery, which would not only necessitate them pulling up onto the pavement and carrying out dangerous manoeuvres but would put their own and safety of children at risk. Nor can it be assumed that parents would trespass on private property by pulling into the drive of No 194 to park and walk to the nursery.

Given there is a current lawful planning permission in place, it is therefore considered that the access and parking arrangements already in existence would continue to adequately and appropriately serve the proposed development and would comply with UDP Policies CF1/1, H3/1, H3/2 and EC4/1 Small Businesses and HT2/4 Car Parking and New Development.

Heritage - A Heritage Statement has been submitted with the application.

Paragraph 189 of the NPPF states that in determining applications, LPA's should require an applicant to describe the significance of any heritage assets affected, including any contribution to their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 197 of the National Planning Policy Framework (NPPF) states that he effect of an application on the significance of a non-designated heritage asset should be taken into account. The proposal to change the use of the upper floors to extend the nursery would not result in any alterations or changes to the building which would effect the building in terms of heritage, and the scale of the development would be relatively minor not to have a detrimental impact on the character of the building.

It is therefore considered that the proposed development would comply with Paragraphs 189 and 197 of the NPPF.

Response to objectors

- There is already a lawful use for a nursery in part of the property and for the scale of development proposed it is considered a Crime Impact Statement is not necessary.
- The existing access to the nursery is down the side of the property adjacent to No 190 Manchester Road and there are already comings and goings by staff and those dropping off children. These are staggered and happen only at the beginning and end of the day. There is also a high brick boundary wall between the 2 properties. It is considered disturbance to this neighbour would not be significantly affected by the intensification of numbers proposed.

- There are no external alterations proposed.
- The applicant has confirmed that there is a private agreement with Bury Sports Club for the provision of the 15 parking spaces and agreement for the signage of the designated parking spaces.
- The issue relating to the covenant at Bury sports Club is not a planning consideration. However, it is understood that the applicant gives a charitable donation to the sports club which may satisfy the requirements of the covenant. In any event, there is a condition that secures the provision of parking for the nursery.
- Conditions 3 and 4 of the previous application to provide parking and carry out remedial works for the provision of a footpath from the car park have been carried out and complied with.
- The application at No 27 Knowsley Street for a nursery which was refused on noise and inadequate accommodation related to a property of a different scale, layout and facilities. Each site is assessed on its own merits and including factors of the character of the area, layout and scale. The application at No 27 Knowsley Street is not comparable to this planning application currently under assessment.
- The application at No 178 Manchester Road was in association with an education college for teaching purposes and a 2 storey extension. The development was a different character, scale and type to the current application and not comparable.
- All other issues have been discussed in the above report.

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 drawings numbered - Location plan ZT16-197-00; Existing site plan ZT16-197-01; Proposed site plan ZT16-197-03; Site parking plan ZT16-197-07 Rev B; Existing floor plans AS16-197-02; Existing elevations AS16-197-03; Proposed floor plans AS16-197-05 Rev A - and the development shall not be carried out except in accordance with the drawings hereby approved.
   Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.

3. No development shall commence unless and until a noise control plan has been submitted to the Local Planning Authority for approval to ensure that no noise is audible above existing background noise levels in the habitable rooms of the adjacent property, No 194 Manchester Road, when measured against the operational hours of the premises. The noise control plan shall include an internal noise assessment to ensure that noise emissions due to the proposed activity in the neighbouring property is between the regions specified as 'unlikely to cause complaints' and 'of marginal significance' in accordance with the guidance provided in BS4142. We would therefore not expect a negative impact on the amenity of nearby residential receivers. The noise control plan should include

measures to control and manage noise within classrooms/playrooms and common parts of the premises such as corridors, staircases, dining areas and toilet areas. The approved noise control mitigation measures shall thereafter be implemented prior to the first use and occupation of the development hereby approved and thereafter maintained. The noise control plan shall include annual reviews and appropriate mitigation measures which shall be submitted to and approved in writing by the Local Planning Authority.
Reason. To safeguard the amenities of the occupiers of the adjacent property, No 194 Manchester Road, pursuant to Bury Unitary Development Plan Policies EC4/1 - Small Businesses, CF1/1 - Location of New Community Facilities, EN1/2 - Townscape and Built Design and EN7/2 - Noise Pollution.

4. There shall be no more than 14 children to be accommodated on the first floor of the nursery hereby approved. Playroom 1 shall accommodate no more than 8 children and playroom 2 shall accommodate no more than 6 children, at any one time, and as shown located on approved plan AS16-197-05 Rev A. There shall be no more than a maximum of 35 children in total to be accommodated at the nursery at any one time.
Reason. To protect the interests of residential amenity and ensure adequate parking provision for the development hereby approved, pursuant to Bury Unitary Development Plan Policies EC4/1 - Small Businesses, CF1/1 - Location of New Community Facilities, EN1/2 - Townscape and Built Design, EN7/2 - Noise Pollution and HT2/4 - Car Parking and New Development

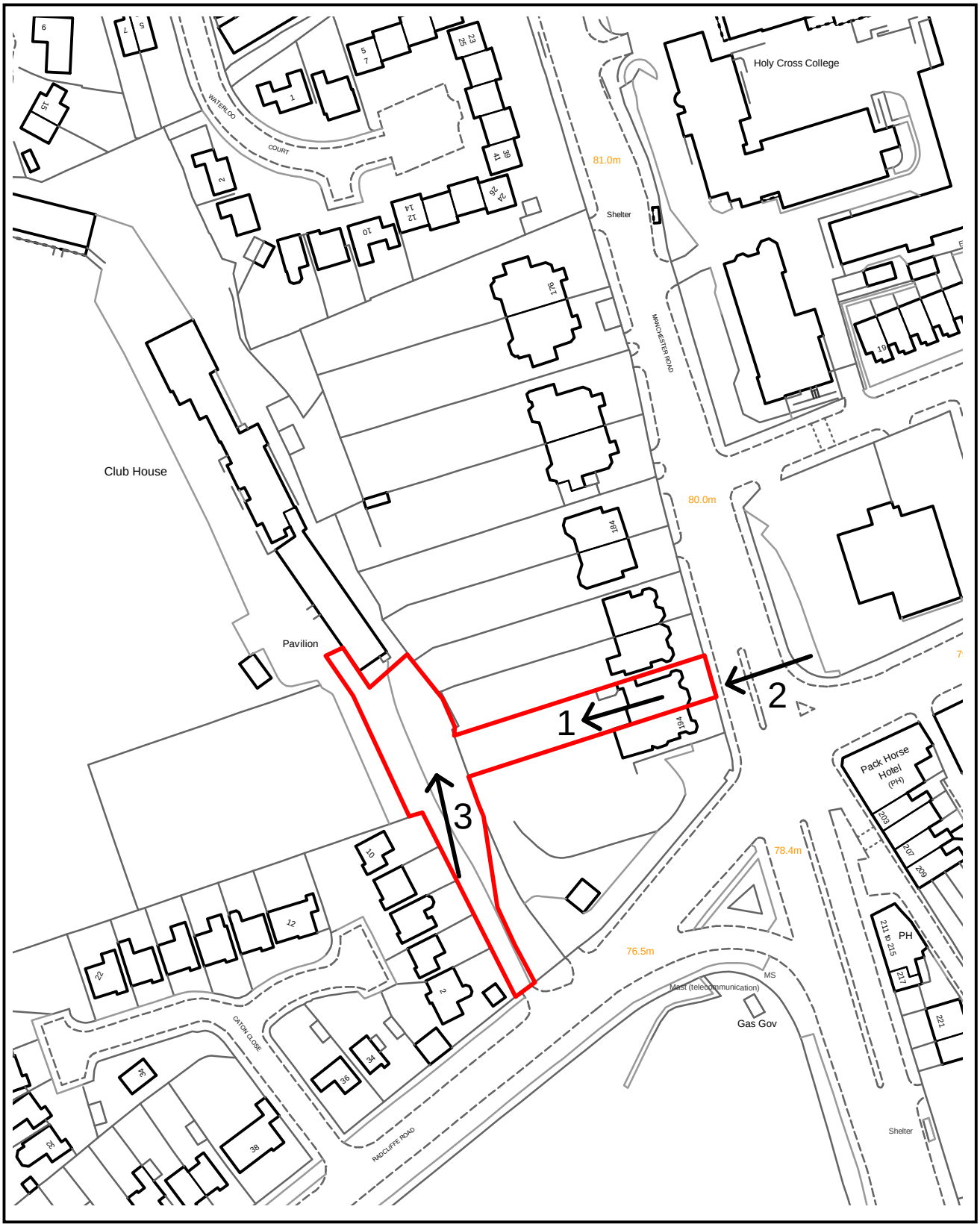
5. There shall be no children accommodated in the first floor playrooms between the hours of 6pm and 9am daily, as shown on the approved plan AS16-197-05 Rev A.
Reason. To protect the interests of residential amenity pursuant to Bury Unitary Development Plan Policies EC4/1 - Small Businesses, CF1/1 - Location of New Community Facilities, EN1/2 - Townscape and Built Design and EN7/2 - Noise Pollution.

6. For the purposes of accommodating the children to the nursery, the nursery use shall only operate between the hours of 8am to 6pm Monday to Friday.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EC4/1 - Small Businesses, H3/1 - Assessing Non-Conforming Uses. H3/2 - Existing Incompatible Uses; CF1/1 - Location of New Community Facilities, CF5 - Childcare, EN1/2 - Townscape and Built Design and EN7/2 - Noise Pollution of the Bury Unitary Development Plan.

7. The approved parking spaces provided at Bury Sports Club and for the development hereby approved shall be permanently retained for the duration of the use otherwise the use of the building as a nursery shall cease.
Reason. To ensure adequate parking provision is made available for the development in the interests of road safety and pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, CF1/1 - Location of New Community Facilities, CF5 - Childcare and H2/4 - Car Parking and New Development.

For further information on the application please contact **Jennie Townsend** on **0161 253-5320**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 65021

ADDRESS: 192 Manchester Road
Bury

N W E S

Bury COUNCIL

Planning, Environmental and Regulatory Services

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Plan 1

Photo 2

Photo 3

01 Existing Site Plan
Scale 1:1250

Notes

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All levels to be checked on site

All discrepancies between information shown on the drawings and the information in the specification to be referred to the architect prior to proceeding.

All component sizes and references to be checked before ordering

Position of existing drain runs to be confirmed prior to proceeding and drains checked as necessary.

All relevant boundary positions are to be checked prior to proceeding

N

SURVEY ORIENTATED TO MAGNETIC NORTH

Rev	Description	Date	By	Chk

Status
Planning ☐ Tender ☐
Construction ☐ As Built ☐

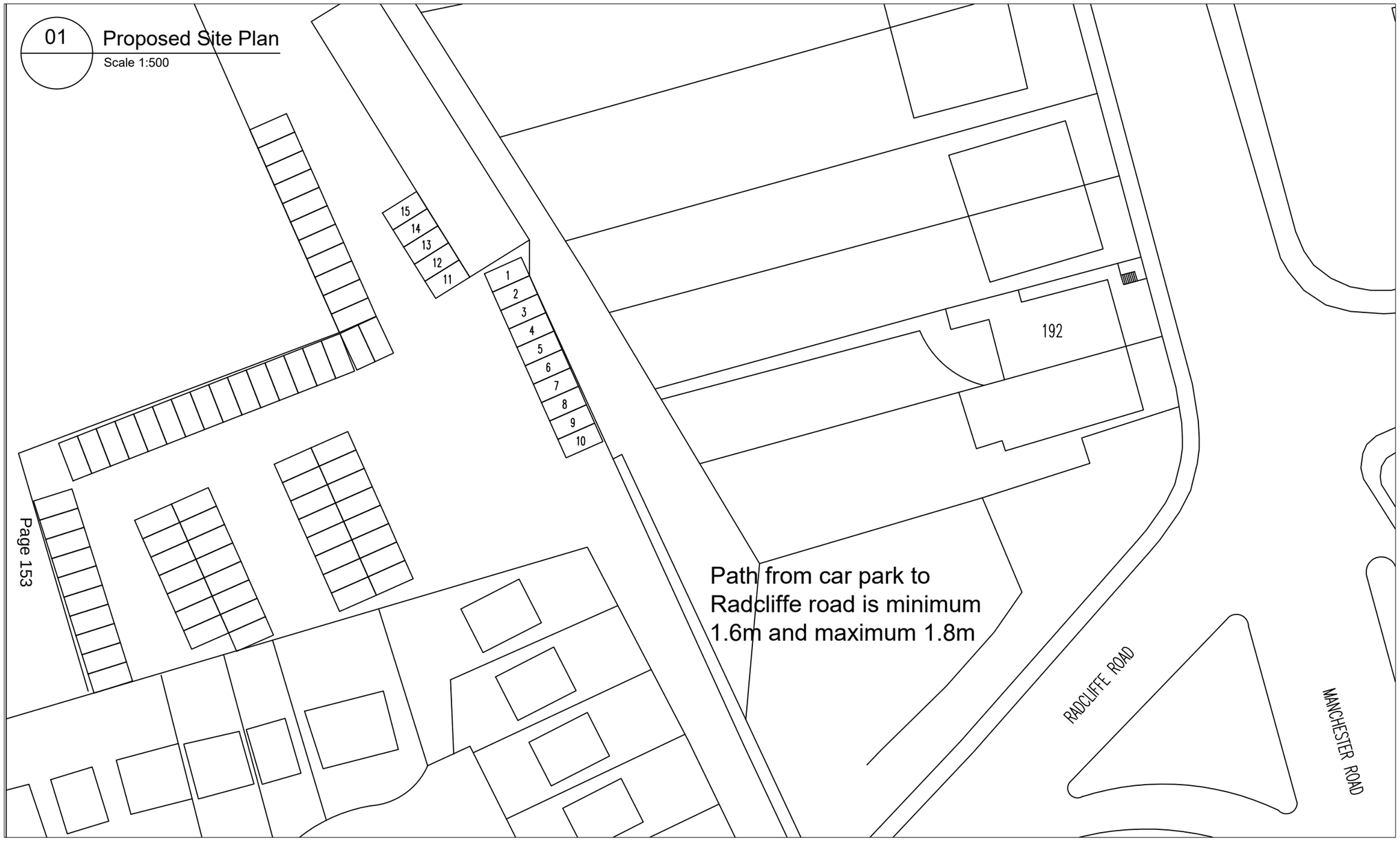
Purpose for Issue
PLANNING

Client
Bambinos Ltd.

Contract
Proposed Internal Alterations and Change of Use

Drawing
Location Plan

Drawing No.	ZT16-197-00	Revision	/
Scales	1:1250 @ A4	Date	Oct '16
Drawn	ZTT	Checked	



*Please read in conjunction with the 'Children drop of times' document.

Bambinos currently holds 15 spaces for parent drop of and pick ups.

On 30.05.18 bambinos surveyed the cars coming and going on the car park and it was found that 4 cars dropped of between 8am and 8.55am and 4 cars picked up between 4.30pm and 5.25pm. As a result of this survey only 4 spaces were used during the peak periods leaving 16 for parking/drop off for parents in the nursery expansion. Conclusion to this is that no further spaces need to be allocated/created.
Extra surveys have been undertaken between 28.10.19 and 01.11.19 and the existing15 spaces were being used by only 5 cars at a max period of 10mins - Please refer to appendix's in design and access statement.

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All component sizes and references to be checked before ordering

SURVEY ORIENTATED TO MAGNETIC NORTH

Rev	Description	Date	By	Chk
B	Parking numbers and notes amended	04.12.19	ZT	
A	Updated Parking due to water logging	09.09.19	ZT	

Status
Planning ☐ Tender ☐
Construction ☒ As Built ☐

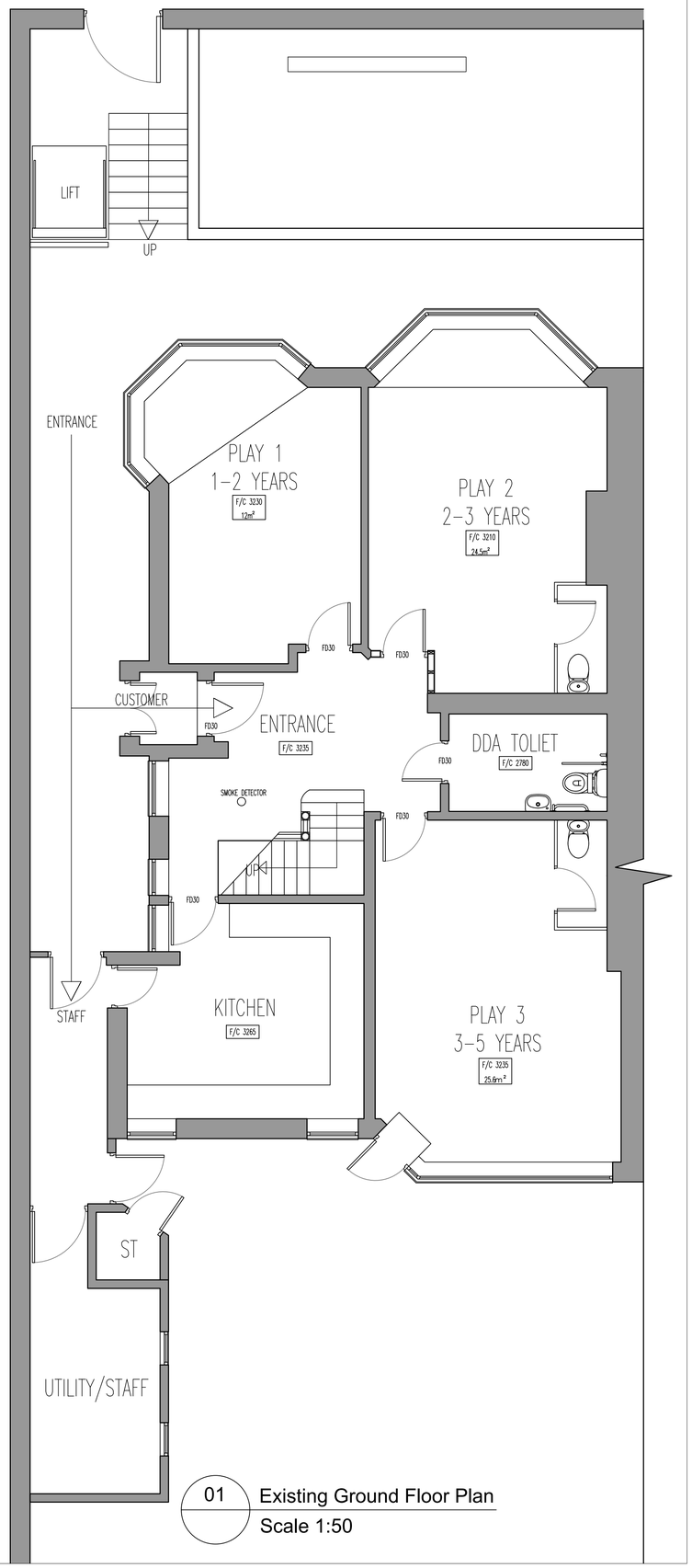
Purpose for Issue
PLANNING

Client
Bambinos Ltd.

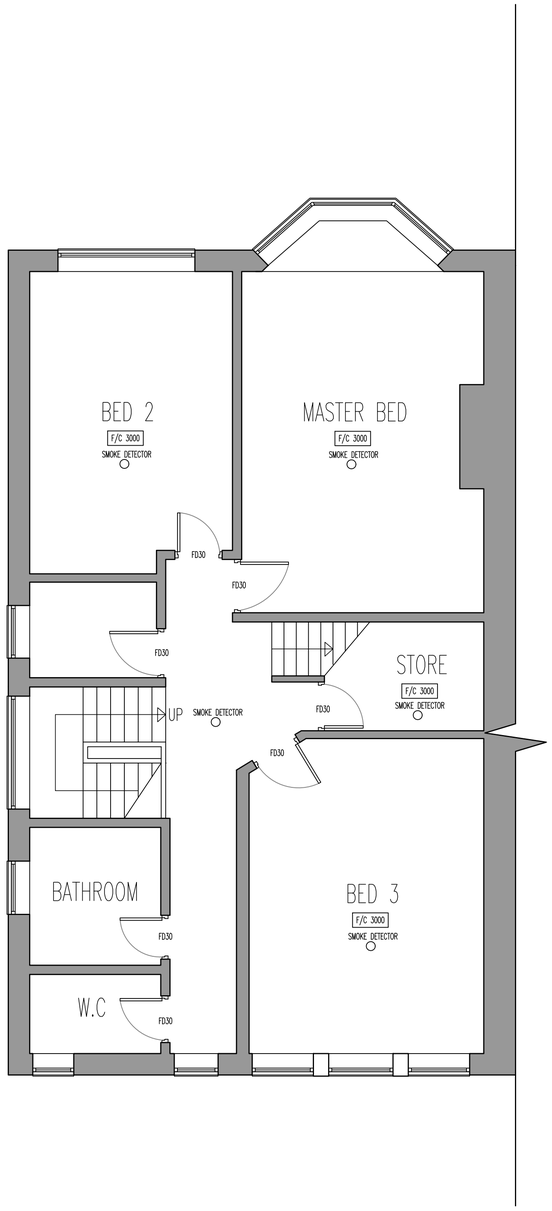
Contract
Proposed Internal Alterations and Change of Use

Drawing
Site Parking Plan

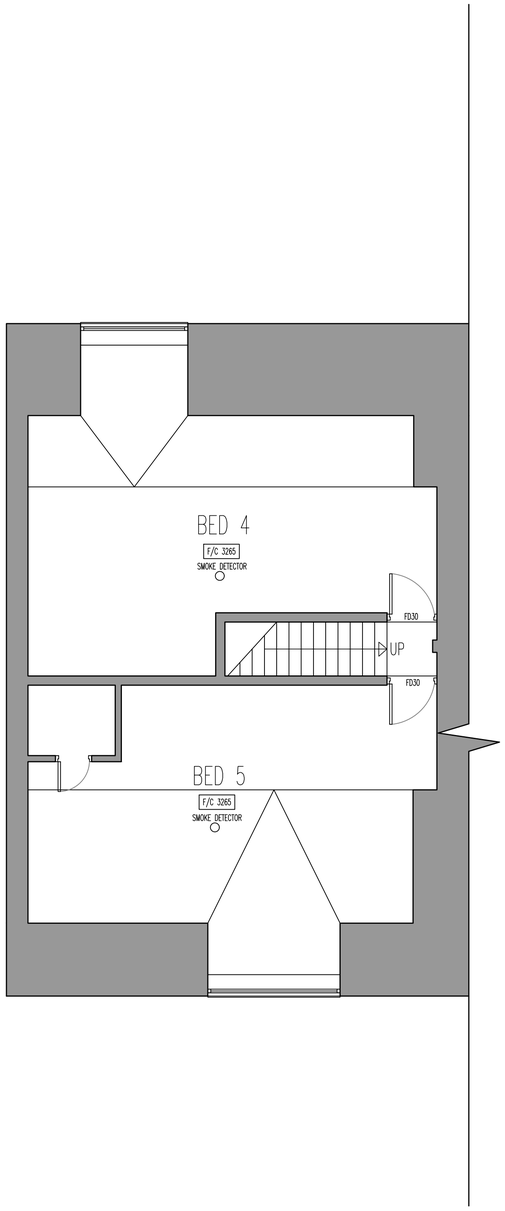
Drawing No.	ZT16-197-07	Revision	B
Scales	1:500 @ A3	Date	June '19
Drawn	ZTT	Checked	



01 Existing Ground Floor Plan
Scale 1:50



02 Existing First Floor Plan
Scale 1:50



03 Existing Loft Plan
Scale 1:50

Notes

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All levels to be checked on site

All discrepancies between information shown on the drawings and the information in the specification to be referred to the architect prior to proceeding.

All component sizes and references to be checked before ordering

Position of existing drain runs to be confirmed prior to proceeding and drains checked as necessary.

All relevant boundary positions are to be checked prior to proceeding

Rev	Description	Date	By	Chk

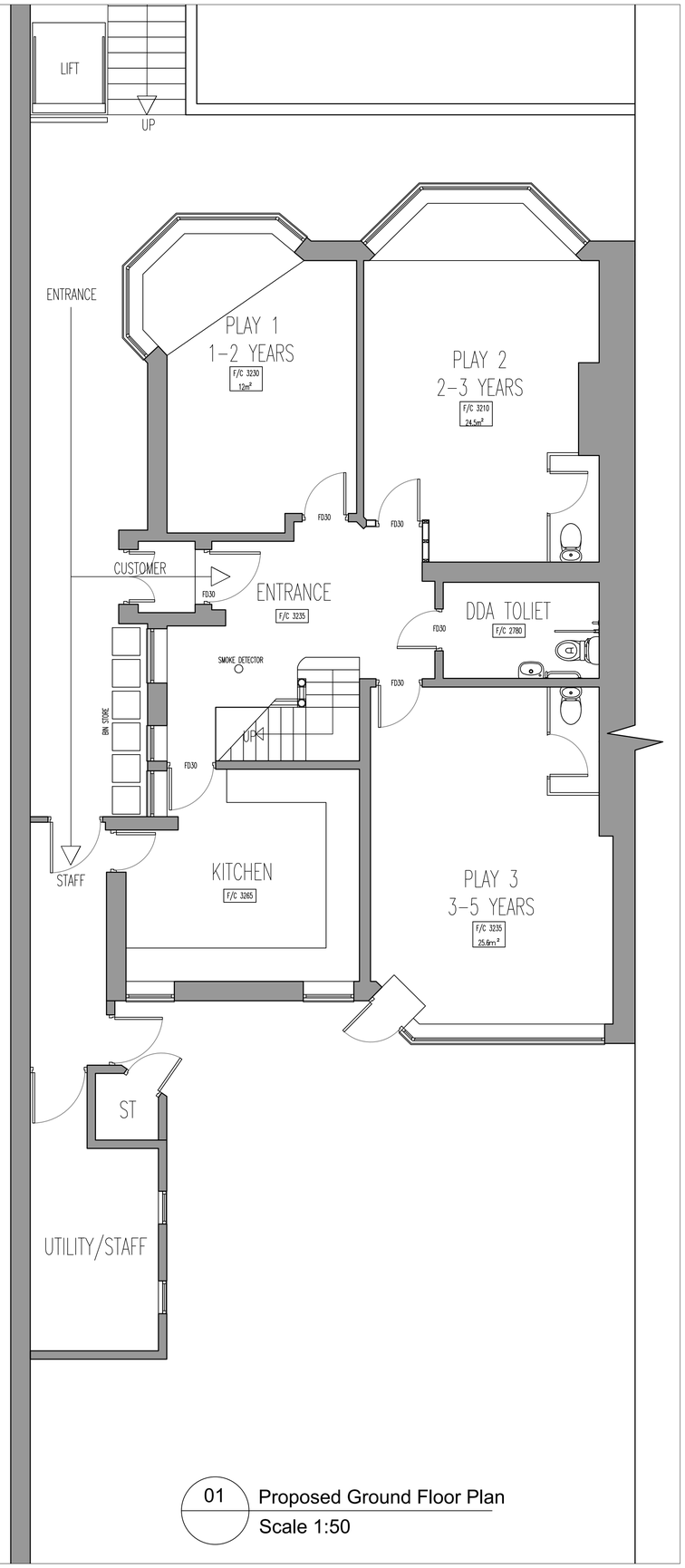
Status — Purpose for Issue
Survey ☐ Tender ☐
Construction ☒ As Built ☐

Client
Bambinos Ltd.

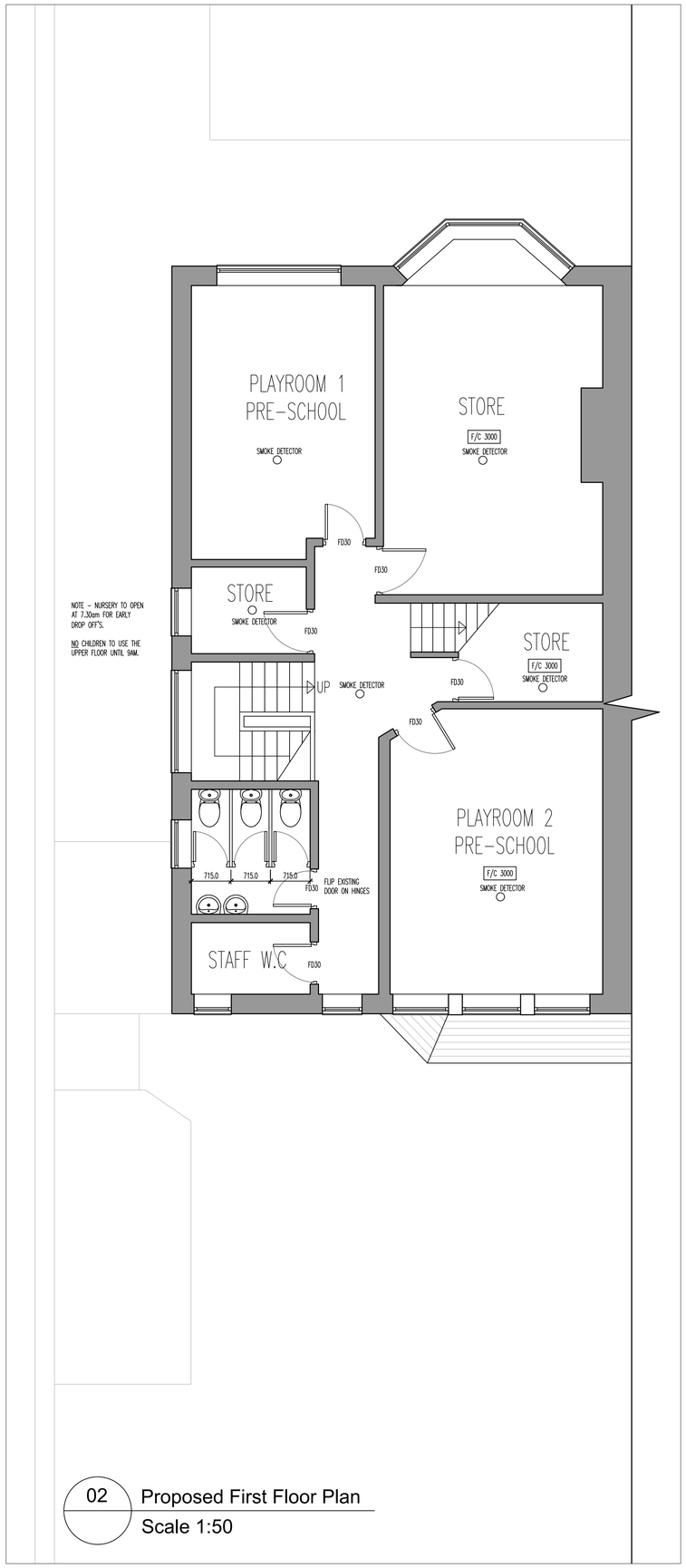
Contract
Proposed Internal Alterations and Change of Use

Drawing
Existing Floor Plans

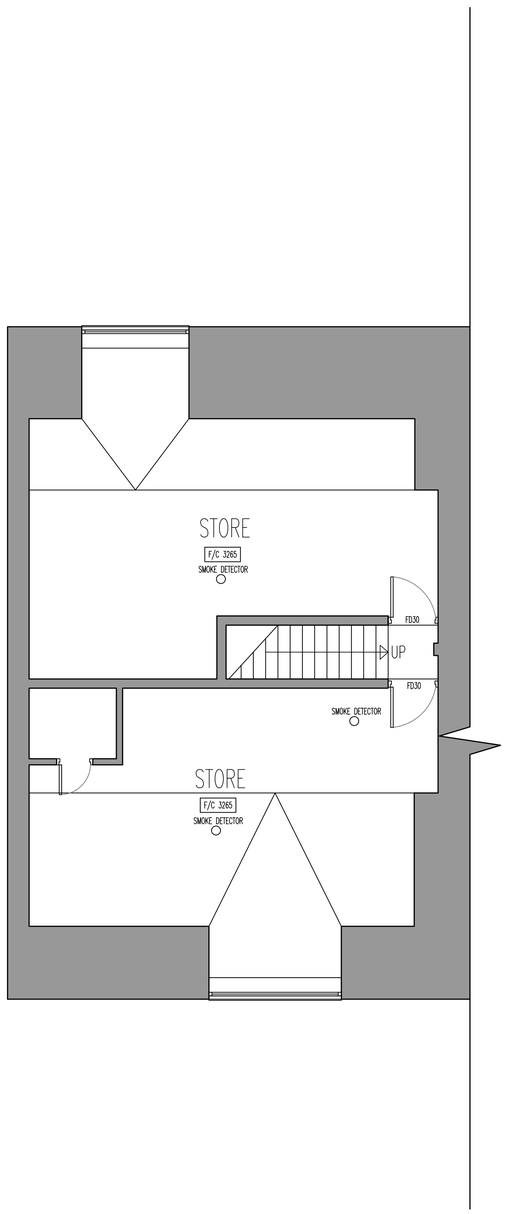
Drawing No.	AS16-197-02	Revision	/
Scales	1:50	Date	Oct '16
Drawn	ZTT	Checked	



01 Proposed Ground Floor Plan
Scale 1:50



02 Proposed First Floor Plan
Scale 1:50



03 Proposed Loft Plan
Scale 1:50

Notes

Copyright in all documents and drawings prepared by the Surveyor and any works executed from these documents and drawings shall, unless otherwise agreed, remain the property of the Architect and must not be reproduced by, lent or disclosed to, a third party without the written consent of Zach Thorp.

Do not scale off this drawing

All dimensions are to be checked on site and any discrepancies to be referred to Zach Thorp before proceeding.

All levels to be checked on site

All discrepancies between information shown on the drawings and the information in the specification to be referred to the architect prior to proceeding.

All component sizes and references to be checked before ordering

Position of existing drain runs to be confirmed prior to proceeding and drains checked as necessary.

All relevant boundary positions are to be checked prior to proceeding

Rev	Description	Date	By	Chk

Status: Purpose for Issue

Survey ☐ Tender ☐
Construction ☒ As Built ☐

Client
Bambinos Ltd.

Contract
Proposed Internal Alterations and Change of Use

Drawing
Proposed Floor Plans

Drawing No.	AS16-197-05	Revision	A
Scales	1:50	Date	Oct '16
Drawn	ZTT	Checked	

Ward: Ramsbottom + Tottington - Tottington

Item 07

Applicant: Mr Paul Healey

Location: Meadow View (Plot 2), Howarths Farm, Watling Street, Bury, BL8 3QR

Proposal: Replacement stables (revised submission)

Application Ref: 65234/Full **Target Date:** 27/04/2020

Recommendation: Approve with Conditions

Description
The application relates to a newly constructed detached two storey dwelling house, and associated land. The site is located within the Green Belt. The original permission for the dwelling included the construction of a stable building, that would provide 2 stables and a tack room. This stables would be located approximately 2 metres from the side gable of the property now known as Meadow View.

Planning permission is sought for construction of the stables, in a new location. The proposed stables would be located approximately 5 metres from the property known as Meadow View and would be sited to the north of the gable of this dwelling. The proposal consists of 2 stables, and a machinery store.

A previously constructed stables, that did not have planing permission has now been removed from the site.

Relevant Planning History
54941 - Manege (riding arena) - Approve with Conditions 17/04/2012

58950 -Erection of 2 no. dwellings; Erection of replacement stables - Approve with Conditions 12/10/2015

63096 - Variation of condition no. 2 (approved plans) following grant of planning permission 58950 for external alterations to previously approved 2 no. dwellings - Approve with Conditions 1/10/2018

Publicity
Neighbour letters - 2/04/2020
Site Notice - 12/03/2020

Objections received from the occupants of Hayloft, Howarths Farm, 17 Greenside Drive and 461 Walshaw Road in relation to:

- Address incorrect
- plans sketchy, very concerning. 'timber clad' all or part,what other material
- 'Replacement stables' no stables on that site previously, is this to replace construction, knocked down due to no planning permission affecting footpath access.
- Is to be used as stables or something else? there is wooden stable type building in the field nearby, is stable being used to try & ease it through in a rural area. In the spirit of neighbourliness, could it be clearly marked out on site to see in real terms, so it is clear the impact it will have on the area. Should this building be allowed to go ahead, especially without more detailed plans, it may open the way for further buildings to be constructed on this piece of land & surrounding area
- Affetside's a beautiful countryside village, residents we strive to protect, I fear further

constructions would detract from this. more clarification and transparency surrounding this proposed construction is necessary before it is passed

- The original stables application was respectfully designed so that it DID NOT infringe on the views of existing residences.
- The current applicants happily purchased Meadow View plot 2 and given neighbourly support from the offset. An "unauthorised" and undiscussed structure was built in a different location than the planning committee agreed, totally obscuring any view for Hayloft. Built of solid concrete block described as a potting shed and defying council decision. Footpaths rightly had this removed. Concerns with trust arose.
- Promises were made that a new application by the same Agent would involve applicant consultation/demarcation of the building with us, failed to happen exasperating the situation.
- The unauthorised building appears skewed on plans.
- We would like the original decided location to remain.
- Meadow view sits in grounds of 2 acres with ample room to resite the stables harmoniously. Alternatively an L shaped structure may suit.
- Meadow View is no part of Howarth's Farm
- Original application stated stables should be in a straight line owing to aesthetics.
- Would encroach on uninterrupted views of surrounding hills from footpath.
- Building will be positioned to the walkway.
- Green Belt is being more built upon
- Will spoil the beautiful countryside and character of Affetside
- Obstacles on footpath left there could ba a hazard to walkers.
- Applicants moved the stables to protect their views. Why does our view not matter, but the applicants does?

Statutory/Non-Statutory Consultations
Traffic Section - No objection subject to condition requiring car parking is made available

Drainage Section - No response

Environmental Health - Contaminated Land - The Environment Section has assessed the application and has no comments to make regarding contaminated land or air quality.

Environmental Health - Pollution Control - no comments to make regarding noise nuisance

Public Rights of Way Officer - No objection

Waste Management - No response

United Utilities (Water and waste) - No response

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

OL1	Green Belt
OL1/2	New Buildings in the Green Belt
EN1/2	Townscape and Built Design
SPD10	Planning for Equestrian Development
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
OL4/7	Development Involving Horses
H3/1	Assessing Non-Conforming Uses

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury

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

Principle (Greenbelt)
Paragraphs 143 and 144 state that inappropriate development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances (VSC). Planning Authorities should ensure that substantial weight is given to any harm in the Green Belt. VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 145 of the NPPF regards the construction of new buildings in the Green Belt as inappropriate development. Exceptions to this are:

- buildings for agriculture and forestry;
- provision for appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and recreation;
- extension or alteration of a building providing it does not result in disproportionate additions over and above the size of the original building;
- replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages;
- limited affordable housing for community needs under policies set out in the development plan (including policies for rural exceptions sites); and
- limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use excluding temporary buildings) which would

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need with in the area of the local planning authority.

Policy OL1/2 states that the construction of new buildings in the Green Belt is inappropriate unless it is for agriculture and forestry; essential facilities for outdoor sport and recreation; 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; and limited infilling in existing villages.

The proposal is for 2 stables, and a machinery store. A stables has been previously approved at the site in connection with this dwelling however the proposal seeks to re-locate these stables. The stables would be located adjacent to an existing riding arena. It is therefore considered that the proposed stables would fall under the exception for provision for appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and recreation as set out within the NPPF and UDP Policy OL1/2 and is therefore acceptable in principle.

Design and Layout
The construction of 2 stables and a machinary store are generally considered to be acceptable and in line with guidance contained within SPD 10 and the associated OL4/7 - Development Involving Horses.

The stables are located at the end of a row of dwellings, with a riding arena also located to the east and as such will be viewed within a cluster of buildings and development, limiting the impact on stables on the openness of the Green Belt. The use of dark materials, and timber would help the stables to blend into the landscape. The use of traditional timber would also allow for the stables to be removed after the use has ceased. The stables are

located in a similar position to the originally approved scheme, although located slightly further north, and 3 metres further to the east than the original permission.

It is therefore considered that the proposed stables would comply with Unitary Development Plan Policies OL1 - Green Belt, OL1/2 - New Buildings in the Green Belt, OL4/7 Development Involving Horses, Supplementary Planning Document 8 - New Buildings in the Green Belt, SPD 10 - Planning for Equestrian Development and paragraphs 143-147 of the National Planning Policy Framework. in relation to impact on the Green Belt.

Residential Amenity
SPD10 states that applications should incorporate a 30 metres buffer to avoid impact on nearby residential amenity caused from smells, noise and nuisance however stables have been previously approved at this, sited closer to the associated dwelling. Given that the stables are modest in scale, for private use, located in a similar position to the previously approved scheme and are located 20 metres from the nearest neighbour's dwelling it is considered that the proposal is acceptable in terms of residential amenity. A scheme for the storage of manure has been conditioned.

The proposed stables would be single storey in height, and located approximately 19 metres from the shared boundary. As such it is considered that the proposed stables would not be unduly overbearing.

Response to Objectors
Whilst there is an address used on the application form that includes the use of Howarths Farm, the application also includes a site location plan and red edge that clearly demarcates the site. As such there is no confusion as to where the application site is located.

The plans supplied are sufficient including a site location plan, site layout and elevations. Confirmation of materials is included on plan 20/538/02. For clarity this is:

- Roof - black onduline corrugated sheeting. Galvanised ridge. Perspex roof lights
- Walls - redwood shiplap cladding on 47 x 75 timber frame lined with 1.2 m plywood kick boards.
- Doors - 1200 wide timber stable doors
- Floor - concrete to include certified gas proof membrane

Stables were part of the original permission for the two new dwellings on the site.

The "wooden stable type buliding" on fields nearby appears to relate to a field shelter. As confirmed within the original assessment of Green Belt development stables would fall under the exception for provision for appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and recreation as set out within the NPPF. The applicant has confirmed that the stables are for personal use.

The impact of the stables on residential amenity have been assessed within the main body of the report. Loss of view is a non-material planning consideration.

The previously unauthorised stables have been removed from site and it is a new, unbuilt stables block that is being considered. Each application is assessed on it's own merits against the relevant policy and material planning considerations.

Whilst the LPA advise that applicants speak with neighbours before applying for planning permission, this is not a requirement they can insist on.

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. The development must be begun not later than three years beginning with the date of this permission.
   Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

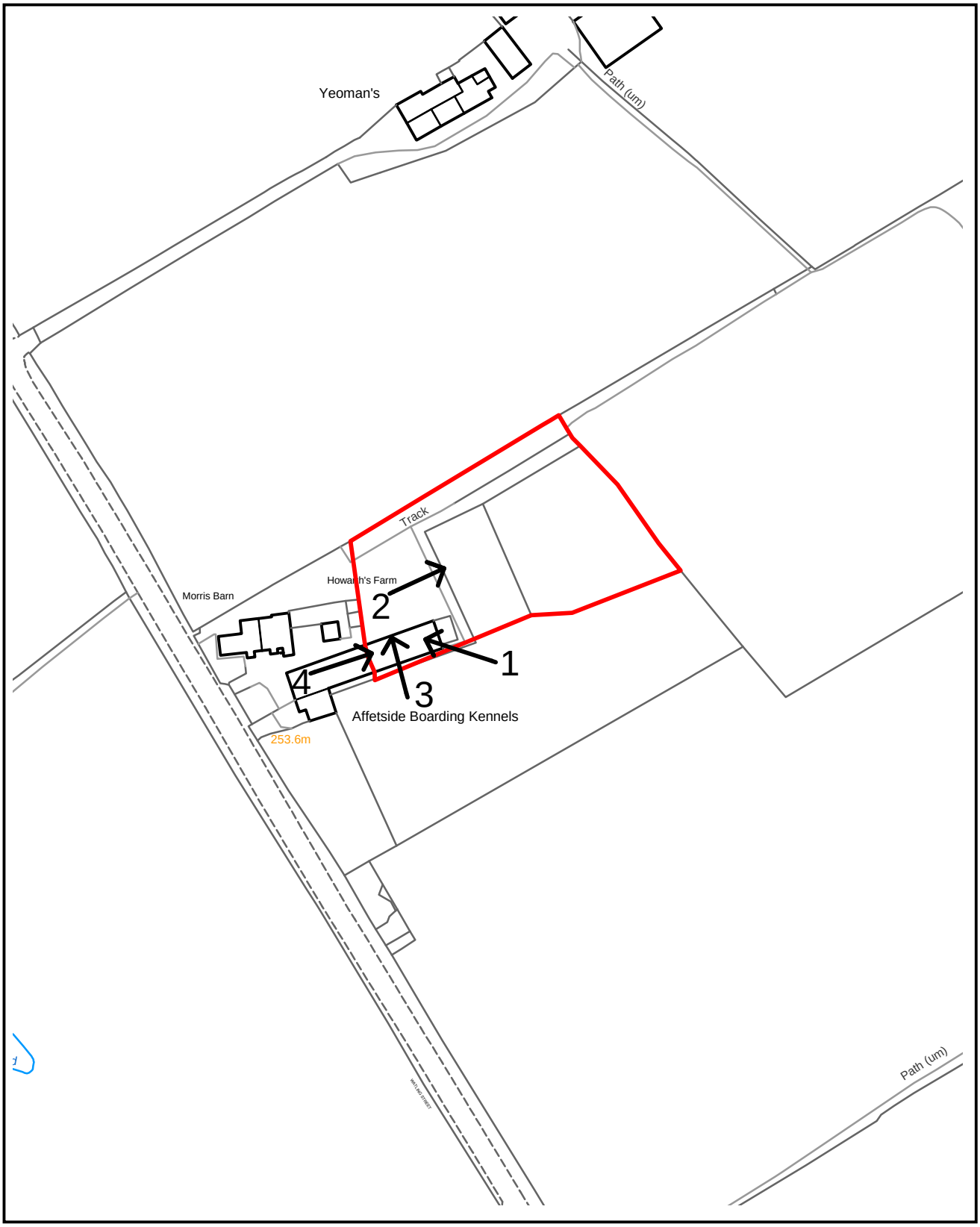
2. This decision relates to drawings numbered Revised Location Plan, 20/538/01 and 20/538/02 and the development shall not be carried out except in accordance with the drawings hereby approved.
   Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.

3. A midden shall be constructed and completed prior to the stables being brought into use, in accordance with approved plans 2015/135/04 of approved planning application 58950.
   Reason: To prevent the pollution of the environment pursuant to Policies H3/1 – Assessing Non-Conforming Uses and OL1/2 – New Buildings in the Green Belt of the Bury Unitary Development Plan.

4. The stables hereby permitted shall be used for the domestic purposes only. They shall not be used in part or whole for any commercial livery, equestrian or other use.
   Reason: In the interests of amenity having regard to the location of the site pursuant to Policies H3/1 – Assessing Non-Conforming Uses and OL1/2 – New Buildings in the Green Belt of the Bury Unitary Development Plan.

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 65234

ADDRESS: Meadow View, Watling Street Bury

Planning, Environmental and Regulatory Services

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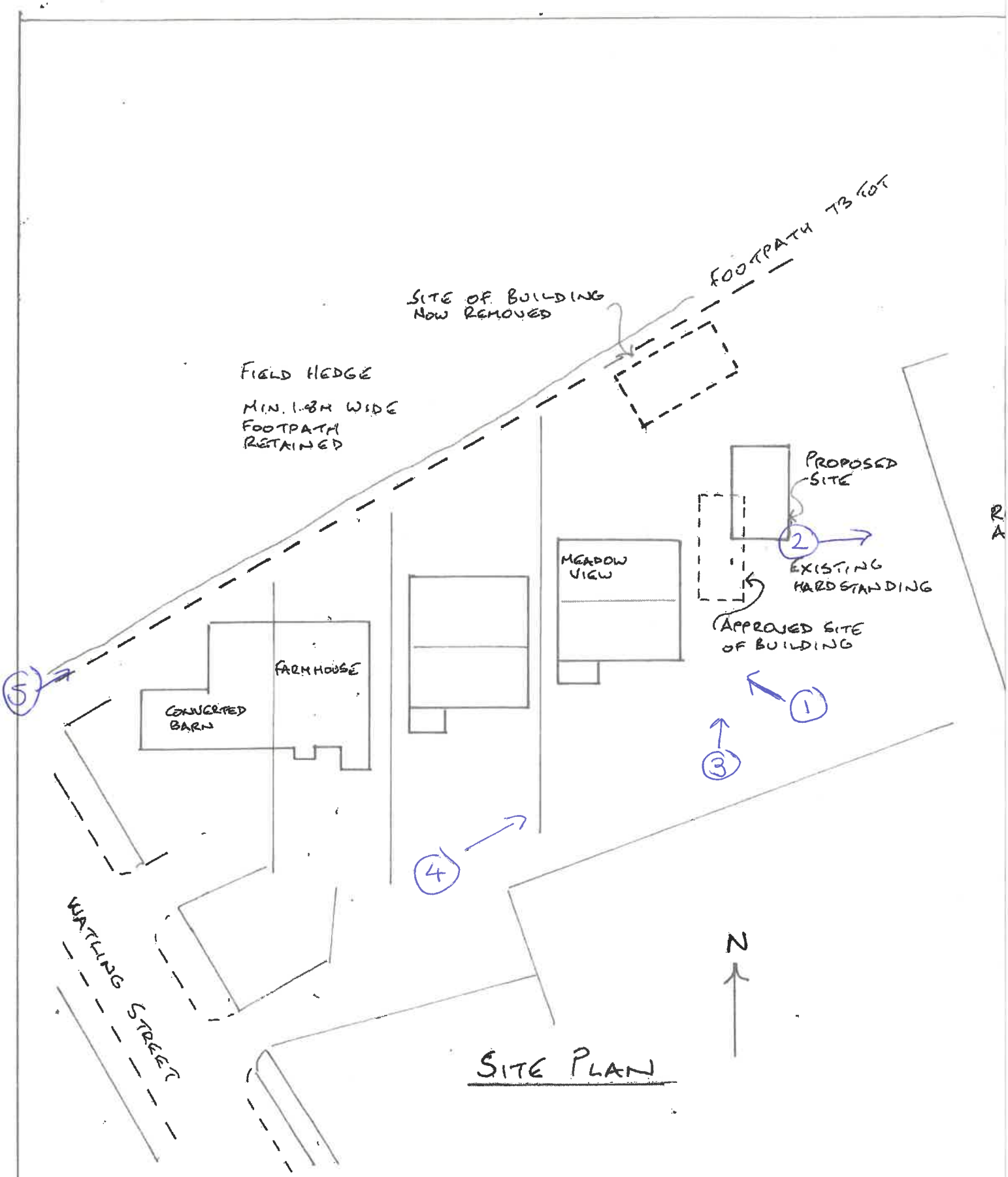


SITE PLAN

SCALE 1:500 @ A3

65234

Photo 1

Photo 2

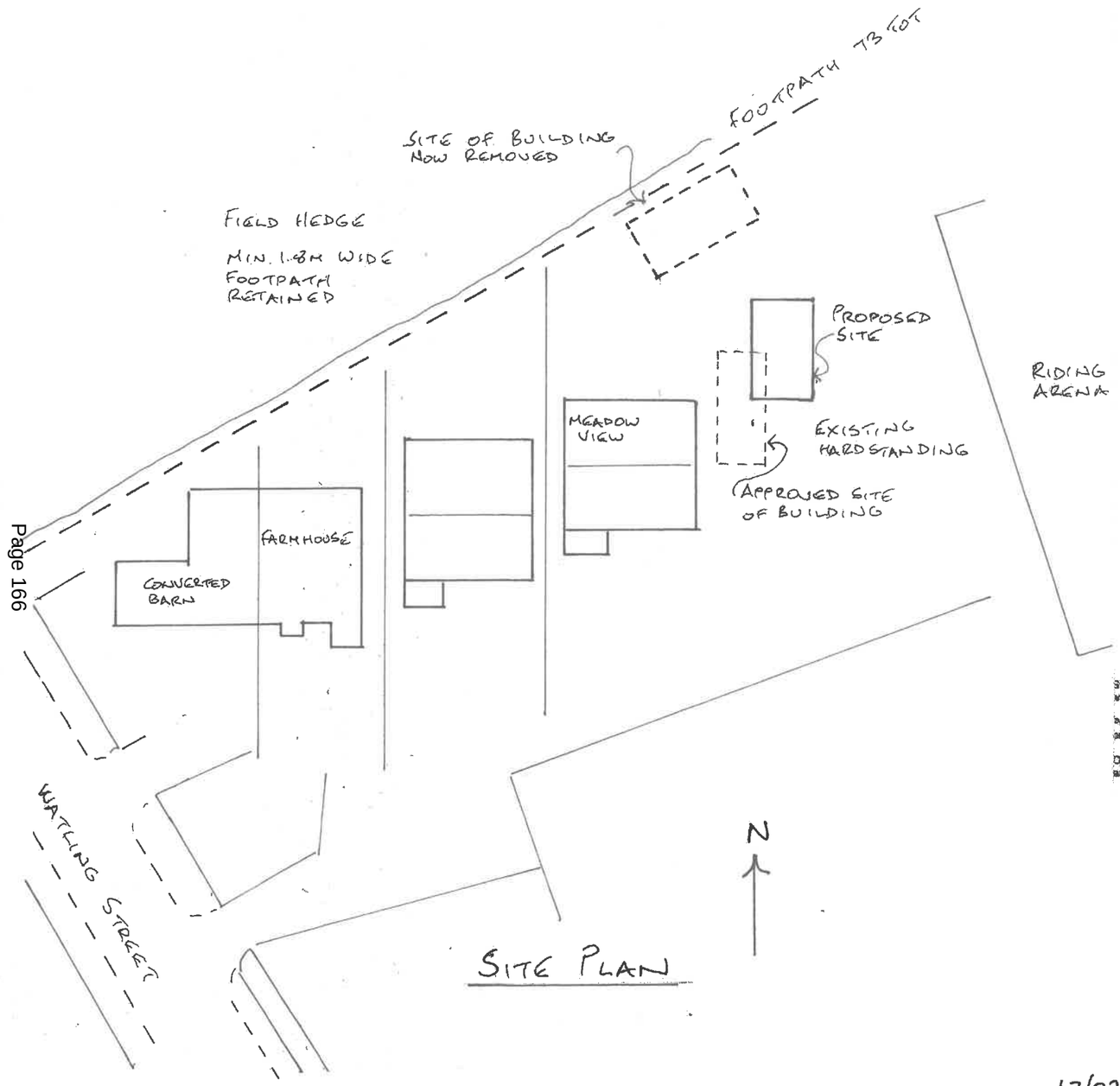
65234

Photo 3

Photo 4

65234

Photo 5

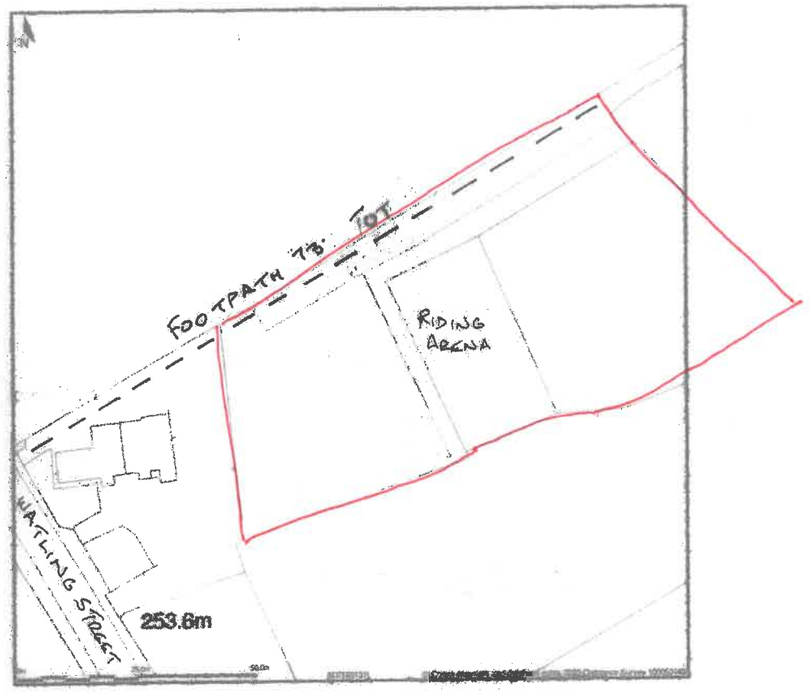


SITE PLAN

SCALE 1:500 @ A3

Buy A Plan
UK's Fastest and Easiest Planning Site

Meadow View, Watling Street, Tottington, Bury, BL8 3QR



Site Plan shows area bounded by: 375930.62, 413042.88 375972.95, 413134.28 (at a scale of 1:1250). OSGridRef: SD75901311. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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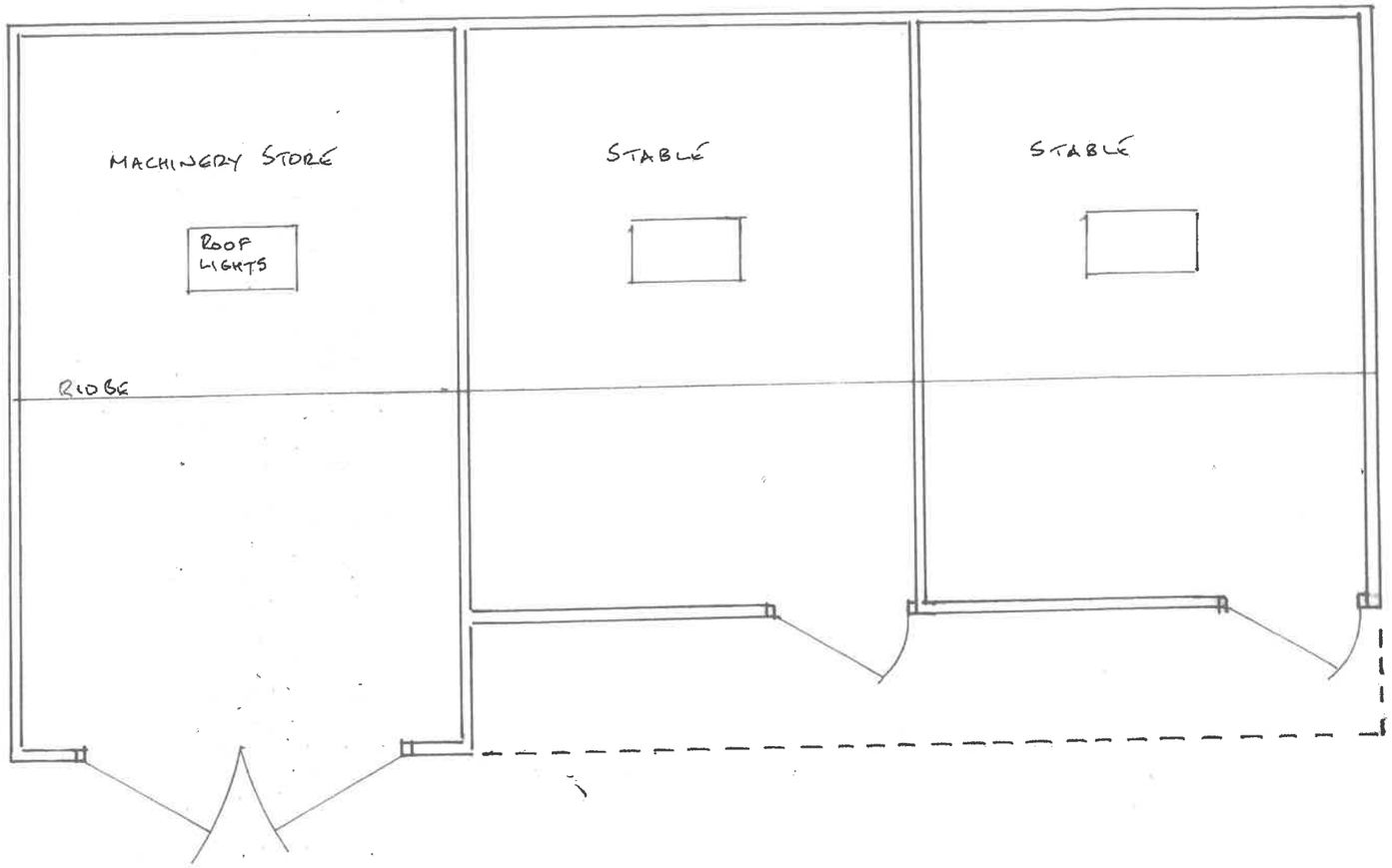
LOCATION PLAN (1:1250)

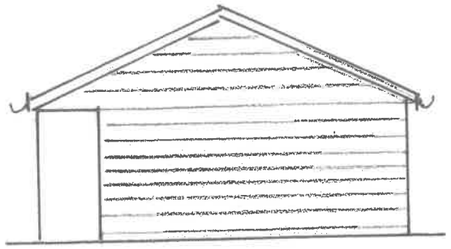
17/02/2020

20/538/01

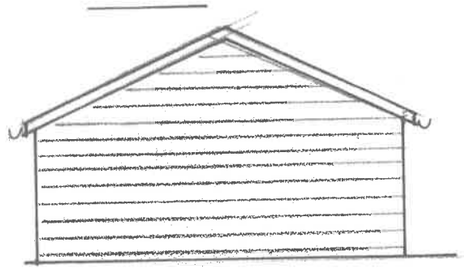
STABLES & STORE, REVISED SUBMISSION

MEADOW VIEW, WATLING STREET, AFFETSIDE BL8 3QR

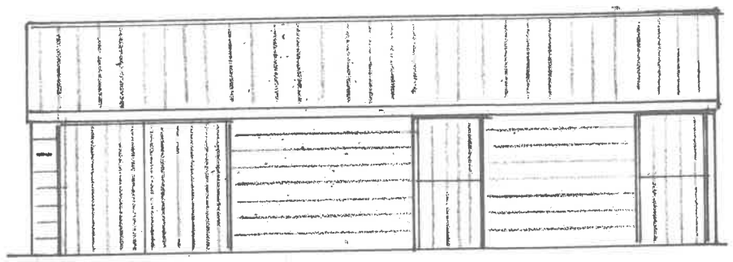




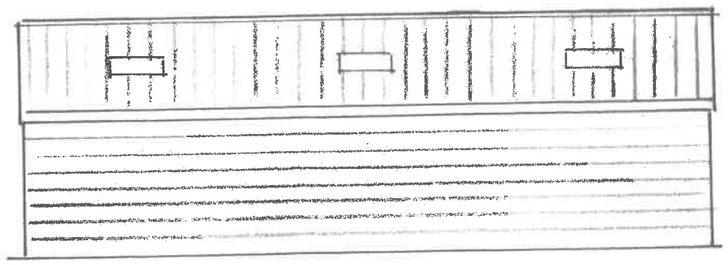
SIDE



SIDE



FRONT ELEVATION



REAR

ROOF. BLACK ONDULINE CORRUGATED SHEETING GALVANISED RIDGE. PERSPEX ROOF LIGHTS.

WALLS. REDWOOD SHIPLAP CLADDING ON 47 X 75 TIMBER FRAME LINED WITH 1.2M HIGH PLYWOOD KICK BOARDS.

1200 WIDE TIMBER STABLE DOORS.

CONCRETE FLOOR TO INCLUDE CERTIFIED GAS PROOF MEMBRANE

2 PROPOSED PLAN

17/02/2020

20/538/02

STABLES & STORE
MEADOW VIEW, WATLING STREET, AFFETSIDE BL8 3QR

SCALE 1:50 & 1:100 @ A3

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REPORT FOR NOTING

Bury COUNCIL

Agenda Item	5

DECISION OF:	**PLANNING CONTROL COMMITTEE**
DATE:	**26 May 2020**
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 10/02/2020 and 17/05/2020

Ward: **Bury East**

Application No.: 64780 **App. Type:** ADV 19/03/2020 Approve with Conditions
Location: Unsworth Funerals, Cooper Street, Bury, BL9 0LJ
Proposal: 1 No. externally illuminated fascia sign, 1 no. non-illuminated fascia sign, 5 no. non-illuminated wall mounted entrance/parking signs and 3 no.window vinyls

---

Application No.: 64841 **App. Type:** FUL 16/03/2020 Approve with Conditions
Location: 144 Willow Street, Bury, BL9 7PS
Proposal: Change of use of ground floor from hot food takeaway (Class A5) to 2 no. apartments (Class C3)

Application No.: 64994 **App. Type:** FUL 16/03/2020 Approve with Conditions
Location: 42 Haymarket Street, Bury, BL9 0AY
Proposal: Replacement of roller shutter to shop front

Application No.: 64995 **App. Type:** ADV 16/03/2020 Approve with Conditions
Location: 42 Haymarket Street, Bury, BL9 0AY
Proposal: 1 No. externally illuminated fascia sign

Application No.: 65000 **App. Type:** FUL 12/03/2020 Refused
Location: 1 The Rock, Bury, BL9 0JP
Proposal: Retention of roller shutter to shop front

Application No.: 65001 **App. Type:** ADV 16/03/2020 Approve with Conditions
Location: 1 The Rock, Bury, BL9 0JP
Proposal: 1 No. externally illuminated fascia sign

Application No.: 65002 **App. Type:** FUL 16/03/2020 Approve with Conditions
Location: 44 Haymarket Street, Bury, BL9 0AY
Proposal: Installation of roller shutter to shop front

Application No.: 65040 **App. Type:** FUL 24/03/2020 Approve with Conditions
Location: Art Picure House, Haymarket Street, Bury, BL9 0AY
Proposal: Installation of 2 no. external condensers to rear elevation

---

Application No.: 65041 **App. Type:** LBC 24/03/2020 Approve with Conditions
Location: Art Picture House, Haymarket Street, Bury, BL9 0AY
Proposal: Listed building consent for installation of 2 no. external condensers to rear elevation

Application No.: 65064 **App. Type:** FUL 21/02/2020 Approve with Conditions

Location: 23 Wilson Street, Pimhole, Bury, BL9 7EF

Proposal: Single/two storey extension side & Single/two storey extension at rear

---

Application No.: 65065 **App. Type:** FUL 21/02/2020 Approve with Conditions

Location: 21 Wilson Street, Pimhole, Bury, BL9 7EF

Proposal: Single/two storey extension side & Single/two storey extension at rear

---

Application No.: 65092 **App. Type:** LBC 16/03/2020 Split Decision

Location: 1 The Rock, Bury, BL9 0JP

Proposal: Proposal A: Listed Building Consent for change of use of ground floor from insurance office (Class A2) to shop (Class A1) and 1 no. externally illuminated fascia sign

Proposal B: Listed Building Consent for the retention of roller shutter to shop front

---

Application No.: 65138 **App. Type:** ADV 02/04/2020 Approve with Conditions

Location: 56 The Rock, Bury, BL9 0PB

Proposal: 1 No. internally illuminated fascia sign and 1 no. internally illuminated projecting sign

---

Application No.: 65163 **App. Type:** FUL 12/03/2020 Approve with Conditions

Location: 173-175 The Rock, Bury, BL9 0NE

Proposal: Change of use of existing ground floor restaurant (Class A3) to 3 no. retail/financial & professional services/cafe/restaurant units (Class A1/A2/A3) with external alterations including new shopfronts and bin/cycle stores and conversion of upper floors into 5 no. apartments

---

Application No.: 65188 **App. Type:** FUL 28/04/2020 Approve with Conditions

Location: 113 Rochdale Road, Bury, BL9 7BA

Proposal: Change of use of first floor from residential bedsit to beauty salon (Class A1); new shop front; retention of roller shutter

---

Application No.: 65203 **App. Type:** LBC 27/03/2020 Approve with Conditions

Location: 18-20 Market Street, Bury, BL9 0AJ

Proposal: Listed building consent for 1 no. internally illuminated fascia sign

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Application No.: 65204 **App. Type:** ADV 27/03/2020 Approve with Conditions

Location: 18-20 Market Street, Bury, BL9 0AJ

Proposal: 1 No. internally illuminated fascia sign

Application No.: 65206 **App. Type:** FUL 09/04/2020 Approve with Conditions

Location: Block A, Clerke Street, Bury, BL9 0PN

Proposal: Subdivision of existing unit to create 2 separate A3 units with external alterations

---

Application No.: 65227 **App. Type:** FUL 08/04/2020 Approve with Conditions

Location: 18 Parsons Lane, Bury, BL9 0JZ

Proposal: Assessment, renovation, repair and replacement of crumbling masonry corbels supporting a masonry coping stone.

Application No.: 65228 **App. Type:** LBC 09/04/2020 Approve with Conditions

Location: 18 Parsons Lane, Bury, BL9 0JZ

Proposal: Listed building consent for assessment, renovation, repair and replacement of crumbling masonry corbels supporting a masonry coping stone

---

Application No.: 65251 **App. Type:** FUL 22/04/2020 Approve with Conditions

Location: Katsouris, 22-25 Market Square, Bury, BL9 0BD

Proposal: Replacement retractable canopy roof over existing outside seating area

---

Application No.: 65280 **App. Type:** FUL 20/04/2020 Approve

Location: 47 Market Street, Bury, BL9 0BH

Proposal: Removal of condition no. 1 of planning permission 63494: Restriction of opening hours

---

Application No.: 65292 **App. Type:** CON 23/03/2020 Raise No Objection

Location: Spout Bank Farm, Heap Brow, Heywood, BL9 7JT,

Proposal: Article 18 Consultation from Rochdale (19/00835/FUL) - Erection of a new agricultural building to house livestock

---

Application No.: 65296 **App. Type:** FUL 28/04/2020 Approve with Conditions

Location: 11 Fold Street, Bury, BL9 0JH

Proposal: Division of existing dwelling to form 1 no. additional dwelling

---

Application No.: 65338 **App. Type:** ADV 30/03/2020 Approve with Conditions

Location: Land at Car Depot, Derby Way, Bury, BL9 0NJ

Proposal: Installation of 1no. freestanding internally illuminated digital advertising display unit

Ward: **Bury East - Moorside**

Application No.: 64935 **App. Type:** FUL 26/02/2020 Approve with Conditions

Location: 31 Southfield Avenue, Bury, BL9 5HS

Proposal: Replacement of garage with two storey side extension; Increase to front porch roof height

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Application No.: 64948 **App. Type:** FUL 26/02/2020 Approve with Conditions

Location: Land to north of Woodgate Hill Road, Off Sixth Avenue, Bury

Proposal: Replacement of existing 15.00m monopole with a 20.0m high monopole supporting 6 no antenna apertures, 4 no dishes together with the installation of ground-based equipment cabinets and ancillary development

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Application No.: 64969 **App. Type:** FUL 26/02/2020 Approve with Conditions

Location: 12 Spinney Drive, Bury, BL9 5HF

Proposal: Single storey extension at rear

Application No.: 65009 **App. Type:** FUL 09/03/2020 Approve with Conditions

Location: 20 Eldon Street, Bury, BL9 5AZ

Proposal: Two storey rear extension, dormer at rear and addition of first floor window at front

Application No.: 65010 **App. Type:** FUL 10/02/2020 Approve with Conditions

Location: 184 Walmersley Road, Bury, BL9 6LL

Proposal: Replacement refrigeration plant and compound, redecoration of shop elevations to include window and door frames, fascia and stall risers and installation of external lighting

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Application No.: 65059 **App. Type:** FUL 02/03/2020 Approve with Conditions

Location: 27 Spinney Drive, Bury, BL9 5HF

Proposal: Two and single storey extension at side/rear

Application No.: 65083 **App. Type:** FUL 25/02/2020 Approve with Conditions

Location: 22 Southfield Avenue, Bury, BL9 5HS

Proposal: Dormer extension

Application No.: 65128 **App. Type:** FUL 24/03/2020 Approve with Conditions

Location: 16 Meadowbrook Close, Bury, BL9 7LE

Proposal: Two storey extension at rear

Application No.: 65148 **App. Type:** LDCP 09/03/2020 Lawful Development

Location: 10 Vernon Street, Bury, BL9 5AR

Proposal: Lawful development certificate for formation of habitable rooms within proposed single storey rear extension, basement conversion and within roof space by providing rear dormer

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Application No.: 65152 **App. Type:** FUL 09/03/2020 Approve with Conditions

Location: 8 Halsall Close, Bury, BL9 6HN

Proposal: Two storey side extension; Single storey rear extension; Extension of front elevation canopy

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Application No.: 65161 **App. Type:** TEL 19/03/2020 Prior Approval Required and Granted

Location: Pavement at Fernhill Business Park, Hardman Street/Every Street, Bury, BL9 5AA

Proposal: Prior notification of proposed telecommunications development comprising 15m pole, fibre cable , antennae and associated cabinets for the installation of high speed wireless internet

---

Application No.: 65200 **App. Type:** FUL 07/05/2020 Approve with Conditions

Location: Land to the west of the railway line off Park Road, Bury, BL9 5BQ

Proposal: Recycling unit for inert matter

Application No.: 65225 **App. Type:** FUL 14/04/2020 Refused

Location: Euro House, 30-32 Walmersley Road, Bury, BL9 6DP

Proposal: Change of use from shop (Class A1) to hot food takeaway (Class A5) with flue and 4 no. air conditioning units at rear; New shop front

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Application No.: 65232 **App. Type:** FUL 13/05/2020 Split Decision

Location: Hague Hall Farm, Mather Road, Bury, BL9 6TJ

Proposal: Proposal A: Single storey rear extension
Proposal B: Front porch extension

Application No.: 65268 **App. Type:** FUL 21/04/2020 Approve with Conditions
Location: 38 Walmersley Road, Bury, BL9 6DP
Proposal: Retention of automated teller machine (ATM)

Application No.: 65269 **App. Type:** ADV 21/04/2020 Approve with Conditions
Location: 38 Walmersley Road, Bury, BL9 6DP
Proposal: Retention of 1 no. internally illuminated ATM surround sign and 1 no. internally illuminated logo panel

Application No.: 65311 **App. Type:** FUL 06/05/2020 Approve with Conditions
Location: 508 Walmersley Road, Bury, BL9 6QT
Proposal: Two storey rear extension; Addition of windows to existing first floor elevations; 3 to the south side, 2 to the north side and one to the front

Application No.: 65321 **App. Type:** FUL 21/04/2020 Approve with Conditions
Location: Littlewood Farm, Newton Street, Bury, BL9 5HB
Proposal: Single storey side extension; Placement of new drive

Ward: **Bury East - Redvales**

Application No.: 64979 **App. Type:** FUL 17/02/2020 Approve with Conditions
Location: 79 Redvales Road, Bury, BL9 9PS
Proposal: Two/single storey extension at rear and front porch; Alterations to door/windows to side elevation

Application No.: 64987 **App. Type:** GPDE 17/02/2020 Prior Approval Not Required - Extension
Location: 530 Manchester Road, Bury, BL9 9NZ
Proposal: Prior approval for proposed single storey rear extension

Application No.: 64997 **App. Type:** FUL 17/02/2020 Approve with Conditions
Location: 2 Kent Drive, Bury, BL9 9DL
Proposal: Two storey/single storey extensions at rear

Application No.: 65012 **App. Type:** FUL 24/02/2020 Approve with Conditions
Location: 10 Rhiwlas Drive, Bury, BL9 9DD
Proposal: Two storey extension at side/rear; single storey front extension; single storey front porch extension; single storey rear extension

Application No.: 65029 **App. Type:** GPDE 17/02/2020 Prior Approval Not Required - Extension
Location: 54 Coniston Drive, Bury, BL9 9PY
Proposal: Prior notification for proposed single storey rear extension

Application No.: 65060 **App. Type:** FUL 14/02/2020 Approve with Conditions
Location: 90 Alfred Street, Bury, BL9 9ED
Proposal: Single storey rear extension and rear dormer

Application No.: 65062 **App. Type:** FUL 09/03/2020 Approve with Conditions

Location: 14 St Peters Road, Bury, BL9 9RB

Proposal: 1 Bedroomed annexe including a single storey side extension and conversion of existing garage

---

Application No.: 65085 **App. Type:** FUL 24/02/2020 Approve with Conditions

Location: 9 Nelson Street, Bury, BL9 9BL

Proposal: Single storey rear extension; Outbuilding at rear

Application No.: 65104 **App. Type:** FUL 09/03/2020 Approve with Conditions

Location: 6 Blackford Avenue, Bury, BL9 9TE

Proposal: Two/single storey extension at side/rear and canopy at front

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Application No.: 65119 **App. Type:** FUL 03/04/2020 Approve with Conditions

Location: 1 Derwent Drive, Bury, BL9 9LS

Proposal: Single storey rear extension; Two storey side extension

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Application No.: 65130 **App. Type:** FUL 03/04/2020 Approve with Conditions

Location: Land adjacent to Pilot Mill, Alfred Street, Bury, BL9 7EJ

Proposal: Variation of condition no. 2 (approved plans) of planning permission 62870 to use permeable tarmac for all hard surfacing areas

---

Application No.: 65209 **App. Type:** FUL 31/03/2020 Approve with Conditions

Location: Grundy Day Care Centre, Wellington Road, Bury, BL9 9AH

Proposal: Erection of 2 no. portakabin buildings (TN084 and TN124) to be used as office space for existing staff for a temporary period of 5 years

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Application No.: 65211 **App. Type:** FUL 02/04/2020 Approve with Conditions

Location: 109 Kendal Drive, Bury, BL9 9LR

Proposal: Single storey rear extension and front porch installation

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Application No.: 65246 **App. Type:** FUL 31/03/2020 Approve with Conditions

Location: 119 Cornwall Drive, Bury, BL9 9EX

Proposal: Demolition of existing dwelling and erection of 1 no. replacement dwelling

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Application No.: 65247 **App. Type:** FUL 07/04/2020 Approve with Conditions

Location: St Gabriels RC High School, Bridge Road, Bury, BL9 0TZ

Proposal: Provision of external dining canopy, covered walkway with new external doors/screens

---

Application No.: 65286 **App. Type:** FUL 29/04/2020 Approve with Conditions

Location: 20 Cliff Road, Bury, BL9 9SP

Proposal: Single storey side extension; Pitched roof over existing extension

Application No.: 65303 **App. Type:** FUL 13/05/2020 Approve with Conditions

Location: 36 Westgate Avenue, Bury, BL9 0TJ

Proposal: Single storey rear extension with 2m high fence to north side boundary

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Application No.: 65335 **App. Type:** FUL 22/04/2020 Approve with Conditions

Location: 10 Rhiwlas Drive, Bury, BL9 9DD

Proposal: Two storey extension at side/rear; single storey front extension; single storey front porch extension; single storey rear extension

Ward: **Bury West - Church**

Application No.: 64494 **App. Type:** FUL 10/03/2020 Approve with Conditions

Location: New Victoria Mills, Wellington Street, Bury, BL8 2AL

Proposal: Retention of 1 no. first floor container for storage/office/industrial use (Class B1/B2 and B8)

Application No.: 64591 **App. Type:** FUL 11/02/2020 Approve with Conditions

Location: 51 Bolton Road, Bury, BL8 2AB

Proposal: Change of use from hot food takeaway (Class A5) to taxi booking office (Sui Generis)

Application No.: 64947 **App. Type:** FUL 05/03/2020 Refused

Location: 59 Scholes Street, Bury, BL8 2RB

Proposal: First floor extension at side; Single storey extension at rear; Front porch and ramp at front; Render to external elevations; Alterations to windows at front

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Application No.: 65044 **App. Type:** FUL 14/02/2020 Approve with Conditions

Location: 1 Abbey Drive, Bury, BL8 2HP

Proposal: Single storey extension at rear, new pitched roof at side to existing garage and alterations to front elevation

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Application No.: 65096 **App. Type:** FUL 26/02/2020 Approve with Conditions

Location: 37 Clitheroe Drive, Bury, BL8 2JU

Proposal: First floor/ two storey side extension; Single storey front extension; Raised decking at rear

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Application No.: 65125 **App. Type:** FUL 09/03/2020 Approve with Conditions

Location: 11 Sutton Close, Bury, BL8 2EL

Proposal: Single storey rear extension

Application No.: 65220 **App. Type:** FUL 23/04/2020 Approve with Conditions

Location: 13 Bolton Road, Bury, BL8 2AB

Proposal: Change of use from shop (Class A1) to fish & chip hot food takeaway (Class A5) with installation of flue at rear

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Application No.: 65271 **App. Type:** FUL 21/04/2020 Approve with Conditions

Location: 37 & 37a Bolton Road, Bury, BL8 2AB

Proposal: Change of use from shop and flat to 4 person house in multiple occupation (HMO) (Class C4) with alterations to front elevation

Application No.: 65305 **App. Type:** FUL 21/04/2020 Approve with Conditions
Location: 30 Garstang Drive, Bury, BL8 2JS
Proposal: First floor side extension; Pitched roof over front elevation

Application No.: 65330 **App. Type:** FUL 06/05/2020 Approve with Conditions
Location: 39 Bourneville Drive, Bury, BL8 2UF
Proposal: Single storey extension at rear and first floor extension at side

Application No.: 65374 **App. Type:** FUL 05/05/2020 Approve with Conditions
Location: 59 Scholes Street, Bury, BL8 2RB
Proposal: First floor extension at side; Single storey extension at rear; Front porch and ramp at front; Render to external elevations

Ward: **Bury West - Elton**

Application No.: 65046 **App. Type:** FUL 19/02/2020 Approve with Conditions
Location: 3 Hawes Close, Bury, BL8 1UH
Proposal: Single storey extension at side/rear

Application No.: 65063 **App. Type:** FUL 14/02/2020 Approve with Conditions
Location: 1 Thornham Close, Bury, BL8 1HH
Proposal: Two storey extension at side/front; Single storey front extension

Application No.: 65122 **App. Type:** FUL 19/03/2020 Approve with Conditions
Location: 8 Hunstanton Drive, Bury, BL8 1EG
Proposal: Two storey side/front extension; Two storey rear extension

Application No.: 65175 **App. Type:** LDCP 12/03/2020 Lawful Development
Location: 3 Brandlesholme Close, Bury, BL8 1AE
Proposal: Lawful development certificate for proposed single storey rear extension to existing dwelling

Application No.: 65187 **App. Type:** FUL 13/05/2020 Approve with Conditions
Location: 11 Cleadon Drive South, Bury, BL8 1EJ
Proposal: Application for variation of Condition no.2 following grant of planning permission 60281: changes to front porch, rear single storey extension and variation in window/door sizes.

Application No.: 65230 **App. Type:** FUL 21/04/2020 Approve with Conditions
Location: 21 Bowes Close, Bury, BL8 1UA
Proposal: Change of use of part of ground floor from residential and erection of outbuilding at rear for dog grooming use (Sui Generis)

Application No.: 65324 **App. Type:** FUL 04/05/2020 Approve with Conditions
Location: 4 Brandon Close, Bury, BL8 1XL
Proposal: Two storey rear extension; Single storey front extension

Application No.: 65375 **App. Type:** FUL 13/05/2020 Approve with Conditions

Location: 23 Newhaven Close, Bury, BL8 1XX

Proposal: First floor extension above garage; Single storey front extension; Two and single storey extensions at rear

Ward: **North Manor**

Application No.: 64525 **App. Type:** OUT 13/05/2020 Approve with Conditions

Location: Land adjacent 6 Bentley Lane, Bury, BL9 6RZ

Proposal: Outline application for residential development of up to 3 no. dwellings with all matters reserved

Application No.: 64918 **App. Type:** FUL 11/03/2020 Approve with Conditions

Location: Masons Arms, 241 Walmersley Old Road, Bury, BL9 6RU

Proposal: Variation of condition no. 2 (approved plans) of planning permission ref. 61787 for demolition of single storey restaurant and change of use of public house to 4 no. flats with associated parking and landscaping; amendments include revisions to layout and external appearance

Application No.: 64936 **App. Type:** FUL 14/02/2020 Approve with Conditions

Location: 48 Kendal Road West, Tottington, Bury, BL0 9SY

Proposal: Single storey extension at rear; Dormers at front and rear

Application No.: 64981 **App. Type:** FUL 04/03/2020 Refused

Location: 7 Miller Street, Summerseat, Ramsbottom, Bury, BL9 5PX

Proposal: Erection of garden shed at front

Application No.: 64999 **App. Type:** FUL 14/02/2020 Approve with Conditions

Location: 39 Brookside Crescent, Tottington, Bury, BL8 4BG

Proposal: Two storey extension at side and single storey extension at side/rear; Infilling of car port at front to form garage/habitable room; Render to external elevations

Application No.: 65017 **App. Type:** FUL 02/03/2020 Approve with Conditions

Location: Land to west of Hawkshaw Lane, Tottington, Bury, BL8 4LD

Proposal: Erection of multi-purpose agriculutural building for the storage of machinery and the housing of livestock and creation of yard area and upgrading of existing agricultural track

Application No.: 65048 **App. Type:** FUL 03/03/2020 Approve with Conditions

Location: 17 Bolton Road, Tottington, Bury, BL8 4HZ

Proposal: New front boundary wall and gate

Application No.: 65055 **App. Type:** FUL 18/02/2020 Approve with Conditions

Location: 91 Summerseat Lane, Ramsbottom, Bury, BL0 9RQ

Proposal: Rear extension to garage

Application No.: 65066 **App. Type:** FUL 19/03/2020 Approve with Conditions

Location: 19 Queens Place, Summerseat, Ramsbottom, Bury, BL9 5PH

Proposal: Single storey rear extension

Application No.: 65076 **App. Type:** FUL 26/02/2020 Approve with Conditions

Location: 43 Springside Road, Bury, BL9 5JB

Proposal: Single storey extension at front/side

Application No.: 65077 **App. Type:** LDCP 12/03/2020 Lawful Development

Location: 6 Greenmount Close, Tottington, Bury, BL8 4HN

Proposal: Certificate of lawfulness for proposed change to the existing 5 windows on the first floor at the rear with upvc concertina doors and a glass juliet balcony on the outer wall

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Application No.: 65123 **App. Type:** FUL 31/03/2020 Approve with Conditions

Location: 21 Sandringham Drive, Tottington, Bury, BL8 4DJ

Proposal: Single storey side extension; Front and rear dormers; Porch extension; Dropped kerb with new drive; Relocation of detached garage at rear

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Application No.: 65143 **App. Type:** FUL 02/03/2020 Approve with Conditions

Location: 14 Pinewood Crescent, Ramsbottom, Bury, BL0 9XE

Proposal: Single storey front & side extensions

Application No.: 65179 **App. Type:** FUL 09/03/2020 Approve with Conditions

Location: 1 Shepherds Close, Tottington, Bury, BL8 4BL

Proposal: Single storey side & rear extension

Application No.: 65191 **App. Type:** FUL 07/04/2020 Approve with Conditions

Location: 83 Summerseat Lane, Ramsbottom, Bury, BL0 9RQ

Proposal: Two storey front extension; Gable to front elevation; First floor side extension; Two storey rear extension; Increase to roof height; Widening of driveway entrance

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Application No.: 65207 **App. Type:** FUL 16/04/2020 Approve with Conditions

Location: 41 Shepherds Close, Tottington, Bury, BL8 4BL

Proposal: Erection of 1 no. bungalow

Application No.: 65222 **App. Type:** FUL 24/03/2020 Approve with Conditions

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

Proposal: Two storey extension at side with rear dormer, single storey extension at rear and dormer at rear

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Application No.: 65236 **App. Type:** FUL 02/04/2020 Approve with Conditions

Location: 8 Greenheys Crescent, Tottington, Bury, BL8 4QD

Proposal: Single storey/two storey side extension

Application No.: 65257 **App. Type:** FUL 21/04/2020 Approve with Conditions

Location: 16 Greenheys Crescent, Tottington, Bury, BL8 4QD

Proposal: First floor side extension

Application No.: 65260 **App. Type:** FUL 20/04/2020 Approve with Conditions

Location: Bleaklow Hall, Bolton Road, Tottington, Bury, BL8 4JF

Proposal: Variation of condition 2 (approved plans) of planning permission 63388 for demolition of existing bungalow and erection of 4 no. dwellings with associated parking and access; Raising ridge height of Plots 2 & 3, addition of flat roofed dormer to each side of Plots 2 & 3

Application No.: 65282 **App. Type:** FUL 21/04/2020 Approve with Conditions

Location: Holly Villa, Hollymount Lane, Tottington, Bury, BL8 4HP

Proposal: First floor side extension

Application No.: 65304 **App. Type:** FUL 21/04/2020 Approve with Conditions

Location: 35 Keats Road, Ramsbottom, Bury, BL8 4EP

Proposal: Single storey side extension

Application No.: 65306 **App. Type:** LDCP 01/05/2020 Lawful Development

Location: 48 Springwater Avenue, Ramsbottom, Bury, BL0 9TX

Proposal: Lawful development certificate for proposed single storey rear extension

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Application No.: 65310 **App. Type:** LDCP 01/05/2020 Lawful Development

Location: 17 Crag Avenue, Summerseat, Ramsbottom, Bury, BL9 5NZ

Proposal: Lawful development certificate for proposed extension of an existing rear dormer

Ward: **Prestwich - Holyrood**

Application No.: 65030 **App. Type:** FUL 02/03/2020 Approve with Conditions

Location: 6 Westholme Road, Prestwich, Manchester, M25 2RE

Proposal: Single storey rear extension; Removal of garage to be replaced with two storey side extension

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Application No.: 65035 **App. Type:** FUL 03/04/2020 Approve with Conditions

Location: 351 Heywood Road, Prestwich, Manchester, M25 2RN

Proposal: Single/two storey side extension; Front porch; Hip to gable conversion of roof of main dwelling.

Application No.: 65090 **App. Type:** FUL 13/05/2020 Approve with Conditions

Location: Nutt Farm, Nutt Lane, Prestwich, Manchester, M25 2SJ

Proposal: Change of use, alterations and extension to existing stable block to form 1no. dwelling

Application No.: 65102 **App. Type:** FUL 24/04/2020 Approve with Conditions
Location: 1A Nursery Road, Prestwich, Manchester, M25 3EW
Proposal: Installation of gates to front boundary

Application No.: 65109 **App. Type:** FUL 26/03/2020 Approve with Conditions
Location: 488 Bury Old Road, Prestwich, Manchester, M25 1NL
Proposal: Two storey extension at side

Application No.: 65167 **App. Type:** FUL 07/04/2020 Approve with Conditions
Location: 237A Heywood Old Road, Rochdale, Manchester, M24 4QR
Proposal: Single storey rear extension with roof terrace; Loft conversion with rear dormers; Single storey extension at front and conversion of garage to habitable room

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Application No.: 65192 **App. Type:** FUL 17/04/2020 Approve with Conditions
Location: 315 Bury Old Road, Prestwich, Manchester, M25 1JA
Proposal: Single storey side extension

Application No.: 65202 **App. Type:** FUL 25/03/2020 Approve with Conditions
Location: 341 Heywood Road, Prestwich, Manchester, M25 2RN
Proposal: Two storey side extension; Single storey rear extension; Loft conversion with rear dormer

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Application No.: 65239 **App. Type:** LDCP 16/04/2020 Lawful Development
Location: 15 Lilac Grove, Prestwich, Manchester, M25 3DT
Proposal: Lawful development certificate for proposed rear extension

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Application No.: 65244 **App. Type:** P3CPA 16/04/2020 Prior Approval Required and Granted
Location: 355 Bury Old Road, Prestwich, Manchester, M25 1PY
Proposal: Prior approval for change of use from shop (Class A1) to restaurant/cafe (Class A3)

Ward: **Prestwich - Sedgley**

Application No.: 64824 **App. Type:** FUL 06/04/2020 Approve with Conditions
Location: 42 Woodhill Drive, Prestwich, Manchester, M25 0AF
Proposal: Single storey extension at rear and roof extension at side/dormer at rear

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Application No.: 64926 **App. Type:** FUL 11/02/2020 Approve with Conditions
Location: Unit 2a, Stella House, Infant Street, Prestwich, Manchester, M25 1SS
Proposal: Change of use from storage (Class B1) to cafe (Class A3) with enclosed 'garden area'.

Application No.: 64937 **App. Type:** FUL 26/02/2020 Approve with Conditions
Location: 191 Bury Old Road, Prestwich, Manchester, M25 1JF
Proposal: Single storey rear extension

Application No.: 64956 **App. Type:** FUL 14/02/2020 Approve with Conditions
Location: 36 Bury Old Road, Prestwich, Manchester, M25 0FT
Proposal: Single storey extensions at side and rear

Application No.: 64974 **App. Type:** FUL 11/02/2020 Approve with Conditions
Location: 16 Breeze Mount, Prestwich, Manchester, M25 0AH
Proposal: Single/two storey extension at side/rear; Extension of rear patio/decking area; Extension to existing porch at front

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Application No.: 64991 **App. Type:** FUL 25/02/2020 Approve with Conditions
Location: 18 East Meade, Prestwich, Manchester, M25 0JJ
Proposal: Single storey extension at rear

Application No.: 65022 **App. Type:** FUL 24/02/2020 Approve with Conditions
Location: Land at western end of Watkins Drive, Prestwich, M25 0DS
Proposal: Variation of condition no. 2 (approved plans) of p/p 63808 (1 no. garage increased in size)

Application No.: 65047 **App. Type:** FUL 14/02/2020 Approve with Conditions
Location: 10 Woodhill Grove, Prestwich, Manchester, M25 0AE
Proposal: Single storey extension at side/rear and new pitched roof to existing side extension

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Application No.: 65050 **App. Type:** PIAPA 26/02/2020 Prior Approval Required and Granted
Location: 137 Rectory Lane, Prestwich, Manchester, M25 1DA
Proposal: Notification of prior approval for change of use from shop (Class A1) to dwellinghouse (Class C3) with external alterations to front elevation

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Application No.: 65051 **App. Type:** FUL 19/02/2020 Approve with Conditions
Location: 15 Hartley Avenue, Prestwich, Manchester, M25 0AT
Proposal: Single storey extension at front, side and rear with external alterations

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Application No.: 65072 **App. Type:** FUL 05/03/2020 Approve with Conditions
Location: 1 Cranbrook Drive, Prestwich, Manchester, M25 0JZ
Proposal: Two/single storey extension at rear

Application No.: 65080 **App. Type:** FUL 09/03/2020 Approve with Conditions
Location: 97 Kings Road, Prestwich, Manchester, M25 0JS
Proposal: Two storey extension at side/rear and single storey extension at rear

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Application No.: 65082 **App. Type:** FUL 16/03/2020 Approve with Conditions
Location: 24 Parksway, Prestwich, Manchester, M25 0JB
Proposal: Single storey extension at side/rear with terrace/steps to garden level

Application No.: 65086 **App. Type:** GPDE 17/02/2020 Prior Approval Not Required - Extension
Location: 16 George Street, Prestwich, Manchester, M25 9WS
Proposal: Prior notification for proposed single storey extension at rear

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Application No.: 65091 **App. Type:** FUL 26/02/2020 Approve with Conditions
Location: 2 Linksway, Prestwich, Manchester, M25 0JP
Proposal: Part two storey part single storey rear extension, two storey side extension and single storey front extension.

Application No.: 65099 **App. Type:** FUL 24/03/2020 Approve with Conditions
Location: St Monicas RC High School, Bury Old Road, Prestwich, Manchester, M25 1JH
Proposal: Erection of external shelter

Application No.: 65103 **App. Type:** FUL 09/03/2020 Approve with Conditions
Location: 26 Fairway, Prestwich, Manchester, M25 0JH
Proposal: First floor extension at rear

Application No.: 65106 **App. Type:** FUL 26/02/2020 Approve with Conditions
Location: 15 Beechwood Road, Prestwich, Manchester, M25 0GL
Proposal: Two storey side extension

Application No.: 65113 **App. Type:** FUL 09/03/2020 Approve with Conditions
Location: 21 Sheepfoot Lane, Prestwich, Manchester, M25 0BN
Proposal: First floor extension at rear

Application No.: 65117 **App. Type:** GPDE 24/02/2020 Prior Approval Not Required - Extension
Location: 29 Albert Avenue, Prestwich, Manchester, M25 0LY
Proposal: Prior approval for single storey rear extension

Application No.: 65120 **App. Type:** GPDE 02/03/2020 Prior Approval Not Required - Extension
Location: 41 Richmond Avenue, Prestwich, Manchester, M25 0LZ
Proposal: Prior notification for proposed single storey extension at rear

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Application No.: 65121 **App. Type:** FUL 09/03/2020 Approve with Conditions
Location: 18 Tewkesbury Drive, Prestwich, Manchester, M25 0HG
Proposal: First floor extension at rear with dormer and loft conversion with rear dormer

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Application No.: 65158 **App. Type:** LDCP 09/03/2020 Lawful Development
Location: 61 Scholes Lane, Prestwich, Manchester, M25 0AW
Proposal: Lawful development certificate for proposed flat roof dormer to the rear of existing semi-detached house

Application No.: 65166 **App. Type:** FUL 09/04/2020 Approve with Conditions

Location: 39 Whittaker Lane, Prestwich, Manchester, M25 1HA

Proposal: Change of use from estate agents office to mixed use hearing health care services (Class D1 & A1)

Application No.: 65168 **App. Type:** FUL 06/05/2020 Approve with Conditions

Location: 132A Bury New Road, Prestwich, M25 0AA

Proposal: Change of use from shop (Class A1) to restaurant (Class A3) with external alterations to include removal of access doors to side elevation and insertion of new access door to rear of building and modification to external air conditioning units to rear

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Application No.: 65174 **App. Type:** FUL 03/04/2020 Approve with Conditions

Location: 25 Richmond Avenue, Prestwich, Manchester, M25 0LZ

Proposal: Single storey rear extension

Application No.: 65219 **App. Type:** FUL 02/04/2020 Approve with Conditions

Location: 14 Breeze Mount, Prestwich, Manchester, M25 0AH

Proposal: Two storey side extension and replacement of flat roof with pitched roof

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Application No.: 65229 **App. Type:** FUL 23/04/2020 Approve with Conditions

Location: 16 George Street, Prestwich, Manchester, M25 9WS

Proposal: Single storey extension at rear

Application No.: 65320 **App. Type:** FUL 04/05/2020 Approve with Conditions

Location: 23 Bannerman Avenue, Prestwich, Manchester, M25 1DZ

Proposal: Conversion of single dwelling to form two maisonettes

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Application No.: 65347 **App. Type:** FUL 13/05/2020 Approve with Conditions

Location: 8 Deyne Avenue, Prestwich, Manchester, M25 1EJ

Proposal: Conversion of existing lower ground floor level into a self-contained dwelling.

Application No.: 65352 **App. Type:** FUL 01/05/2020 Approve with Conditions

Location: 58 Park Road, Prestwich, Manchester, M25 0FA

Proposal: Single storey side/rear extension

Application No.: 65378 **App. Type:** TEL 11/05/2020 Prior Approval Required and Refused

Location: Footpath at Sheepfoot Lane/Bury Old Road, Prestwich

Proposal: The installation of a 20m slim-line column supporting 6 no. antennas, 2 no. transmission dishes, 2 no. equipment cabinets and ancillary development thereto including a GPS module, and 3 no. Remote Radio Units (RRUs);

Application No.: 65393 **App. Type:** GPDE 13/05/2020 Prior Approval Not Required - Extension

Location: 12 Ravensway, Prestwich, Manchester, M25 0EU

Proposal: Prior approval for proposed single storey rear extension

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

Application No.: 64747 **App. Type:** FUL 21/02/2020 Split Decision
Location: 401 Bury New Road, Prestwich, Manchester, M25 1AA

Proposal: A. Addition of railings to existing wall along Church Lane frontage; Retractable Awning on Church Lane elevation;
B. Vehicular access gates on Bury New Road frontage and cladding on north/gable elevation.

Application No.: 64932 **App. Type:** FUL 31/03/2020 Approve with Conditions
Location: 7 Barnhill Road, Prestwich, Manchester, M25 9WH

Proposal: Erection of replacement dwelling following demolition works

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Application No.: 64941 **App. Type:** FUL 17/02/2020 Approve with Conditions
Location: 424 Bury New Road, Prestwich, Manchester, M25 1BD

Proposal: Change of use from shop (Class A1) to restaurant and bar (Class A3/A4) with flue at rear and minor alterations to shopfront

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Application No.: 64977 **App. Type:** FUL 26/03/2020 Approve with Conditions
Location: Former Viridor Waste Tranfer Station, Buckley Lane, Prestwich, Manchester, M25 3HR

Proposal: Residential development of 7 no. dwellings

Application No.: 64984 **App. Type:** FUL 23/03/2020 Approve with Conditions
Location: Prestwich Health Centre, Fairfax Road, Prestwich, Manchester, M25 1BT

Proposal: Installation of 1.2 metre high heras fencing to car park boundary to form secure compound at rear with 5 no. floodlights

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Application No.: 65027 **App. Type:** FUL 11/02/2020 Approve with Conditions
Location: 17 Vernon Drive, Prestwich, Manchester, M25 9RA

Proposal: First floor side and rear extension

Application No.: 65033 **App. Type:** FUL 18/02/2020 Approve with Conditions
Location: 1 Stanley Avenue South, Prestwich, Manchester, M25 3AR

Proposal: Single storey side extension

Application No.: 65073 **App. Type:** FUL 05/03/2020 Approve with Conditions
Location: 19 Carlford Grove, Prestwich, Manchester, M25 9TN

Proposal: Two storey extension at side/rear and single storey extension at rear; New porch canopy and first floor bay window at front; New vehicular access/parking area at front

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Application No.: 65087 **App. Type:** GPDE 17/02/2020 Prior Approval Not Required - Extension
Location: 104 Gardner Road, Prestwich, Manchester, M25 3JE

Proposal: Prior notification for proposed single storey extension at rear

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Application No.: 65131 **App. Type:** FUL 07/04/2020 Approve with Conditions
Location: 15 Vernon Drive, Prestwich, Manchester, M25 9RA

Proposal: Two storey side extension and single storey rear extension; New retaining wall at front

Application No.: 65132 **App. Type:** ADV 19/03/2020 Approve with Conditions

Location: Tesco Superstore, Valley Park Road, Prestwich, Manchester, M25 3TG

Proposal: 1 No. LCD media screen to electric vehical charger and 2 no. non-illuminated flag pole signs

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Application No.: 65135 **App. Type:** FUL 23/04/2020 Approve with Conditions

Location: 23 Butt Hill Road, Prestwich, Manchester, M25 9NJ

Proposal: Single storey extension at side/rear

Application No.: 65144 **App. Type:** FUL 03/04/2020 Approve with Conditions

Location: 25 Scott Road, Prestwich, Manchester, M25 9GN

Proposal: Two storey front extension; Alterations to driveway including dropped kerb

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Application No.: 65186 **App. Type:** FUL 02/04/2020 Approve with Conditions

Location: Old Co-Op Yard, Warwick Street, Prestwich, Manchester, M25 3HB

Proposal: The removal of existing building and ground-based apparatus, and replacement with upgraded 25m high ground based tower, including upgraded antennas, dish antennas and equipment cabinets, plus ancillary works.

Application No.: 65226 **App. Type:** FUL 14/04/2020 Approve with Conditions

Location: 6 Sunny Drive, Prestwich, Manchester, M25 3JJ

Proposal: Step lift installation to front and associated building works

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Application No.: 65242 **App. Type:** FUL 14/04/2020 Approve with Conditions

Location: 49 Sandy Lane, Prestwich, Manchester, M25 9RD

Proposal: Two storey extension at side, single storey extension at rear and garage conversion

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Application No.: 65281 **App. Type:** FUL 09/04/2020 Approve with Conditions

Location: KFC, Bury New Road, Prestwich, M25 3AB

Proposal: Installation of 2 no. electric vehicle charging stations

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Application No.: 65284 **App. Type:** LDCP 17/04/2020 Lawful Development

Location: 4 The Drive, Prestwich, Manchester, M25 1BJ

Proposal: Lawful development certificate for proposed - Remove existing garage doors in preparation for new front window - raise existing floor levels to match existing dwelling - & convert garage to habitable room

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Application No.: 65318 **App. Type:** LDCP 07/05/2020 Lawful Development

Location: 35 Mountside Crescent, Prestwich, Manchester, M25 3JF

Proposal: Lawful development certificate for proposed single storey rear extension

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Application No.: 65346 **App. Type:** FUL 01/05/2020 Approve with Conditions

Location: 12 Clough Court, Prestwich, Manchester

Proposal: Single storey rear extension

Ward: **Radcliffe - East**

Application No.: 64928 **App. Type:** ADV 25/02/2020 Approve with Conditions

Location: Railway Embankment, Radcliffe Metrolink, Spring Lane, Radcliffe, M26 2TA

Proposal: Upgrade of 1 No. 48-sheet advertisement hoarding to 1 No. digital LED display

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Application No.: 65007 **App. Type:** FUL 02/04/2020 Approve with Conditions

Location: 11 Deansgate, Radcliffe, Manchester, M26 2SH

Proposal: Change of use from shop (Class A1) to financial and professional services (Class A2)

Application No.: 65020 **App. Type:** FUL 11/02/2020 Approve with Conditions

Location: Land to South of Morris Street, Radcliffe

Proposal: Retention of a construction compound, consisting of site cabins, cycle store and car parking; until completion of flood defence works in June 2021

Application No.: 65094 **App. Type:** FUL 02/03/2020 Approve with Conditions

Location: 2 Dale Street, Radcliffe, Manchester, M26 1AB

Proposal: Change of use to 4D ultrasound scanning clinic (Class D1)

Application No.: 65100 **App. Type:** LDCP 26/02/2020 Lawful Development

Location: 12 Sycamore Drive, Radcliffe, Manchester, M26 4SA

Proposal: Lawful development certificate for proposed 3 metre extension (single storey) to the rear of the property.

Application No.: 65124 **App. Type:** FUL 03/04/2020 Approve with Conditions

Location: 6 Sycamore Drive, Radcliffe, Manchester, M26 4SA

Proposal: Single storey front extension; Extended drive and pavement crossing

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Application No.: 65184 **App. Type:** LBC 26/03/2020 Approve with Conditions

Location: 2-4 Market Street, Bury, BL9 0AN

Proposal: Listed building consent for extensive remodelling of ground, first and second floor internal partitioning, replacement of all HSBC branding with new current HSBC UK branding

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Application No.: 65185 **App. Type:** ADV 27/03/2020 Approve with Conditions

Location: 2-4 Market Street, Bury, BL9 0AN

Proposal: Replacement of all existing advertisements with 2 no. non illuminated fascia signs; 3 no. non illuminated projecting signs; Reverse applied vinyl marketing; White acrylic name plate; Reverse applied vinyl hexagon; 3no. Reverse applied vinyl door manifestation; Reverse applied vinyl manifestation

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Application No.: 65216 **App. Type:** FUL 07/04/2020 Approve with Conditions

Location: 17 Brookbottom Road, Radcliffe, Manchester, M26 4HX

Proposal: Front, side and rear dormers

Application No.: 65295 **App. Type:** FUL 30/04/2020 Approve with Conditions

Location: 32 Great Hall Close, Radcliffe, Manchester, M26 4DA

Proposal: Single storey extension at front/side with garage conversion and extension of existing driveway

Application No.: 65297 **App. Type:** FUL 05/05/2020 Approve with Conditions
Location: 149 Starling Road, Bury, BL8 2HF
Proposal: Two storey extension at side and single storey extension at side/rear

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Application No.: 65325 **App. Type:** GPDE 23/04/2020 Prior Approval Not Required - Extension
Location: 18 Warth Fold Road, Radcliffe, Manchester, M26 2XL
Proposal: Prior approval for proposed single storey rear extension

Ward: **Radcliffe - North**

Application No.: 64923 **App. Type:** FUL 05/03/2020 Approve with Conditions
Location: 9 Penrice Close, Radcliffe, Manchester, M26 3UL
Proposal: First floor extension at rear

Application No.: 65018 **App. Type:** FUL 09/03/2020 Approve with Conditions
Location: 48 Sunningdale Avenue, Radcliffe, Manchester, M26 3WJ
Proposal: Single storey extension at rear

Application No.: 65095 **App. Type:** GPDE 21/02/2020 Prior Approval Not Required - Extension
Location: 14 Mandon Close, Radcliffe, Manchester, M26 4WR
Proposal: Prior notification for proposed single storey rear extension

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Application No.: 65180 **App. Type:** GPDE 26/02/2020 Prior Approval Required Refused - Ext
Location: 36 Northlands, Radcliffe, Manchester, M26 4GB
Proposal: Prior notification for proposed single storey rear extension

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Application No.: 65252 **App. Type:** GPDE 29/04/2020 Prior Approval Not Required - Extension
Location: 35 Claydon Drive, Radcliffe, Manchester, M26 3XA
Proposal: Prior notification of proposed single storey rear extension

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Application No.: 65264 **App. Type:** FUL 01/05/2020 Approve with Conditions
Location: Belmont House, Off Arthur Lane, Ainsworth, Bury, BL2 5PN
Proposal: Loft conversion with 3no. dormers at side; First floor roof garden; Extension to front porch; installation of patio at front

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Application No.: 65294 **App. Type:** GPDE 21/04/2020 Prior Approval Not Required - Extension
Location: 34 Bradley Fold Road, Radcliffe, Bolton, BL2 5QD
Proposal: Prior approval for proposed single storey rear extension

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Application No.: 65298 **App. Type:** FUL 04/05/2020 Approve with Conditions
Location: 50 Burghley Drive, Radcliffe, Manchester, M26 3XY
Proposal: Two/single storey extension at rear and new window openings to side elevations

Application No.: 65302 **App. Type:** GPDE 16/04/2020 Prior Approval Not Required - Extension

Location: 36 Northlands, Radcliffe, Manchester, M26 4GB

Proposal: Prior notification for proposed single storey rear extension

Ward: **Radcliffe - West**

Application No.: 63832 **App. Type:** FUL 18/02/2020 Approve with Conditions

Location: Land at Smyrna Street (junction with Shire Gardens), Radcliffe, M26 4BN

Proposal: Erection of 7 no. dwellings including associated parking and groundworks

Application No.: 64808 **App. Type:** FUL 06/03/2020 Approve with Conditions

Location: 123-125 Blackburn Street, Radcliffe, Manchester, M26 3WQ

Proposal: Change of use of first floor to create 1 no. additional self-contained flat with external staircase at side to new first floor access entrance/balcony at rear; New shop front and windows/entrance door to side elevation

Application No.: 64847 **App. Type:** FUL 14/02/2020 Approve with Conditions

Location: Parkhills Service & MOT Centre, Edward Street, Radcliffe, Bury, M26 1JU

Proposal: Construction of additional single storey garage and retention of boundary fence and gates

Application No.: 64968 **App. Type:** LDCP 14/02/2020 Lawful Development

Location: Sunnybank Mill, Cams Lane, Radcliffe, Manchester, M26 3SW

Proposal: Lawful development certificate for proposed: Erection of an extension to the existing factory of 1000 m2 Gross External Area (following removal of lean to extension as marked on RGP Architect's drawing ref: PL03A and erection of a separate building of 200 m2 Gross External Area and the laying out of associated hard standing areas

Application No.: 64996 **App. Type:** FUL 26/02/2020 Approve with Conditions

Location: Land at Mount Sion Road, Radcliffe, Manchester, M26 0SJ

Proposal: Demolition of existing stables and erection of 1 no. bungalow with associated landscaping

Application No.: 65032 **App. Type:** FUL 11/02/2020 Approve with Conditions

Location: 15 Poolfield Close, Radcliffe, Manchester, M26 3UE

Proposal: Single storey rear extension

Application No.: 65173 **App. Type:** GPDE 27/03/2020 Prior Approval Not Required - Extension

Location: 16 Lodge Close, Radcliffe, Manchester, M26 1QZ

Proposal: Prior notification for proposed single storey rear extension

Application No.: 65181 **App. Type:** FUL 27/03/2020 Approve with Conditions

Location: 5-7 Ainsworth Road, Radcliffe, Manchester, M26 4DJ

Proposal: Two storey extension at rear comprising shop extension at ground floor and 1 no. additonal first floor flat
New shopfronts

Application No.: 65182 **App. Type:** FUL 25/03/2020 Approve with Conditions

Location: 1-3 Lodge Brow, Radcliffe, Manchester, M26 1AL

Proposal: Installation of boundary fence to service yard, vehicular gate to rear yard and personnel gate to side yard

Application No.: 65270 **App. Type:** ADV 21/04/2020 Approve with Conditions

Location: McDonalds Ltd, Pilkington Way, Radcliffe, Manchester, M26 0SB

Proposal: 3 no. internally illuminated double digital menu boards, 1 no. internally illuminated single digital menu board and 1 no. internally illuminated digital booth screen

Ward: **Ramsbottom + Tottington - Tottington**

Application No.: 64749 **App. Type:** FUL 19/02/2020 Approve with Conditions

Location: Land to the South of Spring Vale Street, Tottington

Proposal: Construction of one industrial unit (Class B1) and one storage unit (Class B8)

Application No.: 65038 **App. Type:** FUL 11/02/2020 Approve with Conditions

Location: 258 Turton Road, Tottington, Bury, BL8 4AJ

Proposal: Single storey extension at rear; First floor window to side elevation

Application No.: 65081 **App. Type:** FUL 24/02/2020 Refused

Location: Land at side of 18 Chestnut Avenue, Tottington, Bury, BL8 3EE

Proposal: Amendment to planning permission 62019 for erection of 1 no. dwelling showing alternative parking arrangements and fencing to rear garden

Application No.: 65098 **App. Type:** FUL 17/04/2020 Approve with Conditions

Location: 27 Market Street, Tottington, Bury, BL8 4AA

Proposal: Rebuild of over-sailing side extension and erection of two storey rear extension with roof terrace above, dormers at front and rear and removal of chimneys

Application No.: 65108 **App. Type:** FUL 19/03/2020 Approve with Conditions

Location: 16 Croft Drive, Tottington, Bury, BL8 3HT

Proposal: Single storey side extension

Application No.: 65150 **App. Type:** FUL 09/03/2020 Approve with Conditions

Location: 275 Walshaw Road, Bury, BL8 1PX

Proposal: Formation of new vehicular access with parking at front

Application No.: 65194 **App. Type:** GPDE 24/03/2020 Prior Approval Not Required - Extension

Location: 44 Pennington Street, Walshaw, Tottington, Bury, BL8 3BG

Proposal: Prior notification for single storey rear extension

Application No.: 65238 **App. Type:** FUL 03/04/2020 Approve with Conditions

Location: Rayhome House, Walshaw Road, Bury, BL8 1PR

Proposal: Variation of condition no. 2 (approved plans), no.3 (car & cycle parking) and no. 5 (access ramp) of planning permission 63857:
Condition 2: Updated proposed site plan. Condition 3: Varied to - With the exception of the lower ground floor and the pilates/yoga and fitness studio uses, the car & cycle parking and turning facilities accessed off Walshaw Road and indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the uses hereby approved commencing and thereafter maintained available for use at all times. Condition 5: Varied to - With the exception of the lower ground floor and the pilates/yoga and fitness studio uses, the access ramp to the front of the building shall be provided and made available for use prior to occupation and first use of the development hereby approved.

Application No.: 65258 **App. Type:** FUL 06/04/2020 Approve with Conditions
Location: Gorsey Clough Farm, Harwood Road, Tottington, Bury, BL8 3PT

Proposal: Multi purpose agricultural building to be used in conjunction with existing farming business.

Application No.: 65263 **App. Type:** FUL 28/04/2020 Approve with Conditions
Location: 3 Acresbrook Walk, Tottington, Bury, BL8 3JR

Proposal: Single storey extension at side and rear

Application No.: 65291 **App. Type:** FUL 13/05/2020 Approve with Conditions
Location: SPAR, Market Street, Tottington, BL8 3LS

Proposal: Installation of 1 no. CCTV camera mounted on a 5m pole to the rear of the site

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Application No.: 65332 **App. Type:** FUL 11/05/2020 Approve with Conditions
Location: 16 Hall Street, Walshaw, Tottington, Bury, BL8 3BD

Proposal: Change of use from residential to CAD design studio (B1)

Application No.: 65333 **App. Type:** FUL 04/05/2020 Approve with Conditions
Location: 145 Turton Road, Tottington, Bury, BL8 3QA

Proposal: Alterations to windows by changing colour of windows to Anthracite grey RAL 7016

Ward: **Ramsbottom and Tottington - Ramsbottom**

Application No.: 64919 **App. Type:** FUL 24/02/2020 Approve with Conditions
Location: 26-30 Holcombe Village, Ramsbottom, Bury, BL8 4LZ

Proposal: Replacement of existing gutters and downpipes

Application No.: 64920 **App. Type:** LBC 24/02/2020 Approve with Conditions
Location: 26-30 Holcombe Village, Ramsbottom, Bury, BL8 4LZ

Proposal: Listed building consent for replacement of existing gutters and downpipes

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Application No.: 64970 **App. Type:** FUL 10/03/2020 Approve with Conditions
Location: 10A Scotland Place, Ramsbottom, Bury, BL0 9BD

Proposal: Retention of, and amendment to, domestic outbuilding and other external alterations and landscaping.

Application No.: 64990 **App. Type:** FUL 26/02/2020 Approve with Conditions

Location: 55 Nuttall Lane, Ramsbottom, Bury, BL0 9JX

Proposal: Two/single storey extension at rear

Application No.: 65025 **App. Type:** FUL 18/02/2020 Approve with Conditions

Location: Brook Bottom Farm, Bury Old Road, Shuttleworth, Ramsbottom, Bury, BL0 0RZ

Proposal: Erection of outbuilding

Application No.: 65034 **App. Type:** FUL 18/02/2020 Approve with Conditions

Location: 71 Bury New Road, Ramsbottom, Bury, BL0 0BZ

Proposal: Two storey front/side extension; Single storey front extension; Single storey rear extension; Increase in ridge height to original dwelling

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Application No.: 65043 **App. Type:** FUL 10/03/2020 Approve with Conditions

Location: 206 Dundee Lane, Ramsbottom, Bury, BL0 9HF

Proposal: Single storey extension at front/side/rear; New raised terrrace with storage under at rear/side

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Application No.: 65127 **App. Type:** FUL 02/03/2020 Approve with Conditions

Location: 3 Lilburn Close, Ramsbottom, Bury, BL0 9LY

Proposal: Single storey rear extension and first floor side extension

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Application No.: 65136 **App. Type:** FUL 25/03/2020 Approve with Conditions

Location: The Byre, 4 Hey House Mews, Holcombe Old Road, Ramsbottom, Bury, BL8 4QS

Proposal: Single storey rear extension following removal of conservatory; replacement windows, doors and rainwater goods: Two rooflights

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Application No.: 65137 **App. Type:** TEL 17/03/2020 Prior Approval Required and Granted

Location: Ramsbottom Service Station, Stubbins Lane, Ramsbottom, Bury, BL0 0PU

Proposal: Prior notification of proposed telecommuncations installation comprising slimline lattice tower, antennas, dish, equipment cabinets and associated development ancillary thereto

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Application No.: 65142 **App. Type:** FUL 07/04/2020 Approve with Conditions

Location: 4 Ox Hey Close, Ramsbottom, Bury, BL0 9TJ

Proposal: Removal of existing conservatory to the side of the property and replace with side extension and garage under, and balcony to front

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Application No.: 65172 **App. Type:** FUL 03/04/2020 Approve with Conditions

Location: 26 Rothwell Street, Ramsbottom, Bury, BL0 9DY

Proposal: Loft conversion with 3no pitched roof dormers at rear

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Application No.: 65178 **App. Type:** FUL 30/03/2020 Approve with Conditions

Location: 3 Linden Avenue, Ramsbottom, Bury, BL0 0AW

Proposal: Two storey side and rear 'wrap around' extension combining and superseding approvals 64352 and 64345.

Application No.: 65195 **App. Type:** FUL 20/04/2020 Approve with Conditions

Location: 42 Chiltern Road, Ramsbottom, Bury, BL0 9LF

Proposal: Two storey side and rear extension

Application No.: 65201 **App. Type:** FUL 28/04/2020 Approve with Conditions

Location: 109 Ripon Hall Avenue, Ramsbottom, Bury, BL0 9TQ

Proposal: Two storey rear extension, partially with a new gable ended pitched roof and partially with a flat roof; Addition of windows to side elevation; Juliette balcony at rear

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Application No.: 65214 **App. Type:** FUL 31/03/2020 Approve with Conditions

Location: 200 Lumb Carr Road, Ramsbottom, Bury, BL8 4NH

Proposal: Alterations to sun room

Application No.: 65215 **App. Type:** FUL 31/03/2020 Approve with Conditions

Location: 202 Lumb Carr Road, Ramsbottom, Bury, BL8 4NH

Proposal: Alterations to garage and sun room

Application No.: 65218 **App. Type:** FUL 08/04/2020 Approve with Conditions

Location: 456 Whalley Road, Shuttleworth, Ramsbottom, Bury, BL0 0ES

Proposal: Two storey extension at front, single storey extension at rear, formation of first floor rear balcony, alterations to external elevations and parking area at front

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Application No.: 65240 **App. Type:** FUL 14/04/2020 Approve with Conditions

Location: Hollingrove Cottage, Redisher Lane, Holcombe, Bury, BL8 4HX

Proposal: Single storey side extension

Application No.: 65243 **App. Type:** P3CPA 31/03/2020 Prior Approval Required and Refused

Location: 38 Bridge Street, Ramsbottom, Bury, BL0 9AQ

Proposal: Prior approval for change of use from shop to cafe/bar

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Application No.: 65245 **App. Type:** FUL 06/04/2020 Approve with Conditions

Location: 225 Whittingham Drive, Ramsbottom, Bury, BL0 9NY

Proposal: First floor extension at side

Application No.: 65253 **App. Type:** ADV 06/04/2020 Approve with Conditions

Location: 41 Bridge Street, Ramsbottom, Bury, BL0 9AD

Proposal: Non illuminated fascia sign

Application No.: 65272 **App. Type:** FUL 21/04/2020 Approve with Conditions

Location: Holly Edge, School Street, Ramsbottom, Bury, BL0 9HJ

Proposal: Demolition of detached double garage and erection of single storey extension at front and side; New windows to south gable elevation

Application No.: 65273 **App. Type:** FUL 14/04/2020 Approve with Conditions

Location: 7 Lilburn Close, Ramsbottom, Bury, BL0 9LY

Proposal: Two/single storey extension at rear

Application No.: 65276 **App. Type:** FUL 28/04/2020 Approve with Conditions

Location: 71 Hillside Road, Ramsbottom, Bury, BL0 9NJ

Proposal: Front porch extension

Application No.: 65277 **App. Type:** FUL 08/04/2020 Approve with Conditions

Location: 197 Whittingham Drive, Ramsbottom, Bury, BL0 9NY

Proposal: Single storey extension at front with conversion of existing garage, single storey extension at rear, two storey extension at side and erection of detached garage at front with alterations to driveway

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Application No.: 65287 **App. Type:** FUL 21/04/2020 Approve with Conditions

Location: 2 Falstone Avenue, Ramsbottom, Bury, BL0 9LX

Proposal: Two storey extension at side/rear, single storey rear extension and front porch extension

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Application No.: 65299 **App. Type:** FUL 05/05/2020 Approve with Conditions

Location: 38 Bridge Street, Ramsbottom, Bury, BL0 9AQ

Proposal: Change of use of ground floor from shop (Class A1) to bar (Class A4)

Application No.: 65316 **App. Type:** FUL 23/04/2020 Approve with Conditions

Location: 5 Haigh Hall Close, Ramsbottom, Bury, BL0 9QH

Proposal: Single storey rear extension and extension above existing garage

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Application No.: 65340 **App. Type:** FUL 22/04/2020 Approve with Conditions

Location: 3 Liddington Hall Drive, Ramsbottom, Bury, BL0 9YJ

Proposal: First floor side extension; Conversion of existing garage to living space; Detached garage/outbuilding in front garden; New driveway access

Ward: **Whitefield + Unsworth - Besses**

Application No.: 65003 **App. Type:** GPDE 19/02/2020 Prior Approval Required Refused - Ext

Location: 5 Brook Drive, Whitefield, Manchester, M45 8FR

Proposal: Prior notification for proposed single storey rear extension

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Application No.: 65053 **App. Type:** FUL 14/02/2020 Approve with Conditions

Location: 21 Alexander Drive, Bury, BL9 8PF

Proposal: Two storey side and rear extension

Application No.: 65110 **App. Type:** FUL 12/03/2020 Approve with Conditions

Location: 138 Bury Old Road, Whitefield, Manchester, M45 6AT

Proposal: Change of use of upper floors from accountancy office (Class A2) to medical consulting rooms and associated office (Classes A2/D1)

Application No.: 65145 **App. Type:** FUL 25/03/2020 Approve with Conditions

Location: 9 Mayfair Grove, Whitefield, Manchester, M45 6BQ

Proposal: New detached timber outbuilding at rear to house a workshop with garage doors and a garden room with bi-fold doors and timber deck and steps up

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Application No.: 65208 **App. Type:** FUL 15/04/2020 Approve with Conditions

Location: 3 Balmoral Avenue, Whitefield, Manchester, M45 6AY

Proposal: Two storey side extension

Application No.: 65210 **App. Type:** LDCP 12/03/2020 Refused

Location: 79 Cunningham Drive, Bury, BL9 8PD

Proposal: Lawful development certificate for proposed single storey rear extension with lean to roof

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Application No.: 65221 **App. Type:** GPDE 27/03/2020 Prior Approval Not Required - Extension

Location: 365 Parr Lane, Bury, BL9 8PH

Proposal: Prior approval for proposed single storey rear extension

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Application No.: 65309 **App. Type:** FUL 01/05/2020 Approve with Conditions

Location: 8 Mayfair Grove, Whitefield, Manchester, M45 6BQ

Proposal: Two storey rear and side extension; Single storey rear extension

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Application No.: 65322 **App. Type:** FUL 23/04/2020 Approve with Conditions

Location: 79 Cunningham Drive, Bury, BL9 8PD

Proposal: Single storey rear extension

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

Application No.: 64792 **App. Type:** FUL 13/05/2020 Approve with Conditions

Location: 34A Higher Lane, Whitefield, Manchester, M45 7FY

Proposal: Variation of condition 2 (approved plans) of planning permission ref. 62255 for addition of first floor structure to convert bungalow to two storey detached dwelling; Amendments to openings on all elevations including Juliet balconies to the front and rooflights to the front/rear of the property'.

Application No.: 64883 **App. Type:** FUL 10/03/2020 Refused

Location: 170 Bury New Road, Whitefield, Manchester, M45 6QF

Proposal: Change of use from restaurant/café (A3) to licenced premises (A4)

Application No.: 64978 **App. Type:** FUL 09/03/2020 Approve with Conditions

Location: 22 The Square, Whitefield, Manchester, M45 7UL

Proposal: Single storey extension at rear with raised terrace

Application No.: 65054 **App. Type:** FUL 19/02/2020 Approve with Conditions

Location: 12 Westbourne Avenue, Radcliffe, Manchester, M45 7RY

Proposal: Two storey side extension; Single storey side and rear extension

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Application No.: 65071 **App. Type:** FUL 03/04/2020 Approve with Conditions

Location: 25 Bury New Road, Whitefield, Manchester, M45 7FL

Proposal: Two/single storey extension at rear; Single storey extension at front

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Application No.: 65093 **App. Type:** FUL 26/02/2020 Approve with Conditions

Location: 34 Oak Avenue, Whitefield, Manchester, M45 7FN

Proposal: New pitched roof to existing rear extension

Application No.: 65097 **App. Type:** FUL 26/03/2020 Approve with Conditions

Location: 7 Stanley Drive, Whitefield, Manchester, M45 7HF

Proposal: Two storey side extension; Single storey rear extension; Hip to gable roof alterations; Rear dormer

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Application No.: 65105 **App. Type:** FUL 02/03/2020 Approve with Conditions

Location: 27 Ferndale Avenue, Whitefield, Manchester, M45 7GP

Proposal: Single storey extension at side/rear; Raise ridge height of roof and roof extension to form living accommodation in roof space; Render to external elevations and conversion of existing garage to habitable room

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Application No.: 65111 **App. Type:** FUL 26/02/2020 Approve with Conditions

Location: 5 Stand Avenue, Whitefield, Manchester, M45 7NW

Proposal: Two storey extension at side

Application No.: 65115 **App. Type:** FUL 27/03/2020 Approve with Conditions

Location: 5 Oakdale Close, Whitefield, Manchester, M45 7LU

Proposal: Front porch canopy, first floor front extension, single storey rear extension, building cladding and rear leisure canopy

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Application No.: 65149 **App. Type:** FUL 02/04/2020 Refused

Location: 18 Parkstone Avenue, Whitefield, Manchester, M45 7QH

Proposal: Loft conversion with 2 no. dormers to sides

Application No.: 65176 **App. Type:** FUL 12/03/2020 Approve with Conditions

Location: 134 Radcliffe New Road, Radcliffe, Manchester, M45 7RW

Proposal: Single storey rear extensions; Raised Patio

Application No.: 65189 **App. Type:** FUL 26/03/2020 Split Decision

Location: 5 Ryecroft, Whitefield, Manchester, M45 7HZ

Proposal: A: Single storey extension to side.
B: Two storey extension at side and first floor extension at front/side; Single storey extension to rear; Loft conversion and increase in roof height

Application No.: 65196 **App. Type:** FUL 06/04/2020 Approve with Conditions

Location: 23 Radcliffe New Road, Radcliffe, Manchester, M45 7QX

Proposal: Proposed ground floor rear extension

Application No.: 65233 **App. Type:** FUL 08/04/2020 Approve with Conditions

Location: 9 Eight Acre, Whitefield, Manchester, M45 7LW

Proposal: First floor side extension, conversion of garage to habitable room; Pitched roof to front elevation

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Application No.: 65241 **App. Type:** FUL 16/04/2020 Approve with Conditions

Location: 13 Marle Croft, Whitefield, Manchester, M45 7NB

Proposal: Two storey/first floor extension at front

Application No.: 65254 **App. Type:** FUL 28/04/2020 Approve with Conditions

Location: 33 Bury New Road, Whitefield, Manchester, M45 7FL

Proposal: First floor extension at front

Application No.: 65255 **App. Type:** FUL 06/04/2020 Approve with Conditions

Location: 48 Parkstone Avenue, Whitefield, Manchester, M45 7QH

Proposal: Garage conversion and alteration of flat roof to sloping

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Application No.: 65274 **App. Type:** FUL 17/04/2020 Approve with Conditions

Location: 59 Ashbourne Grove, Radcliffe, Manchester, M45 7NL

Proposal: Single storey extensions at side and rear with pitched roof to existing flat roof at side

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Application No.: 65300 **App. Type:** FUL 21/04/2020 Approve with Conditions

Location: 14 Nuttall Avenue, Whitefield, Manchester, M45 6QA

Proposal: Two storey extension at side

Application No.: 65301 **App. Type:** FUL 21/04/2020 Approve with Conditions

Location: 5 Lindrick Avenue, Whitefield, Manchester, M45 7GE

Proposal: Single storey extension at front, single storey extension at rear and loft conversion with rear dormer

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Application No.: 65308 **App. Type:** FUL 23/04/2020 Approve with Conditions

Location: 1 South Avenue, Whitefield, Manchester, M45 7TT

Proposal: Two storey extension at rear; Extension to existing garage and conversion to habitable room

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Application No.: 65329 **App. Type:** LDCP 21/04/2020 Lawful Development

Location: 189 Lily Hill Street, Whitefield, Manchester, M45 7UQ

Proposal: Lawful development certificate for a proposed single storey side extension

Ward: **Whitefield + Unsworth - Unsworth**

Application No.: 64697 **App. Type:** FUL 07/05/2020 Approve with Conditions

Location: Brick House Farm, Griffe Lane, Bury, BL9 8QS

Proposal: Change of house type of approved dwelling on plot 4 (approved under planning permission 57530) with addition of detached garage and removal of pergola at side

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Application No.: 64850 **App. Type:** FUL 28/04/2020 Approve with Conditions

Location: Units 3 & 4, Park 66, Pilsworth Road, Bury, BL9 8RS

Proposal: Erection of 23 no. individual storage units in 3 no. buildings

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Application No.: 64985 **App. Type:** FUL 09/04/2020 Approve with Conditions

Location: Sunnybank Clinic, Sunny Bank Road, Bury, BL9 8EB

Proposal: Installation of 2.4m high palisade fencing with 1 no. vehicular and 1 no. pedestrian gate to provide secure compound at rear with 5 no. floodlights

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Application No.: 65008 **App. Type:** FUL 11/02/2020 Approve with Conditions

Location: 20 Alnwick Drive, Bury, BL9 8BZ

Proposal: Two storey front extension and front porch

Application No.: 65052 **App. Type:** FUL 17/02/2020 Approve with Conditions

Location: 1 Bowlee Close, Bury, BL9 8NQ

Proposal: Front porch extension

Application No.: 65068 **App. Type:** ADV 14/02/2020 Approve with Conditions

Location: Unit C2, Park 66, Bury, BL9 8RS

Proposal: 1 No. internally illuminated fascia sign

Application No.: 65070 **App. Type:** FUL 11/02/2020 Approve with Conditions

Location: 45 Ennerdale Drive, Bury, BL9 8HY

Proposal: Single storey extension at side and rear

Application No.: 65088 **App. Type:** FUL 24/02/2020 Approve with Conditions

Location: 28 Ventnor Avenue, Bury, BL9 8HH

Proposal: Demolition of conservatory and erection of single storey rear extension and front bay window extension

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Application No.: 65112 **App. Type:** FUL 03/04/2020 Approve with Conditions

Location: Cloughside, Myrtle Grove, Radcliffe, Manchester, M45 7RR

Proposal: Two storey rear extension; Decking at rear

Application No.: 65140 **App. Type:** GPDE 24/02/2020 Prior Approval Not Required - Extension

Location: 3 Millom Drive, Bury, BL9 8NJ

Proposal: Prior notification for proposed single storey rear extension

Application No.: 65157 **App. Type:** FUL 27/03/2020 Approve with Conditions

Location: Pilsworth South Landfill Site, Pilsworth Road, Bury, BL9 8QZ

Proposal: Erection of two leachate holding tanks, concrete base, tanker bay and associated infrastructure

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Application No.: 65159 **App. Type:** FUL 03/04/2020 Approve with Conditions

Location: 1 Mere Close, Bury, BL9 8NY

Proposal: First floor extension at side and front porch extension

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Application No.: 65212 **App. Type:** FUL 24/04/2020 Approve with Conditions

Location: Hollins Playing Fields behind Hollins Grundy Primary School, Unsworth Bury, BL9 8AY

Proposal: 1 no. container to be used by F.C Bury

Application No.: 65213 **App. Type:** FUL 20/04/2020 Approve with Conditions

Location: 43 Kenmore Road, Whitefield, Manchester, M45 8ES

Proposal: Rear dormer extension; Gable roof extension

Application No.: 65262 **App. Type:** FUL 16/04/2020 Approve with Conditions

Location: 128 Sunny Bank Road, Bury, BL9 8LJ

Proposal: Alterations to front driveway including extension of dropped kerb; Remodelling to rear garden to form patio and raised levels

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Application No.: 65275 **App. Type:** FUL 22/04/2020 Approve with Conditions

Location: 6 Stokesay Close, Bury, BL9 8DB

Proposal: Two storey extension at side/rear and front porch/canopy

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Application No.: 65285 **App. Type:** FUL 21/04/2020 Approve with Conditions

Location: 38 Hathaway Road, Bury, BL9 8EG

Proposal: Single storey extension at side/rear

Application No.: 65334 **App. Type:** FUL 07/05/2020 Approve with Conditions

Location: 3 Ventnor Avenue, Bury, BL9 8HH

Proposal: Single storey extension at rear

Total Number of Applications Decided: **291**

REPORT FOR NOTING

Bury COUNCIL

Agenda Item	6

DECISION OF:	**PLANNING CONTROL COMMITTEE**
DATE:	**26 May 2020**
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:	Planning Appeals: - Lodged - Determined Enforcement Appeals - 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
Tel: 0161 253 5291
Email: d.marno@bury.gov.uk

Planning Appeals Lodged
between 10/02/2020 and 17/05/2020

Application No.: 64722/FUL
Decision level: DEL
Recommended Decision: Refuse

Appeal lodged: 12/02/2020
Appeal Type: Written Representations

Applicant: EE (UK) Ltd and H3G (UK) Ltd
Location Junction of Polefield Approach/Bury Old Road, Prestwich, M25 1WJ

Proposal Installation of replacement a 20m monopole, accommodating 12 no. antenna in an open headframe together with the upgrade of the equipment cabinets and ancillary development thereto

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Application No.: 64981/FUL
Decision level: DEL
Recommended Decision: Refuse

Appeal lodged: 13/05/2020
Appeal Type:

Applicant: Ms Stothard
Location 7 Miller Street, Summerseat, Ramsbottom, Bury, BL9 5PX

Proposal Erection of garden shed at front

Application No.: 65003/GPDE
Decision level: DEL
Recommended Decision: Prior Approval Required

Appeal lodged: 18/03/2020
Appeal Type: Written Representations

Applicant: Mr Kahed Kapacee
Location 5 Brook Drive, Whitefield, Manchester, M45 8FR

Proposal Prior notification for proposed single storey rear extension

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Total Number of Appeals Lodged: 3

Planning Appeals Decided between 10/02/2020 and 17/05/2020

Application No.: 63243/FUL
Decision level: DEL
Recommended Decision: Refuse
Appeal Decision: Allowed
Date: 21/02/2020
Appeal type: Public Inquiry

Applicant: Mrs Barbara Young

Location: Land North of The Garsdale, Woodhill Road, Bury

Proposal: Change of use of land to use as a residential caravan site for two traveller families with a maximum of 4 no. caravans/motor homes, erection of amenity building and laying of hard standing

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Application No.: 64338/FUL
Decision level: DEL
Recommended Decision: Refuse
Appeal Decision: Allowed
Date: 26/02/2020
Appeal type: Written Representations

Applicant: Mr Peter Barrett

Location: 4 Myrtle Grove, Radcliffe, Manchester, M45 7RR

Proposal: Two storey extension at side and single storey extension at side/rear

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Application No.: 64719/FUL
Decision level: COM
Recommended Decision: Approve with Conditions
Appeal Decision: Dismissed
Date: 10/03/2020
Appeal type: Written Representations

Applicant: Harrington House Estates Ltd.

Location: 79 Bury New Road, Whitefield, Manchester, M45 7EG

Proposal: Change of use from existing 6 bed HMO (Class C4) to 8 bed (8 person) house in multiple occupation (HMO) (Sui Generis)

The Planning Inspectorate

Appeal Decision

Inquiry Held on 29 January to 31 January 2020
Site visit made on 30 January 2020

Mr K L Williams, BA, MA, MRTPI

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

Decision date: 21st February 2020

Appeal Ref: APP/T4210/W/19/3227402
Land North of The Garsdale, Woodhill Road, Bury, BL8 1XG

- 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 Mrs Barbara Young against the decision of Bury Council.
- The application, ref:63243 and dated 31 August 2018, was refused by notice dated 26 October 2018.
- The development proposed is the change of use of land to use as a residential caravan site for 2 Gypsy/Traveller families each with 2 caravans, erection of ancillary amenity building and laying of hardstanding.
- **Summary of Decision: The appeal succeeds. Planning permission is granted in the terms set out in the Formal Decision.**

Preliminary Matters

1. The appellant now seeks to station 2 caravans on the site rather than 4. Any touring caravans required for travelling would be stored off-site. I have therefore determined this appeal on the basis of the stationing of 2 caravans rather than the 4 caravans referred to in the planning application description of development. The number of caravans can be controlled by planning condition.

The Appeal Site and the Proposed Development

2. The appeal site is to the east of Woodhill road, between the road and the banks of the River Irwell. It is close to the entrance to the Burrs Country Park, which extends along part of the valley and includes land adjacent to the river. The appeal site is broadly rectangular and extends to about 0.1 hectares. A 1:200 scale indicative site layout plan shows an access into the site from Woodhill Road, with a vehicle turning area. It also shows 2 mobile homes and areas of hardstanding. An amenity building would be sited near to Woodhill Road. Areas for tree and shrub planting are shown, together with grassed areas. Further drawings give details of the proposed amenity building and fencing.

3. The site would be occupied by 2 families. Mr and Mrs Sharp and their 5 children would occupy 1 pitch. Mr and Mrs Young and their adult daughter Laurel would occupy the other. Mrs Sharp is Mr and Mrs Young's daughter. The prospective site residents fall within the definition of gypsies and travellers set out in Annex 1 of Planning Policy for Traveller Sites, 2015 (PPTS).

The Main Issues

4. The site is in the North West Green Belt. The proposed change of use would be inappropriate development in the Green Belt. On that basis the main issues are:

   i) The effect on Green Belt openness and on Green Belt purposes;

   ii) The effect on the character and appearance of the area;

   iii) The effect on highway safety and the free flow of traffic;

   iv) The need for gypsy and traveller sites in the area, the supply of sites and whether a 5-year supply exists;

   v) The need for accommodation for those who would live on the site and whether any suitable alternative sites are available;

   vi) Personal circumstances, human rights and the best interests of children;

   vii) The overall balance and whether any harm to the Green Belt and any other harm would be clearly outweighed by other considerations. If so, whether this would amount to the very special circumstances required to justify granting planning permission.

The effect on Green Belt openness and on Green Belt purposes

5. The site is small in extent but is open and undeveloped. To the south there is a children's playground with play equipment. To the north there is an area of woodland and the entrance to the Burrs Country Park. The River Irwell is immediately to the east, with woodland to the east of it. The nearby parts of the Green Belt are predominantly open in character. The presence on the land of mobile homes, an amenity building and related vehicles and domestic items would be harmful to the openness of the Green Belt.

6. It is consistent with *Turner v SSCLG and East Dorset Council [2016]* that the openness of the Green Belt can have a visual aspect as well as a spatial one. The principal public views into this site are from Woodhill Road and from the adjacent playground. From Woodhill Road, there are views across the site to woodland beyond. Views from the playground are limited to some extent by existing trees and shrubs on the site's southern boundary. However, the rear of the site can be seen and there is currently a view from there along part of the river valley.

7. The indicative layout plan shows that it would be possible to incorporate some additional planting within the appeal site, which would reduce the visual effect of the development. The site is within a narrow area of countryside extending towards Bury from the wider countryside to the north. It is on the edge of an urban area. In addition to the harm to openness, the development would conflict with the Green Belt purpose of assisting in safeguarding the countryside from encroachment. Nor would it be consistent with the Green Belt purpose of checking the unrestricted sprawl of a large built-up area, although it has not been shown that there is a serious risk of such sprawl in this area. The Council also cites the risk of cumulative harm to Green Belt openness from numerous small incursions. However, it has not been shown by reference to specific sites that this is a significant risk in this area.

8. These harms to the Green Belt weigh against the appellant. Having regard to the modest extent of the site the degree of harm is moderate. The development conflicts with Policy OL1 of the Bury Unitary Development Plan, 1997 (UDP). It sets out that the Council will maintain a Green Belt and ensure that it fulfils its strategic purposes, including assisting in safeguarding the countryside from further encroachment.

The effect on the character and appearance of the surrounding area

9. The site is in the River Irwell valley and close to the approach to Burrs Country Park. In addition to woodland, the river valley and a playground there is existing development close to the site. It includes Woodhill Road, housing to the west of the road and a public house. The nearby entrance to Burrs Country Park has a car park and a large sculpture based on a millwheel. The wider surrounding area includes the country park. It is predominantly open but includes areas for car parking, a barn, the remains of mill buildings and former mill workers cottages. On the north side of the river, adjacent to the country park, there is a large caravan park catering for visitors to the area, together with related hardstanding, facilities buildings and a plot with warden's accommodation.

10. The existing caravan site and development related to it are not perceived when close to the appeal site, although they form part of the character of the wider surrounding area. While there is housing development nearby, the immediate area to the east of Woodhill Road is largely open. The entrance to the country park adds visual interest to the area. The introduction of a small caravan site would result in a degree of harm to the character and appearance of the surrounding area. This would be perceived primarily in views from Woodhill Road and would be apparent to visitors to the country park and the playground.

11. The development would conflict with UDP policy OL5/2 in respect of its effect on an open part of the valley and failure to fall within one of specified categories of development. It would also conflict with policy EN1/1 which resists development having any detrimental effect on visual amenity in areas including the Green Belt and river valleys. However, these policies are not fully consistent with the approach in Planning Policy for Traveller Sites, 2015 (PPTS). It envisages that some traveller sites will be in the countryside, so that a degree of harm is not unusual from this type of development. This inconsistency reduces the weight attributable to conflict with those policies. The extent of harm could be reduced by the planting of trees and shrubs. It is not intended that traveller sites should be hidden from public view, but such planting can help to integrate development into its surroundings. Taking this into account, together with the small scale of the site, the degree of harm would be moderate and weighs against the development.

The effect on highway safety and the free flow of traffic

12. The Council's decision referred to insufficient information on parking and turning of vehicles within the site to show that harm to highway safety and the free flow of traffic would be avoided. Some local residents are concerned about the effect of traffic movements to and from the site, as are the Friends of Burrs Country Park. Access from the site would be directly onto Woodhill Road. No assessment of traffic movements is submitted but this would be a small site, accommodating two families and the number of caravans stationed on the site

would be limited to 2. The volume of traffic movements associated with the families' vehicles is likely to be low. The evidence does not suggest that larger vehicles, such as lorries or low-loaders would be brought to the site.

13. The layout plan indicates that there would be adequate space within the site for the turning and parking of the likely number of cars and a van. Visibility for drivers at the site entrance is adequate. Woodhill Road is of a good width. There is street lighting and vehicle speed is limited to 20 mph near the site. While no traffic flow figures are submitted, the road near the site is used for access to residential properties, the country park and the caravan site. It is likely to be a busy road at times. Nevertheless, the balance of evidence is that the development would not result in harm to road safety or to the free flow of traffic.

The need for gypsy and traveller sites in the area, the supply of sites and whether a 5-year supply exists

14. It is common ground that there is an unmet need for sites for travellers in the area, that there are no sites currently allocated and that the Council cannot identify a 5-year supply of deliverable sites. The Greater Manchester Gypsy and Traveller Accommodation Assessment (GTAA) was published in 2014. It identified an overall need for 15 pitches in Bury in the period 2014 to 2033. Following publication of the GTAA a new private site at Todd Street was developed, which provided 15 additional pitches.

15. A revised GTAA was published in 2018 addressing the period up to 2036. It distinguished between a need for pitches for those meeting the PPTS Annex A definition ("PPTS need") and those who do not but who are nevertheless gypsies or travellers culturally ("cultural need"). The GTAA found a net need 103 pitches in Greater Manchester. In Bury it found an unmet PPTS need for 1 pitch and a cultural need for 2 pitches. Account has also been taken of evidence arising since publication of the 2018 GTAA concerning waiting lists and circumstances relating to some vacant pitches. The Council's assessment of current overall unmet need in Bury is for 12 pitches.

16. The starting point for the appellant's assessment of need is the 32 authorised and occupied pitches in Bury in April 2018. Applying a compound growth rate to this of 2% per annum would result in a net need for 13 additional pitches for the period up to 2036. This is said to be a minimum level of unmet need, taking no account of overcrowding or need arising from those needing to move from "bricks and mortar" accommodation to caravan sites. Aerial photographs of the Fernhill Caravan site are said to show overcrowding, although they are limited to two dates and can provide only a snapshot.

17. The 2018 GTAA did not involve new primary data from original fieldwork but was primarily a desk-based exercise relying on updating evidence collected for the 2014 GTAA. It also reviewed demographic data and took account of available new evidence, including that held by the Council. Data collected in 2014 is not up to date. It was collected before the 2015 PPTS, which introduced a new planning definition of "gypsies and travellers". That definition had the effect of excluding those who had ceased to travel permanently. In these circumstances the 2018 GTAA relied on supplementing information collected in 2014 with post-PPTS surveys from elsewhere in order derive an assumed percentage falling within the PPTS definition.

18. Any assessment of the need for traveller sites requires a range of assumptions. Undue reliance should not be given to the precise figures produced, particularly as the numbers involved are not large. Nevertheless, despite their different approaches, the appellant's assessment and that of the Council are not very far apart. They confirm an unmet need for pitches in Bury.

19. The aims of PPTS include increasing the number of sites permitted in appropriate locations to address under-provision, maintaining an appropriate level of supply and promoting private traveller site provision. PPTS paragraph 10 says that Councils should identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against locally set targets.

20. The level of unmet need in this case is significant when compared with the scale of existing provision. There are no sites allocated in the UDP. While policy H1/3 provides criteria for assessing application it gives no specific locations to which development could be directed. Although preparation of a new Local Plan is underway, it is at an early stage and progress on it relies on that of the Greater Manchester Spatial Framework. No firm date for adoption of the new Local Plan is submitted and it is likely to be several years away. Further time would then be required for sites to be developed, if any are allocated. Site allocations are not the only way for sites to come forward. The Council did grant planning permission for the Todd Street site following the publication of the 2014 GTAA. Nevertheless, there has been a long-term failure of policy by the Council to allocate land to meet the needs of gypsies and travellers. There has not been a plan led approach to meeting need. These matters weigh in the appellant's favour.

21. Paragraph 27 of PPTS explains that where an up-to-date 5-year supply of deliverable sites cannot be demonstrated, this should be a significant material consideration when considering applications for a temporary planning permission. It goes on to preclude sites in the Green Belt from this approach. This provision in PPTS does not preclude the absence of a 5-year supply from being a material consideration in respect of applications for permanent planning permission. Nor is that the effect of the judgement in *Swale BC v SSHCLG [2018] EWHC 3402 (Admin).*

The need for accommodation for those who would live on the site and whether any suitable alternative sites are available

22. The 2 families have a personal need for a settled site which would facilitate a good residential environment, with good access to health, education and other services and provide a stable base from which travelling for work can be undertaken. The families currently share a pitch on the Crompton Lodge site at Farnworth in Bolton. Mr and Mrs Young are "doubling-up" on Mr and Mrs Sharp's pitch and have nowhere else to live. The pitch is not extensive and is overcrowded. In addition to a touring caravan occupied by Mr and Mrs Sharpe and their 5 children, a smaller caravan houses Mr and Mrs Young and their daughter, Laurel. There is a utility building on the pitch but it is in a state of disrepair and is said to be unusable. Mrs Sharp explains that repairs have not been undertaken over a long period. She also refers to rats on the plot. The families must rely on the use of toilet and bathroom facilities in a static caravan belonging to a friend on the adjoining pitch.

23. The Crompton Lodge site is on a bus route and within reasonable distances of services and facilities. However, the site appears to provide a poor living environment, with buildings in a poor condition, vacant pitches awaiting refurbishment and waste scattered on the site and the access road. The Crompton Lodge site does not provide a suitable site for these two families. Although the Council say the families could seek a site elsewhere, there is no evidence of any other suitable and available alternative site. The appellant's evidence is that purchase of the appeal site followed a period of about 4 years of unsuccessfully searching for a suitable site.

Personal circumstances, human rights and the best interests of the children

24. Two of Mr and Mrs Sharp's children suffer from a serious, long-term and life limiting medical condition. It requires physiotherapy for lengthy periods twice a day, treatment with a nebuliser and a range of other medication. A letter from the Manchester University NHS Foundation Trust stresses the need for these children to have ready access to running water, toilet facilities and shower facilities to allow them to maintain hygiene. Further letters from the Trust set out the resulting care requirements for the children, which are considerable. One of the adult prospective occupiers of the site has 2 serious medical conditions. They are permanent or long term and require regular hospital attendance for specialist care. Another is awaiting surgery for a different serious condition.

25. Occupation of the appeal site would facilitate mutual support, on which these two families rely. It would also facilitate application of medical treatment for the severe condition suffered by two of the children, including the extensive daily treatment they require. That is said to be inhibited by living conditions at Crompton Lodge. A local resident doubts the suitability of the appeal site for children with this condition. Reference is made to the proximity of the river, a canal overspill and grazing animals, with related risks of infection. Other than a general leaflet on the medical condition, no substantive evidence is submitted on these matters. The balance of evidence suggests that, if developed as proposed, the appeal site would provide a much improved and more suitable living environment for these children as well as for other family members.

26. Failure of this appeal would mean that these families would be unable to occupy the appeal site. This would amount to an interference with their human rights under Article 8 of the European Convention on Human Rights, which addresses respect for family life and the home. It is consistent with caselaw that the best interests of children should be a primary consideration in this appeal decision, although not necessarily the determinative factor. There are 5 children in this case. Their best interests would be for the site to be developed as proposed. It would give them the best opportunity for a settled, good quality environment and a stable and secure family life, with access to education, health and other services and opportunity for play and personal development. These matters weigh in the appellant's favour.

Other matters

27. The site is close to a medical centre and less than a mile from a primary and nursery school. It is about a mile from Bury town centre where there is a full range of shopping and community facilities. Woodhill Road is on a bus route and the development would not result in unacceptable adverse effects on residential amenity. In these respects the development is consistent with

criteria in UDP policy H1/3. Although somewhat overgrown, the site is not untidy. The effective use of untidy land, as referred to in PPTS paragraph 26 (a), is therefore not a consideration.

28. The appellant contends that the Council has been inconsistent in its approach to this development when compared with that taken to the development, on Council owned land, of the caravan site on the north side of the River Irwell. That site is also in the Green Belt. Following the initial grant of planning permission for the caravan site, further permissions were granted for its extension and for warden's accommodation. The Caravan Club site is a much larger site and contains many more caravans than would be stationed on the appeal site. However, the Council judged that the Caravan Club site and the related developments comprised appropriate facilities for outdoor recreation and, in that context, preserved the openness of the Green Belt and did not conflict with its purposes. The warden's accommodation was treated as a replacement caravan. The Council therefore concluded that these developments were not inappropriate development in the Green Belt. Those were planning judgements which the Council was entitled to make. On that basis, those developments were materially different from the development in this appeal. These matters do not weigh in the appellant's favour.

29. In addition to its visual impact, the Friends of Burrs Country Park are concerned about the effect of the development on the future development of the park. The park extends to about 36 hectares and is focussed on the remains of water and steam powered cotton mills. Access to the country park has been enhanced by the development of a railway halt. The Caravan Club site provides accommodation for some of the visitors to the country park. UDP policy RT3/1 identifies Burrs as being a particularly important focal point for informal recreation which should be especially safeguarded. The policy does not permit development resulting in the loss of or prejudicing the use of the park. The Council produced the Burrs Country Park Strategy Document in 2015 (BCPS). It is non-statutory but is a material planning consideration.

30. The Friends group was constituted in 2018 and is comprised of local residents and park users. It was set up to provide community management of the park as Council funding is phased out. The Friends suggest that the appeal development would prejudice development of the country park because the appeal site would be suitable for a visitor centre and in respect of a proposed riverside footpath/cycle route. Figure 4 of the BPCS depicts the Development Strategy for the period 2015 to 2029. Although phase 1D is the development of a visitor centre, it is shown not on the appeal site but in the Stock Street Barn. However, the Friends no longer consider that building to be suitable. The appeal site is now favoured for that purpose. While the site is currently peripheral to the park, it would be more central if the park was extended to include land to the south, as Figure 4 shows. Figure 4 also shows a route for a cycle/footpath running along the west bank of the river and forming part of the last phase of the park's development.

31. The appeal site is not allocated for a visitor centre in the BCPS. Nor is there evidence of funding likely to be available for a visitor centre on the land or of a firm and realistic intention by the Friends or the Council to acquire the land for that purpose, by Compulsory Purchase or any other means. The proposed cycle/footway skirts the appeal site but is outside it. Reference is made to the need to reconsider the route because of erosion of the riverbank. Nevertheless,

there is no substantive assessment of that or of alternative options. Nor is there evidence of funding for that proposal or of how land would be acquired if necessary. I appreciate the Friends' aspirations for the country park. Their determination for it to succeed and develop is clear from their evidence. Nor do I doubt its health and other benefits to the local community, which were also explained at the Inquiry by Mr Pinder, or its potential contribution to the local economy. Nevertheless, I conclude that further development of the country park could continue irrespective of the development of this small site. The development would not conflict with policy RT3/1 and these matters do not weigh against the appellant.

The Overall Balance

32. Paragraph 144 of the National Planning Policy Framework (the Framework) says that substantial weight should be given to any harm to the Green Belt. It is consistent with *SSCLG & Others v Redhill Aerodrome Ltd. [2014] EWCA Civ 1386* that any harms should form part of the Green Belt Balance. However, Framework paragraph 144 does not, as the Council suggests, require that substantial weight is given to each individual harm to the Green Belt. In this case, the harm to the Green Belt is comprised of harm through inappropriateness, moderate harm to openness and conflict with the Green Belt purposes of assisting in safeguarding the countryside from encroachment and checking the unrestricted sprawl of a large built-up area. I give very substantial weight to the harm to the Green Belt. I give moderate weight to the harm to character and appearance and the related conflict with UDP policies OL5/2 and EN1/1.

33. PPTS paragraph 16 sets out that, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. The unmet need for sites in the area and absence of a 5-year supply of sites carries considerable weight in the appellant's favour. The lack of a suitable alternative site and the Council's failure to allocate sufficient sites for gypsies and travellers over a long period also weigh substantially in the appellant's favour. The site's compliance with criteria in UDP policy H1/3 merits moderate weight. Refusal of planning permission would not facilitate the gypsy and traveller way of life. Nevertheless, without consideration of personal circumstances and the best interests of the children, I conclude that the harm to the Green Belt and any other harm would not be clearly outweighed by other considerations.

34. In this case the best interests of 5 children fall to be considered, including 2 children with serious medical conditions. It is consistent with caselaw in *Stevens v SSCLG [2013] EWHC 792 (Admin)* that their best interests are not determinative. Nevertheless, they are a primary consideration in my decision and are worthy of very substantial weight in favour of the development. The personal circumstances with regard to medical conditions merit considerable weight, as does the effect on human rights if this appeal fails. I conclude that, when these matters are added to the balance, the harm to the Green Belt and any other harm would be clearly outweighed by other considerations. On that basis, there are very special circumstances in this case which justify the grant of planning permission subject to a personal condition. Refusal of such a permission would have a disproportionate effect on the human rights of the prospective occupiers of the site.

Conditions

35. I have taken into account the discussion of conditions at the Inquiry and the requirements for conditions set out in Planning Policy Guidance. Having regard to my conclusions above a personal condition is required, as is a condition limiting the number of caravans. To protect the character and appearance of the area the submission and approval of a site development scheme should be required. It should require details of the layout of the site, including the siting of caravans, areas of hardstanding, the siting of the amenity building, areas for the parking and turning of vehicles, areas for hard and soft landscaping. It should also include details of landscaping and boundary treatment, any external lighting and a timetable for implementation. To protect the environment, details of foul and surface water drainage should also be required. Other conditions are required in respect of the details of the amenity building and works to trees. There is evidence of invasive species in the area so that a condition for their detection, eradication and control is required. Although the Council suggests contaminated land conditions, the evidence provided is not sufficient to show that such a condition is reasonable or necessary having regard to the type of development at issue in this appeal.

Overall Conclusion

36. Having regard to the above and to all other matters raised the appeal should succeed.

Formal Decision

37. The appeal is allowed. Planning permission is granted for a change of use to use as a residential caravan site, the erection of an amenity building and the laying of hardstanding on Land North of The Garsdale, Woodhill Road, Bury, BL8 1XG in accordance with the terms of the application ref:63243 and the drawings submitted therewith and subject to the conditions set out in the Schedule attached to this decision.

K Williams

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY: Mr P Riley-Smith, of Counsel

He called:

Dr M Bullock BSc, PhD	Director Arc4
Mr T Beirne BSc (Hons)	Senior Planning Officer, Bury Council

FOR THE APPELLANT: Mr A Masters, of Counsel

He called:

Mr P Brown BA (Hons), MRTPI	Phillip Brown Associates
Mrs M Sharp	Daughter of the appellant

FOR THE FRIENDS OF BURRS COUNTRY PARK

Ms H Marshall	Chairperson of the Friends group

INTERESTED PERSONS

Ms Fogg	Local resident
Mr Pinder	Chief Officer, Brandlesholme Community Centre
Mr Collin	Local resident
Mr O'Donnell	Local resident
Mr Boaden	Sleaford Residents' Association

DOCUMENTS SUBMITTED AT THE INQUIRY

1. Council's list of appearances.
2. Council's opening submissions.
3. Manchester University NHS Foundation Trust letter, 27 January 2020.
4. Manchester University NHS Foundation Trust letter, 27 January 2020.
5. Statement of Common Ground.
6. Turner v SSCLG and East Dorset Council [2016] EWCA Civ 466.
7. Stevens v SSCLG and Guildford Borough Council [2013] EWHC 792 Admin.
8. Friends of Burrs Country Park, statement read at the Inquiry.
9. Council's delegated report, application no.57671/FUL.
10. Notice of Planning Permission, application no.57671.
11. Unitary Development Plan extract, policy OL5.
12. Suggested conditions, version 1.
13. Suggested conditions, version 2.
14. Cystic Fibrosis Foundation document.
15. Closing statement – Friends of Burrs.
16. Council's closing submissions.
17. SSCLG, Reigate and Banstead BC, Tandridge DC v Redhill Aerodrome Ltd [2014] EWCA civ 1386.
18. Appellant's closing submissions.
19. Mr D Dutton comments on planning application 63243.
20. Ms J Scott comments on planning application 63243.
21. Friends of Burrs Country Park leaflet.

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
2) The use hereby permitted shall be carried on only be the following persons: Mr Douglas Sharp and Mrs Mary Sharp and their resident dependents and Mr Tom Young, Mrs Barbara Young and Ms Laurel Young and their resident dependents. When the premises cease to be occupied by those named, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought onto the land in connection with that use shall be removed and the land restored to its condition before the development was carried out.
3) No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the land at any time.
4) The development of the amenity building shall not commence until details of the materials to be used in the external elevations of the building have been submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the approved details.
5) No development shall commence until details of a site development scheme have been submitted in writing to and approved in writing by the Local Planning Authority. The site development scheme shall include details of the site layout (including the siting of the amenity building and of caravans, areas of hardstanding, areas for the parking and turning of vehicles and areas for hard and soft landscaping); materials for hardstanding; boundary treatment; means of foul and surface water drainage of the site; tree hedge and shrub planting (including plant species, plant sizes, number, density, seeding or turfing and measures for replacing plants which die, are removed or become diseased); any proposed external lighting and a timetable for the implementation of each element of the scheme. The development shall be carried out in accordance with the site development scheme as approved in writing by the Local Planning Authority and shall be retained in accordance with that scheme.
6) The approved vehicle parking and turning areas shall remain unobstructed and available for those purposes.
7) No development shall commence until details of a scheme for the detection and, if necessary, the eradication and/or control of Japanese Knotweed and Himalayan Balsam, together with a timetable for implementation, is submitted to and approved in writing by the Local Planning Authority. Measures shall be carried out in accordance with the approved scheme. Should a delay of more than one year occur between the approval of the scheme details and either the implementation of the scheme or the commencement of development, a further site survey shall be undertaken and submitted to the Local Planning Authority.
8) No works to trees or shrubs shall be undertaken between 1 March and 31 August in any year unless details are submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details.

The Planning Inspectorate

Appeal Decision

Site visit made on 20 January 2020 by Hilary Senior BA (Hons) MCD MRTPI

by Chris Hoult BA(Hons) BPhil MRTPI

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

Decision date: 26 February 2020

Appeal Ref: APP/T4210/D/19/3239361
4 Myrtle Grove, Radcliffe, M45 7RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Peter Barrett against the decision of Bury Metropolitan Borough Council.
- The application Ref 64338, dated 19 June 2019, was refused by notice dated 28 August 2019.
- The development proposed is single storey rear extension and double storey side extension to form living space and garage.

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension and double storey side extension to form living space and garage at 4 Myrtle Grove, Radcliffe, M45 7RR, in accordance with the terms of the application Ref 64338, dated 19 June 2019 subject to the following conditions:

   1) The development herby permitted shall begin not later than three years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL0017/01, PL0017/02, PL0017/03, PL0017/04, PL0017/05, PL0017/06, PL0017/07, PL0017/08, PL0017/09, PL0017/10, PL0017/11, PL0017/13, PL0017/14, PL0017/15, PL0017/16

   3) The materials to be used in the construction of the external surfaces of the development herby permitted shall match those used in the existing building.

   4) The car space to be provided shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling and their visitors and for no other purpose.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. During the appeal process it was confirmed that Plan reference PL0017/15a, that is referred to on the Council's decision notice, was withdrawn by the appellant and did not form part of its decision. It has therefore not been included in the formal decision above.

4. The address on the application form differs from that on the appeal form and accompanying plans. I have used the address from the application form in the banner heading and formal decision above.

Main Issues

5. The main issues are the effect of the proposal on:

   - the character and appearance of the area; and
   - highway safety with regard to car parking provision

Reasons

Character and appearance

6. Myrtle Grove lies within an established residential area of Radcliffe, characterised by predominantly semi-detached dwellings although there are a mix of design types in the local area.

7. The host dwelling is the left hand side of a pair of semi-detached dwellings as viewed from the street at the front. The appeal proposal includes a rear single storey extension, which the Council indicate is acceptable in terms of any impacts on neighbours' living conditions or on the character and appearance of the area. From what I have read and seen I have no reason to disagree with this assessment. The right hand side dwelling, 2 Myrtle Grove, has previously been extended in very similar manner to that which is proposed here.

8. The Council's Supplementary Planning Document 6: "Alterations and Extensions to Residential Properties (2010)" (SPD) seeks to prevent a terracing effect created when adjacent properties are extended to the plot boundaries. The Council's concern here is about the degree of set back from the plot boundary (with 6 Myrtle Grove) which the SPD advises should be a minimum of 1.5m. It had proposed a relaxation to 0.75m but the plans show a narrower gap. The appellant points out that some degree of space to the boundary would be maintained, the appeal property is in a short run of similar dwelling types and there is an irregular building line generally in the locality.

9. There are certain circumstances where the set-back requirement is relaxed, including in very short rows of houses. The appeal property is in a row of two pairs of semi-detached dwellings, where any appearance of terracing would be limited. The proposed extension would replicate the design of the previously extended dwelling at no. 2, to create a symmetrical appearance in the street scene across both extended dwellings. No. 2 has been extended to its plot boundary, with no set back, but a sizeable gap would nevertheless be maintained to the adjacent property on its side. In this case, any harm caused by the limited potential for terracing would be outweighed by the design and massing of the resultant building and the consequent appearance of symmetry achieved with no. 2.

10. The appeal proposal would retain a narrow gap between the extension and the boundary with No. 6. The driveway to this property abuts the boundary. It would appear from the site visit that this property has not been extended and, should that be proposed, a terracing effect could result. However, there is no evidence of a proposal along these lines and in any event, some form of gap would be retained under the proposal. The benefits of achieving an appearance of symmetry referred to above would outweigh any harm caused by any potential terracing effect.

11. For the reasons outlined above, the proposal would not therefore cause harm to the character and appearance of the area. It would therefore not conflict with saved policies EN1/2 – Townscape and Built Design and H2/3 – Alterations and Extensions of the Bury Unitary Development Plan (1997) which together seek to ensure that extensions are of a high standard and are sympathetic in nature to the original building and surrounding area.

Car parking

12. The Council are concerned that the appeal proposal would result in a reduction of off-road parking available for the occupiers of the dwelling and that there would be insufficient space to park a vehicle on the remaining drive. That said, there is no evidence before me regarding, for example, the level of on-street parking, whether there are any local issues regarding parking or how highway safety may be affected if insufficient off-road space were available.

13. From the site visit it was noted that other dwellings in the vicinity have parking to the frontage without any apparent difficulty and that the proposed extension would not protrude any further forward than the current building line. The existing driveway to the side of the property would be removed, however, there is currently sufficient space for the parking of a vehicle on the driveway in front of the dwelling and the proposal is to create a garage. The plans indicate that the retained driveway would be 4.6m which should be sufficient to accommodate a family sized car

14. For the reasons outlined above, the proposal would not cause harm to highway safety with regard to car parking and would therefore not conflict with saved policies EN1/2 and H2/3 referred to above in so far as they relate to car parking provisions.

Conditions

15. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings in the interests of precision and clarity. I have also imposed a condition relating to materials in the interests of safeguarding the character and appearance of the area.

16. The Council have suggested a pre-commencement condition requesting confirmation that there is sufficient space for parking a vehicle off road. I do not consider this is necessary as other dwellings in the vicinity appear to park vehicles on driveways of similar size. However, a condition requiring a parking space to be maintained following completion of the extension is necessary in the interests of highway safety.

Conclusion and Recommendation

17. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is allowed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

C M Hoult

INSPECTOR

The Planning Inspectorate

Appeal Decision

Site visit made on 24 February 2020

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2020

Appeal Ref: APP/T4210/W/19/3242673
79 Bury New Road, Whitefield, Manchester M45 7EG

- 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 Harrington House Estates Ltd against the decision of Bury Metropolitan Borough Council.
- The application Ref 64719, dated 25 September 2019, was refused by notice dated 15 November 2019.
- The development proposed is the change of use from existing 6 bed HMO (Class C4) to 8 bed (8 person) house in multiple occupation (HMO) (Sui Generis).

Decision

1. The appeal is dismissed.

Procedural Matter

2. In Part E of the appeal form it is stated that the description of the development has not changed. However, the wording from the Council's decision notice has been entered rather than that from the application form. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the Council's decision notice for completeness which better describes the proposal.

Main Issue

3. The main issue is the effect of the proposal on highway safety in Bury New Road with particular reference to vehicular parking.

Reasons

4. The appeal building is a large end terrace property which has been converted to a 6-bedroom HMO. The terrace group comprises of 8 properties positioned on Bury New Road, which appeared to be a busy road. I'm told that the other end terrace is also in use as a HMO.

5. There is no parking to the front on Bury New Road. However, the properties have an access lane, known as Robin Lane (the lane), which runs around the sides and rear of the terrace group. This is of varying widths but widens to the side of the appeal property. The lane also provides pedestrian access to the rear to, amongst other things, housing and a nursery.

6. Although Bury New Road is relatively straight, the combination of the terrace buildings and their small front yard restricts visibility looking southwards. The road has 3 lanes at this point, includes traffic lights and an approach to the

junction with Higher Lane. Exiting from the lane in a forward gear appeared safe. However, any drivers reversing out of the lane would have poor visibility southwards and limited warning of approaching vehicles. Such manoeuvres would, in my view, lead to unacceptable highway safety risks.

7. I have not been provided with a parking or turning layout for the lane. However, an aerial image provided shows a snapshot of how the lane has been used historically and the appellant suggests 12 cars can be parked in the wider area of the lane adjacent to the appeal site. From my observations it did appear possible to park, turn and manoeuvre within the wider areas, which would allow vehicles to exit safely from the lane in a forward gear.

8. At the time of my morning site visit I observed parking to the side of the appeal property, to the rear along the lane and to the side of the other end terrace. Nonetheless, there were still spaces available. However, third-party representations have raised concerns regarding the level of parking, particularly in the evenings and photographic evidence has been provided. I recognise that evenings are when the parking demand is likely to be at its greatest from all the occupiers within the terrace group including the existing HMO's. Although photographs are a snapshot in time, I have not been provided with any substantive evidence to quantify the existing parking demand and capacity in the lane.

9. The Council have advised that they do not have any specific parking standards for HMO's. At present the property is occupied by 6 individuals and the appellant advises that 3 of the tenants have cars and in the area car ownership for HMO tenants is expected to be around 33%. It is therefore put to me that the proposal for 2 additional individuals would likely result in an additional car at the appeal site.

10. Whilst, at times, some residents of the HMO might not require access to a private car, I do not have any mechanism before me by which this could be secured. In consequence, there is potential that, at times, all residents within the building might have access to a private car. Should this scenario occur, it would seem unlikely, based on my observations and the evidence before me, that all vehicles could be parked along the lane in combination with cars associated with the other properties.

11. I recognise that the proposal seeks an increase of 2 occupants within the HMO. However, should a number, or all, of the residents have a car, or the visitor levels by car increase, the limited amount of appropriate car parking spaces would encourage parking practices in inopportune locations. This is because, for convenience, residents and visitors might wish to park their car nearby.

12. As a result, there is the potential for inappropriate parking that would impede the turning and manoeuvring of vehicles in the lane and could result in vehicles reversing out into the highway due to a lack of available space. Any increase in occupancy levels has the potential to incrementally breach the capacity for parking and turning within the lane. In the absence of substantive evidence to the contrary, this would not be conducive to securing good levels of highway safety.

13. I acknowledge that the appeal property is large and could potentially also be occupied by a large family. However, as a family dwelling, there is a likelihood that not all residents would be of an age where they might be able to drive.

This would reduce the number of likely vehicles associated with the property. In addition, the current layout of the building features bedrooms on the ground floor. A family might utilise a greater proportion of the ground floor for communal space, in contrast with the current use. As such, in my view, the proposed 8-bedroom HMO has the potential to generate a greater demand for car parking than both a family dwelling and the existing 6-bedroom HMO.

14. I recognise that the location of the site and its proximity to shops, facilities and public transport links, means there is potential for occupiers to not need their own cars. I also recognise that some residents may cycle. However, the site equally has good road links for potential occupiers that own a car.

15. I note that the Council's planning officer recommended the application favourably and there were no objections from the Council's traffic section. However, I am required to determine the appeal on its own merits having regard to all evidence before me.

16. In conclusion, the lane appears to have a limited amount of parking and turning space. Based on the evidence before me, an increase in parking demand from occupiers and visitors could lead to circumstances where vehicles reverse onto Bury New Road to the detriment of highway safety in the road.

17. As such, the proposal would be contrary to the requirements of policy HT2/4 and H2/4 of the Bury Unitary Development Plan (adopted 1997) and the Conversion of Buildings to Houses in Multiple Occupation Supplementary Planning Document (adopted 2007). These require, amongst other things, that applications make adequate provision for their car parking and servicing requirements. The proposal would also be contrary to paragraph 109 of the National Planning Policy Framework (the Framework) which seeks to ensure that development does not have an unacceptable impact on road safety.

Other Matters

18. I recognise that the appellant is seeking to make an effective use of an existing property, an objective which is encouraged by the Framework. The site is sustainably located with good access to services and facilities. The proposal would increase the diversity of housing supply, meeting a need. Moreover, I recognise that the appellant has invested in renovating the property, improving its appearance in the street scene. These are all positive factors in favour of the scheme. However, they do not outweigh the harm that I have identified.

19. I have also had regard to third party representations made including, amongst other things, noise, ownership issues and damage to the lane's surface. However, as I am dismissing the appeal on other grounds, I have not pursued these matters further.

Conclusion

20. I have taken account of all the other matters raised including the benefits of the proposal. However, none changes the balance of these findings and the harm I have identified. I therefore conclude that the appeal should be dismissed.

Robert Walker

INSPECTOR

Details of Enforcement Appeal Decisions
between 10/02/2020 and 17/05/2020

Location: 90 Cornwall Drive, Bury, BL9 9EX

Case Ref: 0065 / 19

Issue: Erection of porch

Appeal Decision: Dismissed 17/02/2020

Location: 49 Radcliffe New Road, Whitefield, Manchester, M45 7QZ

Case Ref: 0377 / 18

Issue: Raised decking at rear

Appeal Decision: Allowed 14/04/2020

Location: 26 Lomond Drive, Bury, BL8 1UL

Case Ref: 0160 / 18

Issue: Erection of fencing

Appeal Decision: Allowed 14/02/2020

The Planning Inspectorate

Appeal Decision

Site visit made on 21 January 2020

by K Stephens BSc (Hons), MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2020

Appeal Ref: APP/T4210/C/19/3230821
90 Cornwall Drive, Bury BL9 9EX

- 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 Mohammed Raza against an enforcement notice issued by Bury Metropolitan Borough Council.
- The enforcement notice was issued on 9 May 2019.
- The breach of planning control as alleged in the notice is: without the benefit of planning permission the erection of a porch on the eastern elevation of the property.
- The requirements of the notice are:
  a) Demolish and permanently remove the porch
  b) Following demolition, remove all resulting materials from the site.
- The period for compliance with the requirements is 60 days to complete step a) and a total compliance time of 60 days.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended. The prescribed fees have been paid within the specified period. Hence the application for planning permission deemed to have been made under section 177(5) of the Act, as amended, falls to be considered.

Decision

1. It is directed that the enforcement notice be varied by:

   - At the beginning of Step 5 *insert* the word "Either".
   - At the end of requirement a) *insert* the word "or".
   - *Delete* requirement b) and *replace* with "Remove the columns, cladding and overhanging roof and construct the porch and its roof in accordance with the terms and conditions of the extant planning permission ref: 61912 dated 26 October 2017".
   - *Add* new requirement c) to read "Following demolition of the porch under a) or its remodelling under b), remove all resulting debris and materials from the site".

   Subject to these variations the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal on Ground (a) and the Deemed Application

2. The appellant has made an appeal on ground (a) – that planning permission ought to be granted for the matters alleged in the notice.

3. I consider the main issue is the effect of the development on the character and appearance of the area.

4. The appeal property is a semi-detached dormer bungalow in a predominantly residential area. It is located on a road of properties of a similar design, most of which front the road. This rhythm together with the simplicity of the design of the dwellings contributes to the character and appearance of the area.

5. However, the appeal property is also prominently located on the corner of Cornwall Drive and a cul-de-sac spur. As a result, the front porch, the subject of this appeal, faces the main thoroughfare of Cornwall Drive, rather than the cul-de-sac. According to the submitted annotated plans, the pitched roof porch projects out from the side elevation by 2m and is some 2.7m wide. It has a brick base with the remaining side elevations being glazed and there are windows either side of the solid front door. The door, windows frames and fascia are all coloured dark grey and the red pantiles match those on the main house. The top part of the gable of the porch is clad in white horizontal cladding. The porch roof projects out beyond the porch itself and is supported by two white Doric-style columns.

6. Due to the orientation of the property side-on to Cornwall Drive and its close proximity to the road, the porch is more prominent than other porches. This is exacerbated by the protruding roof and the columns, which enlarge the porch and introduce unduly decorative features at odds with the relative simplicity of design of the surrounding dwellings. The white columns and white horizontal cladding draw attention to the porch further compounding its visual prominence and incongruity. Whilst the columns and cladding could be replaced or painted a darker colour to reduce their visual prominence, the columns and projecting roof still result in an incongruous feature. I accept that the property has been extended over time and is now larger, but in my view the porch, as built, remains visually incongruous and intrusive in the street scene.

7. I therefore find the porch harms the character and appearance of the area. Accordingly, the development is contrary to Bury Unitary Development Plan Policy H2/3 which seeks to ensure that extensions are of an appropriate size, design and external appearance, and are sympathetic with the original building and surrounding area. It would also be contrary to the design guidance in the Council's Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

8. I saw on my site visit that a number of other properties further along Cornwall Drive had projecting porches of various designs. These properties are positioned and orientated differently to Cornwall Drive than the appeal property. I have not been advised if these porches have been built under permitted development, have been granted planning permission or are the subject of enforcement action. Nonetheless, they do not alter my findings on the appeal proposal, which I must consider on its own merits.

Appeal on ground (f)

9. The appeal on ground (f) is that the requirements of the notice exceed what is necessary. When an appeal is made on ground (f) it is essential to understand the purpose of the notice. S173(4) of the Act provides that the purpose shall be to remedy the breach of planning control or to remedy any injury to amenity. From the reading of the Notice, it is clear that its purpose is to remedy the breach of planning control by the complete demolition and removal of the porch.

10. The appellant, however, considers that complete demolition is excessive when the Council has already granted planning permission[1] for a porch in this location, albeit with a hipped roof and without the projecting roof, columns and horizontal cladding.

11. In my view, it is clear from the Council's Statement that the white cladding and white pillars are features of the porch which the Council considers particularly offensive and make it too big and incongruous, when compared to the design of porch the Council has already granted planning permission for. Therefore, I consider there are lesser steps that could be taken to remove the offending features, namely removing the white cladding, white columns, pull the roof back and remodel it as a hipped roof, in accordance with the approved scheme. I find that this would be, as provided for in s173(4)(a) of the Act, "remedying the beach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land".

12. This obvious alternative would make the porch smaller. As such, it would still relate to the whole or part of the alleged breach in the Notice, namely a porch on the eastern elevation of the property. This alternative would overcome the planning harm I have identified and the Council's concerns. There would also be less cost and disruption than total demolition, as the appellant would not have to rebuild the porch again just to implement the already granted scheme.

12. In light of the extant planning permission for a smaller porch, which the Council supports and which would have been subject to public consultation, I consider that complete demolition of the porch is therefore excessive and unnecessary.

13. Therefore, under s176(b) of the Act, I will vary the Notice to amend the requirements to require *either* the complete demolition of the porch, or to only require the removal of the front columns and projecting roof in accordance with the extant planning permission ref: 61912. The appellant therefore has the choice.

14. The appeal on ground (f) therefore succeeds.

Appeal on ground (g)

15. Ground (g) is that the period specified for compliance with the notice falls short of what is reasonable. The notice states 60 days (which would be equivalent to 2 months), but the appellant wants 6 months in order to raise the funds to finance the building works and organise the contractors.

[1] LPA ref: 61912 – dated 26 October 2017

16. It does not take long to find a contractor. Furthermore, the extent of the works are not substantial and 2 months would be an adequate time period in my view. The appellant has been aware of the enforcement process and the requirement to demolish the porch, so there has been time to raise the necessary finances in anticipation of the appeal being dismissed. The appellant has not supplied any compelling evidence as to his personal or financial circumstances that would cause me to take a different view.

17. The appeal on ground (g) therefore fails.

Conclusion

18. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice but with variations and refuse to grant planning permission on the deemed application

K Stephens
INSPECTOR

The Planning Inspectorate

Appeal Decision

Site visit made on 21 January 2020

by K Stephens BSc (Hons), MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2020

Appeal Ref: APP/T4210/C/19/3229682
49 Radcliffe New Road, Whitefield, Manchester M45 7QZ

- 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 Allan Wilson against an enforcement notice issued by Bury Metropolitan Borough Council.
- The enforcement notice was issued on 3 May 2019.
- The breach of planning control as alleged in the notice is: without the benefit of planning permission the erection of a raised decking area incorporating a supporting retaining wall in the rear garden of the property.
- The requirements of the notice are:
  a) Dismantle and permanently remove the decking area, including timber balustrade and supporting retaining wall and steps.
  b) Return the land to its former condition prior to the decking area and supporting retaining wall being constructed.
- The period for compliance with the requirements is 60 days.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (c) of the Town and Country Planning Act 1990 as amended. The prescribed fees have been paid within the specified period. Hence the application for planning permission deemed to have been made under section 177(5) of the Act, as amended, falls to be considered.

Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a raised decking area incorporating a supporting retaining wall in the rear garden of the property, on land at 49 Radcliffe New Road, Whitefield, Manchester M45 7QZ referred to in the enforcement notice, subject to the following condition:

    - Within 1 month of the date of this decision, remove the timber balustrade and erect it in line with the top of the steps, and retain it in this position thereafter.

Procedural matters

2. The Council's Statement sets out a case against the appeal on grounds (a) and (f). However, the appellant has not appealed on ground (f).

3. The Council granted a split decision[1]. It granted planning permission for a "single storey extension at side and rear", but refused planning permission for the "decking area at rear" that had already been erected and which is the subject of this appeal.

4. At the time of my visit the decking, a timber balustrade and retaining wall of substantial height with steps leading up to the decking area had been installed and the single storey extension was under construction.

5. I will consider the grounds of appeal in logical, not alphabetical order. The logic is that if an appeal against an enforcement notice (the 'Notice') succeeds on ground (c), the notice is quashed and ground (a) becomes redundant.

Appeal on ground c)

6. Ground (c) is that the matters alleged in the notice do not constitute a breach of planning control. It is a legal ground of appeal, distinct from any planning merits. The burden of proof lies with the appellant and the test of the evidence is on the balance of probability.

7. The key questions are whether 'development' has taken place which requires planning permission and, if so, whether planning permission is granted or the development is otherwise deemed to be lawful. Section 55(1) of the Town and Country Planning Act 1990 (the 'Act') defines 'development' to include the "carrying out of building, engineering, mining or other operations in, on, over or under land".

8. From my site visit observations the appeal property and a number of others in the road occupy a sloping site, with the rear gardens generally sloping up behind the houses.

9. The appellant's submitted photographs in Figure 2 and Figure 3 of his statement appear to show the garden before the decking was installed. But they are not taken from the ground level of the dwelling looking up the garden, and hence they do not clearly reveal the degree of the slope of the garden or the existing ground levels before the decking and retaining wall were installed. Figure 2 is taken from the upstairs window looking down onto a heavily overgrown garden, so it is not possible to establish with any certainty the profile or slope of the garden. Similarly, Figure 3 is taken from within the overgrown rear garden looking towards the back of the dwelling, but does not show how the garden meets the ground level or patio directly outside the house. Therefore these photographs do not conclusively show that ground levels have not been raised in the rear garden when the decking and retaining wall were constructed.

10. The photographs in Figure 5 of the appellant's statement show close-ups of the adjacent gardens. These show that adjacent properties do have sloping gardens, but that they have been fashioned differently with different degrees of slope and terracing effects. It is evident to me that the garden levels and slope of the appeal property are considerably different to the ground levels of the adjacent gardens.

11. The appellant's aerial photograph in Figure 1 of his statement shows the rear garden of the appeal property and of neighbouring properties. But due to the

[1] Application ref: 63138/FUL dated 19 October 2018

overhead angle of the photograph it is not possible to ascertain with any certainty the degree of ground level rise at the appeal property or compare garden ground levels with adjacent properties. However, it is possible to see what appears to be a patio directly behind the appeal dwelling (approximately where the single storey extension has now been erected) and then another non-grassed area, with what appears to be a flight of steps leading from a patio area up to the area. The shading along the front edge of this area, facing the dwelling, would indicate to me that the area is elevated at some height above the adjacent patio. This configuration appears similar to the raised decking area I saw on site.

12. It would appear from the aerial photograph that Nos. 51 and 47 have some breaks in their garden that could indicate some terracing to deal with the sloping ground and these would appear to correspond with the photographs in Figure 5. But the adjacent gardens do not appear to correspond with the ground levels and profile configuration of the appeal garden. This would indicate to me that the garden levels in the appeal property differ to those in the adjacent gardens and have been raised in creating the decking and retaining wall.

13. Furthermore, Figure 4 of the appellant's statement, which is a diagrammatic representation of the appeal garden and that of No.47, does not appear to tally with the aerial photograph or photographs Figure 5. Figure 4 shows the front of the appeal decking in line with a stepped raise in ground level at No. 47. But the aerial photograph shows the front of the decking in line with an extension and a patio area around it. This does not persuade me that ground levels have not been raised.

14. The raised decking area is elevated between 1.2 - 1.3m above the ground level at the back of the house, according to the Council's delegated report and the appellant's plan extracts in Figure 5 of his statement, and this broadly corresponds to what I saw on site. There is a breeze block retaining wall of approximately the same height with steps up to the decking area. Along the front of the decking there is a timber balustrade, approximately 1m in height.

15. The alleged works would have involved some pre-planning to order and purchase materials, bring them to site, dig foundations and build the retaining wall with steps, lay the decking and install the balustrade. The works also reveal a degree of permanence due to the block retaining wall, steps up to the decking and a balustrade for safety of users of the decking.

16. Based on the evidence before me, I am of the view that operational development has taken place to raise ground levels to a substantial degree to create the high level decking area with the need for a retaining wall of a substantial height.

17. Having established that the decking and retaining wall are 'development', it is now necessary to establish if planning permission is required for the said development.

18. Section 57(1) of the Act states that planning permission is required to carry out any 'development' of land. However, section 55(2) expressly provides that certain operations and uses do not involve development. The erection of decking and retaining walls are not one of the exclusions.

19. Section 58 of the Act grants planning permission for certain developments by various means and Orders. The Town and Country (General Permitted Development) (England) Order 2015 ('the Order') grants planning permission for certain types of development as "permitted development" which does not need the express grant of planning permission.

20. Schedule 2, Part 2, Class A (b) of the Order permits the erection or construction of any gate, fence, wall or other means of enclosure provided it does not exceed 2 metres above ground level. The retaining wall is less than 2 metres in height and therefore the retaining wall itself is permitted development and does not require express planning permission.

21. Decking or raised platforms are permitted development provided they are no more than 30cm above ground level. Whilst there may be a gap of no more than 30cm between the boards of the decking and the part of the ground over which they lie, the constructed raised decking area as a whole is approximately 1.2-1.3m above ground level, as already described, and therefore exceeds the permitted development allowance. Therefore the raised decking requires express planning consent.

22. In light of the above and on the balance of probability, I find there has been a breach of planning control with regards to the erection of a raised decking area incorporating a supporting retaining wall. Whilst the retaining wall is permitted development in itself and not a breach of planning control, any breach of planning control in relation to the matters alleged in the Notice means that the appeal fails. Accordingly, the appeal on ground (c) fails in regard to these matters.

Appeal on Ground (a) and the Deemed Application

23. The appellant has made an appeal on ground (a) – that planning permission ought to be granted for the matters alleged in the notice.

24. I consider the main issues are the effect of the development on the living conditions of existing occupants of neighbouring properties, with particular regard to privacy.

25. I acknowledge that due to the existing sloping topography of the appeal site garden and adjacent properties, there will have always been some degree of accepted overlooking. The issue is therefore whether the degree of overlooking has been made significantly worse by the unauthorised works as to cause harm.

26. The raised decking extends across the entire width of the rear garden up to the shared timber fence boundaries with the adjacent properties Nos.47 and 51. During my site visit I was able to stand on the decking and lean over the balustrade. The existing side boundary fences are of a height that prevents direct looking sideways into either of the adjacent gardens.

27. However, standing at the front of the decking against the balustrade and standing at the top of the steps I was able to look towards the window and French doors in the side of No.47. According to the Council's delegated report these openings serve a combined kitchen/dining room. I find the proximity of the decking and its elevated position affords anyone standing by the balustrade the opportunity for increased overlooking of the adjacent properties and gardens. This is compounded because the decking area takes up a substantial

part of the garden area and is obviously intended to be used as part of the main outdoor recreational space, likely used for entertaining and sitting on. Furthermore, the only means of access to the decking area is via the steps that are located close to the shared boundary with No.47. Whilst I acknowledge that views would be oblique, I consider that there is an unacceptable degree of overlooking that has a harmful effect on the privacy of existing occupants of No.47.

28. Views into the rear of No.51 and its patio area at the back of the dwelling are impeded to some extent by the existing boundary fencing and the roof of the appellant's own single storey extension. As a result, overlooking of No.51 is less than for No.47, but more than it was previously. Overall, I find the raised decking harms the living conditions of existing occupiers of No.47 and 51.

29. The appellant has not appealed ground (f) - that the requirements of the notice to dismantle and permanently remove the decking area, timber balustrade, supporting retaining wall and steps, are excessive. However, the appellant suggests that obscure glazed privacy screens 1.7m high and 0.5m wide could be erected along the boundaries of the decking to mitigate overlooking and planters could be placed along the front of the decking area to prevent people standing close to the balustrade.

30. With regards the proposed privacy screens, section 177(1)(a) of the Act effectively requires me to analyse the 'as built' scheme with the suggested alternative for the retention of the decking area, balustrade, retaining wall and steps, but with privacy screens erected either side. In doing so, I must have regard as to whether I could grant planning permission for the privacy screens in relation to whether they relate "to the whole or any part of those matters" stated in the Notice.

31. The Notice has been served on the decking area, balustrade, retaining wall and steps. The suggested privacy screens would project approximately 1.7m in height above the decking area and would extend beyond the 1m high balustrade. Therefore, the privacy screens would extend beyond the matters alleged in the Notice and modify the development in such a way as to make it substantially different from that set out in the Notice and the split-decision planning application. Hence the privacy-screen option would not be within the 'whole or any part of' the matters alleged against, for which the Notice was issued. Therefore, I am unable to take them into account.

32. There would be nothing preventing the appellant from placing planters along the front of the balustrade in any event. But this would be vague and unenforceable and not a permanent or effective solution.

33. The Council has suggested a condition requiring the 1m high balustrade to be repositioned and set back from the edge of the front of the decking, so that the balustrade would be in line with the top of the steps. The Council also mentioned this as suitable mitigation in their delegated report. This suggestion would not modify the development in such a way as to make it substantially different and would still ensure the development was within the 'whole or any part' of those matters stated in the Notice as constituting a breach of planning control.

34. I find the suggested condition would be a more permanent and effective means of ensuring people stand far enough back on the decking to reduce the

opportunity for overlooking, and the existing shared boundary fencing would provide more effective screening. From my observations on site, I am satisfied it would overcome the harm I have identified, but still leave the appellant with a sizeable decking area. The appellant has had the opportunity to respond to the Council's suggested condition but did not submit any Further Comments or objection.

35. With the imposition of a condition requiring the balustrade to be set back from the front edge of the decking area in line with where the top step meets the decking area (approximately 1.5m back), the development would no longer conflict with Policy H2/3 of the Bury Unitary Development Plan (adopted 1997), which seeks to ensure that household alterations and raised decking does not reduce privacy of adjacent properties. Nor would it be contrary to the advice in the Supplementary Planning Document 6 'Alterations and Extensions to Residential Properties'[2] in relation to ensuring decking does not reduce privacy to neighbouring properties.

36. **Other Matters**

37. A number of nearby residents raise a series of other concerns about the single storey extension, but in view of the alleged breach of planning control, the split planning permission granting the single storey extension and my conclusions on the main issue there is no need for me to address these in the current decision.

Conclusion

38. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted.

K Stephens
INSPECTOR

[2] Adopted March 2004 and updated January 2010

The Planning Inspectorate

Appeal Decision

Site visit made on 21 January 2020

by K Stephens BSc (Hons), MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2020

Appeal Ref: APP/T4210/C/19/3230755
26 Lomond Drive, Bury BL8 1UL

- 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 M Ward against an enforcement notice issued by Bury Metropolitan Borough Council.
- The enforcement notice was issued on 9 May 2020.
- The breach of planning control as alleged in the notice is: without the benefit of planning permission the erection of a means of enclosure consisting of a timber boundary fence and gate, adjacent to Annecy Close.
- The requirements of the notice are to dismantle and permanently remove the timber boundary fence and gate, indicated approximately by the blue coloured line on PLAN 1 attached to the Notice.
- The period for compliance with the requirement is 60 days.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. The prescribed fees have been paid within the specified period. Hence the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.

Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a means of enclosure consisting of a timber boundary fence and gate, adjacent to Annecy Close, on land at 26 Lomond Drive, Bury BL8 1UL.

Procedural Matter

2. In its Statement the Council sets out a case against the appeal on ground (f). However, the appellant has not appealed on ground (f). Therefore, I shall disregard this part of the Council's Statement.

Appeal on Ground (a) and the Deemed Application

3. The appellant has made an appeal on ground (a) – that planning permission ought to be granted for the matters alleged in the notice.

4. The main issue in this case is whether the development is harmful to highway safety.

5. The appeal property is a bungalow located on the corner of Lomond Drive and Annecy Close, such that its rear garden extends along Annecy Close. Along this garden boundary the appellant has erected a vertical timber boarded fence that

follows the curvature of Annecy Close to the end of the garden where it meets the driveway of No.1 Annecy Close (No.1). The fence has been erected some distance back from the kerb line of the highway and there is a strip of grass between the fence and kerb.

6. Annecy Close is a relatively short quiet cul-de-sac that is on an incline. It serves some 10 properties who must drive past the fence to access their driveways. The occupiers of No.1 are most affected by the erection of the fence as it is immediately adjacent to their driveway. However, I must assess whether this is detrimental to highway safety.

7. The Council has not submitted any technical evidence to support their concerns about highway safety and there are no comments from the Highway Authority.

8. From my observations on site, drivers exiting the driveway of No.1 would still be able to see vehicles and cyclists approaching up Annecy Close because of the set back of the fence and the direction of the curvature of Annecy Close, which is enhanced by the incline of the road. Furthermore, Annecy Close is a short cul-de-sac where traffic speeds are likely to be less, as people slow down to approach their driveways. Furthermore, Annecy Close would be used primarily by residents who are familiar with the road layout. In addition, there is no pavement on this side of Annecy Close or along the line of the fence so there is no conflict with pedestrians when vehicles exit the driveway of No.1.

9. Other properties and driveways of Annecy Close are located some distance from the fence, or on the other side of the road, such that it does not affect their visibility or their use of the cul-de-sac.

10. The occupiers of No.1 have written to support the new fence (Appendix A of the appellant's Statement) stating its erection and replacement of the previous hedge has improved their visibility. I note the Council's concerns that future occupiers may have a different opinion, but I concur with the current occupiers based on my site observations and in the absence of any technical highway evidence to the contrary.

11. Therefore, I am not persuaded that the fence has created a situation that is a significant danger to highway users and their safety. Accordingly, I find no conflict with the adopted 1997 Bury Unitary Development Plan Policies H2/3 and HT6/1 which seek to ensure there is no effect on the visibility and safety of pedestrians, cyclists and drivers and seeks to eliminate points of conflict between these road users. It would not conflict with the design guidance in the Council's Supplementary Planning Document 6: Alterations and Extensions to Residential Properties, as far as it is relevant.

Conclusion

12. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted.

K Stephens
INSPECTOR

BURY COUNCIL

DEPARTMENT FOR RESOURCES AND REGULATION

PLANNING SERVICES

PLANNING CONTROL COMMITTEE

26 May 2020

SUPPLEMENTARY INFORMATION

Item:01 Land between 21 & 23 Mode Hill Lane, Whitefield, Manchester, M45 8JF
Application No. 64333
Erection of 1 no. dwelling

Publicity

1 ketter has been received from the occupiers of 39 Mode Hill Lane, which has riased the following issues:

- As a Council tax paying resident, I object to the new build and Bury Council must stand by my objection and reject the proposal.
- The developer is required to free up green belt space and this means taking down my intermediate fencing to fulfill the requirement.
- I brought my property with the fencing and the current arrangement provides security and safety for all residents.
- The fencing forms the boundary to my property as per the HM Land Registry title plan. The removal of any part of the fencing will expose my home too all vulnerabilities, such as trespassing, intrusions, burglaries and the complete removal of my privacy.
- Under Occupiers Liability Act 1957, the existing fences must be maintained as the Act deals with lawful visitors to your home and places a duty of care on you to ensure the safety of those visitors whilst on your premises.
- There is also the Occupiers Liability Act 1884 and this deals with trespassers on your land and home, but only applies to personal injury. A 'trespasser' has a wide meaning and could be a thief about the burgle your home or a child attempting to retrieve his ball.
- Will Bury Council be responsible for paying legal fees and damages, should I be sued in the event of an accident? Bury Council is legally obliged to protect their tax paying residents' lawful rights.

Response to objectors

- The current proposal is not reliant upon the clearance of Green Belt land to the rear of Nos 23 - 39 Mode Hill Lane. This is a breach of condition 2 of permission 59296, which relates to the extension of the residential garden into the Green Belt and the erection of fencing and sheds is being investigated by the Enforcement Section - reference 19/0199.
- The residents have been advised that whilst they may own the land to the north, which is located within the Green Belt, it does not form part of their gardens and all fencing should be removed.
- If the residents are concerned about security, a 2 metre high fence could be erected along the rear boundary of the gardens under permitted development.
- Restrictive covenants are not material planning considerations but are private matters.

Conditions

Condition 11 is added in relation to permitted development rights as the plot is somewhat restricted in areas at the sides and rear:

11. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 of Schedule 2 of the Order, without the submission and approval of a relevant planning application.
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed.

Item:02 Land at Brandlesholme Road, Bury, BL8 1BA Application No. 64640
Residential development comprising of 52 no. dwellings, associated means of access and landscaping

The Planning Committee will be presented with a virtual site visit prior to the Planning Committee meeting.

To clarify, in the description - to read - there would be a total of 52 dwellings would comprise 30 no dwellings, 4 no self build and 18 apartments.

Conditions

Condition 2 amended to include drawings -
On-site recreation and open space provision plans
SI-XX-DR-A-0820; SI-XX-DR-A-1012C

Plan numbers amended to include drawings -
On-site recreation and open space provision plans
SI-XX-DR-A-0820; SI-XX-DR-A-1012C

Publicity
Objection received wishing to remain anonymous. Issues raised:
- Impact on wildlife and natural issues;
- Traffic and congestion impacts
- Hope planning can restore faith and put wildlife and nature first rather than greed for the good of the local people and surroundings.
- Bury has enough traffic problems without this adding to it.

Objection from No 20 Woodhill Fold:
- My main concern is the amount of traffic this will further create on what is already an extremely conjested narrow road. These are larger dwellings that will likely be accomadated by occupants with multiple cars.
- They are also family homes which means children. Our local schools are already incredibly oversubscribed. The same issues are present with other services such as dental practices.
- Given the size of these houses I also doubt that they will be affordable to a majority of residents.
- It also further persucutes wildlife that are doing well in the area, I see that multiple trees have been removed from the site with little to no thought.
- Please consider the families that already live here. Brandlesholme road cannot take any more development, it is chaotic at rush hour as it is.

Item:03 Land to the south of Moorbottom Road, Holcombe, Bury, BL8 4NS Application No. 64786
Erection of agricultural storage building, retention of field shelter, pig arc and replacement gate & gate post

The Planning Committee will be presented with a virtual site visit prior to the Planning Committee meeting.

Further Consultee Response
Natural England - Confirmed they would be satisfied with a condition for the submission of a drainage scheme. Condition 9 for the submission of a drainage scheme has been recommended.

Conditions

Condition 3 amended to read:
Notwithstanding the provisions of the approved plans, no development shall commence unless and until full details of the proposed cut and fill works and the height and form of the bund, including a methodology, together with details of the appearance of any exposed structures, grading and resulting topography of the land on all sides of the cut and fill works and the bund has been submitted to and approved by the Local Planning Authority. The approved details only shall be implemented and approved land form and topography only shall be retained as approved.
Reason. In the interests of visual and residential amenity and to preserve the setting of the Holcombe Conservation Area, Area of Special Landscape and the character of the Green Belt pursuant to Bury Unitary Development Plan Policies EN1/1 - Visual Amenity, EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Area Control, EN9/1 - Special Landscape Areas, OL1/2 - New Buildings in the Green Belt and OL4/5 - Agricultural Development.

Item:04 Margaret Haes Riding Centre, Moor Road, Ramsbottom, Bury, BL8 4NX Application No. 64955
Retention of welfare unit with associated landscaping to form welfare and security accommodation
(Temporary consent for 5 years)

Publicity
Comment from Higher House, Moor Road:

- When this application was first raised it was decided that a site meeting would be conducted before a decision on planning was made. We are now living with Covid 19 restrictions and whilst I appreciate that the business of council must go on I question why THIS application has to go forward at this time. Particularly when a physical site inspection cannot now take place. There is no urgency as this structure has already been on site for at least 9 months.
- I firmly believe that a site inspection would enable the councillors to see whether what has been introduced on the site is really necessary and appropriate for the needs of the disabled riders. It would also give the committee the opportunity to speak directly to staff and volunteers within MHRS to ascertain if this structure is really needed and wanted by the charity, rather than simply to rely on the view and wishes of the landowner.

Item:05 46 Rectory Lane, Prestwich, Manchester, M25 1BL Application No. 64975
Change of use of residential dwelling (Class C3) into a residential respite centre (Class C2) with a bay window at front, raised platform at rear and associated external alterations.

Nothing further to report

Item:06 **192 Manchester Road, Bury, BL9 9BD Application No.** 65021
Change of use of first floor from residential to form extension to existing ground floor day nursery (Class D1), for a maximum of 14 additional children.

Nothing further to report

Item:07 **Meadow View (Plot 2), Howarths Farm, Watling Street, Bury, BL8 3QR**
Application No. 65234
Replacement stables (revised submission)

Nothing further to report

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