

## AGENDA FOR

## PLANNING CONTROL COMMITTEE

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

**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:-

<b>Date:</b>	Tuesday, 23 June 2020
<b>Place:</b>	Virtual Meeting via MS Teams & live streamed <a href="https://new.digitaltreemedia.co.uk/burycouncil/">https://new.digitaltreemedia.co.uk/burycouncil/</a>
<b>Time:</b>	7.00 pm
<b>Briefing Facilities:</b>	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
<b>Notes:</b>	

## **AGENDA**

### **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 26TH MAY 2020** *(Pages 1 - 4)*

Minutes of the meeting held on Tuesday the 26<sup>th</sup> May 2020 are attached.

### **4 PLANNING APPLICATIONS** *(Pages 5 - 142)*

Report attached.

### **5 DELEGATED DECISIONS** *(Pages 143 - 152)*

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 153 - 156)*

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.

### **SUPPLEMENTARY INFORMATION** *(Pages 157 - 162)*

*Supplementary information produced before the meeting is included in the full agenda packs for the meeting.*

**Minutes of: PLANNING CONTROL COMMITTEE**

**Date of Meeting:** 26 May 2020

**Present** Councillor (in the Chair)  
Councillors

**Public Attendance:** No members of the public were present at the meeting.

**Apologies for Absence:** Councillors G Keeley and J Mason.

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**PCC.1 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors G Keeley and J Mason.

**PCC.2 DECLARATIONS OF INTEREST**

There were no declarations of interest made at the meeting.

**PCC.3 MINUTES OF THE MEETING HELD ON THE 18TH FEBRUARY 2020**

**Delegated decision:**

That the Minutes of the meeting held on 18<sup>th</sup> February 2020 be approved as a correct record and signed by the Chair.

**PCC.4 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 64333, 64640, 64786 and 64955.

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 C Cummings spoke as a Ward Representative in relation to planning applications 64786 and 64955. Councillor T Tariq spoke as a Ward Representative in relation to planning application 65021.

**Delegated decisions:**

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

**64333 Land between 21 & 23 Mode Hill Lane, Whitefield, Manchester, M45 8JF.**

Erection of 1 no. dwelling

2. That the Committee be **Minded to Approve with Conditions** the following application in accordance with the reasons put forward by the Development Manager in the report and supplementary information submitted and subject to the conditions included along with an additional bullet point to condition 6 relating to trees:-

**64640 Land at Brandlesholme Road, Bury, BL8 1BA.**

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

3. That the following planning applications be **deferred** for a physical site visit prior to consideration by the Committee:-

**64786 Land to the south of Moorbottom Road, Holcombe, Bury, BL8 4NS.**

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

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

**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 Thomas 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 Vernon and the Committee voted in favour of the site visit. No further discussions took place in respect of this application.

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

**64975 46 Rectory Lane, Prestwich, Manchester, M25 1BL.**

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

**65021 192 Manchester Road, Bury, BL9 9BD.**

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



**65234 Meadow View (Plot 2), Howarths Farm, Watling Street, Bury, BL8 3QR.**

Replacement stables (revised submission)

**PCC.5 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.6 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.7 URGENT BUSINESS**

No urgent business was reported.

**COUNCILLOR G MCGILL**  
**Chair**

**(Note: The meeting started at 7.00 pm and ended at 9.29 pm)**

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<b>Title</b>	<b>Planning Applications</b>
<b>To:</b>	<b>Planning Control Committee</b>
<b>On:</b>	<b>23 June 2020</b>
<b>By:</b>	<b>Development Manager</b>
<b>Status:</b>	<b>For Publication</b>

### **Executive Summary**

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

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

### **This report has the following implications**

**Township Forum/ Ward:** Identified in each case.

**Policy:** Identified in each case.

**Resources:** Not generally applicable.

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

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

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

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

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

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

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

## **Development Manager**

### **Background Documents**

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

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

<b>01</b>	<b>Township Forum - Ward:</b> Ramsbottom and Tottington - Ramsbottom	<b>App No.</b> 64786
	<b>Location:</b> Land to the south of Moorbottom Road, Holcombe, Bury, BL8 4NS	
	<b>Proposal:</b> Erection of agricultural storage building, retention of field shelter, pig arc and replacement gate & gate post	
	<b>Recommendation:</b> Approve with Conditions	<b>Site Visit:</b> Y
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<b>02</b>	<b>Township Forum - Ward:</b> Ramsbottom and Tottington - Ramsbottom	<b>App No.</b> 64955
	<b>Location:</b> Margaret Haes Riding Centre, Moor Road, Ramsbottom, Bury, BL8 4NX	
	<b>Proposal:</b> Retention of welfare unit with associated landscaping to form welfare and security accommodation (Temporary consent for 5 years)	
	<b>Recommendation:</b> Approve with Conditions	<b>Site Visit:</b> Y
<hr/>		
<b>03</b>	<b>Township Forum - Ward:</b> Ramsbottom + Tottington - Tottington	<b>App No.</b> 64980
	<b>Location:</b> Pavetec Ltd, 8-10 Spring Vale Street, Tottington, Bury, BL8 3LR	
	<b>Proposal:</b> Removal of existing buildings and erection of 2 no. units for a mixed use comprising B1 office and B8 storage.	
	<b>Recommendation:</b> Approve with Conditions	<b>Site Visit:</b> N
<hr/>		
<b>04</b>	<b>Township Forum - Ward:</b> North Manor	<b>App No.</b> 65114
	<b>Location:</b> Ivy House, Bolton Road West, Ramsbottom, Bury, BL0 9RN	
	<b>Proposal:</b> Erection of 1 no. dwelling	
	<b>Recommendation:</b> Approve with Conditions	<b>Site Visit:</b> N
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<b>05</b>	<b>Township Forum - Ward:</b> Prestwich - Sedgley	<b>App No.</b> 65261
	<b>Location:</b> 38 Deyne Avenue, Prestwich, Manchester, M25 1EJ	
	<b>Proposal:</b> Construction of 1 no. dwelling at the side and forming car parking spaces to the rear	
	<b>Recommendation:</b> Approve with Conditions	<b>Site Visit:</b> N
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<b>06</b>	<b>Township Forum - Ward:</b> Prestwich - Sedgley	<b>App No.</b> 65456
	<b>Location:</b> 45 Bury Old Road, Prestwich, Manchester, M25 0EY	
	<b>Proposal:</b> Demolition of existing dwelling and erection of a post graduate study centre (Class D1) and formation of new vehicular access from Kings Road.	
	<b>Recommendation:</b> Approve with Conditions	<b>Site Visit:</b> N
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**Ward:** Ramsbottom and Tottington -  
Ramsbottom

Item 01

**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.**

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

#### **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 structure 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** - 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.

**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 inappropriate 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 its 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.

### **Conservation Area**

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, it 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.



#### Setting of Listed Buildings - Holcombe Tower

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 be 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.

#### Retention of gate

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 compromised 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 had initially 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.

Natural England have confirmed they would be satisfied with a condition for the submission of a drainage scheme and this has been included at condition 9.

Condition 10, for the submission of a construction management plan would ensure the construction of the development would not impact on the SSSI.

## **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 Trojan 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 defensible 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 Helmsore 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.

#### Conclusion of the KSA Report:

- 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. 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.

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





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Photo 3



Photo 4



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Photo 5



Photo 6



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Photo 7





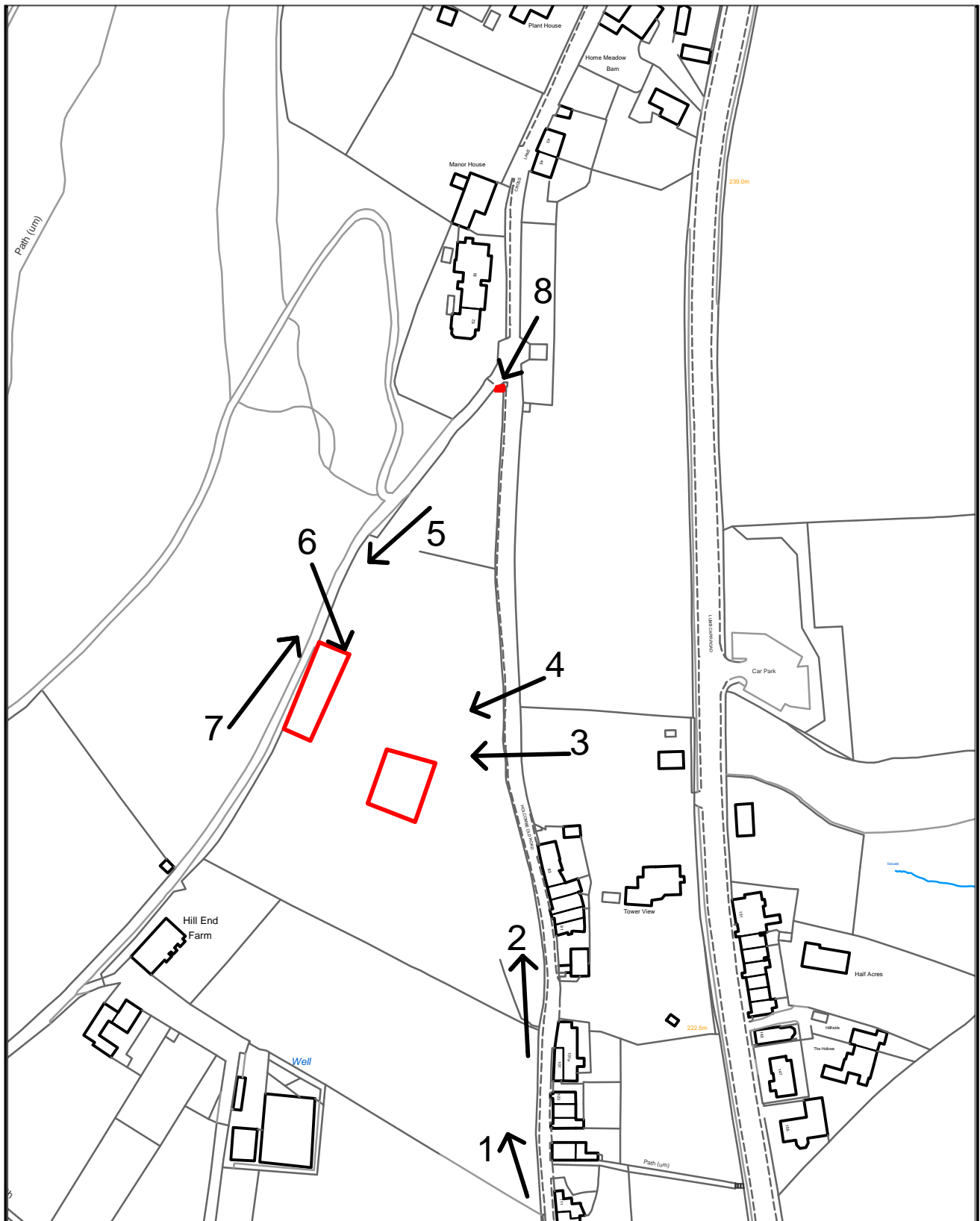
64786

Photo 8





# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

**APP. NO 64786**

**ADDRESS: Land to the south of Moorbottom Road  
Holcombe**

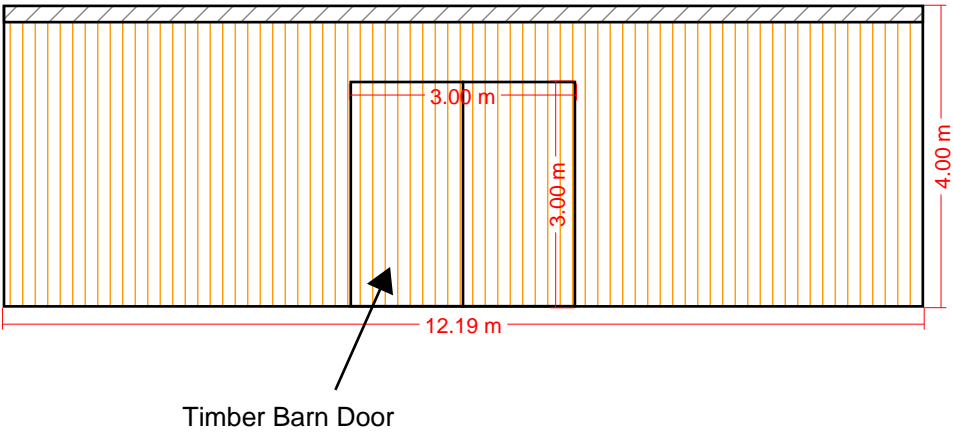
**Planning, Environmental and Regulatory Services**

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

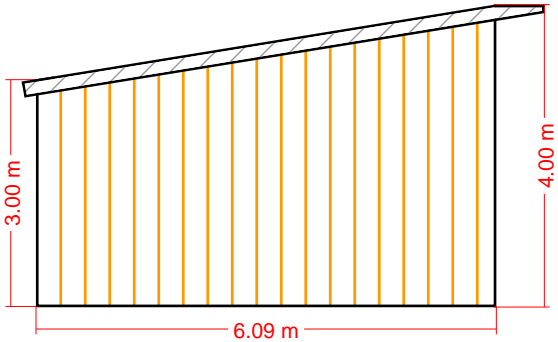


**Bury**  
COUNCIL

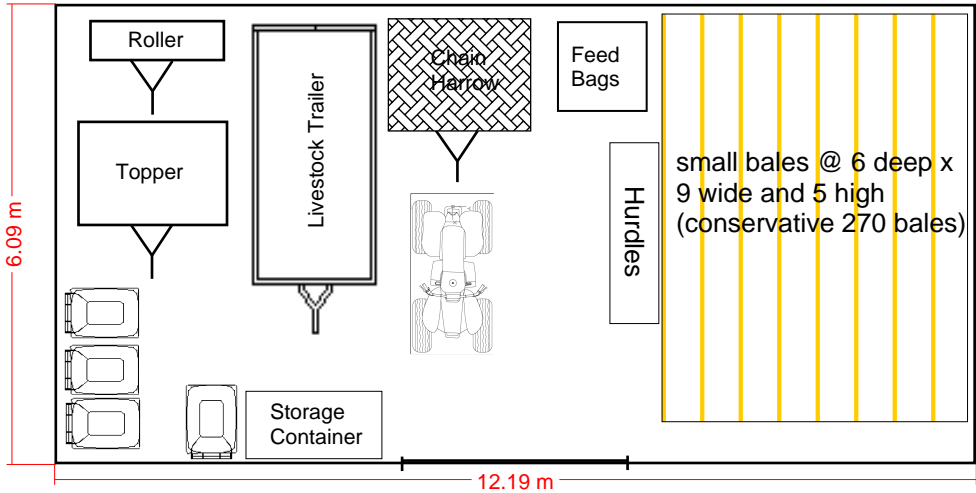
Eastern Elevation



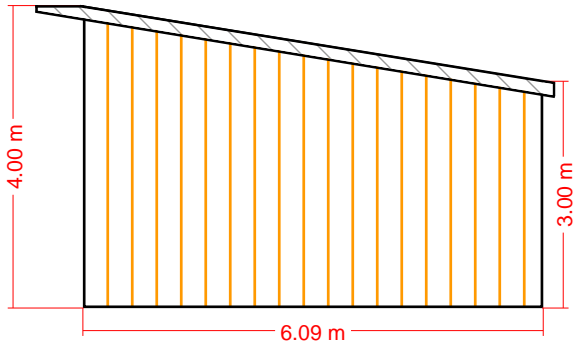
Southern Elevation



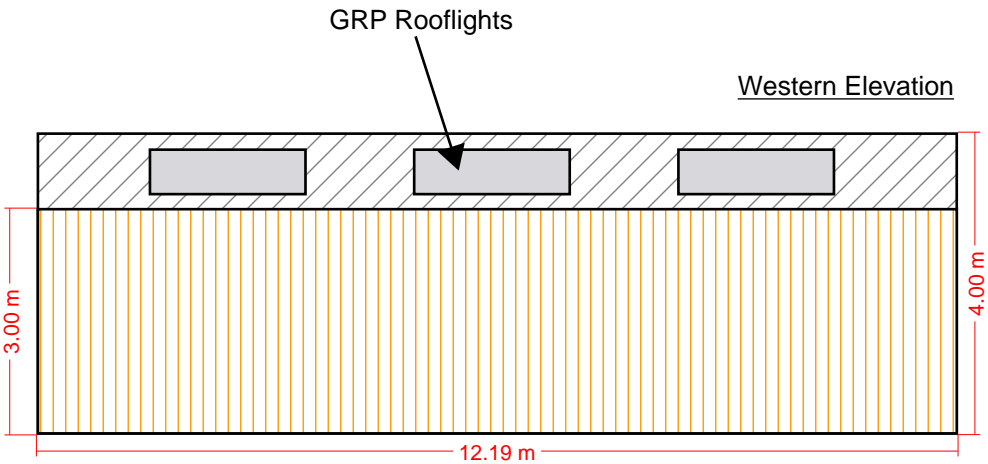
Roof Plan



Northern Elevation



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:

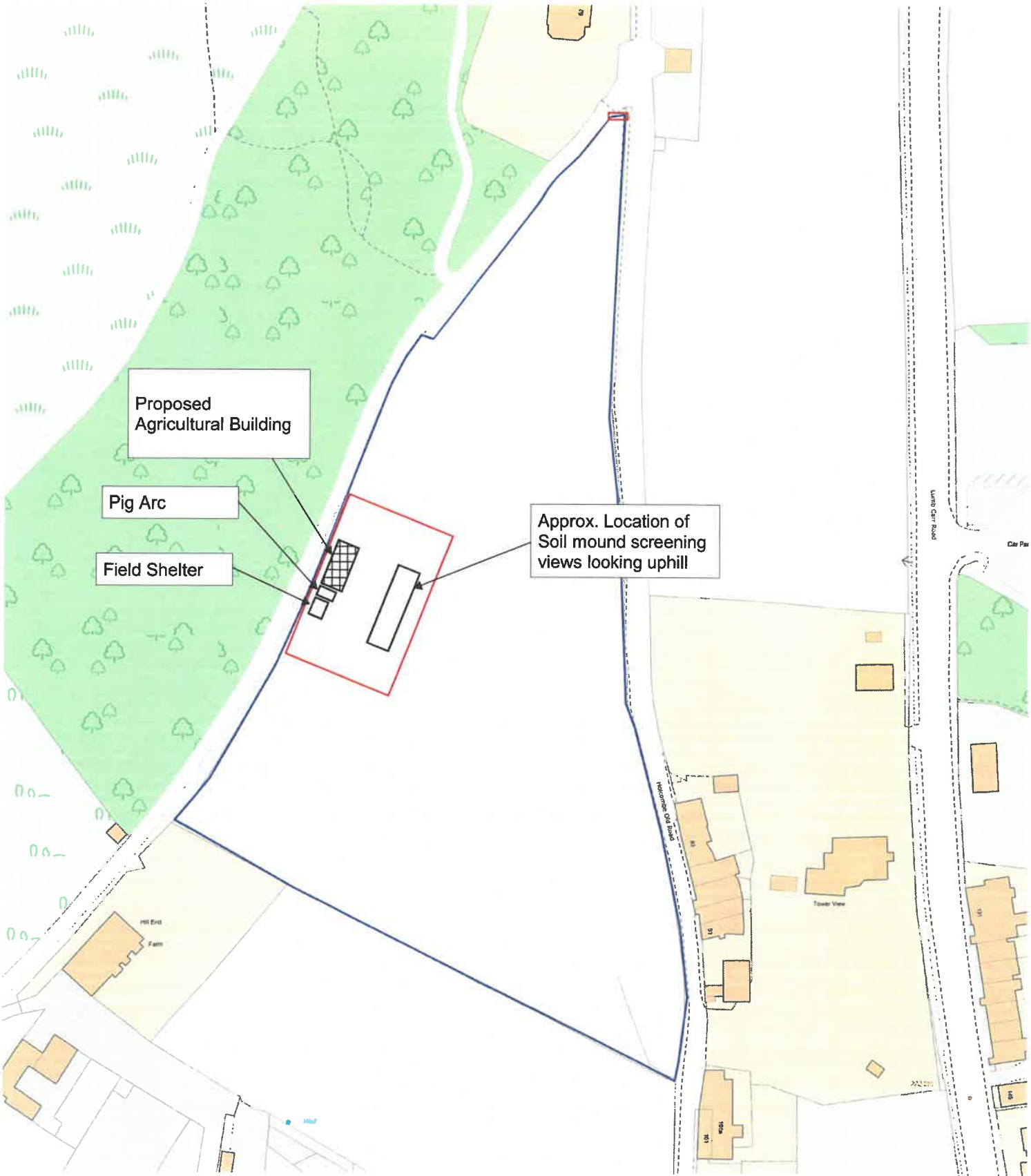
Proposed Agricultural Building

Project Address:

Land off Moorbottom Road, Holcombe, Bury

DRG No. C3956-1-1A		Scale 1:100 @ A3	
Drawn TW	Checked MU JU	Approved TW	
<div><div></div><div><p>p wilson &amp; company</p><p>chartered surveyors</p></div></div>			
<div><div></div></div>			
Date		www.pwcsurveyors.co.uk	Revision
18.02.2020		01772 882277	C

Proposed Location Plan V3





Fill 329.5m<sup>3</sup>

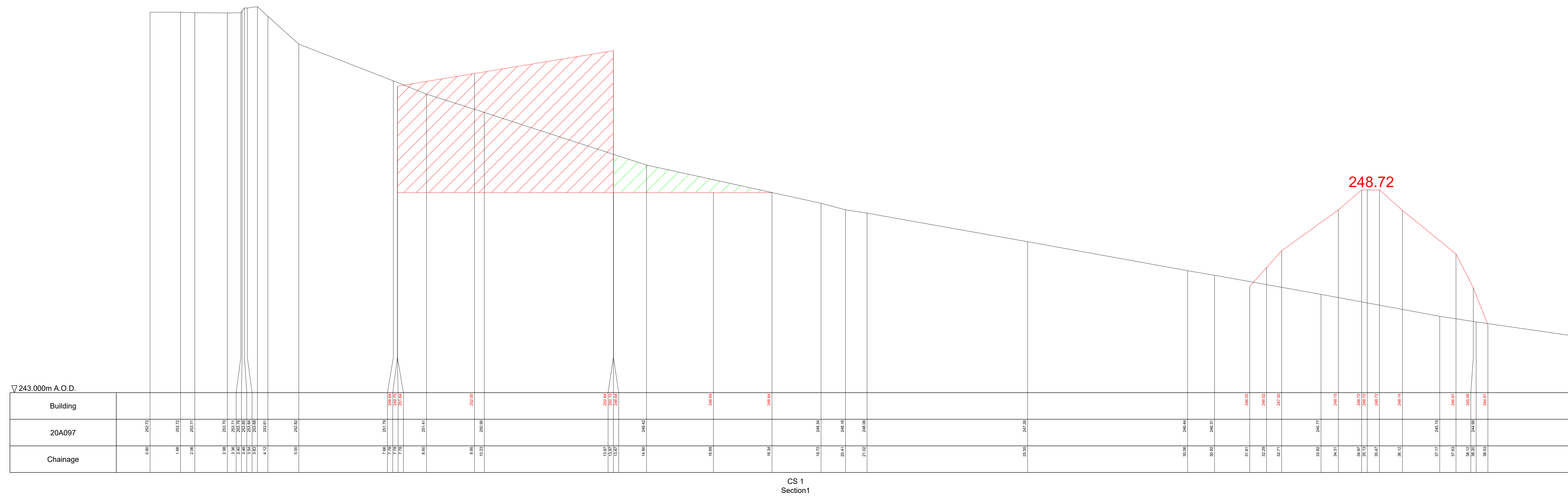
would be required



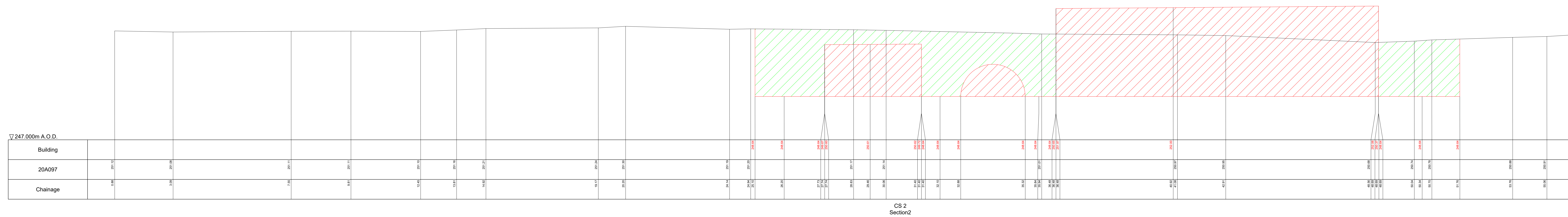
## SECTION 2

Page 38





AREAS HATCHED GREEN/RED TO BE CUT



PLAN No. C3956-1/2-A

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**Ward:** Ramsbottom and Tottington -  
Ramsbottom

Item 02

**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.**

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

#### **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 Helmsshore 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, Helmsore 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 Helmsore 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 borders 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 manner 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 Helmsore 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 its 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 Helmsore 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.

### **Update to the application since the deferment of the May 2020 Planning Committee Meeting.**

#### **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.

### **Response**

The application was deferred from the May 2020 Committee meeting to carry out a site visit prior to the June Planning Committee meeting.

### **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 landscape (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.

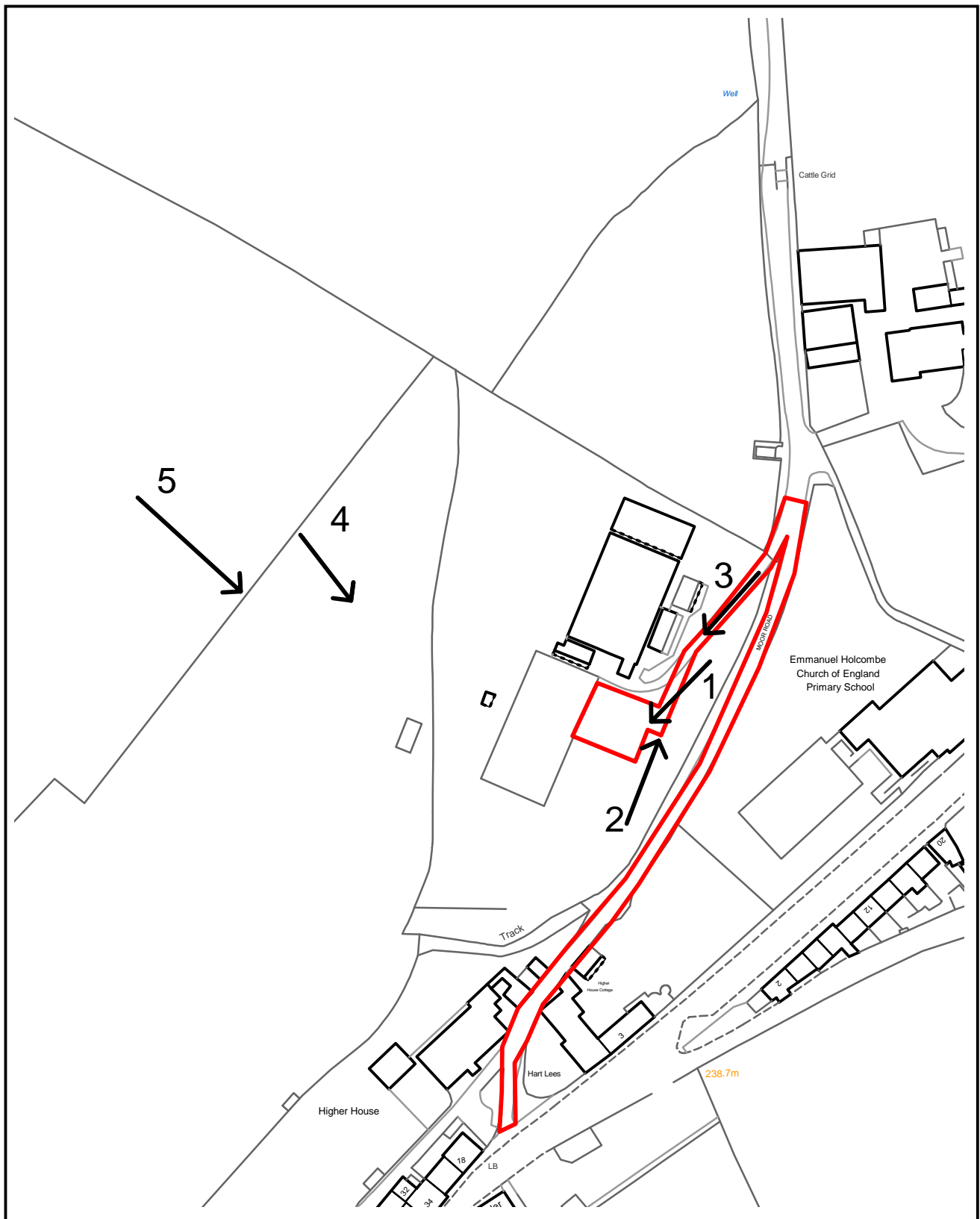
Reason. In the interests of visual amenity and to ensure preservation of the special character of the area pursuant to Policies OL1/2 – New Buildings in the Green Belt, OL4/7 - Development Involving Horses, EN9/1 - Special Landscape Areas, EN2/1 - Character of Conservation Areas and EN2/2 - Conservation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

**Planning, Environmental and Regulatory Services**

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**Bury**  
COUNCIL

Photo 1



Photo 2





Photo 3



Photo 4

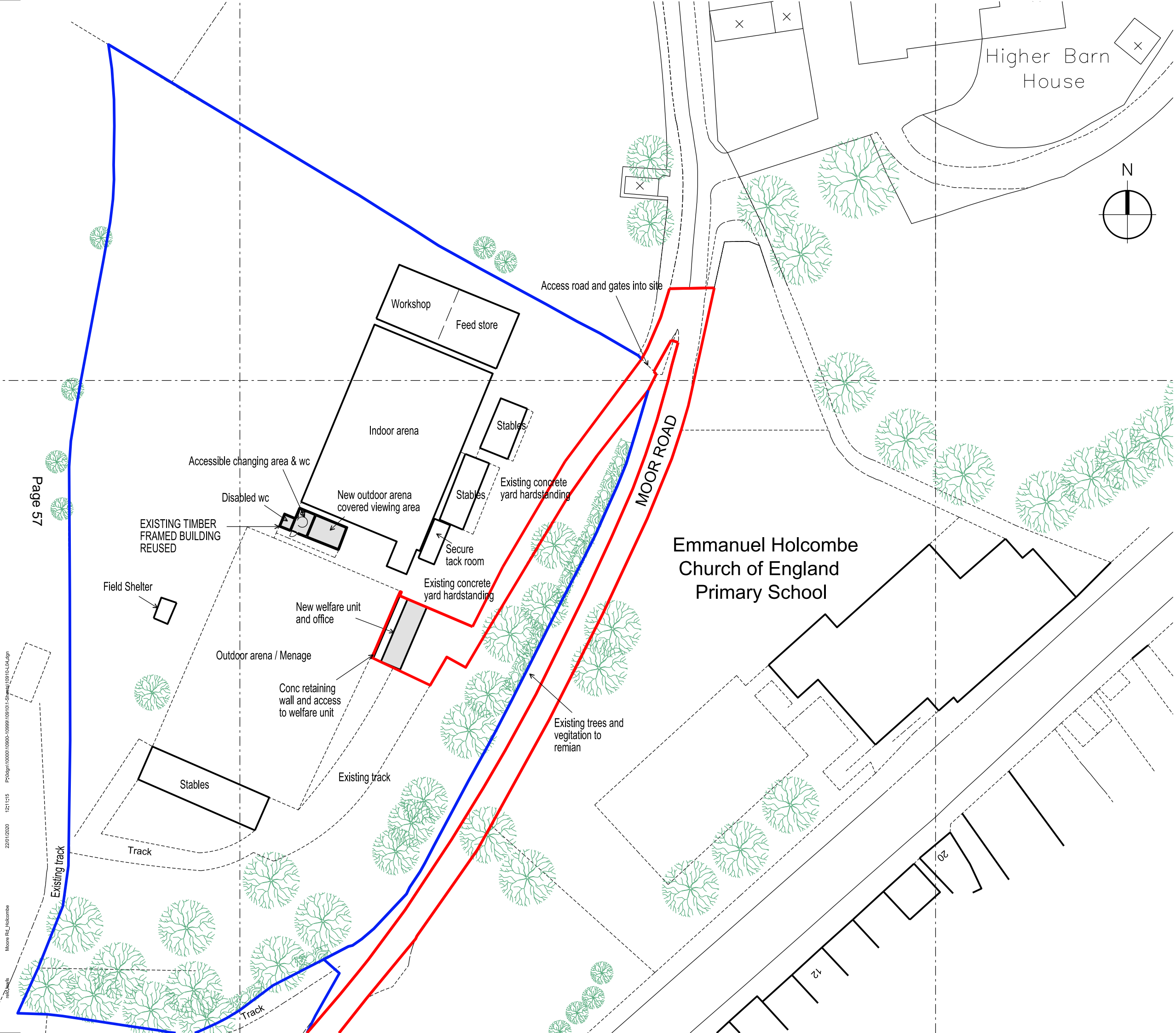




64955

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 OF THE CLIENT



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

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
----------------	--------------	---------------	---------------	-----------------

DRAWING NO.		
10910	L04	A

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

THE RATCLIFFE GROVES PARTNERSHIP

MANCHESTER  
105 MANCHESTER ROAD  
BURY LANCASHIRE BL9 0TD  
T. 0161 797 6000 E. manchester@rgp.uk.com  
www.rgp.uk.com

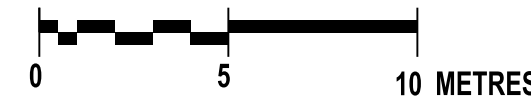
LONDON  
19 BEDFORD ROW  
LONDON WC1R 4EB  
T. 020 7600 6666 E. london@rgp.uk.com





## SITE SPECIFIC HAZARDS

## SCALE



MOOR ROAD

Page 58

CLIENT / PROJECT

DRAWING TITLE  
PROPOSED SITE PLAN

DATE	DRAWN	SCALE @ A2
21.01.20	RSL	1:200

DRAWING NO.

10910 L05 A

**THE RATCLIFFE GROVES PARTNERSHIP**  
**MANCHESTER**  
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**RG**  
architects



m

**RGP**  
architects

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Moore Rd\_Holcombe

reel, Jewels



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SITE SPECIFIC HAZARDS

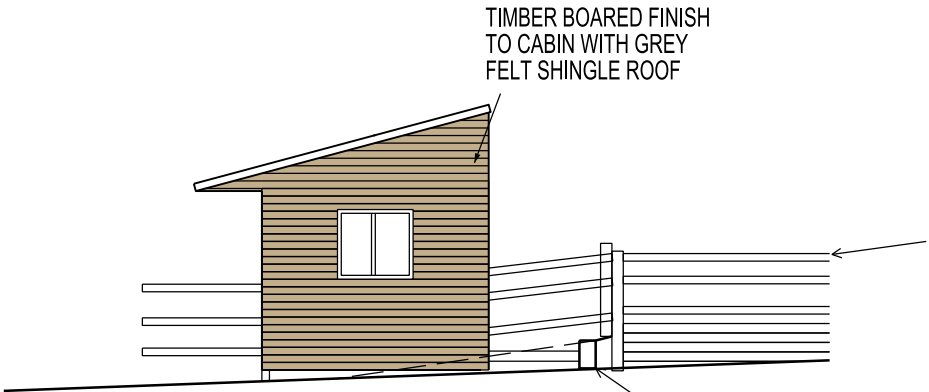
IN ACCORDANCE WITH THE REQUIREMENTS OF THE CDM REGULATIONS 2015 THE FOLLOWING SIGNIFICANT RESIDUAL HAZARDS HAVE NOT BEEN DESIGNED OUT OF THIS PROJECT AND MUST BE TAKEN INTO CONSIDERATION BY CONTRACTORS PLANNING TO UNDERTAKE THE WORKS SHOWN ON THIS DRAWING:

ALL WINDOWS TO BE SHUTTURED FOR SECURITY



FRONT ELEVATION (TO MENAGE)

STEPS AND RAMP

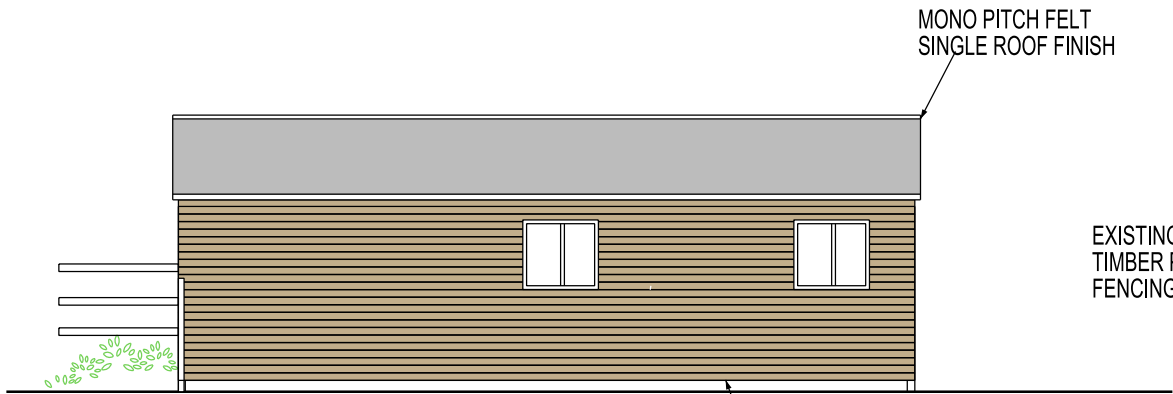


SIDE ELEVATION

TIMBER BOARDED FINISH TO CABIN WITH GREY FELT SHINGLE ROOF

EXISTING MENAGE WITH TIMBER POST AND RAIL FENCING

215MM CONC BLOCK RETAINING WALL TO ALLOW GROUD LEVELS TO BE LOWERED ADJACENT MENAGE WITH STEPPED ACCESS



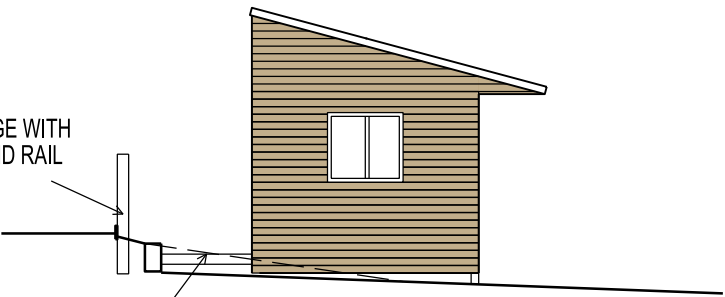
REAR ELEVATION (TO MOOR RD)

MONO PITCH FELT SINGLE ROOF FINISH

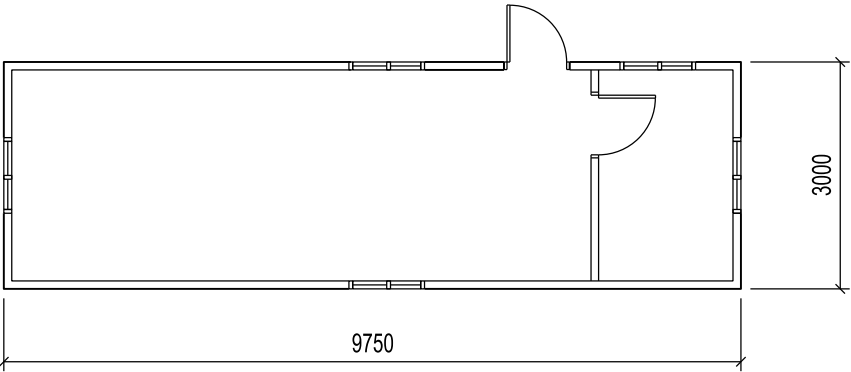
TIMBER BOARDED FINISH TO CABIN WITH GREY FELT SHINGLE ROOF

EXISTING MENAGE WITH TIMBER POST AND RAIL FENCING

DOTTED LIN EINDICATES EXISTING GROUND LEVEL



SIDE ELEVATION



GA PLAN

REV.B 27.01.20 MONOPITCH ROOF EXTENDED RSL  
REV.A 25.01.20 MONOPITCH ROOF ADDED RSL

REV. DATE NOTES INIT.

CLIENT / PROJECT  
JEREMY BUCKLEY  
HOLCOMBE RIDING SCHOOL  
MOOR ROAD, HOLCOMBE  
DRAWING TITLE  
PROPOSED PLAN AND ELEVATIONS

STATUS  
PLANNING

DATE 081019 DRAWN RSL SCALE @ A3 1:100

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

DRAWING NO. 10910 E02 B

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

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**Ward:** Ramsbottom + Tottington - Tottington

Item 03

**Applicant:** Mr Dale Parry

**Location:** Pavetec Ltd, 8-10 Spring Vale Street, Tottington, Bury, BL8 3LR

**Proposal:** Removal of existing buildings and erection of 2 no. units for a mixed use comprising B1 office and B8 storage.

**Application Ref:** 64980/Full

**Target Date:** 30/06/2020

**Recommendation:** Approve with Conditions

### **Description**

The application relates to an existing commercial operation which currently serves as the headquarters for the business's off-site groundwork operations. It is located on an unmade and unadopted side street in Tottington Village and comprises a mix of residential and industrial/commercial units.

To the entrance of Spring Vale Street is a row of terrace houses, nos 1-7, with the remainder of the street in industrial and commercial uses including a fitness centre, upholstery business and car repair garage. Some of the units are not occupied and comprise derelict and fairly dilapidated buildings or storage garages. At the top end of Spring Vale Street is an allotment plot and No 12, which was formally a contract flooring company but now appears to be a residential dwelling.

To the north of the site, directly behind a 4.5m high retaining boundary wall are houses on Spring Vale Drive which are elevated above the site by over 3m.

The site itself comprises single storey portable cabin type buildings which are used as offices for the manager and administration staff and a storage unit which are all located to the rear of the site. There are also storage units and an older small brick built office adjacent to the main entrance gate. The remaining area is a yard, part of which is utilised for parking. The company carry out groundworks operations at different locations and the workforce use the site as the headquarters and a base for meetings, work instructions and for storage of equipment.

The application seeks to replace the modular buildings with 2 new industrial units. It is also proposed to re-configure the yard area to provide 12 parking spaces and a servicing area.

The units would be located at the rear of the site in front of the retaining boundary wall which separates the site from the houses on Spring Vale Drive. In front of the units would be the yard and parking which would be formed in two rows of 6 spaces down both sides. The access to the site would be modified to provide a footway along the frontage and a pedestrian footpath along the western boundary behind the parking spaces. A sliding gate and fence would form the boundary and secure the site at the front, and the 2m high fences to the east and western boundaries would be retained.

The units themselves would be a typical industrial type design, with facing brickwork at the lower part and the upper part of the build comprising dark metal cladding with a roller shutter fitted to the front of each unit.

The units would be 5.9m high and together would be 19.5m wide spanning the majority of the width of the site. Unit 1 would have the larger footprint, extending in length 14m with

Unit 2 projecting 11m. The ground floor would be used as the storage area and as a lock up for equipment and a part of the upper floor would have a mezzanine level for office accommodation.

The applicant has clarified the use of the units stating that Unit 1 would be used as the main company headquarters for staff and as a storage depot for smaller machinery which is currently stored in the existing portable lock ups. Unit 2 would be used solely as a secure lock up facility for larger machinery and diggers which is currently having to be kept at other remote sites and storage areas and at additional cost to the applicant.

Hours of use of the site are proposed as Monday to Friday 8am to 5.30pm and Saturdays 8am to 1pm.

### **Relevant Planning History**

01452/E - Proposed change of use from plant hire business to light commercial vehicle repairs. - Enquiry completed 23/12/2013

### **Publicity**

Letters sent on 5/5/20 to 25 properties at Nos 1,2, 2A,3,5,6,7,9,11,11A,12,13 Spring Vale Street, Spring Vale Upholstery, Diggers and M Clarke skip hire, F Dewar and Son Spring Vale Street, 2-10 (evens) Spring Vale Drive, 1 Spring Close, 86,88,90-92 Market Street.

Site notice posted 7/5/20.

Three letters of objection received from Nos 2, 4,6 Spring Vale Drive which raise the following issues:

- The proposed planning application will be completely inappropriate for the area as it is in the middle of residential dwellings. The current operation is not appropriate as it is in a residential area and further development of this industrial area would be of further detriment to the quality of life and wellbeing of our family and our neighbours.
- Our living rooms and bedrooms are at the rear of the property and we already have issues with the noise from the operation adjacent (Diggers construction equipment) which is even further away. This disturbs our daily life as the volume of noise created with gates being opened, equipment being moved, and high volume of voices used every day without regard for the residents is like living on a building site.
- All complaints ever put forward to the council's environment department have been futile and never resulted in any long term modifying of their behaviour or compliance with council guidelines issued (volume of noise and opening times are persistently flouted). We have since given up pursuing our complaints to the environmental department as the level of time taken and the stress and frustration built up only seems to make a bad situation worse
- The plans bring the Pavetec units even closer and higher up towards to our house. This will severely affect our privacy and our wellbeing as it already has over a good number of years with this and previous businesses operating so close to our house.
- We have previously involved our local Councillor who agreed with our complaint and supported our actions fully.
- Whilst we appreciate the land is designated as employment land it would be more appropriate to have residential properties on this land.
- We are not against any type of business operating and it is unfortunate for us and for them that they have been allowed, by the council, to operate loud businesses in a residential area in a small village.
- Increase in noise and disruption will cause even more stress and upset to residents.
- Suffer from health issues and the dust will exacerbate the problem.
- Inclusion of offices at first floor will increase numbers of employees and exacerbate the existing parking difficulties, traffic noise and disruption.
- Do not believe that encouraging the growth of business rather than residential properties is conducive to the wider community or warranted.

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

### **Statutory/Non-Statutory Consultations**

**Traffic Section** - No objection subject to conditions.

**Borough Engineer - Drainage Section** - No response received.

**Environmental Health - Contaminated Land** - No objection subject to conditions

**Environmental Health - Pollution Control** - Concerns initially raised regarding noise from the site and units. Conditions recommended to address concerns.

**Environmental Health - Commercial Section** - No response received.

**Waste Management** - No response received.

**Planning Policy** - No objection

**United Utilities (Water and waste)** - No objection subject to the submission of a drainage scheme

**The Coal Authority** - No objection

**Greater Manchester Ecology Unit** - No objection subject to conditions

**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
EC6	New Business, Industrial and Commercial Development
EC6/1	New Business, Industrial and Commercial
EN1/2	Townscape and Built Design
EN6/3	Features of Ecological Value
EN7/2	Noise Pollution
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
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 -**

UDP Policy EC4/1 - Small Businesses states that proposals will be acceptable where the scale of the development is appropriate to, and the use environmentally compatible with the surrounding area in which it is to be located and where they do not conflict with other policies and proposals of the Plan.

EC6/1 - Assessing New Business, Industrial and Commercial development states that new development is expected to be of a high standard of design and appearance and to take account of the surrounding environment, amenity and the safety of employees, visitors and occupiers. Factors considered include -

- scale, size, density, layout, height and materials;
- access and parking provision;
- landscaping and boundary treatment;
- effect on neighbouring properties;
- safety

UDP Policy EN7/2 - Noise Pollution - In seeking to limit noise pollution, development will not be permitted which could lead to unacceptable noise nuisance to nearby occupiers and/or

amenity users or development close to a permanent source of noise.

The application states the site is to be used for a B1 use. Class B1 uses can cover a number of uses, from offices, research and development and industrial processes. B1 uses are those which are considered to be appropriate uses which can be carried out in any residential area without detriment to the amenity of that area by reasons including noise, vibration, smell, fumes, smoke and dust.

Whilst it is proposed to erect larger and more permanent industrial sized units on the site, the site currently operates as the headquarters for the business and is used for office and storage purposes. The applicant has confirmed there would be no change to the existing working practices or operations as exists and that the larger units are required to enable the safe and secure storage of the equipment used in association with their groundworks business, which is currently having to be stored at other locations and at additional costs to the business.

The applicant is agreeable to a condition which would limit the use of the site for storage and office purposes only and for no other purposes. Apart from the short row of terrace houses to the entrance of the street, the majority of Spring Vale Street comprises characteristically industrial and commercial uses and buildings and the proposed use of the site would add no additional operations or processes which would alter the current status.

It is therefore considered that with appropriate conditions, the development of the site would be acceptable for a B1 office storage facility and would comply with UDP Policies EC4/1 and EC6/1.

**Layout** - It is proposed to remove all the existing buildings and locate the 2 new units towards the rear of the site and the northern boundary. The units would cover a floor area of approximately 253 sqm, one third of the total site area.

The northern boundary line slightly curves round the rear of the site and Unit 1 would be set forward of the boundary by between 3.5m and 5m with the smaller Unit 2 between 1.5m and 3.5m away. The 4.5m high boundary wall behind the units would be retained, providing significant screening of the buildings. A gap of 1.5m either side of the units would enable access around the buildings and a pedestrian access formed off Spring Vale Street through a new gate would direct pedestrians along a segregated route into the site which would improve the safety for pedestrian access.

The remainder of the site would comprise the yard and parking, where it is proposed to form 12 parking spaces in total, located down the two sides. This would leave the central area of the site for servicing and delivery purposes enabling equipment to be loaded and unloaded from the front of the units and via the roller shutter doors which would be located on the front elevation.

There would be a central access into the site through a sliding gate with a 2.4m high fence either side to secure the area when not in use. The existing 2m high fence to the side boundaries would be retained.

Bins would be located at the back of the units and accessed via a single door opening on the rear elevations of the buildings.

The proposed layout and provision of 2 no. units would also enclose noise and move any existing activity away from nearby neighbours and particularly the houses on Spring Vale Street at the rear, thereby bringing a benefit to the site than currently exists.

It is therefore considered that the proposed development could be reasonably accommodated within the site and by formally organising the parking provision and providing a dedicated pedestrian access, the space within the site would be better and more safely utilised than the existing arrangements.

As such, the proposed layout of the site is considered acceptable and would comply with UDP Policies EC4/1 and EC6/1.

**Scale, design and appearance** - The proposed units would be 5.9m high and rectangular in form, covering a total floor area of approximately 253 sqm. Unit 1 would be the larger unit, 136 sqm and unit 2 smaller at 117 sqm. On the front elevation, both would have identical pedestrian entrance doors and a large roller shutter door, with windows at the first floor level to the offices. The only other opening would be a single access door on the rear elevation.

Externally, the units would appear typically commercial in design, with the lower part of the building comprising of brickwork and the upper facade a dark grey metal cladding and matching dark grey roof. This form of build is commonly found within commercial and industrial type settings and which would typify this part of Spring Vale Street, the adjacent site to the east being a prime example. This site has a very similar building, both in height, scale, massing and appearance to that proposed and this too is set at the rear of the site in front of the northern boundary.

A 2.4m sliding gate is proposed to the site frontage together with a boundary fence, and details of this would be sought by a condition. The other boundary treatment to the side would be retained as existing.

Given the location of the site within an industrial and commercial setting and the existing similar buildings in the vicinity, it is considered that the scale, design and appearance of the proposed units would be acceptable and would comply with UDP Policies EC4/1, EC6/1 and EN1/2.

**Residential amenity** - The houses closest to the site are those located to the north on Spring Vale Drive Nos 2, 4 and 6, whose rear gardens back on to the boundary of the site. These houses are elevated above the site by over 3m and are bounded at the rear by 2m high fences.

#### Visual impact

The proposed units would be 5.9m high and positioned towards the back of the site and the northern boundary. The boundary at the rear is slightly angled in this part of the site, and at the furthest point, Unit 1 would be 5m away and at the closest, the corner of Unit 2 would be 1.5m away from the boundary.

The rear of the site is formed by a 4.5m high retaining wall which is set on a ground level approximately 0.5m above the ground level of the majority of the site and yard and the proposed buildings. Beyond the retaining wall is a narrow piece of waste land or 'no man's land' and beyond this are the 2m high boundary fences to the gardens of No 2, 4 and 6. The houses are elevated above the site by over 3m.

The proposed building would be 0.9m higher than the retaining wall but would not project any higher than the rear garden fences. Given the heights of the intervening fences and the difference in levels between the two sites, with the houses elevated by one storey, the proposed buildings would not be visible from the gardens or the ground floor of the houses and the outlook from the first floor would be over the roof of the building. The proposed buildings would also be approximately 11m to 14m away from the rear elevations of the residential properties and as such, views of the development would not be apparent.

There would be no windows on the rear elevation of the units which would cause any issues of overlooking or impacts on privacy to these properties. The only opening on the rear elevation would be a doorway which would be used to access the rear of the building and the bin store area.

It is therefore considered that given the levels difference and the elevated position of the

houses, the intervening boundary fences and retaining walls, the separation distances to the properties, and that there would be no window openings to the rear elevation of the new units, it is considered that the proposed buildings would not have a significant or detrimental impact on the visual amenity of Nos 2,4 and 6 Spring Vale Street and there would be no issues of overlooking or impacts on privacy.

As such, the proposed development is considered to be acceptable and comply with UDP policies EC4/1, EC6/1 and EN1/2.

Noise impact - A Noise Survey has been carried out to assess the potential increase in noise levels and the findings have been submitted as part of the application.

The Report concludes that the predicted noise emissions due to noise breakout of the units is predicated to cause a 'Significant Adverse Impact, depending on the context' with the rating noise level above 14.0 dB above background sound level. This is classed as SOAEL (Significant Observed Adverse Effect Level) when assessed in accordance with the NPSE Noise Policy Statement for England March 2010) and NPPF.

Mitigation measures have been recommended in the report, to control working hours of 8am to 5pm Monday to Friday, for all doors and roller shutters to remain closed during operational hours and to provide sound insulation to the units.

The report states that should these mitigation measures be implemented, the rating sound level from the site would be 40.0 dB, indicating a 'Negligible Adverse Impact, depending on the context' when assessed in accordance with BS4142:2014.

The Pollution Control Section have been consulted on the application and had raised concerns regarding the levels of noise the use of the units for a B1 use could generate.

The site is the headquarters and offices for a company which carry's out groundwork operations on building sites. The application states that the site will continue to function as the headquarters and would not be used for any industrial processes apart from deliveries for the storage of equipment's used in the business operations. Whilst the loading or unloading of equipment may involve using forklift trucks and trips by large vehicles and vans to the site, these would be carried out during 'normal working ' hours only and would be typical and characteristic of sites located within industrial and commercial settings such as this site.

In terms of hours of operation, it is considered reasonable to control the hours of operations on the site, to times where it would be expected that businesses would be carrying out daily practices and where occupiers of nearby residencies would be performing daily duties and normal day to day tasks. In this case, it is considered reasonable that the site be operational Monday to Friday 8.00am to 5.30pm and Saturdays 9am to 2pm (no Sunday or Bank Holiday working) to enable the operator to open up the site ready for the day's business and lock up and secure the site in an evening.

These hours are considered reasonable for this site and use in this location, particularly as there is an historic and existing operation already functioning on the site. A condition to limit deliveries between 9am to 5pm would ensure activity within the site would be restricted, to which the applicant has agreed.

The applicant has also agreed to a condition which would restrict the use of the site for office and storage purposes only, and no other uses within Class B1.

The Pollution Control Section have also recommended that a condition be included that noise from the development and buildings, as measured in accordance with British standard 4142 shall not exceed 3db. It is indicated in the submitted Noise Survey that this would be achievable following mitigation measures which includes soundproofing the units. A condition that a soundproofing scheme be submitted for approval would therefore be



included.

The proposed plans show that there would be roller shutter doors on the front elevation of the units. Whilst the Pollution Section have recommended that the doors remain shut at all times, not only would this be difficult to control and enforce in practice, but would not be reasonable to expect or even enable the site to function at all, as deliveries and storing of equipment would necessitate the roller shutters to be open to carry out such functions, and door openings needed to facilitate access for staff.

As the site would be used for office and storage only, and given the conditions to control hours of operation, deliveries and soundproofing of the units, it is considered that adequate and sufficient noise mitigation measures would be in place to not significantly or adversely cause noise nuisance to the residents on Spring Vale Drive.

The units would also be a minimum of 11m from the houses, orientated with openings facing internally and towards the yard area and Spring Vale Street only. Together with the retaining wall and boundary fences and the difference in levels between the two sites, it is considered that the relationship of the units to the residential properties would be sufficiently separated and remote so as not to cause any noise issues.

As such, it is considered that with conditions to control working hours and operation practices and the incorporation of soundproofing measures to the units, the proposed development would be acceptable and would not result in adverse and significant harm to the amenity of nearby residential properties.

As such, it is considered the proposed development would comply with UDP Policies EC4/1, EC6/1, EN1/2 and EN7/2.

**Access and parking** - SPD11 - Parking Standards in Bury advises that for a B1 office use, 1 parking space per 35 qm of floor space should be provided, with 1 per 100 sqm for storage uses. The site would provide a total of 12 spaces, including 2 disabled spaces, which would be more than adequate to satisfy the parking requirements for this use in this location and provide parking for both employees and visitors, and all within the site boundary.

The access into the site would be improved by the formation of a pedestrian footway along the frontage and segregating the vehicle and pedestrian access into the site would improve highway safety on this part of the road.

There would also be an adequate turning area within the site which would enable larger vehicles to enter and exit safely onto Spring Vale Street.

The Highways Section have raised no objection to the proposed parking and access arrangements subject to conditions and as such it is considered the proposed development would comply with UDP Policies EC4/1, EC6/1, HT2/4 and HT6/2.

**United Utilities** - No objection subject to a condition for the submission of a sustainable drainage strategy for the site.

## **Ecology**

### Summary

No significant ecological issues were identified by the developer's ecological consultant. Issues relating to bats and nesting birds can be resolved via condition.

### Bats

The buildings to be demolished were assessed by an experienced bat consultant as having negligible bat roosting potential but there was residual risk associated with the adjacent retaining wall and ivy. These risks are avoidable and or very low and can be mitigated via condition.

#### Nesting Birds

There is bird nesting potential associated with the ivy on the adjacent wall and part of the building. This is also covered in the bat report, and therefore an extra condition is not necessarily required but could be conditioned separately to restrict the removal of ivy unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance.

**Coal Authority** - Confirm that part of the site falls within the defined Development High Risk Area.

The Coal Authority records indicate that the south western corner of the site (existing access road only) lies in an area of probable shallow coal workings.

Accordingly, the part of the site where the development is proposed (Drawing 1) lies outside of the defined High Risk Area, confirmed by Section 3.5 of the Phase 1 Geo-Environmental Investigation, dated April 2020 that accompanies this planning application. Therefore, the Coal Authority do not consider that a Coal Mining Risk Assessment is necessary to support this proposal and do not object to this planning application.

Although the development proposed is outside of the defined Development High Risk Area as the site lies within an area where coal mining activity has taken place it is requested that an Informative Note on any planning permission granted to direct the applicant to contact the Coal Authority should coal mining features be encountered during the development.

**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 in traffic 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, this Section recommends a condition to be placed on any planning permission granted that the applicant shall provide one fast capability Electric Vehicle (EV) EV charging point for every 1000m2 of commercial floorspace.

#### **Response to objectors -**

- The site has a historic and established commercial use within an established industrial setting of Spring Vale Street.
- The issues raised with regards to impact on residential amenity from noise, disturbance, overlooking, privacy, traffic and parking 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 - Plans and elevations (Existing) dwg 1; Proposed plans and elevations dwg 2A; proposed plans and elevation - site layout detail dwg 2B; Proposed section through the site dwg 3; Existing elevations dwg 4; Proposed front elevations and site (with gates closed) dwg 5 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
3. No development shall commence unless and until:-
  - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
  - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
  - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason. 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 3 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
5. Prior to occupation the applicant shall provide one fast capability Electric Vehicle (EV) EV charging point for every 1000m<sup>2</sup> of commercial floorspace.  
Reason. In accordance with the NPPF, to encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable. To safeguard residential amenity, public health and quality of life.
6. The development hereby approved shall be carried out in accordance with Section 7 - Recommendations of the submitted Bat Survey report (preliminary day-time survey) by Angela Graham Bat Consultancy service, report dated 25/2/20.  
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.

7. No ivy removal 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 to the Local Planning Authority for approval that no active bird nests present.  
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 until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Details of proposed maintenance arrangements should also be provided. The development hereby permitted shall be carried out only in accordance with the approved details 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.

9. The development and buildings hereby approved shall be used solely as a storage facility for groundwork equipment and ancillary office purposes only and shall be occupied and the use carried out by the applicant only.

Reason. To limit the impact arising from comings and goings and activities that may occur from a B8 uses and to protect the residential amenity of residents living on Spring vale street pursuant to Bury Unitary Development Plan Policies EC6/1 - Assessing New Business, Industrial and Commercial Development, EN1/2 - Townscape and Built Design, EN7/2 - Noise Pollution and HT6/2 - Pedestrian/Vehicular Conflict.

10. No development shall commence unless and until a scheme to soundproof the buildings hereby approved has been submitted to and approved by the Local planning Authority. The approved soundproofing only shall thereafter be implemented and prior to the first use and occupation of the development hereby approved.

Reason. To safeguard the amenities of the occupiers of the nearby residential properties pursuant to Bury Unitary Development Plan Policies EC6/1 - Assessing New Business, Industrial and Commercial Development, EN1/2 - Townscape and Built Design and EN7/2 - Noise Pollution.

11. There shall be no deliveries to or from the site and no loading or unloading of vehicles on site before 9am and after 5pm Monday to Friday and before 9am and after 1pm Saturdays.

Reason. In the interests of residential amenity pursuant to Bury Unitary

Development Plan Policies EC6/1 - Assessing New Business, Industrial and Commercial Development, EN1/2 - Townscape and Built Design and EN7/2 - Noise Pollution.

12. The development and uses hereby approved shall be only be in use and accommodated between the following hours:  
Monday to Friday - 8.00am to 5.30pm  
Saturdays - 9am to 2pm.  
There shall be no Sunday or Bank Holiday working.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies Bury Unitary Development Plan Policies EC6/1 - Assessing New Business, Industrial and Commercial Development, EN1/2 - Townscape and Built Design and EN7/2 - Noise Pollution of the Bury Unitary Development Plan.
13. Prior to the erection of the boundary treatment (fence and gate) to the frontage of Spring Vale Street, details of the proposed boundary treatment shall be submitted to and approved by the Local Planning Authority. Only the approved boundary treatment shall be used in the development hereby approved, and thereafter maintained.  
Reason. In the interests of visual amenity and highway safety pursuant to Bury Unitary development Plan Policies EC4/1 - Small Businesses, EC6/1 - Assessing New Business, industrial and commercial development, EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.
14. No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:
- Hours of operation and number of vehicle movements;
  - Parking on site of operatives' and demolition/construction vehicles together with storage on site of demolition/construction materials, including any requisite phasing of the development to accommodate this;
  - If proposed, site hoarding/gate positions, including the provision, where necessary, of temporary pedestrian facilities/protection measures on the adjacent highway;
  - Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

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

Reason. 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.

15. The pedestrian and vehicular access improvements indicated on the approved plans shall be implemented to the satisfaction of the Local Planning Authority before the development is brought into use.  
Reason. To ensure good highway design in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EC4/1 - Small Businesses,

EC6/1 - Assessing New Business, Industrial and Commercial Development and  
HT6/2 - Pedestrian/Vehicular Conflict.

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

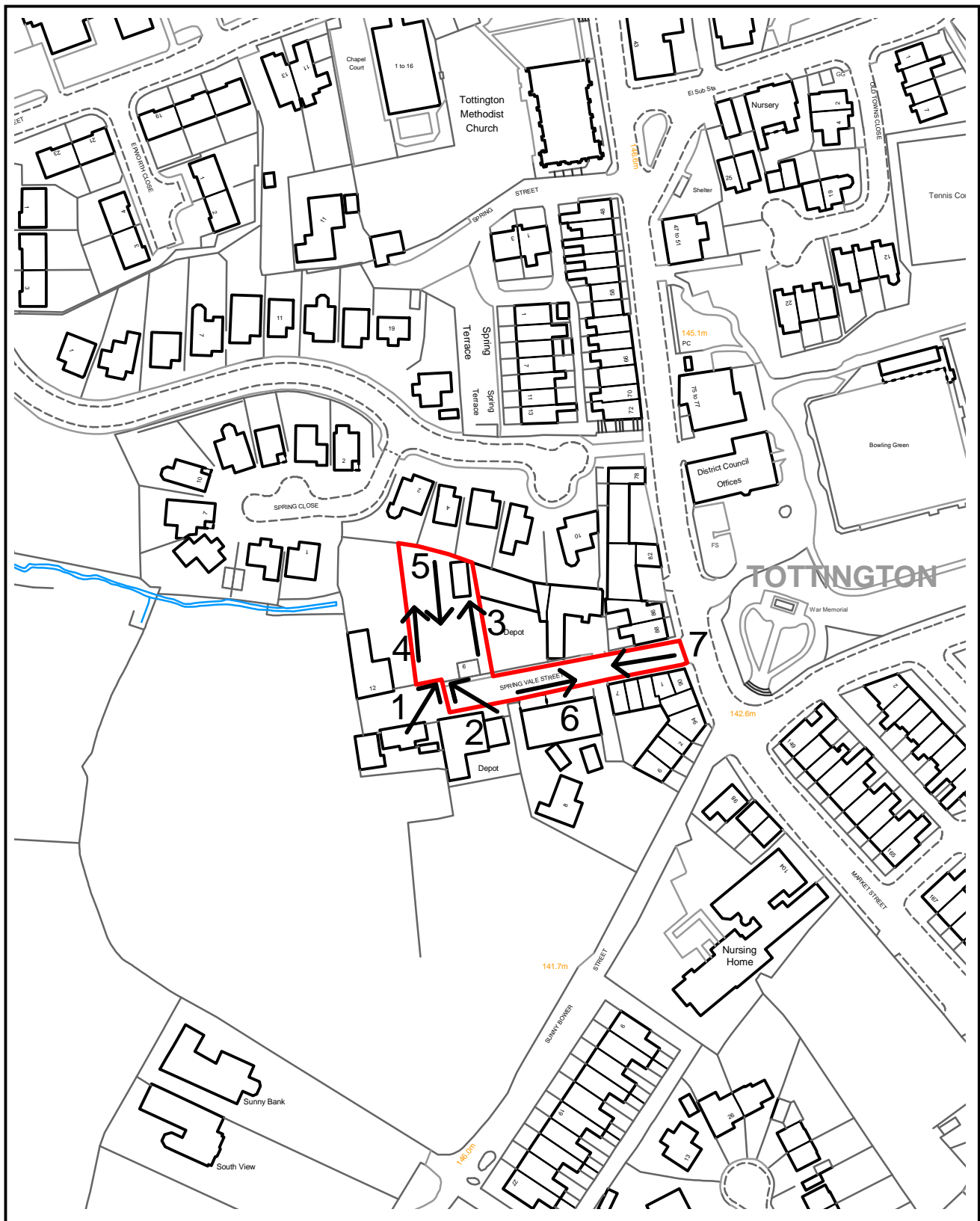
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policies EC6/1 - Assessing new Business, Industrial and Commercial Development, and HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

17. The bin storage arrangements indicated on the approved plans shall be made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use and thereafter maintained at all times.

Reason. To ensure adequate off-highway bin storage facilities are provided within the curtilage of the site in the interests of road safety pursuant to Bury Unitary Development Plan Policies EC6/1 - assessing new Business, Industrial and Commercial Development and EN1/2 - Townscape and Built Design.

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

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

**APP. NO 64980**

**ADDRESS: Pavetec, 8-10 Spring Vale Street,  
Tottington**

**Planning, Environmental and Regulatory Services**

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**Bury**  
COUNCIL



64980

Photo 1



Photo 2





64980

Photo 3



Photo 4



64980

Photo 5



Photo 6

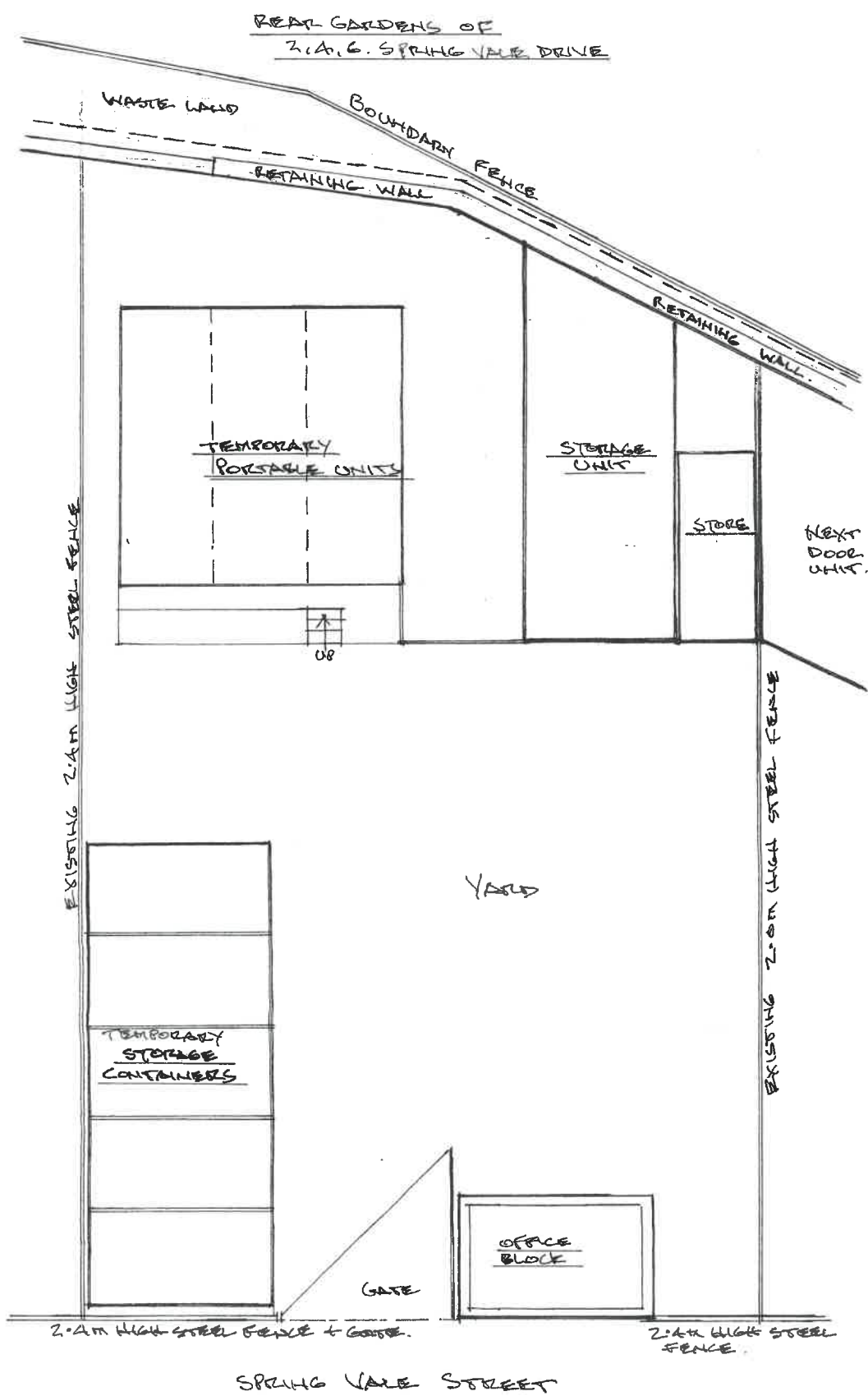


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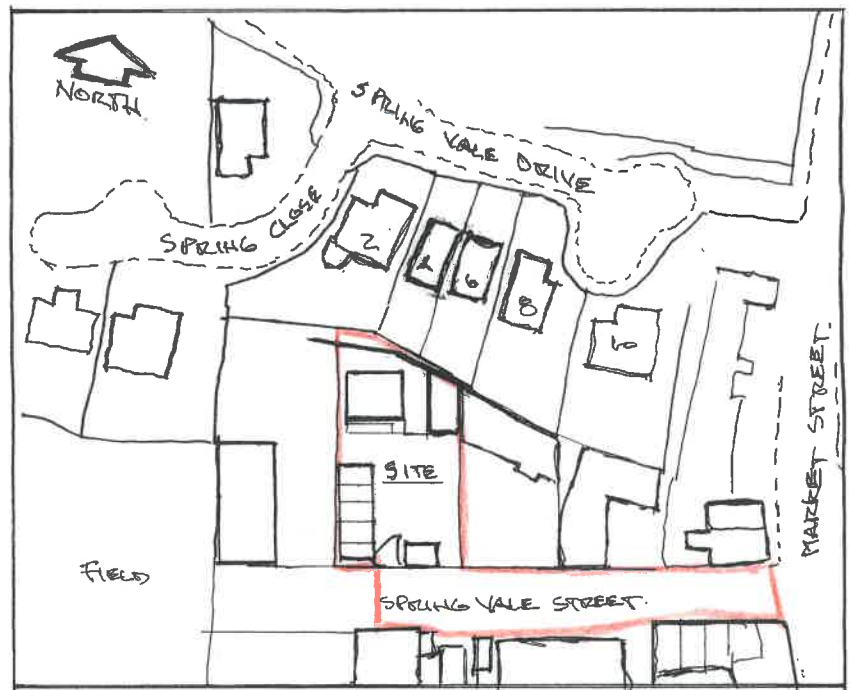
Photo 7







SITE PLAN. 1:200



LOCATION PLAN 1:1250

Architectural & Building Services

NEIL BUTTERWORTH

Tel:  
Mobile: 07785 275483

89 Higher Ainsworth Road, Radcliffe,  
Manchester, M26 4JJ.

Job Title **PROPOSED NEW INDUSTRIAL UNITS. WITH  
OFFICES,  
AT SPRING VALE ST. TOTTINGTON, BURY**

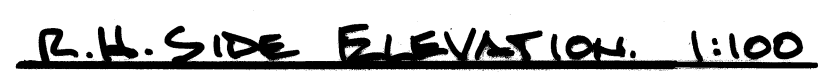
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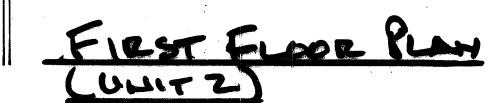
Date  
**JULY 19**

Drawn by  
**N.B.**

Drawing No.  
**1**


$$B <$$

\* SEE DWG NO. 3  
FOR SECTIONS.



(UNIT 1 IDENTICAL BUT HANDED)

REV. A - NEW EXTERNAL FOOTWAY ADDED  
TO SITE PLAN. 14.5.2016.



## Architectural & Building Services

NEIL BUTTERWORTH

**Tel:**  
**Mobile: 07785 275483**

89 Higher Ainsworth Road, Radcliffe,  
Manchester, M26 4JJ.

Job Title PROPOSED NEW INDUSTRIAL UNITS, WITH  
FIRST FLOOR OFFICES,  
AT SPRING VALE ST., TOTTINGTON, BURY.

Drawing Title **PROPOSED PLANS & ELEVATIONS**

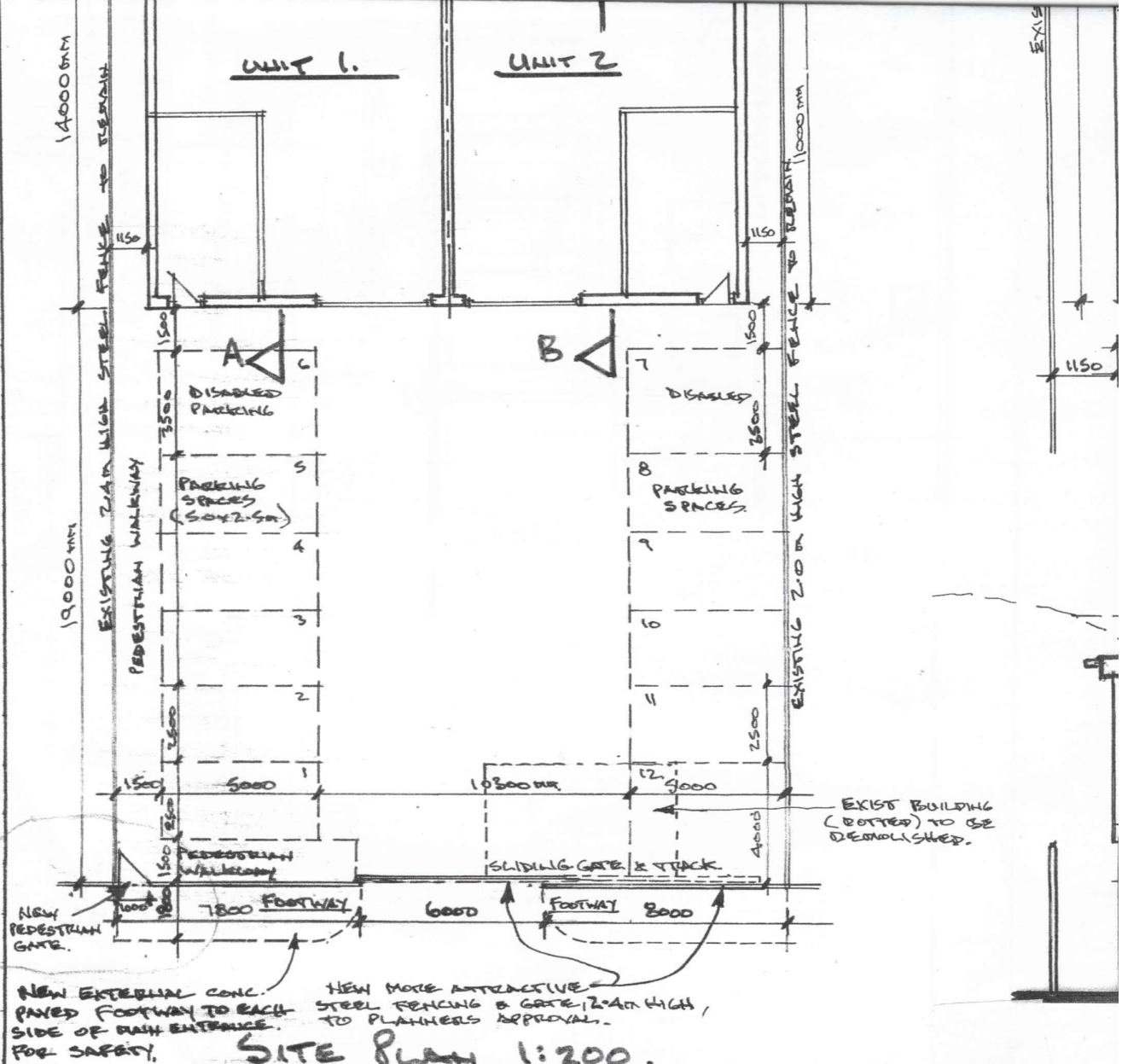
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Date  
OCT. 19

Drawn by  
N.B.

Drawing No. 2 'A'

© copyright.



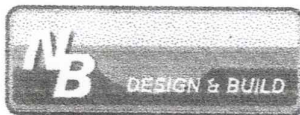
- REV. A - NEW EXTERNAL FOOTWAY ADDED TO SITE PLAN. 14.5.20 NB
- REV. B - NEW PEDESTRIAN ACCESS GATE ADDED AT FRONT, TO SITE PLAN 22.5.20 NB

Architectural & Building Services

NEIL BUTTERWORTH

Tel:  
Mobile: 07785 275483

89 Higher Ainsworth Road, Radcliffe,  
Manchester, M26 4JJ.



Job Title **PROPOSED NEW INDUSTRIAL UNITS, WITH  
FIRST FLOOR OFFICES,  
AT SPRING VALE ST., TOTTINGTON, BURY,**

Drawing Title **PROPOSED PLANS & ELEVATIONS**

Scale  
**1:100**

Date  
**OCT. 19**

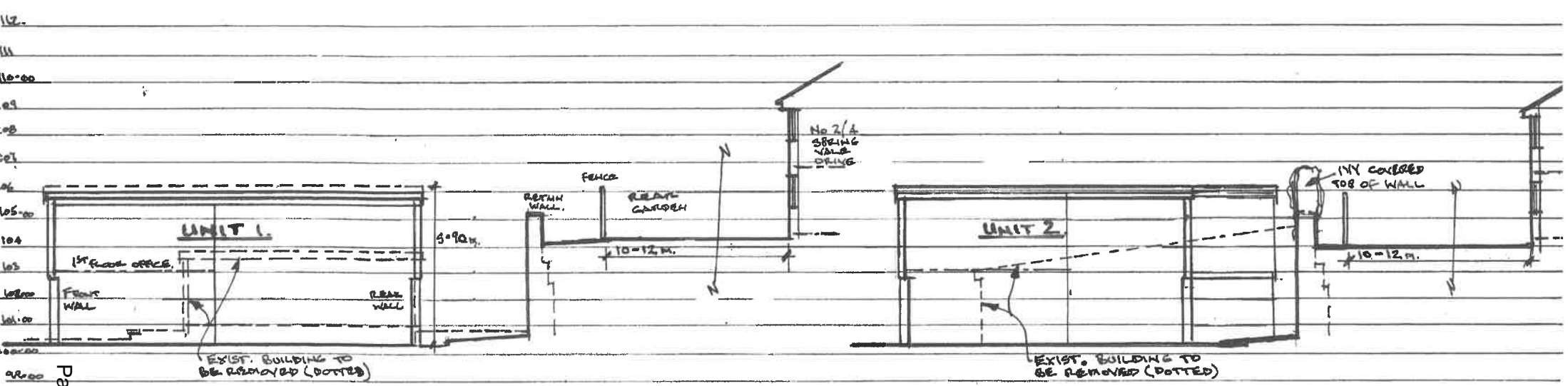
Page 80  
Drawn by  
**N.B.**

Drawing No.  
**2 'N/B'**

**PART OF 'B'  
DRAWING 2**

**F.A.O.  
JENNIE  
TOWNSEND**





SECTION A-A. THRO' SITE 1:200

SECTION B-B.

SECTIONS THRO' SITE 1:200

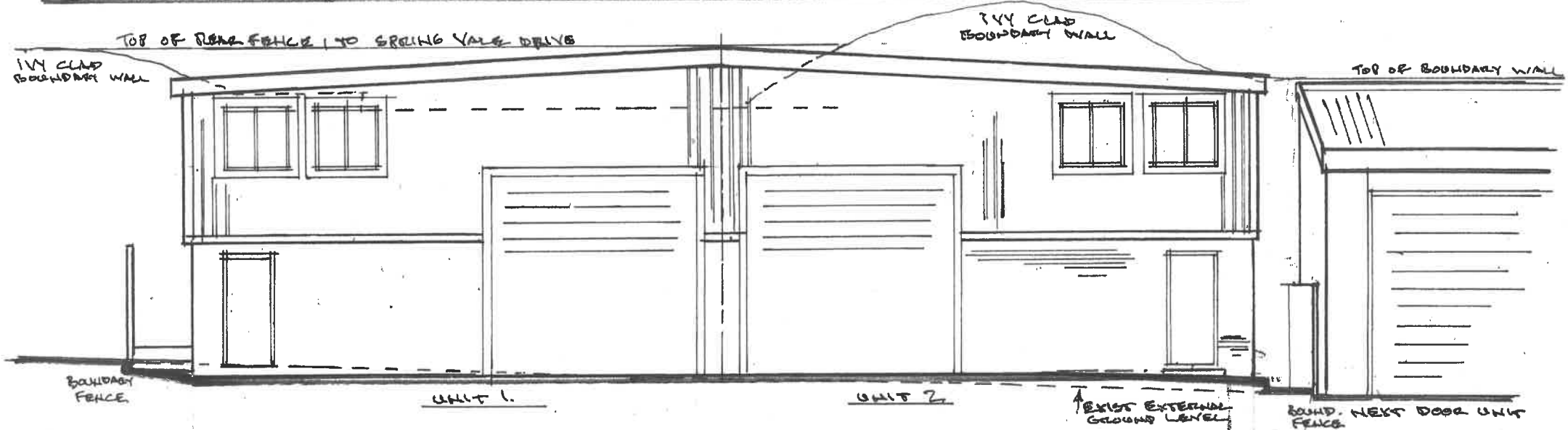
PROPOSED NEW INDUSTRIAL UNITS, WITH OFFICES,  
AT SPRING VALE ST., TOTTINGTON, BURY

DATE  
NOV. 19.

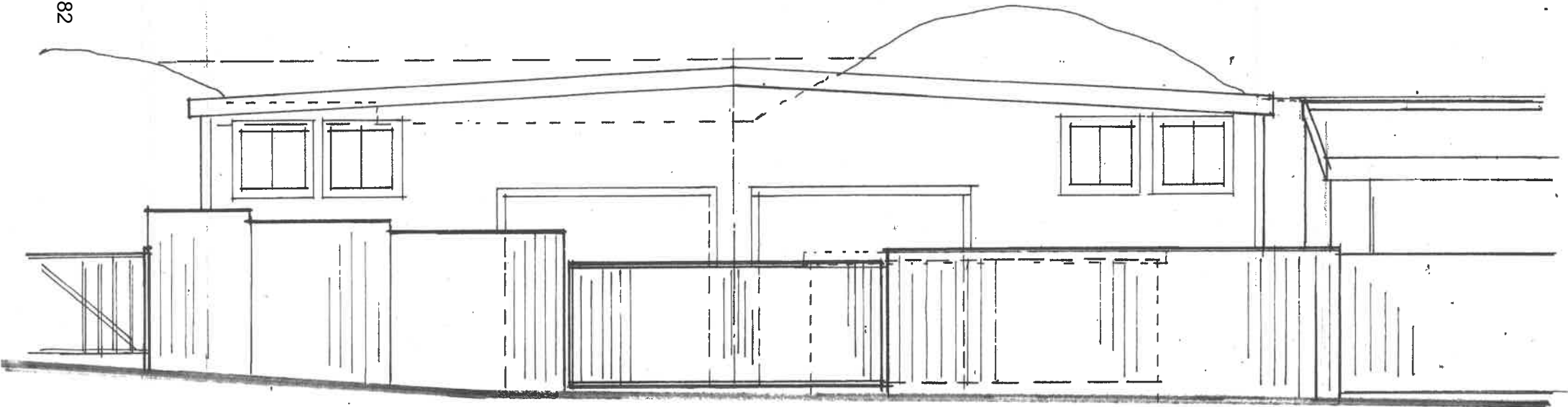
NO.  
DWG. No 3.

*Planning*

# PROPOSED STREET SCENE ELEVATIONS - SPRING VALE ST.



## PROPOSED FRONT ELEVATIONS OF MAIN BUILDINGS, TO REAR OF YARDS 1:100



## PROPOSED FRONT ELEVATION ON SPRING VALE ST, WHEN GATES CLOSED

FEB 20

DWG. No 5

PLANNING



**Ward:** North Manor

Item 04

**Applicant:** Mr & Mrs Hoyle

**Location:** Ivy House, Bolton Road West, Ramsbottom, Bury, BL0 9RN

**Proposal:** Erection of 1 no. dwelling

**Application Ref:** 65114/Full

**Target Date:** 11/05/2020

**Recommendation:** Approve with Conditions

### **Description**

The site forms part of the rear garden to No. 1 Ivy Street. The site is level and there is a lower garden area, which is approximately 2 metres lower. There are a number of mature trees in the lower garden area. Access is taken from Ivy Street and there is parking for 2 vehicles.

There are residential properties to all boundaries.

Planning permission was granted in 2016 for the erection of a dwelling in the rear garden of No. 1 Ivy Street. The proposed dwelling would be single storey at the rear of 1 Ivy Street with a lower ground floor set into the slope of the land.

The proposed development involves the erection of a dwelling in the rear garden of No. 1 Ivy Street. The proposed dwelling would be single storey at the rear of No. 1 Ivy Street and there would be a lower floor set into the slope of the land. The proposed dwelling would be constructed from stone with a green roof and there would be a balcony along the rear elevation. The site would be accessed from Ivy Street and a ramp would provide access to parking and a garage at the lower level.

### **Relevant Planning History**

59345 - Erection of 1 no. dwelling with associated car parking and landscaping at land to rear of 1 Ivy Street, Ramsbottom. Approved with conditions - 19 January 2016.

Adjacent site

40275 - Single storey extension and car port at side and erection of conservatory on other side at 7 Ash Grove, Ramsbottom. Approved with conditions - 25 February 2003

40314 - Conservatory at rear at 5 Ash Grove, Ramsbottom. Approved with conditions - 21 March 2003.

57624 - First floor extension at side, dormers at front and rear at 467 Bolton Road West, Ramsbottom. Approved with conditions - 30 June 2014.

### **Publicity**

The neighbouring properties were notified by means of a letter on 19 March 2020.

6 letters have been received from the occupiers of 1, 3, 5, 7 Ash Grove, Nabbs Farm, 434 Bolton Road, which has raised the following issues:

- As the proposed house will have 4 bedrooms, what provision has been made for parking? There will be a garage, but what about the other properties?
- In an agreement with the previous owner, Number 3 parked their cars at the rear of the property, but this is not the case. And forces those vehicles to park in the bays on the

opposite side of Bolton Road.

- The house would overlook our land as the trees have been cut down.
- The building will impact upon the occupiers of the bungalow behind the new build.
- The soak away would be located behind a stone retaining wall.
- I would ask that the application is deferred until coronavirus is dealt with.
- The proposal will impact upon our property and a site visit is imperative to see this.
- The scale of the development makes this over development of the site and contrary to the previous application that was approved.
- The proposed garage would be built where a pond is currently. This is a natural feature caused by the run off from the surrounding gardens. This has increased in size with the recent flooding in the area.
- The height of the garage is out of keeping with the surrounding buildings.
- This is a second application for the land and we objected to the first application.
- We object as the house appears to be a large structure on a small site and the garage will impact on light.
- Concerned about drainage.
- Impact on wildlife as the birds that frequent our garden come from the trees on the land concerned.
- Concerned about the lack of privacy from the balconies and the loss of trees.
- The siting, design and height of the garage will impact. The land would be raised by 1.52 metres above the current levels. The height of the garage is 3 metres, giving an overall height of approx 5 metres.
- The construction would result in a wall 5 metres high and 7.7 metres in length along the boundary of our property and would affect afternoon sunlight to our conservatory and garden.
- The height of the garage is in excess of a normal garage and implies the intention of more than domestic use.
- A normal garage, with a height of 2.1 - 2.4 metres at the existing levels could not be objected to.
- Is Section 106 applicable? If so, the applicant should be made responsible for the cost of providing resident only parking on Bolton Road West and Ash Grove and NO PARKING restrictions on the lowest part of Ash Grove.

The neighbouring properties and objectors were notified of revised plans by means of a letter on 11 June 2020. The revisions included the lowering the finished floor level of the proposed dwelling and relocating the proposed garage.

Any comments received will be reported in the Supplementary Report.

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

#### **Statutory/Non-Statutory Consultations**

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

**Drainage Section** - No response.

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

**Environmental Health - Air Quality** - Recommend the inclusion of a condition relating to electric vehicle charging points.

**Waste Management** - No response.

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

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

**Pre-start Conditions** - Awaiting confirmation that agent agrees with the 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
H2/6	Garden and Backland Development
EN1/2	Townscape and Built Design.
EN1/3	Landscaping Provision
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8/2	Woodland and Tree Planting
HT2/4	Car Parking and New Development
HT4	New Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

### **Issues and Analysis**

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

**Principle (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 boundary and there are residential properties to all boundaries. The proposed development would not conflict with the surrounding land uses and would be located in a sustainable location with regard to public transport and services. The principle of residential development was established in 2016 when planning consent was granted for a single dwelling. 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 in the rear garden of No. 1 Ivy Street and would be two storeys in height. The proposed dwelling would be set into the sloping site and only the ground floor of the building would be visible from street level, with the lower ground floor below. The proposed dwelling would be modern in design and would

use traditional material of stone with a green roof. The proposed materials would add interest and break up the elevations. There is a variety of materials and the style of dwellings in the immediate area and as such, the proposed dwelling would not be a prominent feature within the streetscene.

Revised plans have been received, which have relocated the proposed garage to the south eastern corner of the site, which would reduce the impact upon the neighbouring properties by not requiring alterations to levels meaning the height of the structure and mass has moved away from Nos 5 and 7 Ash Grove. The proposed dwelling would have a rear garden and the level of private amenity space would be acceptable. The bins would be stored to the north of the site and would not be visible within the streetscene. The proposed boundary treatment would be either a wall or a timber fence, which would be acceptable. Therefore, the proposed development would be in accordance with Policies H2/1, H2/2, EN1/2, EN2/1 and EN2/2 of the Bury Unitary Development Plan.

**Impact upon residential amenity** - SPD6 provides guidance on aspect standards between residential properties. If there is a difference in levels of 2.5 metres between the sites, the aspect standards must be increased by 3 metres. i.e. for a 3 storey dwelling, the aspect standard between directly facing windows would be 23 metres

There would be 27 metres between No. 1 Ash Grove and the gable elevation of the proposed dwelling. This would be in excess of the 13 metre aspect standard, based on a two storey blank wall and in excess of the 16 metre aspect standard, which takes into account the difference in levels.

There would be 37 metres between No. 3 Ash Grove and the proposed dwelling. There would be 34 metres between the rear of No. 5 Ash Grove and the proposed dwelling and garage. Both these distances would be in excess of the 23 metres aspect standard required.

There would be 17.5 metres between the building to the south and the proposed garage; 23.7 metres between the proposed balcony and the building to the south and 25.2 metres between the proposed dwelling and the building. The distances would exceed the aspect standards required.

There would be 20.2 metres between the proposed dwelling and No. 7 Ash Grove and 21.7 metres between the proposed balcony and No. 7 Ash Grove. No. 7 Ash Grove is located on an angle in relation to the proposed dwelling and the distance of 20.2 metres would be acceptable as there would not be a direct relationship.

Opaque full height glazing would be provided adjacent to the boundary with No. 461 Bolton Road West, which would prevent any overlooking.

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

**Trees** - The previous approval on site resulted in the removal of 6 trees and a group of trees but retained 8 trees along the southern and western boundaries. The trees to be removed as part of the previous consent were all category C or U and as such, were of poor quality.

The proposed garage would be located in the south eastern corner of the site and the existing trees would need to be removed. This is considered to be acceptable as the trees are of poor quality. The proposed landscaping plan involves the planting of pleach trees along the southern and western boundaries, which would act as a screen and would replace the trees removed. GM Ecology Unit has no objections to the proposal, subject to the inclusion of conditions relating to nesting birds and a landscaping scheme. Therefore, the proposed development would be in accordance with Policy EN8/1 of the Bury Unitary Development Plan.

**Highways issues** - The proposed dwelling would be accessed from Ivy Street and would share this access with the existing dwelling. There would be an acceptable level of visibility at the junction of Ivy Street and Bolton Road West. Turning facilities for both properties would be provided. The Traffic Section has no objections in principle and further comments will be reported in the Supplementary Report. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies H2/1 and H2/2 of the Bury Unitary Development Plan.

**Parking** - SPD11 states that the maximum parking standards for a 4 bed dwelling is 3 spaces.

The proposed development would provide 3 parking spaces for the proposed dwelling and 2 parking spaces would be retained for use by the existing dwelling. The proposed development would comply with the maximum parking standards and would provide appropriate parking facilities for the existing dwelling. 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 relating to traffic, parking, privacy, loss of light, have been addressed in the report above.
- A condition requires the applicant to submit a drainage scheme.
- The case officer has undertaken a site visit.
- The garage has been reduced in height and re-located to the opposite side of the site.
- GM Ecology Unit has no objections, subject to the inclusion of conditions relating to nesting birds and landscaping.
- Planning obligations would not apply in this case. The applicant is providing parking within the site for the existing and proposed dwellings and complies with the maximum standards.
- All planning applications received will be dealt with and determined during this time and the extract below from the Planning Update letter issued in March 2020 by the Chief Planner for the Ministry of Housing, Communities and Local Government is clear in the expectation for decision making to continue - 'It is important that authorities continue to provide the best service possible in these stretching times and prioritise decision-making to ensure the planning system continues to function, especially where this will support the local economy.' Planning and Development Management is considered by the Council to be a Priority 1 Service during the current pandemic concern. Planning applications and processes are continuing within safe and as close as possible to normal practices and staff hold letters of authorisation to carry out their duties.

#### **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 ZT19-196-01, ZT19-196-03 B, ZT19-196-04 B, ZT19-196-05 B, ZT19-196-06 B, ZT19-196-07 B, ZT19-196-08 B, ZT19-196-09 A, ZT19-196-10 B, ZT19-196-11 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. Details/Samples of the (materials/bricks) to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials/bricks shall be used for the construction of the development.

Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity.

4. No development shall commence unless and until:-

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

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

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

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

6. 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.

7. A landscaping scheme shall be submitted to, and approved by the Local Planning Authority prior to the commencement of the development. The contents of the plan should include native tree and shrub planting and the provision of bat

bricks/tubes within the new development and bat and bird boxes. The approved scheme shall thereafter be implemented not later than 12 months from the date the building(s) is first occupied or within the first available tree planting season,; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

8. 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.

9. The turning facilities indicated on the approved plans shall be provided before the development is brought into use and shall subsequently be maintained free of obstruction at all times.

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

Policy H1/2 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development  
Policy EN1/2 - Townscape and Built Design

10. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use for the existing and the proposed dwelling prior to the dwelling hereby approved being brought into use.

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

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

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

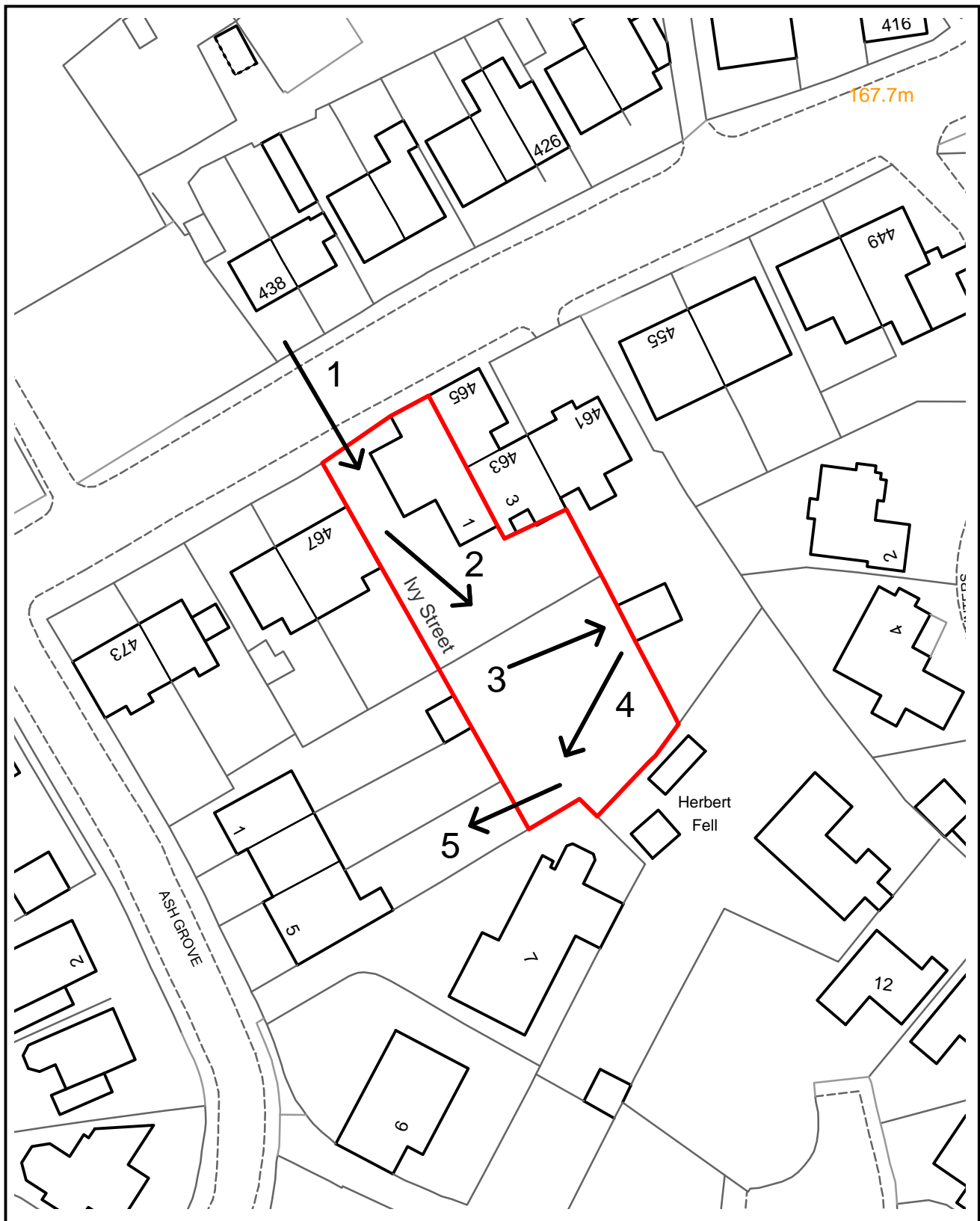
The approved plan shall be adhered to throughout the demolition/construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition and construction periods. The areas identified shall not be used for any other purposes other than the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

Reason. Information not submitted at application stage. To 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.

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

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

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

**APP. NO 65114**

**ADDRESS: Ivy House, Bolton Road West  
Ramsbottom**

**Planning, Environmental and Regulatory Services**

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**Bury**  
COUNCIL

65114

Photo 1



Photo 2





Photo 3



Photo 4

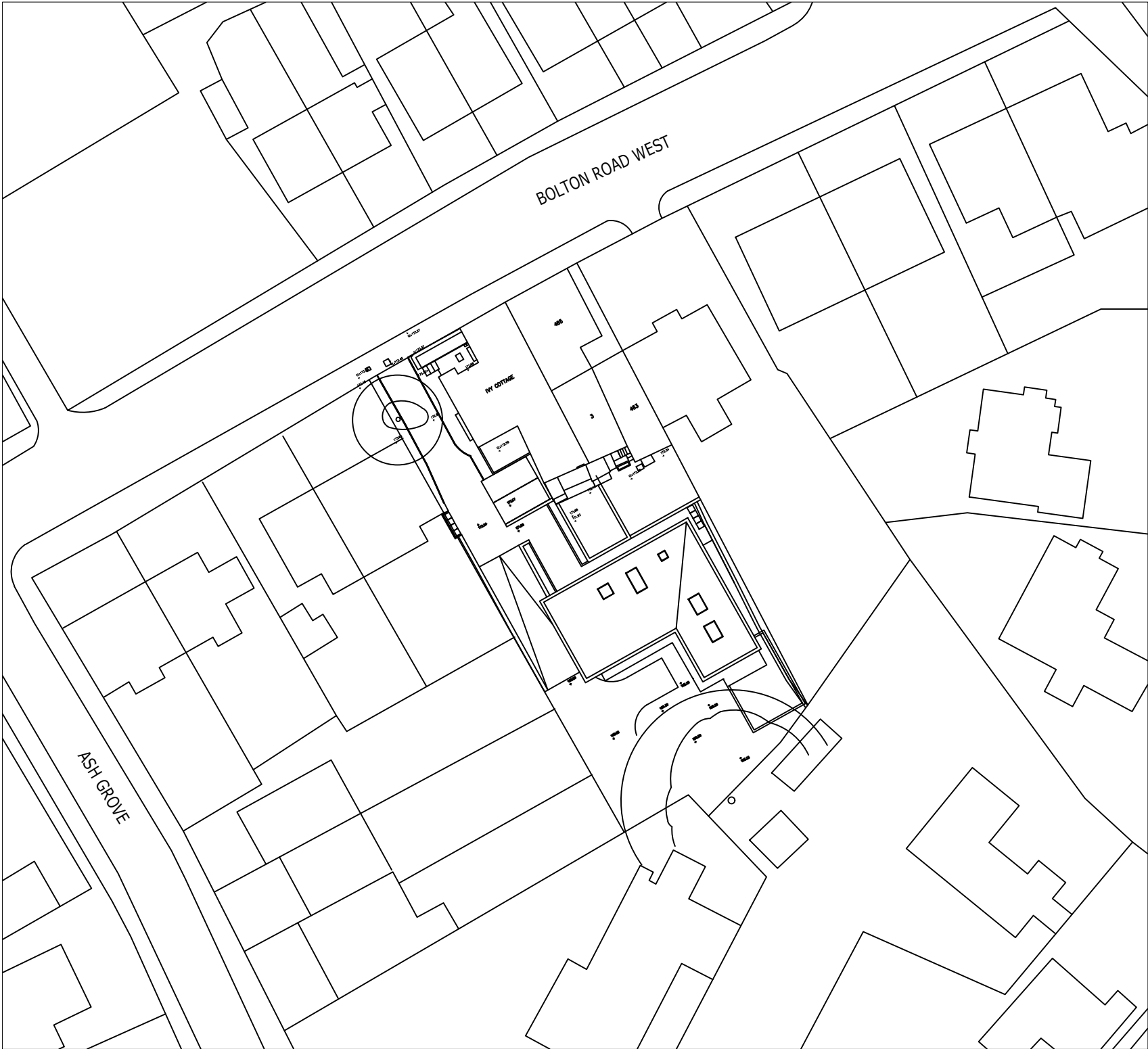




65114

Photo 5





01 Proposed Site Plan  
Scale 1:500

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All component sizes and references to be checked before ordering



SURVEY ORIENTATED TO MAGNETIC NORTH

B	Garage Repositioned	10.06.20	ZT	
A	Detail added to plan	01.04.20	ZT	
Rev	Description	Date	By	Chk

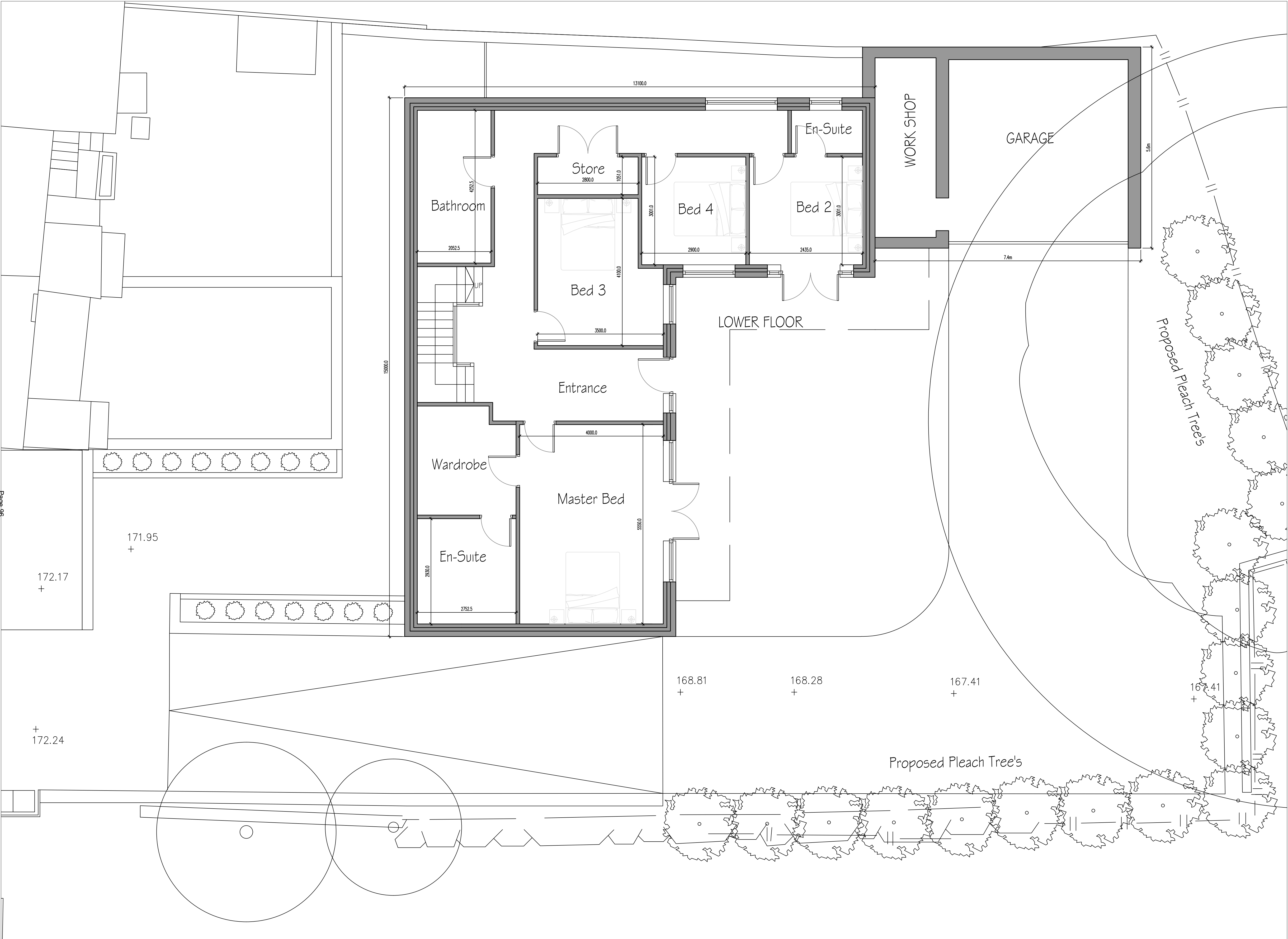
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Planning	<input type="checkbox"/>	Tender	<input type="checkbox"/>	PLANNING
Construction	<input checked="" type="checkbox"/>	As Built	<input type="checkbox"/>	

Client  
Mr & Mrs Hoyle

Contract  
Proposed New Build Property

Drawing  
Proposed Site Plan

Drawing No.	ZT19-196-03	Revision	B
Scales	1:500 @ A3	Date	Jan '20
Drawn	ZTT	Checked	



Page 96

01 Proposed Lower Floor Plan  
Scale 1:50

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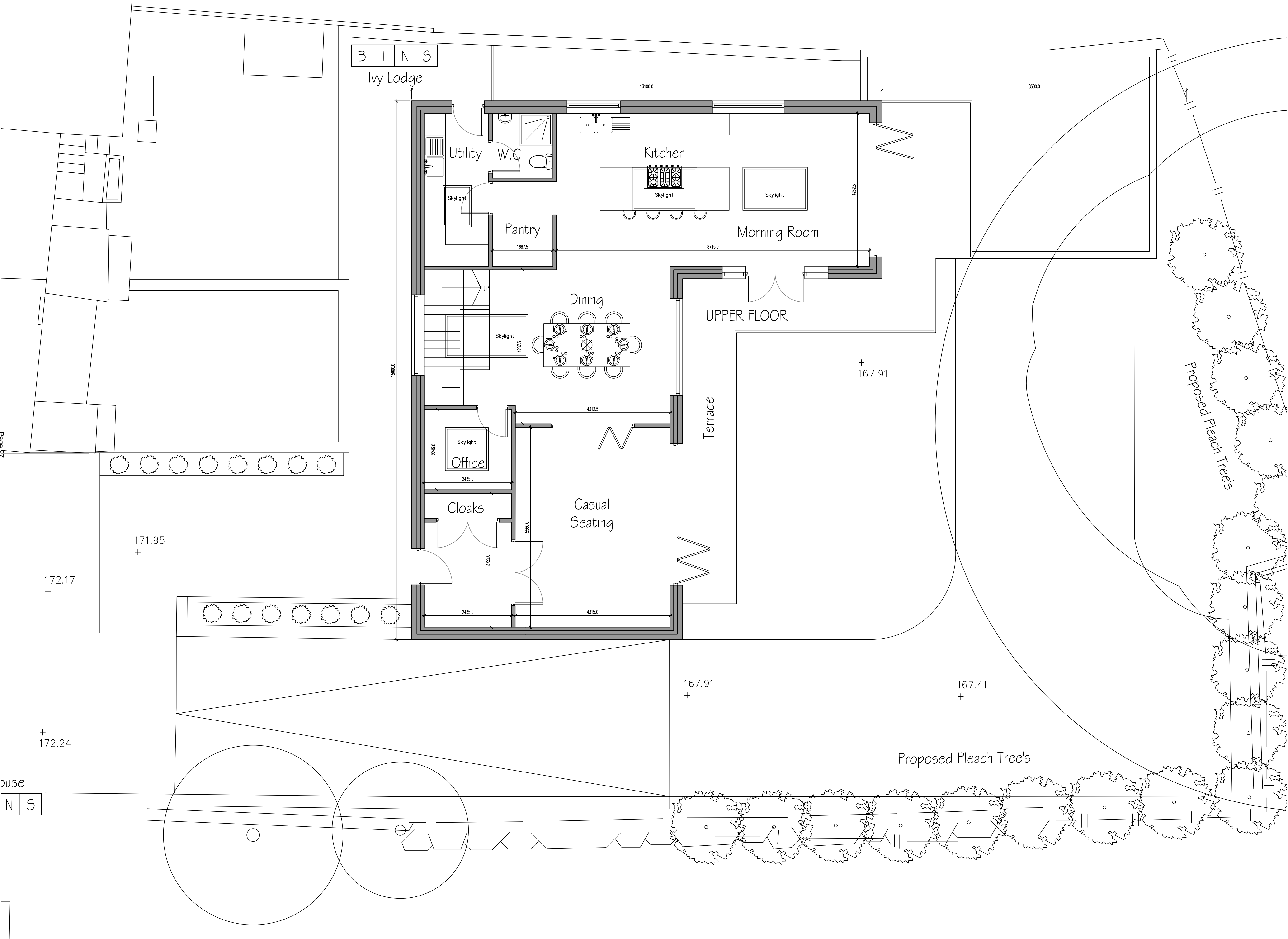
All component sizes and references to be checked before ordering

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

B	Garage repositioned	10/06/20	ZTT	
A	Property lowered into site. Extra Pleach trees added	03/06/20	ZTT	
Rev	Description	Date	By	Chk
Status		Purpose for Issue		
Survey		<input type="checkbox"/> Tender	<input type="checkbox"/>	
Construction		<input checked="" type="checkbox"/> As Built	<input type="checkbox"/>	
Client				
Mr & Mrs Hoyle				
Contract				
Proposed New Build				
Drawing				
Proposed Lower Floor Plan				
Drawing No. ZT19-196-04		Revision	B	
Scales 1:50		Date	Oct '19	
Drawn ZTT		Checked		





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All relevant boundary positions are to be checked prior to proceeding

B	Garage repositioned	10/06/20	ZTT	
A	Property lowered into site. Extra Pleach trees added	03/06/20	ZTT	
Rev	Description	Date	By	Chk

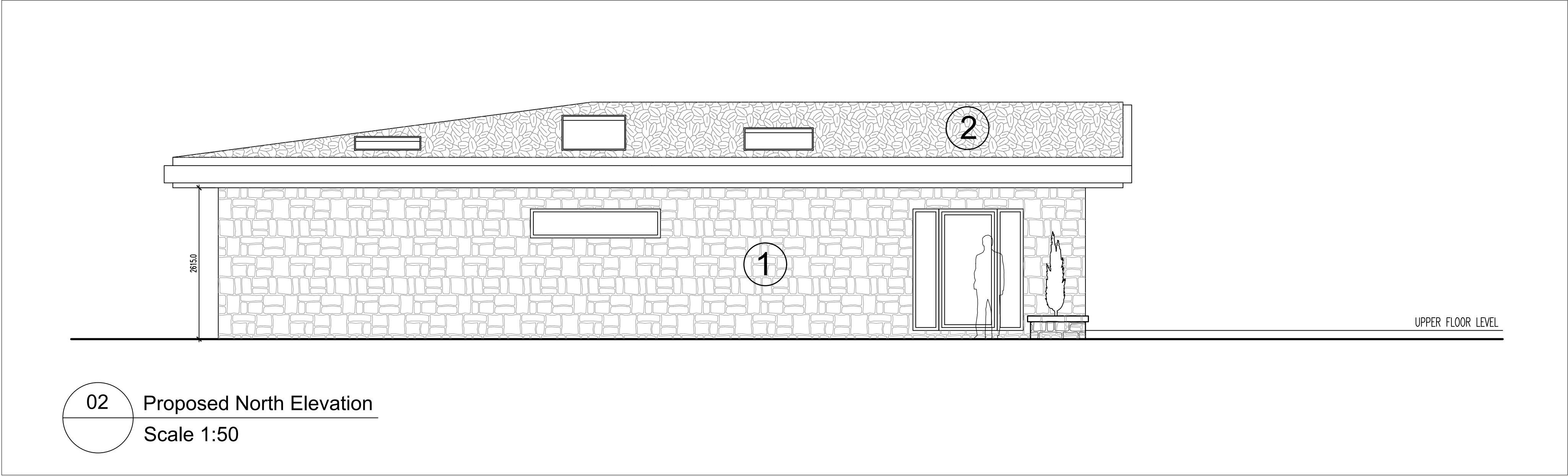
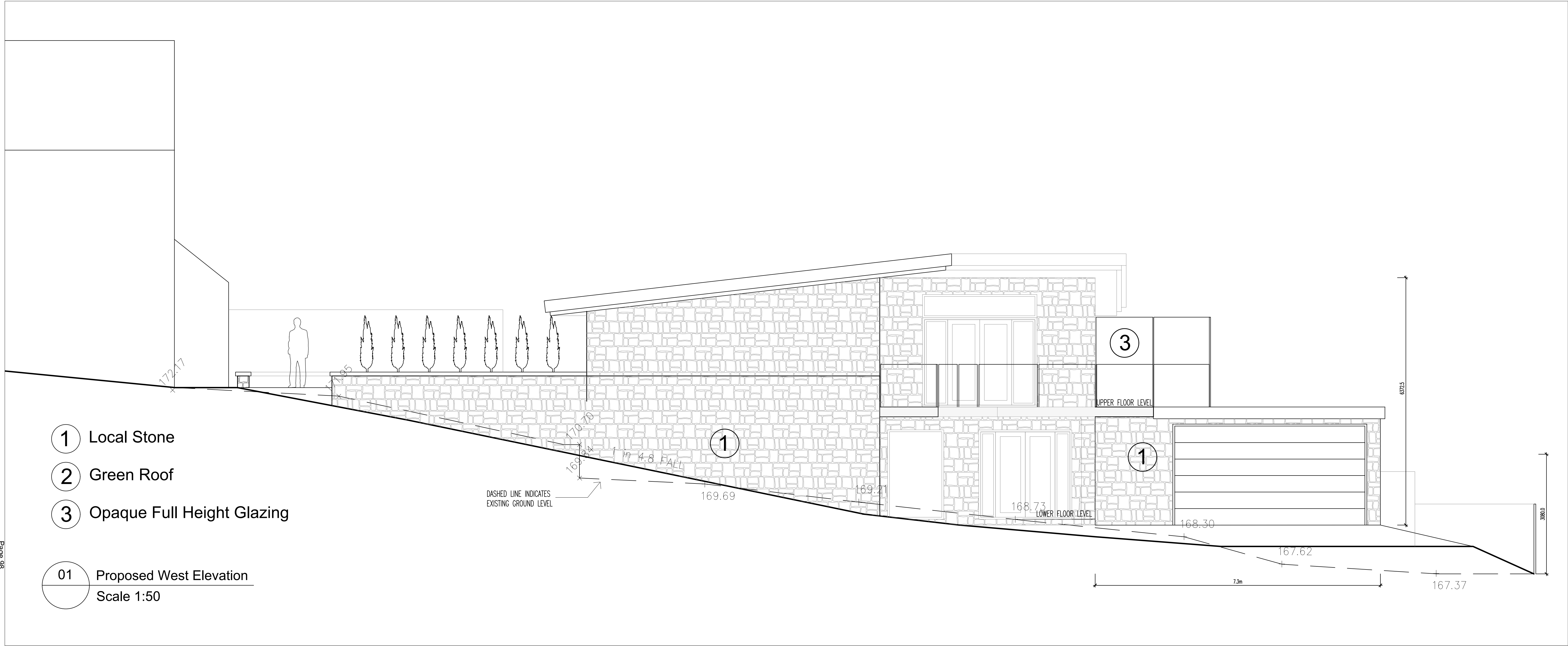
Status	Purpose for Issue
Survey	<input type="checkbox"/> Tender <input type="checkbox"/>
Construction	<input checked="" type="checkbox"/> As Built <input type="checkbox"/>

Client  
Mr & Mrs Hoyle

Contract  
Proposed New Build

Drawing  
Proposed Upper Floor Plan

Drawing No.	ZT19-196-05	Revision	B
Scales	1:50	Date	Oct '19
Drawn	ZTT	Checked	



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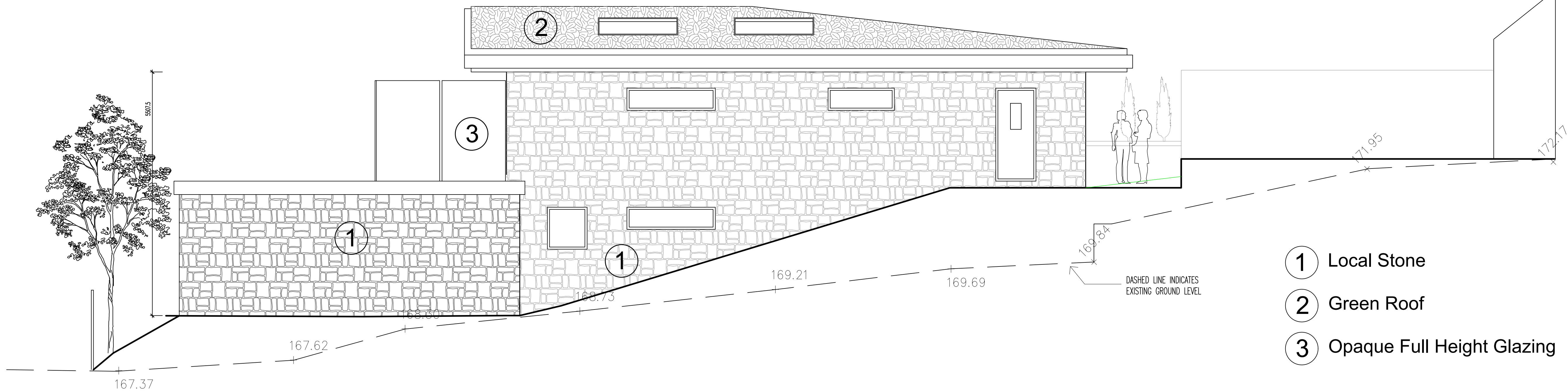
All discrepancies between information shown on the drawings and the information in the specification to be referred to the architect prior to proceeding.

All component sizes and references to be checked before ordering

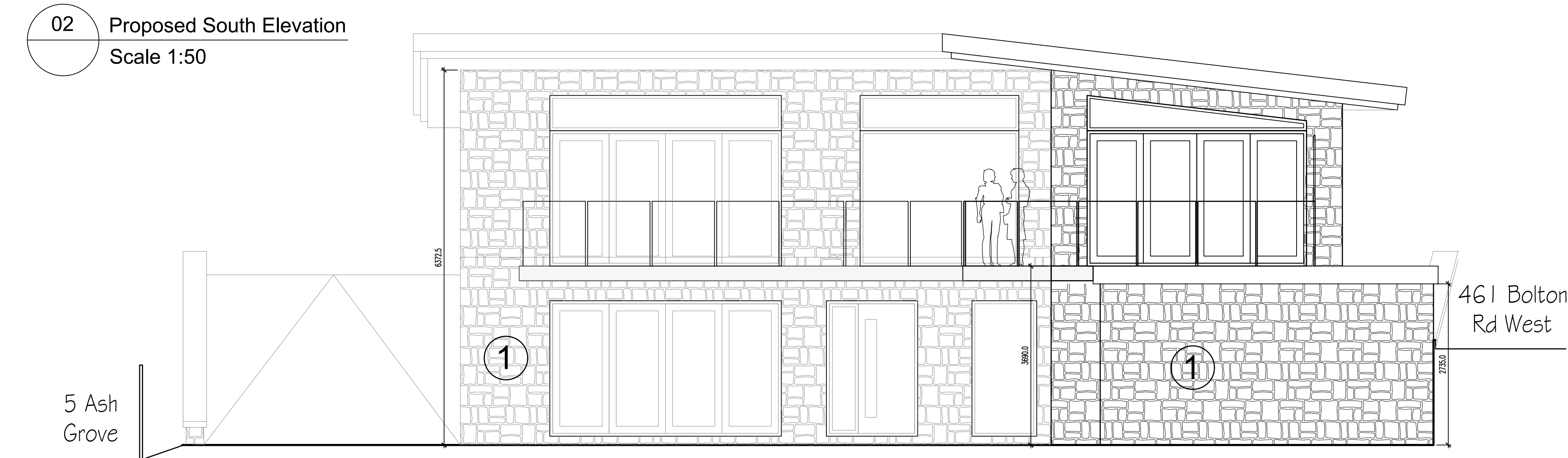
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All relevant boundary positions are to be checked prior to proceeding

B	Garage repositioned	10/06/20	ZTT	
A	Property lowered into site. Extra Pleach trees added	03/06/20	ZTT	
Rev	Description	Date	By	Chk
Status		Purpose for Issue		
Survey	<input type="checkbox"/>	Tender	<input type="checkbox"/>	
Construction	<input checked="" type="checkbox"/>	As Built	<input type="checkbox"/>	
Client				
Mr & Mrs Hoyle				
Contract				
Proposed New Build				
Drawing				
Proposed Elevation Sheet 1 of 2				
Drawing No. ZT19-196-07		Revision	B	
Scales	1:50	Date	Oct '19	
Drawn	ZTT	Checked		



01 Proposed East Elevation  
Scale 1:50



02 Proposed South Elevation  
Scale 1:50

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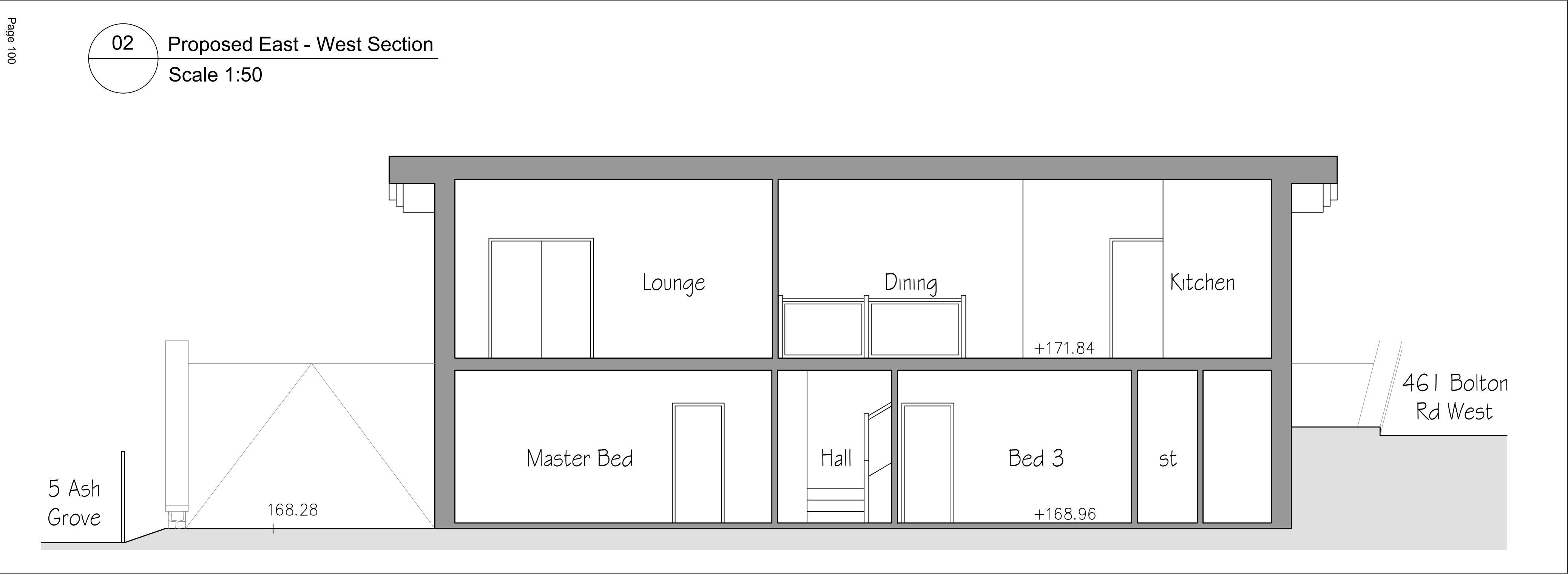
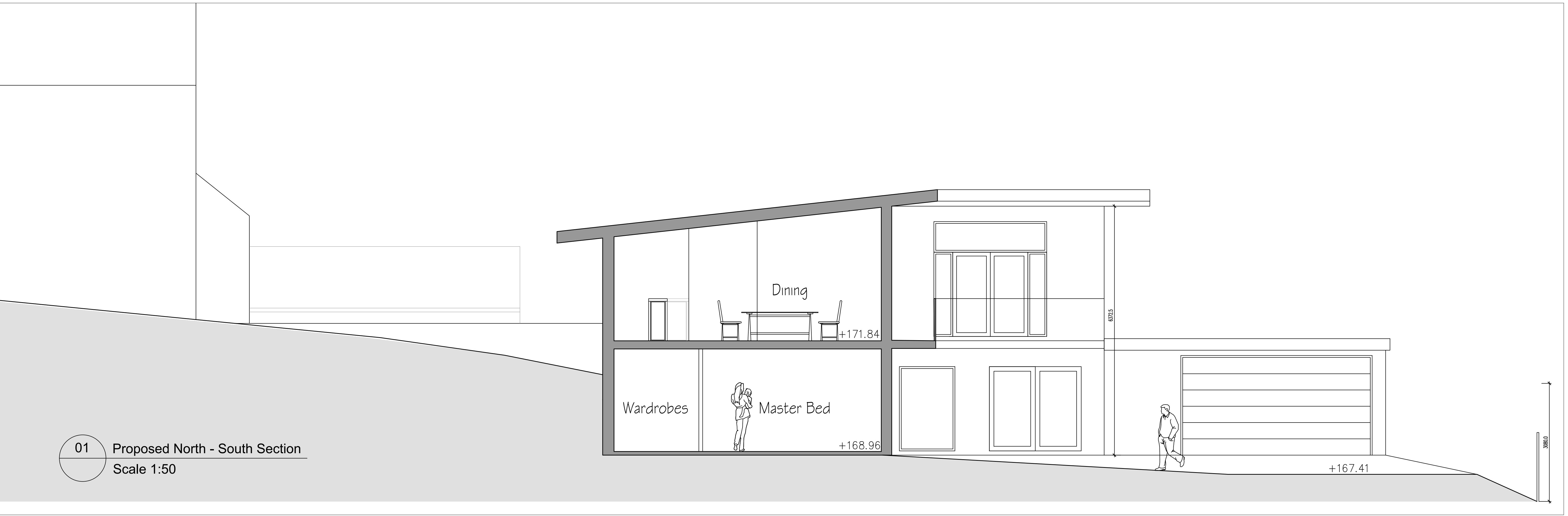
All component sizes and references to be checked before ordering

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

B	Garage repositioned	10/06/20	ZTT			
A	Property lowered into site. Extra Pleach trees added	03/06/20	ZTT			
Rev	Description	Date	By	Chk		
Status		Purpose for Issue				
Survey	<input type="checkbox"/> Tender	<input type="checkbox"/>				
Construction	<input checked="" type="checkbox"/> As Built	<input type="checkbox"/>				
Client						
Mr & Mrs Hoyle						
Contract						
Proposed New Build						
Drawing						
Proposed Elevation Sheet 2 of 2						
Drawing No. ZT19-196-08		Revision	B			
Scales	1:50	Date	Oct '19			
Drawn	ZTT	Checked				





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Rev	Description	Date	By	Chk
B	Garage repositioned	10/06/20	ZTT	
A	Property lowered into site. Extra Pleach trees added	03/06/20	ZTT	

Status Purpose for Issue

Survey ☐ Tender ☐

Construction ☒ As Built ☐

Client

Mr & Mrs Hoyle

Contract

Proposed New Build

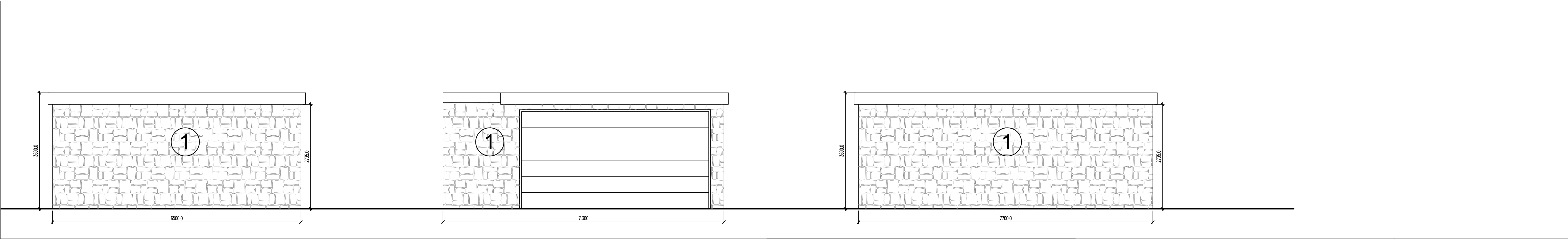
Drawing

Proposed Site Sections

Drawing No. ZT19-196-11 Revision B

Scales 1:50 Date Feb '20

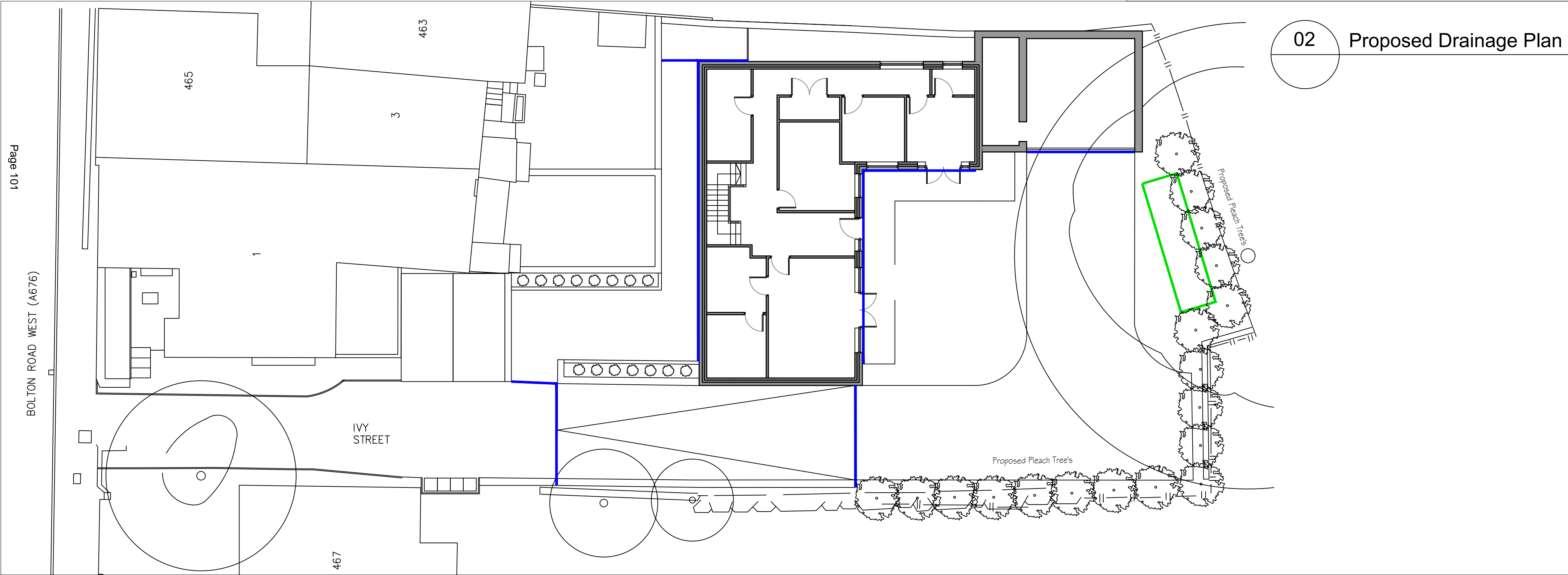
Drawn ZTT Checked



- 01
- Proposed Garage Elevation

Scale 1:50
- 1
- Local Stone
- 2
- Green Roof
- 3
- Opaque Full Height Glazing

- Proposed Drainage:
1.
- Proposed Aco Drain Locations
2.
- Proposed Soak away location



- Bin Storage:
1.
- Bins area for Ivy House is to be created at the top of the ramp - This will be fenced and will hold 4 bins (1x Black/Brown/Blue/Green).
2.
- Bins area for Ivy Lodge is to be created on the upper floor adjacent to the utility door - This will hold 4 bins (1x Black/Brown/Blue/Green).
- Note - Bins from both properties will be stored in there current location on Bolton Road West on bin collection day.
- Boundary Treatments:
1.
- New tree's to be planted along southern boundary of site.
2.
- Existing hedges to be reestablished down east/west boundaries.
3.
- Small ornamental shrub/trees to be planted near entrance to property.
4.
- Any boundary walls are to be repaired where needed.
5.
- New fencing to be installed where there is no existing walls.
- Landscaping Materials:
1.
- Area to the south of the house to be newly grassed.
2.

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Rev	Description	Date	By	Ch		
Status		Purpose for Issue				
Survey	<input type="checkbox"/> Tender	<input type="checkbox"/>				
Construction	<input checked="" type="checkbox"/> As Built	<input type="checkbox"/>				
Client						
Mr & Mrs Hoyle						
Contract						
Proposed New Build						
Drawing						
Proposed Garage Elevations, Drainage, Bins and Landscaping						
Drawing No.	ZT19-196-10	Revision	B			
Scales	1:50	Date	Feb '20			
Drawn	ZTT	Checked				

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**Ward:** Prestwich - Sedgley

**Item 05**

**Applicant:** Mr John Nightingale

**Location:** 38 Deyne Avenue, Prestwich, Manchester, M25 1EJ

**Proposal:** Construction of 1 no. dwelling at the side and forming car parking spaces to the rear

**Application Ref:** 65261/Full

**Target Date:** 23/04/2020

**Recommendation:** Approve with Conditions

### **Description**

The application site relates to the side garden and garage of a 2 storey residential terraced dwelling which is located at the end of a row of similar house types. The immediate area characteristically comprises rows of 2 storey terraced houses with houses to the north west fronting Deyne Avenue and to the south west are the rear of properties whose frontages face Mountfield. The northern boundary of the site is defined by a treed and overgrown embankment on top of which runs the metrolink.

The site is located at the most north eastern end of Deyne Avenue with the front of these houses accessed by a pedestrian walkway only, the road itself stopping short some 35m away. There is an unmade and cobbled access at the rear (Back Deyne Avenue) which runs between the rear of the properties and those on Mountfield, which is a single car width and where residents gain access to either their garages or back yard areas where the bins are also stored.

The site itself comprises the side garden of No 38 and is a slightly irregular shape due to the position of the embankment along the northern boundary. The site currently accommodates a single brick built garage, and a dilapidated lean-to which is fabricated from corrugated metal. At the rear of No 38 is a smaller outbuilding/shed structure and space to park 2 cars.

The application proposes the demolition of the garage and lean-to and the construction of 1 No. 3 bedroomed dwelling with parking at the rear.

The dwelling would be a 2 storey terraced, attached to the side gable of No 38 and would follow the roof line of this row of properties in a similar form and scale. It would have a small front dormer and rear projected outrigger of 2.6m, set away from the side boundary of No 38 by 1.2m, and similar to the arrangement of other properties on this row. The front of the dwelling would be the main pedestrian access which would lead to a small garden area and the entrance.

A small yard area at the rear would provide some outside space and bin store area with parking provided for 2 cars which would be accessed via Back Deyne Avenue.

Along the northern boundary of the site and adjacent to the metrolink embankment would be a post and rail fence. It is proposed to retain all trees on the embankment, with the loss of one tree at the front of the property in the existing garden.

Internally, the ground floor would comprise the living accommodation and kitchen with 2 bedrooms and bathroom at 1st floor and a further 3rd bedroom and en-suite in the roofspace and dormer.



The dwelling would be constructed of red brick with a natural slate roof and white framed windows to match the existing row of houses.

Layout of No 38 Deyne Avenue :

This property would undergo little in the way of alterations.. On the rear outrigger, a doorway would be blocked up and the entrance re provided on the side elevation via a set of steps. The frontage would be retained as existing. At the rear, 2 parking spaces, area for bin storage and small yard would be provided.

**Relevant Planning History**

None applicable

**Publicity**

Letters sent on 4/3/2020 to 31 properties at Nos 9-33 (odds) Mountfield, 20-36 Deyne Avenue (evens), 9, 11,13, (odds) Deyne Avenue.

Six letters of objection received from Nos 5, 7, 9, 13, 22, 34 Deyne Avenue with the following issues raised:

- Some residents not notified. Who received letters of proposal ? No 7 requires disabled access at all times but no letter received
- There are issues for Metrolink digging in the embankment, causing subsidence/ damaged trees
- Access at rear for builders blocked by 4 dustbins at each house to the rear of the properties of the adjacent road.
- Access at front by widened footpath is unacceptable will cause access problems to adjacent properties and also Nos 9,11,13
- If builders and materials park opposite no 9 it will block access to 9,11,13 front and rear. We own the rear access road and often it is blocked by cars ignoring no parking signs. There is already existing damage to our posts and fence by tradespeople
- Double parking some on pavements already exists on all of Deyne Ave should the owner have more than one car as per plan there will be additional congestion.
- There is not sufficient space to build another dwelling, with the borders of land available being the far end of number 38 Deyne Avenue and the Metrolink tram track.
- Access to our property is required at all times - we are key NHS workers who work on 24 hour rotas.
- The proposed building work would be detrimental to wildlife, destroying their local habitat (including foxes, bats, birds, frogs, hedgehogs).
- My understanding is that (at least) numbers 32, 34, 36 and 38 all shared the same water main which already noticeably impacts water pressure. I am concerned about further impact caused by the additional dwelling.
- All the houses are 4 bedroom and all have minimum of 2-4 cars and there is already parking issues to the front.
- The rear of Deyne Avenue is a cobbled path and is in poor condition. This is an adopted road and should be looked after by the council, there has been some pot holes filled but the bin wagon tears up the road within a month of the holes being filled.
- If there's going to be a new build property and number 34 is in a poor run down condition then this potential is a years project, the cobbled path would not withstand this amount of traffic, especially larger vehicles than a bin wagon .
- Construction traffic will add to the congestion already experienced.
- Traffic will impact on the health and safety of residents.
- How will trees be protected.

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

**Statutory/Non-Statutory Consultations**

**Traffic Section** - No objection subject to conditions.

**Borough Engineer - Drainage Section** - No response received.

**Environmental Health - Contaminated Land** - No objection subject to conditions

**Environmental Health - Pollution Control** - No response received.  
**Waste Management** - No response received.  
**Transport for Greater Manchester** - No objection subject to conditions.  
**Greater Manchester Ecology Unit** - No objection subject to conditions and the requirement for a bat license from Natural England.  
**United Utilities** - No objection subject to a condition for the submission of a surface water drainage scheme.

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

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

NPPF	National Planning Policy Framework
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/6	Garden and Backland Development
EN5/1	New Development and Flood Risk
EN1/2	Townscape and Built Design
EN7/3	Water Pollution
EN7/5	Waste Water Management
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
EN9	Landscape
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 site is located within an established residential area and would therefore not conflict with the local environment in terms of the nature and character and surrounding land uses and there is existing infrastructure in place to facilitate the proposed development.

As such, the proposed development is considered to be acceptable in principle and would comply with UDP Policy H1/2 and the principles of the NPPF.

**Layout** - As an end plot, the side garden of No 38 is fairly generous in size, between 4.5m at the narrowest, 9.5m wide at the widest, and on average, wider than the houses which form this row. Whilst irregular in shape, the size and area of the site is physically capable of being utilised for a single residential dwelling.

The proposed dwelling would be attached to No 38 to form the end terrace on this row. It would follow the building line of the front of the houses on this row, and be of a similar width and depth as these properties, thereby reflecting the character and context of the streetscene. At the front, a small garden and pedestrian path would be formed leading to the front entrance and similar to the other houses on the row.

The side of the dwelling would be set directly next to the northern boundary and embankment to the metrolink, but there would be no encroachment onto this land and a boundary fence would define the area of the site. Transport for Greater Manchester (TfGM) Metrolink have been consulted on the development and raised no objection to the principle of the development. However, there could be the potential to impact on the stability of the embankment by the works on site or by the changes to the drainage in this vicinity. Depending on the foundations proposed, monitoring of the embankment would be required and a condition would be recommended to ensure the embankment is not de-stabilised during construction works and that a suitable drainage scheme and arrangements would be in place.

There is a substantial tree indicated on the plans which should be adequately protected during the works to ensure roots are not affected and would not de-stabilise the embankment or fall onto the track. TfGM are satisfied these issues can be addressed by an appropriate condition.

At the rear, a yard area and bin store would be provided together with 2 parking spaces which would be accessed via the back street and which is a similar arrangement to the other houses on this row which have garages or back yards.

The proposed layout plan demonstrates that a dwelling and its associated requirements of parking, bin store and amenity areas could be successfully accommodated on the plot, would reflect the layout and arrangements of the existing properties in the area and in relation to the context of the streetscape.

As such, the layout is considered acceptable and would comply with H2/1 - The Form of Residential Development, H2/2 - The Layout of New Residential Development and H2/6 - Garden and Backland Development.

**Layout of No 38 Deyne Avenue** - Whilst the development would result in the reduction to the garden area and outside space for this property, there would still be 2 parking spaces and some area for outdoor amenity and bin storage. The arrangement and layout of this property would not be dissimilar to those of the other properties on Deyne Street and it is considered that there would not be a compromise to existing or adjacent occupiers.

As such, the proposed layout of No 38 Deyne Avenue is considered acceptable and would comply with H2/1 - The Form of Residential Development, H2/2 - The Layout of New Residential Development and H2/6 - Garden and Backland Development.

**Scale, design and appearance** - The application proposes a 2 storey terrace type dwelling with a room in the roof space which would be accommodated within a dormer within the front roof plane. The dormer would be set above the roof line and well below the ridge and would be in the same position and of the same size and design as the other dormers which characterise this row.

At the rear, a 2 storey pitched roof outrigger would project from the rear of the property and would be set away from the boundary with No 38 by 1.2m. The design and scale of the outrigger would reflect that of the other outriggers which extend from the rear of this row of properties.

The facade and elevations would follow the design and appearance of the row, with a bay window and double door frontage and the upper floor windows of the same proportions and positions as the neighbours. On the side elevation, there would be a number of windows inserted which would overlook the embankment. These windows would either be secondary or to non-habitable rooms and given the site is directly next to the metrolink, with little if any possibility of this land being re-developed, windows on the side are considered to be acceptable.

Materials are proposed as red brick elevations with a slate roof and white window frames which would be in keeping with Deyne Street.

It is therefore considered that in terms of design and appearance, the proposed development would be a suitable and appropriate approach in developing out the site for residential purposes and would be consistent within the character of the streetscene and surrounding area and as such would comply with UDP Policies H2/1 - The Form of New Residential Development and EN1/2 - Townscape and Built Design and H2/6 - Garden and Backland Development.

**Impact on the surrounding area** - Located at the end of a pedestrian walkway and the terraced row, and set next to the metrolink embankment, the site is well concealed and more or less out of sight from public views. In terms of how it would be seen from public vistas, the proposed dwelling would only be visible from the upper end of Deyne Avenue, the rear access and the Metrolink.

Turning to impacts on nearby occupiers, guidance in SPD6 advises on acceptable distances between neighbouring properties and extensions, but is a useful yardstick to use for new residential development. There should be a minimum distance of 13m between a principal window to a ground floor habitable room in one property and a two storey blank wall of a neighbouring property, and a minimum distance of 7m between first floor habitable room windows and a directly facing boundary with a neighbouring property;

The house opposite, No 13 Deyne Avenue would be off-set to the proposed dwelling and there would not be a direct interface between the two properties. This property would also be 23m away. As such, it is considered that there would not be a detrimental impact on the residential amenity of No 23.

At the rear are the terraced houses on Mountfield, whose rear elevations face those of

Deyne Avenue. Like many typical terraces, these properties also have 2 storey outriggers with windows inserted at the first floor level. There would be a distance of 17.5m from the proposed 1st floor habitable room window in the new dwelling to the rear outriggers of Nos 31 and 33 Mountfield and 20m to the back wall of these properties.

There would be a distance of 8m from the proposed new window to the rear boundary of the new dwelling and over 11m from this window to the boundary wall of Nos 31 and 33. The arrangement and separation of the new property would be no different to the other relationships between the houses on Deyne Avenue and those on Mountfield and given there would be compliance with the 7m boundary rule and separation of the access road, it is considered that overlooking to the houses on Mountfield would not be detrimental to these occupiers and would be acceptable.

It is therefore considered that there would not be an adverse impact on privacy or overlooking to nearby properties and as such the proposed development is considered to be acceptable and would comply with H2/1 - The Form of New Residential Development, H2/6 - Garden and Backland Development, EN1/2 - Townscape and Built Design and SPD6.

The objectors concerns mainly focus on the access, traffic and parking problems which could arise from the development. These issues are covered in the section below.

**Access and parking** - SPD11 advises on requirements for new build residential development. For a 3 bed property, 2 spaces in a high access area are advised.

The access arrangement to Deyne Avenue is a little unusual as the road terminates in front of No 24 and access is then by footpath only which means that there is no available on street parking outside the houses at the upper end of the street. Whilst it is understood from the some residents comments that parking is an issue in the area, the development proposes to provide 2 spaces at the rear for the new 3 bed dwelling and 2 spaces for No 38 Deyne Avenue, which would be accessed via the back street. This is a similar arrangement to other properties on this row and would provide more in-curtilage parking than currently exists for some of the houses. The proposed parking provisions would comply with the guidance in SPD11 and for this location are considered to be acceptable.

In terms of traffic generation and cars using the back street to access the new property, it is considered that the scale of the development would be such that this would not create significant levels of additional traffic to the site or up and down back Deyne Street which would cause either congestion or access issues.

Bins would be stored in the rear yard areas of both the new dwelling and No 38 where they are collected by the waste team and this arrangement would be no different to the other houses.

At the front, the pedestrian footpath which runs along the front of Nos 26-38 would continue to the new property and no works would be carried out to the path which would block or impede access to the front of the other houses on the row.

It is therefore considered that the proposed access and parking would not be detrimental to the existing situation and arrangements and would not adversely affect the occupiers of the nearby properties and as such would comply with H2/1 - The Form of New Residential development, H2/2 - The Layout of New Residential Development, H2/6 - Garden and Backland Development, EN1/2 - Townscape and Built Design, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.

In terms of the construction of the proposed development, this is a different matter. The Highways Section and TfGM have recommended a condition that a plan be submitted for approval to detail how the proposed development would be constructed and carried would be required prior to the commencement of the development.

Given that the development is considered to be acceptable in principle the use of a planning condition is reasonable to secure the construction method details.

**Ecology** - A Bat Survey has been submitted with the application and the assessment identified risk as moderate due to the property's location and the presence of suitable gaps for access by bats.

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

#### Summary

Additional bat emergence surveys have been recommended in the initial Bat Report submitted with the application, and to be carried out prior to determination. Other ecological issues relating to nesting birds, Japanese knotweed and landscaping can be dealt with via condition.

**Bats** - Current guidance states it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before the planning permission is granted.

Two further bat surveys were carried out in May 2020 and a single common pipistrelle bat was identified as roosting in the gable end of the property, recorded on both emergence surveys. A license will therefore be required for Natural England. The mitigation recommended is in the opinion of GMEU adequate, although Natural England will have the final say on the level of mitigation required.

Whilst more bats may on occasion utilise the roost the surveys have occurred at the optimum time of year so it is unlikely that a significant roost is present. GMEU are therefore satisfied given that only one bat, a common pipistrelle the most common species of bat in the UK, has been identified, a licence will be issued by Natural England. GMEU recommend that a condition is applied to any permission, to state that the proposed works shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a license issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development go ahead: or
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified development will require a license

It is therefore considered that acceptable mitigation would be in place.

**Nesting Birds** - Potential bird nesting habitat will be lost, including potentially the existing roof space of the existing dwelling. 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 clearance of vegetation or trees and for bat/bird boxes to be provided.

**Invasive species** - Japanese knotweed was found on the site. Species such as Japanese knotweed are included within this schedule 9 part 2 of the Wildlife & Countryside Act 1981, as amended. It is an offence to introduce or cause to grow wild any plant listed under this schedule. In order to minimise the risk of an offence through disturbance of this plant, GMEU recommend a condition for the submission of a method statement prior to commencement of earthworks.

**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. The applicant has confirmed that one tree at the front of the property would be lost, but that all other trees within and on the boundary of the site would be retained. This includes the trees on the embankment.



The development would also result in some loss of shrubs and associated bird nesting habitat. However, it is considered the loss would be minor and could be mitigated on-site through provision of bird boxes and replacement planting. The details of this are to be conditioned.

**Response to objectors -**

- Notification letters were sent to 31 properties in the vicinity to include those directly adjacent and opposite the site. The publicity requirements of the application have therefore been statutorily satisfied.
- Conditions to provide a Construction Traffic Management plan, a drainage scheme and landscaping scheme would be included.
- All other issues raised 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 find 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 Location plan JN2-00; Existing block plan with topographical JN2-01; Existing elevations JN2-02; Proposed block plan with topographical survey JN2-03A; Proposed layout plans JN2-04A ; Proposed elevations JN2-05B 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 take place, including any works of demolition, until a Construction Traffic Management Plan (CTMP) with detailed method statements of construction and risk assessments, has been submitted to, and approved in writing by the Local Planning Authority. The approved CTMP shall include agreed safe methods of working adjacent to the Metrolink Hazard Zone and shall be adhered to throughout the construction period. The CTMP shall confirm/provide the following:
  - Construction and demolition methods to be used; including the use of cranes (which must not oversail the tramway);
  - Measures to control the emission of dust and dirt during construction;
  - Access point for construction traffic from the adopted highway via Deyne Avenue, The Crescent and the un-named access to the rear of No.'s 8 - 38 Deyne Avenue;
  - Details of construction/delivery vehicles of suitable size that can be accommodated on the vehicular access route;
  - Dilapidation survey of the footways and carriageways on the un-named access to the rear of No.'s 8 - 38 Deyne Avenue leading to and abutting the site in the

event that subsequent remedial works are required following construction of the development;

- In connection with the above, the reinstatement of any footways abutting and carriageways leading to the site the site affected by the construction of the proposed development and as a result of statutory undertakers works to serve the proposed development, to a scope and specification to be agreed;
- Hours of operation and number of vehicle movements;
- Parking on site of operatives' and construction vehicles together with storage on site of construction materials, including any requisite phasing of the development to accommodate this;
- Proposed site hoarding/gate positions, if proposed;
- Measures to ensure that all mud and other loose materials are not spread onto the adopted highway as a result of the proposed ground works operations or 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 ensure that the developer complies with all the necessary system clearances and agrees safe methods of working to meet the safety requirements of working above and adjacent to the Metrolink system, to mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, 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.

4. The formation of the new/alterd pedestrian/vehicular access and parking arrangements indicated on approved plan reference JN2-03 A, incorporating the provision of the required footway crossing, 5.0m minimum length driveways in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adjacent adopted highway, and all associated highway remedial works abutting the site required as a result of the proposed development and statutory undertakers connections to the proposed dwelling, shall be implemented to an agreed specification and to the approval of the Local Planning Authority prior to the dwelling hereby approved being occupied/access and driveway hereby approved being brought into use.

Reason. To secure the satisfactory development of the site in terms of highway safety and maintain the integrity of the adopted highway pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, EN5/1 - New Development and Flood Risk, H2/2 - The Layout of New Residential Development, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.

5. No development shall commence unless and until a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the combined public sewer, the pass forward flow rate to the public sewer must be restricted to 5 l/s.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme and prior to first occupation.

Reason. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact and to manage the risks associated with water run-off which may affect Metrolink infrastructure and tramway 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.

6. Foul and surface water shall be drained on separate systems.

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.

7. No development shall take place until full details of the boundary treatment adjacent to the Metrolink tramway have been submitted to, and approved in writing by, the Local Planning Authority.

Reason. To ensure that a safe and secure boundary treatment is installed on the boundary to the Metrolink pursuant to Bury Unitary Development Plan Policies H2/6 - Garden and Backland Development, H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and the principles of the NPPF.

8. No development shall take place until full details of the tree protection to the trees located within the Metrolink boundary have been submitted to, and approved in writing by, the Local Planning Authority.

Reason. To protect trees against root damage and to maintain the status quo with regards the stability of the embankment and which are of amenity value pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan and the principles of the NPPF.

9. Prior to the commencement of development a scheme for acoustically insulating the proposed development against noise and vibration from the adjacent Metrolink line shall be submitted to and approved in writing by the Local Planning Authority. The approved noise insulation scheme shall be completed prior to first occupation of the development hereby approved.

Reason. To secure a reduction in noise from Metrolink in order to protect future residents from noise nuisance, pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H2/1 - The Form of New Residential Development, H2/6 - Garden and Backland Development and EN7/2 - Pollution Control.

10. No works to trees or shrubs shall occur or building works commence 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. Prior to any earthworks a method statement detailing eradication and/or control and/or avoidance measures for Japanese knotweed should be supplied to and agreed in writing to the Local Planning Authority. The agreed method statement

shall be adhered to and implemented in full.

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 11 - Conserving and enhancing the natural environment.

12. The development hereby approved shall make provision for the planting of a replacement native tree and soft landscaping and vegetation/shrubbery and shall also provide no less than two bat/bird boxes. The landscaping and bat/bird boxes shall be implemented not later than 12 months from the date the building(s) is first occupied or within the first available tree planting season, and thereafter maintained, and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

13. The proposed works are likely to cause harm to common pipistrelle bats as identified in the Dusk Survey Results by Tyrer Ecological Consultants May 2020 and shall not in any circumstances commence unless the local planning authority has been provided with either:

a) a license issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development go ahead: or

b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified development will require a license

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and Section 11 of the National Planning Policy Framework.

14. 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.

15. Following the provisions of Condition 14 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.

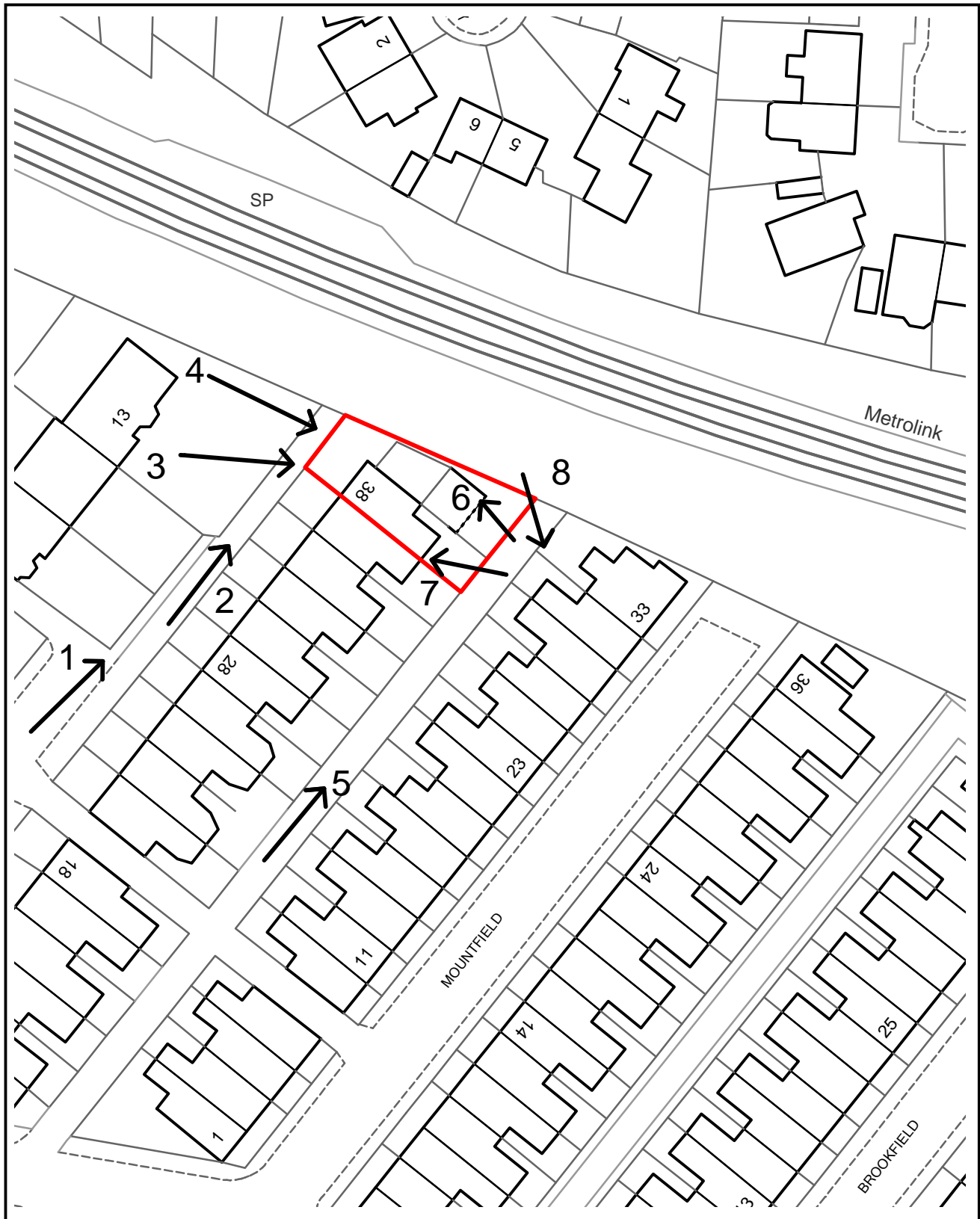
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

16. Prior to the installation of any foundation works associated with the approved development, 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 in writing by the Local Planning Authority. Only the approved materials shall be used for the construction of the development.

Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/2 - Townscape and Built design, H2/1 - The Form of New Residential Development and H2/6 - Garden and Backland Development.

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

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

**APP. NO 65261**

**ADDRESS: 38 Deyne Avenue  
Prestwich**



**Bury**  
COUNCIL

**Planning, Environmental and Regulatory Services**

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Photo 1



Photo 2



65261

Photo 3



Photo 4





65261

Photo 5



Photo 6





65261

Photo 7



Photo 8







DEMOLITION INDICATED IN PINK

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0 1 2 3 4 5 6 7 m

38 Deyne Avenue  
Prestwich  
M25 1EJ

scale 1:100 at A1  
February 2020

JN2-01 Existing Block Plan  
with topographic survey

PPY design Ltd

2 Helmshore Road, Holcombe Village  
Ramsbottom, Lancashire BL8 4PA

Gary Dearden BAC(hons) DipArch RIBA  
gary@ppy-design.co.uk www.ppy-design.co.uk  
t. 01706 822731 m. 07712 669482





A Outrigger behind 45 degree line 01.06.2020

CONSTRUCTION INDICATED IN PINK

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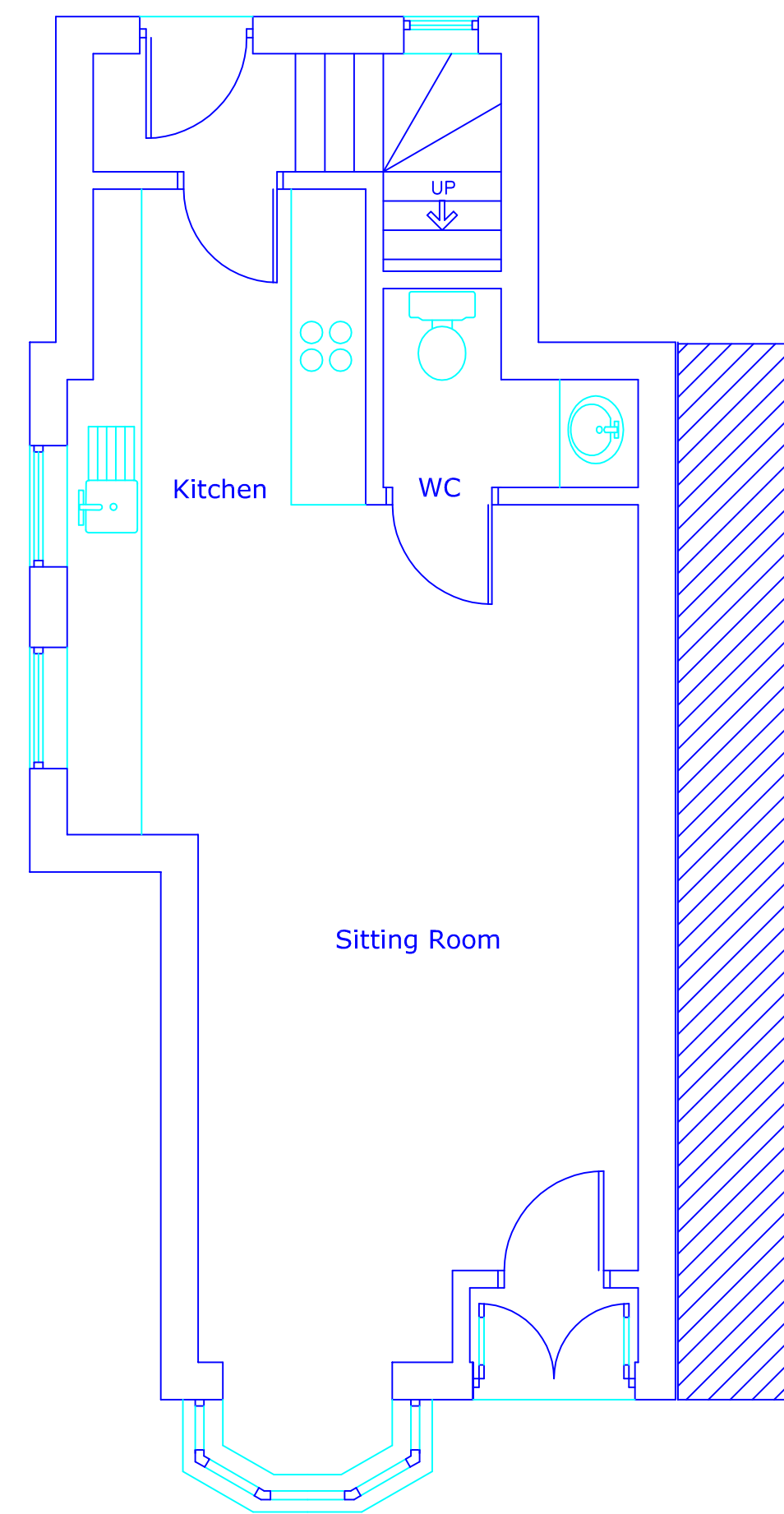
0 1 2 3 4 5 6 7 m

38 Deyne Avenue Prestwich M25 1EJ	scale 1:100 at A1 February 2020
JN2-03A Proposed Block Plan with topographic survey	
PPY design Ltd	

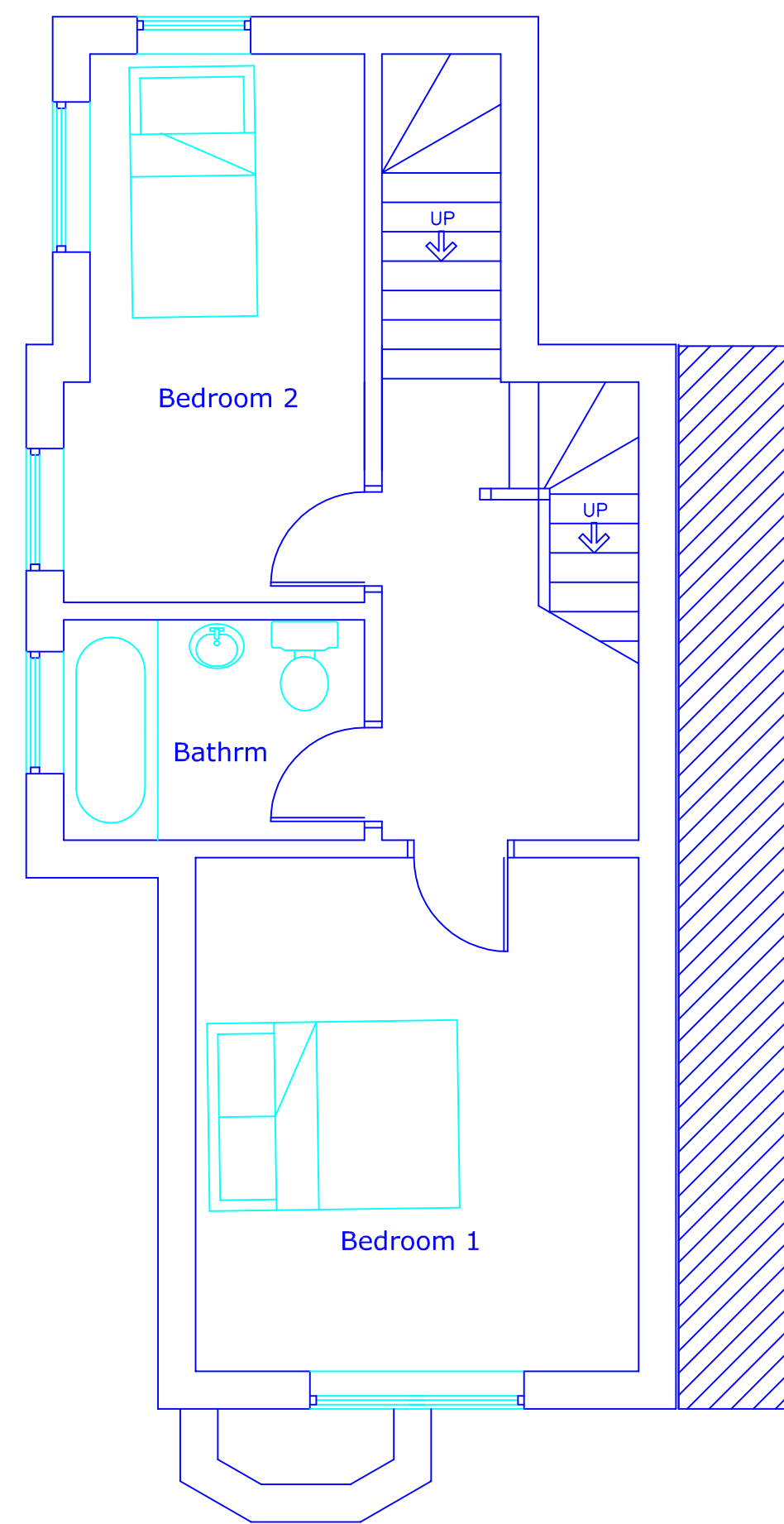
2 Helmshore Road, Holcombe Village  
Ramsbottom, Lancashire BL8 4PA

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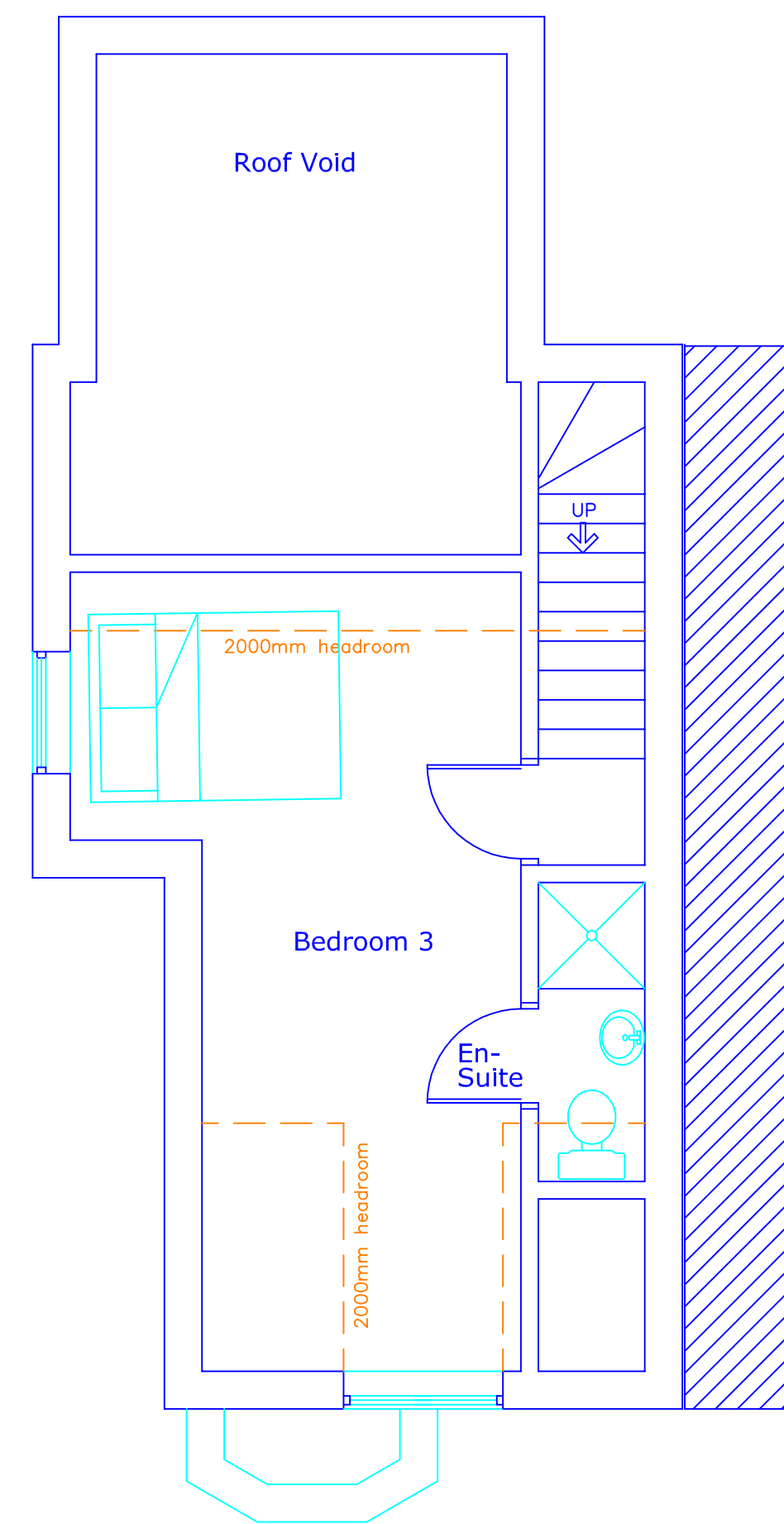




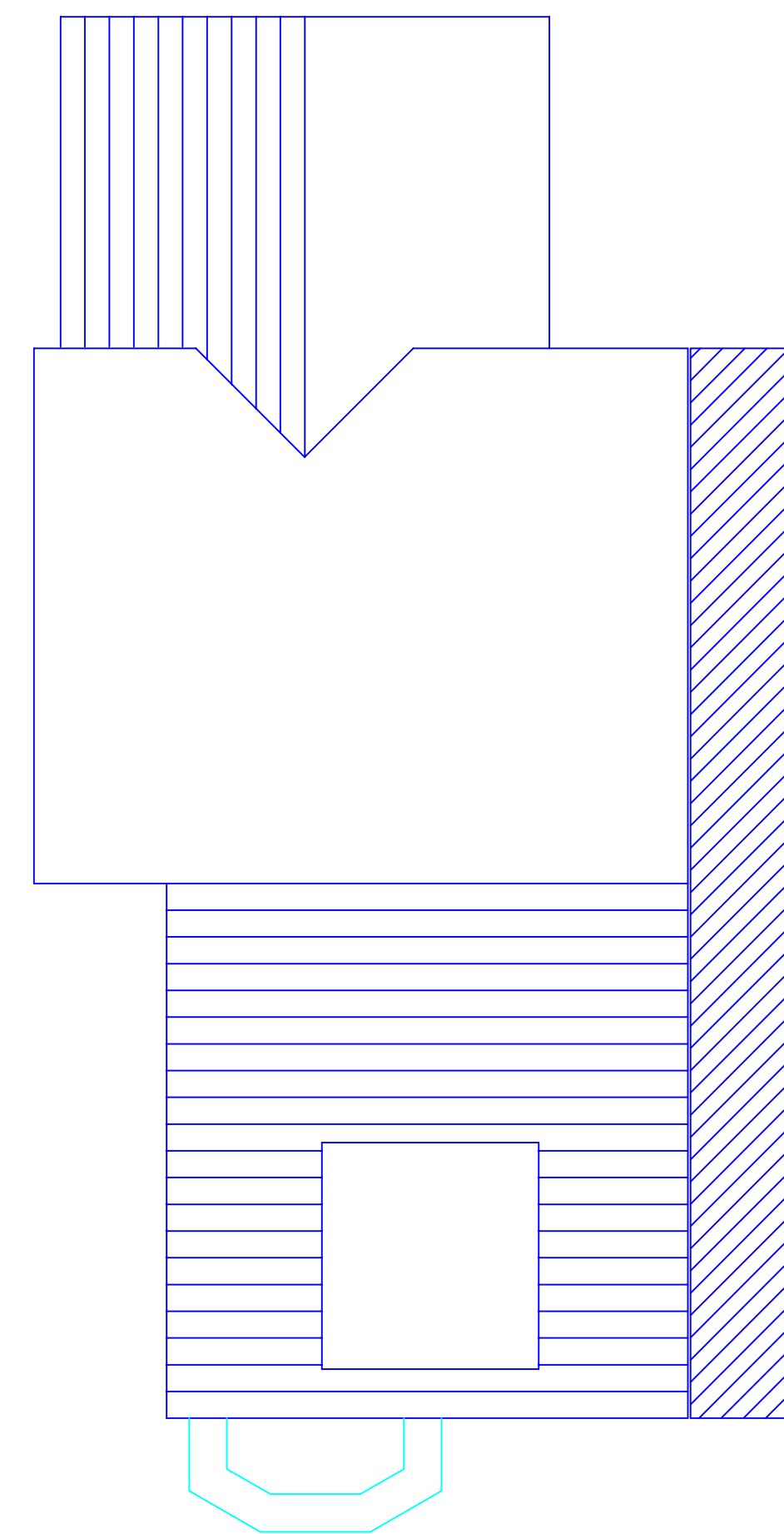
Proposed Ground Floor Plan



Proposed First Floor Plan



Proposed Second Floor Plan



Proposed Roof Plan

A Length of outrigger reduced 01.06.2020

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0 1 2 3 m

38 Deyne Avenue  
Prestwich  
M25 1EJ

scale 1:50 at A1  
February 2020

JN2-04A Proposed Layout Plans

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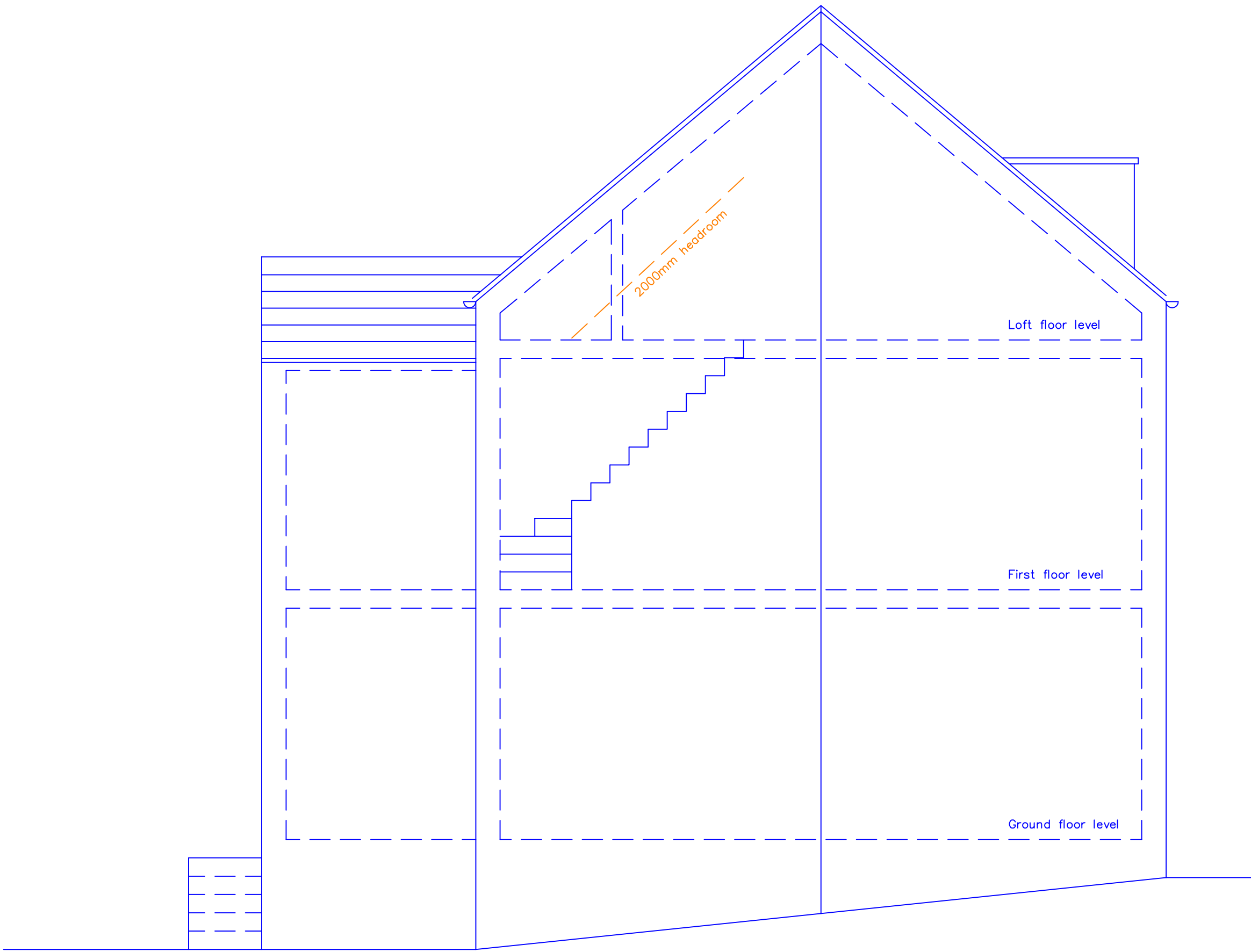
Proposed Rear Elevation



Proposed Side Elevation



Proposed Front Elevation



Proposed Section

B Original house shown with new door 02.06.2020  
A Length of outrigger reduced 01.06.2020

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0 1 2 3 m

38 Deyne Avenue  
Prestwich  
M25 1EJ

scale 1:50 at A1  
February 2020

JN2-05B Proposed Elevations

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**Ward:** Prestwich - Sedgley

Item 06

**Applicant:** Mr Kahn

**Location:** 45 Bury Old Road, Prestwich, Manchester, M25 0EY

**Proposal:** Demolition of existing dwelling and erection of a post graduate study centre (Class D1) and formation of new vehicular access from Kings Road.

**Application Ref:** 65456/Full

**Target Date:** 14/07/2020

**Recommendation:** Approve with Conditions

### **Description**

This application relates to one half of a semi-detached residential plot on the corner of Bury Old Road and Kings Road. The semi-detached house that until recently used to be on the site has been completely demolished. As demolition, which was not part of the previously scheme, has invalidated the approval, this application seeks permission to construct a new building along the lines of the approved scheme.

The site is bounded to the south side, to the rear and to the east, across Bury New Road by houses. To the north, across Kings Road is a row of shops forming the Neighbourhood Centre. The existing access onto the driveway in the north east corner of the site.

The Kollel Heichal Hatorah is an institute for Post Graduate Rabbinical Study established some 15 years ago and attracts students from around the world. To date it has functioned in rented accommodation within the area (synagogue on the corner of Bury New Road and Sedgley Park Road) but has purchased this property with the intention of relocating. Currently there are about 30 students attending the Kollel with 2-3 staff.

The new two storey building would extend off the previously attached house at No.43 and would reflect the previous approval which proposed two storey side and rear extensions with a single storey side element at the rear, adjacent to the 'attached neighbour'. The building would be finished in a mix of stone, render and tile.

In line with the previous approval, the proposed access on the corner of Kings Road and Bury Old Road would be closed off with the footway and kerbs reinstated. A new access point onto Kings Road would be formed at the rear with space for parking two vehicles with a turning facility and a cycle store. The applicant states that the parking spaces would be for visitors/disabled as the majority of the students would live within walking or cycling distance. About 8 students, who live in Broughton/Salford area would arrive in a small mini-bus which would be parked up at a nearby synagogue and not on the site or on the road.

The ground floor would comprise a main study area (approx 70sqm), new side entrance, WC and small seminar room. At first floor level there would be a library and office for the principle and general administration. The proposed use of the would fall within the D1 (Non-Residential Institution) Use Class.

The proposed hours of opening are set out in the application form as follows:  
0930 - 1930 Monday to Friday and Sundays and Bank Holidays  
0900 - 1300 Saturday

### **Relevant Planning History**

60323 - Extension to existing dwelling to form ground floor self contained flat for 3 persons and first floors to be used as post - graduate study centre - Refused 24/08/2016.

61022 - Extension and change of use to existing dwelling to form a mixed use comprising first floor self contained flat (Class C3) with post graduate study centre on ground floor (Class D1); Formation of new vehicular access from Kings Road. - Refused 28/03/2017

62557 - Extensions and change of use to existing dwelling to form a post graduate study centre (Class D1); Formation of new vehicular access from Kings Road - Approved 23/05/2018

64493 - Variation of conditions No.2 (approved plans) and No.3 (materials) of planning permission 62557 for extensions and change of use to existing dwelling to form a post graduate study centre (Class D1) and formation of new vehicular access from Kings Road. Changes: External alterations to include a render finish to front, render and coursed stone to side and part of rear, changes to windows on front and side elevations and minor internal layout modifications - Approved 13/11/2019

### **Publicity**

The following addresses were notified by letter dated 19/05/2020.

Nos.121, 122, 123, 126, 128, 130 Kings Road, 2 East Meade, 2 - 12(even) Delcot Close, 31, 32, 33, 34, 35, 36, 37, 39, 41, 43, 46, 47, 48, 49, 50, 51, 52, 53, 55, Bury Old Road, 1, 2, 3 Castle Hill Road, 125-141(odd) Albert Avenue, Nos.1 and 3 Danesway.

Five objections have been received from 121 Kings Road, 41 Bury Old Road, 59 Lower Moss Lane and 50 Whittaker Lane(Councillor Quinn) and 44 Welbeck Close (on behalf of residents at the attached house, No.43 Bury Old Road) - Objections are summarised as follows:

The demolition of the existing building was not part of the previous proposal and shows a lack of respect for the planning system.

The proposed study centre is on a busy junction and this would increase traffic and parking problems in the area.

The proposal means the loss of a good family home.

The proposal would lead to increased noise and disturbance to neighbours.

Two representations in support of the proposal have been received from 12 Delcot Close and 47 Bury New Road, stating that the study centre would benefit the community and would improve the area.

The those making representations have been notified of the Planning Control Committee.

### **Statutory/Non-Statutory Consultations**

**Traffic Section** - No objection.

**Drainage Section** - No objection.

**Environmental Health** - No objection.

**United Utilities** - No objection.

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

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

EN1/2	Townscape and Built Design
H2/3	Extensions and Alterations
CF2	Education Land and Buildings
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury
SPD6	Supplementary Planning Document 6: Alterations & Extensions
NPPF	National Planning Policy Framework
CF1/1	Location of New Community Facilities
EN7/2	Noise Pollution
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.

**UDP Policy EN1/2 - Townscape and Built Design.** The Council will give favourable consideration to proposals which do not have an unacceptable adverse effect on the particular character and townscape of the Borough's towns, villages and other settlements. Factors to be considered when assessing proposals will include:

- a) the external appearance and design of the proposal in relation to its height, scale, density and layout;
- b) the relationship of the proposal to the surrounding area;
- c) the choice and use of materials;
- d) access and other design features for the mobility impaired;
- e) the design and appearance of access, parking and service provision;
- f) landscaping, including the use of natural landscape features, and open space provision;
- g) the use of lighting.

**CF1/1 Location of New Community Facilities.** Proposals for new and improved community facilities will be considered with regard to the following factors:

- a) impact on residential amenity and the local environment;
- b) traffic generation and car parking provision;
- c) the scale and size of the development;
- d) where applicable, access to shops and other services;
- e) if the use is intended to serve a local community, or catchment area, the suitability of the chosen location in relation to that community or catchment area;
- f) accessibility by public and private transport;
- g) the needs and requirements of the disabled;

**Policy CF2 Education Land and Buildings.** The Council will, where appropriate, consider favourably proposals for the provision, improvement and dual use of educational facilities.

**H3/1 Assessing Non-Conforming Uses.** The Council will assess proposals for the development of non-conforming uses in primarily residential areas and will not permit proposals considered to be incompatible. Factors which will be taken into account when assessing such proposals will include noise, vibration, smell, fumes, smoke, soot, ash, grit, dust, visual intrusion, traffic generation and parking arrangements, and hours of operation.

**EN7/2 Noise Pollution.** In seeking to limit noise pollution the Council will not permit:

- a) development which could lead to an unacceptable noise nuisance to nearby occupiers and/or amenity users;
- b) development close to a permanent source of noise.

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

**Need.** The proposed development would be located in the heart of the Jewish community that the proposed development would serve. It appears that the post graduate studies it offers is a popular and successful venture that has grown over the last 15 years and is now in need of its own premises.

The issues of visual and residential amenity, parking and access issues are extremely important in any assessment and will be addressed later in the report. However, in terms of



the principle of the development, the use of the building as a relatively small scale study centre may be acceptable and in accordance with Policy CF1/1 of the Bury Unitary Development Plan.

**Visual amenity.** The new building, in design, scale and massing terms, is similar to that previously approved under reference 62557. It would be two storey in height with the eaves lined up with the attached house and the frontage would be in line with the existing building line along Bury Old Road and set in 2m on the Kings Road side. The existing boundary hedge would be retained and extended around the frontage and this would help screen and soften the development which would not appear unduly prominent within the streetscape.

The new steel gates and railings would be in a traditional vertical emphasis and be powder coated black.

The proposal, in terms of size and appearance, would not have a seriously detrimental impact on the streetscape and would generally comply with UDP Policy EN1/2 Townscape and Built Design.

**Residential amenity** - This area of Bury Old Road is busy and relatively noisy, however undoubtedly there would be increased activity in and around the site throughout the day. From the information provided, the activities within the study centre would not so noisy as to cause undue disturbance to the attached or surrounding neighbours - these mainly comprise reading texts and teaching.

In response to concerns about potential noise transfer into the adjoining house, the applicant in the previous application submitted information on the proposed study schedule and activities taking place within the centre and an acoustic survey.

The Acoustic Survey, (Braiden Acoustics Ltd) states that, based on the numbers of students involved, the existing party wall between the property and the attached house at No.43 Bury Old Road is sufficient to reduce sound transmission to levels to 28db which would be below the 35db limit.

Notwithstanding this, given the noise sensitive residential use within the attached property, it is considered appropriate to attach an appropriate condition requiring a 'noise control plan' to be submitted, setting out the measures to be taken to reduce noise transfer through party walls in accordance with current building regulations standards. This would mitigate against any occasional increase in noise above the norm.

The hours of opening, between 9.30am and 7.30pm on most days is not particularly unneighbourly and should not cause serious harm to amenity. The proposal is to open on a Sunday, being a normal day within the Jewish faith. The hours of opening would be restricted by an appropriate condition of any approval.

It is noted that the study use falls with the wider D1 Non-residential use class which also includes public halls, places of worship, creches etc. To prevent the space being used for these more noisier functions, it would be reasonable to attach a condition removing the 'permitted development' rights that would normally allow changes within the same use class and restrict the ground floor use to that of 'educational/study' use only. As such the proposal, on balance, complies with the NPPF and UDP Policies EN7/2 Noise Pollution and H3/1 Assessing Non-Conforming Uses and CF2 Education.

**Parking and Access** - The Council's parking standards, set out in SPD 11 expands upon parking policies within the UDP. The guidance note indicates the maximum standards only for staff parking, which would be 1 space per 2 full time staff. There are minimum standards for students using bicycles and motorbikes - 1 per 10 students and 1 per 600 students respectively.

In the past, concerns have been raised about traffic generation and parking as there are

ongoing parking issues in the immediate area. With the proposal only providing two parking spaces and some cycle parking the applicant, with an awareness of concerns, has resubmitted the previous Travel Plan, produced by Curtins. The Travel Plan recognises the parking issues in the area but indicates that the site is highly accessible by sustainable modes of transport. It also sets out a number of initiatives that would encourage sustainable travel to the site and reduce car-borne traffic - these include providing information packs to encourage use of public transport, walking and cycling routes and car sharing/group travel. Coordinated programmes that encourage positive participation would be implemented and monitored. It is considered appropriate to attach a condition requiring the measures detailed in the Travel Plan, to be implemented in full.

It is noted that the applicant has an informal agreement that, when necessary, the mini-bus, bringing those students from further afield, would park on the car park at the Jewish Cultural Centre on the corner of Bury Old Road and Park Road, just over 300m away to the south east.

Given the nature of the proposal, the make-up of the students and the sustainable location, together with the measures proposed within the Travel Plan, the proposal is, on balance considered acceptable.

**Objections** - The concerns of the objectors with regard to the demolition of the building are completely understandable. However as things stand, a new application has been submitted and the Local Planning Authority has to assess the proposal in light of current policies and other material considerations. The concerns relating to noise and traffic have been addressed in the report and by conditions attached to any approval.

**Conditions** - In addition to the conditions requiring parking and turning to be marked out and existing access to be closed off to vehicular traffic, the measures within the Travel Plan would need to be implemented. Other conditions would require party wall noise attenuation measures, restricted opening times and the limitation of the use of the property to 'educational use'.

On balance, the proposal, given the Travel Plan and noise mitigation measures to be implemented, is considered acceptable and complies with the policies listed.

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

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

**Recommendation:** Approve with Conditions

#### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to location plan and drawings RBS-20/1979/001, DA1964.001/3, DA1964.401/A, DA1964.402/ DA1964.403, DA1964.1.018, DA1964.003/6 and DA1964.002 and the development shall not be carried out except in accordance with the drawings hereby approved.

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

3. Details/Samples of the materials to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials shall be used for the construction of the development.

Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/2 Townscape and Built Design.

4. No development shall commence unless and until a 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.43 Bury Old 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. 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.43 Bury Old 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.

5. The of property shall be used for educational study purposes only and not for community worship or any other use within the D1 use class.

Reason. In the interests of residential amenity pursuant to UDP Policy EN7/2 Noise Pollution.

6. The study centre hereby approved shall not be used outside the following times:  
0900hrs to 1930hrs daily

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to UDP Policies EN7/2 Noise Pollution, H3/1 Assessing Non-Conforming Uses.

7. In relation to the use hereby approved, the measures set out in the Travel Plan to promote more sustainable travel to and from the site by staff and students/visitors and reduce the reliance on private vehicle use, shall be implemented in full and thereafter maintained whilst the study centre is in operation.

Reason. In order to encourage sustainable travel pursuant to the NPPF and UDP Policy HT4 New Development.

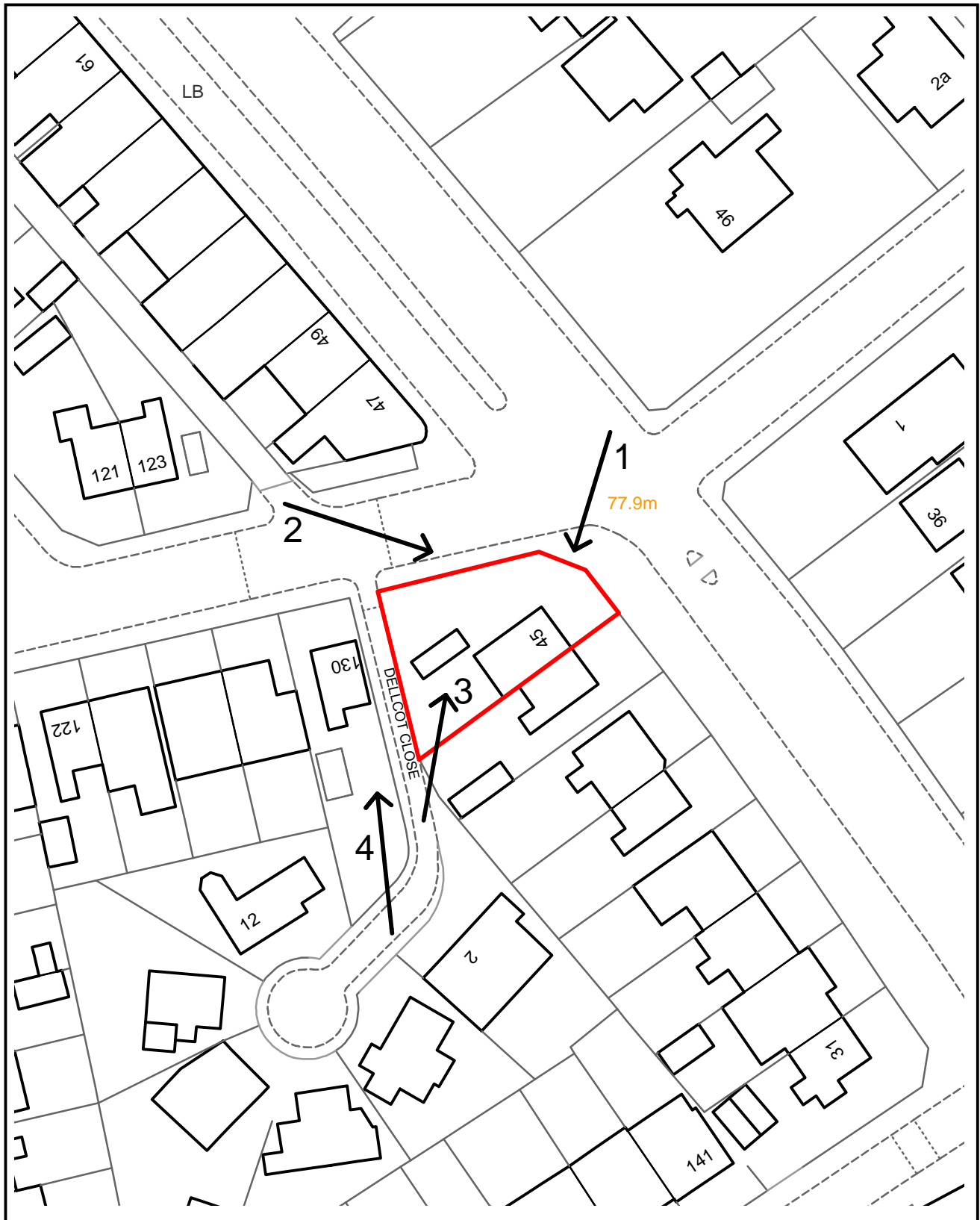
8. The development hereby approved shall not be brought into use unless and until the vehicular access alterations indicated on approved plan reference DA19064/001.3, incorporating the formation of the proposed footway crossing off Kings Road and reinstatement of the redundant footway crossing to adjacent footway levels at the junction with Bury Old Road, have been implemented to an agreed specification and to the written satisfaction of the Local Planning Authority.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, in the interests of highway safety pursuant to UDP Policy HT2 Highway Network.

9. The turning facilities within the proposed car parking area indicated on approved plan reference DA19064/001.3 shall be provided before the development is brought into use and 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 UDP Policy HT2/4 Car Parking and New Development.
10. The car and cycle parking indicated on approved plan reference DA19064/001.3 shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use and thereafter maintained at all times.  
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to UDP Policy HT2/4 Car Parking and New Development.
11. The proposed boundary railings and gates shall be powder coated black.  
Reason. In the interests of visual amenity pursuant to UDP Policy EN1/2 Townscape and Built Design.

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

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

**APP. NO 65456**

**ADDRESS: 45 Bury Old Road  
Prestwich**

**Planning, Environmental and Regulatory Services**

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**Bury**  
COUNCIL



Photo 1



Photo 2



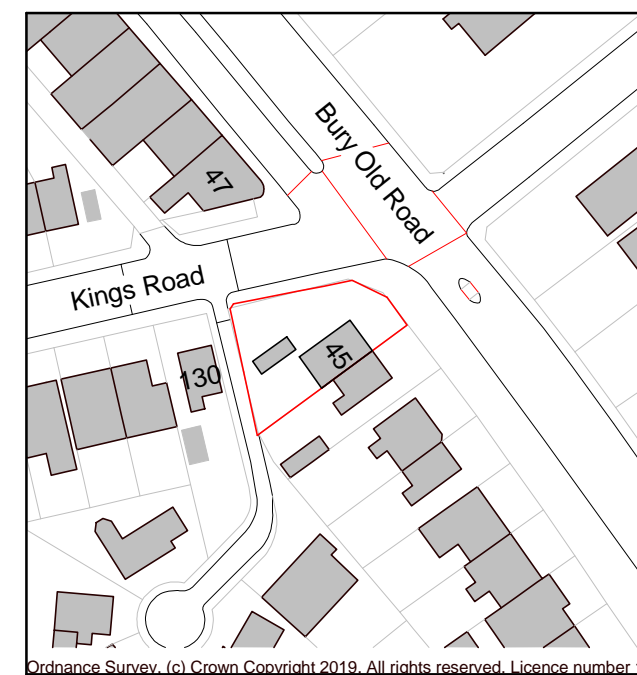
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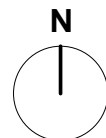
Photo 4







## 2. Site - Location Plan

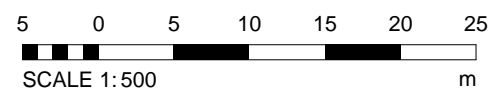
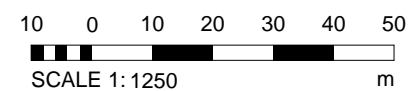
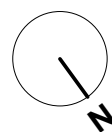



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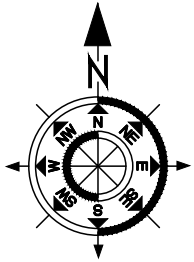
- 6No. Cycle parking spaces and hard surfacing

## 1. Site - Block Plan

1 : 200



PROJECT	SCALE @ A3	DATE	DRAWN BY
45 Bury Old Road	As indicated	11/19/13	SA
CLIENT	STATUS		
Kollel Heichal Hatorah	Planning		
TITLE	PROJECT NO.	DRAWING NO.	REV.
Site - Location and Block Plan	DA19064.	001.	3
		NOTES  © COPYRIGHT : ALL RIGHTS RESERVED. THIS DRAWING MUST NOT BE REPRODUCED WITHOUT PRIOR WRITTEN CONSENT. DRAWING TO BE USED FOR THE STATUS INDICATED ONLY. ALL DIMENSIONS AND SETTINGS OUT SHALL BE CHECKED AND CONFIRMED ON SITE. ANY DISCREPANCIES TO BE REPORTED TO THE DESIGNER PRIOR TO THE COMMENCEMENT OF ANY WORK. ALL WORK AND MATERIALS TO BE IN ACCORDANCE WITH CURRENT STATUTORY LEGISLATION, RELEVANT CODES OF PRACTICE AND BRITISH STANDARDS. ALL DIMENSIONS ON THIS DRAWING ARE IN MILLIMETRES (UNLESS OTHERWISE STATED).	

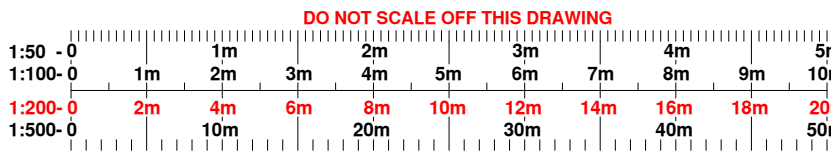
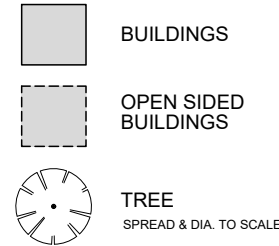


Technical Notes:

- All survey levels and co-ordinates are related to OS Datum using the GPS Active Network. The Grid is orientated to Grid North with a Scale Factor of 1.00.
- All Boundaries surveyed are physical features. Please bear in mind that these may not represent the legally conveyed ownership.
- Trees are drawn to scale showing the average canopy spread and are approximate only. Where heights are shown they have been taken from ground level and are an estimate only.
- All underground features have been measured from the surface, therefore pipe sizes, depths etc are only an estimate or assumption. If dimensions are critical information must be checked and verified prior to work commencing.
- Whilst every effort has been made to locate all physical features during the survey no responsibility can be taken where features are obscured or hidden at the time of survey. This is especially important where high volumes of plant or vehicles are present on site.
- Off site features may have been measured remotely and as such may not be show the full detail of the feature due to limited access or obstructions with line of sight.
- All critical dimensions including levels should be checked prior to construction. Any errors or discrepancies should be reported immediately.
- All measurements have been taken from ground level only.
- Do not scale from this drawing.

Topographical Survey Abbreviations

AC	AIR CONDITIONING UNIT	LP	LAMP POST
B	BOLLARD	MKR	MARKER POST
BB	BELISHA BEACON	MH	MANHOLE
BED	BED LEVEL	OHC	OVERHEAD CABLE
BH	BOREHOLE (WITH No.)	PM	PARKING METER
BS	BUS STOP	P	POST
BT	BRITISH TELECOM COVER	RE	RODDING EYE
CATV	CABLE TELEVISION COVER	RS	ROAD SIGN
CC	CONTROL CABINET	RWL	RETAINING WALL
CL	COVER LEVEL (MANHOLE)	SA	SOAK AWAY
COL	COLUMN	SCAM	SECURITY CAMERA
CP	CATCH PIT	SG	STRIP GULLY
DP	RAIN WATER DOWN PIPE	SP	SIGN POST
EC	ELECTRIC CABLE	SV	STOP VALVE
EL	ELECTRIC COVER	TAP	WATER TAP
EP	ELECTRIC POLE	TCB	TELEPHONE CALL BACK
ER	EARTH ROD	THL	THRESHOLD LEVEL
FFL	FINISHED FLOOR LEVEL	TL	TRAFFIC LIGHT
FH	FIRE HYDRANT	TOF	TOP OF FENCE LEVEL
FLT	FLOODLIGHT	TOW	TOP OF WALL LEVEL
G	GULLY	TP	TELEGRAPH POLE
GP	GATE POST	TPIT	TRIAL PIT (WITH No)
GV	GAS VALVE	VP	VENT PIPE
IC	INSPECTION CHAMBER	WLV	WATER LEVEL
IL	INVERT LEVEL	WM	WATER METER
KO	KERB OUTLET	WO	WASH OUT
LB	LITTER BIN		



SAXON HOUSE  
21 MARKET SQUARE  
SANDBACH  
CHESHIRE  
CW11 1AT  
TEL: 0800 024 8052  
WEB: WWW.REDBOXSURVEYS.CO.UK  
EMAIL: INFO@REDBOXSURVEYS.CO.UK



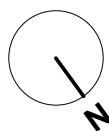
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Project:  
  
45 Bury Old Road  
Prestwich  
Manchester

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Topographical Survey

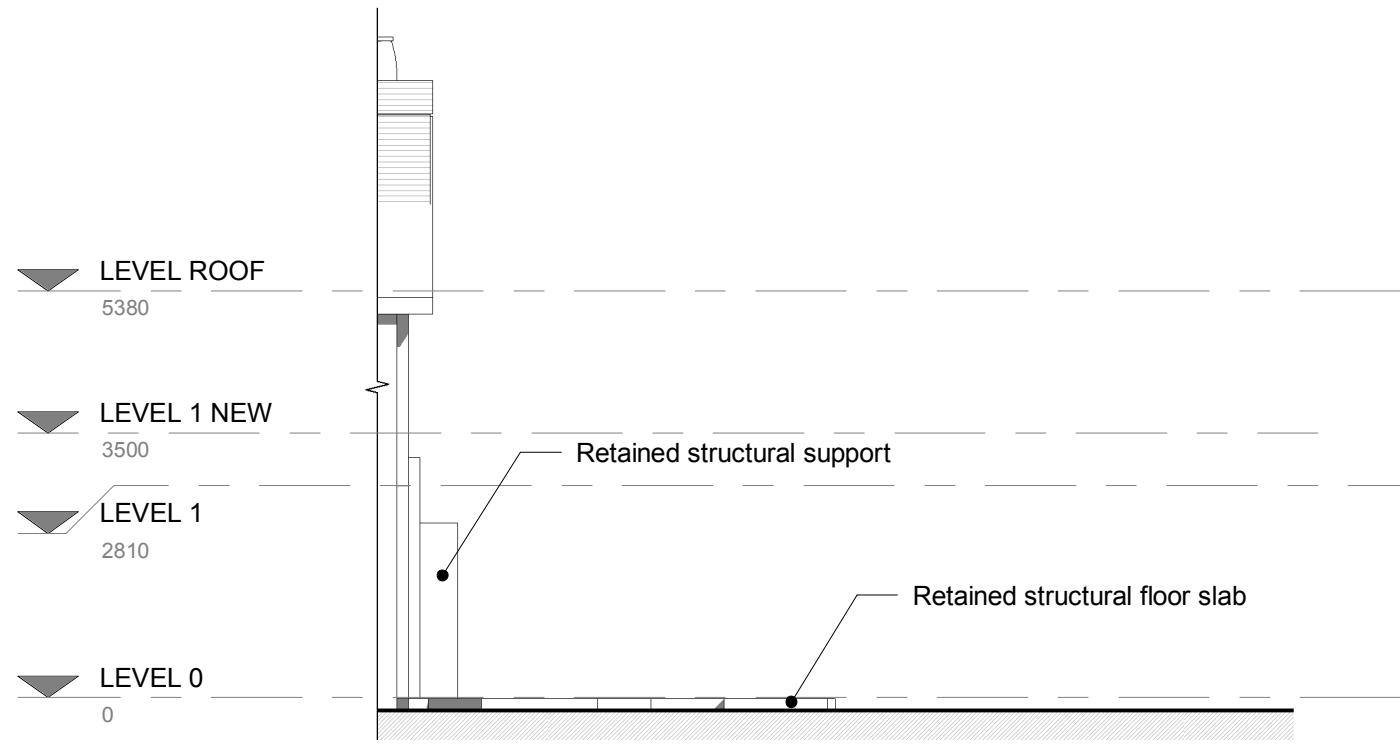
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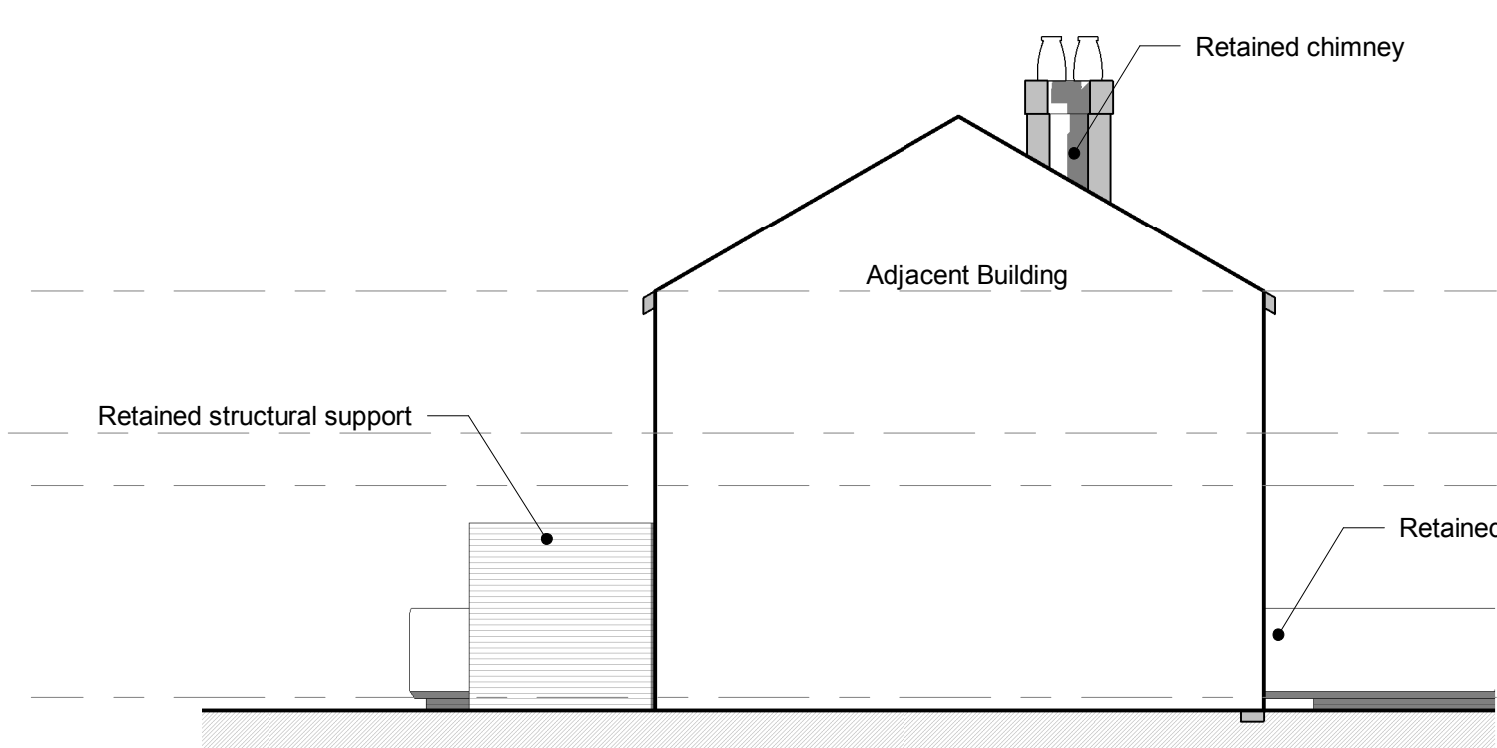


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CLIENT	Kollel Heichal Hatorah	STATUS	Planning				
TITLE	Site plan with topography	PROJECT NO.	DA19064.	DRAWING NO.	403.		
 <b>DEBTAL</b> ARCHITECTURE <a href="http://www.debtal.co.uk">www.debtal.co.uk</a>		NOTES	<p>THIS DRAWING MUST NOT BE REPRODUCED WITHOUT PRIOR WRITTEN CONSENT OF DEBTAL ARCHITECTURE. THE DRAWING IS TO BE USED FOR THE STATUS INDICATED ONLY. ANY DISCREPANCIES TO BE REPORTED TO THE DESIGNER PRIOR TO THE COMMENCEMENT OF ANY WORK. ALL WORK AND MATERIALS TO BE IN ACCORDANCE WITH CURRENT STATUTORY LEGISLATION, RELEVANT CODES OF PRACTICE AND BRITISH STANDARDS. ALL DIMENSIONS ON THIS DRAWING ARE IN MILLIMETRES (UNLESS OTHERWISE STATED).</p> <p>© COPYRIGHT : ALL RIGHTS RESERVED</p>				

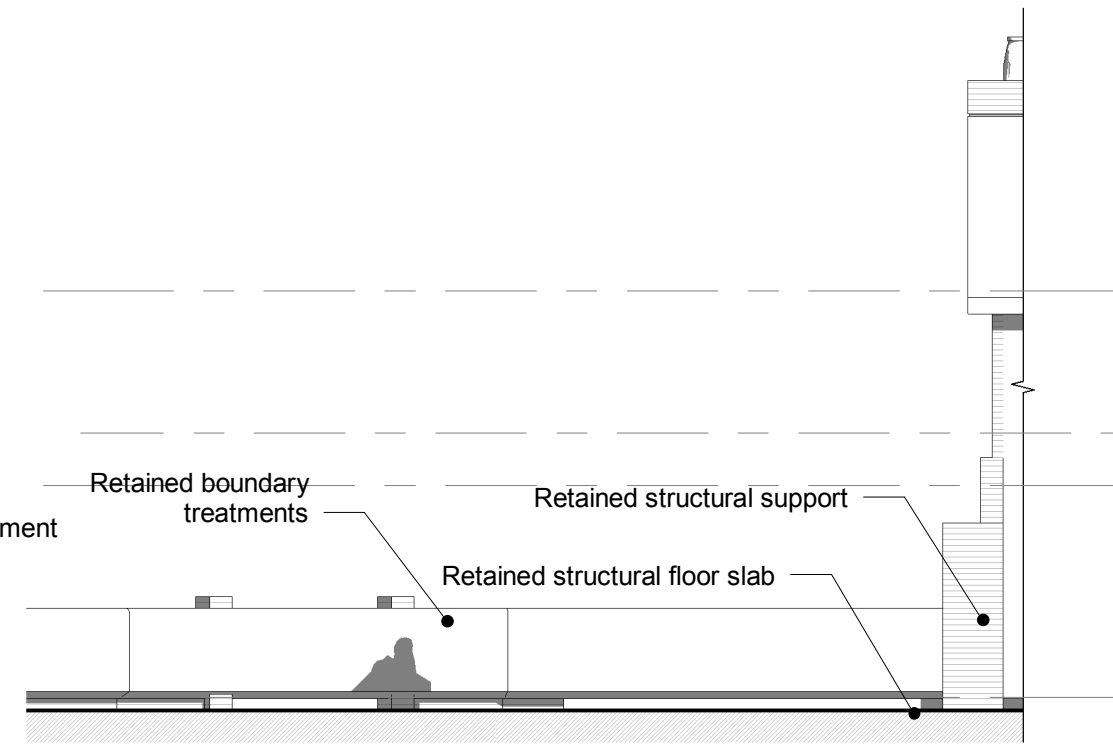




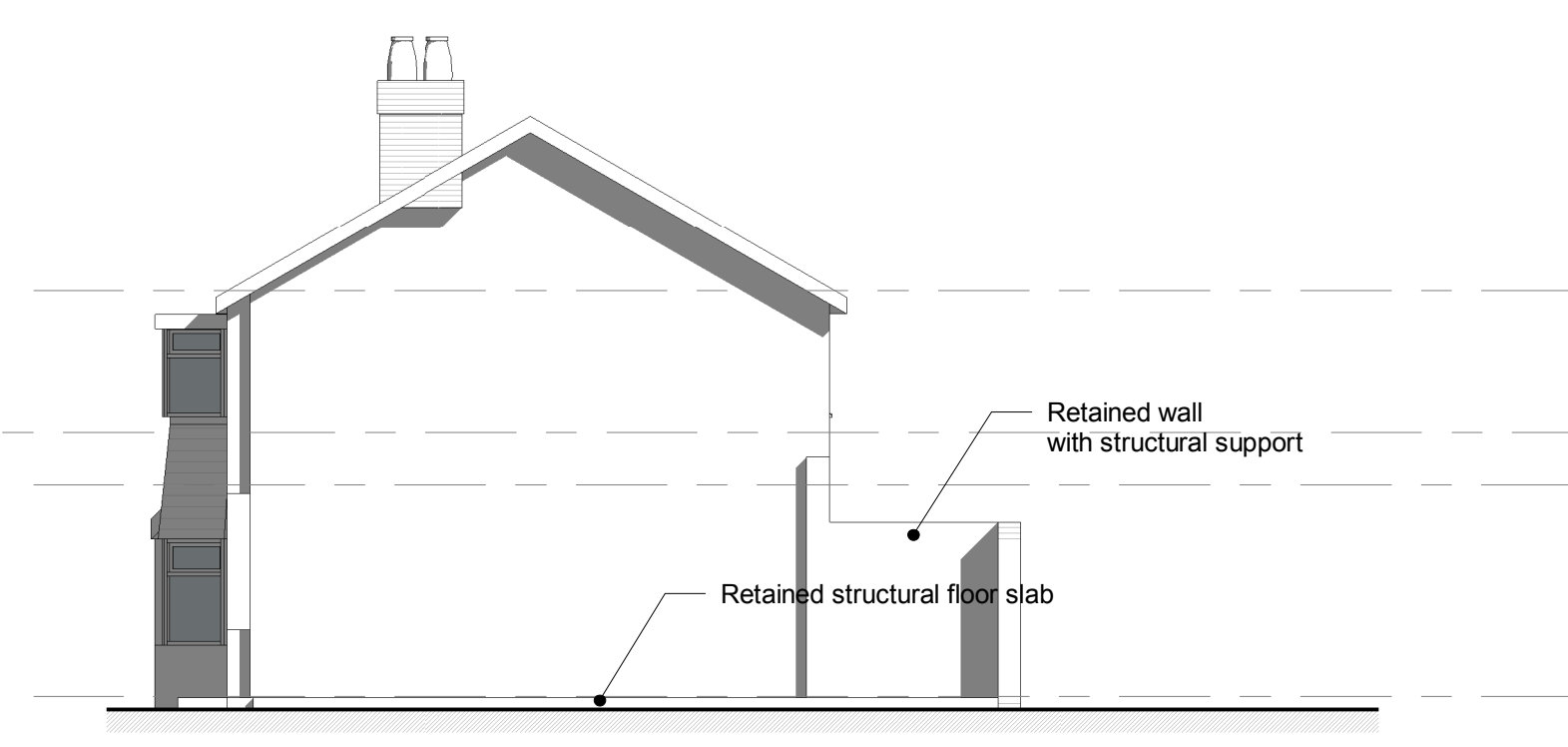
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1 : 100

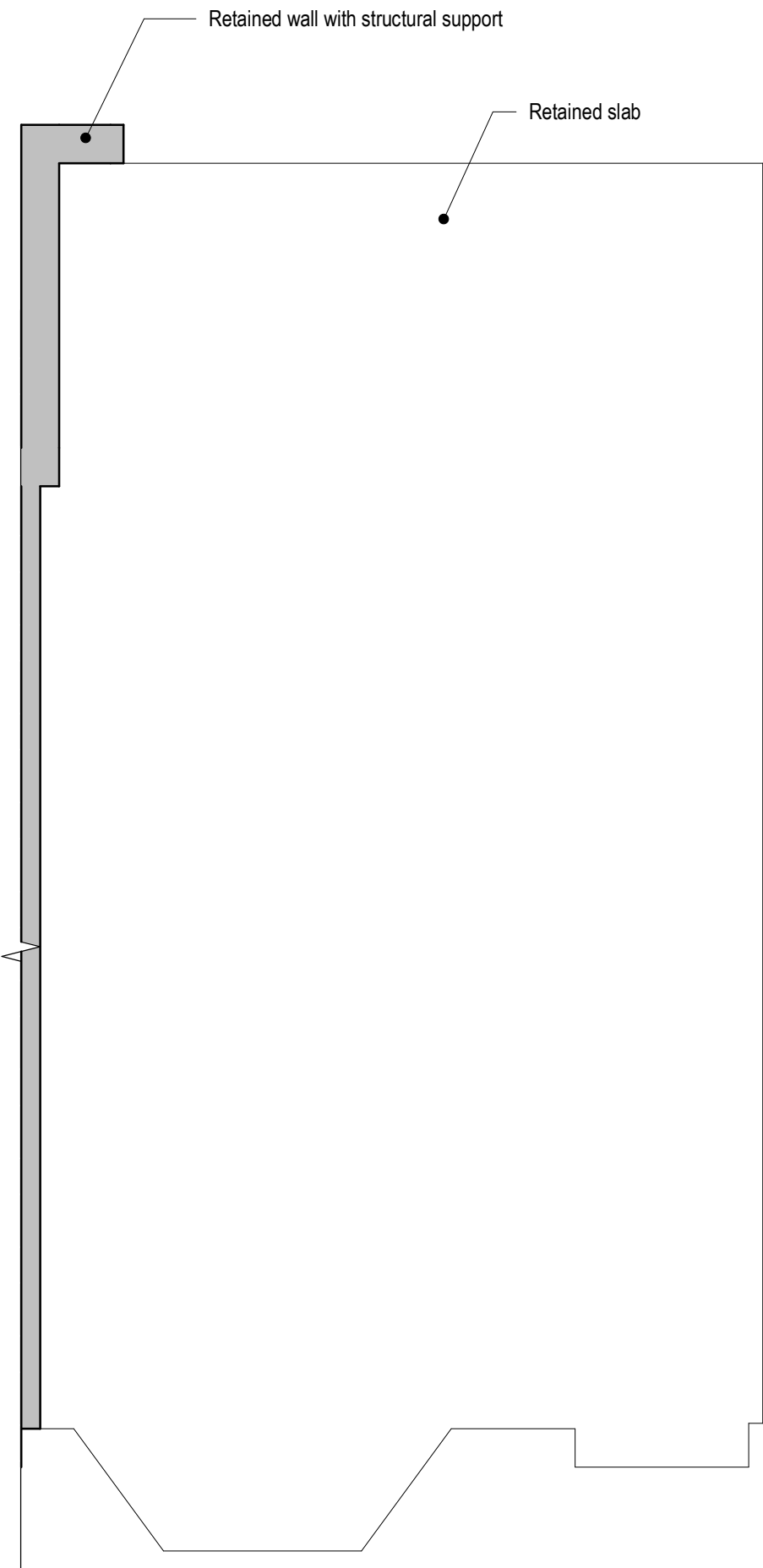


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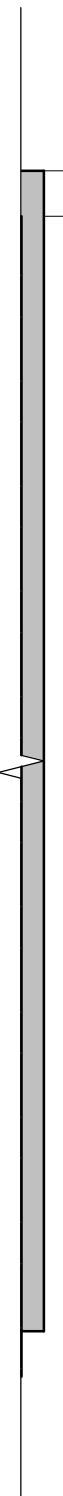


6. Right Side - Current  
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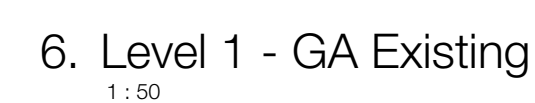
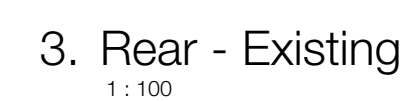


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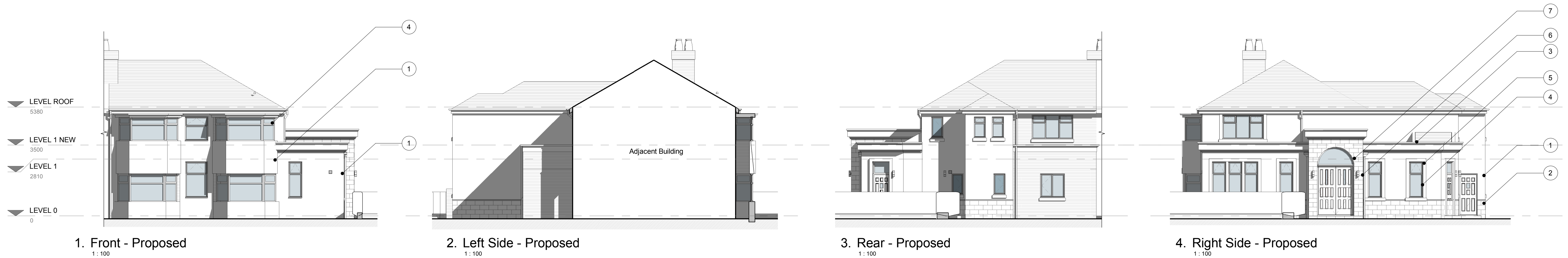


2. Level 1 - GA Current  
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CLIENT	STATUS			
Kollel Heichal Hatorah	PLANNING			
TITLE	PROJECT NO.	DRAWING NO.	REV.	
Current Site	DA19064.1.	018.		
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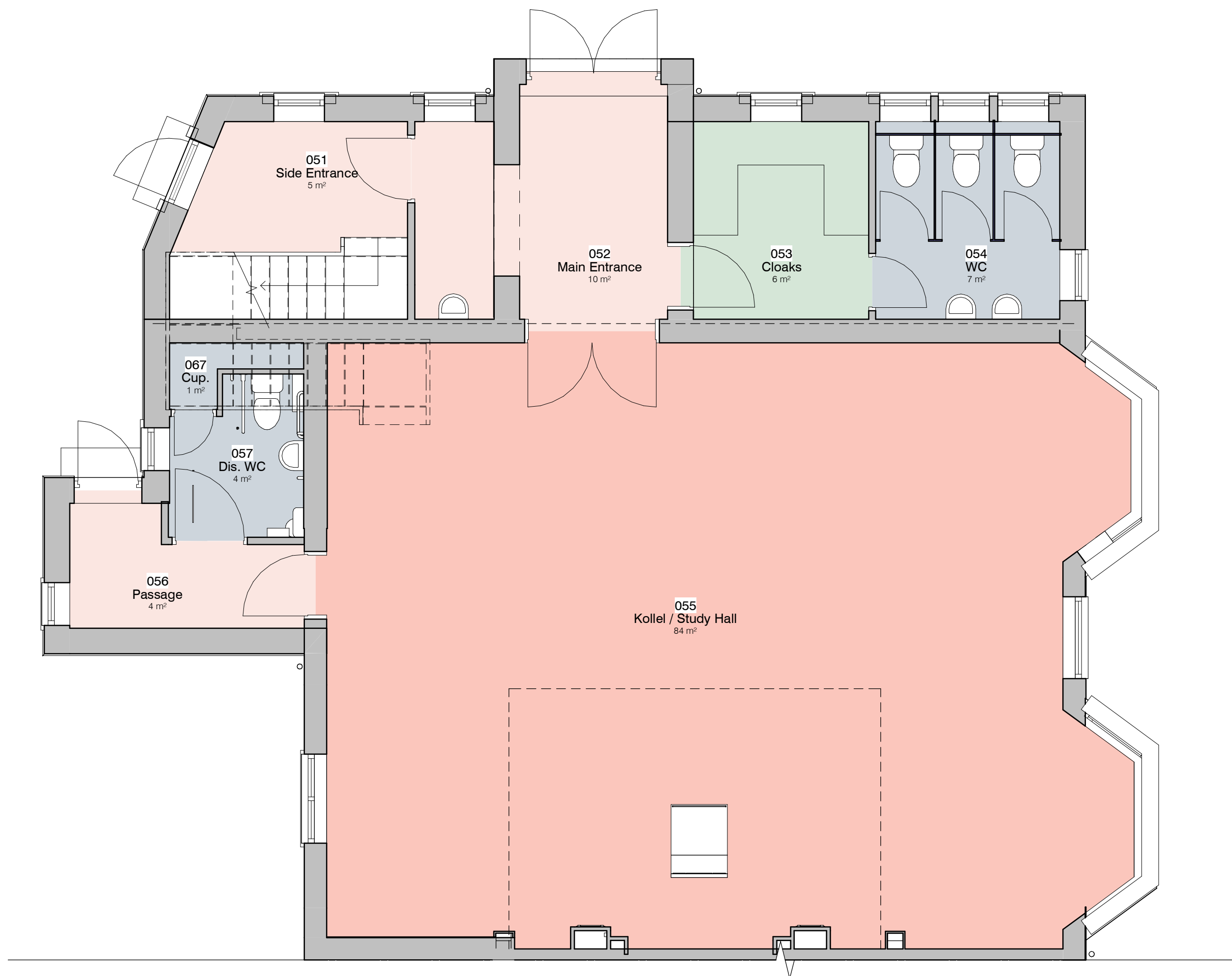


PROJECT	REV	DESCRIPTION	BY	DATE
45 Bury Old Road		As indicated		20 May 2019
CLIENT		STATUS		
Kollet Heichal Hatorah		CONSTRUCTION		
TITLE		PROJECT NO.	DRAWING NO.	REV.
Existing GA Plans and Elevations		DA19064.	002.	
 <b>DEBTAL</b> ARCHITECTURE <a href="http://www.debtal.co.uk">www.debtal.co.uk</a>		NOTES ©COPYRIGHT - ALL RIGHTS RESERVED THIS DRAWING MUST NOT BE REPRODUCED WITHOUT PRIOR WRITTEN CONSENT ALL DIMENSIONS ARE GIVEN TO THE EXTENT OF THE STATUS INDICATED BY ANY SUSCEPTIBLE TO BE REPORTED TO THE DESIGNER PRIOR TO ACCORDING TO THE CODE OF PRACTICE, ALL DIMENSIONS AND MATERIALS TO BE PRACTICE AND BRITISH STANDARDS. ALL DIMENSIONS ON THIS DRAWING ARE INDICATED BY A LINE WITH DIMENSIONAL VALUE.		

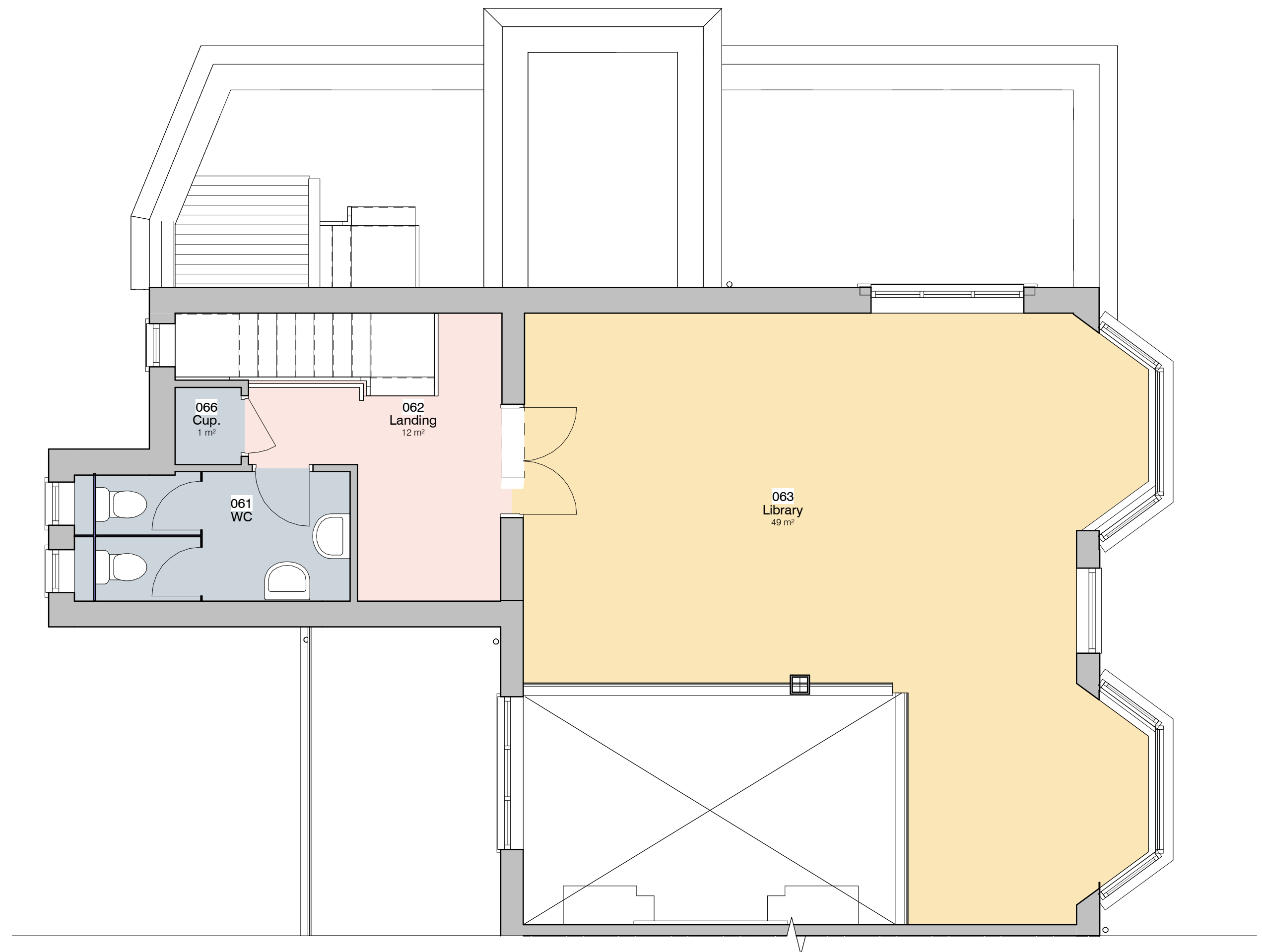


Note Block - Elevations - GA

- Proposed walling in light coloured render. Colour TBA.
- Proposed plinth in artstone. Colour TBA.
- Proposed crown moulding in artstone. Colour TBA.
- Proposed uPVC windows. Frame Colour TBA.
- Proposed artstone window surround. Colour to match plinth and crown moulding.
- Proposed projecting entrance bay in artstone to match plinth.
- Proposed feature entrance doors with glazed toplight.



5. Level 0 - GA Proposed  
1:50



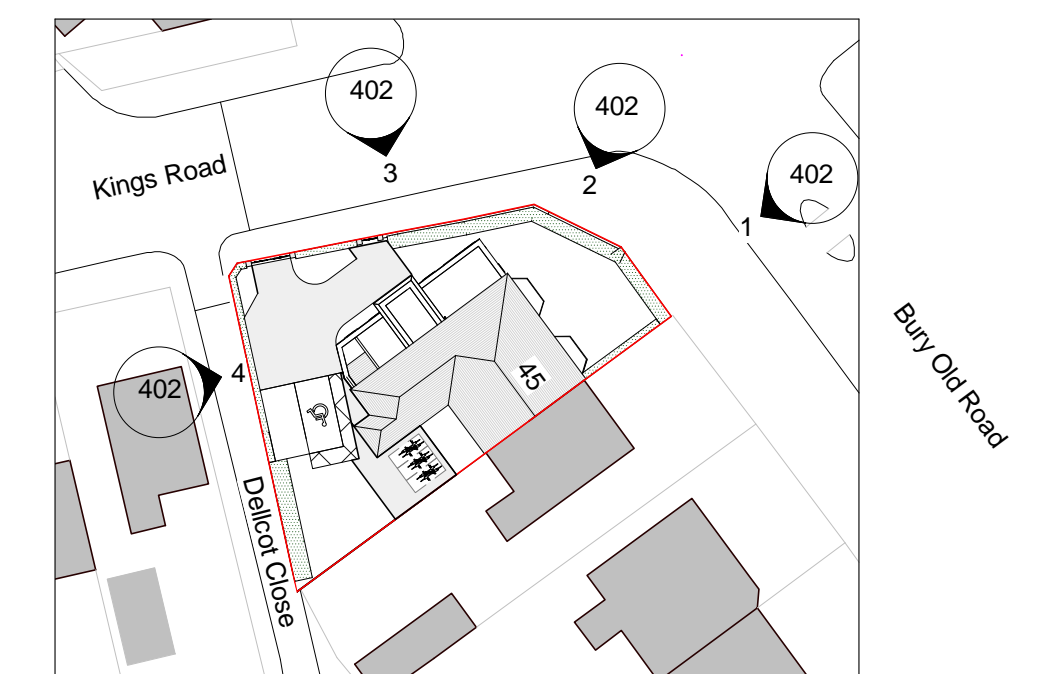
6. Level 1 New - GA Proposed  
1:50

0.5 0 0.5 1 1.5 2 2.5  
SCALE 1:50 m

PROJECT	45 Bury Old Road	SCALE & A1	DATE	5 June 2019	DRAWN BY	SA	
CLIENT	Kollel Heichal Hatorah	STATUS	Planning				
TITLE	Proposed GA Plans and Elevations	PROJECT NO.	DA19064.	DRAWING NO.	003.	REV.	6
NOTES							
THIS DRAWING MUST NOT BE REPRODUCED WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. ALL DIMENSIONS AND MATERIALS SHALL BE CHECKED AND CONFIRMED BY THE ARCHITECT PRIOR TO CONSTRUCTION. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING. ALL DIMENSIONS SHALL BE IN METERS UNLESS OTHERWISE STATED.							

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# REPORT FOR NOTING

Agenda Item 5

**Bury**  
COUNCIL

**Agenda  
Item**

**5**

<b>DECISION OF:</b>	<b>PLANNING CONTROL COMMITTEE</b>
<b>DATE:</b>	<b>23 June 2020</b>
<b>SUBJECT:</b>	<b>DELEGATED DECISIONS</b>
<b>REPORT FROM:</b>	<b>HEAD OF DEVELOPMENT MANAGEMENT</b>
<b>CONTACT OFFICER:</b>	<b>DAVID MARNO</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	The report lists: Recent delegated planning decisions since the last PCC
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	The Committee is recommended to the note the report and appendices
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? Yes
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	Executive Director of Resources to advise regarding risk management
<b>Statement by Executive Director of Resources:</b>	N/A
<b>Equality/Diversity implications:</b>	No
<b>Considered by Monitoring Officer:</b>	N/A
<b>Wards Affected:</b>	All listed
<b>Scrutiny Interest:</b>	N/A

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

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

---

**1.0 BACKGROUND**

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

**2.0 CONCLUSION**

That the item be noted.

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

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

**Tel: 0161 253 5291**

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

## Planning applications decided using Delegated Powers

### Between 18/05/2020 and 14/06/2020



Ward: **Bury East**

**Application No.:** 65339    **App. Type:** FUL    20/05/2020    Approve with Conditions

**Location:** 9 Newhall Road, Bury, BL9 7TQ

**Proposal:** Two/single storey rear extension

**Application No.:** 65369    **App. Type:** FUL    01/06/2020    Approve with Conditions

**Location:** Hercules Farm, Castle Hill Road, Bury, BL9 6UJ

**Proposal:** Two storey extension to south east gable with single storey infill between gables; Demolition of existing conservatory and replacement with oak framed orangery

**Application No.:** 65372    **App. Type:** FUL    02/06/2020    Approve with Conditions

**Location:** Unit 4, 2 The Rock, Bury, BL9 0NT

**Proposal:** Formation of first floor balcony

**Application No.:** 65381    **App. Type:** FUL    26/05/2020    Approve with Conditions

**Location:** 60 Bolton Street, Bury, BL9 0LL

**Proposal:** Change of use from Sui Generis to A2 Office

**Application No.:** 65413    **App. Type:** FUL    05/06/2020    Approve with Conditions

**Location:** 165 Broad Oak Lane, Bury, BL9 7SQ

**Proposal:** Two storey side extension; Single storey rear extension; Rear dormer extension; Front dormer extension with juliet balcony

Ward: **Bury East - Moorside**

**Application No.:** 65199    **App. Type:** LDCP    02/06/2020    Refused

**Location:** 426 Walmersley Road, Bury, BL9 6QE

**Proposal:** Lawful development certificate for proposed ground floor rear extension

**Application No.:** 65362    **App. Type:** FUL    18/05/2020    Approve with Conditions

**Location:** 45 Hillside Crescent, Bury, BL9 6PZ

**Proposal:** Single storey side extension; Front porch extension; Two storey rear extension

**Application No.:** 65395    **App. Type:** FUL    05/06/2020    Approve with Conditions

**Location:** 151 Bell Lane, Bury, BL9 6DF

**Proposal:** Change of use from dwelling (Class C3) to 7 bed, 8 person HMO (house in multiple occupation) (Sui Generis) with basement conversion and upgraded front basement escape/lightwell

---

**Application No.:** 65414      **App. Type:** ADV      05/06/2020      Approve with Conditions  
**Location:** McDonalds, Woodfields Retail Park, Peel Way, Bury, BL9 5BY  
**Proposal:** Installation of 3 no. internally illuminated new digital freestanding signs and 1 no. internally illuminated digital booth screen

---

**Application No.:** 65416      **App. Type:** LDCE      09/06/2020      Refused  
**Location:** Cottage 1, Hague Hall Farm (Further Davises Farm), Mather Road, Bury, BL9 6TJ  
**Proposal:** Lawful development certificate for existing use as cottage

---

**Application No.:** 65417      **App. Type:** LDCE      09/06/2020      Refused  
**Location:** Cottage 2, Hague Hall Farm (Further Davises Farm), Mather Road, Bury, BL9 6TJ  
**Proposal:** Lawful development certificate for existing use as cottage

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Ward: **Bury East - Redvales**

---

**Application No.:** 65390      **App. Type:** FUL      26/05/2020      Approve with Conditions  
**Location:** 33 Lawrence Street, Bury, BL9 9SN  
**Proposal:** Single storey extension at side/rear, front porch extension, new fence/gate at rear

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Ward: **Bury West - Church**

---

**Application No.:** 65407      **App. Type:** FUL      05/06/2020      Approve with Conditions  
**Location:** 43 Kensington Drive, Bury, BL8 2DE  
**Proposal:** Single storey extension at side/rear

---

**Application No.:** 65437      **App. Type:** FUL      10/06/2020      Approve with Conditions  
**Location:** 598 Bolton Road, Bury, BL8 2DR  
**Proposal:** Two storey side extension; Single/two storey rear extension; Canopy at front

---

Ward: **Bury West - Elton**

---

**Application No.:** 65386      **App. Type:** FUL      01/06/2020      Approve with Conditions  
**Location:** Springside Cottages, 10 Springside View, Bury, BL8 4LN  
**Proposal:** Single storey extension at rear; Loft conversion with rear dormer

---

Ward: **North Manor**

---

**Application No.:** 64651      **App. Type:** FUL      20/05/2020      Approve with Conditions  
**Location:** Windacre Works, Mather Road, Bury, BL9 6RB  
**Proposal:** Residential development - No.4 dwellings with formation of access and highway works.

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**Application No.:** 65141      **App. Type:** FUL      28/05/2020      Approve with Conditions  
**Location:** Hamers Arms, Higher Summerseat, Ramsbottom, Bury, BL0 9UG  
**Proposal:** Relocation of air conditioning units to rear flat roof, insert kitchen door to rear elevation, new roof to existing covered external shelter, new glazed lobby entrance, new side gate and re-configuration and external decoration to beer garden.

Ward: **Prestwich - Holyrood**

---

**Application No.:** 65153      **App. Type:** FUL      05/06/2020      Approve with Conditions  
**Location:** 21 Simister Lane, Prestwich, Manchester, M25 2RS  
**Proposal:** Single storey extension and decking to the rear

---

**Application No.:** 65355      **App. Type:** FUL      26/05/2020      Approve with Conditions  
**Location:** 21 St Margarets Road, Prestwich, Manchester, M25 2GT  
**Proposal:** Two storey side and front extension; Single storey rear extension; Rear dormer

---

**Application No.:** 65365      **App. Type:** FUL      18/05/2020      Approve with Conditions  
**Location:** 7 Brooklawn Drive, Prestwich, Manchester, M25 2GS  
**Proposal:** Single storey extension at side

---

**Application No.:** 65380      **App. Type:** FUL      01/06/2020      Approve with Conditions  
**Location:** 1 Park Place, Prestwich, Manchester, M25 1QZ  
**Proposal:** Two storey extension at side/rear with side/rear dormers and single storey extension at side/rear with first floor balcony

---

**Application No.:** 65396      **App. Type:** FUL      12/06/2020      Approve with Conditions  
**Location:** 526 Bury Old Road, Prestwich, Manchester, M25 3DF  
**Proposal:** Single storey extension at side

---

**Application No.:** 65399      **App. Type:** FUL      05/06/2020      Approve with Conditions  
**Location:** 1 Hastings Close, Whitefield, Manchester, M45 6UQ  
**Proposal:** Single storey extension at rear and conversion of garage to living accommodation

Ward: **Prestwich - Sedgley**

---

**Application No.:** 65265      **App. Type:** FUL      12/06/2020      Approve with Conditions  
**Location:** 14 Cranbrook Drive, Prestwich, Manchester, M25 0JZ  
**Proposal:** First floor extension at front/side and loft conversion with front/rear dormers

---

**Application No.:** 65363      **App. Type:** FUL      22/05/2020      Approve with Conditions  
**Location:** 12 Craigwell Road, Prestwich, Manchester, M25 0EF  
**Proposal:** Two storey/single storey side extension; First floor rear extension; Front porch extension



---

**Application No.:** 65397    **App. Type:** FUL    26/05/2020    Approve with Conditions  
**Location:** 59 Kings Road, Prestwich, Manchester, M25 0LQ  
**Proposal:** Second floor dormer roof extension at rear

---

**Application No.:** 65429    **App. Type:** FUL    05/06/2020    Approve with Conditions  
**Location:** 41 Richmond Avenue, Prestwich, Manchester, M25 0LZ  
**Proposal:** Two storey extensions at side and rear

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

---

**Application No.:** 65336    **App. Type:** FUL    22/05/2020    Approve with Conditions  
**Location:** 17 Highfield Road, Prestwich, Manchester, M25 3AQ  
**Proposal:** Single storey rear extension

---

**Application No.:** 65364    **App. Type:** P3KPA    26/05/2020    Prior Approval Required and Refused  
**Location:** 379 Bury New Road, Prestwich, Manchester, M25 1AW  
**Proposal:** Prior approval for change of use from office space to childcare facility/nursery

---

**Application No.:** 65371    **App. Type:** FUL    20/05/2020    Approve with Conditions  
**Location:** 65A Mountside Crescent, Prestwich, Manchester, M25 3JH  
**Proposal:** Roof extension at side with loft conversion and dormer at rear with juliette balcony; First floor window to existing rear elevation replaced with juliette balcony

---

**Application No.:** 65438    **App. Type:** FUL    10/06/2020    Approve with Conditions  
**Location:** 29 Mountside Crescent, Prestwich, Manchester, M25 3JF  
**Proposal:** Two storey extension at side/rear and single storey extension at rear with render to external elevations

Ward: **Radcliffe - East**

---

**Application No.:** 65410    **App. Type:** FUL    12/06/2020    Approve with Conditions  
**Location:** 83 Greenbank Road, Radcliffe, Manchester, M26 4FR  
**Proposal:** Single storey extension at side/rear

Ward: **Radcliffe - North**

---

**Application No.:** 65146    **App. Type:** FUL    20/05/2020    Approve with Conditions  
**Location:** BP Service Station, Radcliffe Moor Road, Radcliffe, Manchester, M26 3NW  
**Proposal:** 2 No. jet wash bays

---

**Application No.:** 65441    **App. Type:** FUL    05/06/2020    Approve with Conditions  
**Location:** 27 Limesdale Close, Radcliffe, Bolton, BL2 6SH  
**Proposal:** Two storey extension at side and single storey extension at side/rear

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**Ward: Radcliffe - West**

---

**Application No.:** 65430      **App. Type:** FUL      12/06/2020      Approve with Conditions  
**Location:** 92 Water Street, Radcliffe, Manchester, M26 4BE  
**Proposal:** Change of use of from light industrial (Class B1(c)) to retail unit with new shop front and roller shutter (Class A1) at ground floor level and two storey extension at rear with 1 no. flat at first floor level

---

**Application No.:** 65431      **App. Type:** FUL      10/06/2020      Approve with Conditions  
**Location:** 53 Hutchinson Way, Radcliffe, Manchester, M26 3AB  
**Proposal:** Single storey extension at side/rear

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**Ward: Ramsbottom + Tottington - Tottington**

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**Application No.:** 65360      **App. Type:** FUL      02/06/2020      Approve with Conditions  
**Location:** Land off Claybank Drive, Tottington, Bury  
**Proposal:** Erection of private gated access into the new housing development (Planning Consented scheme 63275)

---

**Application No.:** 65384      **App. Type:** FUL      18/05/2020      Approve with Conditions  
**Location:** 110 Watling Street, Tottington, Bury, BL8 3QJ  
**Proposal:** Two storey extension at rear, new front porch and alterations to windows to front elevation

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**Ward: Ramsbottom and Tottington - Ramsbottom**

---

**Application No.:** 65197      **App. Type:** FUL      22/05/2020      Approve with Conditions  
**Location:** Higher House Farm, 14 Hawkshaw Lane, Tottington, Bury, BL8 4LB  
**Proposal:** Demolition of steel framed building; conversion of stone barn to 1 no. dwelling; increase in height to part of roof and a single storey lean-to extension and change of use of land for residential garden

---

**Application No.:** 65344      **App. Type:** ADV      12/06/2020      Approve with Conditions  
**Location:** Land at the corner of Bury New Road and Manchester Road, Ramsbottom  
**Proposal:** The erection of 1 x Sales V-Stack Sign, as per attached BRN-SSP-02 A

---

**Application No.:** 65350      **App. Type:** FUL      18/05/2020      Approve with Conditions  
**Location:** 12 Market Place, Ramsbottom, Bury, BL0 9HT  
**Proposal:** Change of use from shop (class A1) to tearoom (class A3)

---

**Application No.:** 65351      **App. Type:** LBC      18/05/2020      Approve with Conditions  
**Location:** 12 Market Place, Ramsbottom, Bury, BL0 9HT  
**Proposal:** Listed building consent for change of use from shop (class A1) to tearoom (class A3)

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---

**Application No.:** 65388      **App. Type:** FUL      22/05/2020      Approve with Conditions  
**Location:** 13 Lancaster Avenue, Ramsbottom, Bury, BL0 9QA  
**Proposal:** Single storey extension at side/rear with new flat roof at side

---

**Application No.:** 65389      **App. Type:** FUL      01/06/2020      Split Decision  
**Location:** 71 Bury New Road, Ramsbottom, Bury, BL0 0BZ  
**Proposal:** A: Erection of garage/outbuilding with storage space above at rear  
B: Widening of existing vehicular access with new boundary wall/gates

**Ward:** **Whitefield + Unsworth - Besses**

---

**Application No.:** 65223      **App. Type:** FUL      18/05/2020      Approve with Conditions  
**Location:** 36 Hardmans Road, Whitefield, Manchester, M45 7BD  
**Proposal:** Hip to gable roof extension with rear dormer

---

**Application No.:** 65359      **App. Type:** FUL      20/05/2020      Approve with Conditions  
**Location:** 124 Oak Lane, Whitefield, Manchester, M45 8JN  
**Proposal:** Proposed ground floor rear extension

---

**Application No.:** 65383      **App. Type:** FUL      26/05/2020      Approve with Conditions  
**Location:** 23 Parkside Mews, Whitefield, Manchester, M45 8QD  
**Proposal:** Two storey extension at rear

---

**Application No.:** 65406      **App. Type:** LDGP      01/06/2020      Lawful Development  
**Location:** 17 Swinton Crescent, Bury, BL9 8PA  
**Proposal:** Single storey side and rear extension

---

**Application No.:** 65408      **App. Type:** FUL      05/06/2020      Approve with Conditions  
**Location:** 8 Tamar Close, Whitefield, Manchester, M45 8SJ  
**Proposal:** First floor side extension

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

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**Application No.:** 65367      **App. Type:** TEL      26/05/2020      Prior Approval Required and Granted  
**Location:** Junction of Ringley Road and Old Hall Lane, Whitefield, Bury, M26 1RN  
**Proposal:** Prior notification for 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);

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**Application No.:** 65382      **App. Type:** FUL      22/05/2020      Approve with Conditions  
**Location:** 33 Cromwell Road, Radcliffe, Manchester, M45 7RQ  
**Proposal:** Single storey extensions at front and side with pitched roof over existing garage

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**Application No.:** 65391      **App. Type:** FUL      12/06/2020      Approve with Conditions  
**Location:** 5 Ross Avenue, Whitefield, Manchester, M45 7FH  
**Proposal:** Two/single storey extension at rear and single storey extension at side/rear with decking area

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**Application No.:** 65427      **App. Type:** ADV      10/06/2020      Approve with Conditions  
**Location:** 170 Bury New Road, Whitefield, Manchester, M45 6QF  
**Proposal:** 1 no. externally illuminated fascia sign and 1 no. internally illuminated hanging/projecting sign

Ward: **Whitefield + Unsworth - Unsworth**

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**Application No.:** 65460      **App. Type:** GPDE      10/06/2020      Prior Approval Required Refused - Ext  
**Location:** 52 Kenmore Road, Whitefield, Manchester, M45 8FS  
**Proposal:** Prior notification of proposed single storey rear extension

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**Total Number of Applications Decided:**      54

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# REPORT FOR NOTING

Agenda Item 6

**Bury**  
COUNCIL

**Agenda  
Item**

**6**

<b>DECISION OF:</b>	<b>PLANNING CONTROL COMMITTEE</b>
<b>DATE:</b>	<b>23 June 2020</b>
<b>SUBJECT:</b>	<b>PLANNING APPEALS</b>
<b>REPORT FROM:</b>	<b>HEAD OF DEVELOPMENT MANAGEMENT</b>
<b>CONTACT OFFICER:</b>	<b>DAVID MARNO</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	<p>Planning Appeals:</p> <ul style="list-style-type: none"> <li>- Lodged</li> <li>- Determined</li> </ul> <p>Enforcement Appeals</p> <ul style="list-style-type: none"> <li>- Lodged</li> <li>- Determined</li> </ul>
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	The Committee is recommended to the note the report and appendices
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? Yes
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	Executive Director of Resources to advise regarding risk management
<b>Statement by Executive Director of Resources:</b>	N/A
<b>Equality/Diversity implications:</b>	No
<b>Considered by Monitoring Officer:</b>	N/A

<b>Wards Affected:</b>	All listed
<b>Scrutiny Interest:</b>	N/A

## TRACKING/PROCESS

## DIRECTOR:

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

### 1.0 BACKGROUND

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

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

### 2.0 CONCLUSION

That the item be noted.

### List of Background Papers:-

#### Contact Details:-

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

**Tel: 0161 253 5291**

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

**Planning Appeals Lodged  
between 18/05/2020 and 14/06/2020**



**Application No.:** 65364/P3KPA

**Appeal lodged:** 09/06/2020

**Decision level:** DEL

**Appeal Type:** Written Representations

**Recommended Decision:** Prior Approval Required

**Applicant:** Mrs Alison Allcock

**Location** 379 Bury New Road, Prestwich, Manchester, M25 1AW

**Proposal** Prior approval for change of use from office space to childcare facility/nursery

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**Total Number of Appeals Lodged: 1**

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

**PLANNING CONTROL COMMITTEE**

**23 June 2020**

**SUPPLEMENTARY INFORMATION**



**Item:01 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

Following advice from the Council's Monitoring Officer, it has not been possible to carry out an actual site visit this month. This item has therefore been removed from the Agenda.

**Item:02 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)

Following advice from the Council's Monitoring Officer, it has not been possible to carry out an actual site visit this month. This item has therefore been removed from the Agenda.

**Item:03 Pavetec Ltd, 8-10 Spring Vale Street, Tottington, Bury, BL8 3LR**

**Application No. 64980**

Removal of existing buildings and erection of 2 no. units for a mixed use comprising B1 office and B8 storage.

Representation from owner/applicant, Mr Parry of 8/10 Spring Vale Street with the following comments -

- I would like to add on my behalf that during the planning application I have fully cooperated with the planning restrictions,
- I have designed the units so they will have no obstructions to neighboring properties
- The units will not be higher than my boundary wall and will cause no obstruction to sun light to any surrounding properties.
- I use these Premises solely for my office and storage of surplus machinery and materials.
- I have myself and 2 members of staff working from these premises at all times. which one is admin answering the phone and filing paperwork and I have another which is the commercial director.
- I don't have any of my ground workers coming to the office all of my staff go to and from there own homes to site.
- The noise doesn't come from my units it comes from other units trading from spring vale street.
- I would also like to add that the way my yard is set out now it is in need of modernization. I would be improving the look of spring vale street and would be spending a lot of money to renovate a very tired looking space.
- I'm a very considerate person and I wouldn't like to be woken early myself with banging etc so therefore I would like to be part of the committee so I can hopefully reassure people that I'm not there to make enemies and upset people.
- I have been at this address for the past 4 years and get on very well with people on springvale street. I just want to better my work place and Maximize the space I

have to it's full capacity.

### **Noise**

For clarification The submitted Noise Assessment concludes :

- without mitigation measures the development would increase noise by 14.0 dB above existing background levels.
- With the mitigation measures proposed, noise from the development would increase by 3.0 dB above existing background levels.
- This increase in noise is considered to be acceptable as it would not have a significant adverse impact.

The mitigation measures are required to be implemented by conditions 10 (noise insulation), 11 (Hours - loading/unloading), 12 (hours of operation) of the application and therefore the proposed development is considered acceptable and would not have an unacceptable impact upon residential amenity.

### **Item:04 Ivy House, Bolton Road West, Ramsbottom, Bury, BL0 9RN Application No. 65114**

Erection of 1 no. dwelling

### **Publicity**

2 letters have been received from the occupiers of 7 Ash Grove and Herbert Fell, Nabb Works, off Ash Grove, which have raised the following issues:

- I have already seen the amendments and revised submission made, which obviously address my concerns regarding the siting of the garage. My other comments regarding parking etc still stand.
- I will not be making any further representation, but would like to express my thanks for the attention you have obviously given to this matter.
- Our previous comments were attached to 1 Ash Grove and the correct address is Herbert Works Nabb Fell, Ash Grove.
- The revised drainage plan shows little except the proposed positions of Aco Drains and the soakaway, i.e., no foul drainage disposal and surface water drains, although I anticipate that all roof water, Aco drain water and driveway drainage is intended to discharge into the soakaway, thus concentrating the discharge at one point.
- We have taken some advice on this matter and it would appear that the siting of the soakaway does not comply with accepted guidelines, i.e., it should be 2.5 metres from the boundary of the property and 5 metres from any building. The siting does not appear to comply with the guide line in either respect.
- There is concern as to the effectiveness of a soakaway any way, as the nature of the ground is clay on adjoining properties, and also, the area in the Southern corner of the site is flooded at times indicating a failure of water to penetrate the subsoil. I presume the authority will require permeability tests to be carried out when a satisfactory siting is approved and account taken of the fact that our land is approx. 1 metre below the site. We would advise that any damage to the wall or property we will hold the builders and applicants accountable and entirely responsible.
- We would ask that a report be obtained to ascertain whether the siting/suitability of a soakaway in this instance is satisfactory.

The objectors have been notified of the Planning Committee meeting.

### **Response to objectors**

- The comments have amended and are logged against the correct address.
- Condition 8 requires the applicant to submit a scheme for the surface water drainage and the reports requested would form part of the determination of that condition.

### **Consultations**

**Traffic section** - No objections, subject to the inclusion of conditions relating to a construction traffic management plan, turning facilities, bin storage and car parking.

### **Conditions**

Therefore, conditions 2 (approved plans), 9 (turning facilities), 10 (car parking) and 11 (construction traffic management plan) should be amended and conditions 13 - 14 should be added in relation to access alterations and bin storage:

2. This decision relates to drawings numbered ZT19-196-01, ZT19-196-03 B, ZT19-196-04 B, ZT19-196-05 B, ZT19-196-06 B, ZT19-196-07 B, ZT19-196-08 B, ZT19-196-09 A, ZT19-196-10 B, ZT19-196-11 B, ZT19-196-13 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. The turning facilities indicated on the approved plans shall be provided before the dwelling is first occupied and the areas used for the manoeuvring of vehicles associated with the existing and new dwelling shall subsequently be maintained free of obstruction at all times.

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

Policy H1/2 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design

10. The car parking for the existing and new dwelling indicated on the approved plans shall be surfaced and made available for use prior to the dwelling hereby approved being occupied and thereafter maintained at all times.

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

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

- Dilapidation survey of the access point for construction traffic from the adopted highway and section of footway abutting the site in the event that subsequent highway remedial works are required following construction of the development and statutory undertakers connections to the new dwelling;
- Hours of operation in relation to the number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site, including any requisite phasing of the development to accommodate this;
- Parking on site of operatives' and construction vehicles together with storage on site of construction materials, including any requisite phasing of the development to accommodate this;
- Proposed site hoarding/gate positions, if proposed, clear of any existing parking/turning facilities for the existing dwelling;

- Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations

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

Reason. Information not submitted at application stage. To 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.

13. The access alterations/improvements to the shared access to ensure that the driveway widths indicated on the approved plans are provided, along with any highway remedial works required as a result of the construction of the development and statutory undertakers connections to the new dwelling, shall be implemented before the development is first occupied.

Reason. To ensure good highway design and maintain the integrity of the adopted highway, in the interests of highway safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H1/2 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design

14. The bin storage arrangements for the existing and new dwelling indicated on the approved plans shall be made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved being occupied and thereafter maintained at all times.

Reason. To ensure adequate off-highway bin storage facilities are provided for both dwellings within the curtilage of the site, in the interests of road safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H1/2 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design

**Item:05    38 Deyne Avenue, Prestwich, Manchester, M25 1EJ    Application No. 65261**

Construction of 1 no. dwelling at the side and forming car parking spaces to the rear

Nothing further to report

**Item:06    45 Bury Old Road, Prestwich, Manchester, M25 0EY    Application No. 65456**

**Demolition of existing dwelling and erection of a post graduate study centre (Class D1) and formation of new vehicular access from Kings Road.**

**Additional Representations**

Representations in support of the scheme have been received from the following addresses:

57 Bury Old Road, 7, 14 and 17 East Meade, 14 Bishops Road, 99 and 182 Albert Avenue, 2 and 8 Delcot Close, 2 Fort Road, 7 Richmond Avenue, 47, 55 and 115 Kings Road, Milton Lodge and The Deli-King.

An additional objection has been received from 55A Bury Old Road. The concerns raised are covered in the main report.