

## 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 March 2021
<b>Place:</b>	Virtual meeting via Microsoft Teams <a href="https://councilstream.com/burycouncil">https://councilstream.com/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 16TH FEBRUARY 2021** *(Pages 3 - 6)*

Minutes of the meeting held on Tuesday the 16<sup>th</sup> February 2021 are attached.

### **4 PLANNING APPLICATIONS** *(Pages 7 - 184)*

Reports attached.

### **5 DELEGATED DECISIONS** *(Pages 185 - 198)*

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 199 - 210)*

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

### **7 SECTION 106 AGREEMENTS** *(Pages 211 - 240)*

A report attached from the Head of Development Management outlines the contributions made by S106 obligations between the 1 April 2018 and 31 March 2019 and summarises those agreements where obligations are outstanding and those where the triggers for meeting obligations have not yet been reached.

### **8 URGENT BUSINESS**

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



**Minutes of: PLANNING CONTROL COMMITTEE**

**Date of Meeting:** 16 February 2021

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

**Also in attendance:** Councillor C Cummins

**Public Attendance:** 2 members of the public were present virtually at the meeting

**Apologies for Absence:** Councillor S Briggs and Councillor S Haroon

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**PCC.1 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors S Briggs and S Haroon.

**PCC.2 DECLARATIONS OF INTEREST**

Councillor Vernon declared a personal interest in planning application 66303, Greenhill County Primary School, Greenhill Road, Bury as he was a governor at the school.

Councillor Vernon left the virtual meeting during deliberation of the application.

**PCC.3 MINUTES OF THE MEETING HELD ON 15TH DECEMBER 2020**

**Delegated decision:**

That the Minutes of the meeting held on the 15<sup>th</sup> December 2020 be approved as a correct record and signed by the Chair.

**PCC.4 PLANNING APPLICATIONS**

A report from the Head of Development Management was submitted in relation to various applications for planning permission.

Supplementary information was also submitted in respect of application numbers 66177, 66303 and 66307.

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

**Delegated decisions:**

1. That the following planning application be **deferred** due to queries on land ownership and required certification of ownership prior to consideration by the Committee:-

**66177      18-20 Holcombe Village, Ramsbottom, Bury, BL8 4LZ**

Two storey rear extension with timber cladding to accommodate storage area

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

**66249      Land off Moorside Road, Tottington**

Erection of multi purpose agricultural building

3. That the Committee **Approve with Conditions** the following application in accordance with the reasons put forward by the Development Manager in the report and any supplementary information submitted and subject to the conditions included with an additional condition to be added about a landscaping scheme:-

**66303      Greenhill County Primary School, Greenhill Road, Bury, BL8 2LJ**

Erection of 2.4 metres high security fencing and gates

4. 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 any supplementary information submitted and subject to the conditions included with additional conditions to be added about clarification for tree removal on the site and Abden Street/ Lord Street to be used for access in emergencies only:-

**66307      Former Radcliffe High School, Abden Street, Radcliffe, Manchester, M26 3AT**

Demolition and site enabling work

**PCC.5      DELEGATED DECISIONS**

A report from the Head of Development Management was submitted listing all recent planning application decisions made by Officers using delegated powers since the last meeting of the Planning Control Committee.

**Delegated decision:**

That the report and appendices be noted.

**PCC.6      PLANNING APPEALS**

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

**Delegated decision:**

That the report and appendices be noted.

**PCC.7 PLANNING ENFORCEMENT**

A report from the Head of Development Management was submitted to provide statistical information on Enforcement activity between the 20th December 2018 to 20th December 2019 and between the 20th December 2019 to 20th December 2020.

**Delegated decision:**

That the report be noted.

**PCC.8 URGENT BUSINESS**

No urgent business was reported.

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

**(Note: The meeting started at 7.00pm and ended at 8.16pm)**

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<b>Title</b>	<b>Planning Applications</b>
<b>To:</b>	<b>Planning Control Committee</b>
<b>On:</b>	<b>23 March 2021</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> Radcliffe - East	<b>App No.</b> 65015
	<b>Location:</b> Land at Morris Street, Radcliffe	
	<b>Proposal:</b> Construction of 25 no. dwellings with associated access, landscaping and ancillary works	
	<b>Recommendation:</b> Approve with Conditions	<b>Site Visit:</b> Y
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<b>02</b>	<b>Township Forum - Ward:</b> Bury East - Moorside	<b>App No.</b> 65525
	<b>Location:</b> Topping Mill, Topping Street, Bury, BL9 6DR	
	<b>Proposal:</b> Change of use of former industrial premises (Class B2) into 15 no. residential apartments (Class C3)	
	<b>Recommendation:</b> Minded to Approve	<b>Site Visit:</b> N
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<b>03</b>	<b>Township Forum - Ward:</b> Bury East	<b>App No.</b> 66058
	<b>Location:</b> 55 Rochdale Road, Bury, BL9 0QZ	
	<b>Proposal:</b> Extension to form workshop (Class B2)	
	<b>Recommendation:</b> Approve with Conditions	<b>Site Visit:</b> N
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<b>04</b>	<b>Township Forum - Ward:</b> Ramsbottom and Tottington - Ramsbottom	<b>App No.</b> 66177
	<b>Location:</b> 18-20 Holcombe Village, Ramsbottom, Bury, BL8 4LZ	
	<b>Proposal:</b> Rear extension to form a storage area	
	<b>Recommendation:</b> Approve with Conditions	<b>Site Visit:</b> N
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<b>05</b>	<b>Township Forum - Ward:</b> Bury East - Moorside	<b>App No.</b> 66226
	<b>Location:</b> 26 West Drive, Bury, BL9 5DN	
	<b>Proposal:</b> New dwelling in garden of existing house	
	<b>Recommendation:</b> Approve with Conditions	<b>Site Visit:</b> N
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<b>06</b>	<b>Township Forum - Ward:</b> Ramsbottom and Tottington - Ramsbottom	<b>App No.</b> 66308
	<b>Location:</b> Land north of Heatherside Road, Ramsbottom, Bury, BL0 9BX	
	<b>Proposal:</b> Erection of 1no. bespoke, self-build and custom-build dwelling, access, driveway, parking, landscaping and all other associated works	
	<b>Recommendation:</b> Approve with Conditions	<b>Site Visit:</b> N
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<b>07</b>	<b>Township Forum - Ward:</b> Bury West - Elton	<b>App No.</b> 66366
	<b>Location:</b> Former Site of Andrew Textile Industries Ltd, Walshaw Road, Bury, BL8 1NG	
	<b>Proposal:</b> Site wide preparatory works, comprising the full demolition of the vacant industrial building and ancillary structures, and remediation and earthworks in connection with the future residential redevelopment of the site which has been granted outline planning permission.	

**Recommendation:** Approve with Conditions

**Site Visit:** N

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**08 Township Forum - Ward:** Prestwich - Holyrood **App No.** 66431

**Location:** Sports Pavilion, Heys Road, Prestwich

**Proposal:** Erection of pergola and timber summerhouse

**Recommendation:** Approve with Conditions

**Site Visit:** N

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**09 Township Forum - Ward:** Bury East - Redvales **App No.** 66472

**Location:** 115 Radcliffe Road, Bury, BL9 9LD

**Proposal:** Change of use from cafe (Class E (b)) to hot food takeaway (Sui Generis) with installation of flue/extractor system at rear

**Recommendation:** Approve with Conditions

**Site Visit:** N

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**Ward:** Radcliffe - East

Item 01

**Applicant:** The Averill Group

**Location:** Land at Morris Street, Radcliffe

**Proposal:** Construction of 25 no. dwellings with associated access, landscaping and ancillary works

**Application Ref:** 65015/Full

**Target Date:** 28/04/2020

**Recommendation:** Approve with Conditions

**The application was deferred at the December 2020 Planning Control Committee meeting to carry out a site visit. A remote site visit video has been undertaken and provided for Members.**

### **Description**

Prior to the commencement of the flood defence works, the site consisted of open land to the south of Morris Street. As part of the flood defence works, an earth bund and a wall have been constructed on the perimeter of the site by the Environment Agency. Currently the site is being used as the compound for the construction of the Radcliffe and Redvales flood defence scheme until the works are completed in June 2021.

There are residential properties to the north, east and west of the site and the River Irwell is located to the south.

The proposed development involves the erection of 25 dwellings. The proposed dwellings would be a mix of semi-detached and detached properties and would be two storeys in height. The proposed development would be constructed from brick with grey concrete tiles. The proposed dwellings would be constructed behind the recently constructed flood defence by the Environment Agency. The access would be taken from Morris Street.

### **Relevant Planning History**

55583 - Erection of 14 no. three-storey dwellings with raised gardens, including extension to Morris Street and associated pedestrian footpaths at land off Morris Street, Radcliffe. Approved with conditions - 30 September 2013.

63559 - A series of sheet piled walls and embankments, on land within Close Park and land to the south of Morris Street, which form part of a wider scheme to improve flood protection along the River Irwell at land to south of Morris Street & land within Close Park, Radcliffe. Approved with conditions - 28 March 2019.

64801 - Redesign of the previously approved flood defence bund to provide sheet piled wall and bund at land at Morris Street, Radcliffe. Withdrawn - 22 July 2000.

65020 - Retention of a construction compound, consisting of site cabins, cycle store and car parking, until completion of flood defence works in June 2021 at land to south of Morris Street, Radcliffe. Approved with conditions - 11 February 2020.

### **Adjacent sites**

63559 - A series of sheet piled walls and embankments, on land within Close Park and land to the south of Morris Street, which form part of a wider scheme to improve flood protection along the River Irwell. - Approve with Conditions 28/03/2019

64788 - Erection of retaining walls & sheet piled walls between 1m & 3m in height to form a flood defence between the metrolink bridge and Warth Bridge at land to south of Warth

Industrial Estate, Warth Road, Bury. Approved with conditions - 17 December 2019

64789 - Erection of walls between 1.5m & 3.5m in height to form a flood defence at land to south of Central Avenue & Keswick Drive, Bury. Approved with conditions - 17 December 2019

64790 - Proposal A - A series of sheet piled walls and concrete walls across 4 sites  
Proposal B - Erection of an embankment and retaining wall at land to west of Metrolink line at Warth Road at land to west of Metrolink line at Warth Road; Land to west of Bury Road; Land to east of Whitefield Road; Land to west of Hardy's Gate Bridge and Land to north of York Street, Bury. Split decision - 22 January 2020.

65171 - Various flood defence proposals including sheet piled walls, concrete L-walls and earth embankments, finished in a manner consistent with the local aesthetic at land to west of Metrolink line at Warth Road; Land to west of Bury Road; Land to east of Whitefield Road; Land to west of Hardy's Gate Bridge and Land to north of York Street, Bury.  
Approved with conditions - 28 July 2020

### **Publicity**

The neighbouring properties were notified by means of a letter on 30 January and a press notice was published on 6 February 2020. Site notices were posted on 3 February 2020.

An e-mail has been received from Councillor Cathcart, which has raised the following issues:

- In 2008 Weetwood Engineering and the Environment Agency highlighted the significant flooding that could happen to Morris Street if the Hardy's Gate Development went ahead. This has proven to be one of the most costly developments to Bury MBC and continues to be a site of significant risk following the river breach in 2020.
- Whilst I do not object to affordable social housing, this site is not appropriate for development.
- No plans were submitted for residents to consider.
- This is an application from a property developer with no experience of developing land and this site should not be a testing ground.
- It is a high risk scheme that will put pressure on an already overloaded water system that regularly causes surface water run off and localised flooding due to inefficient water mains utility infrastructure failing.

13 letters have been received from the occupiers of 2, 9, 12 Morris Street, 168, 172, 200, 206 Dumers Lane, 18, 23 Parkside Close, 37 Dumers Chase, 52 Hawthorn Crescent, 4 Sunningdale Close, Bury, 64 Riverside Drive, Stoneclough, which have raised the following issues:

- As a resident of Morris Street, I strongly object to the proposal.
- After the events of December 2015 and the flooding of my property, I cannot believe that the Council is considering an application for houses on the flood plain.
- The houses that were built on the old halls factory site have been raised above us and subsequently do not flood, but this is at our expense.
- Radcliffe has an influx of housing with no new infrastructure and no schools for high school children. Why keep adding more people to the area?
- Radcliffe and Redvales Flood Action Group which represents over 200 households in Radcliffe would like to express concerns about this development.
- My property flooded in 2015 and I fear that this will add to our current problems and cause more issues.
- In February 2020, the river rose to dangerous levels and the contractors building the flood defences used their equipment to build a makeshift wall to prevent the flow of water onto Morris Street and the surrounding area.
- There are many flood plains in the area which have already been questionably used for property development. It is risky and foolhardy to continue down this path. Residents are scared for their homes, safety, families and wellbeing

- We have lived in the area for a year and regularly see standing water on this land.
- No defences are being built to protect the homes on Riverside Drive, Stoneclough and these properties were flooded again in February 2020. Any development that adds to the risk for any properties downstream should never be approved.
- I have no doubt that the planning department will mark this application as “minded to approve” as this generally appears to be the case for Bury Planning Department. Personally I have serious concerns about this application as it would appear that according to the Government’s own website containing “long term flood-risk information” areas on the proposed development site have a “high risk of flooding from rivers” which is defined as “High risk means that each year this area has a chance of flooding of greater than 3.3%”
- I assume that the argument will be made that with the implementation of the new flood defences currently being funded by the Environment Agency this risk will be reduced to an acceptable level.
- My concerns in relation to this assumption is that the flood defences were not designed to protect this particular area as it is not currently designated as a residential area and secondly the danger with the implementation of any flood defence is that by protecting one area from flood risk you can unintentionally transfer the flood risk back up stream to an area that currently is not designated as high flood risk.
- In relation to the previous development at Hardy’s Gate I note that it would appear none or very few of the recommendations for flood mitigation detailed in the attached report were actually implemented before the development at Hardy’s Gate was built. Instead the Council and developers relied on the claim that the risk of flooding for this site was a one in one hundred year event. This assumption has since been proved to be a ridiculous under estimate of the risk since some residents have been flooded 3 times in five years.
- I would also question why the Council ignored the advice of the Helen Telfer, The Planning Liaison Officer from the Environment Agency when she suggests that “We are not convinced that the level of information in this section strictly follows the principles of the sequential test”
- Are the planning department convinced that the flood defences currently being built are actually designed to reduce this risk to an acceptable level or is it in fact the case that this land is actually designed to act as a flood plain?
- While I am certainly not opposed to the provision of much needed affordable housing in Radcliffe this should not be done at the cost of the stress and trauma of being flooded for other residents.

The neighbouring properties and objectors were notified of revised plans on 19 August 2020.

No further comments were received.

The neighbouring properties and objectors were notified of revised plans on 17 November 2020.

No further comments were received.

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

**Traffic Section** - No objections, subject to the inclusion of conditions relating to highway works, replacement of the turning head, construction traffic management plan, maintenance of the roads, turning facilities, car parking and bin storage.

**Drainage Section** - No response.

**Environmental Health - Contaminated Land** - Require updated desk top study  
No objections, subject to the inclusion of conditions relating to contaminated land.

**Environmental Health - Air Quality** -No objections, subject to the inclusion of condition relating to electric vehicle charging points.

**Waste Management** - No response.

**Environment Agency** - No objections, subject to the inclusion of conditions relating to finished floor levels, landscaping and invasive species.

During the last flood event, the flood defences were not tested as the water levels got to the bottom of the embankment (photos attached). The defences have been inspected recently.

**Design for security** - No objections, subject to the inclusion of a condition.

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

**The Coal Authority** - No objections, subject to the inclusion of conditions relating to coal mining.

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

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

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

EC2/1	Employment Generating Areas
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN7/5	Waste Water Management
OL5/3	Riverside and Canalside Development in Urban Areas
RT1/1	Protection of Recreation Provision in the Urban Area
RT2/2	Recreation Provision in New Housing Development
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
SPD1	Open Space, Sport and Recreation Provision
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

### **Issues and Analysis**

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

**Principle (Employment)** - Policy EC2/1 states that within Employment Generating Areas (EGA), the Council will only allow development for business (B1), general industrial (B2) and warehousing (B8). Other uses will only be permitted where they constitute limited development or do not substantially detract from an area's value as an EGA.

The wider EGA - development by Bellway and Persimmon reprovided for the employment. This site is now only a small fraction of the EGA. The issue is whether this small amount of development is required to re-provide for employment. Given its scale and location, it would not detract given the amount of development that has been carried out and implemented. Therefore, the proposed development would not substantially detract from the value of the EGA and would be in accordance from Policy EC2/1 of the Bury Unitary Development Plan.

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

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

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

The site is located within the urban area and there is residential development to the north east and north west. As such, the proposed development would not conflict with the surrounding land uses. The site was previously in use for vehicle repairs and as such, would be previously developed land. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy H1/2 and Area RM2 of the Bury Unitary Development Plan and the NPPF.

**Design and layout** - The proposed development would provide a mixture of detached and semi-detached dwellings and 2 and 3 bed dwellings. The proposed dwellings would be two storeys in height and would be constructed from red brick and grey concrete tile, which would match the surrounding properties. The proposed dwellings would utilise floor to ceiling windows to add visual interest to the elevations. It is considered that the height and scale of the dwellings would be appropriate within the streetscene. Therefore, the scale and design of the proposed dwellings would be appropriate within the context of the area and would comply with UDP Policies H2/1 - The Form of New Residential Development and EN1/2 - Townscape and Built Design.

The proposed development would provide car parking spaces to the front of the proposed dwellings and the proposed layout would offer good natural surveillance. The proposed site plan shows trees would be planted between parking spaces and larger areas of landscaping, such as the area to the rear of plots 10 - 14 and an area of public open space adjacent to the flood defence. As such, the proposed development would not be a prominent feature within the streetscene and would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

The level of private amenity space for the proposed dwellings would be acceptable and there would be space within the rear garden for bin storage. There would be a 1.8 metre high timber boarded fence between the rear gardens, which would be acceptable. Therefore, the proposed development would not be a prominent feature and would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

**Impact upon residential amenity** - SPD6 provides guidance on aspect standards between residential properties and as such, would be relevant in this case. The aspect standards states that there should be a minimum of 20 metres between directly facing habitable windows and 13 metres between a habitable room window and a two storey blank wall.



There would be at least 20.2 metres between plots 1 - 9 and the properties fronting onto Durers Chase. There would be between 20 and 22 metres between plots 19 - 25 and the properties fronting onto Durers Lane. Both of these would be in excess of the 20 metre aspect standard.

There would be 15 metres between plot 25 and the rear of the properties fronting onto Morris Street, which would be in excess of the 13 metre aspect standard required.

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

**Flood risk** - The proposed development is located within flood zone 3 and a Flood Risk Assessment has been submitted as part of the application.

The Environment Agency have completed the construction of phase 1 of the Radcliffe and Redvales flood defence scheme, which covers an area from Morris Street to Close Park. The flood defence at Morris Street consists of a T-shaped bund at the bottom end of Morris Street. The bund is 3 metres in height with a path to connect Morris Street to the existing riverside walkway and 2 metres in height where it runs parallel with the River Irwell. The bund connects to a sheet pile wall, of varying heights between 1 - 3 metres which stretches from Morris Street to the rear of 74 Durers Lane. The flood defence scheme was designed to protect 873 properties within the Radcliffe area and this includes the properties on Morris Street and Durers Lane. As such, the proposed development of 25 dwellings would also be protected by the existing flood defences.

The EA have confirmed that a minimum distance of 2 metres would be required between the proposed development and the existing flood defence for inspection and maintenance purposes. The applicant has provided revised plans which confirm that there would be a minimum of 2 metres between the proposed dwellings and the flood defence.

The Environment Agency have no objections, subject to the inclusion of conditions relating to finished floor levels, landscaping and invasive species.

Therefore, the proposed development would not increase flood risk to the site or downstream and would be in accordance with Policy EN5/1 of the Bury Unitary Development Plan and the NPPF.

## **Ecology**

Protected species - The ecological appraisal confirms that no protected species were identified on the site, but is located in close proximity to the wildlife corridor which could have indirect impacts upon bats, otter and kingfisher. No external lighting is proposed along the River Irwell, which is welcomed. The only residual risk is for otters, which could stray onto the site during the construction period. The report confirms that this risk is low and reasonable avoidance measures will be provided. GM Ecology Unit agree with this assessment and have no objections, subject to the inclusion of conditions relating to the reasonable avoidance measures.

Proximity to the River Irwell - The river Irwell is protected under the EU Water Framework Directive, which requires environmental objectives be set for all surface and ground waters to enable them to achieve good status or potential for heavily modified water bodies by a defined date. One objective is to prevent further deterioration which can include changes to flow pattern, width and depth of channel, sediment availability/transport and ecology and biology.

The risks to the ecological potential of the River, resulting from this development primarily relate to pollution and sediment entering the river during construction and post development from drainage. GM Ecology Unit state that given the buffer between the development and the river of several meters, these risk can be managed through the imposition of conditions. Therefore, the proposed development would not have a significant adverse impact upon the

ecology of the River Irwell.

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 site is currently of only very low ecological value and ecological enhancement measures are proposed in the form of bird boxes, bat boxes and native tree planting. GM Ecology Unit has no objections, subject to the inclusion of conditions relating to landscaping.

Therefore, the proposed development would not be detrimental to protected species and the ecology of the area and would be in accordance with Policies EN6, EN6/3 and EN6/4 of the Bury Unitary Development Plan and the NPPF.

**Highways issues** - The site would be accessed from Dumers Lane via Morris Street. Appropriate visibility splays would be provided. The existing turning head at the end of Morris Street would be amended and appropriate turning facilities would be provided here and at the end of the access road. The Traffic Section has no objections, subject to the inclusion of conditions relating to highway works, replacement of the turning head, construction traffic management plan, maintenance of the roads, turning facilities, car parking and bin storage. The proposed development would not be detrimental to highway safety and would be in accordance with Policies H2/1, H2/2 and EN1/2 of the Bury Unitary Development Plan.

**Parking** - SPD11 states that the maximum parking standards for a residential development are as follows:

1.5 spaces per 2 bed dwelling

2 spaces per 3 bed dwelling

This equates to 43 parking spaces.

The proposed development would provide 43 spaces, which would comply with the maximum parking standards. The site has good access to public transport and would be located in a sustainable location. As such, the level of parking provision would be acceptable. Therefore, the proposed development would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

**Planning obligations** - The scheme as proposed would normally include a commuted sum of £66,673.30 for recreation as required by SPD1 and 6 affordable units.

The proposed development would provide 25 affordable units, which would be in excess of the 6 required and would provide an area of public open space, which would be adjacent to plot 9.

The applicant has submitted a viability appraisal where a case has been presented that any commuted sum would render the development unviable. The viability case has been assessed and accepted. Given that the development is less than 50 dwellings - no on-site provision is actually required. The proposed development is providing incidental provision. There is a consideration that 100% provision is seen on balance to be of a higher necessity given the scale of the development.

The scheme will deliver 100% much needed affordable housing in the Borough which is a clear benefit of the proposal. The affordable housing provision would be secured through a condition.

### **Response to objectors**

- The issues relating to flood risk have been addressed in the report above.
- The proposed development would not increase the risk of flooding downstream as it would be constructed behind the Radcliffe and Redvales flood defences.
- The flood risk information on the government's website has assessed the site without

the recently approved flood defence measures. As these are in place, the proposed dwellings would be protected from flooding in the same way as the existing properties on Morris Street.

- The impact of the flood defences on raising flood risk in other areas was fully assessed as part of applications 63559, 64788, 64789, 64790 and 65171 and the flood defence scheme would not increase the risk of flooding elsewhere.
- The comments from Helen Telfer for the Environment Agency related to the original scheme and were received at a time when the flood defences were not in place. The layout of the proposed development was amended by reducing the number of units from 37 to 25 and all built development now sits behind the EA's flood defences. The flood defences have been constructed and are complete, pending snagging works. The completion of the flood defences ensures that the land is not prone to flooding and the sequential test is not required. The Environment Agency have no objections, subject to the inclusion of conditions relating to finished floor levels, landscaping and invasive species.

### **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 LP1902-3-001 X, LP1902-3-003, LP1902-3-006 J, LP1902-3-200, LP1902-3-300 - Sheet 1, LP1902-3-300 - Sheet 2, LP1902-3-301 - Sheet 1, LP1902-3-301 - Sheet 2, LP1902-3-302, LP1902-3-304 - Sheet 1, LP1902-3-305, LP1902-3-400, LP1902-3-410, LP1902-3-412 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 development hereby approved shall only be developed by or on behalf of the applicant as an affordable housing scheme and each and every residential dwelling constructed as part of the scheme shall subsequently be occupied only and at all times as affordable housing, as defined in Supplementary Planning Document 5 - Affordable Housing Provision in New Residential Developments.  
Reason - The proposed development has been granted given the particular circumstances of the applicant following a funding package from the Homes England which provides an opportunity to promote increased affordable housing, but as a result a recreational contribution pursuant to Supplementary Planning Document 1 (Open Space, Sport and Recreation Provision in New Housing Development) will not be provided. This condition is thereby to ensure that in order to make the development acceptable in planning terms, as a result of not making a recreational contribution the whole development shall instead contribute to



satisfying the need for affordable housing provision.

4. 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.

5. 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.

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

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

7. No development shall commence unless and until:-

- Intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features and the findings of the intrusive site investigations have been submitted to and approved in writing by the Local Planning Authority. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance;
- Where the findings of the intrusive site investigations identify that coal mining legacy on the site poses a risk to surface stability, a detailed remediation scheme to protect the development from the effects of such land instability shall be submitted and approved in writing by the Local Planning Authority for consideration and approval in writing

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.

8. Following the provisions of Condition 7 of this planning permission, where remediation is required in relation to coal mining, the approved Remediation

Strategy must be carried out to the satisfaction of the Local Planning Authority; 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 occupation of the development hereby approved

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.

9. Prior to the commencement of the development hereby approved (excluding site clearance, demolition, or works relating to site investigation, remediation or ground works), a scheme for the provision of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the building hereby approved.

Reason. In accordance with paragraph 35 and 124 of 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.

10. Prior to the commencement of any earthworks, a reasonable avoidance measures method statement for otters shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved method statement.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

11. No 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.

12. No development shall commence until full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonia Japonica*, *Rouse Decraene*, *Polygonum Cuspidatum*) and Himalayan Balsam (*Impatiens Glandulifera*), Giant Hogweed and Monbretia is submitted to and approved in writing by the Local Planning Authority. The approved management plan shall include a timetable for implementation. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority.

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.

13. No development, site clearance, earth moving shall take place, or material or machinery brought on site until a method statement to protect the River Irwell from accidental spillages, dust and debris has been submitted to and approved in writing by the Local Planning Authority. All measures will be implemented and maintained for the duration of the construction period in accordance with the approved details.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

14. No development shall take place until details to show that the proposed development would not impact negatively upon the ecological potential of the River Irwell resulting from the disposal of foul water and surface water post-development has been submitted to and approved in writing by the Local Planning Authority. The details, as approved, shall be implemented in full in accordance with a timetable which has first 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.

15. 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 scheme shall avoid trees or shrubs within 5 metres of the landward toe of the existing flood defences. 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.

16. No development approved by this permission shall be commenced until details of the finished floor levels and external levels has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved details.

Reason. To ensure the structural integrity of the flood defences, thereby reducing risk from flooding and to reduce the risk of flooding to the proposed development and future users pursuant to Policy EN5/1 - New Development and Flood Risk of the Bury Unitary Development Plan and the NPPF.

17. No development shall commence unless or until a landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by, the local planning authority. The landscape and ecological management plan shall be carried out in accordance with the approved details prior to first occupation of the dwellings hereby approved. The scheme shall include the following elements:

- details of maintenance regimes
- details of any new soft landscaping including planting schedule largely based on native species, for retained semi-natural areas.
- details of mitigation and enhancement measures outlined in EIA (section4/5, Enzygo, Aug 2020)
- details of treatment of site boundaries; including alongside new Agency Flood

embankment.

- details of management responsibilities

Reason. To secure the satisfactory development of the site in the interests of visual amenity and to ensure the protection of wildlife and supporting habitat pursuant to Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design, EN6/3 - Features of Ecological Value 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.

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

- Dilapidation survey of the footways and carriageways leading to and abutting the site in the event that subsequent remedial works are required following construction of the development;
- Formation of the replacement turning facility on Morris Street and proposed site access to a scope and specification to be agreed, incorporating the provision of footway widths consistent with those in Morris Street, revised footway arrangements at the south west corner of the turning head to provide a minimum width of 1.8m, limits of adoption to an agreed position on the side arm of the turning head, demarcation of the limits the adopted highway, reconstruction of the existing concrete carriageway, provision of adequate arrangements at the interface with the adopted highway to form a maximum 1 in 20 plateau, tactile paved crossing point across the proposed site access/side arm of the turning head at a position to be agreed, give-way markings, and all associated highway and highway drainage works;
- Formation of the proposed driveway dropped crossings onto Morris Street and reconstruction of both footways to a scope and specification to be agreed;
- Measures to prevent the discharge of surface water onto the adopted highway from the proposed private estate road;
- Provision of a street lighting assessment to a scope and specification to be agreed and subsequent scheme of improvements for the junction of the Morris Street with Dumers Lane, Morris Street between this junction and the site access, junction of the site access with Morris Street and the proposed estate road;
- Provision of visibility splays and forward visibility envelopes appropriate for a design speed of 20mph at the junction of the site access with Morris Street and bend in accordance with the standards in Manual for Streets with no obstructions above the height of 0.6m within them.

The details subsequently approved shall be implemented to an agreed phasing plan of both the highway works and housing element of the development 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, ensure the intervisibility of the users of the site and the adjacent highways and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EN1/2 - Townscape and Built Design

Policy H2/1 - The Form of New Housing Development

Policy H2/2 - The Layout of New Housing Development

19. Plots 3 - 9 of the proposed development shall not be commenced unless and until the required stopping-up order has been secured and replacement turning facility on Morris Street has been implemented to an agreed specification and stage of construction, with the facility fully implemented prior to first occupation of the development.

Reason. To secure the satisfactory development of the site in terms of highway

safety, ensure good highway design, ensure the intervisibility of the users of the site and the adjacent highways and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EN1/2 - Townscape and Built Design

Policy H2/1 - The Form of New Housing Development

Policy H2/2 - The Layout of New Housing Development

20. 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:

- Access route for vehicles from the highway network;
- Access points to the site for each phase of the development, including any temporary works and measures required to protect highway users and facilitate vehicular access;
- Hours of operation and number of vehicle movements;
- Proposed site hoarding/gate positions clear of appropriate visibility splays onto Morris Street;
- A scheme of appropriate warning/speed limit signage in the vicinity of the construction site access(es);
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site, 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;
- 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.

21. No development shall commence unless and until details of the proposed arrangements for future management and maintenance of the proposed estate road and street lighting within the development have been submitted to and approved by the Local Planning Authority. The estate road shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

Reason. To ensure that the unadopted estate road serving the development is maintained to an acceptable standard in the interests of residential/highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway pursuant to the following Policies of the Bury Unitary Development Plan: Policy EN1/2 - Townscape and Built Design  
Policy H2/1 - The Form of New Housing Development

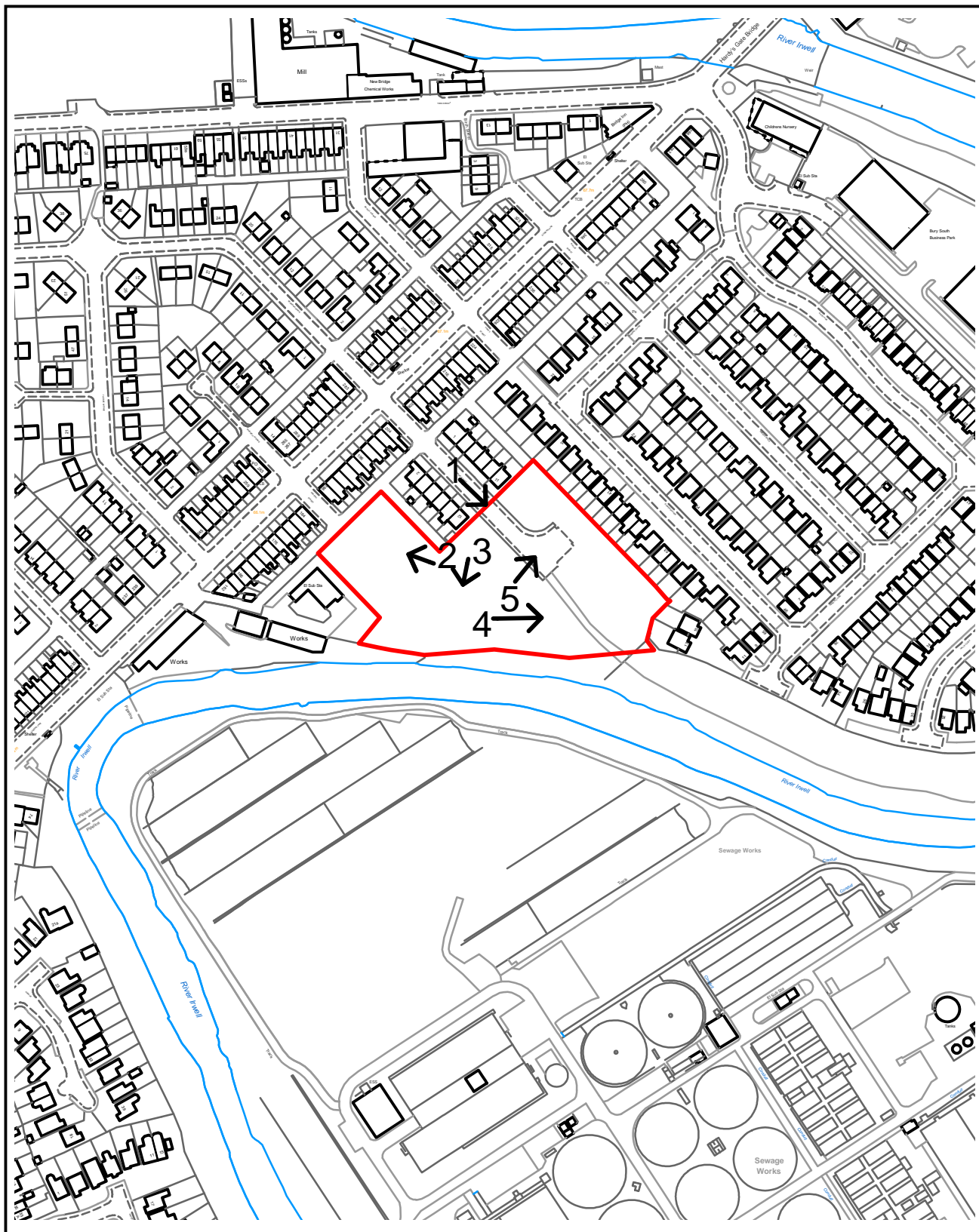


Policy H2/2 - The Layout of New Housing Development

22. The vehicular/pedestrian access arrangements and turning facilities within the curtilage of the site indicated on the approved plans shall be provided before the development is first occupied and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.  
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to the following Policies of the Bury Unitary Development Plan:  
Policy EN1/2 - Townscape and Built Design  
Policy H2/1 - The Form of New Housing Development  
Policy H2/2 - The Layout of New Housing Development
23. The car parking indicated on the approved plans, incorporating minimum hardstanding lengths of 5.0m and measures to prevent the discharge of surface water onto the adopted highway, shall be surfaced and made available for use prior to the development hereby approved being occupied and thereafter maintained at all times  
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
24. Bin storage arrangements shall be provided within the curtilage of each dwelling in accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments'.  
Reason. To ensure that adequate bin storage arrangements are provided within the curtilage of each dwelling pursuant to Policy EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan.
25. 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.
25. Foul and surface water shall be drained on separate systems.  
Reason. To ensure a satisfactory scheme of drainage, 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.

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

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

**APP. NO 65015**

**ADDRESS:** Land at Morris Street  
Radcliffe

**Planning, Environmental and Regulatory Services**

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**Bury**  
COUNCIL



65015

Photo 1



Photo 2





Photo 3



Photo 4





Photo 5

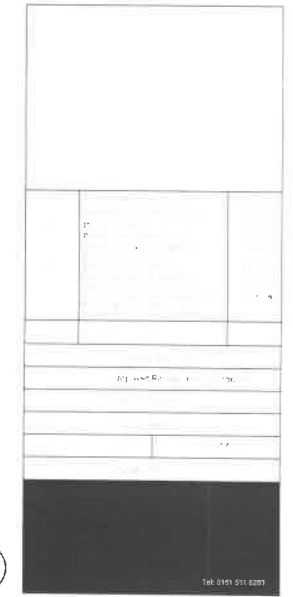




**ACCOMMODATION SCHEDULE**

TOTAL H-TYPE A	15
TOTAL H-TYPE C	10
<b>Total:</b>	<b>25</b>

# PLANNING SITE PLAN



PROPOSED SITE PLAN 1:500@ A1

- |  |                      |  |                    |  |                 |
|--|----------------------|--|--------------------|--|-----------------|
|  | Pavements - Tarmac   |  | Application Area   |  | Retaining Wall  |
|  | Public Grass Area    |  | Paving Stone       |  | Indicative Bund |
|  | Access Road - Tarmac |  | Private Grass Area | (See EA Drawings for confirmed position) |                 |

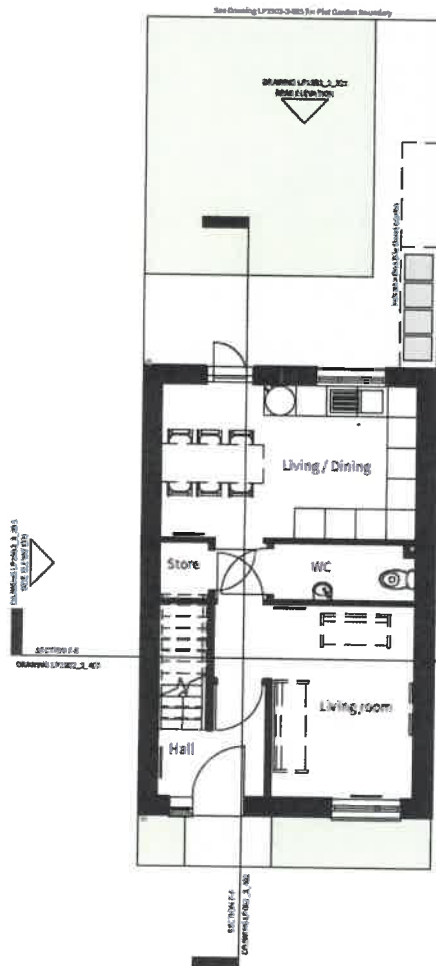




# HOUSE TYPE C

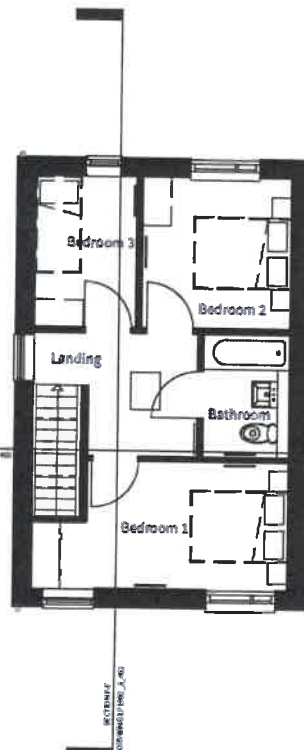
SEE PLOT PLAN FOR HOUSE TYPE C LOCATIONS

Page 30



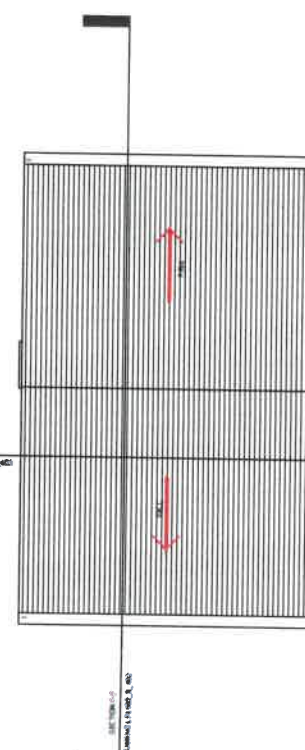
**Ground Floor Plan 1:100 @ A3**

Ground Floor Gross Internal Area: 40.30m<sup>2</sup>/433.78sqft  
(All walls, doors and fittings are indicated and have been shown to indicate layout only)



**First Floor Plan 1:100 @ A3**

First Floor Gross Internal Area: 40.30m<sup>2</sup>/433.78sqft  
(All walls, doors and fittings are indicated and have been shown to indicate layout only)



**Roof Plan 1:100 @ A3**



## PLANNING

### IMPORTANT NOTES:

This drawing is intended solely for the use of the client. It is not to be used for any other purpose. The client is responsible for ensuring that the drawing is used for the intended purpose and for ensuring that the drawing is not used for any other purpose.

Any errors, omissions, or inaccuracies in this drawing are the responsibility of the client. The client is responsible for ensuring that the drawing is used for the intended purpose and for ensuring that the drawing is not used for any other purpose.

Do not scale drawings. All dimensions should be taken from the drawing. The client is responsible for ensuring that the drawing is used for the intended purpose and for ensuring that the drawing is not used for any other purpose.

REV	DESCRIPTION	DATE
1	Client	The Aerial Group Ltd
2	Project	Proposed Residential Development
3	Address	Morris Street, Bury
4	Drawing Title	3 Bed Type C Layout
5	Scale @ A3	1:100
6	Date	10/12/19
7	Drawing No.	LPHW 3.001
8	Rev	

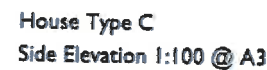
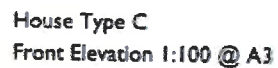
MSA

3B 5P - 3 BED TYPE C

3B 5P - 3 BED TYPE C

Tel: 01252 888 888


SEE PLOT PLAN FOR HOUSE TYPE C LOCATIONS

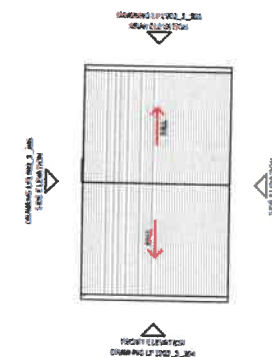


**IMPORTANT NOTES:**

This discussion is intended solely for the use of National Health Architects to prepare the TDS/BSs for submission and consultation purposes only and may contain unclassified and otherwise copyright sensitive information.

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REV	DESCRIPTION	DATE
CLIENT	The Averitt Group Ltd	
PROJECT	Proposed Residential Development	
ADDRESS	Harris Street, Bury	
DRAWING TITLE	2 Bed Type C Prop Elevation - Sheet 3	
SCALE @ A3	As Indicated	DATE 10/2/2019
DRAWING NO.	1-PS-002-1-2019	REV
		
Tel: 01482 861 822		



**MATERIAL LEGEND:**

1. Red brickwork
2. Concrete interlocking tile
3. Recycled dark grey UPVC framed glazed window
4. Recycled black UPVC rainwater pipes/gutters
5. GRP Entrance Doors (with laminated timber door frame)
6. Recycled dark grey UPVC framed glazed door
7. As point 3, side window only on end house(s)
8. Recycled dark grey UPVC framed glazed double doors

SEE PLOT PLAN FOR HOUSE TYPE C LOCATIONS



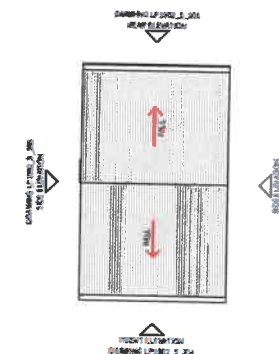
1. Red brickwork
2. Concrete interlocking tile
3. Recycled dark grey UPVC framed glazed window
4. Recycled black UPVC rainwater pipes/gutters
5. GRP Entrance Doors (with laminated timber door frame)
6. Recycled dark grey UPVC framed glazed door
7. As point 3, side window only on end house(s)
8. Recycled dark grey UPVC framed glazed double doors

**IMPORTANT NOTES:**

Shre Anantpur is a resident of Nashik for the last 40 years and "Jyoti" is his son. He is employed in the TCS Ltd. for 15 years and has been working in the same position for the last 10 years. He is a resident of Nashik for the last 40 years and "Jyoti" is his son. He is employed in the TCS Ltd. for 15 years and has been working in the same position for the last 10 years.

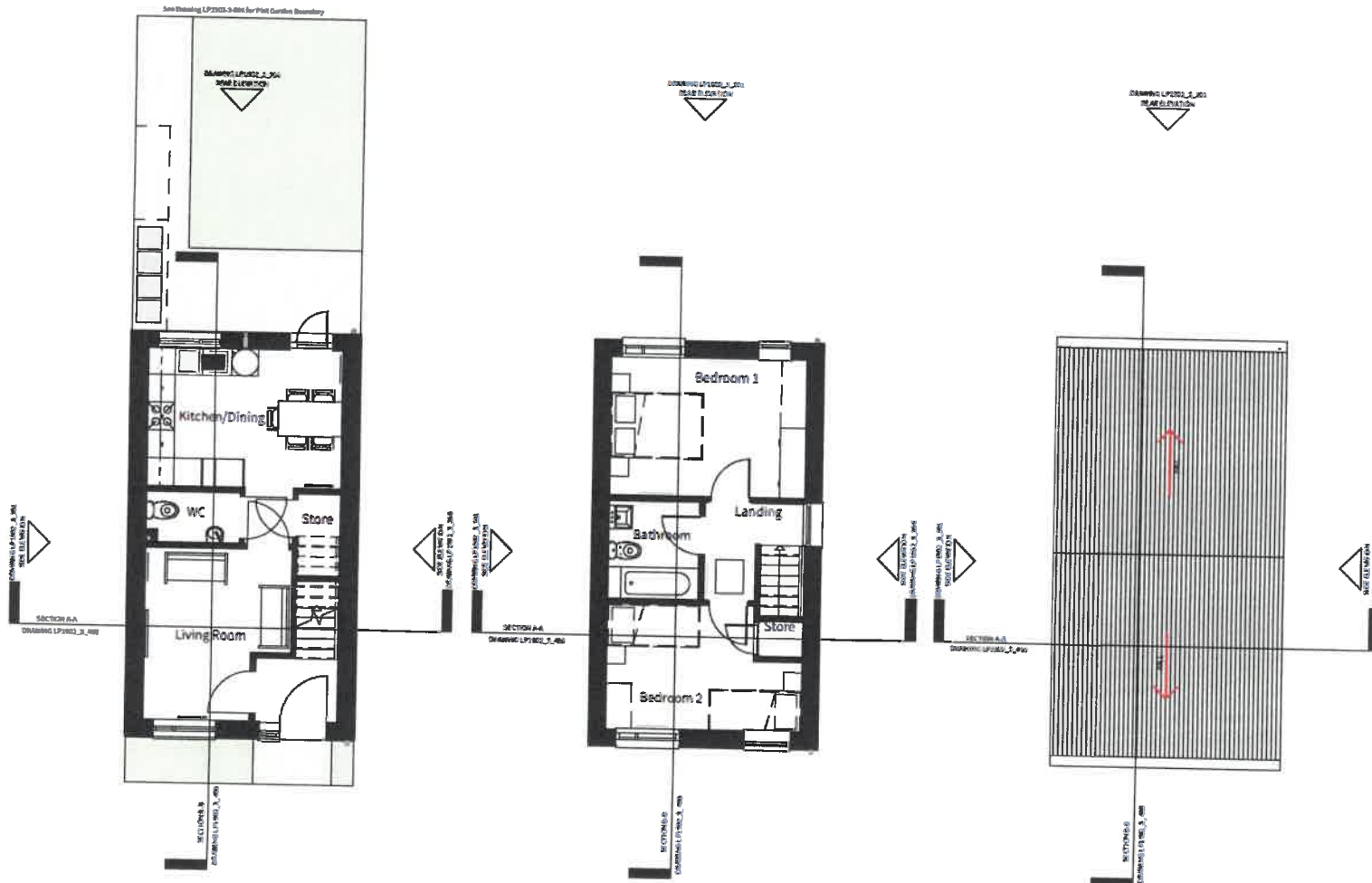
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<b>REV</b>	<b>DESCRIPTION</b>	<b>DATE</b>
<b>CLIENT</b>	The Avertill Group Ltd	
<b>PROJECT</b>	Proposed Residential Development	
<b>ADDRESS</b>	Moor's Street, Bury	
<b>DRAWING TITLE</b>	3 Bed Type C Prop Elevation Sheet 2	
<b>SCALE @ A3</b>	As Indicated	<b>DATE</b> 10/5/2/19
<b>DRAWING NO.</b>	LPT/25/2/19/01	<b>REV</b>
<b>MSA</b>		



# HOUSE TYPE A

SEE PLOT PLAN FOR HOUSE TYPE A LOCATIONS



**Ground Floor Plan 1:100 @ A3**

Ground Floor Gross Internal Area: 34m²/365.97sqft

(All Appliances and Fixings are Indicated and have been chosen to indicate ideal locations)

**First Floor Plan 1:100 @ A3**

First Floor Gross Internal Area: 34m²/365.97sqft

(All Appliances and Fixings are Indicated and have been chosen to indicate ideal locations)

**Roof Plan 1:100 @ A3**

## PLANNING

### IMPORTANT NOTES

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DO NOT SCALE from drawing, work to figures dimensions only. All dimensions are to be taken from the finished face of the work. All dimensions are to be taken from the finished face of the work.

REV	DESCRIPTION	DATE
CLIENT	The Architect Group Ltd	
PROJECT	Proposed Residential Development	
ADDRESS	North Street, Bury	
DRAWING TITLE	2 Bed / Type A Layout	
SCALE @ A3	1:100	DATE 10/12/19
DRAWING NO.	LP1002_2_001	REV

**2B 4P - 2 BED TYPE A**

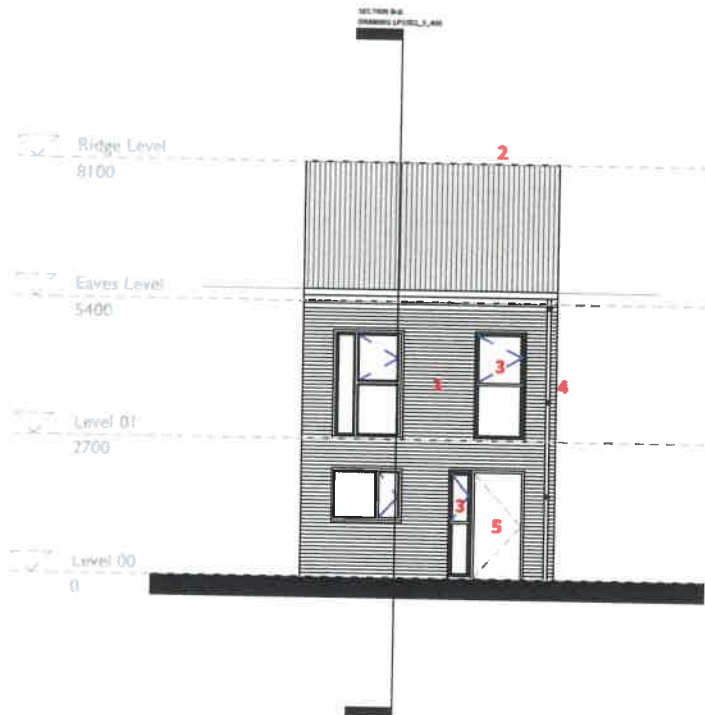
THE ARCHITECT GROUP LTD

**MSA**

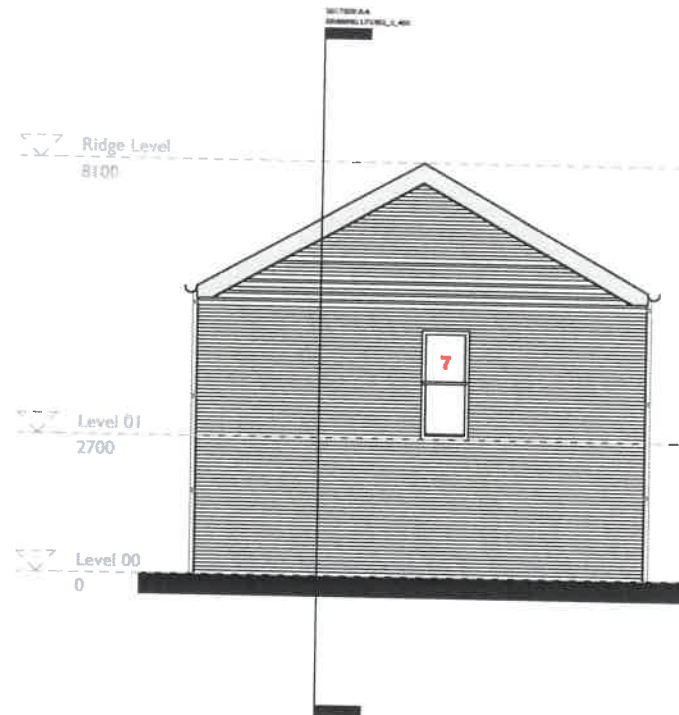
THE ARCHITECT GROUP LTD

# HOUSE TYPE A

SEE PLOT PLAN FOR HOUSE TYPE A LOCATIONS



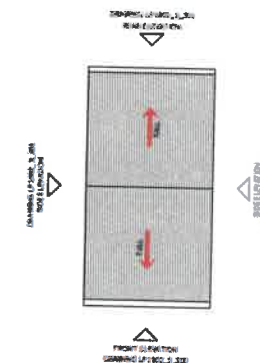
House Type A  
Front Elevation 1:100 @ A3



House Type A  
Side Elevation 1:100 @ A3

## MATERIAL LEGEND:

1. Red brickwork
2. Concrete interlocking tile
3. Recycled dark grey UPVC framed glazed window
4. Recycled black UPVC rainwater pipes/gutters
5. GRP Entrance Doors (with laminated timber door frame)
6. Recycled dark grey UPVC framed glazed door
7. As point 3, side window only on end house(s)
8. Recycled dark grey UPVC framed glazed double doors



## PLANNING

### IMPORTANT NOTES:

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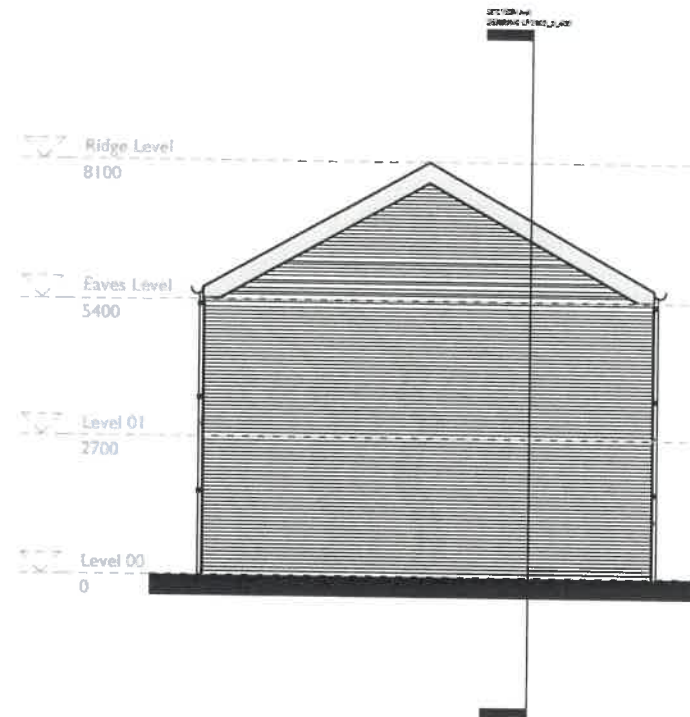
DO NOT SCALE. For all dimensions, refer to the dimensions in the drawings. All dimensions are in millimeters. All dimensions are in millimeters. All dimensions are in millimeters.

REV	DESCRIPTION	DATE
CLIENT	The Arent Group Ltd	
PROJECT	Proposed Residential Development	
ADDRESS	North Street, Bury	
DRAWING TITLE	2 Bed Type A Prop Elevation - Sheet 1	
SCALE @ A3	As indicated	DATE 20/12/19
DRAWING NO.	UPPER 1.001	REV
MSA		
The Arent Group Ltd		



**SEE PLOT PLAN FOR HOUSE TYPE A LOCATIONS**

## PLANNING



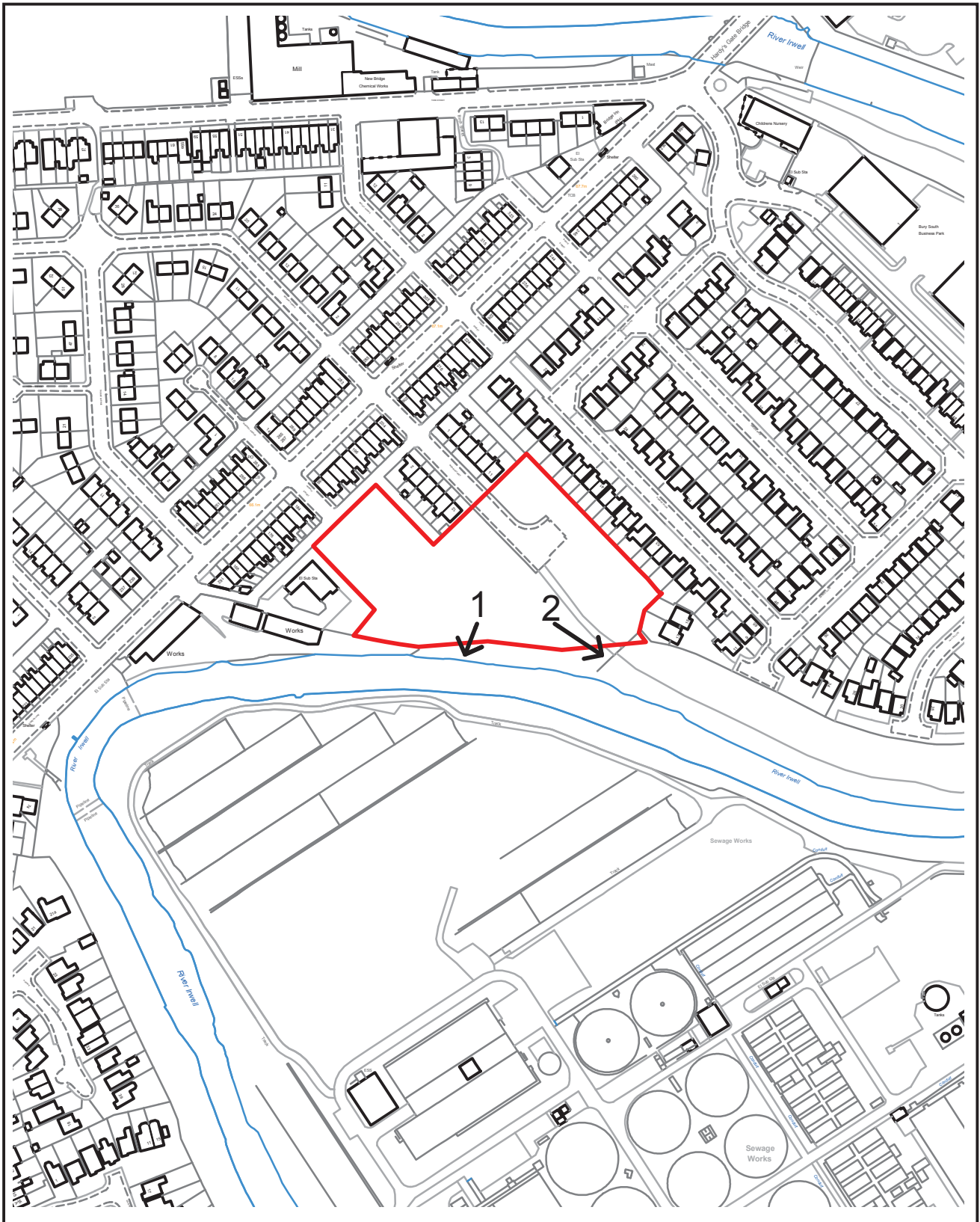
House Type A  
Side Elevation 1:100 @ A3

1. Red brickwork
2. Concrete interlocking tile
3. Recycled dark grey UPVC framed glazed window
4. Recycled black UPVC rainwater pipes/gutters
5. GRP Entrance Doors (with laminated timber door frame)
6. Recycled dark grey UPVC framed glazed door
7. As point 3, side window only on end house(s)
8. Recycled dark grey UPVC framed glazed double doors

[illegible]

# Viewpoints

Photos from Environment Agency



## PLANNING APPLICATION LOCATION PLAN

**APP. NO 65015**

**ADDRESS: Land at Morris Street  
Radcliffe**

**Planning, Environmental and Regulatory Services**

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**Bury**  
COUNCIL



Photos from Environment Agency

Photo 1



Photo 2



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**Ward:** Bury East - Moorside

Item 02

**Applicant:** St David Project Omega Ltd

**Location:** Topping Mill, Topping Street, Bury, BL9 6DR

**Proposal:** Change of use of former industrial premises (Class B2) into 15 no. residential apartments (Class C3)

**Application Ref:** 65525/Full

**Target Date:** 10/09/2020

**Recommendation:** Minded to Approve

**The application is Minded to Approved subject to the completion of a Section 106 agreement relating to provision of a commuted sum of £23,429.25 for recreation provision pursuant to UDP Policy RT2/2 Recreation Provision in New Housing Development.**

### **Description**

The application relates to a redundant red brick two storey mill on the south side of Topping Street, containing a mix of commercial and residential buildings. Topping Street itself runs on an east west axis with access on to Walmersley Road (A56) to the west and on to Taylor Street at its eastern end.

The wider area around the site is mixed, although the area to the north and west is more residential in character and the area to the south and east, comprising the Freetown Employment Generating Area, predominantly, but not exclusively, commercial/industrial. To the north side of Topping Street are a number of semi-detached two storey houses and bungalows built in the 1990s. Further west along Topping Street, on its junction with Walmersley Road, is a relatively recent development comprising a four storey blocks of flats. Directly to the south is a row of terraced houses fronting Badger Street. Bury Town Centre lies some 200 metres to the south west, at the end of Walmersley Road

The application premises are a detached, two storey brick built building with a valley roof arrangement. It dates to around the turn of the twentieth century and was originally built as a confectionary factory. (The name of the original confectioner's business can still be seen faintly on the brick work to the building's Topping Street elevation, Scott & Rosse). That use is understood to have ceased in the 1960's. Most recently the building is thought to have been in use as a carpet warehouse but has been vacant for several years. There is evidence also of the premises having been used recently as an auction house. The building retains its original character but a general lack of investment over the decades has started to show in a number of internal and external dilapidations and there is clear evidence of serious deterioration in its overall physical appearance and condition.

The building runs along the pavement line on three sides while to the east the site's blank gable elevation forms a boundary with a free public 14 space car park. There are windows are on the north, south and west elevations with the east elevation, facing onto the adjacent car park, is comprised of brickwork. There is no external open space within the site with servicing directly from the street. Parking restrictions apply on adjacent streets but not on Topping Street.

Internally the premises retains its original layout and exposed structural iron columns and lateral floor and roof supports. The building is accessed via a large brick arched doorway located on the Topping Street elevation.

The development proposal comprises the refurbishment and conversion of the whole

building to form 15 apartments. This number has been revised down from the original proposal for 32 bedsits. On the ground floor there would be 7 units (six 1-bed and a single 2-bed) with a further 8 (seven 1-bed and one 2-bed) at first floor level. The existing doors and windows would be replaced and brickwork repaired. Roof tiles, fascias and rainwater goods would be repaired/restored and it is also proposed to restore an original sign embedded within brickwork detailing to the Topping Street elevation to recognise the building's industrial origins.

There is no space for outdoor amenity space or for car parking. A bicycle store and bin store would be provided adjacent to the ground floor common access area.

### **Relevant Planning History**

Pre-application enquiry 02315/E - Proposal to convert the building into residential - Response given 07/04/2019.

### **Publicity**

Surrounding residents and businesses notified by letter dated 19/06/2020. Site notice posted 24/06/2020.

Objections received from the following properties:

Nos.62 and 64 Walmersley Road, Nos.56, 60, 62, 64, and 70 Badger Street, Nos.11 and 15 Topping Street. Objections are summarised below:

- Increased overlooking of residential properties
- Permission would interfere with Article 8 of The European Convention on Human Rights; my right to respect for private and family life.
- Increased pressure on parking and increased problems for local residents.
- Concerns about the need for developer to comply with the 'Considerate Constructor's Scheme' to minimise disturbance to local residents.

One comment in support: A thoroughly good use for a building that is in a very poor state of repair. It will regenerate the area for which everyone will see the benefit. Realistically this building will have no other use and rather standing empty in disrepair I would rather see something lived in and used so I support.

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

**Policy** - With only 15 units now proposed there would be no affordable housing required.

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

**Drainage Section** - No objection.

**United Utilities** - No objection.

**Environmental Health** - No objection subject to conditions.

**Greater Manchester Ecology Unit** - No objection subject to condition.

**Greater Manchester Police** - No objection received.

**Waste Management** - No objection.

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

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

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN10/1	Derelict Land
EN4	Energy Conservation
EN5/1	New Development and Flood Risk
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
H1/2	Further Housing Development
H2/1	The Form of New Residential Development



H2/2	The Layout of New Residential Development
H3/2	Existing Incompatible Uses
HT2/4	Car Parking and New Development
EC2/1	Employment Generating Areas
SPD11	Parking Standards in Bury
SPD14	Employment Land and Premises
SPD15	Residential Conversions
SPD16	Design and Layout of New Development in Bury
SPD7	DC Policy Guidance Note 7 - Managing the Supply of Housing

## 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.

**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, it is 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 material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

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

The National Planning Policy Framework also sets out the Housing Delivery Test, which is an assessment of net additional dwellings provided over the previous three years against the homes required. Where the test indicates that the delivery of housing was substantially below (less than 75%) of the housing requirement over the previous years, this needs to be taken into account in the decision-taking process. The latest results published by the Government show that Bury has a housing delivery test result of less than 75%, and therefore this needs to be treated as a material factor when determining applications for residential development.

**National Planning Policy Framework** - The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

The NPPF initiates a requirement for a presumption in favour of sustainable development. It describes the three dimensions to sustainable development being economic, social and environmental and how the role of the planning system to deliver sustainable development must not treat these in isolation.

The size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies, including those who require affordable housing: families; older people; students; people with disabilities; service families; travellers; people who rent; and those wishing to build their own homes.

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

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

Policy 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.



UDP Policy H2/4 - Conversions considers factors of:

- effect on the amenity of neighbouring property;
- general character of the area;
- amenity of occupants;
- effect on the street scene and any external changes

The application proposal would contribute to the Council's objective of achieving a balanced mix of high quality house types and supporting sustainable communities, bringing additional accommodation into the central urban area. It is therefore compliant with and supports the objectives of UDP Policies H1 and H1/2.

Being in the urban area and close to the town centre, there is existing infrastructure in place to support the scale of the development, and the proposals demonstrate that the property could be successfully converted to provide residential accommodation of an acceptable scale within this location. The redevelopment would aid the regeneration of the building and contribute to the provision of much needed housing.

As such, it is considered that the principle of the proposal would comply with the NPPF and UDP Policy H1/2 - Further Housing Development.

**Employment Land Use** - The application site is currently occupied by a vacant factory/mill building and is located within Freetown Employment Generating Area (EGA) as defined by the adopted Bury Unitary Development Plan (Policy EC2/1/5).

It has been vacant for several years and there have been no signs of interest in investment to continue its commercial or industrial use into the future. Furthermore Topping Street itself is a mixed street with residential property along one side and further, older residential property backs onto the site across the back street to the south. Notwithstanding the premises location within an EGA, in this case on its boundary, the Council seeks to avoid promoting the proximity of conflicting uses. The conversion of this property to residential use would remove the potential for conflict, consistent with Policy H3.

The building itself dates to around the turn of the twentieth century and was originally built as a confectionary factory. (The name of the original confectioner's business can still be seen faintly on the brick work to the building's Topping Street elevation, Scott & Rosse). That use is understood to have ceased in the 1960's. Most recently the building is thought to have been in use as a carpet warehouse but has been vacant for several years. There is evidence also of the premises having been used recently for a short time as an auction house. As the site was last used as an employment site the principle of any proposed development should be assessed against UDP Policy EC2/1.

Under Policy EC2/1, the Council will seek to retain the employment use of such sites unless it can be clearly demonstrated that the land and premises are no longer suited, in land use terms, to continued employment use.

From a land use perspective, the site lies on the very edge of the Employment Generating Area with existing residential uses to the north and south. Furthermore, the building on the site is aging, is on two floors and is in poor condition which not only presents a poor quality visual appearance but would also make it unsuitable for modern day business requirements.

Under these circumstances, it is considered that the redevelopment of the site for residential use would not detract from the area's value for generating employment given that there is unlikely to be demand to use the site/building for continued employment use and that it would not result in the introduction of sensitive uses to the detriment of existing active employment uses. On this basis, the proposal is not considered to be in conflict with UDP Policy EC2/1.

**Layout** - As the building is not being extended, the proposed layout would not alter from the current arrangements in terms of the access. The ground floor would comprise 7

apartments, a bin store and cycle store with the main entrance to the apartments on the Topping Street frontage. The first floor would comprise 8 apartments.

**Visual amenity and streetscape** - In its current state, the derelict building, whilst having some local historic significance, contributes little in terms of amenity value and without some essential repairs/refurbishment it is likely to fall further into disrepair to the detriment of the streetscape. The proposal would refurbish and upgrade the building whilst retaining its general character and many of its original features.

The size and position of the existing window openings would be retained but the windows themselves would be replaced by dark grey aluminium frames which would be of a slimline appearance and similarly replicate the design of the originals. The entrance doors would be replaced and the original sweet factory company logo on the front elevation would be retained. Within the streetscape the proposal would improve the appearance of the existing building and contribute to the amenity of the locality.

It is considered that the proposed scheme would be an appropriate solution to upgrade and improve its appearance, whilst maintaining its historical origins as a sweet factory. As such the proposal would comply with UDP Policies H2/1 - The Form of New Residential Development, EN1/2 - Townscape and Built Design and H2/4 - Conversions. As such the proposal would comply with the NPPF and UDP Policies and guidance in terms of visual amenity.

**Residential amenity** - The nearest residential properties are bungalows along Topping Street, to the front, and terraced houses along Badger Street to the rear. Whilst there are no hard and fast standards in terms of separation distances between this type of development and residential properties, a 'common sense approach' is most appropriate. Although the relationship between habitable room windows in surrounding properties is less than that normally afforded to new build development, the fact that this is a conversion and windows are already in situ, it is considered appropriate to mitigate the impact on overlooking and privacy as much as possible whilst securing the development. On this scheme, this mitigation would take the form of obscure glazing to a minimum height of 1.7m on all windows. This is a measure that is commonly applied where privacy could be an issue and it considered suitable in these circumstances and ensures a degree of privacy for both future residents and surrounding neighbours is maintained.

In terms of potential noise and disturbance from the new use, situated between residential properties on Topping street and Badger Street, the proposed residential use would be preferable to the possible industrial uses that the building could be used for and which as a result, could also generate larger commercial vehicles to the detriment of residential amenity.

With regard to the impact of construction on local residents, the developer would be subject to a number of regulatory bodies in addition to planning - Building Control, Environmental Health, Highways and the Health and safety Executive. Whilst noise, dust and other construction issues may not be strictly within the control of planning, it is considered that there are sufficient controls in place to minimise potential problems. Informatives would be attached to any decision to highlight the developers responsibilities in this regard.

In terms of residential amenity, it is not considered that, with appropriate conditions in place, the proposal would have a seriously detrimental impact on surrounding residential amenity. The proposal is therefore acceptable and complies with the NPPF and UDP Policies EN7/2, H2/1 and H2/4 in relation to residential amenity.

**Traffic and highways** - The proposal does not include any dedicated parking. SPD11 advises on parking requirements for new developments and states that maximum parking provision would be between 1 and 1.5 spaces for 1 and 2 bed units in high access areas. With a development of 15 apartments. This would equate to a maximum of total of about 18 spaces in a high access area.

The applicant has submitted a Transport Statement supporting the case for the scheme having no dedicated parking.

The site is regarded as highly accessible with access to public transport along Walmersley Road and within walking distance to the town centre, lying some 300 metres to the south west, at the end of Walmersley Road. Bury Station which provides a tram and bus interchange, is about 1.3km away in the town centre.

The Transport Statement has also carried out survey work which demonstrates that the site has a good level of accessibility on foot and by cycle, to a wide range of employment, education, retail and recreation facilities.

In terms of parking, there is a mix of regimes in the immediate vicinity. Most notable is the free public car park (16 spaces) immediately adjacent to the site itself. Parts of Topping Street, Peter Street and Taylor Street have no parking restrictions, whilst there are double yellow lines along parts of Bold Street and Back badger Street and single yellows along Peter Street and small sections of Topping Street.

The NPPF advocates the principles of sustainable development and encourages sustainable modes of transport and travel when considering new development, and it should be taken into account that the parking standards advised in SPD11 relate to maximum standards rather than minimum, with schemes considered on a site-by-site basis. The development also proposes to provide a 14 space cycle rack which would be located within a secured bike store in the building.

In terms of road safety, data collected shows that no accidents have been recorded on the streets directly adjacent to the application site along, for example, Topping Street, Peter Street or Bold Street and within the vicinity of the site, 1 accident has been recorded per year, on average, in the most recently available 3-year period (2016-2108 inclusive). This, the applicant has argued, does not lead to any cause for concern or demonstrate a discernible pattern that could be affected by the modest number of trips that will be generated by the development proposals.

Given the specific site and nature of the proposed use in relation to the existing/historic use, the local parking regime, proximity to public transport routes Bury Town Centre, the Highway's team, on balance, have raised no objections to the proposed development subject to conditions relating to construction traffic management and the reinstatement of footways around the site. In terms of traffic, the proposal is acceptable and would comply with the principles of sustainable development within the NPPF and UDP Policies.

**Waste Management** - The bin storage, along with the bike store would be inside the building, adjacent to the main entrance hallway on the ground floor. This arrangement is acceptable to the Council's waste management team and appropriately responds to the provision for waste and refuse.

**Ecology** - The existing derelict factory building has the potential to house bats and nesting birds. The application was submitted with a preliminary roost assessment/ survey which concluded that it was unlikely that bats would be roosting within the building and there was also no evidence of birds nesting. Notwithstanding this however, it is considered appropriate to have a further survey of the building prior to commencement of development. This would be done via a condition of planning approval.

Section 170 of the NPPF 2018 states that the planning system should contribute to and enhance the natural and local environment. For the previous application 60762 GMEU recommended the provision of bird and bat boxes. As such it is also suggested that the development include some bird boxes and a condition can be attached to this effect.

With a condition relating to bats and birds, the Greater Manchester Ecology Unit have no objections to the proposal which would comply with the NPPF and UDP Policies relating to

ecology.

**Design for Security** - Given the nature of the scheme, with no outdoor space and one main access point, the converted building would be relatively secure. The recommendations/conclusions set out in the Crime Impact Statement are reflected in the scheme and as such are satisfactory in that regard and complies with UDP Policy EN1/5 Crime Prevention.

### **Planning Obligations**

**Recreation provision** - This would require a contribution of £23,429.25 which would be spent on local recreation provision.

**Affordable Housing** - Normally a scheme of this size would require that 1 or 2 units are affordable units with a 25% sales discount. The applicant has submitted a case that the development would be exempt from Affordable housing provision as it would fall within the thresholds of 'vacant building credit' in line with paragraph 63 of the NPPF.

The case has been examined and it is considered that the applicant has put forward a genuine and legitimate case that vacant building credit is applicable in this case and that there would be no requirement for affordable housing provision.

**Objections/ Public comment** - The issues raised by objectors have been addressed 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:** Minded to Approve

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 1076-PP-01, 02, 04A, 05A, 06, 07B and 10 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 demolition of any structures on site, an asbestos survey is to be carried out by an appropriately qualified contractor. Any asbestos identified shall be disposed of in an appropriate manner.

Reason: This is to secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to the National Planning Policy Framework.

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

Reason. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

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

- The reinstatement of the redundant footway crossing along the Topping Street site frontage to a specification to be agreed, lifting of the footway to meet existing back of footway levels and provide adequate falls to the carriageway for the purpose of discharging surface water, proposed level thresholds to the apartment lobby entrance at this increased height above existing levels and all associated highway and highway drainage remedial works;
- Foundation and surface water drainage details for the proposed development demonstrating that no encroachment of or discharge onto the existing adopted highway will occur.

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

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design, maintain the integrity of the adopted highway and ensure the intervisibility of the users of the site and the adjacent highways, all in the interests of highway safety pursuant to Bury Unitary Development Plan Policies H2/2 - The Layout of New Residential Development, H2/4 - Conversions, EN1/2 - Townscape and Built Design, EN5/1 - New Development and Flood Risk and HT6/2 - Pedestrian/Vehicular Conflict.

8. No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the



Local Planning Authority and shall confirm/provide the following:

- Access route for construction traffic from the highway network;
- Hours of operation and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site, including any requisite phasing of the development to accommodate this;
- 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;
- Method statement to cover the delivery and storage of materials and all works abutting the adopted highway, including the provision, where necessary of temporary pedestrian facilities/protection measures;
- Proposed site hoarding/gate positions, if proposed;
- Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

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

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

9. The bin storage facilities indicated on the approved plan 07B shall be provided before the development is first occupied/brought into use and shall subsequently be 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 H2/2 - The Layout of New residential Development, H2/4 - Conversions, EN1/2 - Townscape and Built Design, HT2/4 - Car Parking and New development.

10. Details/Samples of the materials/windows/doors and rainwater goods 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 Policies H2/1 - The Form of New Residential Development, H2/4 - Conversions and EN1/2 - Townscape and Built Design. Amenity.

11. Before the first occupation of the development hereby permitted the all windows shall be fitted with non-opening/obscured glazing (min obscurity level 3) to a minimum height of 1.7m from floor level and shall be permanently retained in that condition thereafter:

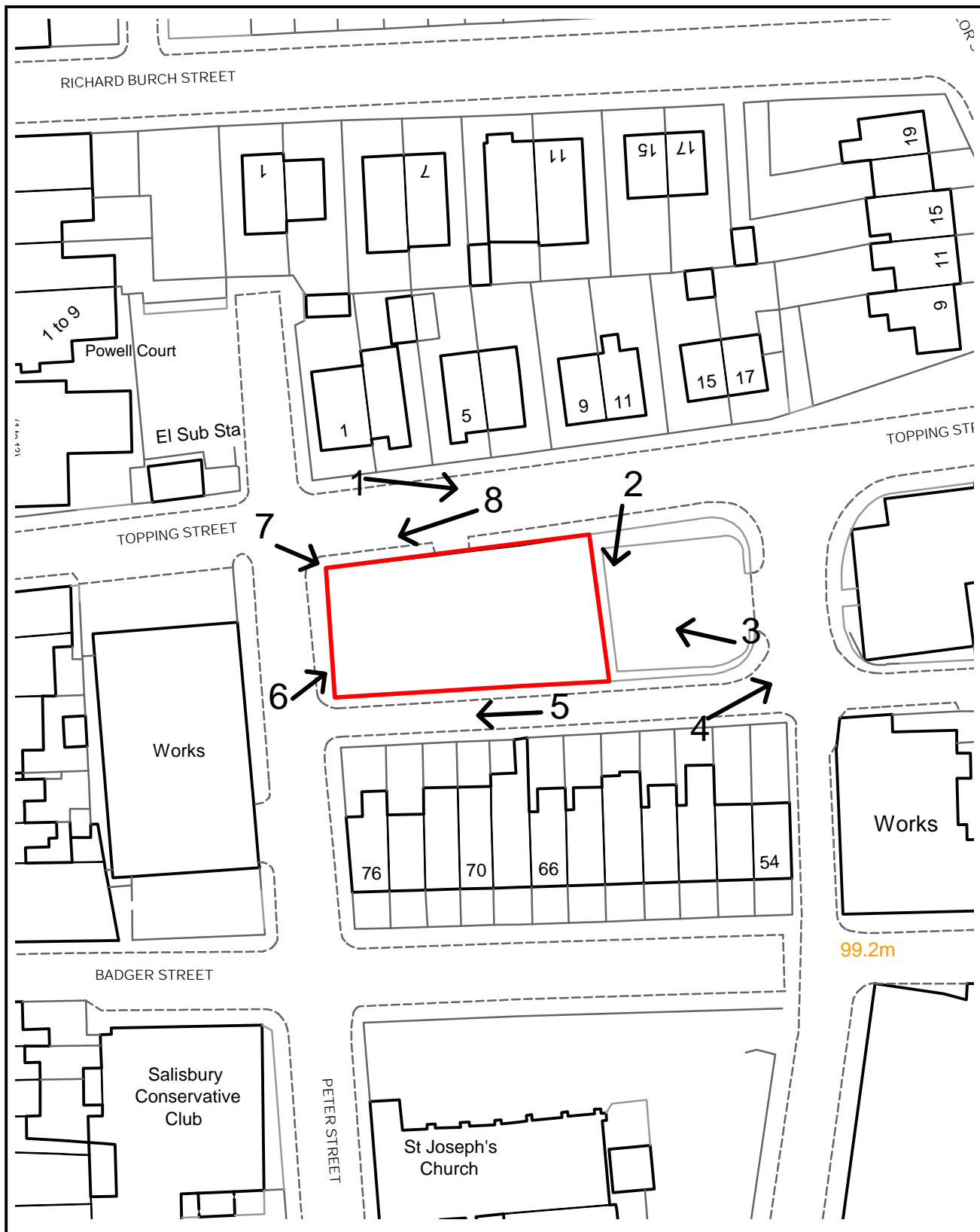
Reason. To protect the privacy of surrounding residents and to accord with Policies H2/1 The Form of New Residential Development, H2/3 Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 Alterations and Extensions to Residential Properties.



12. No works shall occur unless a detailed bird nest and bat survey by a suitably experienced ecologist has been carried out and written confirmation provided that no active bird nests or bat roosts are present which has been agreed in writing by the LPA (unless the species present is feral pigeon in which case a general license issued by Natural England authorising destruction of feral nests should be provided to the LPA).  
Reason. In order to protect birds and bats pursuant to the NPPF and UDP Policy EN6/3 Features of Ecological Value.

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

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

APP. NO 65525



**Bury**  
COUNCIL

ADDRESS: Topping Mill  
Topping Street

Planning, Environmental and Regulatory Services

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

65525

Photo 1



Photo 2





Photo 3



Photo 4



Photo 5



Photo 6





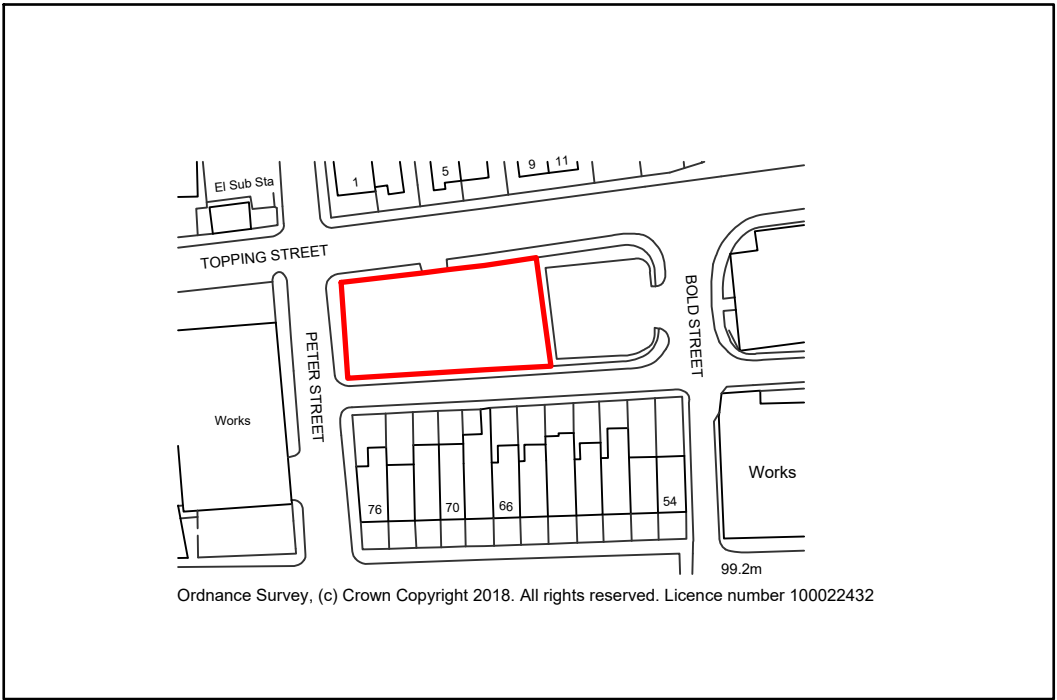
Photo 7



Photo 8



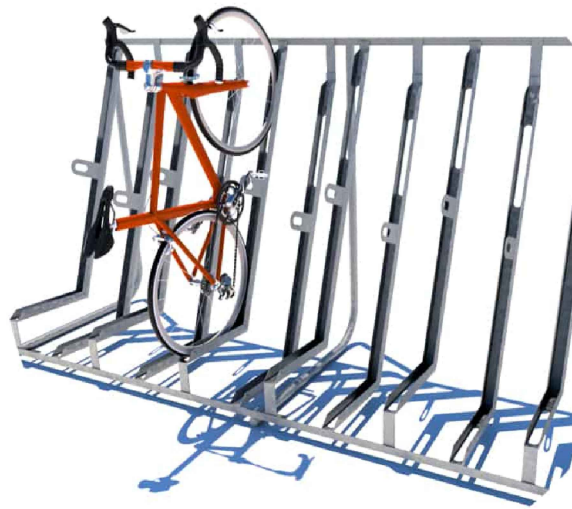




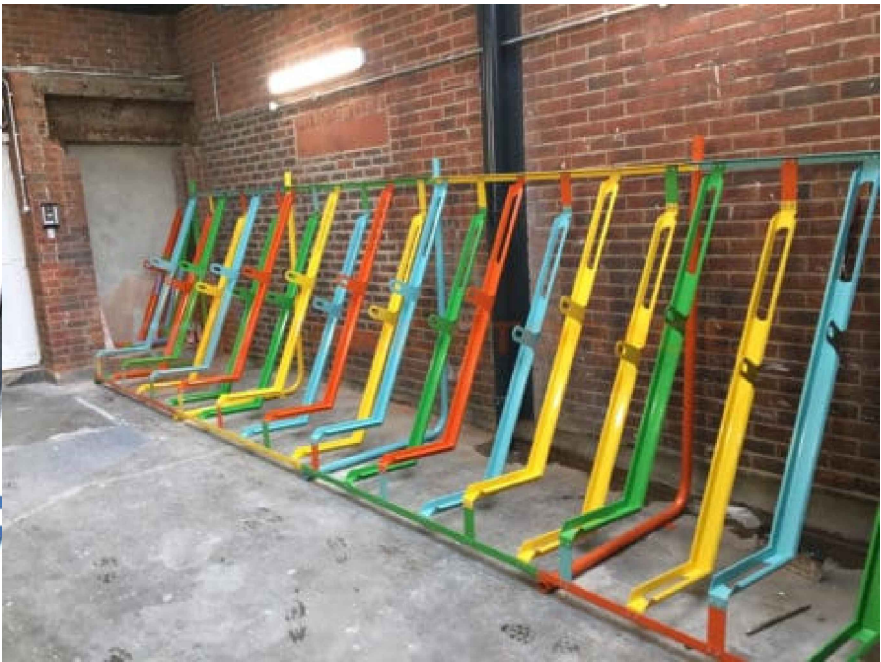
1:1250 Location Plan



3No 1100L Euro Bins



2 No 7No Semi Vertical Cycle Rack  
(The Bike Storage Company)



1:200 Site Plan

Revision	Description	Date	By
A	Amendment to rooms layouts with minor alteration to window configuration	08.12.2020	SET



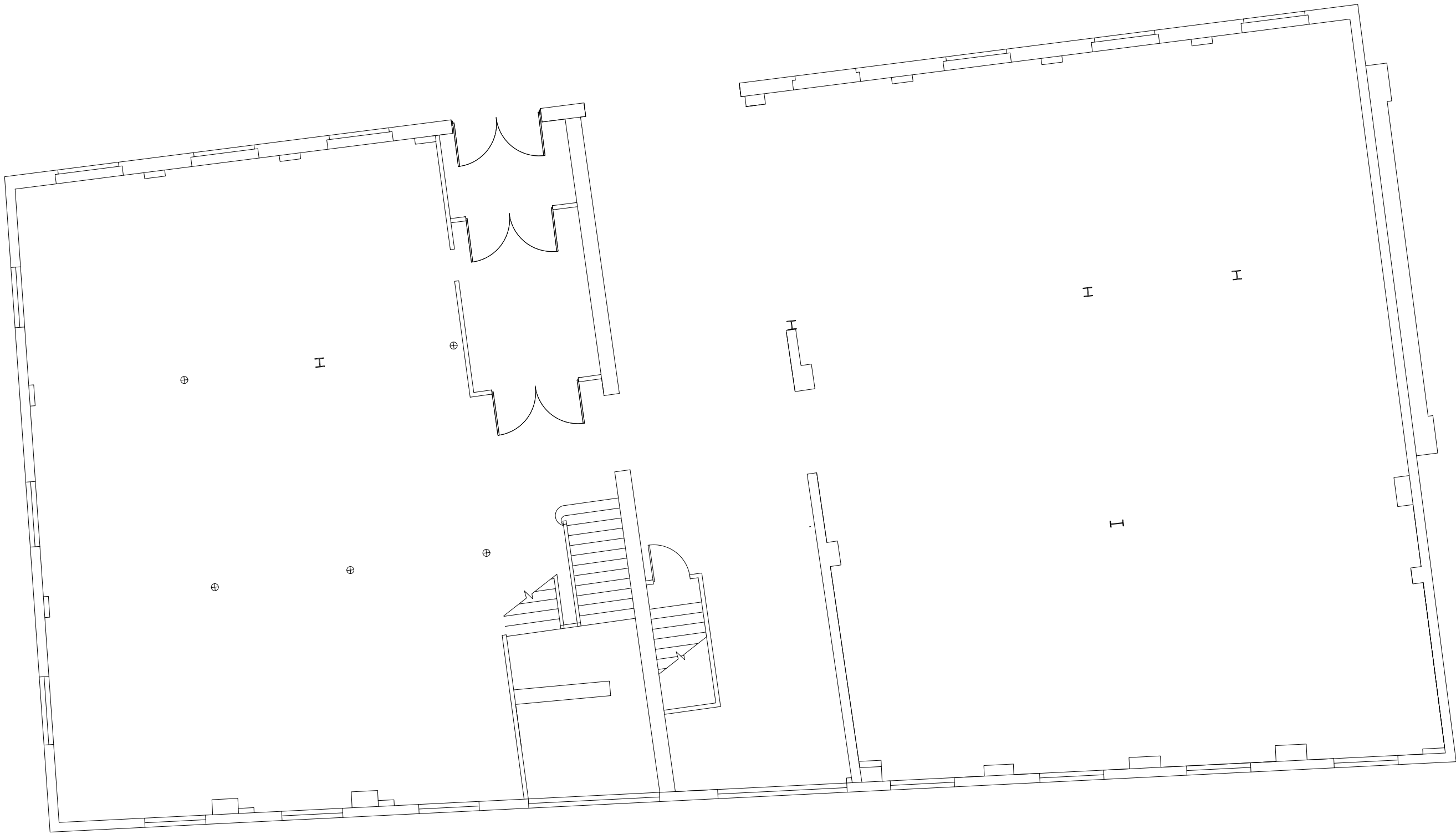
Client:  
St David Project Omega Ltd

Project:  
Topping Mill, Topping Street, Bury, BL9 6DR

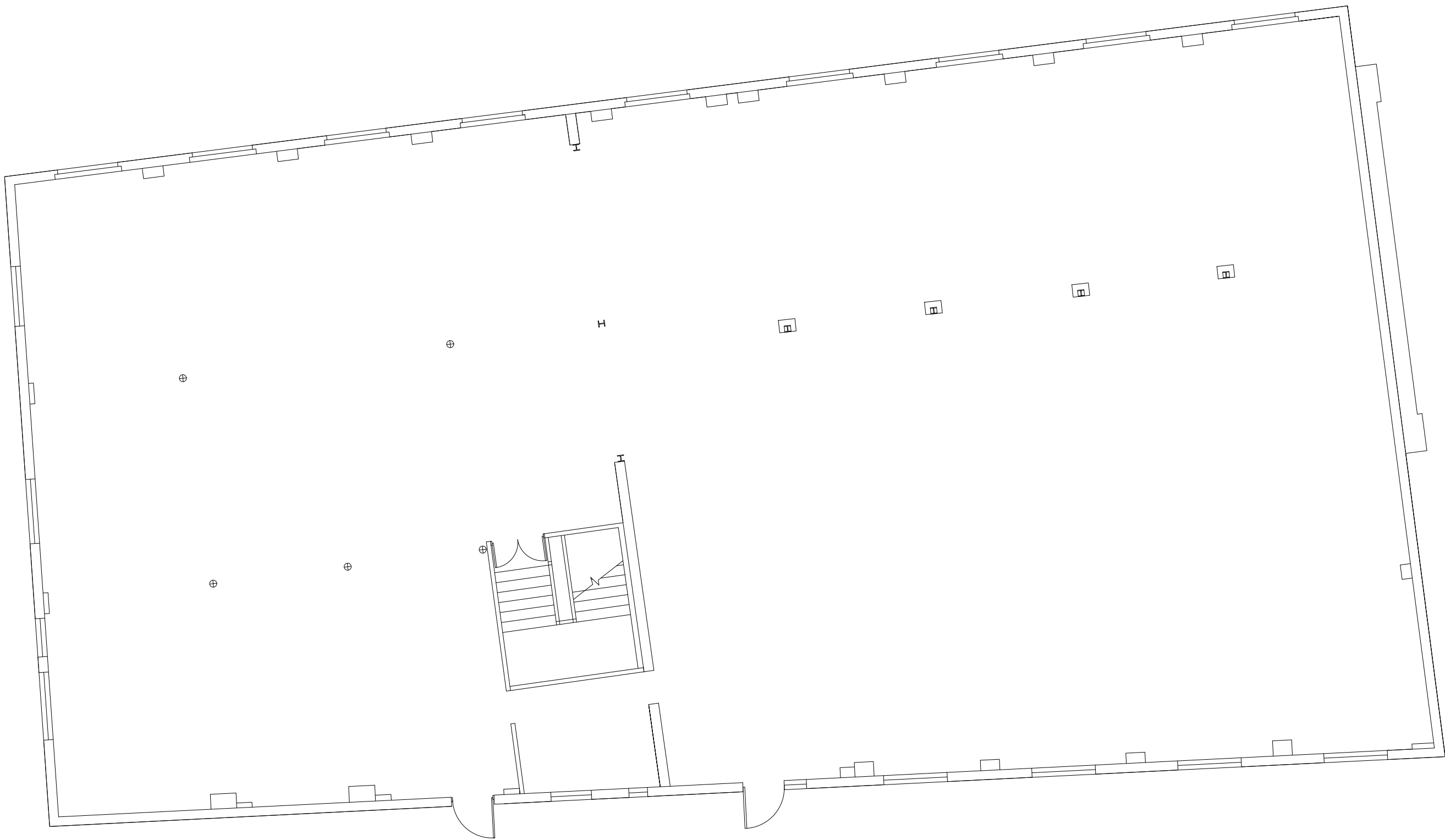
Drawing:  
Location & Site Plan

Set up size: A2	
Scale: 1/100	Drawn by: SET
Date: 04.03.2020	Checked by: JPC      Date: 06.05.2020
Drawing Number: 1076-PP-07	Revision: A

Do not scale this drawing - In all cases figured dimensions to be followed.  
All dimensions to be checked on site prior to works commencing.  
Copyright 2020.



**Existing Ground Floor Plan**



**Existing First Floor Plan**

Revision	Description	Date	By



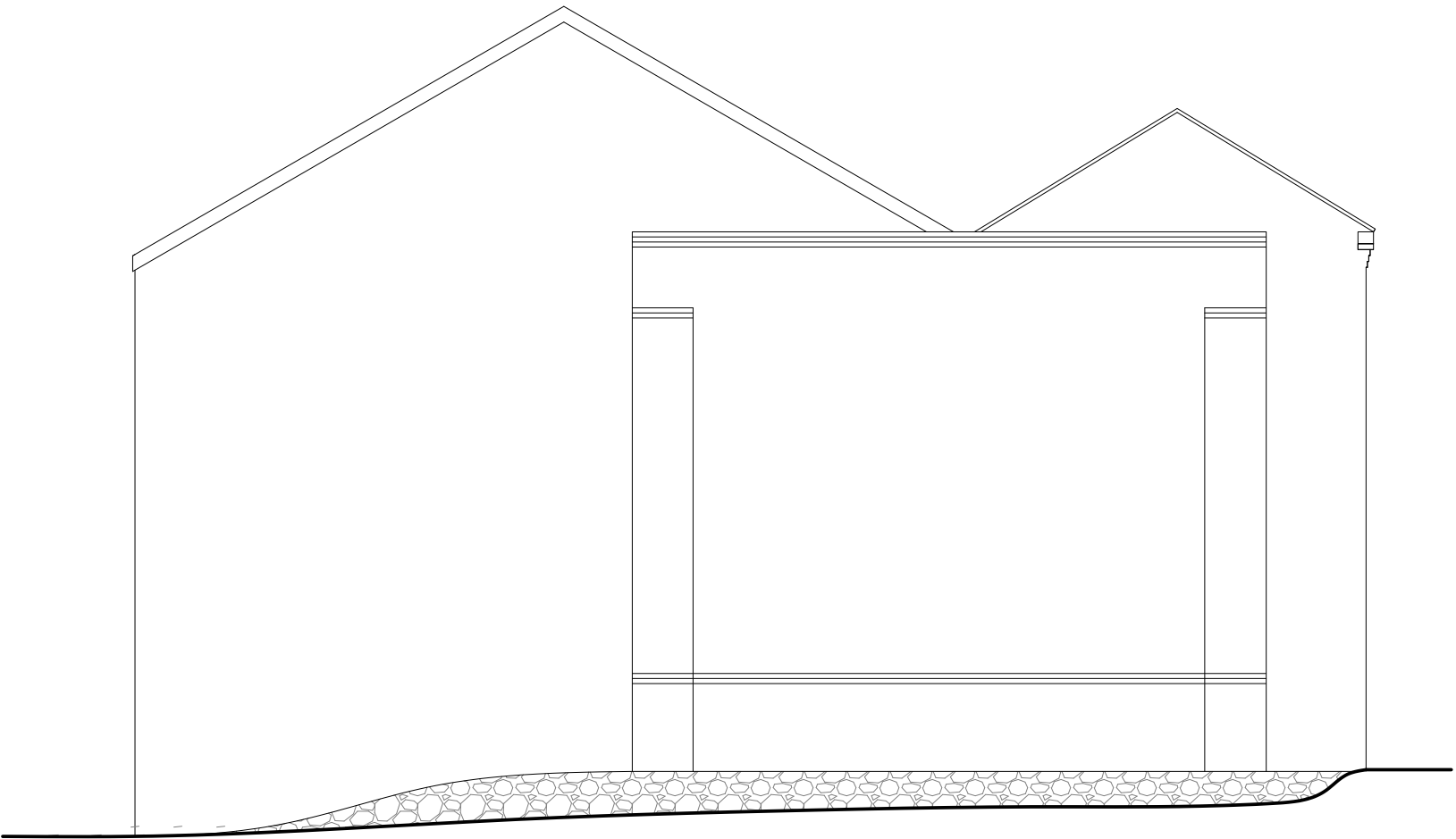
JONATHAN CORNES  
ASSOCIATES  
Building & Project Consultants

Client:  
St David Project Omega Ltd

Project:  
Topping Mill, Topping Street, Bury, BL9 6DR

Drawing:  
Existing Floor Plans

Set up size:	A1	Drawn by:	SET
Scale:	1/100	Checked by:	JPC
Date:	06.05.2020	Date:	06.05.2020
Drawing Number:	1076-PP-01	Revision:	-



Left Hand (East) Elevation



Front (North) Elevation



Rear (South) Elevation



Right Hand (West) Elevation

Revision	Description	Date	By



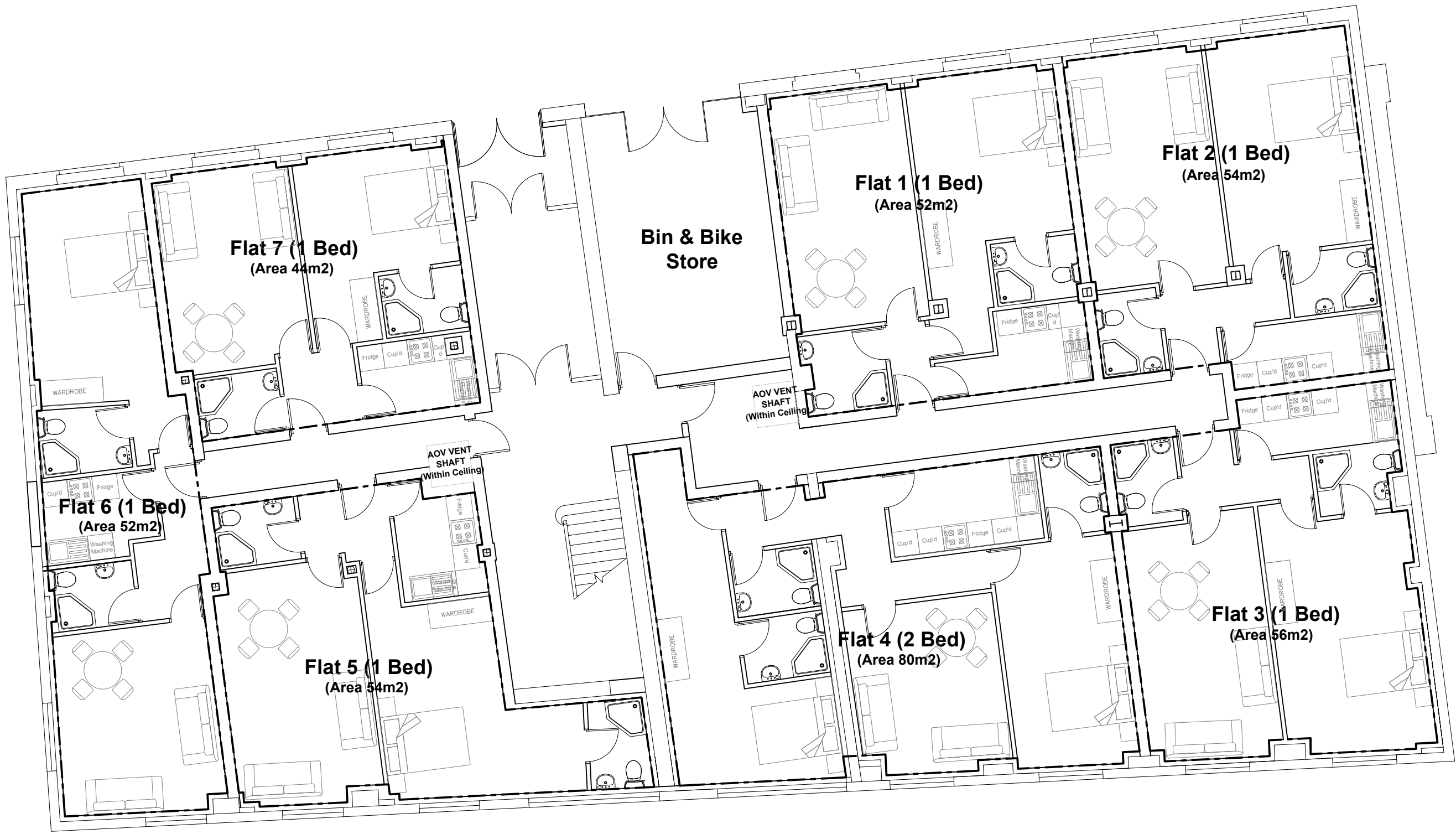
Client:  
St David Project Omega Ltd

Project:  
Topping Mill, Topping Street, Bury, BL9 6DR

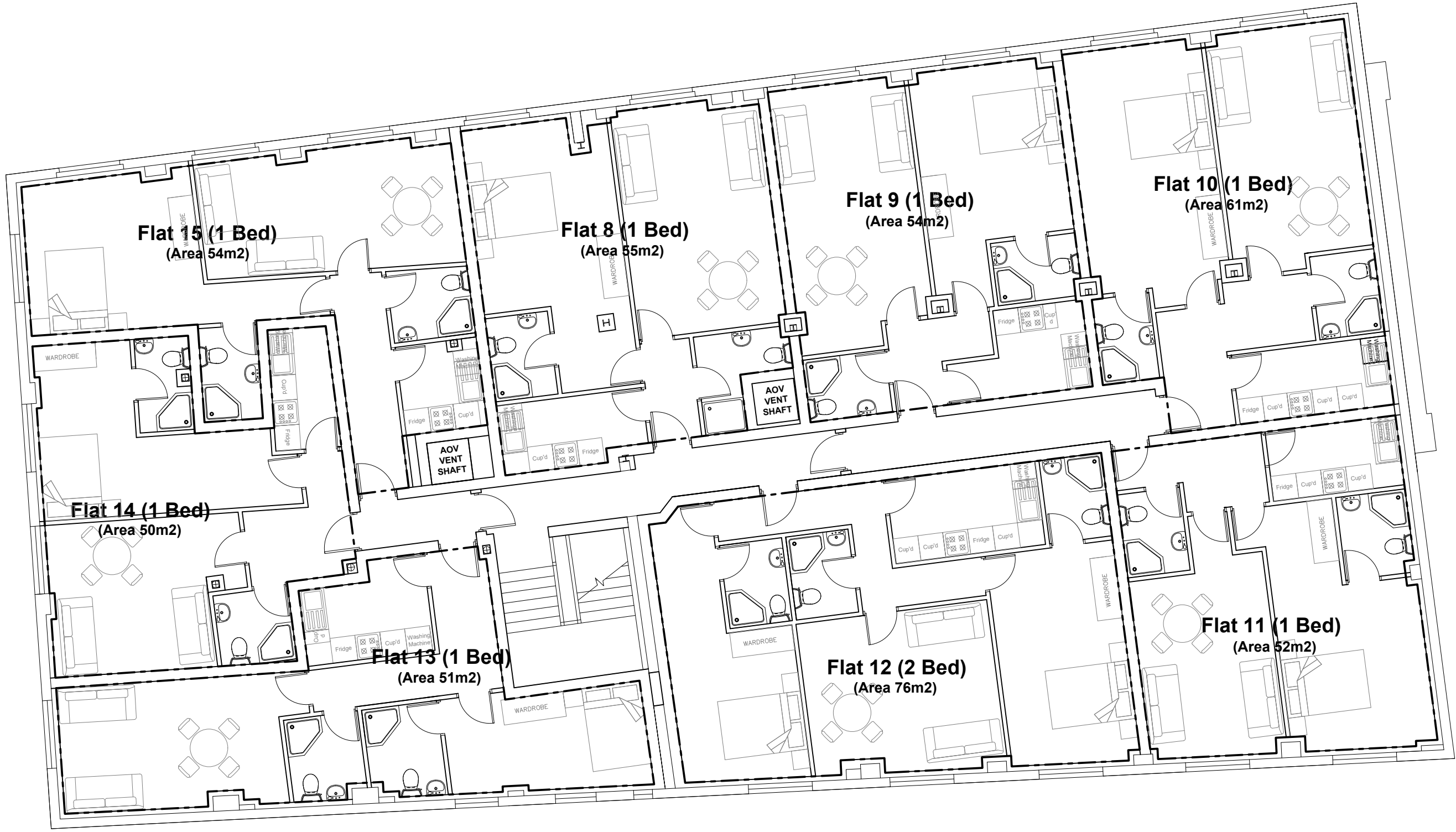
Drawing:  
Existing Elevations

Set up size:	A1	Drawn by:	SET
Scale:	1/100	Checked by:	JPC
Date:	06.05.2020	Date:	06.05.2020
Drawing Number:	1076-PP-02	Revision:	-





Proposed Ground Floor Plan



Proposed First Floor Plan

Do not scale this drawing - In all cases figured dimensions to be followed.  
All dimensions to be checked on site prior to works commencing.  
Copyright 2020.

Revision	Description	Date	By
	Amendment to rooms layouts with minor alteration to window configuration	08.12.2020	SET



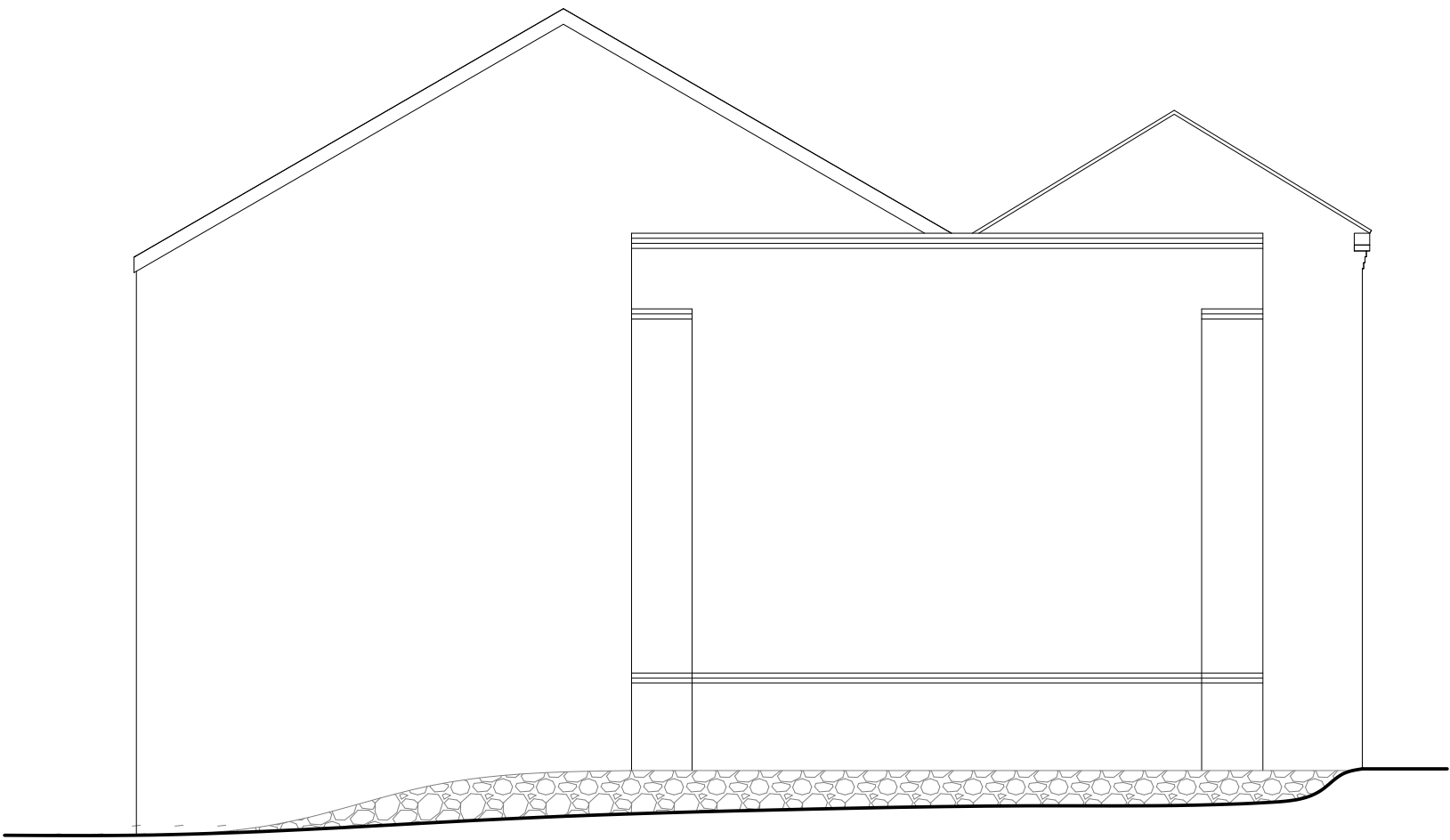
JONATHAN CORNES  
ASSOCIATES  
Building & Project Consultants

Client:  
St David Project Omega Ltd

Project:  
Topping Mill, Topping Street, Bury, BL9 6DR

Drawing:  
Proposed Floor Plans with Furniture

Set up size:	A1	Drawn by:	SET
Scale:	1/100	Checked by:	JPC
Date:	06.05.2020	Date:	06.05.2020
Drawing Number:	1076-PP-05	Revision:	A



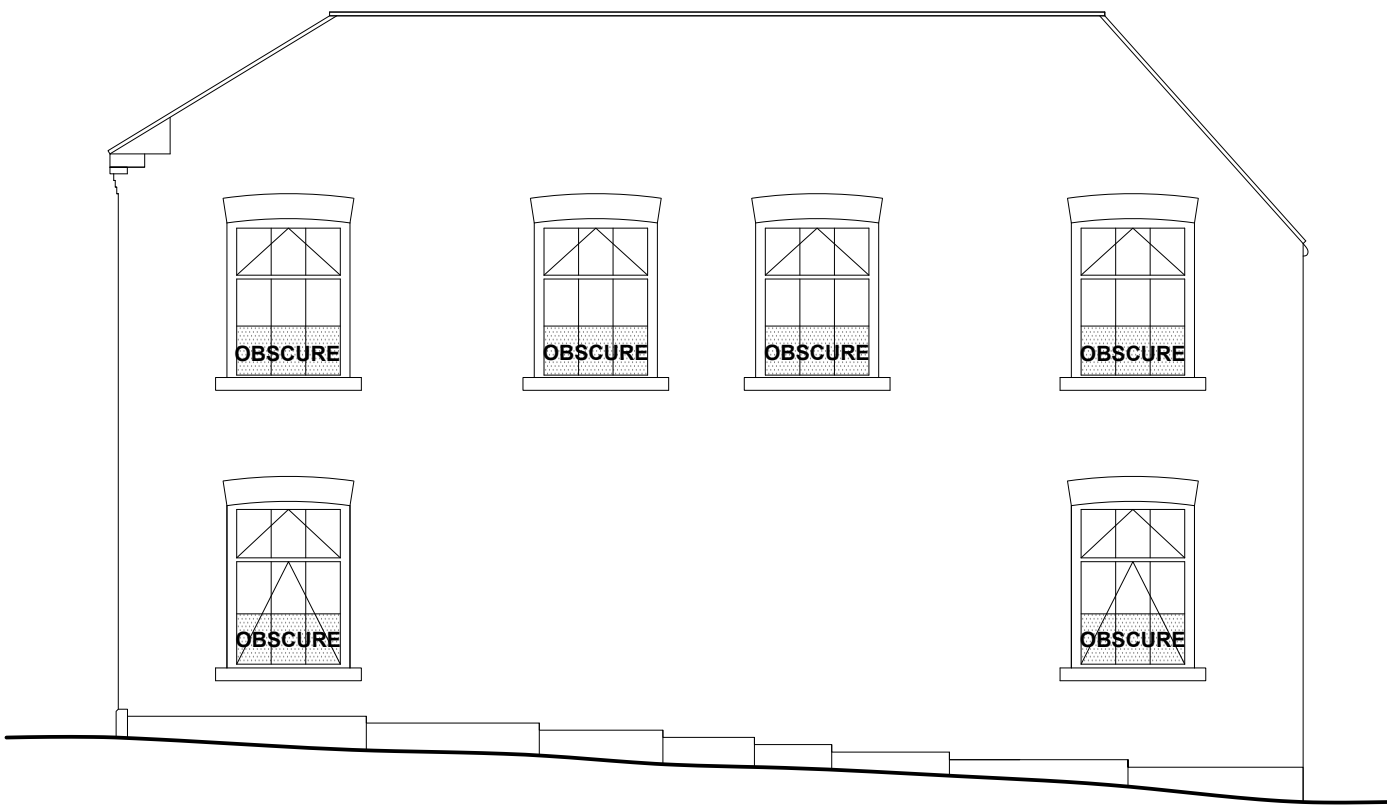
Left Hand (East) Elevation



Front (North) Elevation



Rear (South) Elevation



Right Hand (West) Elevation

Revision	Description	Date	By
A	Minor alteration to window configuration	08.12.2020	SET



Client:  
St David Project Omega Ltd

Project:  
Topping Mill, Topping Street, Bury, BL9 6DR

Drawing:  
Proposed Elevations

Set up size:	A1	Drawn by:	SET
Scale:	1/100	Checked by:	JPC
Date:	06.05.2020	Date:	06.05.2020
Drawing Number:	1076-PP-04	Revision:	A



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**Ward:** Bury East

Item 03

**Applicant:** The Car People

**Location:** 55 Rochdale Road, Bury, BL9 0QZ

**Proposal:** Extension to form workshop (Class B2)

**Application Ref:** 66058/Full

**Target Date:** 15/02/2021

**Recommendation:** Approve with Conditions

### **Description**

The site is circa 2 ha in area and relates to an existing car sales showroom and ancillary servicing and workshop business on the site of a former bus depot, which was granted approval for a change of use and built development under planning reference 63872 in 2019.

The existing bus depot building has been utilised as the main car showroom and sales area and an extension to the west elevation has been added. The approved plan showed parking to the north and east for staff and customers and a row of parking spaces, including disabled parking along the southern boundary of the site to Back Fletcher Street.

The southern area of the site has not been formally laid out or demarcated for parking in accordance with the approved scheme and the surfacing remains unfinished. A motor cycle and cycle parking area was to be provided next to the south elevation of the building but appears not to have been implemented.

Adjacent to Back Fletcher Street and along the southern boundary of the site a landscaping scheme and planting was to be provided but this has also not been implemented.

There are two access points into the site, one off Derby Way for customers and the primary access off Rochdale Road which is used for deliveries. There is also an access off York Street which is only to be used by staff of the site.

The site is located just east of Bury Town Centre with Moorgate Business Park to the north. To the immediate south of the site is a row of terraced dwellings on Fletcher Street who are set circa 1m lower and whose rear elevations directly face the site.

An application for an extension to form a workshop ancillary to the main car showroom use was submitted in June 2020 (planning reference 64637). Prior to the determination of the application and a grant of consent, works started on site to erect the extension and the portal frame of the building was completed.

The portal frame of the building which has been erected unlawfully is located directly adjacent to the southern boundary with Back Fletcher Street. It extends circa 26m along this boundary with an eaves height of 5.88m and a ridge height of 7.5m.

Following the investigation by the LPA's Enforcement Officer, a stop notice was served and works ceased. The planning application was subsequently refused for a number of reasons including detrimental impact on residential amenity by virtue of the scale, massing, position and height of the extension, loss of parking facilities and highway safety.

The applicant was advised that works should not continue on site until a further application had been submitted to the LPA with the reasons for refusal to be overcome in the new scheme.

This application therefore seeks to regularise the erection of the extension but with amendments to address the scheme which was previously refused.

The workshop extension would be located in the southern area of the site directly adjacent and connecting to the existing main showroom. The workshop would be used for car body repairs and the re-spraying of cars.

This application now proposes an extension which would be increased in length but reduced in width and ridge height. The proposed extension would extend along the southern boundary by a total of 44m and which would cover a floor area of 760 sqm. The width of the extension would be reduced and set back from the southern boundary of the site by 8.6m. It would be separated from the rear elevations of the houses on Fletcher Street by 21.4m. The eaves height would be reduced to 4.71m and retain the ridge height of approx 7.5m.

The extension would have a steel frame with the elevations clad in grey insulated composite panels. There would be a loading bay door opening and an access door on the west elevation with a doorway on the east elevation.

A car preparation area to provide 28 spaces to store the cars prior to works being carried out within the workshop would be located along the southern boundary. It is also proposed to incorporate landscaping between the car preparation area and the southern boundary with 5 standard trees and ornamental shrubs.

The footprint of the building would be located on the parking area on the original grant of consent for the redevelopment of the site and this parking would be re-provided to the north and west of the main building.

### **Relevant Planning History**

56253 - Outline - Demolition of existing bus depot and erection of foodstore of 10499 m2, 500 parking spaces(Class A1), petrol filling station, associated car parking and servicing facilities - Refused 18/09/2013

57971 - Outline - Demolition of existing bus depot and erection of foodstore of 10499 m2, 500 parking spaces(Class A1), petrol filling station, associated car parking and servicing facilities (resubmission)

- Withdrawn - Invalid 20/10/2014

63872 - Change of use of former bus depot to car sales, ancillary vehicle servicing; new vehicular access from Derby Way; external alterations to the building, Security lodge and erection of flood lighting and CCTV cameras. - Approve with Conditions 15/11/2019

64637 - Extension to form workshop (Class B2) - Refused 24/8/20

18/0416 - Change of use from former bus depot to car showroom and alterations to existing buildings - 27/02/2019

20/0056 - Breach of pre-commencement conditions of planning permission 63872 - 10/09/2020

### **Publicity**

Letters sent on 22/12/20 to 37 properties on Derby Way, Moorgate Retail Park, York Street, Rochdale Road, Yarwood Street, Fletcher Street, Goodall Street.  
Site notice posted 15/1/21.

Four letters of objection received from Nos 11, 19, 21, 23 Fletcher Street with the following issues -

- In the new application for the workshop the size of the building has been slightly reduced. However the building will still be huge. It will still block light coming into my kitchen and will also impact the light in the bedroom. The building will be approx. 68 ft from the back of my house, it is approx.. 42 ft from the back of my house to the

boundary fence, the palisade fence. This means the building will be reduced approx. 26ft and in this space they propose landscaping and a car prep area.

- The height of the building is not reduced very much either and they propose to extend the length, to make up for the loss in width, which will effect more houses. The building will be in dark grey metal, this will be a huge metal industrial building covering most of the back of Fletcher St. All we will see will be a huge dark structure blocking light and skyline.
- Car prep area - As the building will have 4 paint booths, car prep areas are usually where cars are sanded and primed ready for spraying. Will this be happening here? If not will this area be for customers car parking which will cause more pollution with car fumes, not only customers cars but the associated trades that will be delivering there. Plus the noise from constant cars arriving and leaving. The car prep area is the length of the building and more, this will accommodate a lot of cars. Bury is part of the Manchester Clean Air Plans and as residents we shouldn't be expected to put up with more pollution.
- Landscaping - There is also an area for landscaping. The original landscaping was removed by the Car Group. The landscaping was on a slight slope which came down to level of back Fletcher St. This area was filled in with soil and rubble to the height of the old car park. This means the level of the ground is now 2 - 3 ft above the level of back Fletcher St. The palisade fence, open fence, had some blue plastic sheeting and some boards put against it then the ground was filled in. Soil/rubble is now coming through the fence into back Fletcher St in some parts. Rats now look like they are digging holes into this soil/rubble, we don't want a rat problem as well. The plans do not show that the level of the ground will be taken back to the original level.
- Noise - Although the applicants had a noise survey done, this survey was carried out over the weekend outside, and in the existing workshop, which is considerably smaller than the intended one, during the week. I'm not sure how this can accurately predict noise level once a huge workshop is established.
- Residents - Although we live in a part industrial area surely we as residents are entitled to some quality of life, amenity and outlook, the size of this building and associated noise will impact that. All we will see outside, as well as inside, is a high black industrial building and the associated noise that it will bring. This is the only outside space we have to relax in and it does our wellbeing good.
- Can see nothing from my house but the massive monstrosity.
- The building will make the neighbours prisoners in our own home
- Seriously affect the value of our houses
- Affect our mental well being
- This structure was put up without permission and 6 months later is still standing - the company have no regard for the affect on the surrounding residents

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

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

**Traffic Section** - No objection

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

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

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

**Environmental Health - Pollution Control** - No objection subject to condition

**Waste Management** - No response received

**Planning Policy Manager** - No comments to make

**United Utilities (Water and waste)** - No response received.

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

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

Area      Rochdale Road/Lord Street/York Street  
BY10

NPPF      National Planning Policy Framework  
EN1/2      Townscape and Built Design

EN1/5	Crime Prevention
EN1/7	Throughroutes and Gateways
EN4/2	Energy Efficiency
EN4	Energy Conservation
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/3	Water Pollution
EN7/2	Noise Pollution
EC6/1	New Business, Industrial and Commercial
S4/4	Car Showrooms, Car Sales Areas and Petrol Filling Stns
HT2/4	Car Parking and New Development
HT4	New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD11	Parking Standards in Bury
SPD16	Design and Layout of New Development 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 S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Areas should be located within or adjoining established shopping areas, near classified roads or within other industrial and commercial areas. Regards is given to the potential disruption to traffic, provision of adequate, well laid out car parking and display facilities together with safe and convenient arrangements for access, circulation and egress, road safety and pedestrian safety and amenity of nearby residencies.

EC6/1 - Assessing New Business, Industrial and Commercial development expects development to be of a high standard of design and appearance and take account of the surrounding environment, amenity and safety of employees, visitors and adjacent occupiers. Factors considered include scale, size and height of buildings, access and parking provision, landscaping and boundary treatment, effect on neighbouring properties and health of safety considerations.

The principle of the use of the site for a commercial redevelopment as a car sales and ancillary servicing workshop was considered under application ref 63872 as acceptable. Whilst the proposal to erect an extension as an ancillary workshop for the site would not conflict with the current use of the site, the proposed development needs to be considered and assessed under policies EC6/1 and S4/4 in terms of scale, layout, impacts on residential and visual amenity and highways issues, which are discussed below.

**Layout and scale** - The proposed extension would be located between the southern elevation of the existing building and the southern boundary. It would cover a footprint of 760 sqm and be 44m in length on the existing hardstanding area. Whilst the extension would be extended in length by 16m comparative to the previous scheme, it would be reduced in width and would now be set back from the southern boundary of the site by 8.6m and 21.42m from the rear elevations of the houses on Fletcher Street.

The siting of the extension would result in the loss of parking in this area which was approved as part of the consent granted for the original change of use of the site. The proposed plan shows there would be replacement parking to the north and west of the main



building, including 5 EV charging points and 7 disabled spaces, resulting in a net gain for the site.

The scheme proposes to locate a car preparation area between the proposed extension and the southern boundary to provide 28 spaces for cars to be stored prior to them being treated in the workshop. This area would be layout out in a tandem arrangement. This area would be used as car storage only and not as a typical car park. It would be managed and organised by the applicant according to which cars were to be worked on.

The landscaping and screen planting which should have been provided along the southern boundary of the site has not been implemented. This application seeks to correct this and proposes a landscaping scheme of 5 regular standard trees (minimum height 3m at first planting) and ornamental shrubs.

An area just inside the gated site access from the Rochdale Road access point would provide a turning area to facilitate the delivery of vehicles with a pedestrian footpath route.

It is therefore considered that the proposed layout addresses the reasons for refusal in terms of layout in the previous application, in so far that it would be moved away from the boundary to Back Fletcher Street, provide replacement parking, a safe pedestrian route to the site, area for the delivery of vehicles and the provision of a more robust landscaping scheme along the southern boundary which would be secured by condition.

As such, the proposed development is considered acceptable and would comply with UDP Policies EC6/1, EN1/2 and S4/4.

#### **Residential amenity -**

Relationship of the building to Fletcher Street - The nearest residential properties are the row of terraced houses on Fletcher Street to the south of the site which are separated by Back Fletcher Street. The rear elevations of these houses face the site and are set approximately 1m lower. There is an existing palisade fence which runs along the southern boundary of the site.

It is now proposed to move the building back from the southern boundary by 8.6m and reduce the eaves height from 5.88m to 4.71m (total of 1.1m) which would reduce the pitch of the roof. It is also proposed to extend the building further along the boundary by an additional 18m from what is currently 'on the ground' (26m ) to the proposed length of 44m. This increase in length would affect more residents than the previous scheme and where at the moment, the structure is sited opposite Nos 13-25 Fletcher Street, it is now proposed to extend the build along the boundary opposite Nos 5-11.

There are no set standards or approved statutory guidance for assessing separation distances and relationships between commercial development and residential properties. Commercial developments are assessed on their own merits and on a site by site basis.

In considering the revised siting, height and scale, the residents of Fletcher Street would still have a view of the building from their properties, particularly where the upper part of the building's elevation and the roof slope would be visible.

However, by setting the building away from the boundary by 8.6m, the proposed building would now be separated from the houses by 21.4m, having a much improved relationship to the houses on Fletcher Street, which would reduce the overall dominant and oppressive feeling which would be experienced by the residents.

The ground level of the site is higher than the ground level of the houses by approximately 1m. This application proposes an eaves height of 4.7m (a reduction of 1.1m from the current built form). The eaves height of the proposed building would be lower than the houses by 1.4m and the ridge height of the building 1.4m higher than the eaves of the houses. This would reduce the massing and scale of the build when viewed by the

affected properties and with the set back from the boundary this would also lessen the impact the impact of the building on these residents which would add to the sense of relief and space.

The total height of the build at 7.5m would be similar to that of a standard 2 storey residential property.

The building would be located due north of the residential properties and given the rotation of the sun, light to the rear of the properties would not be significantly affected.

The application proposes to introduce a strip of landscaping along the southern boundary of the site, comprising of 5 standard trees (Alder and Birch), in-between which would be shrubs which would soften the appearance of the commercial site and screen parts of the building's elevation.

A car preparation area to store cars prior to their treatment in the workshop would be located between the landscaping on southern boundary of the site and the proposed workshop. This area was used for customer parking. Whilst there may be more activity in this area as cars are manoeuvred in and out of the spaces to be taken into the workshop, it is considered that the use of this area comparative to a customer car park would not increase significantly to cause undue harm to the amenity of nearby residents.

It is therefore considered that the proposed development would be acceptable and would comply with EC6/1, S4/4 and EN1/2.

Noise - The application is accompanied by a Noise Impact Assessment which has been undertaken to identify the key sources of noise which would be associated with the use of the proposed extension, for car spraying and body repair works.

The Assessment concluded that within the context of the site surroundings and the proximity of the residential properties, as the predicted rated level of noise would only marginally exceed accepted levels of noise for this type of use in this locality, the operations within the body shop are considered sufficiently low enough to comply with 'No Observed Effect Level' and no noise mitigation measures would be required.

The Pollution Control Section have been consulted and they are broadly satisfied with the assessment that the activities and noise associated with the new workshop would not cause significant noise nuisance to those living nearby. However, the noise assessment relies on the doors of the workshop remaining closed in order to maintain the sound insulation performance of the building to reduce impacts at the closest residential receptors.

To enable this, a ventilation system would be required to the workshop. The Pollution Control Section would therefore expect the noise report to take account of the ventilation system which is likely to have tonal and possible intermittent characteristics. Actual noise from the development would need to be assessed to include the cumulative noise from the workshop and the ventilation system. However, the Noise Report states there are no specific details of the ventilation system and therefore the corrections for tonality, intermittency and impulsivity cannot be measured.

The Pollution Control Section have therefore recommended a condition that using the existing data from the noise assessment, a further noise survey should be carried out to determine the impact of the proposed ventilation system and the details shall be submitted to the Local Planning Authority. The ventilation system should not increase the existing ambient noise levels at the nearest noise sensitive receptor.

The information would be required prior to the first use and occupation of the workshop.

With regards to the current hours of the existing car showroom, the site can operate between the hours of 8am to 9pm Monday to Saturday and 10am to 5pm Sundays and

Bank Holidays. The proposed use would involve machinery and equipment for the carrying out of car spraying and body repairs as well as the movement of cars in and out of the preparation area. It is therefore considered reasonable that the time of the operation of the workshop be limited to the hours of 8.30am to 6pm Monday to Friday, 9am to 4pm Saturdays and no working on Sundays and Bank Holidays

The site formally operated as a bus depot and there would have been a certain amount of day to day activity, noise and disturbance from frequent comings and goings of buses and vehicles both early morning and later in the evening.

In conclusion, it is considered that with the amendments to move the building away from the boundary to the houses on Fletcher Street and appropriate conditions for further noise assessments, control of the hours of use, and provision of a landscaping scheme, the proposed development would not have a significantly detrimental impact on residential amenity and would comply with UDP Policy EC6/1, EN1/2, EN7/2 and S4/4.

**Design and appearance** - The building would be for commercial purposes and of a standard workshop appearance which is typical for this type and character of development. The elevations and roof would be fully clad in insulated vertical profile wall panels in anthracite grey (mid-dark colour) which is commonly found within similar business and industrial areas in the Borough. The appearance of the building would also be improved with the set back from the boundary and the reduction in the height.

The site is located in an area of mixed uses of commercial, industrial, retail and residential where a mix of design and materials are prevalent and as such, the proposed design solution and materials are considered to be acceptable. The development would also be softened when viewed from Fletcher Street by the landscaping along the southern boundary.

It is therefore considered that on balance, with the amendments made to the height, with the re-positioning of the building and together with the landscape screening, the proposed development would be acceptable and comply with EC6/1 and S4/4.

**Highways** - In terms of parking, access and deliveries, the layout of the existing site would be re-configured to facilitate the siting of the proposed workshop.

For parking, the spaces which were located to the south of the showroom building on the footprint of the proposed extension would be re-located to the west and north of the main showroom building next to the existing parking areas which would include 7 disabled spaces and 5 EV charge points. There would be a net gain overall of 9 spaces for the site and as such the parking provision on site is considered to be acceptable.

All deliveries currently take place from the access into the site off Rochdale Road and this access would continue to serve both the car showroom, vehicle display area and proposed workshop. The proposed site plan shows a tracked delivery path into the site next to the entrance gates where cars would be delivered and unloaded and where there would be room to manoeuvre the vehicle such that it would exit the site in a forward gear out onto Rochdale Road. Deliveries would be from 8.30am to 6pm Monday to Friday and 9am to 4pm Saturdays which is considered to be reasonable and acceptable in this location.

The Highway Section have raised no objection to the proposed layout and are satisfied that subject to conditions there would not be a detrimental impact on Highway Safety.

The proposed development would therefore comply with Policies EN6/1, S4/4, HT2/4 and HT6/2.

### **Response to objectors**

- The works to the cars would take place and be contained within the proposed workshop and not in the car preparation area. The car preparation area would be used to store

cars only. As such it is considered there would not be significant or detrimental impact on air quality or increase in air pollution.

- Reduction to the value of house properties is not a material planning consideration.
- All other issues raised by the objectors 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 - Existing - Plans and elevations 101C; Proposed parking - Swept path for a car transporter 203H received 2/3/21; Proposed site plan 200M; Proposed parking (Landscaping plan) 205A; Proposed - plans 201I; Proposed elevations 202K; Revised Noise Assessment ref 20.178.1.R3 dated 8 March 2021 by Professional Consult; Revised Delivery Management Plan rev A and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
3. No development shall commence unless and until:-
  - A 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. The EV showed on the approved layout plan shall be implemented and made available for use within two months of the date of the permission. The EV charge points shall thereafter be maintained and available for use.  
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 use and development hereby permitted shall not be used outside the following times:  
8.30am to 6pm Monday to Friday and 9am to 4pm Saturdays and there shall be no use of the development hereby approved on Sundays and Bank Holidays  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EC6/1 - Assessing New Business, Industrial and Commercial development, EN1/2 - Townscape and Built Design and S4/4 - Car Showrooms, Car Sales and Petrol Filling Stations of the Bury Unitary Development Plan.
7. Following the first use/occupation of the development hereby approved, the landscaping plan and scheme hereby approved shall be implemented within the first available tree planting season. All tree and shrub planting which form the approved landscaping plan shall be planted in the ground to the appropriate British Standard, BS4428:1989 Code of Practice for General Landscape Operations. For the avoidance of doubt, there shall be no potted container planting. 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 EC6/1 - Assessing New Business, Industrial and Commercial 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. Notwithstanding the timings of the deliveries stated in the Delivery Management Plan Rev A, the development hereby approved shall be carried out in accordance with the servicing arrangements and measures detailed in the approved 'Delivery Management Plan Rev A - 01/03/21', confirming the proposed routing strategy, measures to route car transporter deliveries to the designated site access at Rochdale Road, and, specifically (for the avoidance of doubt):
  - Customer access and parking via Derby Way;
  - Staff access via York Street;
  - Delivery of vehicles by articulated vehicle via Rochdale Road;
  - Refuse vehicle access via Rochdale Road;
  - No commercial vehicular deliveries via York Street;
  - Deliveries not to be undertaken before 8.30am or after 6pm Monday to Friday and 9am to 4pm on Saturdays. There shall be no deliveries Sunday or Bank Holidays.

The 'Plan' and measures approved shall be implemented before the development is brought into use.

Reason. To ensure that adequate consideration is given to vehicle access and delivery management arrangements and service vehicle routing to/from the site, in the interests of highway safety pursuant to Policies EC6/1 - Assessing New Business, Industrial and Commercial development, EN1/2 - Townscape and Built Design, HT2/4 - Car Parking and New Development, HT6/2 - Pedestrian/Vehicular



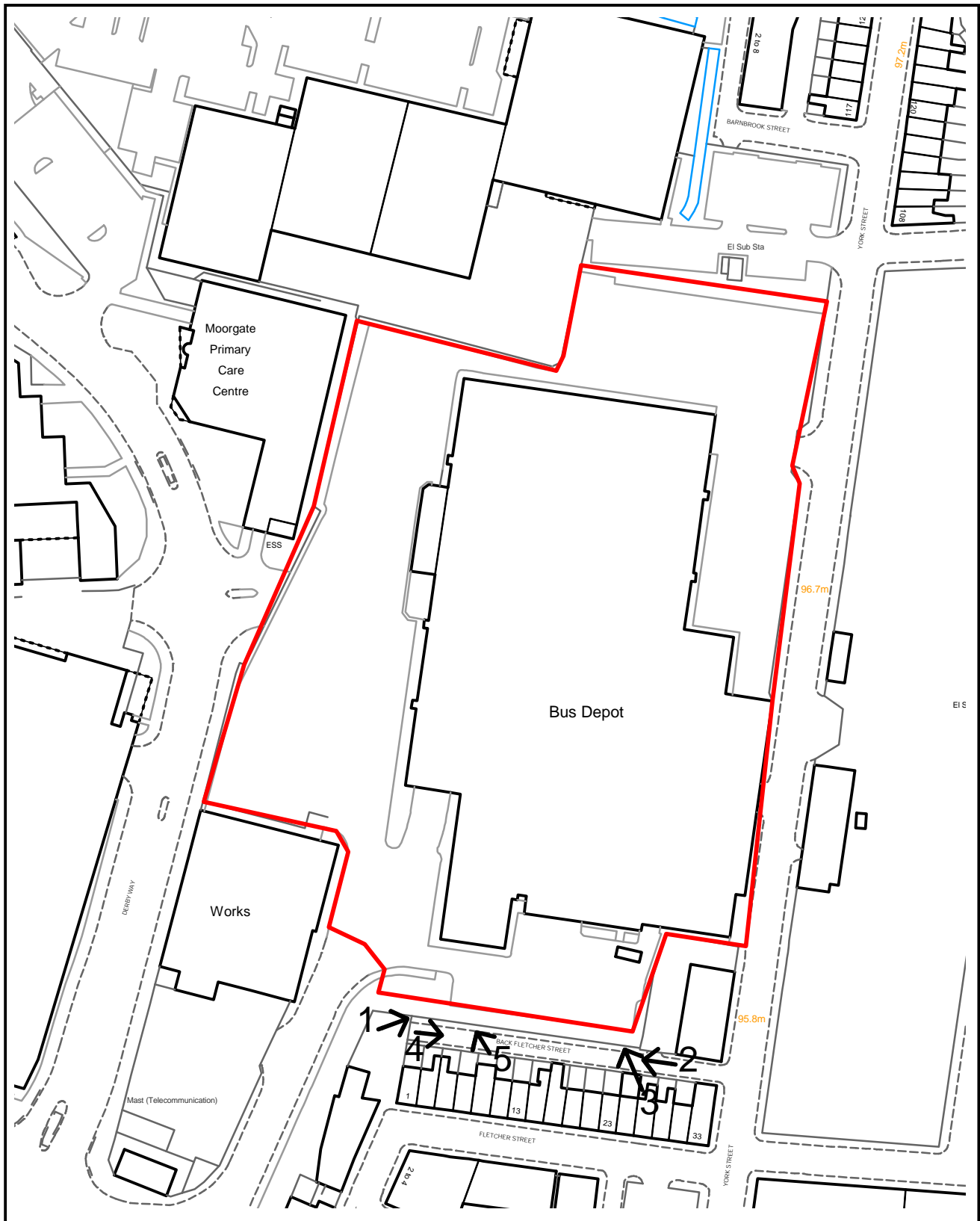
9. The turning facilities indicated on the approved plans and in the supporting information shall be provided before the development hereby approved is brought into use and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.  
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Policies EC6/1 - Assessing New Business, Industrial and Commercial Development, EN1/2 - Townscape and Built Design, HT2/4 - Car Parking and New Development, HT6/2 - Pedestrian/Vehicular Conflict and S4/4 - Car Showrooms, Car Sales and Petrol Filling Stations of the Bury Unitary Development Plan.
10. The disabled persons, customer, staff & display vehicle parking indicated on the approved plans shall be surfaced, demarcated and made available for the intended respective uses prior to the use hereby approved commencing and thereafter maintained available for the intended respective uses 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, EN1/2 - Townscape and Built Design, HT2/4 - Car Parking and New Development, HT6/2 - Pedestrian/Vehicular Conflict and S4/4 - Car Showrooms, Car Sales and Petrol Filling Stations of the Bury Unitary Development Plan.
11. The development hereby approved shall be carried out in accordance with a surface water drainage scheme which shall 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 provision of potential SuDS options for surface water drainage. The drainage scheme shall be implemented prior to first use of the development hereby approved and thereafter maintained.  
Reason. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.
12. The car preparation parking area hereby approved shall be used for the storage of cars only and for no other purposes.  
Reason. To protect the residential amenity of the adjacent occupiers on Fletcher 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 HT2/4 - Car Parking and New Development and S4/4 - Car Showrooms, Car Sales and Petrol Filling Stations
13. Prior to the first occupation and use of the development hereby approved, a further noise survey using the existing noise assessment shall be carried out to determine the potential impact of the proposed ventilation system and the details and results submitted to the Local Planning Authority.  
Following the submission of the results, where mitigation is required to ensure the proposed ventilation system shall not increase the existing ambient noise levels at the nearest noise sensitive receptor, a scheme shall be submitted to and approved by the Local Planning Authority. The approved scheme shall thereafter be implemented prior to the first occupation or use of the development hereby approved and thereafter be maintained whilst it serves the use.  
Reason. To protect the amenity of the occupants of the nearby residential properties pursuant to Policies EC6/1 - Assessing New Business, Industrial and Commercial development, EN1/2 - Townscape and Built Design, EN7/2 - Noise Pollution and S4/4 - Car Showrooms, Car Sales and Petrol Filling Stations of the

Bury Unitary Development Plan.

14. Other than for the transfer of cars in and out of the workshop, the service doors on the west elevation shall remain closed at all times.  
Reason. In the interests of residential development pursuant to Policies EC6/1 - Assessing New Business, Industrial and Commercial development, EN1/2 - Townscape and Built Design, EN7/2 - Noise Pollution and S4/4 - Car Showrooms, Car Sales and Petrol Filling Stations of the Bury Unitary Development Plan.

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

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

APP. NO 66058

ADDRESS: Omnibus Depot, 55 Rochdale Road  
Bury

Planning, Environmental and Regulatory Services

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**Bury**  
COUNCIL

66058

Photo 1



Photo 2





Photo 3



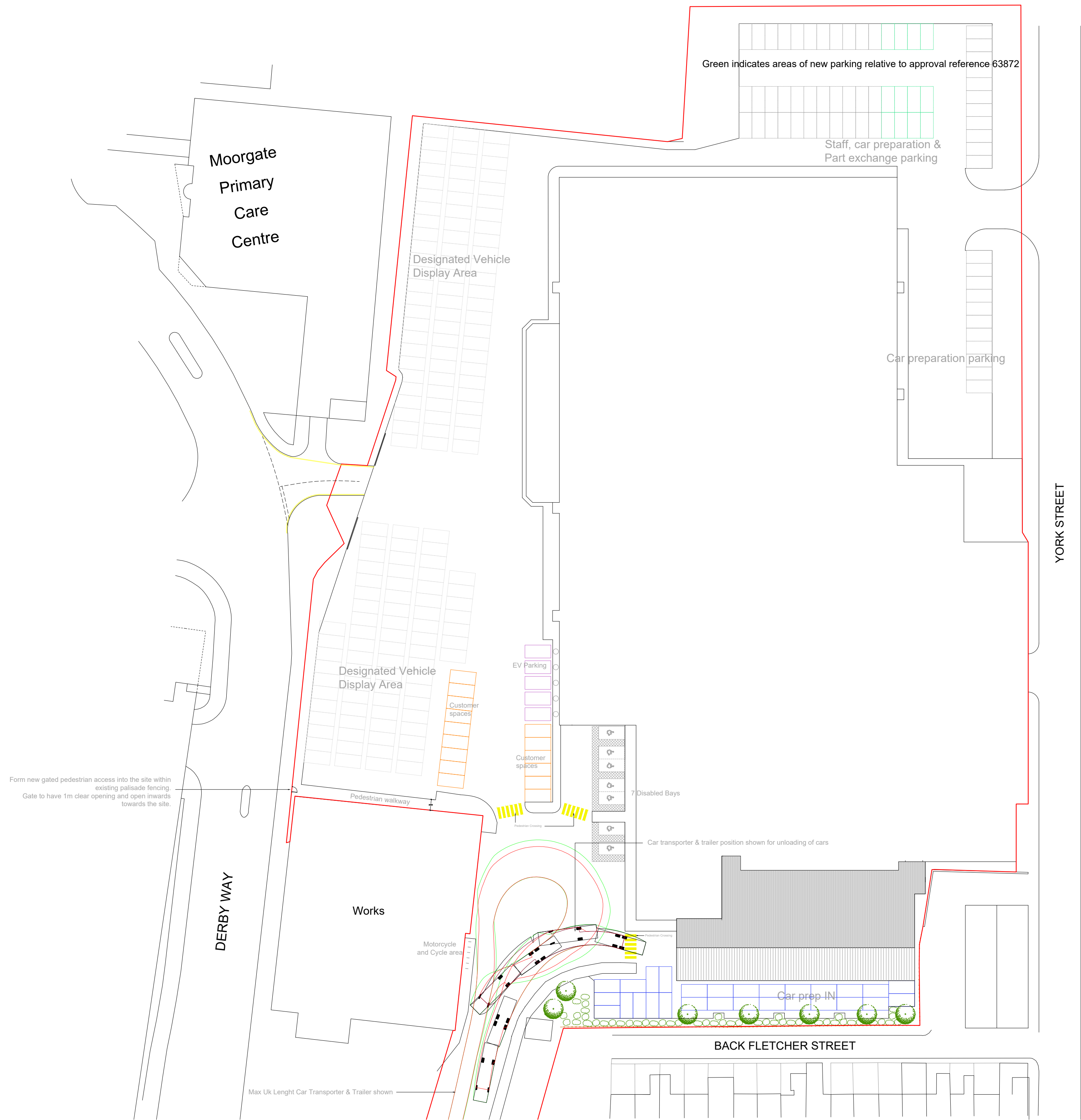
Photo 4





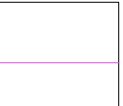
Photo 5



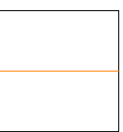


PARKING		DISABLED PARKING	
71	Number of previously approved car parking spaces as shown on approved application Ref 63872	10	Number of previously approved car parking spaces as shown on approved application Ref 63872
15	Number of existing car parking spaces lost due to extension	5	Number of existing car parking spaces lost due to extension
26	Number of additional spaces proposed	2	Number of additional spaces proposed
81	Total Number of spaces proposed	7	Total Number of spaces proposed

Key



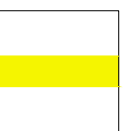
Electrical Vehicle Parking



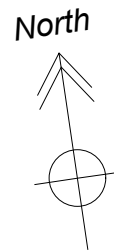
Customer Spaces



Car Prep - Car parking area



Customer Access - Pedestrian crossing

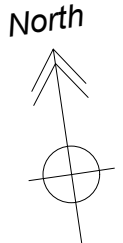
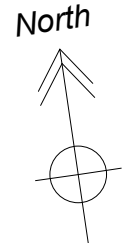
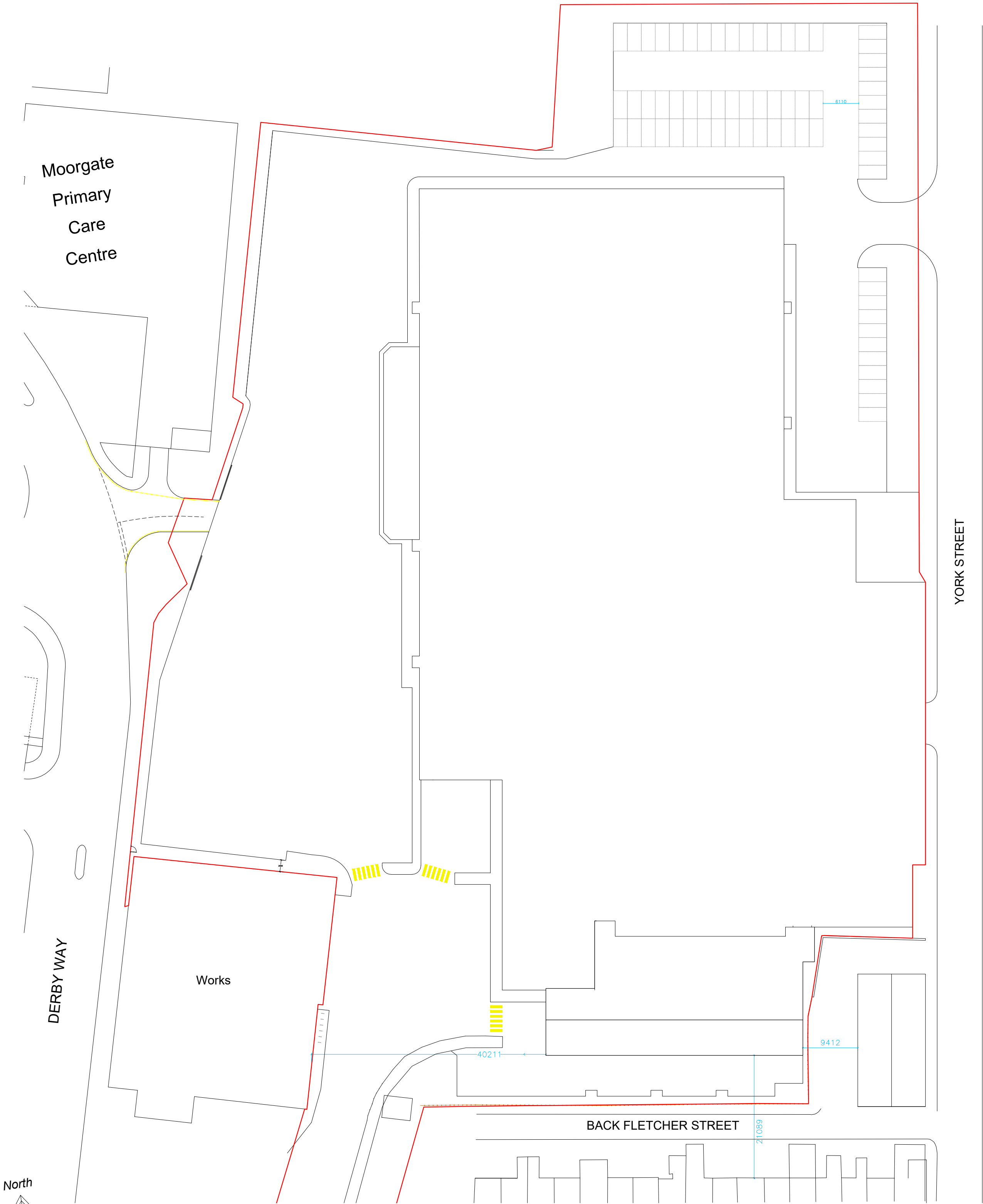
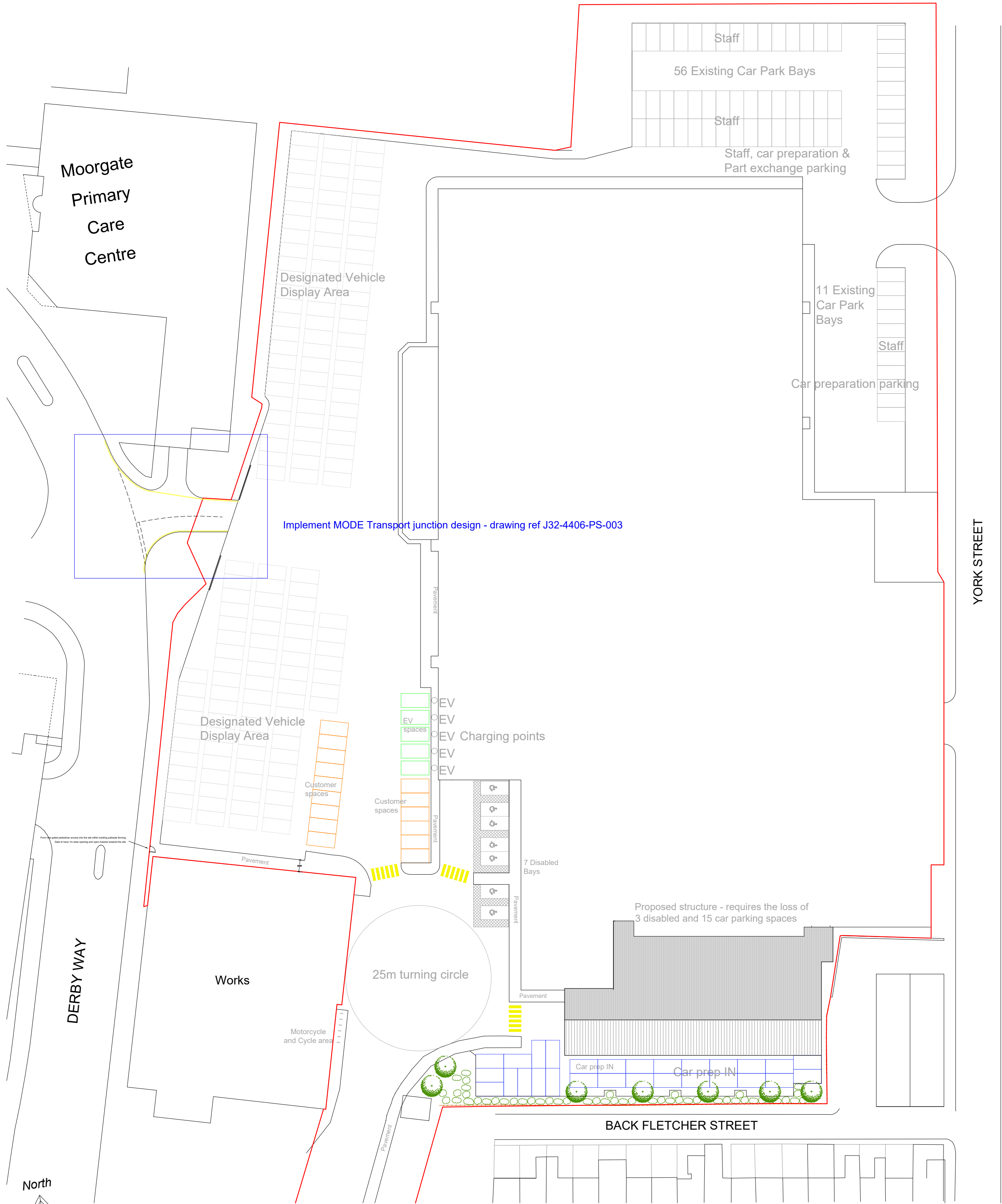


Site Plan 1:200

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7. All references refer to accompanying specification.	
Domestic and commercial projects are notifiable to the HSE under CDM 2015 if the construction work on site is scheduled to:	
a) Last longer than 30 working days and have more than 20 workers working simultaneously at any point in the project; or	
b) Exceed 500 person days	

Drawing Title:		A1	SCALE	DATE	JOB NO	DRG NO
Proposed Parking - Swept path for car transporter deliveries			N/A	DEC 20	963	203H
Site Address:		11 Woodvale Crescent, Bingley West Yorkshire, BD16 4AJ Tel - 01274 317002 e.mail : michael@madp.co.uk web: madp.co.uk				
The Car Group, 55 Rochdale Road, Bury, BL9 0QZ						





Site Plan 1:500

Block Plan 1:500

Key	
	Electrical Vehicle Parking
	Customer Spaces
	Car Prep Area
	Customer Access Route

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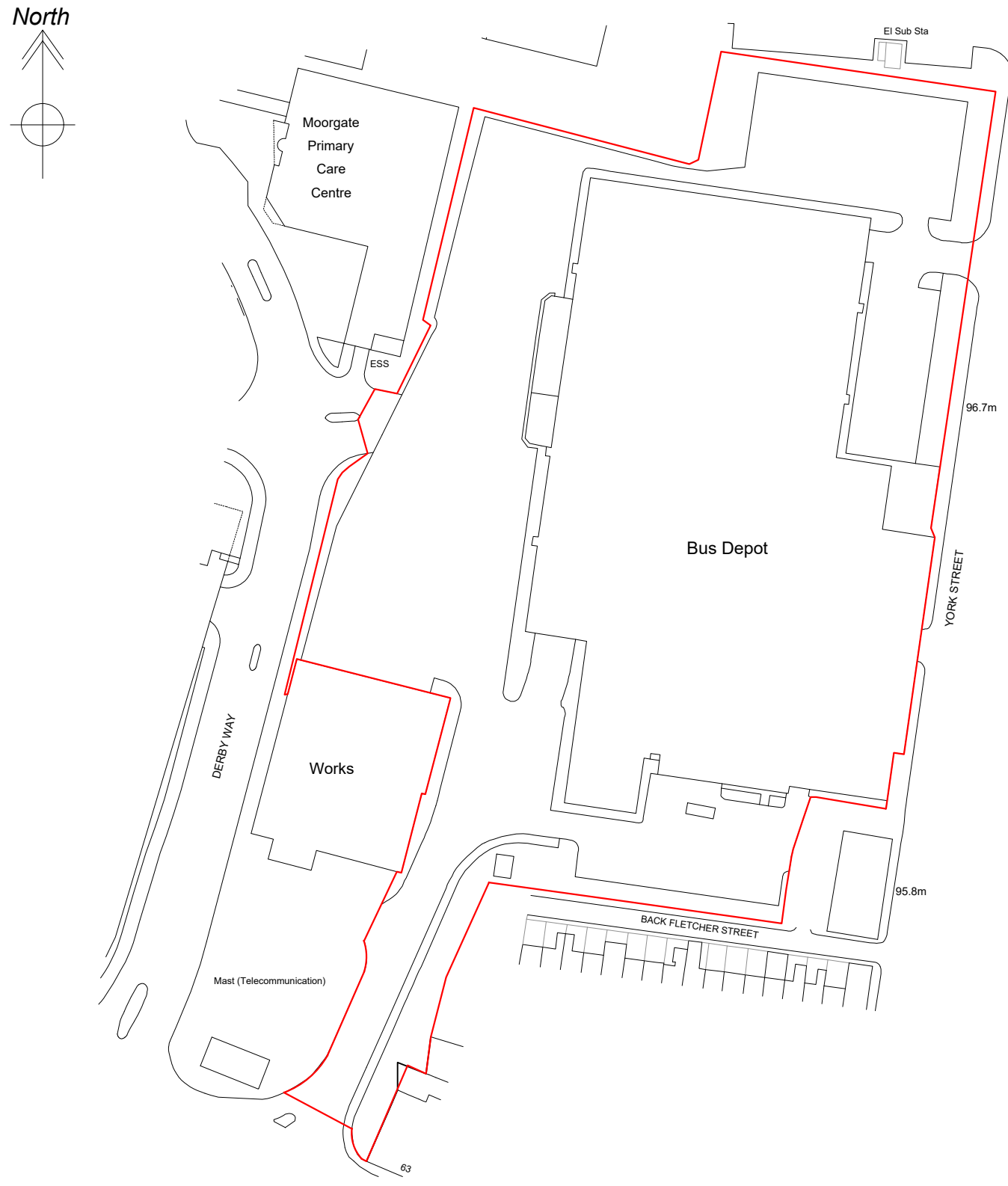
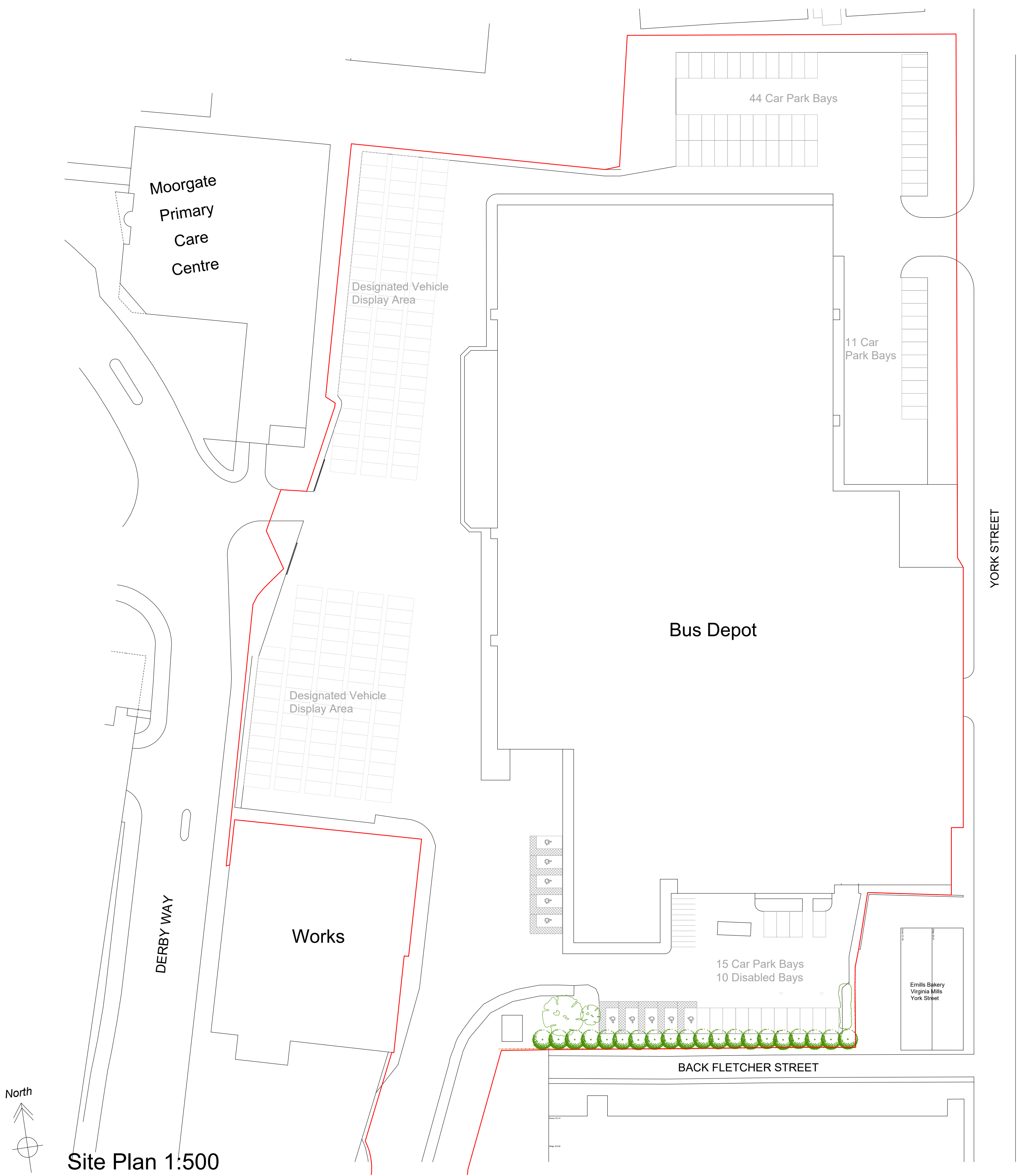
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- a) Last longer than 30 working days and have more than 20 workers working simultaneously at any point in the project; or
- b) Exceed 500 person days

Drawing Title:	
Proposed Site Plan	
Site Address:	
The Car Group, 55 Rochdale Road, Bury, BL9 0QZ	
A1	SCALE N/A
DATE DEC 20	JOB NO 963
DRG NO 200M	11 Woodvale Crescent, Bingley West Yorkshire, BD16 4AJ Tel - 01274 317002 e.mail - michael@madp.co.uk web: madp.co.uk





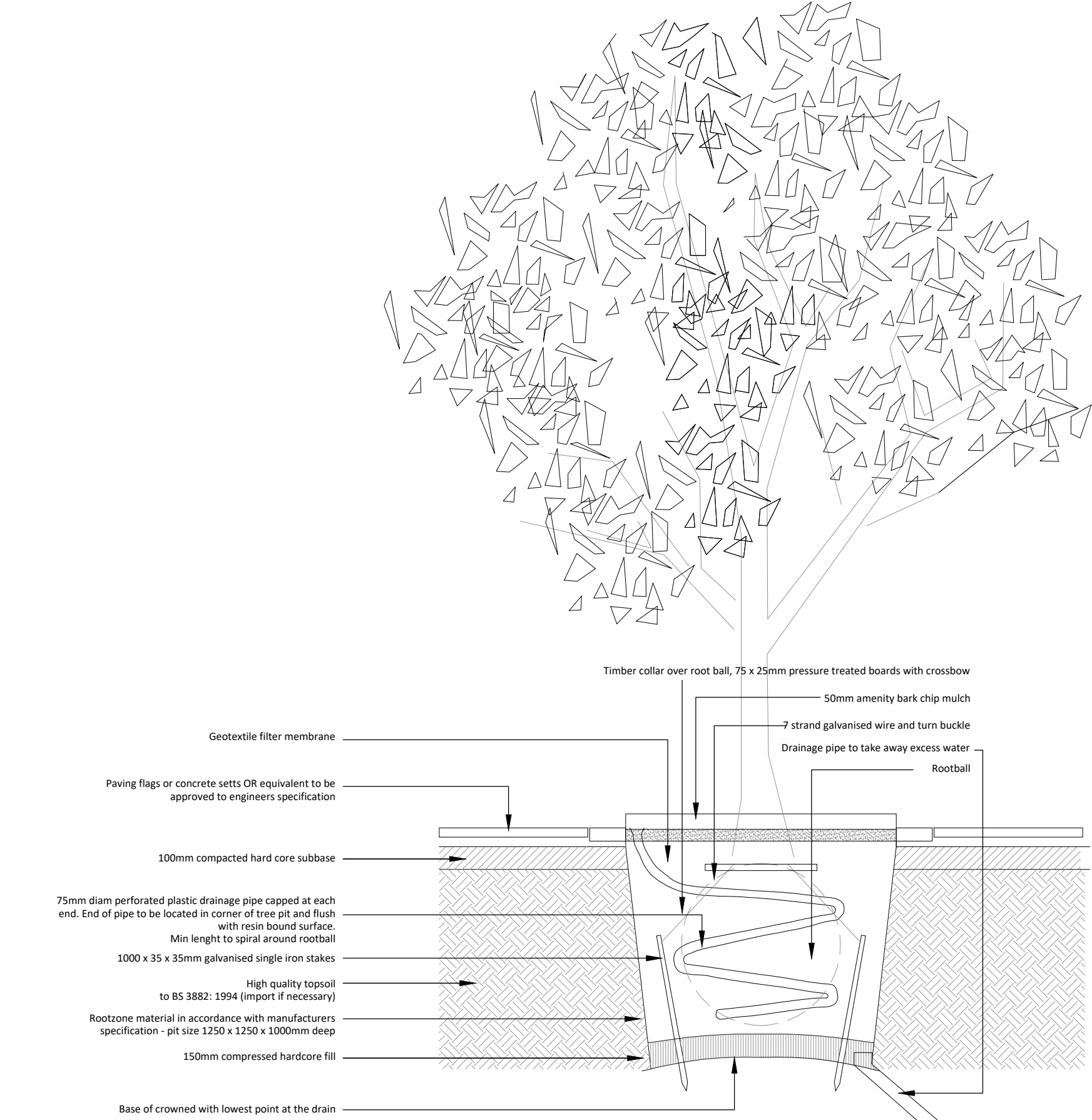


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b) Exceed 500 person days	

Drawing Title:		A1	SCALE	DATE	JOB NO	DRG NO
Existing - Plans and Elevation			N/a	OCT 20	963	101C
Site Address:			11 Woodvale Crescent, Bingley West Yorkshire, BD16 4AJ Tel - 01274 317002 e.mail : michael@madp.co.uk web: madp.co.uk			
The Car Group, 55 Rochdale Road, Bury, BL9 0QZ						



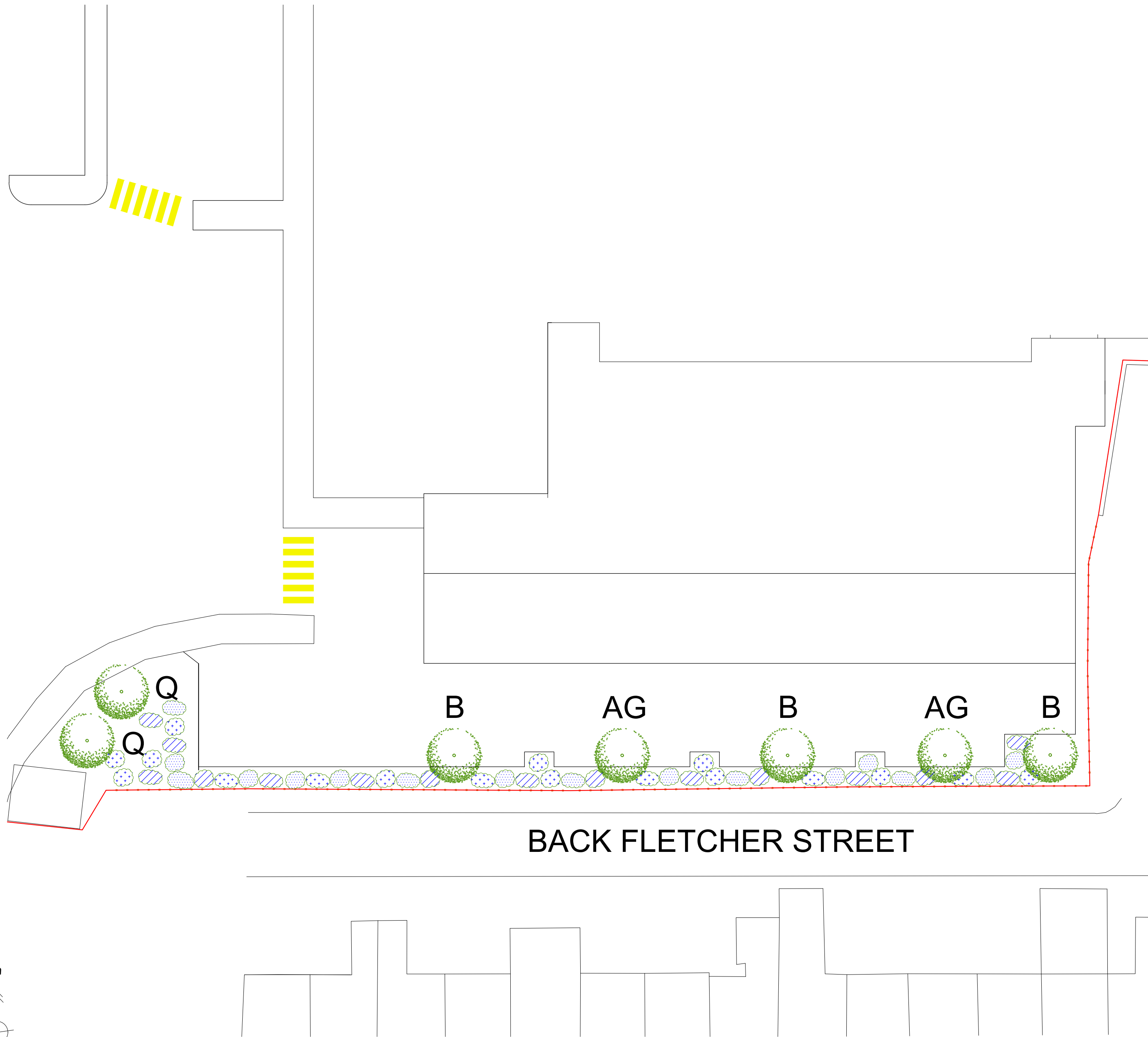
Planting Schedule										
Name	Abb	Height	Root	Container	Habit	Breaks			Density	Quantity
Shrub Mix A										
Cotoneaster horizontalis	Ch	30-40	C	3L	Bushy	3			5/m2	nr
Cytisus x praecox 'Allgold'	CxpA	30-40	C	3L	Bushy	5			5/m2	nr
Euonymous fortunei 'Emerald & Gold'	EFEG	20-30D	C	3L	Bushy	7			5/m2	nr
Lavandula angustifolia 'Hidcote'	LaH	20-30	C	3L	Bushy	5			5/m2	nr
Juniper horizontalis 'Wiltonii'	JhW	30-40D	C	3L	Branched	/			5/m2	nr
Prunus laurocerasus 'Otto Luyken'	PIOL	40-60	C	3L	Bushy	5			6/m2	nr
Santolina chaemaeyparis	Sc	20-30	C	3L	Bushy	7			5/m2	nr
Viburnum davidii	Vd	20-30	C	3L	Bushy	3			5/m2	nr
Shrub Mix B										
Berberis julianea	Bj	30-40	C	3L	Bushy	3			4/m2	nr
Berberis thunbergii 'Rose Glow'	BtRG	30-40	C	3L	Branched	4			4/m2	nr
Escallonia 'Donard Star'	EDS	40-60	C	3L	Bushy	4			4/m2	nr
Hypericum hidcote	Hh	/	C	4L	Bush (budded)	Qual A			4/m2	nr
Mahonia aquifolium 'Apollo'	MaA	30-40	C	3L	Branched	6			4/m2	nr
Photinia x fraseri 'Red Robin'	PIRR									nr
Spiraea nipponica 'Snowmound'	SnS	30-40D	C	3L	Bushy	5			4/m2	nr
Shrub Mix C										
Amelanchier Lamarckii	Aj	60-80	C	3L	Branched	3			3/m2	nr
Berberis darwinii	Bd	30-40	C	3L	Bushy	4			3/m2	nr
Cornus sanguinea	Cs	40-60	C	3L	Branched	4			3/m2	nr
Crateagus monogyna	Cm	60-80	C	3L	1+1 or 1/1	3			3/m2	nr
Pachysandra terminalis	Pt	15-20D	C	3L	Several shoots	9			5/m2	nr
Rosa canina	Rc	/	C	3L	Branched	5			3/m2	nr
Viburnum opulus	Vo	40-60	C	3L	Branched	4			3/m2	nr
Trees										
Quercus (Oak Tree)	Q	Standard	2x	08 - 10	min 300	min 200	Rb	/	Item	nr
Betula (Birch)	B	Standard	2x	08 - 10	min 300	min 200	Rb	/	Item	nr
Aglutinosa (Alder)	Ag	Standard	2x	08 - 10	min 300	min 200	Rb	/	Item	nr



Tree Pit Section 1:30



Site Plan 1:200



LANDSCAPE SPECIFICATION

NOTE: All soft landscape works to be carried out in accordance with BS4428:1989.

TOPSOIL

To be supplied and spread by the main contractor to the approval of the Landscape contractor, in accordance with BS 3882:2007. To be a natural sandy loam, of medium texture, with a pH between 5.5 and 7.8, not more than slightly stony and free of pernicious weeds. Subsoil to be well broken up prior to top-soiling to relieve compaction. Topsoil depths should be: Areas for Ornamental Shrub Planting: minimum 450mm

Soil shall not be worked when wet/in wet weather

CULTIVATION

Weeds to be prevented from seeding or becoming established by applying a suitable herbicide and allowing the correct time to elapse, as directed by the manufacturer. Compacted soil to be broken up to a depth of 100mm, with any stones, grass tufts or rubbish larger than 50mm in any direction to be removed, leaving a regular and even surface. Suitable slow release fertiliser to be supplied and spread @ 50g/m2 to all planted areas.

SOIL AMELIORANT

Peat free compost to be spread over ornamental shrub beds @ minimum 50mm depth prior to cultivation.

TREES

All trees within shrub beds to be planted in separate pits in accordance with tree planting details. Trees to be backfilled with topsoil: tree planting compost 1:6 by volume. All plant material to comply with BS 3093 Part 1:1992, be obtained from a nursery certified by the HTA and transported to site in accordance with the HTA Plant Handling Guide: 1996. All trees to be planted to the original root collar and all trees not secured with an underground guying system should be single staked at an angle of 45degrees to perpendicular, secured with tie and spacer at a height not exceeding 1/3 of the tree height.

SHRUB PLANTING

All shrubs to be positioned as shown on the drawing and to the density and specification listed in the plant schedule. Planting holes to be 150mm wider than the root spread, have the base ground thoroughly broken up before planting and backfilled with compost. MIXES: To be arranged in groups of 3, 5 & 7 with no two groups of the same species touching.

NURSERY STOCK




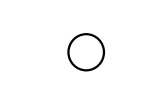

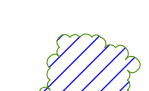

All plant material to comply with relevant part of BS3936. Container grown plants shall have been growing in containers for at least one growing season, shall not be pot bound or weedy and shall be thoroughly watered several hours before planting. Bare root plants shall be bagged upon lifting and only removed from the bag immediately before planting. All plant stock sizes to be as specified in the accompanying schedule of planting.

MULCH

75mm depth of 8-35mm ornamental bark mulch to be supplied and spread to all planting areas. Finished mulch level to be installed and maintained at 25mm below any adjacent kerbs or paving surfaces.

MAINTENANCE

The contractor shall be solely responsible for ensuring the continual healthy growth of the plants (12 months) and shall report to the employer any additional operations considered necessary to ensure the satisfactory maintenance and establishment of soft landscape areas. All planting areas to be maintained to a high standard for 12 months after practical completion, to ensure the landscape scheme is successful, and discourage decline of the area. The site is to be visited at minimum once per month. Any defects or plant losses occurring in the first 12 months to be replaced at the contractors expense. All planting beds to be re-firmed and kept weed free through hand weeding and application of approved herbicide where appropriate. The specified thickness of mulch is to be maintained. The condition of all trees is to be regularly checked, with ties and stakes adjusted or replaced as necessary. Shrubs to be pruned at appropriate times of year to promote healthy growth and desirable ornamental features. All arisings to be removed.

-  Proposed Tree  
Refer to schedule for species and specification
-  Existing Tree Removed
-  Existing Tree Retained & protected during construction
-  Proposed specimen shrubs
-  Proposed ornamental shrub mix A
-  Proposed ornamental shrub mix B
-  Proposed ornamental shrub mix C

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Drawing Title:

Proposed Parking

Site Address:

The Car Group,  
55 Rochdale Road,  
Bury,  
BL9 0QZ

A1

SCALE  
N/a

DATE  
DEC 20

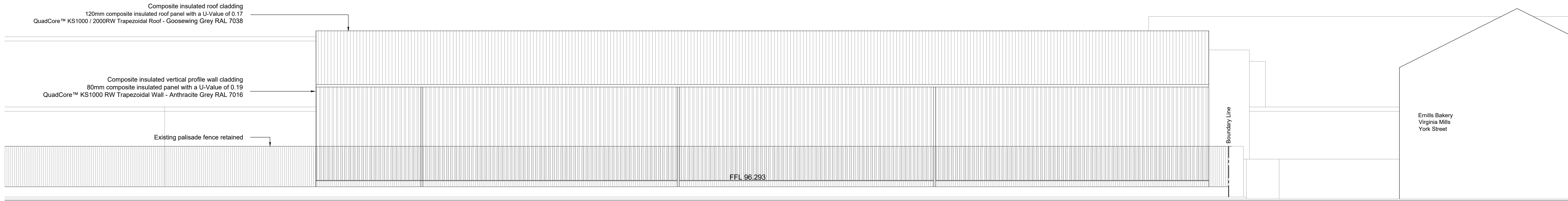
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ORG NO  
205A

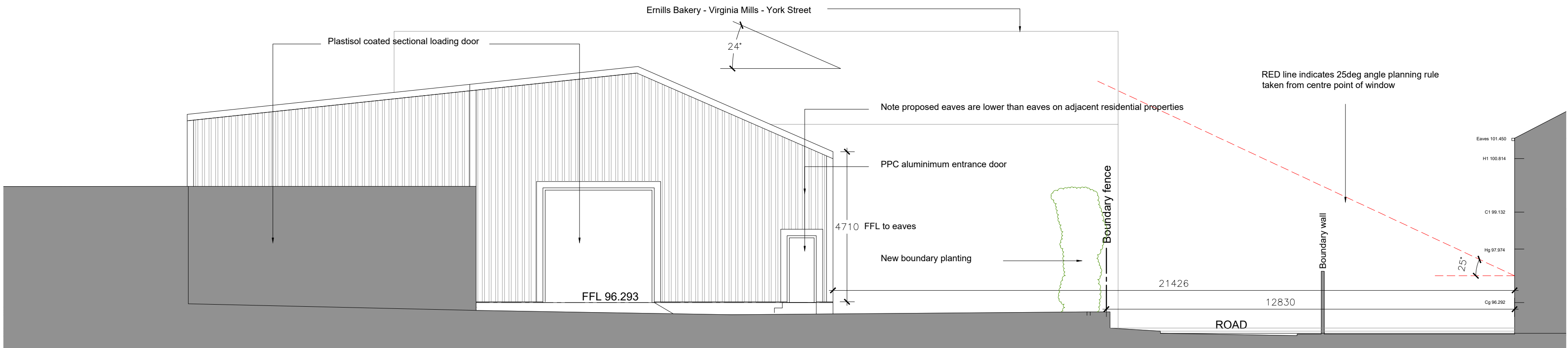
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West Yorkshire, BD16 4AJ  
Tel : 01274 317002  
e mail : michael@madp.co.uk  
web: madp.co.uk



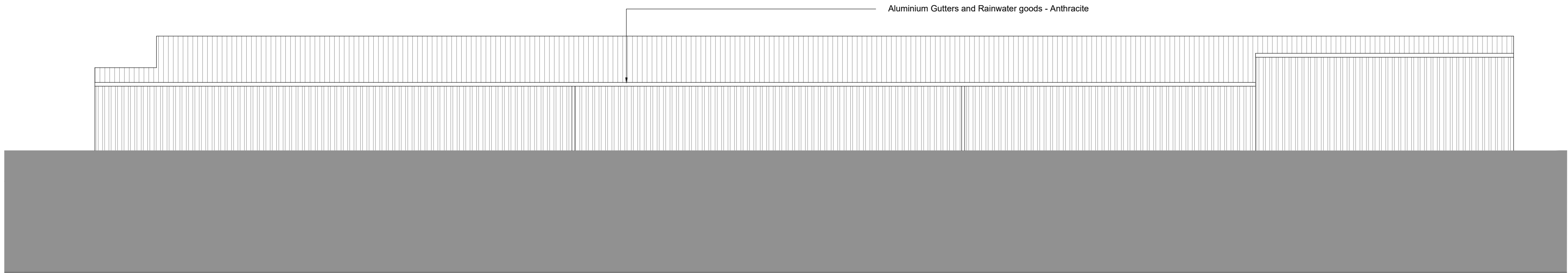




South Elevation 1:100



West Elevation 1:100



North Elevation 1:100

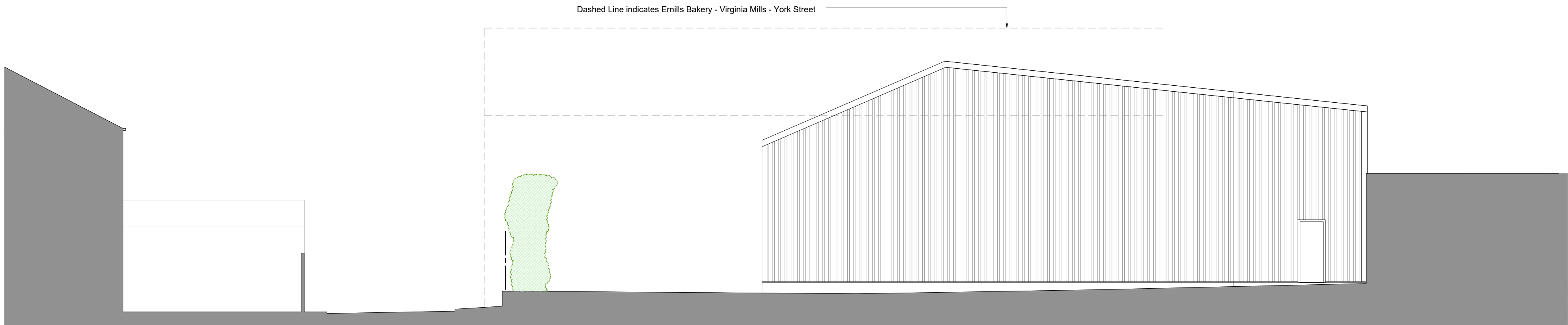
**MATERIALS**

**WALLS:-**  
Composite insulated vertical profile wall cladding, Anthracite Grey RAL 7016

**ROOF:-**  
Composite insulated roof cladding, Goosewing Grey RAL 7016

**RWG'S:-**  
Aluminium

**DOORS :-**  
Access Doors - PPC aluminium access door  
Loading bay door - Plastisol coated sectional loading doors



East Elevation 1:100

**NOTES**

1. This drawing and the copyrights and patents herein are the designers property and may be used or reproduced only under contract.  
2. Contractors and sub contractors must check and agree all dimensions before preparing shop drawings or commencing work on site.  
3. Contractors are responsible for informing the Designer of any discrepancy discovered on this drawing or between this drawing and any other related documents issued in respect of the work.  
4. Written dimensions only are to be used from this drawing. If any doubt exist the contractor must ask for clarification. On no account must the contractor scale off this drawing.  
5. If no site investigation has been carried out prior to commencement of works. Contractor to make trial holes to test suitability of ground for proposed foundations.  
6. All work must be carried out in accordance with the current Building Regulations, Codes of Practice and British Standards. If any doubt exists the contractor must ask for clarification.  
7. All references refer to accompanying specification.

Domestic and commercial projects are notifiable to the HSE under CDM 2015 if the construction work on site is scheduled to:  
a) Last longer than 30 working days and have more than 20 workers working simultaneously at any point in the project; or  
b) Exceed 500 person days

Drawing Title: \_\_\_\_\_  
Proposed - Elevations

Site Address: \_\_\_\_\_  
The Car People,  
55 Rochdale Road,  
Bury,  
BL9 0QZ

A1	SCALE	DATE	JOB NO	DRG NO
1:100	DEC 20	963	202K	

11 Woodvale Crescent, Bingley  
West Yorkshire, BD16 4AJ  
Tel - 01274 317002  
e.mail - michael@madp.co.uk  
web: madp.co.uk



**Ward:** Ramsbottom and Tottington -  
Ramsbottom

Item 04

**Applicant:** Mala Cuisine Ltd

**Location:** 18-20 Holcombe Village, Ramsbottom, Bury, BL8 4LZ

**Proposal:** Rear extension to form a storage area

**Application Ref:** 66177/Full

**Target Date:** 26/01/2021

**Recommendation:** Approve with Conditions

**The application was deferred from the February Planning Committee meeting to address the issues of ownership of the site.**

**Description**

The application relates to an existing 2 storey stone built restaurant in the centre of Holcombe Village and the Holcombe Conservation Area. It is considered a Non-Designated Heritage Asset (NDHA) on the Council's Draft Local List. To the south are 3 storey stone built residential cottages which are either Grade II Listed Buildings or NDHA's. To the rear is Higher House and its grounds, a Grade II Listed Building and opposite is the Shoulder of Mutton Pub, also of a Grade II Listed status.

Running along the rear of the site is Moor Road, a cobbled bridleway.

The restaurant fronts onto the main road which runs through the village whilst at the rear the land rises resulting in the ground floor being sunken at the lower level comparative to Moor Road with only the first floor of the property visible to view.

There is a narrow passageway which runs down the side and rear of the building at the lower ground floor level. At the rear, the narrow passage is infilled by a flat roof single storey timber barrel storeroom for the restaurant which is located at the lower ground floor level and which is screened from views by the retaining wall which encloses the passageway along the side and rear of the site boundary.

It is proposed to remove and replace the roof of the existing rear storeroom and extend on top of this to create a log store. The proposed extension would project past the height of the retaining wall by 1.1m. It would fit within the 1.2m wide passageway and would extend across the rear elevation by 3.7m at the first floor level.

The proposed extension would have a sloping roof which would project off the back wall of the property 300mm below the eaves and would be set in from the gable by 1.4m. It would be constructed of random stone at the upper level and a natural slate roof to match the existing.

The proposed store would provide a watertight area for the storage of logs used in association with the restaurant.

**Relevant Planning History**

63358 - 1 No. internally illuminated fascia sign and 1 no. internally illuminated projecting sign - 10/05/2019

49489 - Single storey rear extension to rear - Withdrawn by Applicant 10/03/2008

49656 - Single storey extension to rear - Refused 4/4/2008

63358 - 1 No. internally illuminated fascia sign and 1 no. internally illuminated projecting sign - Refused 21/11/2018



## Publicity

Letters sent on 3/12/20 to 34 properties at Moor Road, Helmshore Road, Holcombe Village, Alba Street, Lumb Carr Road, Cross Lane.

Site notices posted 10/12/20 and 15/1/20.

Press advert 14/1/21

5 objections received from Nos 32 Holcombe Village, 103 Holcombe Road, 20 Westwood Road (Leek) , 1 Lumb Carr Road, 3 Helmshore Road

- According to the land registry, the land is not owned by the applicant and is common land providing access to my property and what was the remainder of the 18th century buildings on site - no legal right to build on the land. in the past the applicant has claimed land adjacent to the Mala.
- The claim that the extension is for storage - the restaurant has been shut since Covid and is never at capacity so question is - storage for what. The upstairs has not been used for 5 years - this could be used for storage. A single storey extension was turned down in 2008 and rejected at appeal - why is this application allowed?
- Legal points have to be considered and could lead to a judicial review
- Access to my boiler would be restricted and need access for maintenance.
- The extension would restrict access by the fire brigade
- Any extension would be within 25 yards of three 2 grade listed buildings and would need listed building consent. I had to apply to have a satellite dish on my roof
- Would restrict light
- Would alter views which have existed for over 250 years. A bridle path is not a suitable access for commercial vehicles to bring deliveries in the restaurant and the front has double yellow lines.
- Surprised the application has been allowed to get so far.
- Appearance of the rear of the Mala is unsatisfactory - but this is principally due to the incongruous fire doors but the proposal does nothing to deal with this and does not give any public benefit and should make use of the existing building rather than try to extend it with a mismatched shed-like structure
- Connecting the roof directly with the existing roof and so confusing the impression as to whether there is an extension or an original part of the building.
- The proposal would be seen from a well used public route and would be harmful to the setting of Higher house
- The extension would not be subordinate to the existing building but would stand out in form and materials.
- Being in the Green Belt the LPA should consider whether the proposal is acceptable in principle and meet an exception of paras 145 and 146 of the NPPF.
- The proposal is harmful to the setting of the Grade II Listed Higher House and the character and appearance of the Holcombe Conservation Area. Whilst this harm may be judged 'less than substantial' it is still significant and 'great weight' is required to be given to the conservation of the heritage assets affected (NPPF 193). If harm is to be accepted there needs to be "clear and convincing justification" (NPPF 194) and a counterbalancing public benefit (NPPF 197).
- Further regular traffic should not be encouraged - the bridleway is used by ponies from the riding Schools well as residents
- Why are logs to be stored on the first floor when their use is for a ground store stove?
- Custom is insubstantial amend this extra claimed facility seems unreasonable
- Existing kitchen vent is a noise and odour nuisance - these two types of pollution are surely inconsistent with heritage protection, as they taint the area, lingering at this low level of vent.
- Claims that now the appellant seeks to 'tidy up' the back of his property seem inconsistent with piles of litter over many years, and possible dumping of furniture at the back. The noxious vent still continues to run in unsocial hours and is often left on overnight. Should this storage area for logs be permitted residents would have further aggravation by noisy collection of logs, with doors /lighting function well into the quiet

night times when they should be safeguarded against unreasonable noise and disruption in their own homes

Revised plans received to show reduced height and size of the extension and materials proposed as tile hung elevations. Objectors re-notified on 13/1/21.

Further objections received from Nos 22 Westwood Road and 1 Lumb Carr Road with comments as follows -

- The 270mm inset from the gable end is better than nothing but the fine quoin stones will still mainly be covered. This represents a heritage character loss. Setting below the eaves is good. Still overall this extension will disrupt the rugged solidity which is such a defining characteristic of this and its surrounding buildings. The 'tile hanging' is not specified and material matters but again this is not a design approach relevant or appropriate here in Holcombe CA.
- Note there is a door from the main building into this extension - what are the fire and building regulations requirements?
- 2 vertical soil pipes seem to be enclosed within the new building - not confident these are building regs compliant.
- Note a swiftly running stream flowing under the extension which could compromise the buildings above and may need Building Control inspection
- The building would introduce clutter and loss of clean lines
- Note an untidy mess on looking over the back vertical wall.
- Note the extension of the consultation period extended by the advert in the Bury Times.

Objection received from No 32 The Village Holcombe with the following issues raised -

- It appeared to the untrained eye that the path leading to down from old Moor Road to the lower room of my home would be blocked.
- No intention to replace a defunct extraction fan and the development would in effect create a box which would make a trap for fumes and noise.
- It would cause a fire hazard because in the event of fire it would restrict access to the gas boiler and our lower bedroom it would also limit the amount of available light.
- We have now checked our rights and our deeds clearly show that we have a right of free access to our property. Nowhere is it shown that the Mala owns the land which according the land register is "common land" with "shared access". I am fully confident if this was to be taken to Court that we would win our case and I would be asking the Court to award costs.

Revised plans received to show store further reduced in size and elevation material changed to random stone and application area confirmed on the existing layout plan.

Further representations received.

Nos 3 Helmsore Road

- Further to the receipt of the updated/amended planning proposal from the Mala, I write to confirm that I am still in absolute opposition to the plan. The back of the Mala is already an eyesore at the bottom of a famous heritage site - there is rubbish and signs of neglect. The addition of another building would be totally inappropriate for this conservation and green belt area. It would be equally fitting to erect a shoe shop at the top of Holcombe Hill!

32 Holcombe Village -

- I wish to withdraw my objection relating to my property 32 Holcombe village, I have now had chance to look closely and note that the extension is the opposite side of the fire doors
- I still hold the view that final permission should be sort from the listed building planning authority as required in law as the development is within 25 yards of two grade 2 listed buildings and in a conservation area. That the land in question does belong to the Mala but is registered as common land.
- Puzzled why they are applying for a log store when they already have a room suitable

for that purpose and in the past has been used for storage but over the last decade as not been used at all. To make this room suitable would cost a fraction of the cost. It makes me question the proposed recent for the application.

- Finally, another planning application was submitted for a shipping contain as an office for the riding school and an amendment made to clad it in wood was offered so it would fit in with the area. Strange, that the initial application by the Mala was for the building to be clad in wood, surely this can't be down to co-incidence.!!

#### 1 Lumb Carr Road -

- Query the ownership of the application area
- The passageway not only facilitated the whole block but allowed for maintenance works
- A water channel led water from the building and remains as such, coursing in flood conditions.
- Dispute of ownership of the retaining wall - negligent of the Council to permit the application
- The applicant has already erected buildings at the back completely blocking the passage and the extension would put the retaining wall at risk.
- In my view does not preserve or enhance
- Surely needs Listed Building Consent
- The Mala claim they have many customers - only seen a few tables taken.
- Deeds and plans show the applicant does not own all the land on the proposed plans - and do not own the retaining walls.
- The title deeds require the passageway must always be available for nearby residents to pass and most of all be able to service any sewers, drains and water courses required for their own properties. The extension would block this.
- The owner has already fitted a new high gate which is not shown.
- If Bury MBC approve the application there could be legal proceedings involved due to ownership issues.
- Bury MBC should verify with the applicant the extent of ownership.
- A site visit by members is essential.
- I am at variance with the Conservation Officer as to the visual impact and spoiling of the 3 significant heritage buildings.
- No indication how the existing barrel store would be converted - it needs a proper specification given there is a substantial drain running below the barrel store.
- The build would block a rights of access to neighbouring properties.

#### C/O Dawes Bank

- Note the amendments to the plans.
- Recommend a condition to expressly stipulate submission for samples to include submission of a sample panel.
- Concern the extension would be knocked through into the existing building - a condition should be included to avoid this.
- The Conservation Officer stated - 'there would be no indivisibility between the proposal and listed buildings on Holcombe Village' . Does this mean intervisibility? Believe there would be views between the extension and main front of Higher House from Moor Road.
- Believe LBC would be required.

#### Higher House -

- Reduced visibility of roadway from the adjacent parking bay.
- Drainage - The extension would cover a substantial channel drain which catches rainfall and run off water. If the drain is covered is covered the effects of flooding would be worsened.
- Detrimental to the Conservation Area - There are no other timber structures along the road.
- No input from the Conservation officer.
- The extension would be a shed in front of Higher House.
- The use is inappropriate and would invite infestation.

- Is there a need to extend above the retaining wall.
- The issue of a covenant on the land regarding rights of access which would restrict the development

Revised plans received to clarify ownership areas of the site and Certificate of Ownership B signed by the applicant.

Those who had made previous representations to the application were notified of the revisions by letter on 22/2/21

Responses received from:

Higher Barn Farm - no comments to make

23 Windermere Drive -

- I would like to object to this application as I am the freeholder of the land in question.

1 Lumb Carr Road -

- Impact on Higher House Grade II Listed Building

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

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

Conservation Officer - 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
EN9/1	Special Landscape Areas
OL1	Green Belt
OL1/2	New Buildings in the Green Belt
OL7/2	West Pennine Moors
S2/6	Food and Drink
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 Principle**

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 of the NPPF considers the construction of new buildings in the Green Belt as inappropriate development. Exceptions to this include bullet point c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

The proposed development would add an additional 20 cubic m of volume which would be significantly below the third which is generally advised as a starting point in policy guidance when considering extensions to buildings (although each application will be considered on its own merits). In terms of volume and scale, the proposed new build would be a subservient addition, fully contained within the site area and substantially screened from views by the existing retaining wall.

The design would be modest, proposing materials of random stone and natural slate which are considered appropriate to the character, setting and status of Holcombe Village.

As such, it is considered that the proposed development would be proportionate and an appropriate addition to the existing property and would not harm the character or the openness of the Green Belt and would comply with the principles of the NPPF.

### **Heritage Policies and Principle**

Section 66 of the Planning (Listed Building and Conservation areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or setting, the Local Planning Authority shall have special regard to the desirability of preserving the building and/or its setting, or any features of special architectural or historic interest which it possesses. The decision maker must also give considerable importance and weight to the desirability of preserving the setting of the listed building.

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to give special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

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

Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Policy 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 and has regard to factors including the nature of the development in terms of design and detailing and relationship to the architectural and visual qualities of the surrounding area.

Policy EN2/3 - Listed Buildings seeks to actively safeguard the character and settings of Listed buildings by not permitting works, alterations or changes of use which would have a detrimental effect on their historic character and features and includes the need to protect the setting of a Listed Building.

The submitted Heritage Assessment (HA) is satisfactory in that it does proportionately describe the heritage assets and the impact of the proposal on the setting or otherwise of the listed buildings identified as required by paragraphs 193 and 194 of the NPPF. The proposal is of such a small scale it would not affect the setting of Higher House and there

would be no intervisibility between the proposal and listed buildings in Holcombe Village.

The scale is such that it would not have a detrimental visual impact on the NDHA nor challenge its significance. The position of the proposal setback from the gable of the original building would ensure the existing original historic quoins would remain visible and dropped below the eaves.

The design and materials of the proposed extension are considered to be acceptable. The proposed extension would be built of natural stone to match the host building. This would be at least neutral in its impact and would preserve the character and appearance of the conservation area of which vernacular buildings in simple form using local natural stone is strong contributor to the character and appearance of conservation area forming its local distinctiveness.

As such it is considered that the proposal would preserve the character and appearance of the conservation area and would not harm the significance of the NDHA or the setting of nearby listed buildings and would comply with the principles of the NPPF and UDP Policies.

**Scale, layout and design** - The proposed development would provide a water tight and secure storage facility for the restaurant business.

The extension would be approximately 1.2m wide located on top of the existing lower ground storeroom and project 3.7m along the rear elevation of the building. It would cover an area of 4.45 sqm, and be completely contained between the existing rear elevation and retaining wall and therefore add a relatively small amount of floor space to the existing building. The proposed extension would be set in from the gable wall by 1.4m to avoid the existing stone quoins and as such the original historic fabric of the building would be retained.

The proposed extension would be 300mm lower than the eaves of the building and project off the existing rear elevation. Due to the difference in levels and when viewed from outside the site and from Moor Road at the rear, a large part of the proposed extension would be screened by the existing stone retaining wall. It would project only 1.1m above the existing stone retaining wall and therefore considered to be a discreet and unobtrusive addition.

The proposed extension would be constructed from random stone and have a natural slate roof which would match the existing building and considered to be appropriate within the context of the Conservation and Heritage value of the area.

As such, the proposed development is considered to be acceptable and would comply with UDP Policies EN1/2, EN2/1, EN2/2 and the principles of the NPPF.

**Impact on residential amenity** - The closest dwellings would be those attached and adjacent to the south of the site and Higher House to the rear across Moor Road.

The attached property, No 22 Holcombe Village has a timber bridge which links from Moor Road to the first floor to provide access. No 32 Holcombe Village is in a setback position with the front elevation and entrance facing the rear of the application building.

The proposed store extension would project less than half the rear elevation of the application property and would be 10m from No 22 and 13m from the front of No 32. The extension would be formed over the existing barrel store which is sunk below road level and as it would be lower than the eaves of the existing building and given the distance away, it is considered there would not be a significant impact on the outlook or amenity of either neighbour.

Higher House is not directly behind the site but is in an off-set position to the north west 10m away. It is also separated by Moor Road. It is therefore considered that the size and position of the proposed extension would not be harmful to the amenity of the occupiers of

Higher House.

It is therefore considered that the proposed development would not significantly harm the residential amenity of the adjacent properties and as such would be acceptable and comply with Policies EC4/1 and EN1/2.

**Highways** - The proposed extension would be contained within the site and behind the existing retaining wall which forms the rear boundary of the site. There would be no encroachment beyond the existing boundary and no impact on Moor Road or users of this road.

As such, the proposed development is considered to be acceptable.

### **Response to objectors**

- The application which was previously refused, planning reference 49656 in 2008 was refused by the LPA on residential amenity grounds due to the outside space which would likely be used by customers for external gatherings and noise and disturbance. The application was not refused on Green Belt or Conservation or Heritage grounds. The applicant appealed the decision which was dismissed by the Planning Inspectorate on the same amenity grounds. In terms of the visual impacts and impacts on the Listed Building and Conservation Area, the Inspector was of the opinion that the proposal would improve the rear of the site and the materials and design not harm the heritage setting. However, this did not overcome the harm to the living conditions of the nearby residents. To note, the application ref 49656 was wider and involved the removal of the existing retaining stone wall.
- The proposed extension would not be sited to obstruct access for the maintenance of the attached property. Maintenance of adjacent properties are private matters and not material planning considerations.
- Need for the extension is not a material planning consideration.
- There would be no changes to the existing servicing arrangements of the restaurant.
- Issues involving scale, size, design and materials have been covered in the above report.
- Building Regulation requirements are not material to this planning application.
- The application for the retention of the shipping container at the Riding School was for a temporary type development and a completely different character of development and a completely different setting, location and use. The application was considered as such and assessed on its own merits.
- Plans have been revised to confirm and clarify the extent of ownership of the site by the applicant. Dispute of ownership is a private matter.
- A condition has been recommended for the submission of a sample panel of all materials.
- Typing error in the Conservation officer consultation response - should read 'intervisibility'. The objector has misinterpreted the Conservation Officer response where it is stated that - *'The proposal is of such a small scale it would not affect the setting of Higher House and there would be no intervisibility between the proposal and listed buildings in Holcombe Village'*. It was clearly stated that it was considered that the proposal would not affect the setting of Higher House. It is the listed buildings in Holcombe Village - ie opposite the Mala in the 'village' which would not be in the same sightline as the proposed extension.
- The extension would be within the existing passageway and encroach no further beyond the existing retaining wall. Visibility along Moor Road would not be affected. The area referred to as parking for Higher House does not appear to have planning consent. It should be noted that the objector has recently been granted permission for parking within the curtilage of their property and has existing lawful parking available.
- Drainage - the proposed extension is at the first floor only and would be on top of the existing store.
- Materials are proposed as coursed stone - not timber.
- The extension would be small in scale, size and massing and built of natural stone

material like the existing restaurant. Higher House does not have a directly facing relationship to the site and it is approximately 10m away. It is considered the extension would be subservient and an appropriate addition and not impact on views from Higher House.

- The extension would be at first floor and contained within a stone exterior and a watertight construction would not be causal of infestation.
- The Conservation Officer's comments have been posted on the website and were published on 1st February 2021 prior to receiving the objection from Higher House on 5th February 2021.
- The proposed extension would not block access to adjacent properties or along the route of Moor Road.
- The existence of a covenant does not control the acceptability of a development in planning terms but the capability of implementation. This area of law is very clear and covenants are not a material planning consideration.
- The proposed development would involve works to a Non Designated Heritage Asset and not to a Listed Building. Pursuant to Sections 7 and 8 of The Planning and Conservation Areas Act 1990, the works do not constitute demolition, extension or alteration of a Listed Building that would affect its character of a building of a special architectural or historic interest and as such Listed Building Consent is not required. The impact of the proposed extension on the setting of the Listed Building has been addressed in the officer report.
- The application was deferred from the February Planning Control Committee meeting to address ownership issues and the applicant has now served the correct notices upon the appropriate owners and signed the correct certification relating to land ownership. Freeholder rights are private matters.

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

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

**Recommendation:** Approve with Conditions

#### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered- Location plan pm9-00 Rev D; Existing layout plans pm9-01D; Existing elevations pm9-02; Proposed layout plans pm9-03B; Proposed elevations pm9-04C; Existing block plan pm9-05; Proposed block plan pm9-06 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
3. A sample panel of all materials to be used, including demonstrating the colour, texture, face bond and pointing, not less than 1 sq.m in size, shall be erected on site for inspection, and to be approved by the Local Planning Authority prior to the commencement of the development. Samples of the roofing materials shall also

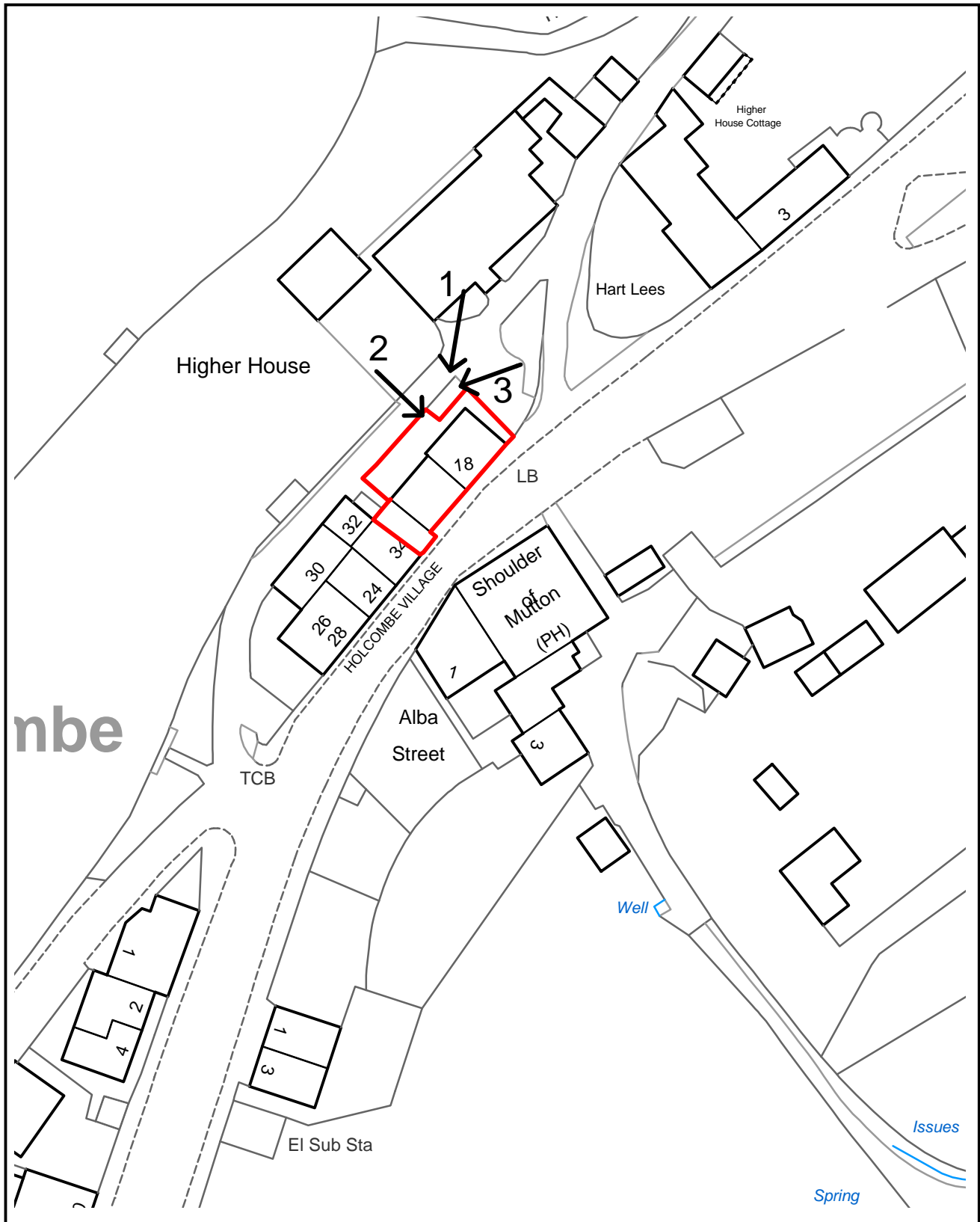


be made available for inspection on site. Thereafter the development shall be constructed in the approved materials and manner of construction.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policies 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 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 66177**

**ADDRESS: 18-20 Holcombe Village  
Ramsbottom**

**Planning, Environmental and Regulatory Services**

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**Bury**  
COUNCIL

66177

Photo 1



Photo 2



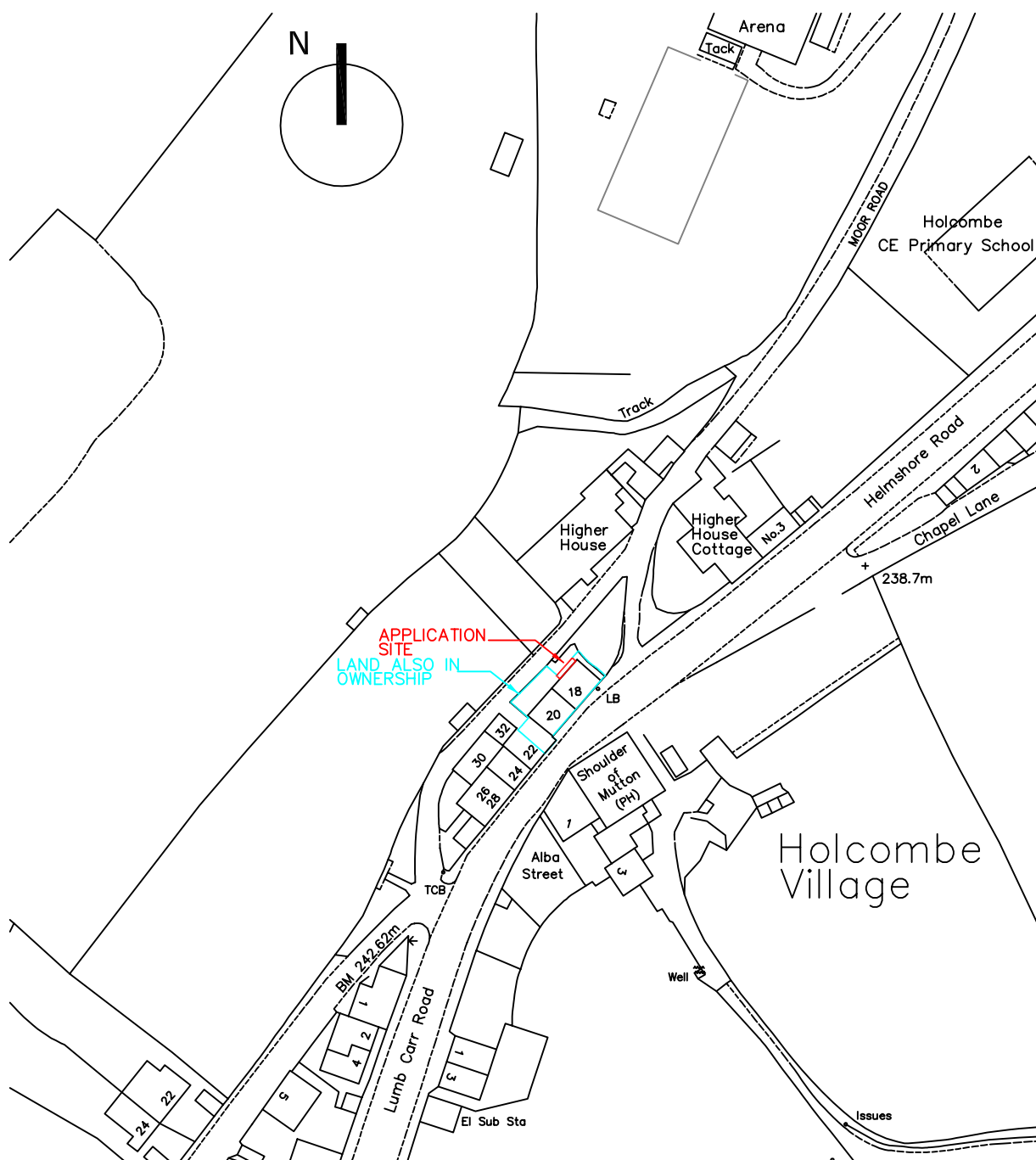


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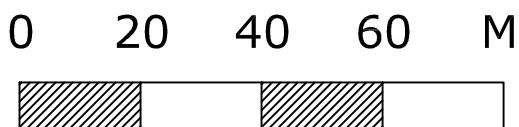
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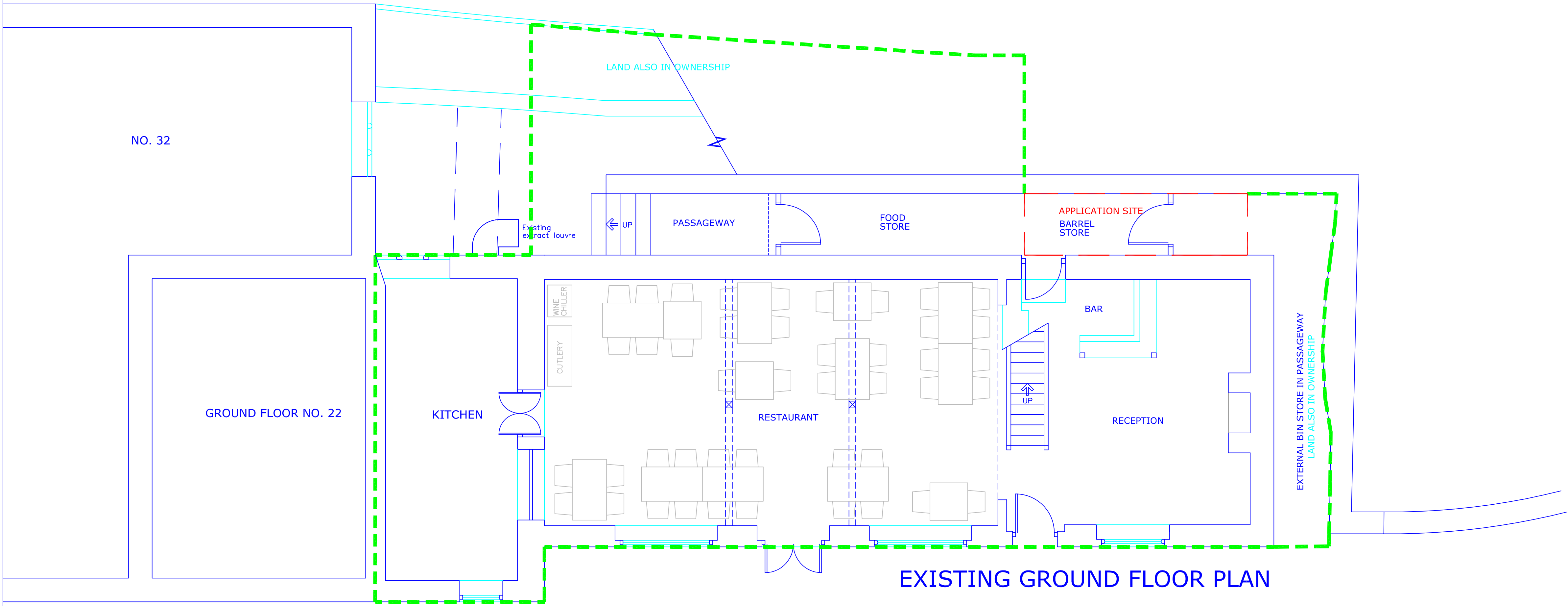
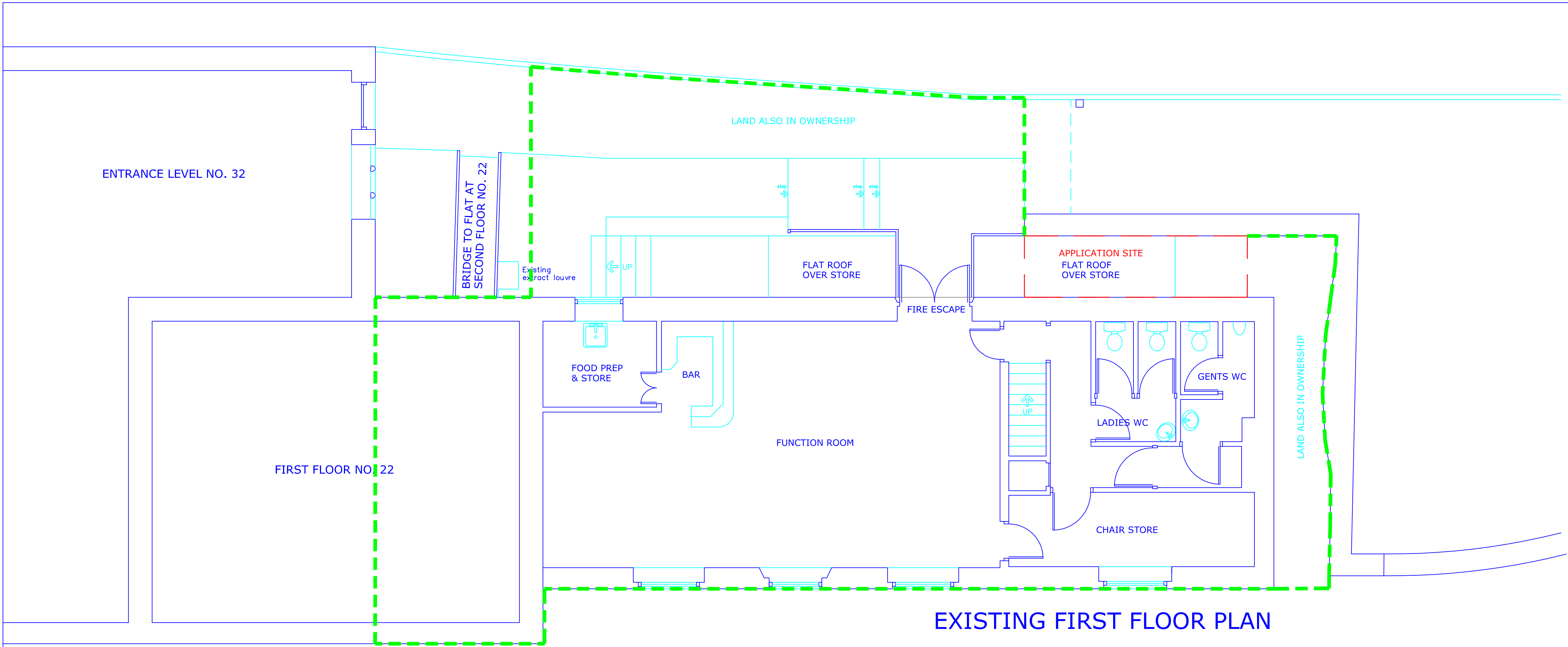
D	To match Title Plan GM947244	13.02.2021
C	Red line shows only applic site	09.02.2021
B	Red line increased as deeds	08.02.2021
A	Red line adjusted as survey	31.01.2021



Mala Cuisine  
18-20 Holcombe Village  
Bury  
BL8 4LZ  
scale 1:1250 at A4  
September 2020

pm9-00 Rev D Location Plan

PPY design Ltd



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2 Helmsore Road, Holcombe Village  
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tel / fax 01706 822751 mobile 0712 669482

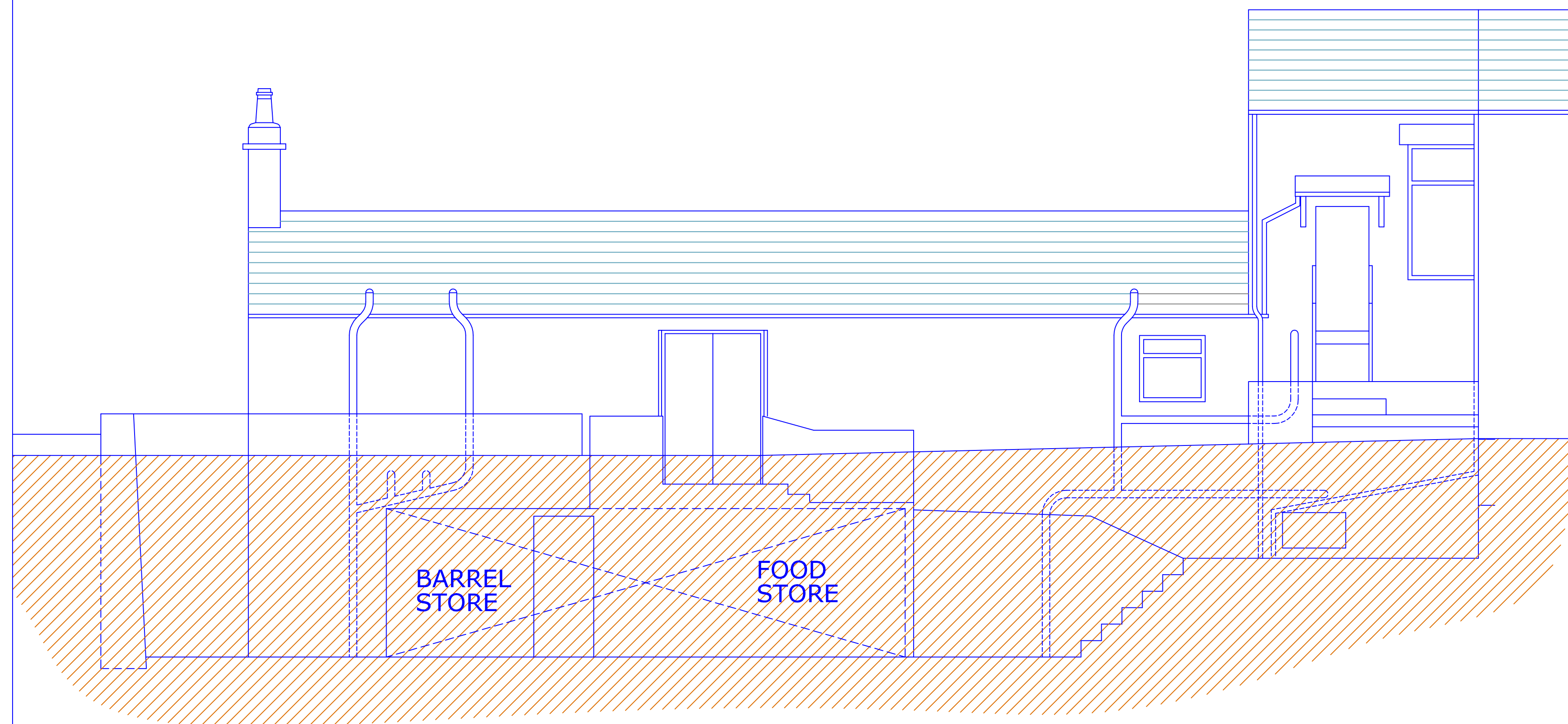
D To match Title Plan GH947244 13.02.2021  
C Red line around application site only 09.02.2021  
B Area of ownership increased 08.02.2021  
A Area of ownership added 31.01.2021

0 1 2 m

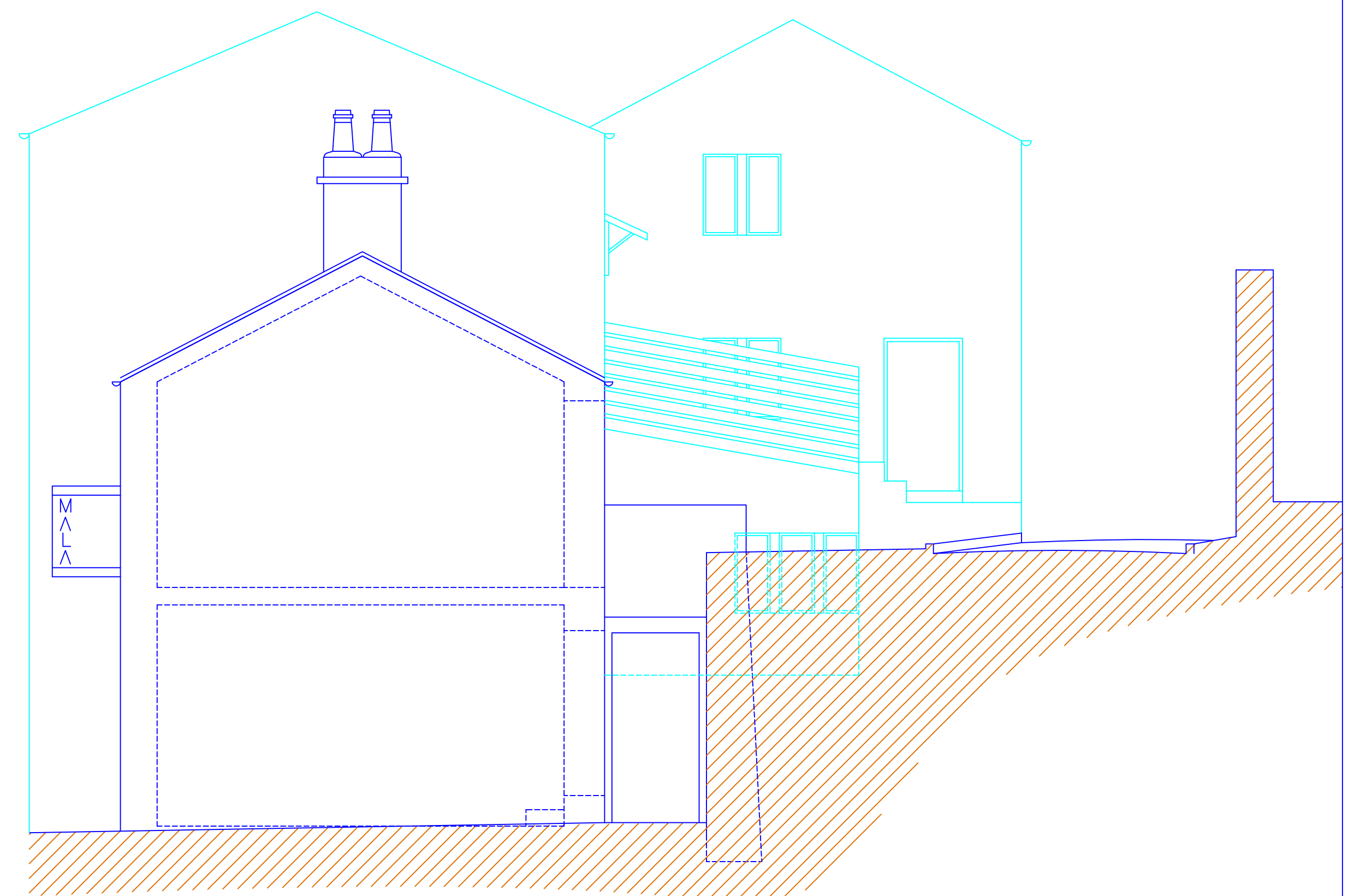
Male Restaurant 18-20 Holcombe Village Bury BL8 4LZ	scale 1:50 @ A1 September 2020
pm9-01D	Existing Layout Plans
PPV design Ltd	



EXISTING ELEVATION ALONG HELMSHORE ROAD



EXISTING REAR ELEVATION



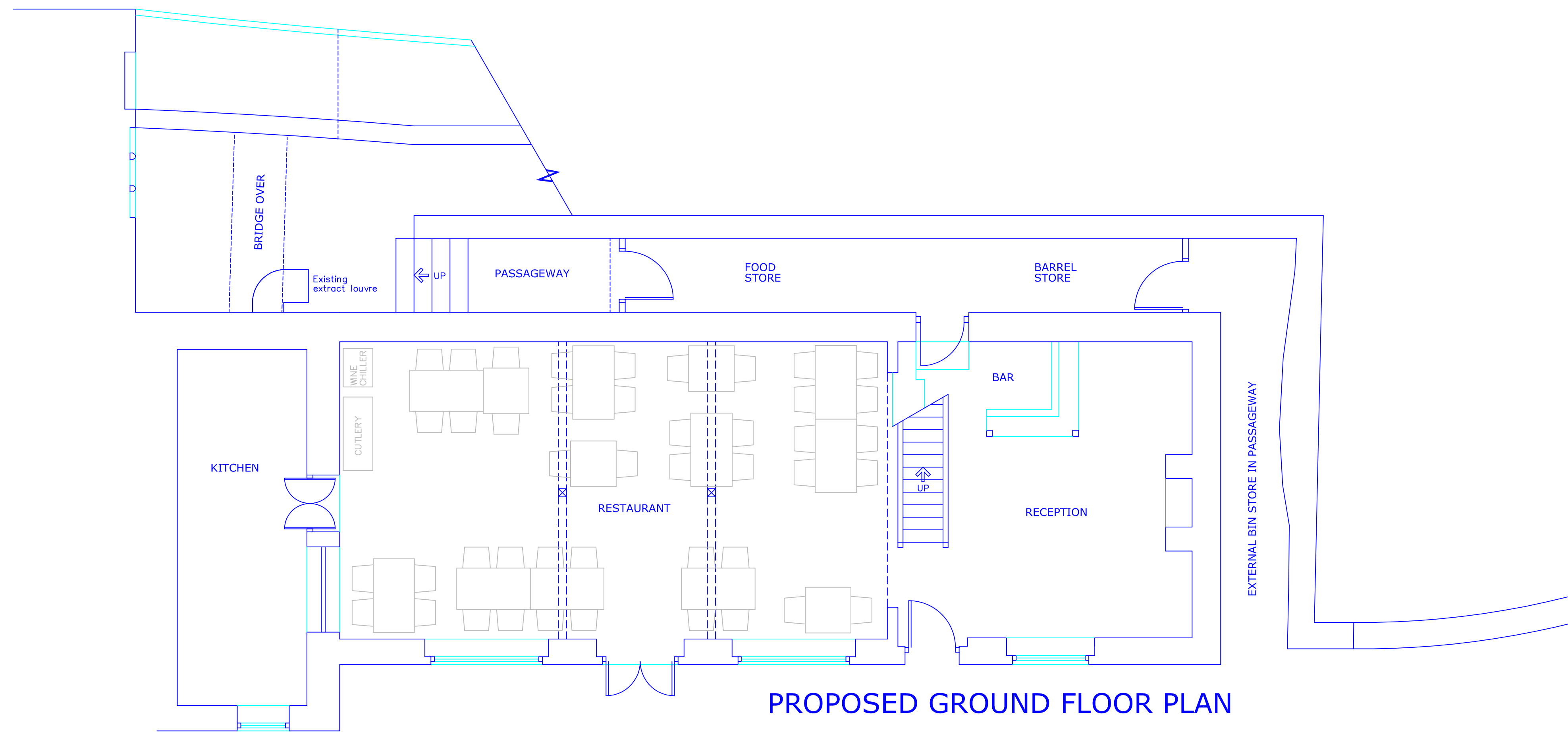
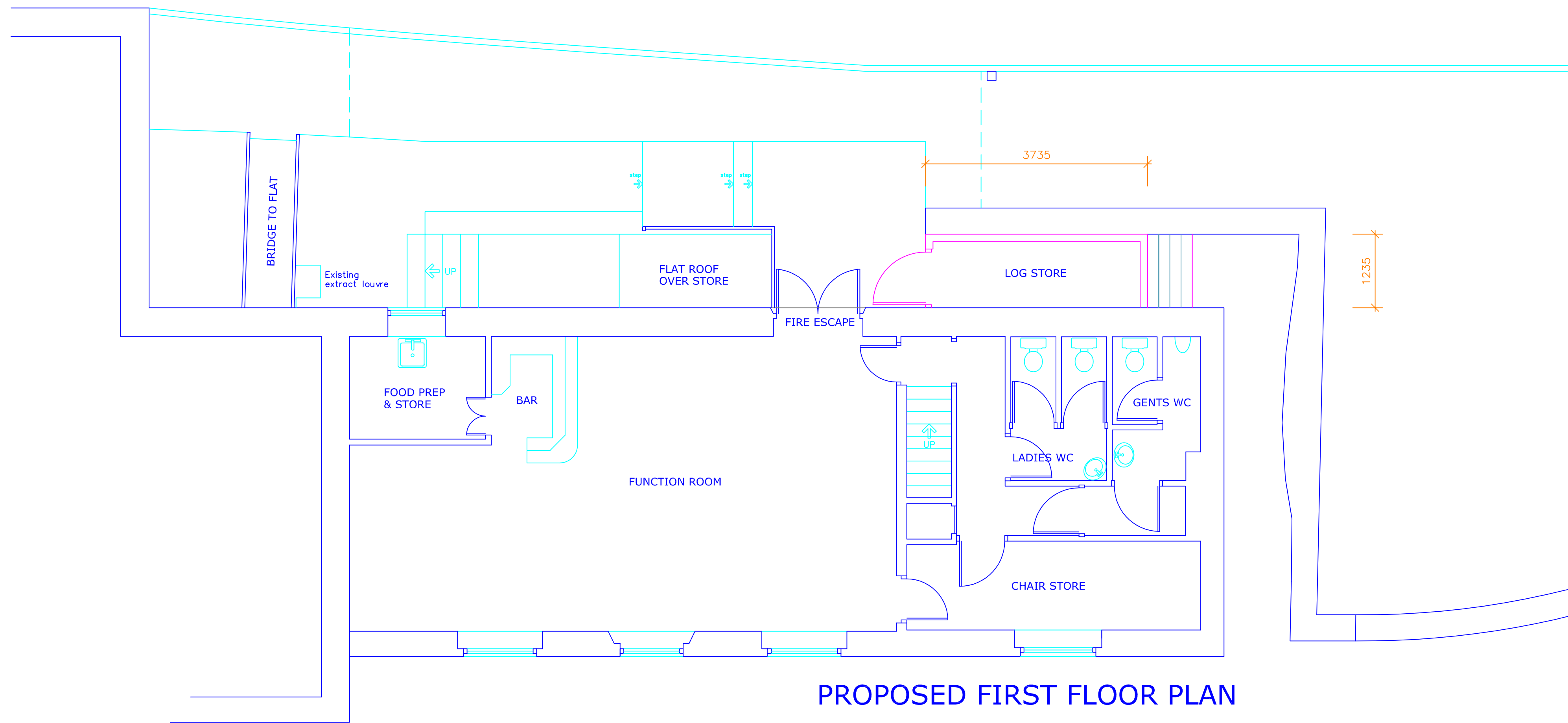
EXISTING SIDE ELEVATION

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

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0	1	2	m
Mala Restaurant 18-20 Holcombe Village Bury BL8 4LZ			scale 1:50 @ A1 September 2020
pm9-02			Existing Elevations
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tel/fax 01706 822751 mobile 0712 669482

B Reduced in size with stone walls 31.01.2021  
A Extension reduced in size 08.01.2021

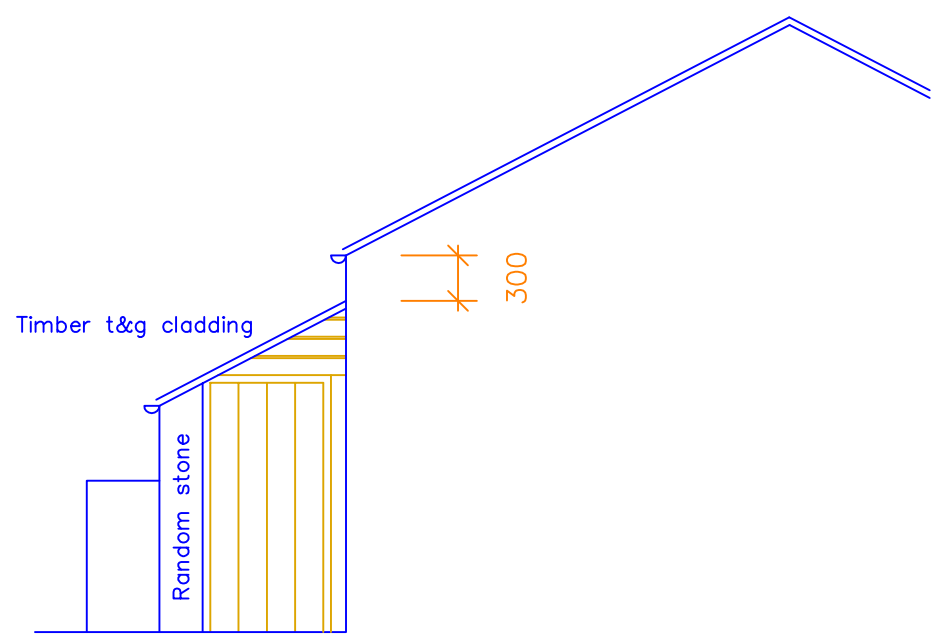
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pm9-03B	Proposed Layout Plans
PPY design Ltd	

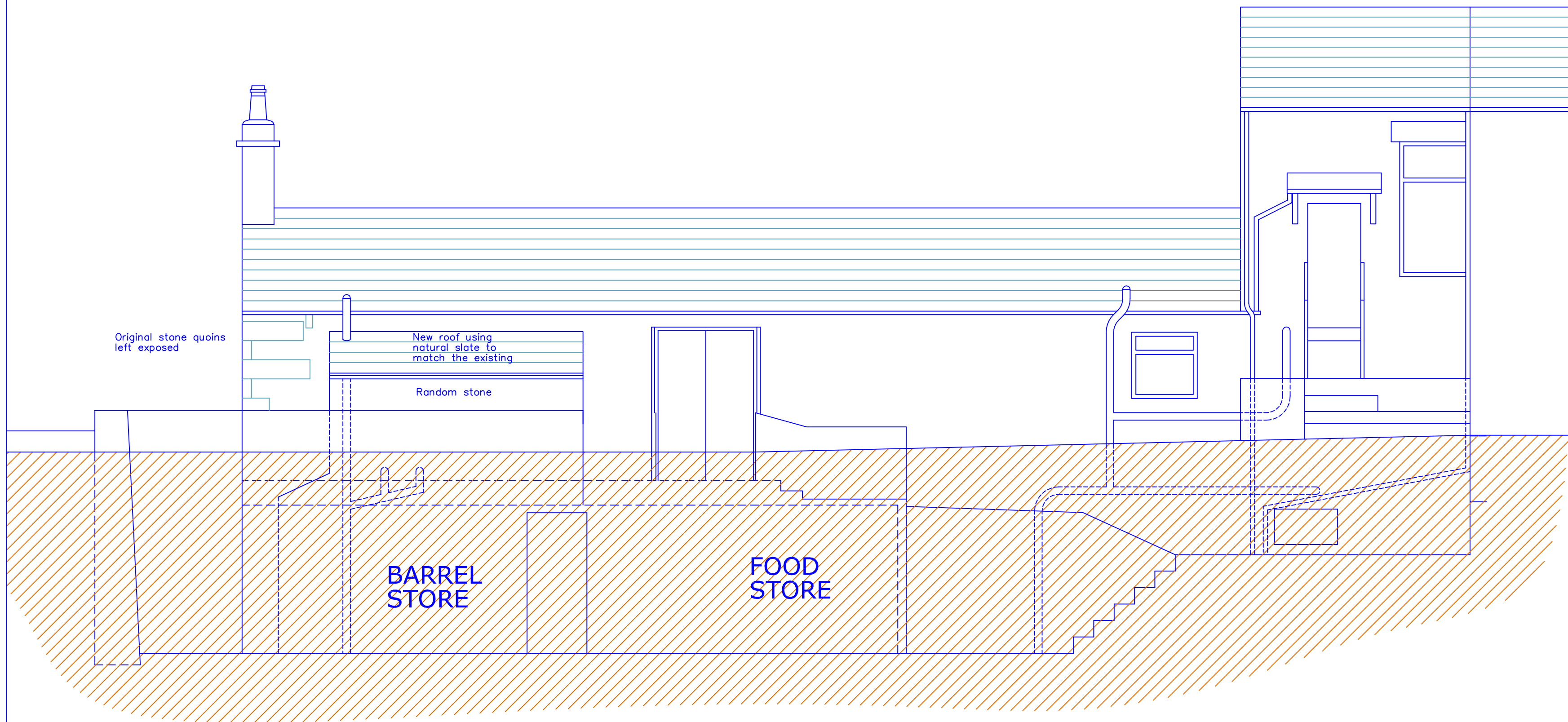




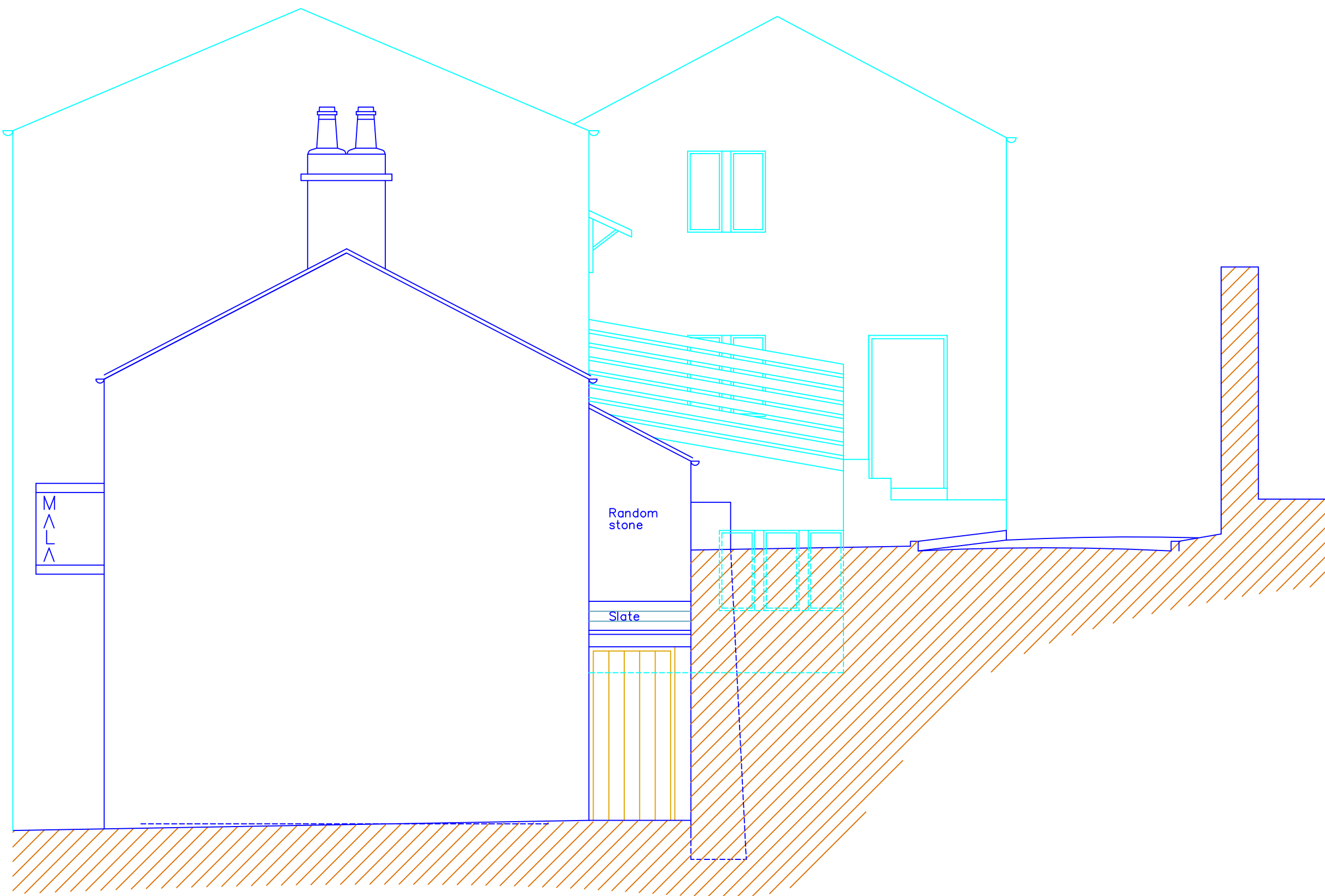
PROPOSED ELEVATION ALONG HELMSHORE ROAD  
No change



PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION

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tel / fax 01706 822751 mobile 07172 669482

C Wall material amended to be stone 31.01.2021  
B Roof reduced to 400mm below eave 12.01.2021  
A Extension reduced in size / tile hanging 08.01.2021

0 1 2 m

Mala Restaurant 18-20 Holcombe Village Bury BL8 4LZ	scale 1:50 @ A1 September 2020
pm9-04C	Proposed Elevations
PPY design Ltd	

**Ward:** Bury East - Moorside

Item 05

**Applicant:** Mr and Mrs Tierney

**Location:** 26 West Drive, Bury, BL9 5DN

**Proposal:** New dwelling in garden of existing house

**Application Ref:** 66226/Full

**Target Date:** 16/02/2021

**Recommendation:** Approve with Conditions

### **Description**

The application site consists of a semi-detached dwelling with a large garden to the front, side and rear. The existing dwelling is constructed from a dark brick and a red tile roof. The property has been extended to the side with a two storey flat roofed extension. There is parking for 3 cars on the drive, which is accessed from West Drive.

There are residential properties to all boundaries. The existing dwellings are in a variety of styles - bungalow, detached with dormers in the roof space and two storey dwellings with bay windows.

The proposed development involves the erection of a single dwelling in the side garden. The proposed dwelling would be two storeys in height and would be constructed from red brick, cedar lap composite cladding and a grey tile roof. Parking for 2 vehicles would be provided to the front of the proposed dwelling and would be accessed from West Drive. A driveway of 2 cars would be retained for use by the existing dwelling.

### **Relevant Planning History**

21979 - Residential development - 1 dwelling at land at 26 West Drive, Bury. Refused - 15 December 1988.

26335 - Residential development - 1 dwelling at land at 26 West Drive, Bury. Refused - 3 October 1991

Both applications were refused as the size of the site was inadequate to accommodate the scale of the proposed development and as such, would have an adverse impact upon residential amenity.

### **Publicity**

The neighbouring properties were notified by means of a letter on 4 January 2021.

A letter from James Daly MP has been received on behalf the occupiers of 51 West Drive, which has raised the following issues:

- I am objecting to the planning permission on the basis that the property is close to a blind bend on an extremely narrow road, that has no central lines as it is that narrow.
- The new dwelling is too big for the plot.
- The planning application proposes to put 2 parking spaces directly opposite my drive, No 51 and that of No 53. the new dwellings car parking would be approx 1m from the curve of the bend.
- This problem can be demonstrated at the other corner of west drive, No 27 & No 25, where my daughter lives. She is unable to park at the front of her house as No 20 West Drive, who have a drive do not use it and park in front of any house, thus causing danger to all vehicles and children on that corner.
- There are bollards erected on the corner of the proposed new dwelling, which is damaged by vehicles coming round the corner again demonstrating the danger.

- Planning application was rejected for a new dwelling twice before in 1988 and 1991 previously for this same reason, when there were fewer cars on the road.

8 letters have been received from the occupiers of 13, 27, 30, 45, 51, 53, 71 West Drive, which have raised the following issues:

- The driveway is too close to the corner of the road and will increase congestion. There is already a struggle with cars coming on and off their driveways. The opposite corner of West Drive is a daily struggle with cars parked everywhere on a narrow road, especially in winter months.
- If the new homeowners have more than 2 cars there will be more cars on a corner and more dangerous, especially as it will impede the view of people driving around the bend.
- The proposed development would make it difficult for the occupier Nos 26, 51 and 53 to reverse on and off the respective drives.
- Visibility for vehicles would be restricted on the blind corner and would be extremely dangerous on an already narrow road.
- The proposed house, on the north elevation, extends beyond the building line on West Drive, and would form an overly dominant and obtrusive feature, out of character with the surrounding area. The proposed house is also very close to No 26.
- Potential issues with road safety, especially the access to/from the driveway of the proposed house, as it is on a blind corner. There is a discrepancy on the drawings relative to the position of the driveway to the new house, as it is shown close to the blind corner, and not existing.
- Issues with additional visitors parking on West Drive - it is difficult for residents to drive in and out of their driveways when there are cars parked on what is already a narrow road.
- Applications for a house in the garden of 26 West Drive have been refused in the past, presumably for reasons of safety and access on a corner plot.
- Having lived in West Drive for almost 50 years- 36 of those at No 71 we were contacted in 1988 and 1991 regarding planning for a new building which got rejected on both occasions on presumably dangerous access.
- In those days there was far less traffic down West Drive than what there is today. These days people park on West Drive as they don't have enough room for their numerous vehicles and so when workmen or visitors are around the Drive can become quite congested for residents leaving or entering their driveways.
- There is only one space at the front of No. 26 and 2 new spaces, opposite No. 51/53, they will not be staggered as there is not enough room. Average length of car is 4.6m, this would mean you have 7 cars reversing out of their drives onto an area of 20m<sup>2</sup>.
- Road width does not give access to emergency services vehicle and jeopardise public safety for young children
- The proposed development would impact on the amount of light received by residents in their gardens, both adjacent and opposite the proposed dwelling.
- It will be very close to and seriously overlook the residents of next door (28 West Drive) and will surely be an invasion of their privacy.
- There is far too much building work going on in West Drive, particularly the conversion of bungalows to two storey dwellings.

The objectors have been notified of the planning control committee meeting.

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

**Traffic Section** - No objections, subject to the inclusion of conditions relating to a construction traffic management plan, access and driveway arrangements and visibility splays.

**Drainage Section** - No response.

**The Coal Authority** - No objections, subject to the inclusion of conditions relating to coal mining.

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

**Waste Management** - No response.

**Pre-start Conditions** - Awaiting confirmation the agent agrees to the pre-commencement conditions.

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

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8/2	Woodland and Tree Planting
HT2/4	Car Parking and 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. The Framework maintains the emphasis on identifying 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 of sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the five year supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be completed). As such, latest monitoring indicates that the Council is unable to demonstrate a five year supply of deliverable housing land and this needs to be treated as a material factor when determining applications for residential developments.

The National Planning Policy Framework also sets out the Housing Delivery Test, which is an assessment of net additional dwellings provided over the previous three years against the homes required. Where the test indicates that the delivery of housing was substantially below (less than 75%) of the housing requirement over the previous years, this needs to be taken into account in the decision-taking process. The latest results published by the Government show that Bury has a housing delivery test result of less than 75%, and therefore this needs to be treated as a material factor when determining applications for residential development.

Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban



area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

The site is located within the urban area and there is residential development to the east, west and south. As such, the proposed development would not conflict with the surrounding land uses. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy H1/2 of the Bury Unitary Development Plan and the NPPF.

**Design and layout** - The proposed dwelling would be 2 storeys in height and would be located next to the existing pair of semi-detached dwellings. The eaves of the proposed dwelling would match that of the adjacent house and as such, the height and scale of the proposed dwelling would maintain the rhythm and symmetry of the streetscene.

The proposed dwelling would be constructed from brick, cedar lap composite cladding and grey concrete roof tiles. The use of recessed areas on the front, the dormer style detail and the use of the materials would add visual interest. There are a variety of materials in the locality comprising brown brick, red brick, render and painted blockwork and as such, it is considered that the proposed materials would be acceptable and characteristic of the surrounding area. The footprint of the proposed dwelling would be an L shape ensuring that the proposed dwelling would be set back from the pavement and would respect the corner plot. As such, it would not be dominant and overbearing to the street scene.

Therefore, the scale and design of the proposed dwellings would be appropriate within the context of the area and would comply with UDP Policies H2/1 - The Form of New Residential Development and EN1/2 - Townscape and Built Design.

**Impact upon surrounding area** - The level of private amenity space for the proposed dwelling and the existing dwelling would be acceptable and there would be space within the rear gardens for bin storage. The existing fence and planting would be retained along the eastern boundary and a 1.8 metre high close boarded fence would be erected along the southern boundary. The vegetation on the front would be cut back to improve the visibility and 13.7 metres of vegetation and planting would be retained on the northern boundary. The proposed boundary treatments would match those in the locality and would be acceptable. Therefore, the proposed development would not be a prominent feature in the street scene and would be in accordance with Policies H2/1, H2/2 and EN1/2 of the Bury Unitary Development Plan.

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

There would be 13 metres between the rear elevation of the proposed dwelling and the side elevation of No. 28 West Drive and there would be 21.6 metres between the front elevation of the proposed dwelling and No. 51 West Drive.

There would be 22 metres between the blank gable of the proposed development and the gable elevation of No. 69 The Drive. All of these distances would be in excess of the aspect standard.

There are two windows at first floor in the gable elevation of No. 26 West Drive. These are secondary windows to the rooms and the agent has confirmed that these would be obscure glazes. As such, the proposed development would not have an adverse impact upon the amenity of the occupiers of this dwelling.

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

**Trees** - There are 4 trees and shrubs on the northern boundary of the site. Two of the trees are a leylandii and an old Christmas tree and the other two trees are silver birch trees. It

proposed to remove all four trees as part of the proposed development. The removal of the silver birch and christmas trees are required to achieve the visibility splay. The leylandii tree is not native and as such, there would be no objections to its removal. The applicant has confirmed they would replant 4 trees in the rear garden and as such, it is considered that the proposed development would not detract from the character of the area. Therefore, the proposed development would be in accordance with Policies EN1/2, EN1/3 and EN8/2 of the Bury Unitary Development Plan.

**Highways issues** - The proposed development would be accessed from West Drive and would involve the creation of a new drive for the proposed dwelling. The proposed site plan shows that the required visibility splay can be accommodated but involves the removal of some vegetation on the corner of the garden. There is a almost 90 degree bend in West Drive just before the proposed driveway, which would slow cars down in an area where the limit is 20 mph.

The Traffic Section has no objections, subject to the inclusion of conditions relating to a construction traffic management plan, access and driveway arrangements and visibility splays.

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

**Parking** - SPD11 states that the maximum parking standards for 3 bedroom dwelling is 2 spaces per unit and 3 spaces per 4 bedroom dwelling.

The proposed development would be able to accommodate 2 spaces for the proposed dwelling and 2 spaces and a garage for the existing dwelling. As such, the proposed development would comply with the maximum parking standards and would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

### **Response to objectors**

- The issue relating to the location of the driveway and highway safety have been addressed in the report above.
- Whilst the road measures 4.75 metres in width, the pavements measure 3 metres. As such, there would be 7.75 metres for vehicles to manoeuvre on and off driveways, which would be in excess of the 6 metres required.
- The proposed dwelling would maintain the building line with No. 26 and would encroach by 1 metre beyond the building line with Nos 289 and 30 West Drive. As such, the proposed development would not be a prominent feature in the streetscene.
- The two previous applications for a dwelling were refused in 1988 and 1991 as the size of the site was inadequate to accommodate the proposed development and as such, would have an adverse impact upon residential amenity. The dwelling was not refused for access or highway safety issues.
- The proposed development would comply with the aspect standards and as such, there proposed development would not have a significant adverse impact upon residential amenity in terms of light or privacy.

### **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 1503.PL01, 1503.PL02, 1503.PL03A, 1503.PL03 C, 1503.PL04, 1503.PL05, 1503.PL06 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 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
5. No development shall commence until;
  - A scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
  - Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

- The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

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

6. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.  
Reason. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.
7. 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.
8. 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.
9. 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:

- Photographic dilapidation survey of the footways and carriageways abutting the site access in the event that subsequent remedial works are required following construction of the development and as a result of any statutory undertakers connections to the new dwelling;
- Proposed site hoardings (if proposed) clear of the visibility splays indicated on approved site plan reference 1503.PL03 Revision C;
- Hours of operation, confirmation of delivery & construction vehicle sizes that can be accommodated on the residential estate roads and number of vehicle movements;
- Parking on site of operatives' vehicles together with storage on site of construction materials, including any requisite phasing of the development to accommodate this;
- Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways as a result of the groundworks 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 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.

10. The access and driveway arrangements indicated on approved plan reference 1503.PL03 Revision C, incorporating the provision of new footway/verge crossing, removal of the highway tree stump and any ground works required to reinstate the footway to its former condition as a result of the works at the interface with the adopted highway, demarcation of the limits of the adopted highway as a result of the creation of the access and provision of a 5.5m minimum length hardstanding in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway, shall be implemented prior to the dwelling hereby approved being occupied.

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. The visibility splays indicated on approved plan reference 1503.PL03 Revision C shall be implemented before the new driveway is brought into use/dwelling is first occupied and subsequently maintained free of obstruction above the height of 0.6m.

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

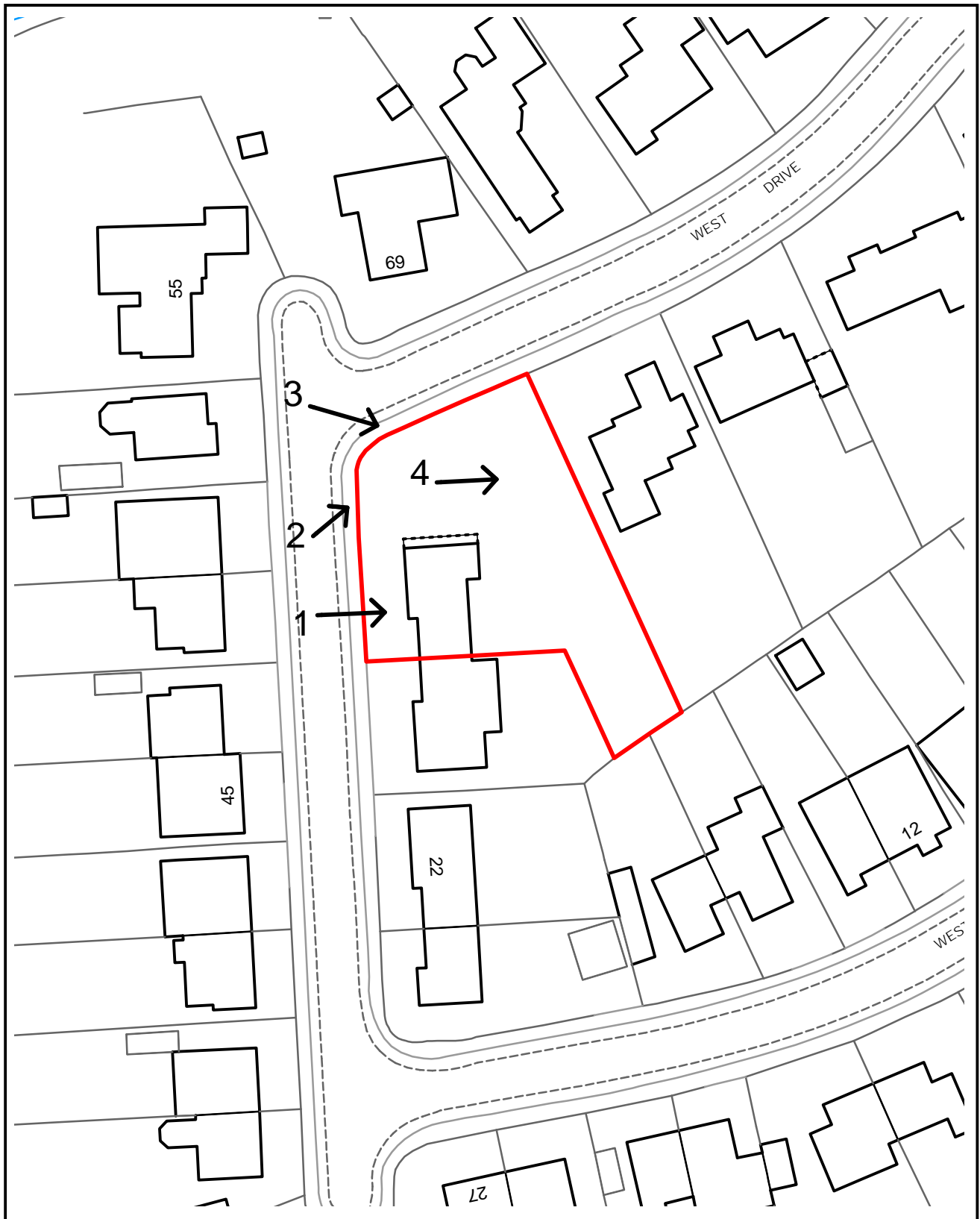
Policy EN1/2 - Townscape and Built Design

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

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

## Viewpoints



### PLANNING APPLICATION LOCATION PLAN

APP. NO 66226

ADDRESS: 26 West Drive  
Bury

Planning, Environmental and Regulatory Services

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**Bury**  
COUNCIL



66226

Photo 1



Photo 2





Photo 3

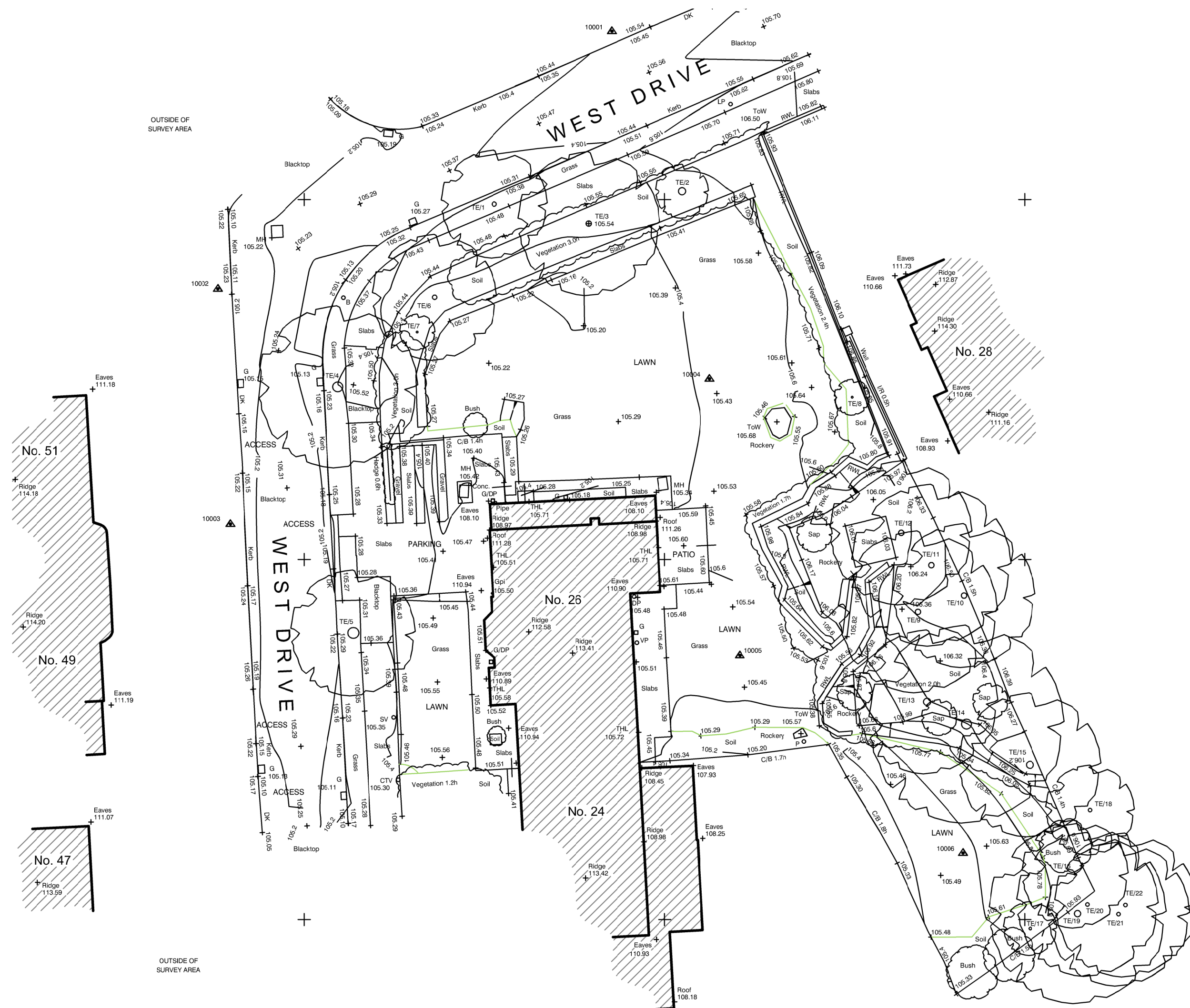


Photo 4







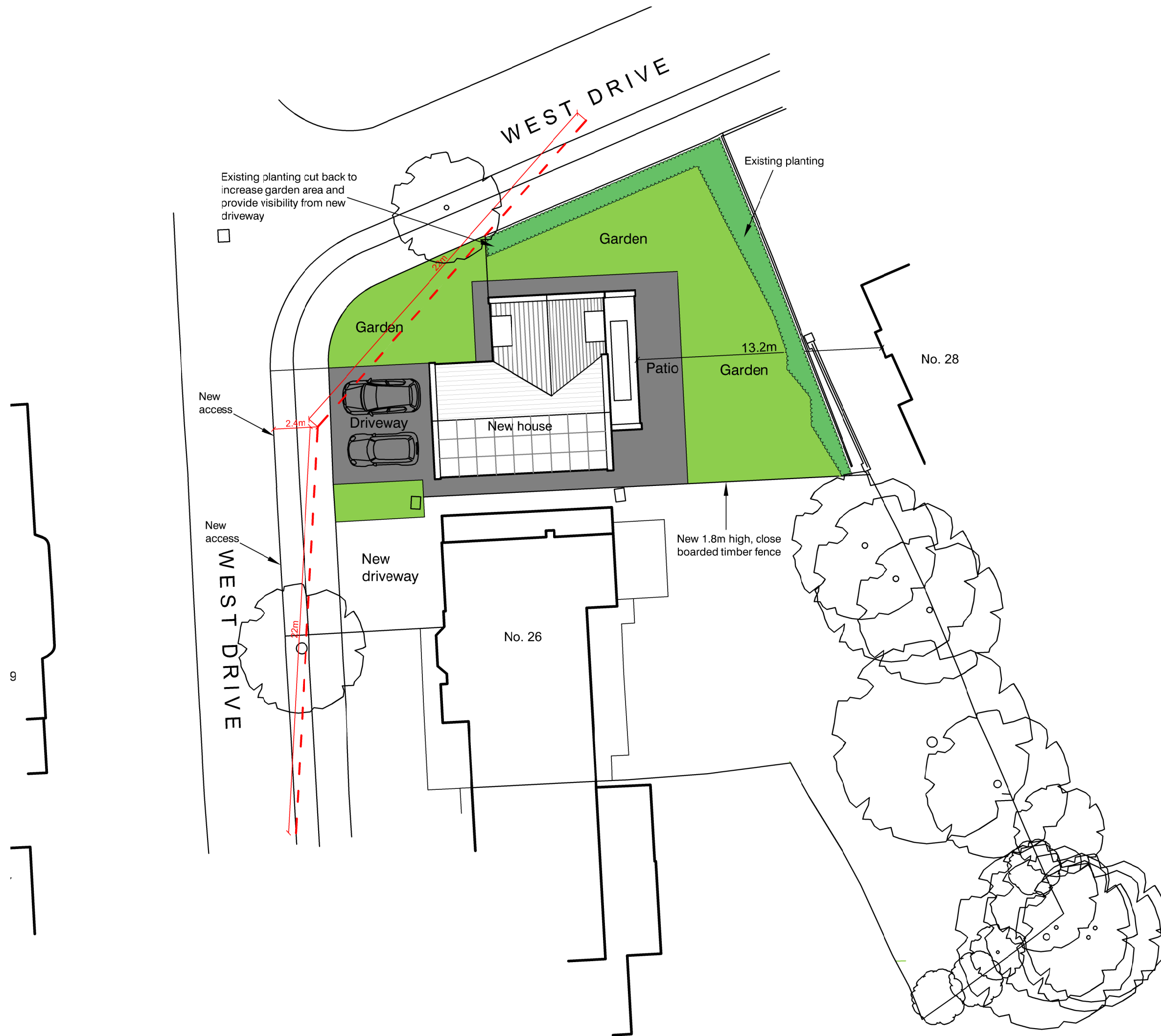


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Tel: 01663 719717 Website: [highpeakarch.com](http://highpeakarch.com) Email: [hpa@highpeakarch.com](mailto:hpa@highpeakarch.com)

New Dwelling  
West Drive, Bury

**Existing Site Layout**  
1503.PL02



Revision A 27.01.2021 Visibility splays added.



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New Dwelling  
West Drive, Bury

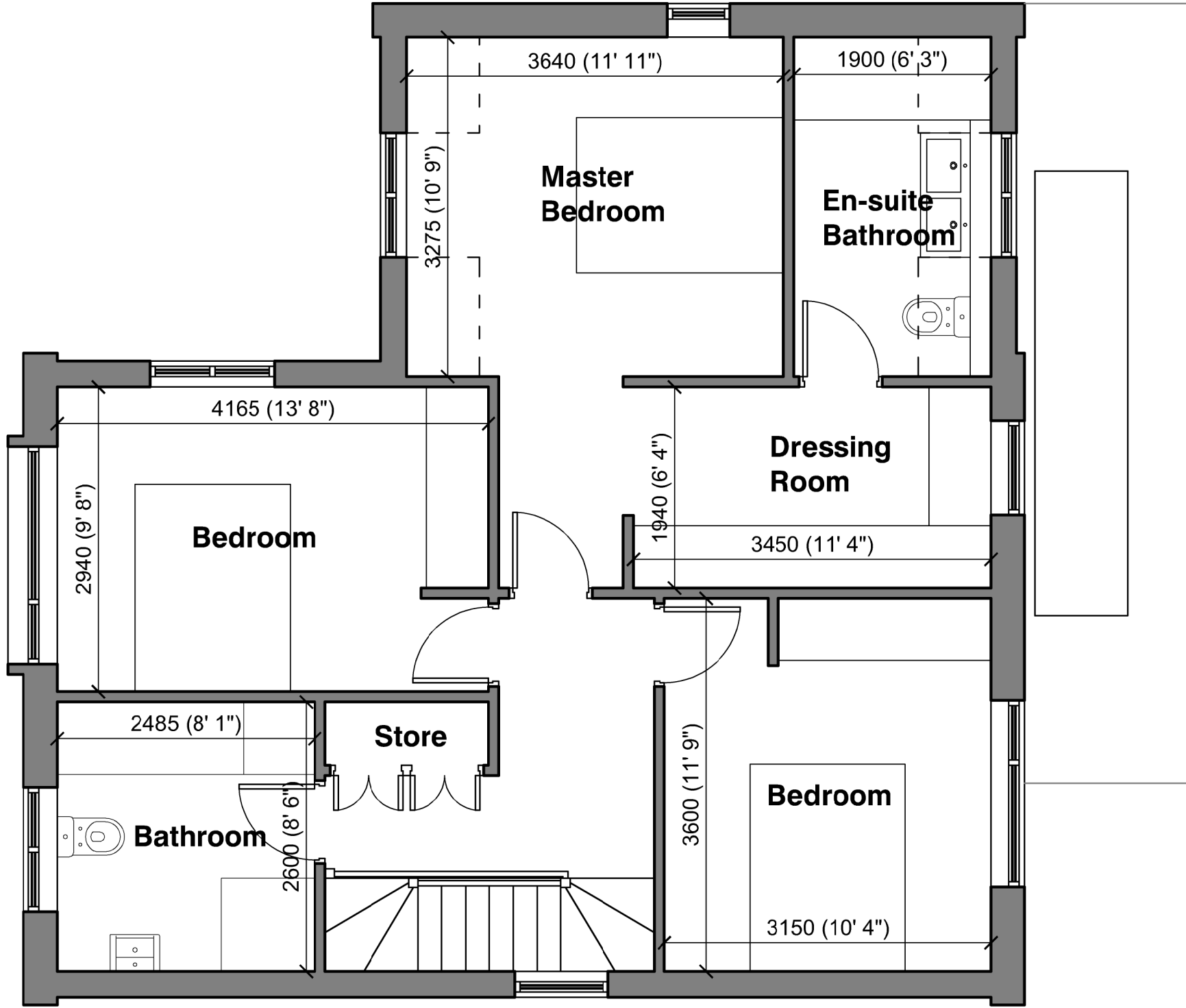
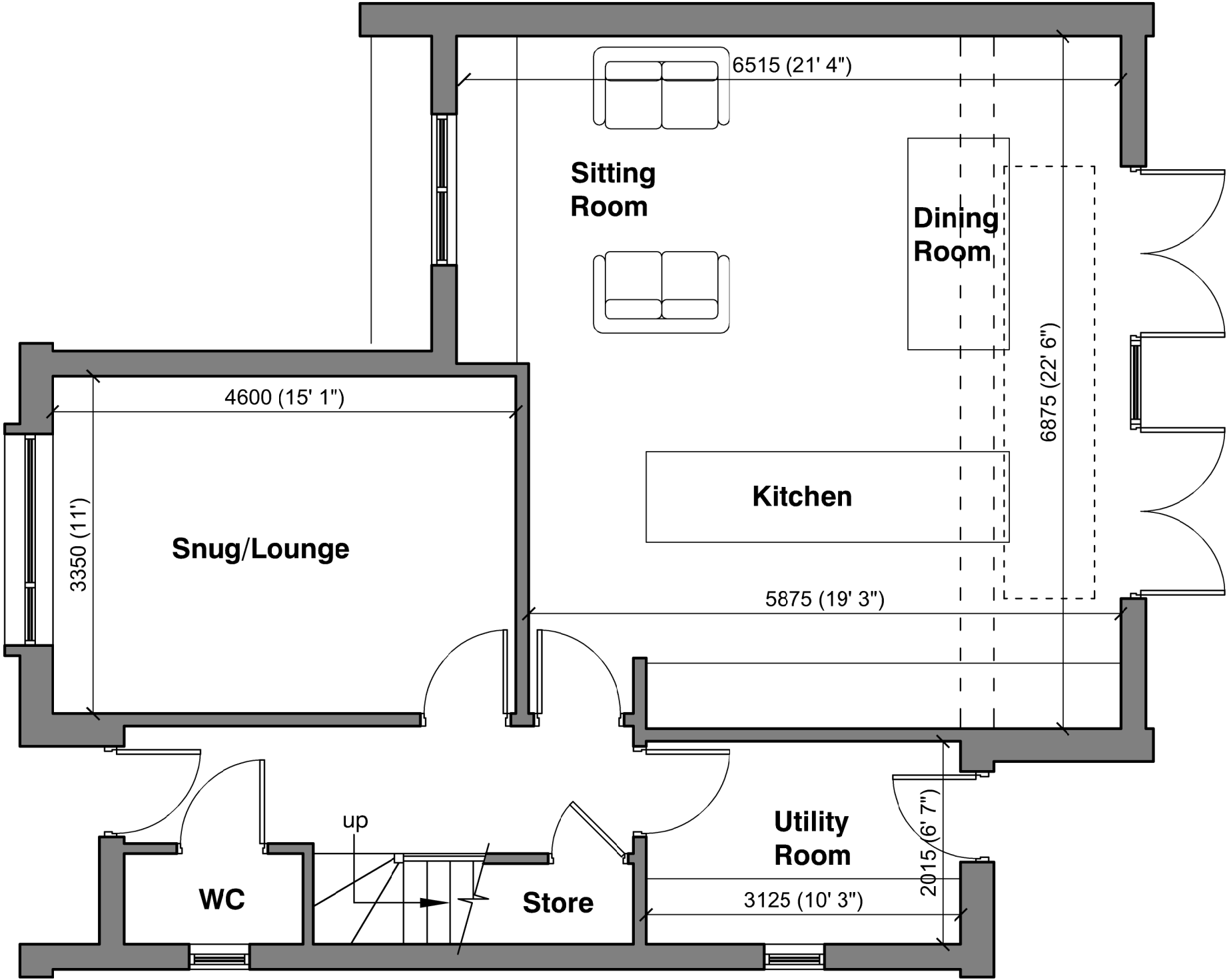
Proposed Site Layout  
1503.PL03A

Scale: 1:200 @ A2

Date: February 2020

DO NOT SCALE OFF THIS DRAWING

Rev: A



Revision A Projecting window surround added to front elevation.



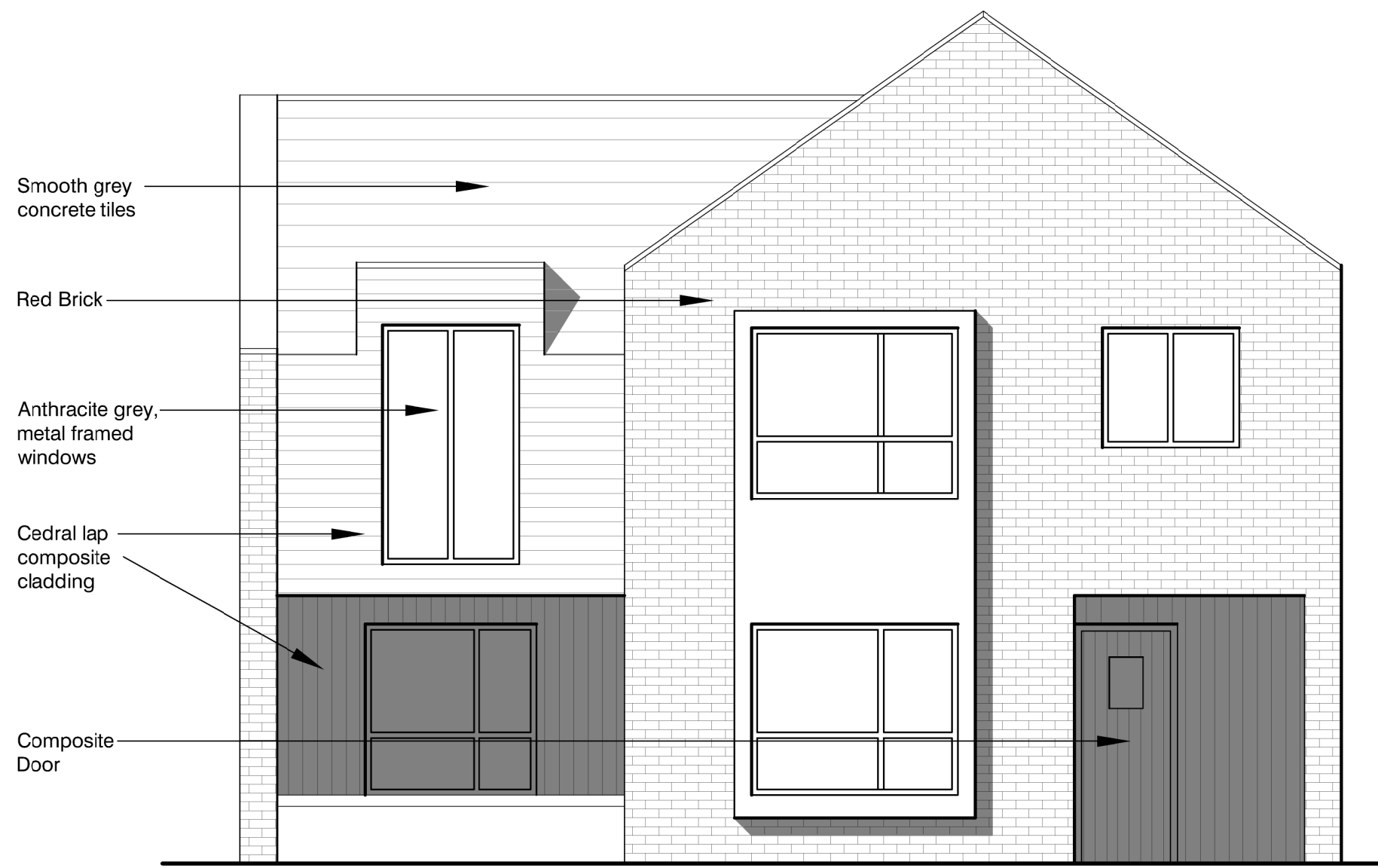
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Tel: 01663 719717 Website: highpeakarch.com Email: hpa@highpeakarch.com

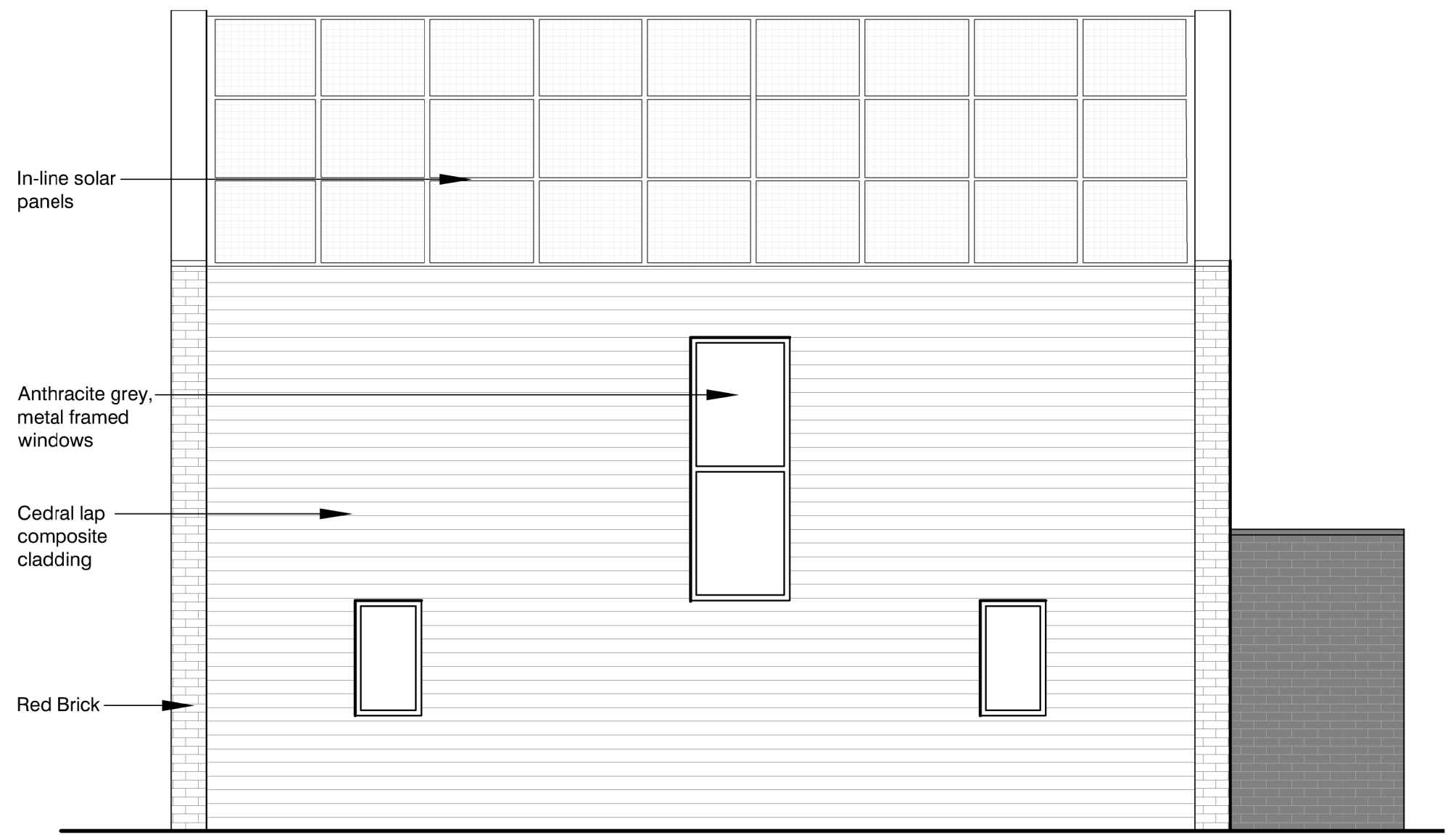
New Dwelling  
West Drive, Bury

Proposed Plans  
1503.PL04A





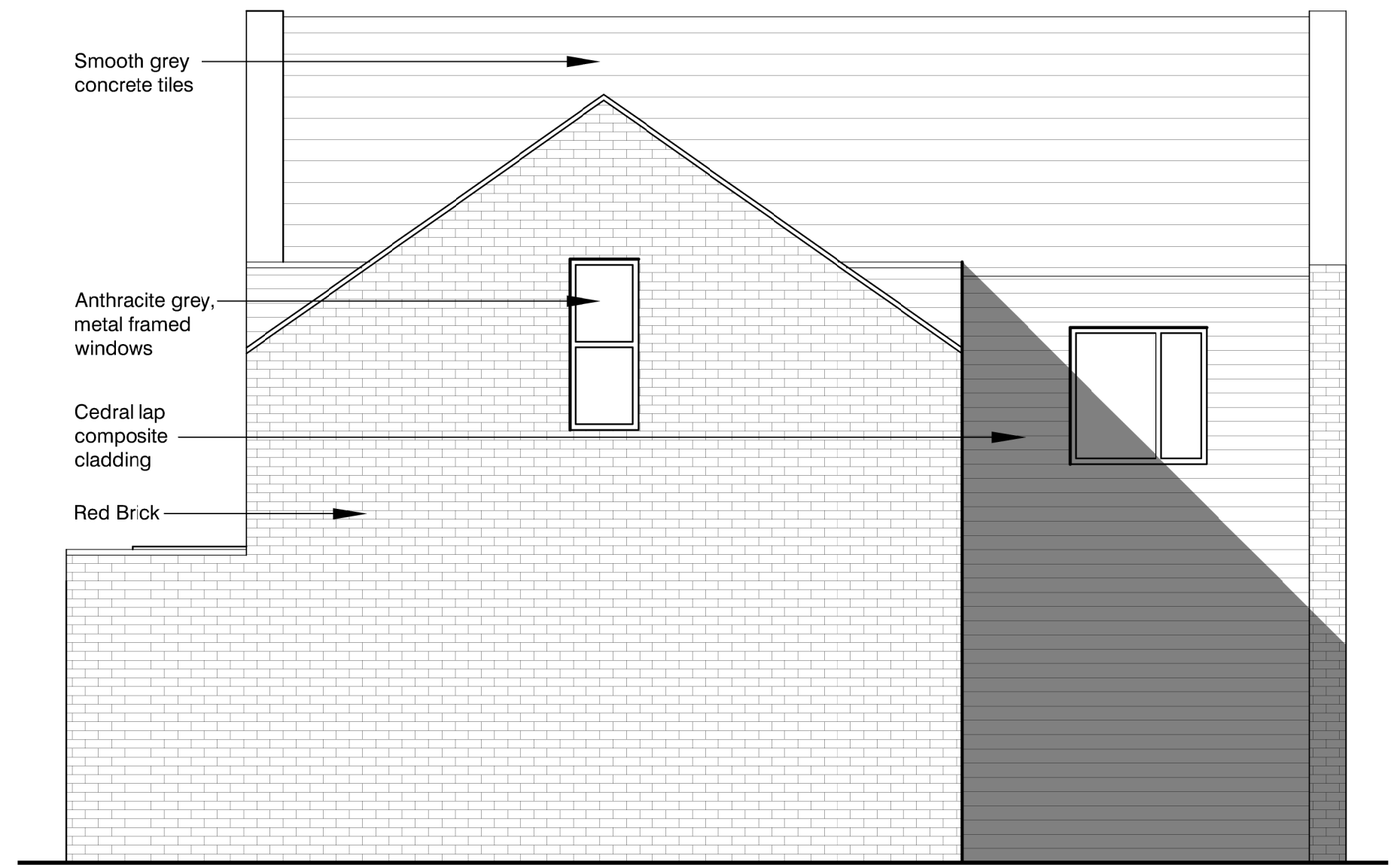
West (Front) Elevation



South (Side) Elevation



East (Rear) Elevation



North (Side) Elevation

Revision A Eaves height increased by 300mm and projecting window surround added to front elevation.



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New Dwelling  
West Drive, Bury

Proposed Elevations

1503.PL05A

Scale: 1:50 @ A2

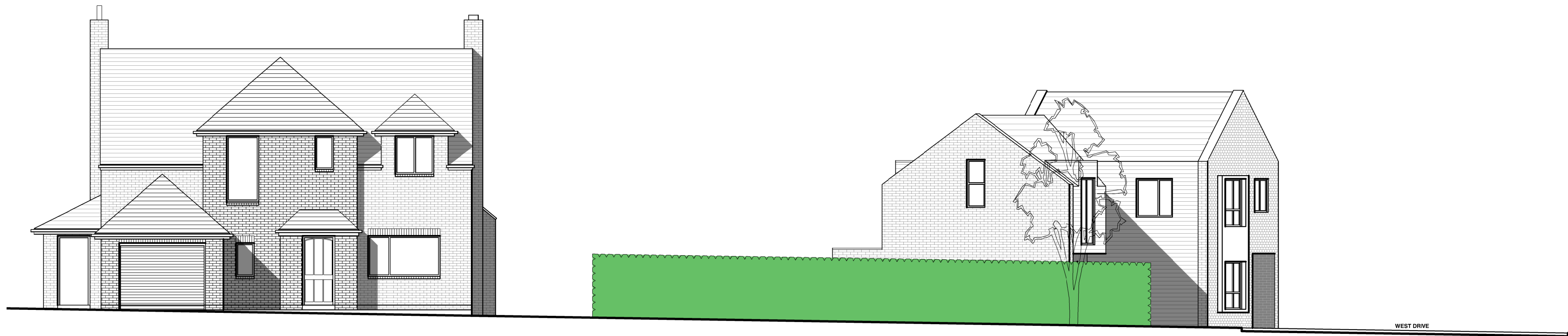
Date: January 2020

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Rev: A



West Street Elevation



North Street Elevation

Revision A 12.03.2021 Eaves height lifted by 300mm and projecting window surround added to front elevation



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New Dwelling  
West Drive, Bury

**Proposed Street Elevations**  
1503.PL06A

Scale: 1:100 @ A2

Date: November 2020

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Rev: A

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**Ward:** Ramsbottom and Tottington -  
Ramsbottom

Item 06

**Applicant:** Mr and Mrs Delaney

**Location:** Land north of Heatherside Road, Ramsbottom, Bury, BL0 9BX

**Proposal:** Erection of 1 no. bespoke, self-build and custom-build dwelling, access, driveway, parking, landscaping and all other associated works

**Application Ref:** 66308/Full

**Target Date:** 05/02/2021

**Recommendation:** Approve with Conditions

### **Description**

The application relates to a site located to the north of Heatherside Road. The application site currently comprises of a field with no buildings or structures. The submitted planning statement states that the last use of the land was for grazing of cattle. The site is bounded by residential properties to the south, with open land to the north, west and east. The site is currently accessed via a right of access from Heatherside Road that runs over part of the front garden of No. 45 Heatherside Road. The site is located within the Green Belt.

Planning permission is sought for the construction of a single dwelling. The proposed dwelling would be partially cut into the existing slope of the site with ground floor accommodation located within this element of the scheme. The face of this element would follow the approximate contours of the site, with the front wall finished with stone work. The roof of this ground floor element would create a living roof. A double car port is located within the ground floor accommodation, accessed from a driveway that leads from Heatherside Road.

First floor accommodation would include the provision of bedroom "pods" that face onto a living roof sited above the ground floor accommodation. The proposed bedroom pods would comprise of 5 gable ended units, connected by flat roof elements. The proposed front and side elevations, and the proposed roofs of these pods would be finished with timber boarding, with the rear western elevation finished in stone work to match the ground floor.

Landscaping has also been included within the proposal that includes the provision of courtyards, green roofs, an attenuation pond, new tree planting, a wild flower meadow, maintained lawns, and planting beds, retention of existing trees and hedgerows and ground mounted solar panels.

### **Relevant Planning History**

02404/E - Proposed Dwelling - Enquiry Complete

### **Publicity**

26 Neighbourbouring properties were notified by means of a letter on the 17th December 2020.

A Site notice was posted on the 6th January 2021 and a Press advert printed 24th December 2020 advertising the proposal as a departure from the UDP.

12 representations of objection received from No. 56, 43,45, 37, 39, 46,43 Heatherside Road, no. 34 Brandlesholme Road, Peel Bridge Mill, 1 Sally Barn Cottages and 1 - 3 Croichley Fold in relation to:

- Impact on Green Belt.



- Impact on private amenity.
- No special justification for the house nor is it truly exceptional quality.
- Nothing to be learnt from this design that is not exemplified by more coherent designs elsewhere.
- Won't add to the canon of award winning design; will be a building uneasy in itself, its setting and its neighbours, lacking purpose, respect, beauty, resonance or relevance.
- Land has been left uncultivated by the owners who can bring environmental/ecological gains and productivity with the need to build a house.
- Legal access to the plot is unproven.
- Route illustrates that this is backland development.
- Access drive will bring vehicle movements, where none have existed, with noise and light pollution next to our house and garden.
- Loss of view
- Would put builders workers, vans and lorries on a very small street.
- This is a green zone and planning should not be allowed.
- Damaging to the nature in the proposed areas.
- Young children play on the estate and builders coming in and out would be a big risk to them.
- In reality a more major road construction will be required increasing disturbance to garden of No. 45.
- Loss of garden will impact on value of No. 45.
- Planting scheme and proposals do not compensate for the increased light and noise pollution created by construction activity or enduring traffic that will pass across garden.
- Solar panel array will point directly at our property and there is no consideration of a planting scheme along our joint boundary on the southern end of the plot.
- Waste storage in my garden (no. 45) is not permitted.
- Planning application has been rejected in the past.
- I have lived on Heatherside Road for 46 years.
- If planning is granted more applications would follow, or applications could be amended.
- Are the Bury Times newspaper aware of this anti-green belt proposal? I used to work for the newspaper and I am sure they would be very disappointed that a proposal of this nature was being considered.
- Removal of mature sycamore tree.
- House not in character with surroundings.
- 2 prior applications refused due to restricted access where Heatherside Road joins Stubbins Lane.
- The development puts further demands on the egress from the Heatherside Road estate on to the A676 Ramsbottom Lane/Stubbins Lane. This access is already inadequate for the existing approximately 120 dwellings it serves. The sight lines on to the main road are extremely poor and potentially dangerous. The narrow nature of the access road means it is easily blocked or restricted which makes the estate vulnerable especially in respect to emergency vehicles. It should be noted this is the only access for both vehicles and pedestrians on to the estate.
- Any development should be in character with the existing predominately bungalow development.
- Any ground works involved with the development could cause instability of the steep nature of the land.
- Bats in the area and construction will impact on these and the removed trees will result in lost habitat and roosts.
- Land is not stable it sinks.
- Council planners are supposed to protect areas of natural beauty where there are mature wildlife ecosystems.
- I hope planners do the right thing for the community here and reject this senseless and unnecessary project.
- I hope Bury Council rejects this application and put the environment and protective rights first over people's desire to dig up our areas of nature causing pollution, waste and unnecessary extra traffic and noise for the area.

- The sight lines onto the main road are very poor & potentially dangerous. The narrowness of the only access road means it's easily blocked/restricted potentially obstructing/delaying emergency vehicles representations of support received from No. 1 Uppingham Drive, 1 The Paddock and 2 The Paddock in relation to:
- No reason to object to this custom-built dwelling.
- Significant lack of housing supply in the local area and across the Borough which makes it difficult for families to remain in the area as their needs for family accommodation grow.
- Will deliver a family home for a local young family which we fully support.
- This opportunity for members of the local community to invest in the area for a self build bespoke project should be supported.
- The application site adjoins our property but will not have any detrimental impact on our amenity, indeed we feel that the proposed dwelling will vastly improve the landscape.
- The high quality of the design will be a significant benefit to the area.
- The applicant appears to be promoting the use of local stone and materials which we fully support given this will bring opportunities to local businesses and trades people during construction.

Following the receipt of amended plans and additional information further neighbour letters sent 23/02/2021. 1 further objection from an unknown address in relation to:

- Many issues with this development.
- The landscape visual impact assessment either through incompetence or mischief has been very selective in deciding which view of the development land to photograph. Use FootPathMap.co.uk to see just how many other closer routes will show a significantly affected view.
- The assessment talks of the trees blocking the view of the house and uses a render of a much smaller house and not the house as is currently designed.
- The replacement trees are considerably smaller than the felled trees.
- The felled trees are conveniently where the lounge window is!!!
- The large glazing and patio light will add considerable light pollution to an otherwise dark sky site. Currently zero light pollution and soon to be excessive light pollution. The light from the lounge, kitchen and bedrooms will be visible from scoutmoor, the paddock, the motorway & heatherside! Flora and fauna will be harmed.
- There is not enough space to write everything.

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

**Traffic Section** - No objections raised subject to conditions relating to a construction traffic management plan, access works, sprinklers system installed, bin storage and car parking and turning facilities.

**Drainage Section** - The attenuation pond should be designed for flows up to 1:100 + 70% and an exceedance flow path drawing to be produced with landscaping adjusted slightly if required to ensure no additional flows are directed towards existing residences if the pond over tops due to extreme weather or failure of infrastructure.

**Environmental Health - Contaminated Land** - proposed conditions in relation to the submission of a preliminary risk assessment, site investigation, detailed risk assessment and remediation strategy and the implementation of these findings of these reports.

**Waste Management** - No response

**Greater Manchester Police - designforsecurity** - support subject to recommendations to include additional lighting, boundary treatments and gates to ensure that the proposal is secure.

**Greater Manchester Ecology Unit** - no objections raised subject to conditions in relation to badgers, invasive species, trees, external lighting (bats), vegetation and the implementation

and management of the proposed biodiversity net gain.

**United Utilities (Water and waste)** - Standard response seeking the imposition of a SUDs condition to be attached to the scheme.

**Greater Manchester Fire service** - Standard response received that requires sprinklers to be introduced at the site.

**Pre-start Conditions** - Agreed by agent.

Amended badger condition sent to agent for agreement 11/03/2021.

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

OL1	Green Belt
OL1/2	New Buildings in the Green Belt
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN5/1	New Development and Flood Risk
EN6/3	Features of Ecological Value
EN7/3	Water Pollution
EN7/5	Waste Water Management
EN8/2	Woodland and Tree Planting
EN9	Landscape
EN9/1	Special Landscape Areas
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD11	Parking Standards in Bury
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
NPPF	National Planning Policy Framework

### **Issues and Analysis**

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

### **Principle (Residential)**

The National Planning Policy Framework should be treated as a significant 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. The Framework maintains the emphasis on identifying 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 of sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the five year supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be completed). As such, latest monitoring

indicates that the Council is unable to demonstrate a five year supply of deliverable housing land and this needs to be treated as a material factor when determining applications for residential developments.

The National Planning Policy Framework also sets out the Housing Delivery Test, which is an assessment of net additional dwellings provided over the previous three years against the homes required. Where the test indicates that the delivery of housing was substantially below (less than 75%) of the housing requirement over the previous years, this needs to be taken into account in the decision-taking process. The latest results published by the Government show that Bury has a housing delivery test result of less than 75%, and therefore this needs to be treated as a material factor when determining applications for residential development.

The site is currently vacant, however appears have been previously used for agriculture use/open fields. There is a 1970s housing estate to the south of the site, and access can be gained from this estate to the site. Subject to the justification for the release of a greenfield site, the principle of a new house on the site is considered to be acceptable in terms UDP Policy H1/2 Further Housing Development.

### **Principle (Greenbelt)**

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

Paragraph 145 of the NPPF regards the construction of new buildings in the Green Belt as inappropriate development. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) provision for appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and recreation;
- c) extension or alteration of a building providing it does not result in disproportionate additions over and above the size of the original building;
- d) replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for community needs under policies set out in the development plan (including policies for rural exceptions sites); and
  - limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use excluding temporary buildings) which would - not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need with in the area of the local planning authority.

Policy OL1/2 states that the construction of new buildings in the Green Belt is inappropriate unless it is for agriculture and forestry; essential facilities for outdoor sport and recreation; limited extension, alteration or replacement of existing dwellings provided that this would not result in disproportionate additions over and above the size of the original dwelling; and limited infilling in existing villages.

### **Green Belt - Case for Very Special Circumstances**

The planning statement submitted seeks to endorse five very special circumstance (VSC) cases:

- High Quality Design
- Lack of visual harm and landscape enhancements;
- Landscape Provision and Ecological Enhancement;



- Energy and Sustainability Enhancements;
- Housing Land Supply

### High Quality Design

In addition to the Green Belt policies already highlighted there are additional policies within the UDP and NPPF, and material planning considerations that relate to residential development that need to be applied when assessing design.

Paragraph 79e of the NPPF confirms that isolated homes within the countryside may be acceptable if:

the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

Whilst the site is not considered to fall under paragraph 79e of the NPPF, as the site is not considered to be isolated, the approach of a house of exceptional design could constitute VSC and the judgement as to whether a proposal is exceptional, should not be solely based on the proposal's location.

The NPPF makes it clear that creating high quality buildings and places is fundamental. This is further supported by the National Design Guide. The National Design Guide, published by the Ministry of Housing, Communities and Local Government in 2019 states that well designed new development is influenced by "*an appreciation and understanding of vernacular.....including existing built form, landscape and local architectural precedents.*"

UDP Policy H2/1- The Form of New Residential Development requires all new residential development to make a positive contribution to the form and quality of the surrounding area. Policy H2/2 - The Layout of New Residential Development seeks to ensure that new residential development will be acceptable in terms of layout in order to provide a good quality residential environment. In addition to this, Policy EN1/2 - Townscape and Built Design seeks to ensure that any proposals would not have an adverse impact on the particular character and townscape of an area.

The applicant has utilised their planning statement and Design and Access statement to provide full details of the design approach for the proposal and utilised these documents to discuss how the proposal has evolved. They have undertaken site analysis and sought to site the proposal within the landscape, noting the topographical context of the site. The key, front (east) elevation utilises a local material palette, with local stone across the ground floor and timber cladding to the first floor. The use of locally sourced materials would respond directly to the context of the site, and its connection to Ramsbottom. The proposed stone work at ground floor is considered to replicate rural dry stone walling whilst the bedroom "pods" are considered to be a nod to the former agricultural use of the site, creating shed like units that would be viewed together as a cluster of single storey buildings.

The ground floor is being constructed by cutting into the slope and as such the ground floor will be largely screened with green roofs installed on the elements that project beyond the roof slope. The dry stone walling element is limited to areas that would be screened from long range views with a glazing element that separates the two wings of the ground floor. The use of green roofs and landscaping has been carefully considered and allows the proposal to sit within the slope of the site rather than be perched on a hillside. The proposal therefore will mostly be viewed as a single storey dwelling, replicating the massing of the bungalows on the adjacent residential estate. The proposal is not a direct copy of the dwellings on the established nearby urban residential estate, and instead seeks to combine elements of this estate in terms of scale whilst also responding to the sensitive nature of a sloping green belt location.

The proposal has been designed using PassivHaus Standard. This standard is utilised to

create energy efficient designs that make for a low energy dwelling with high comfort levels. The applicant has also sought to utilise renewables and identified appropriate technologies such as solar photovoltaic panels, battery energy storage systems and air source heat pump.

The applicant has also sought the view of Places Matter prior to submission of their application. Places Matter is an independent organisation, hosted by RIBA, which is devoted to generating a strong sense of place in living, working and leisure environments throughout north west England. The applicant engaged in a virtual Development Panel session in July 2020, with a Design Review report issued in August 2020 and has taken the comments of Places Matter on board prior to submission of their application.

The design review provided from Places Matter included comments and recommendations that included support of the notion of a dwelling within this location. The report highlighted the need to undertake a landscape appraisal to inform the design development, and pursuing a simple design. The applicant, and their architect have addressed these comments and amended the design in response and have further simplified the bedroom pod elements during the application process. Justification has also been provided within the design and access statement for the comments that have not been actioned. This includes the suggestion to make more of the potential western sunlight and creating a garden there. The applicant has concluded that the steep slope and ribbon of mature trees would limit the potential for sunlight and have instead used the wealth of alternative, sunnier spaces adjacent to the dwelling to create usable garden spaces.

The proposal, whilst contemporary in style, is considered to be of a simple design that has utilised the nature topography of the site to screen views where possible. The use of locally sourced materials directly links the property to its surroundings. A further analysis of the impact of the proposal in terms of a landscape appraisal will be considered within the next section of the report. It is accepted that the building is architecturally innovative and it would be unique in its form in the Borough not just in design terms but also for its status as a property that is essentially net carbon zero, and that can provide net gain in terms of biodiversity and utilises sustainable technologies. These particular elements will continue to be analysed throughout the report.

#### Lack of visual harm and landscape enhancements

An outline landscape and visual impact appraisal has been undertaken and submitted in support of the planning application. This purpose of this document is to consider the proposed development with regard to existing landscape resource and visual amenity, and to consider any potential impacts and propose mitigation if required.

The landscape assessment highlights that whilst the site is not located within an area covered by a landscape designation such as a National Park or AONB it is sited within a Green Belt location. The site is flanked by residential gardens to the south with grazed farmland to the north, east and west with a band of woodland along the hillside to the west of the site that links to Carr Barn Wood to the north.

The appraisal reviews the potential visual envelopes and views of the site and concludes that existing landscape features such as topography, woodland and the settlement of Ramsbottom would limit the potential visual envelope from publicly accessible locations to a small area approximately 1km to the east of the site, above the M66 motorway and to the east of the A56. Photographs, and views have been included within the document that provide a representative view from these locations.

As the dwelling would be located behind a group of existing trees, a good proportion of the building would be screened. From the distance highlighted above it is considered that the addition of a single dwelling, that is partially screened by tree planting would not be readily discernible and the potential impacts on the landscape would be negligible. Whilst there is potential for a small number of private farms and dwellings on the westerly hillside may have some views of the site these are not publicly accessible, and are located

approximately 0.5 km from the site.

Overall, it is considered that the addition of this single dwelling, on the edge of an existing settlement with natural screening provided would not be overly incongruous or prominent within the identified visual envelope and would not materially alter the view of the Green Belt location. The landscape appraisal concludes that the potential change to public and private views would be negligible and from the evidence provided within this report, that includes view points, this case is accepted.

#### Landscape Provision and Ecological Enhancement

The wider impact of the proposed ecological enhancement will be assessed fully within the ecology section of the report, including the comments provided by GMEU.

A considered landscape scheme has been submitted with the proposal that has been informed by consultant ecologists. The landscaping scheme is extensive and has been designed alongside the dwelling to ensure that the dwelling is embedded within the landscape. The landscape scheme, and the dwelling have been designed so that they sit within the hillside landscape. The ecological enhancements which propose a biodiversity net gain of 23.3% when assessed against the baseline of the existing site conditions are considered to be appropriate, and would exceed the 10% net gain that is proposed by the yet to be enacted Environment Bill.

The provision of courtyards, green roofs, an attenuation pond, new tree planting, a wild flower meadow, maintained lawns, and planting beds, retention of existing trees and hedgerows and ground mounted solar panels show a considered approach to the potential impact of the proposal on this green belt location and the biodiversity benefits are significant.

#### Energy and Sustainability Enhancements

The applicant has engaged a renewable energy consultancy to advise on the design and implementation of technologies within the proposed dwelling. The review concluded that the following measures are to be provided at this site:

- Solar photovoltaic panels. These have been included within the scheme on the land adjacent to the property rather than on the roof of the property as this was not considered to be appropriate by the architect or Places Matter for aesthetic reasons and would impact on the simplicity of the design of the main dwelling. Alternatively the solar panels have been included, and considered as part of the wider landscaping of the site sited to the in close proximity to the west of the main dwelling and viewed within this context rather than as a detached area of development.
- Air source heat pumps. These use renewable energy taken from ambient air to heat the building and provide a heat source for the domestic hot water system.
- A battery system to store energy outside of the typical occupancy profiles to be consumed later.

In addition to the above further measures such as thermal efficient glazing, EV charging points for vehicles and low energy light fittings are also proposed. Whilst it is not proposed for the dwelling to be entirely "off-grid" the proposed technologies will lower the proposed dwelling's reliance on the grid. Case law supports that the energy efficiency of a scheme can provide a case for VSC and as such given the technologies proposed above this case is accepted.

#### Housing Land Supply

Housing land supply has been assessed under residential principle above. The "tilted balance" refers to the presumption in paragraph 11(d) ii of the NPPF that, where the presumption applies, planning permission should be granted unless there are "adverse impacts which would significantly and demonstrably outweigh its benefits." Importantly however, this doesn't override Green Belt Policy constraints. As such, whilst delivery of housing was substantially below the housing requirement over the previous three years this is not considered to be an acceptable case for VSC in this instance. Even so one house

makes no significant contribution to housing land supply.

Given the above matters and the cases presented above however, it is considered that the initial 4 points do amount to very special circumstances and given the nature of this particular scheme, the site and its context in accepting the development, it is considered that it outweighs the in principle harm to Green Belt. This is a finely balanced case and it is considered that it would be appropriate to remove permitted development rights so that no further extensions or outbuildings can be added without necessary consideration on the openness and Green Belt considerations.

### **Design and Layout**

The issues in relation to design and layout have been largely addressed within the Green Belt section above.

The proposed form and layout has been developed out following a number of discussions and design reviews with 'Places Matter', an independent design review panel. Their engagement on the scheme and subsequent feedback and advice have largely resulted in what is proposed here. The scheme has also sought to respond to the challenging topography, the context of the surrounding area and the constraints and limitations of the site.

Whilst the proposed dwelling would diversify from the design and type of other residential properties found in the surrounding area, as a new and innovative build, it would respond to the form of the landscape and the challenging topography by its sensitive form and small scale massing. In terms of its visual impact, the proposed dwelling would be less obtrusive than a standard 2 storey property.

Whilst the site is challenging in its topography, it is considered that the siting and layout of the proposed dwelling would successfully utilise and integrate within the contours and land, whilst also recognising and responding to the sensitive and special character of the Green Belt. As set out above from wider public views, it is considered the layout of the development would not appear incongruous or unacceptably prominent.

As such, the proposals are considered to be acceptable and comply with UDP Policies H2/1, H2/2, EN1/2 and OL1/2.

### **Ecology**

#### Trees

An arboricultural impact assessment and arboricultural constraints appraisal have been submitted with the application. The trees on site are not protected by means of a TPO. The trees have been assessed as category B (moderate) and category C (low quality). 2 no. category U (irremediable structural defects) have also been identified. It is proposed to remove 5 no. trees within the site, these are either category C or U trees.

T2 and T5 are sycamore trees located within a cluster of 5 trees to the front of the proposed development. T2 is identified as having an open cavity, and extensive progressive decay whilst T5 is identified also has several large areas of rot and decay. Both trees are categorised as U, and should be removed due to short protected life expectancy.

T8 and T9 are goat willow trees, where as T10 is a weeping birch. These trees are located along the southern boundary and are required to be removed to allow the access to be constructed. These trees are category C trees and as such have low amenity value.

The biodiversity metric confirms that to compensate for the loss of existing trees on site the applicant proposes the planting of 21 orchard trees and 7 native trees within the site and these have been included within the landscaping plan. Given the tree planting that is proposed within the landscaping plan, and the assessment of these trees as low quality, or



having defects that limit their lifespan no objections are raised to their removal.

### **Residential Amenity**

There are no adopted aspect standards for new build residential properties however, Supplementary Planning Document 6 provides guidance on aspect standards between residential properties in relation to householder extensions and as such, would be a reasonable guide in this case.

There is no built development proposed to the rear of the gardens of No. 56- 46 Heatherside Road and plan PT300-PTA-00-ZZ-DR-A-00134 confirms that the residential curtilage of the proposed dwelling would not extend along these boundaries. This plan confirms that the curtilage would be limited to the driveway, dwelling, and garden areas immediate adjacent to the proposed dwelling. The areas of landscaping that are to be utilised to implement the biodiversity

net gains proposed are not included within the residential curtilage. There is landscaping proposed to the rear of the properties at No. 56- 46 Heatherside Road including a wildflower meadow, tree planting and a new pond however as these elements are outside of the residential curtilage of the dwelling it is considered that this element of landscaping will be informal, and free from domestic paraphernalia associated with dwellings. The proposed ground floor windows would be located a minimum of approximately 39 metres from the nearest rear boundary associated with these properties. In this instance it is considered that the introduction of a single dwelling, to the north west of these properties would not be unduly overbearing and would not result in undue overlooking.

The side elevation of the dwelling at No. 45 Heatherside Road is located approximately 33 metres from the shared boundary with the site. The nearest element of built development (stone faced landscape retaining walls) is located a further 5 metres from this shared boundary. There is a single, secondary window proposed windows facing towards the neighbouring property and therefore aspects have not been applied as the principal window for this room is located on the main aspect. In addition landscaping plan confirms that existing trees and hedgerows will be retained along the boundary with this site. It is noted that the neighbour at No. 45 has raised concerns in relation to the location of the ground mounted solar panels however these do not face towards a principal elevation (front or rear aspect as set out within SPD 6) and are sited some 15 metres from the shared boundary, and 48 meters from the side elevation. The landscaping plan also makes it clear that existing landscaping along this boundary will be retained.

The principal, habitable room windows for the property are located on the front elevation all face to the east, with immediate onwards views of land within the ownership of the applicant. The three windows on the rear elevation are associated with a corridor/hallway rather than habitable rooms. There are no dwellings directly to the north of the site.

### **Highways, Access and Parking**

The proposal seeks to construct a new access, and driveway from Heatherside Road with parking included within the curtilage of the dwelling. The access would be provided via the existing turning head on Heatherside Road and would be approximately 4.5 metres wide and 55.2 metres long constructed from materials capable of carrying vehicles weighing in excess of 12.5 tonnes. The proposed driveway would be constructed from geo grid cell grass reinforcement to prevent the introduction of an urban, hard landscaped driveway. Internally the driveway and car parking area, include a turning head to enable vehicles to manoeuvre within the site.

The bin store has been located to the east of the proposed access. On refuse collection days the residents of the dwelling will walk their bin to Heatherside Road, which will ensure that waste collection operators to wheel a bin no more than 25 meters to the refuse collection vehicle and a collection point has also been indicated on the plans.

The proposal includes off street parking for 3 no. vehicles, complying with the maximum standards for a dwelling house with 4+ bedrooms as set out within SPD 11.

The Traffic Section have been consulted as part of the application, and have raised no objections to the scheme subject to conditions relating to the submission of a construction traffic management plan, access works, sprinklers, bin storage and car parking and turning facilities. It is not considered that the introduction of one single dwelling, would adversely impact the pressure on the local highway network.

### **Contaminated Land**

A phase one report has been submitted with the application. The report includes a description of the site including its past historical uses. An appraisal of the site environmental setting is presented including its geology, hydrogeology and hydrological regime, mining activities, waste management issues, and identification of additional environmental sources, pathways and receptors. This information has been used to compile a clear site conceptual model, which identifies potential sources, pathways and receptors and likely pollution linkages.

The Environment section have been consulted as part of the application and concluded that the desk study information provided appears to be sufficient to assess the potential risks at the site. Although the site has not had any known contaminating land use, as the site has been previously developed there is likely to be deposits of made ground at the site. Due to the sensitivity of the proposed land use, as a minimum, a Desk Study and Preliminary Risk Assessment will be required.

In line with the National Planning Policy Framework, the site is proposed for a sensitive end use the Environment Section proposed further conditions in relation to contaminated land that require further information in relation to:

- (i) A detailed scope of works for the site investigations.
- (ii) Site Investigation and Risk Assessment Report.
- (iii) A Remediation Strategy.

After completion of works a verification report will also be required to validate the works undertaken.

### **Air Quality**

Bury Council has been identified by DEFRA as an area requiring to significantly improve air quality. The required measures to do this are currently under discussion. Due to this requirement, the environment section recommends a condition to secure the inclusion of an EV charging point. Whilst this is not required for the majority of single dwelling units, given the context of the site and the scheme and the inclusion of EV charging points within the applicants scheme in any event this condition has been included.

### **Drainage**

A Flood risk and drainage strategy submitted with application and a standard response has been received from United Utilities that does not direct relate to this but seeks the introduction of a SUDs scheme.

The drainage strategy provided concludes that the ground is not conducive to infiltration, and acknowledges a small watercourse that lies along the site's southern boundary that flows east towards the River Irwell. It is intended that surface water runoff from the proposed new dwelling and driveway will be restricted and discharged into the existing watercourse. Foul sewage from the dwelling will be collected by a new drainage system and discharged into the public combined sewer that lies within Heatherside Road.

The Drainage officer has confirmed that whilst there are some issues with run off within the vicinity, although they are mainly only when infrastructure fails. As such a condition has been added to ensure that the attenuation pond is designed for flows up to 1:100 + 70% and the submission of an exceedance flow plan is submitted to prevent additional flows directing towards existing residences.

### **Design for Security**

Greater Manchester Police have put forward a number of recommendations including standards for windows, boundary treatment heights, entrance gates and lighting along the driveway. These comments have been forwarded onto the applicant/agent to review as some of them fall under Building Regulations which are outside of the control of planning. The introduction of gates and lighting are considered to be too urban for this particular location and would adversely impact on this sensitive Green Belt location, and the biodiversity aspirations of the applicant.

### **Response to Neighbours**

The impact of the proposal in terms of residential and visual amenity, impact on Green Belt and ecology has been dealt with within the main body of the report. Green Belt in particular has been addressed comprehensively within the submitted planning statement and within the officer report which demonstrated that Very Special Circumstances exist and therefore the proposed development is acceptable.

Design is largely subjective however the applicant has utilised the documentation submitted within the application to clarify how the design of the property has been finalised, and their engagement with places matter.

The Bury Times printed a press notice in relation to the application site. If an application is submitted, the Local Planning Authority have a statutory obligation to consider it.

Highways issues have been assessed by the Traffic Section. Suitability of the access, from a safety and capacity point of view has been assessed, and is addressed within the transport assessment and no objections have been raised to the proposal.

There are various comments regarding the proposed access. Some comments suggest the access is "not proven" or is not legal. While the applicant owns the majority of the site edged red, the owner of the a small parcel of land off Heatherside Road over which access is proposed to be taken was duly notified of the planning application and relevant certificates signed. The applicant confirms that they benefit from an unrestricted right of way into the site from Heatherside Road. The width of the right of way is 7m. The applicant has confirmed that this is included by way of the owner's Title, which refers to the land being the subject of that right of way.

Some comments are concerned with disruption resulting from the construction phase of development. A construction management plan has been conditioned for the matters that can be controlled by planning legislation.

Extensive ecology reports have been submitted by the applicant and a net gain can be provided. Justification has been made for the removal of the tree within the arboricultural report.

There may be other footpaths that can be seen on a map with proximity of the site, that does not necessarily mean that they have views of the site. The landscape assessment highlights the topography and landscape features that screen the site.

There have been no previous applications on this site. Each application is considered on a site by site, case by case basis in any event.

### **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 pre-application discussions 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 PT300-PTA-00-ZZ-DR-A-00001 Rev P5, PT300-PTA-00-ZZ-DR-A-00102 Rev P7, PT300-PTA-00-ZZ-DR-A-00103 Rev P6, PT300-PTA-00-ZZ-DR-A-00104 Rev P5, PT300-PTA-00-ZZ-DR-A-00105 Rev P5, PT300-PTA-00-ZZ-DR-A-00106 Rev P5, PT300-PTA-00-ZZ-DR-A-00107 Rev P3, PT300-PTA-00-ZZ-DR-A-00110 Rev P3, PT300-PTA-00-ZZ-DR-A-00111 Rev P3, PT300-PTA-00-ZZ-DR-A-00112 Rev P3, PT300-PTA-00-ZZ-DR-A-00113 Rev P3, PT300-PTA-00-ZZ-DR-A-00114 Rev P2, PT300-PTA-00-ZZ-DR-A-00120 Rev P4, PT300-PTA-00-ZZ-DR-A-00121 Rev P4, PT300-PTA-00-ZZ-DR-A-00122 Rev P3, PT300-PTA-00-ZZ-DR-A-00123 Rev P3, PT300-PTA-00-ZZ-DR-A-00130 Rev P3, PT300-PTA-00-ZZ-DR-A-00131 Rev P3, PT300-PTA-00-ZZ-DR-A-00132 Rev P3, PT300-PTA-00-ZZ-DR-A-00133 Rev P3, PT300-PTA-00-ZZ-DR-A-00134 Rev P1, PT300-PTA-00-ZZ-DR-A-00140 Rev P3, PT300-PTA-00-ZZ-DR-A-00141 Rev P3, PT300-PTA-00-ZZ-DR-A-00142 Rev P3, PT300-PTA-00-ZZ-DR-A-00143 Rev P3, 3498\_201, 3498\_301 Rev A and 3498\_101 Rev 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 prior to the commencement of any above ground works. 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 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to



the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

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

- Photographic dilapidation survey of the footways and carriageways abutting the site access in the event that subsequent remedial works are required following construction of the development and as a result of any statutory undertakers connections to the new dwelling;
- Proposed site hoardings and gates positions (if proposed);
- Hours of operation, confirmation of delivery & construction vehicle sizes that can be accommodated on the residential estate roads leading to the site and number of vehicle movements;
- Parking on site of operatives' vehicles together with storage on site of construction materials, including any requisite phasing of the development to accommodate this;
- Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways as a result of the groundworks 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 parking of vehicles and storage of construction materials. All highway remedial works identified as a result of the dilapidation survey shall be implemented prior to the development hereby approved being brought into use.

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.

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

- Formation of the proposed site access onto Heatherside Road, incorporating a new section of 1.8m wide footway and associated footway crossing to a specification to be agreed, demarcation of the limits of the adopted highway, alterations to/removal of the affected boundary wall to ensure that surface water will not be discharged onto the new section of footway and adequate visibility will be provided at the back edge of the footway and all associated accommodation works;

- Scheme of surface water drainage works/hardstanding materials to ensure that surface water will not be discharged from the site and new access road onto the adjacent adopted highway.

The details subsequently approved shall be implemented to an agreed programme with all highway works completed prior to the development hereby approved being brought into use.

Reason. To secure the satisfactory development of the site in terms of highway safety and ensure that adequate bin storage arrangements are provided within the curtilage of the site pursuant to Bury Unitary Development Plan Policies H1/2 - Further Housing Development, H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

8. The access, driveway and bin storage arrangements indicated on the approved plans, incorporating the provision of an electric gate, shall be implemented prior to the dwelling hereby approved being occupied and thereafter maintained available for use at all times.  
Reason. To ensure good highway design and ensure that adequate bin storage arrangements are provided within the curtilage of the site pursuant to Bury Unitary Development Plan Policies H1/2 - Further Housing Development, H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.
9. The car parking and turning facilities indicated on the approved plans shall be surfaced and made available for use prior to first occupation of the dwelling hereby approved and thereafter maintained available for use 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.
10. The development hereby approved shall be carried out in accordance with the flood risk assessment and drainage strategy submitted on the 16th December 2020 and the attenuation pond must be designed for flows up to 1:100 + 70%. An exceedance flow path drawing shall be produced and submitted to and approved in writing the Local Planning Authority prior to occupation of the development to ensure no additional flows are directed towards existing residences if the pond over tops due to extreme weather or failure of infrastructure. Any approved scheme shall be implemented in full prior to first occupation of the dwelling hereby approved and thereafter maintained.  
Reason. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.
11. Prior to occupation the applicant shall provide EV charging points. EV chargepoints shall be chosen for the Electric Vehicle Homecharge Scheme approved chargepoint model list.  
Reason. 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 pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
12. To ensure no negative impacts on badgers, the development hereby approved shall be carried out in accordance with the Best Practice Measures During

Construction as identified in section 5.2 of the Badger Survey and Assessment (ERAP Ltd Ref 2020-065d, March 2021) unless otherwise approved in writing by the Local Planning Authority. If development has not commenced within 3 months of the survey then an updated badger survey will be required not more than 3 months prior to commencement of the development. If there are any changes in the status of the badgers, then updated measures may be required and should be accommodated into the scheme as per section 5.1 of the badger survey report.

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.

13. Prior to commencement of development a method statement for the felling of T5, and any other tree works required shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall remain in situ until the development has been completed.  
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan.
14. Prior to commencement of the development hereby approved a lighting plan for any proposed new external lighting should be submitted to and agreed in writing by the Local Planning Authority. The lighting scheme shall be designed to minimise impact on nocturnal wildlife, in line with best practice guidance and the guidance within the Ecology Report.  
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.
15. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.  
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
16. A landscape and ecological management plan (LEMP) (or equivalent) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include information which demonstrates the creation or management of habitats to secure a meaningful and measureable net gain for biodiversity, in line with the principles established in the proposed landscaping scheme and the Ecology Survey and Assessment.

The LEMP should include:

- a. Description and evaluation of features to be managed.
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management.
- d. Appropriate management options for achieving aims and objectives.
- e. Prescriptions for management actions for all habitats for a period of no less than 30 years.
- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g. Details of the body or organization responsible for implementation of the plan.
- h. Ongoing monitoring and remedial measures.

The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason. To ensure improvements the biodiversity of the site in order to comply with National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

17. No development shall commence unless and until an Invasive Species Management Plan has been submitted to and approved in writing by the Local Planning Authority. This should include measures to prevent the spread and manage the Himalayan balsam (*Impatiens glandulifera*) and any other invasive species on the site. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to and approved in writing by the Local Planning Authority.

Reason. To prevent the spread of Himalayan balsam pursuant to of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

18. 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 pursuant to Bury Unitary Development Plan Policies OL1 - Green Belt, OL1/2 - New Buildings in the Green Belt and Chapter 13 - Protecting Green Belt land of the National Planning Policy Framework.

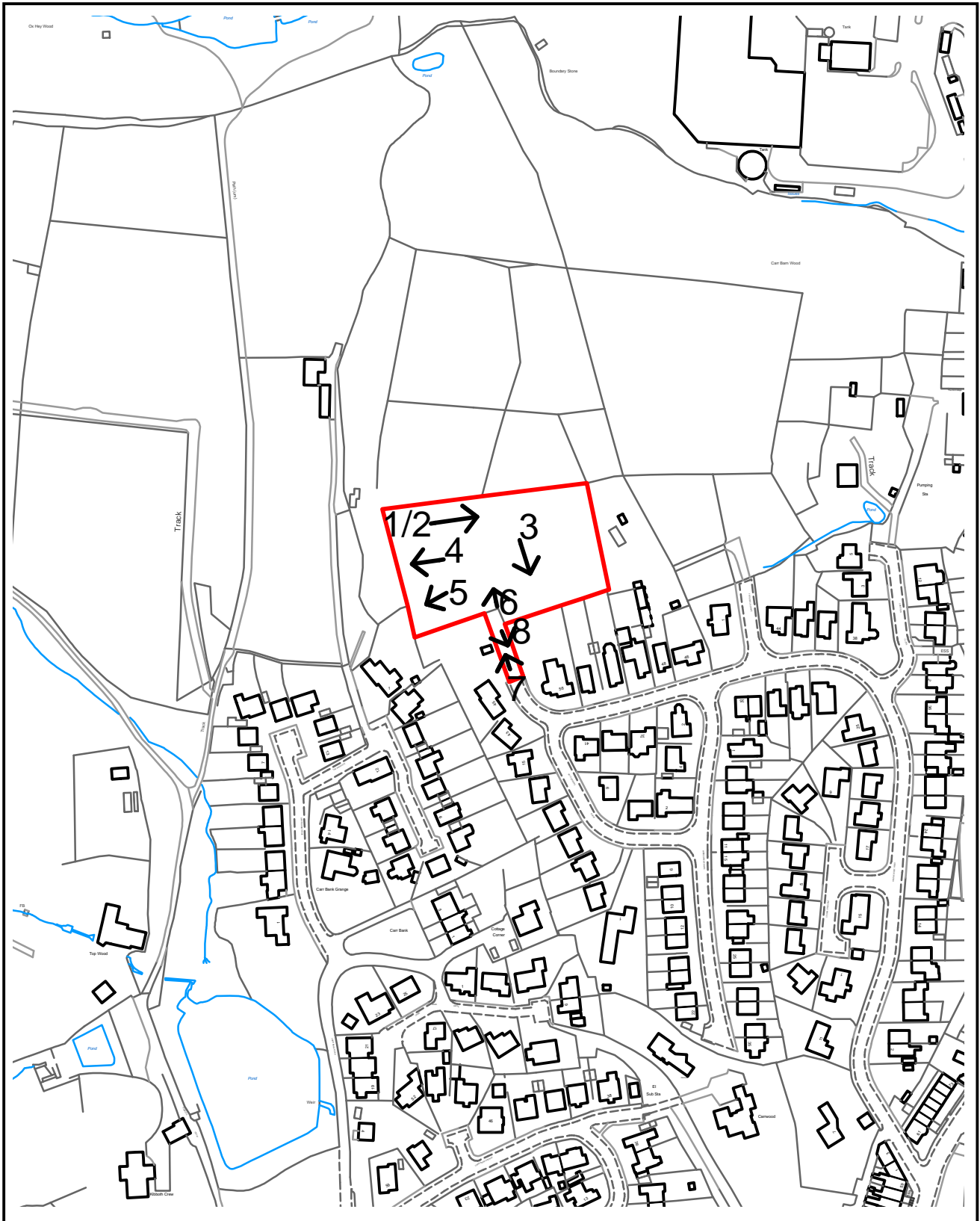
19. The geo grid cell grass reinforced driveway shall be implemented prior to the dwelling hereby approved being occupied and thereafter maintained.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Bury Unitary Development Plan Policies OL1 - Green Belt, OL1/2 - New Buildings in the Green Belt and Chapter 13 - Protecting Green Belt land of the National Planning Policy Framework.

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



## Viewpoints



## PLANNING APPLICATION LOCATION PLAN

APP. NO 66308



ADDRESS: Land North of Heatherside Road  
Ramsbottom

## Planning, Environmental and Regulatory Services

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

66308

Photo 1



Photo 2





Photo 3



Photo 4





Photo 5



Photo 6



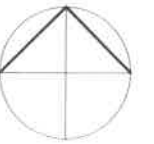


Photo 7





- Resin bonded gravel courtyard;  
Amber/ buff colour
- Proposed Yorkstone Flags
- Maintained Lawn
- Wildflower meadow
- Existing trees and hedgerow  
to be retained
- Green Roof
- 'Geo-grid' cell grass  
reinforcement along driveway
- Sandstone Setts to driveway
- New pond
- New dwelling flat roof, with  
rooflights over circulation zone
- New dwelling pitched timber  
roof
- New tree planting to TPM  
Landscape Design proposals  
drawing 301
- Stone faced building and  
landscape retaining walls
- raised sleeper planting beds to  
TPM Landscape Design  
proposals drawing 301
- electric car charging point
- ground mounted solar panel



P7 12/07/21 PT Bind store reorientated  
P6 13/11/20 WB Revised Planning Issue

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Scale @ A3: 1:500

Purpose: For Information

Status: S2

Drawn: PT

Revision: P7

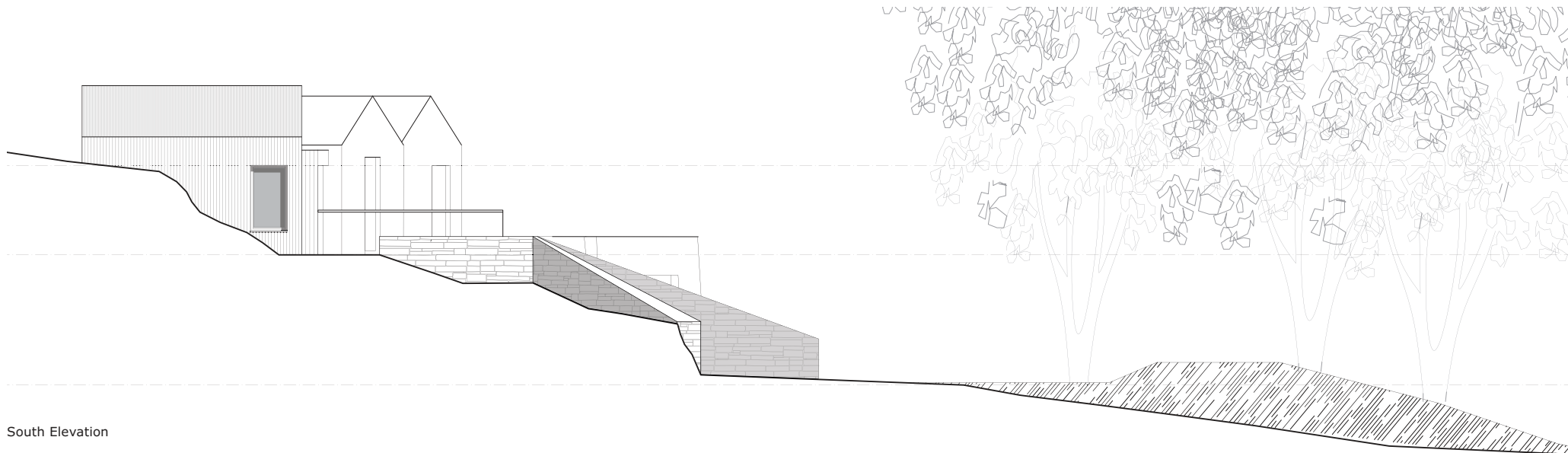
Checked: PT

Project: Heatherside

Client: Stephen & Aine Delaney

Drawing Title: Proposed Site/Block Plan

Drawing no: PT300-PTA-00-ZZ-DR-A-00102

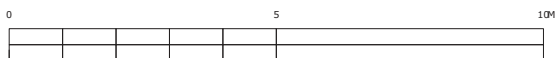


South Elevation

Page 140



East Elevation



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Purpose: For Information

Status: S2

Drawn: PT

Revision: P4

Checked: PT

P4 12/02/21 PT

P3 06/11/20 PT

Roof profiles amended

Planning Issue

**paul testa architecture**

Project: Heatherside

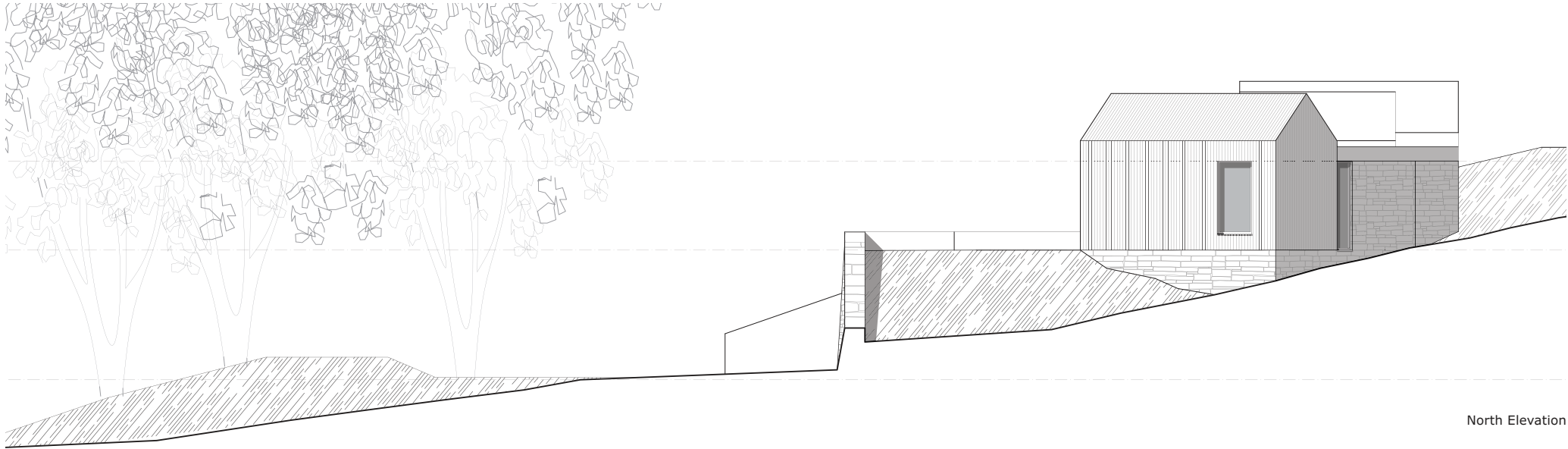
Client: Stephen & Aine Delaney

Drawing Title: Proposed S\_E Elevations

Drawing no: PT300-PTA-00-ZZ-DR-A-00120

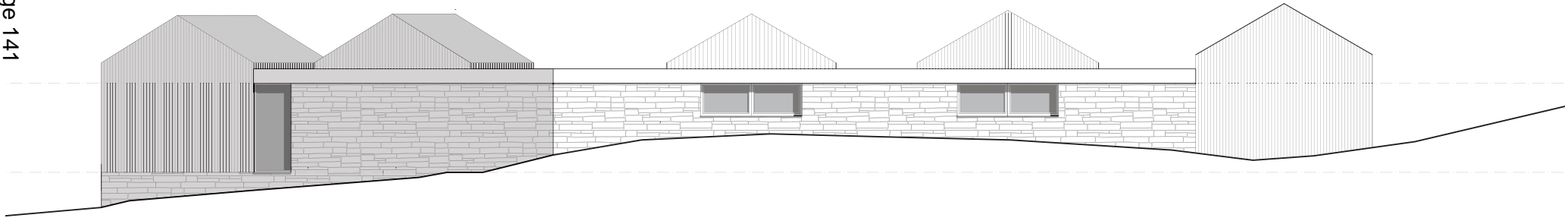
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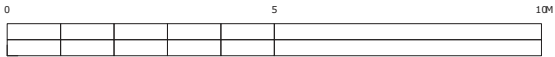


North Elevation

Page 141



West Elevation



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Purpose: For Information  
Status: S2  
Drawn: PT  
Revision: P4  
Checked: PT

P4 12/02/21 PT  
P3 06/11/20 PT  
Roof profiles amended  
Planning Issue

**paul testa architecture**

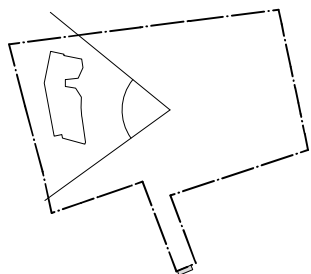
Project: Heatherside  
Client: Stephen & Aine Delaney  
Drawing Title: Proposed N\_W Elevations  
Drawing no: PT300-PTA-00-ZZ-DR-A-00121

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Purpose: For Information

Status: S2

Drawn: PT

Revision: P3

Checked: PT

P3 22/02/21 PT

P2 06/11/20 PT

Roof profile update

Planning Issue

**paul testa architecture**

Project: Heatherside

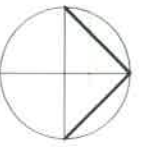
Client: Stephen & Aine Delaney

Drawing Title: View from field

Drawing no: PT300-PTA-00-ZZ-DR-A-00141

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Status:                      Revision: P5  
Drawn: PT                      Checked: PT

P5 13/11/20 WB  
P4 06/11/20 PT  
Revised Planning Issue  
Planning Issue  
**paul testa architecture**  
Project: Heatherside  
Client: Stephen & Aine Delaney  
Drawing Title: Proposed Ground Floor Plan  
Drawing no: PT300-PTA-00-ZZ-DR-A-00104



P5 13/11/20 WB Revised Planning Issue  
P4 06/11/20 PT Planning Issue

**paul testa architecture**

Project: Heatherside  
Client: Stephen & Aine Delaney  
Drawing Title: Proposed First Floor Plan  
Drawing no: PT300-PTA-00-ZZ-DR-A-00105

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Purpose: For Information

Status:

Revision: P5

Drawn: PT

Checked: PT



P5 13/11/20 WB Revised Planning Issue  
P4 06/11/20 PT Planning Issue

**paul testa architecture**

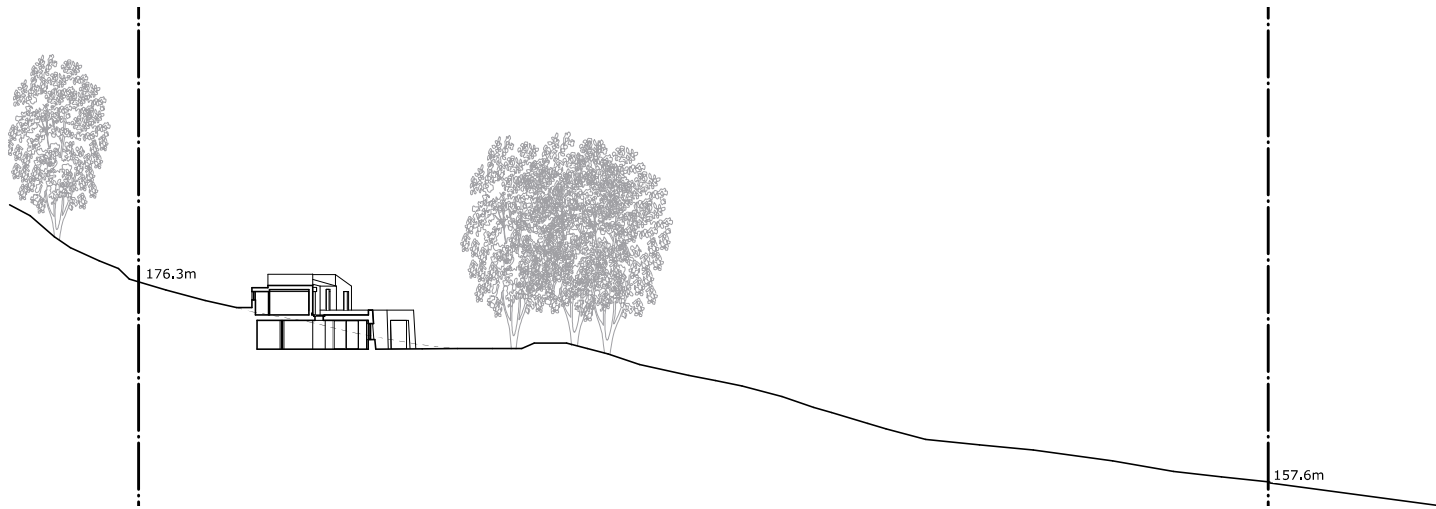
Project: Heatherside  
Client: Stephen & Aine Delaney  
Drawing Title: Proposed Roof Plan  
Drawing no: PT300-PTA-00-ZZ-DR-A-00106

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Status: Drawn: PT  
Revision: P5  
Checked: PT





Proposed Site Section A



Proposed Site Section B



**Ward:** Bury West - Elton

**Item** 07

**Applicant:** Bellway Homes Ltd (Manchester Division)

**Location:** Former Site of Andrew Textile Industries Ltd, Walshaw Road, Bury, BL8 1NG

**Proposal:** Site wide preparatory works, comprising the full demolition of the vacant industrial building and ancillary structures, and remediation and earthworks in connection with the future residential redevelopment of the site which has been granted outline planning permission.

**Application Ref:** 66366/Full

**Target Date:** 12/04/2021

**Recommendation:** Approve with Conditions

### **Description**

The application site measures 2.6 hectares and contains a large factory building of 8,000 square metres. The building is located on the eastern half of the site and was in use until 31 March 2019. The building is constructed from red brick and is single storey on the whole.

The western part of the site is allocated as employment land in the Bury UDP. It comprises an unmanaged habitat of grassland scrub mosaic, woodland and heath habitats. None of the trees in this area are subject to a Tree Preservation Order.

The whole site is accessed from Walshaw Road via 2 accesses, which leads to a car park. There is a bridleway along the southern boundary of the site.

There are residential properties to all boundaries with Leigh Lane forming the boundary to the south. On the opposite side of Walshaw Road, there are school playing fields to the northeast.

Outline consent was granted for the demolition of the existing building and the erection of up to 108 dwellings. The means of access to the site was included and all other matters (appearance, landscaping, layout and scale) would be dealt with at the reserved matters stage. The internal road layout would be addressed at the same time as the layout of the site. Access to the site would be taken from Walshaw Road via a new access, which would be located centrally and in a similar position to the existing access. The applicant sought to utilise vacant building credit to off set the amount of affordable housing to be provided during the outline application.

An application to vary the condition relating to affordable housing to allow the applicant to apply Vacant Building Credit was allowed on appeal in September 2020.

The applicant seeks permission to undertake site wide preparatory works, including the full demolition of the existing building and structures on site, the remediation and earthworks in connection with the residential development, which has been granted outline consent.

Demolition and enabling works form a part of the outline planning permission and therefore cannot be commenced pursuant to this permission until the relevant pre-commencement conditions have been discharged. The applicant has submitted this full application separately for the demolition and enabling works to address the health and safety risks and security costs associated with the site, which has been the subject of trespassing in recent weeks.

The proposed demolition works comprise of the following:

- Mechanical demolition of all buildings on the site to ground floor slab level.
- Breaking out slabs and foundations structure. These materials along with the above ground brick hardcore are to be incorporated into the overall processing and crushing undertaken as per the works detailed within the remediation strategy.

#### Stage 2 - Remediation and earthworks

The proposed remediation and earthworks will comprise of the following as detailed within the submitted Remediation Strategy:

- Clearance of trees, bushes and vegetation from the proposed development area necessary to facilitate the works.
- Breaking out and crushing all slabs, relic foundations and external hardstanding / former car parking areas to a 6F2 grade product suitable for re-use. Control measures will be in place to ensure there are no dust, odour or noise nuisance impacts.
- Earthworks to prepare development platforms.
- Excavation, delineation and treatment and / or off-site disposal of grossly contaminated soils / hotspots.
- Installation of temporary haul roads.
- Geotechnical and chemical testing for validation purposes.

The site would be accessed from the existing accesses on Walshaw Road.

#### **Relevant Planning History**

36157 - Factory extension (Class B2) at Andrew Textile Industries, Walshaw Road, Bury. Approved with conditions - 21 March 2000.

36980 - Factory extension (Class B2) (Revised scheme) at Andrew Textile Industries, Walshaw Road, Bury. Approved with conditions - 18 October 2000

64128 - Outline application for demolition of all existing buildings and erection of up to 108 no. dwellings with new vehicle and pedestrian access, landscaping and associated works and details of access (matters of layout, scale, appearance and landscaping are reserved) at site of Andrew Textile Industries Ltd, Walshaw Road, Bury. Approved with conditions - 31 July 2019

64720 - Variation of condition no. 17 (affordable housing provision to include vacant building credit) of planning permission ref. 64128 at Andrew Textile Industries, Walshaw Road, Bury. Refused - 22 November 2019. Allowed on appeal - 8 September 2020.

66389 - Application for reserved matters approval (appearance, landscaping, layout and scale) for the erection of 97 dwellings and associated works including the demolition of existing buildings, the layout out of roads, parking, footways and landscaping at former site of Andrew Textile Industries, Walshaw Road, Bury. Received - 16 April 2021.

#### Surrounding area

55312 - Residential development comprising of 111 dwellings, access and associated works at Former Elton Cop Dye Works, Walshaw Road, Bury. Approved with conditions - 26 February 2013.

58284 - Non material amendment following grant of planning permission 55312 for conversion of integral garages to living accommodation at Former Elton Cop Dye Works, Walshaw Road, Bury. Approved - 14 January 2015

58285 - Substitution of house types to plots 74, 75, 78, 90 and repositioning of plots 76, 77, 88 and 89 (retrospective) at Former Elton Cop Dye Works, Walshaw Road, Bury. Approved with conditions - 12 February 2015.

#### **Publicity**

The neighbouring properties were notified by means of a letter on 13 January 2021 and a

press notice was published in the Bury Times on 21 January 2021. Site notices were posted on 21 January 2021.

10 letters have been received from the occupiers of 5 Bourton Close, 2, 11, 21, 25, 131 Cotswold Crescent, 42, 59, 63 Elton Fold Chase, 33 Moreton Drive, which have raised the following issues:

- In 'The Arboricultural Impact Assessment' paragraph 5.5, it states that no hedges were found on the site. There is a hedge at the boundary to my garden, which abuts the site. It should not be removed nor should the roots be disturbed in any way.
- From the plans, it appears that the intention is to cut away the banking that lies beyond my hedge boundary. If that is the case (the banking is 3-4m in height) there is the likelihood that the roots of the hedge will be disturbed. If the banking is removed, is it not possible that my garden will suffer from some subsidence?
- The whole designated area is full of wildlife. If this development goes ahead, with the wholesale destruction of the trees in particular, the habitats necessary to many of these animals will be destroyed. The birds that are found in that area include jays, thrushes, sparrows, coal tits, crows, blue tits, woodpigeons, collared doves and sparrowhawk.
- Hedgehogs are resident in the area. They come into our gardens, but they live in the hedgerows, among the undergrowth etc. As a species they are threatened and this development is a further erosion of their habitats.
- In the Bellway Construction Environmental Management Plan, Section 1, it shows the proposed start date of May 2021. But the planning documents state no removal of natural habitat throughout the spring and summer months. I object to the start date.
- Due to the close proximity of the factory buildings I need reassurance that the demolition will take place carefully, especially in regard to the many asbestos roofs.
- My back garden is quite short in length as is many other gardens on Elton Fold Chase. Mine being only 22.5 feet long. The fence in my garden has actually been fixed to the factory wall by the fencing company employed by our builders Persimmon. Therefore it will need to be unattached with great care taken before that wall is pulled down.
- The land in this area is mostly heavy clay, making drainage very slow and prone to flooding. The back garden flooded until Persimmon connected the drain to the factory drain. I would expect your demolition/ground workers to ensure this connection is either not broken or is capped off to prevent future flooding.
- We were shocked to read that all but seven trees (T4, 5xG6 and T11) on the proposed development are to be felled. In particular an Oak tree - No T5 - which is over 40 years old, in good condition and is on the boundary of the development. It is graded as A2 which means "Visual importance as arboricultural or landscape features". However trees to be saved T4 (poplar) and T11 (sycamore) are a B2 meaning "making little visual contribution to wider locality".
- I am writing in the hope that you would reconsider the destruction of all but 7 trees.
- Our house backs onto the site with a fence in place, we have trees that come right up to the fence and also a 12/15 ft drop behind, our worry is that taking away the trees will compromise our fence it and could very well collapse. We were assured right at the beginning that a tree corridor would surround the site, but obviously not.
- It is shocking that only around 7 trees will be saved from the area (and I believe they are felling the tree that was planted in someone's memory who lost her life in the factory formerly on site) and it is concerning that this work could cause structural problems to all the established gardens and buildings backing on to the development. We regularly have birds such as robins visiting our garden and I note these haven't been considered.
- I am very concerned as to how close the boundary fences will be to our property as we regularly have to do maintenance to our fence to prevent ivy growing through
- I am writing to object to this application on the basis that practically every tree on site will be removed during the development. Whilst the application makes reference to ways in which this will be compensated by new planting, this will do nothing to remedy the fact that the natural habitat of the numerous species of birds and other wildlife currently using this area will be destroyed. Planting a few species bought commercially en masse as an afterthought will be of little ecological value, and in no way represents an adequate, like for like replacement.



- The application gives no reasoned explanation as to why the existing boundary of trees and shrubs cannot be maintained.
- It is not clear from the plan what the blue areas at the back of existing homes, which the development's boundaries seem to cut across.
- Noise and air pollution.

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

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

**Traffic Section** - No objections in principle. Further comments to 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 and asbestos.

**Environmental Health - Pollution Control** - No response.

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

**Waste Management** - No response.

**Environment Agency** - No objections, subject to the inclusion of conditions relating to contaminated land.

**United Utilities** - No response.

**The Coal Authority** - No response.

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

**GM Archaeological Advisory Service** - No archaeological implications - no objections to the scheme.

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

**Pre-start Conditions** - Awaiting confirmation that the applicant agrees with the pre-start conditions

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

EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN8/2	Woodland and Tree Planting
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
NPPF	National Planning Policy Framework

### **Issues and Analysis**

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

**Principle** - The application relates to a site which contains an industrial building, associated car park and land containing trees, which is allocated for employment use. Outline consent has been granted for up to 108 dwellings on the site, which is vital for the Borough to meet local housing needs and to meet the Housing Delivery Test set out by the Government in the NPPF.

It is therefore considered that the proposed development would be acceptable and would

comply with the principles of the NPPF to expedite allocated sites for residential development.

**Enabling works -**

Contaminated land - The works as part of phases 1 and 2 would essentially comprise above ground clearance and preparation works. Works below ground would come forward as part of phase 2 and include works for the removal of foundations of the former buildings and trial holes.

A Remediation Strategy has been submitted and the Contaminated Land Section are satisfied with the findings and the proposed works. A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, would be secured via condition.

Invasive species - A invasive species report has been submitted as part of the application and identified a small area of invasive species. The report confirms that the invasive species would be dealt with by hand pulling and excavation. GM Ecology Unit have no objections and agree with the method statement.

**Impact upon residential amenity** - The extent of the works would be contained within the boundary of the site itself. Any disturbance to those living nearby would likely be from the activity of demolishing the remaining building and noise from the machinery used in the carrying out of the enabling works.

The Contractor's Site Management Plan states that working hours on site would be from 8.00 to 18.00 Monday to Friday and 8.00 to 14.00 on a Saturday.

It is important to note that on-site development works are subject to the Environmental Pollution Act and Control of Noise Regulations, which requires operators to focus activities on sites to reasonable working hours from 8am to 6pm Mondays to Fridays and 9am to 2pm on Saturdays. As such, the proposals would be in line with those regulations.

Under emergency legislation, the Government has facilitated Local Planning Authorities to extend construction working hours until 9pm Monday to Saturday, unless there would be a compelling reason not to do so.

The applicant would be expected to work reasonably and sympathetically within these new regulations and seek to minimise any nuisances or disturbances to local residents should works be extended into these later hours.

The works would be for a temporary period only and upheaval in the locality would be short term.

It is therefore considered that whilst acknowledging there would be disruptions to the locality, the benefits of the proposed development to enable the site to be brought forward as a future housing development is considered to be an exceptional circumstance in supporting the principles of the application. Therefore, the proposed development would be in accordance with Policies of the Bury Unitary Development Plan.

**Trees** - The outline application confirmed that the removal of trees would be required to facilitate the development, but the detailed layout was not known at that time. The report stated:

It should be noted that the proposed site plan is illustrative and more removals may be required once the detailed layout is known. However, the landscaping scheme has not been set and additional tree planting in gardens, areas of open space and along the road sides would be provided.

The tree survey submitted with the application identified 13 individual trees and 8 groups of

trees on site. The proposed development would result in the removal of all trees, except 2 individual trees and a group of trees. The two individual trees would be located in the north west and south east corner of the site and the group of trees would be in the south western corner.

It should be noted that all of the trees to be removed are category B or C, with the exception of 5 category A trees. As such, the vast majority of the trees to be removed are of low or moderate value. A reserved matters application has been submitted and identifies 71 trees to be planted within the site and further ecological enhancements will take place off site. Further responses are being sought on this matter and will be reported in the Supplementary Report.

**Ecology** - A bat survey was submitted with the application and further daytime survey was undertaken and submitted. The trees on site have negligible bat roosting potential. The potential roost features in the building were inspected more closely by using ladders, cherry pickers and endoscopes. The report states that the risk is less than low but acknowledge that there are bats in close proximity. GM Ecology Unit agree with the findings of the report and have no objections, subject to the inclusion of a condition relating to an emergence survey should demolition be delayed. Therefore, the proposed development would not have an adverse impact upon a protected species and would be in accordance with Policies EN6 and EN6/3 of the Bury Unitary Development Plan.

**Highways** - The proposed development would utilise the existing accesses to the site. Any site developments of this nature will result in disruptions from noise and activity on the site. There would also be traffic, particularly by larger heavy type goods vehicles which would be needed for deliveries of machinery and materials to the site.

There would be adequate space within the site for the compound and associated parking. The applicant would be required to carry out the works responsibly and in compliance with the construction traffic management plan and reduce, as far as is reasonably possible, the disruption local residents would experience. The Traffic Section has no objections in principle and further comments will be reported in the Supplementary Report.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

**Recommendation:** Approve with Conditions

#### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered BHM153 DP01 A and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
3. No development shall commence unless and until:-

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

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

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

5. All trees to be retained on site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall remain in situ until the development has been completed.

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

6. If the demolition hereby approved does not commence before 30th April 2021, an emergence survey will be carried out immediately prior to demolition and the findings submitted to and approved in writing by the Local Planning Authority before any demolition works commence.

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.

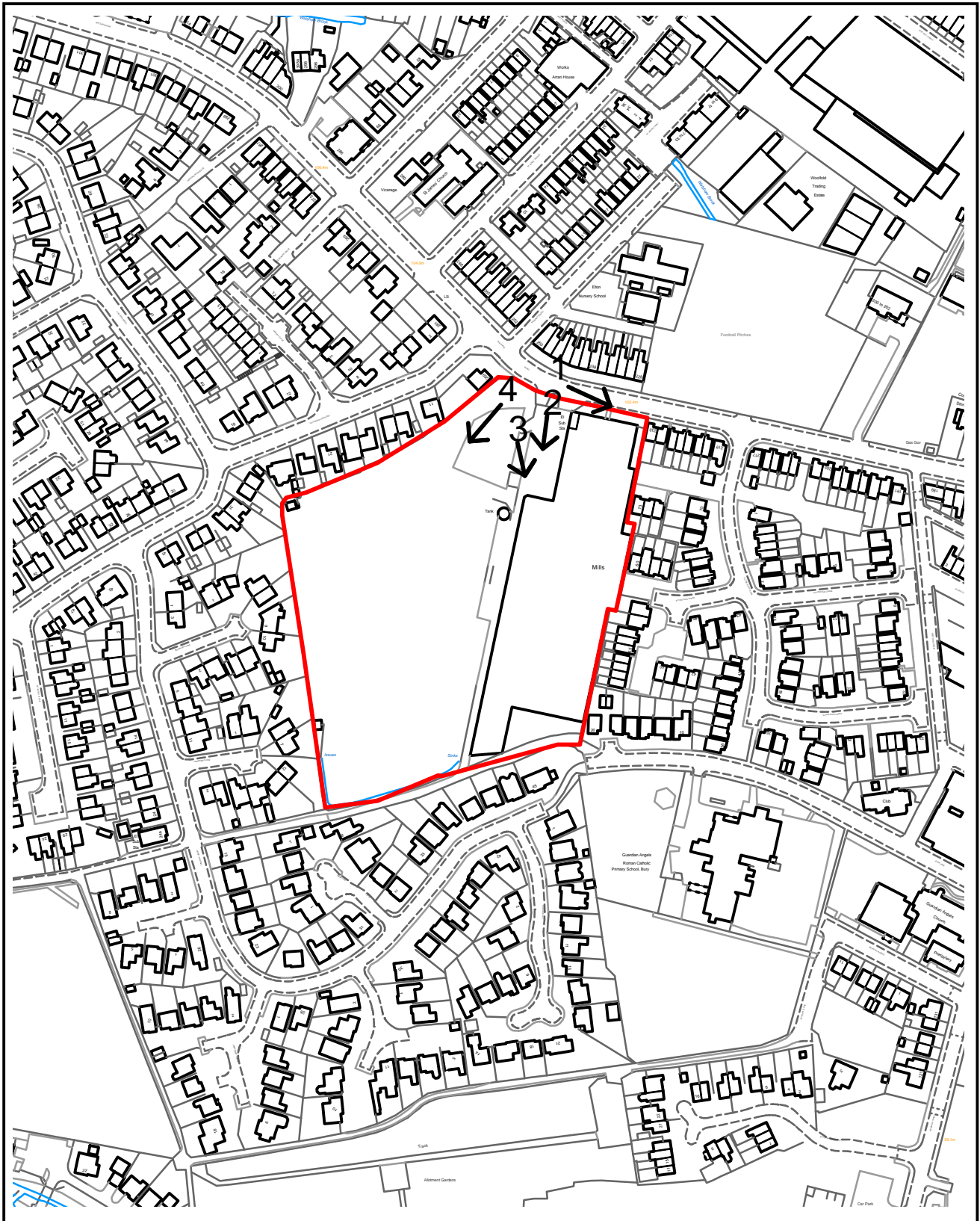
7. The development hereby approved shall be carried out in accordance with the Invasive Non-Native Species Management Plan.

Reason. To ensure the removal of non-native invasive species in the interest of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

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



# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

APP. NO 66366



ADDRESS: Former Site of Andrew Textile Industries Ltd  
Walshaw Road



Planning, Environmental and Regulatory Services

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66366

Photo 1



Photo 2





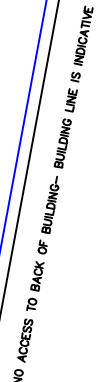
Photo 3



Photo 4









Disclaimer:  
Do not scale from this drawing.  
All contractors must visit the site and be responsible for taking and checking dimensions.  
All construction information should be taken from signed dimensions only.  
Any discrepancies between drawings, specifications and site conditions must be brought to the attention of the supervising officer.  
This drawing is for planning purposes only. It is not intended to be used for construction purposes. Whilst all reasonable efforts are used to ensure drawings are accurate, Astle Planning and Design Ltd accept no responsibility or liability for any reliance placed on, or use made of, this plan by anyone for purposes other than those stated above.

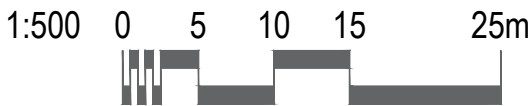
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# WALSHAW ROAD - BURY

## DEMOLITION PLAN



A	10.12.20	1ST ISSUE	MP	-
Rev.	Date	Description	By	Chd
Client				
Project				
Walshaw Road Bury				
Drawing Title				
DEMOLITION PLAN				
Drawn by MP Checked by - Date DEC 2020				
Status PRELIMINARY Scale @ A1 1:500				
Job no. BHM153		Dwg no. DP01		Rev. A
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**Ward:** Prestwich - Holyrood

Item 08

**Applicant:** Mr Alan Millington

**Location:** Sports Pavilion, Heys Road, Prestwich

**Proposal:** Erection of pergola and timber summerhouse

**Application Ref:** 66431/Full

**Target Date:** 29/03/2021

**Recommendation:** Approve with Conditions

### **Description**

The proposal relates to Prestwich Sports Club, which comprises a bowling green, cricket ground and tennis courts with associated clubhouse and pavilion. The site is bounded by residential development to the north and south boundaries, the metrolink line to the south-west and football pitches to the east.

The proposal would comprise the following:

- A pergola to the immediate north-east elevation of the pavilion to create a covered area to the elevated outside terrace to provide shelter for spectators and guests attending functions. It would measure 7m x 5.5m x 2.71 high. It would have an aluminium, powder coated frame with retractable fabric elevations and concertina roof.
- A timber clad 'summerhouse' to replace the existing adjacent to the northern boundary to neighbouring residential properties. It would continue to serve as a storage facility and as shelter for tennis players during periods of stopped play. It would have a flat roof and would have a footprint of approximately 7.9m x 5.28m x 2.36m high. The south and east elevation would be recessed with an overhanging canopy for partial external shelter. The summerhouse would not be utilised for any social uses associated with the clubhouse/pavilion.

The supporting information states that the proposed pergola would allow the club to become more Covid safe by allowing users to assemble indoors and outdoors in all weather conditions. The larger summer house would provide adequate accommodation to allow players to shelter inside, thus potentially reducing potential nuisance to neighbours to the north.

Since the original submission the application has been amended by re-positioning the proposed summerhouse around 3m further east such that it would overlap the rear boundary of 58 Hey Lane and partially overlap the rear of 60 Hey Lane.

### **Relevant Planning History**

48272: New external lighting to tennis courts. Approved 24/08/2007.

48234: Single storey extension at side and rear and viewing deck to front. Approved 25/07/2007.

43255: Wooden shelter. Approved 11/10/2004. This would be replaced by the present proposal if approved.

### **Publicity**

The proposal has been advertised by direct neighbour notification letter. Five representations have been received raising objections to the proposal that can be

summarised as follows:

#### Amenity

The proposal will increase noise and disturbance to neighbouring dwellings from both social gatherings and unauthorised anti-social use by others in the evenings and winter.

#### Other matters

There is an existing problem with unauthorised attendance at the site in the evenings and the club should utilise some form of out of hours control, cameras, recording etc;

The proposed size and specific location of this structure would severely block the view from gardens and decks to the north of the proposed summerhouse and therefore reduce property values. The structure should be built on a lower platform so is less visible from neighbouring gardens so it does not block out view.

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

Sport England: No objection. Satisfied that the proposed pergola and timber summerhouse meets Exception 3 of Sport England's playing fields policy, in that the proposed development affects only land incapable of forming part of a playing pitch.

Environmental Health (Pollution): No objection.

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

EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
NPPF	National Planning Policy Framework
RT1	Existing Provision for Recreation in the Urban Area
RT1/2	Improvement of Recreation Facilities

#### **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 of development**

UDP policies RT1 and RT1/1 seek to protect recreation provision and support the improvement of facilities. The National Planning Policy Framework (NPPF) states that sports and recreational buildings and land should not be built on unless specific circumstances prevail. The proposed development is for additional and replacement complementary facilities to enhance the sports/social provision at the club without impacting upon the playing facilities. Sport England do not object on this basis.

The proposal is therefore acceptable in principle and thus compliant with UDP Policies RT1 and RT1/1 and Section 8 of the NPPF.

#### **Visual Amenity**

UDP Policy EN1/2 supports proposals which do not have an unacceptable adverse effect on townscape. The NPPF states that developments should be sympathetic to local character.

The whole site is significantly screened from public vantage points, being largely overlooked from private property only.



The pergola would be positioned on the raised outdoor terrace and back-dropped from principal views from the north and west (from private gardens or the adjacent football pitches) by the existing pavilion building. It would constitute a lightweight structure with retracting elements and would therefore have a negligible impact on visual amenity and the character and appearance of the area.

The summerhouse, to which the objections largely pertain, would be positioned over the footprint of the existing shelter, but being 8m wide would overlap adjacent rear boundaries to a greater extent. However, neighbouring gardens are bounded by substantial boundary fencing and the proposed summerhouse would be 2.36m high above ground level (which is lower than the ridge of the existing shelter). Furthermore, there are sporadic instances of mature boundary vegetation and outbuildings that intervene between the proposed summerhouse and the rear of the dwellings, which are around 20m from the boundary and are in a raised position relative to the site.

Given the above circumstances, the proposed summerhouse would not have an unacceptable impact upon visual amenity or the character and appearance of the area and would not therefore conflict with UDP Policy EN1/2 and Section 12 of the NPPF.

### **Residential Amenity**

Objections refer to the potential for noise and disturbance from both legitimate and unauthorised use of the proposed facilities.

The proposed pergola would relate to an existing outdoor terrace associated immediately with the pavilion. It is distant from nearest neighbouring dwellings and would not extend the area that could be utilised for spectating or functions.

The proposed summerhouse would replace an existing facility at the same site and would be of a suitable size to allow all tennis players to shelter inside when necessary, whereas the limited size of the existing building results in some assembly outside. The applicant has confirmed it would not be utilised for social functions and it would not have the necessary facilities to allow for such. The Environmental Health Officer has not objected to the proposal.

The objections concerning unauthorised gatherings at the site and perceived anti-social behaviour could not therefore be supported.

Given the minor scale and height of the proposed summerhouse, the existing boundary treatments and vegetation at neighbouring gardens and the raised and distant nature of the associated dwellings to the north, it would not have any detrimental or overbearing impacts upon occupant's immediate outlook.

Given the above, the proposal would not therefore have any unacceptable additional impacts upon neighbouring amenity.

### **Other matters**

The planning system does not operate to protect a private interest e.g. to protect a cherished view across third party land. Furthermore, perceived impact upon property values is not a material planning consideration, nor is the concern expressed about a perceived existing problem with unauthorised attendance at the site in the evenings.

### **Conclusion**

The proposed development would not have any unacceptable impacts on visual or residential amenity. Given this, it is not considered that the proposal would conflict with the above stated policies and the NPPF. Therefore, in accordance with the Section 38(6) of the Planning and Compulsory Purchase Act, the proposal therefore merits approval.



**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.

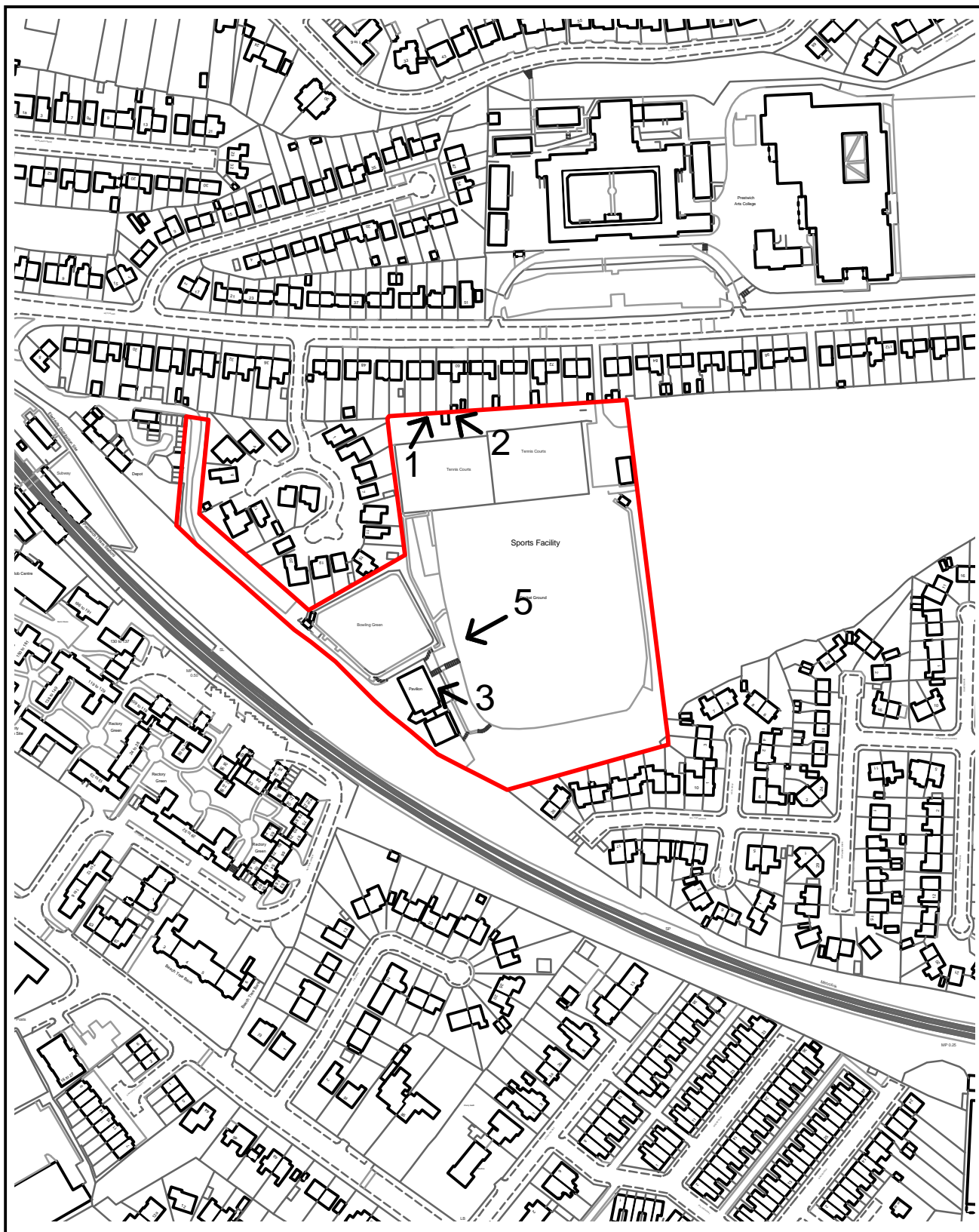
**Recommendation:** Approve with Conditions

**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 the following drawings SI-00-DR-A-0800 Rev.A, B1-00-DR-A-0801, B2-00-DR-A-0802 Rev.A, Pergola Plan dated 19/01/21 and Timber Lodge Plans (the summerhouse) dated 19/01/21 and the development shall be implemented in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
3. The external finishing materials for the proposal hereby approved shall be as detailed within the approved application particulars.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

For further information on the application please contact **Dean Clapworthy** on **0161 253 5396**

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

APP. NO 66431



ADDRESS: Sports Pavilion, Heys Road  
Prestwich

**Bury**  
COUNCIL

Planning, Environmental and Regulatory Services

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66431

Photo 1



Photo 2





Photo 3



Photo 4





Photo 5



Photo 6



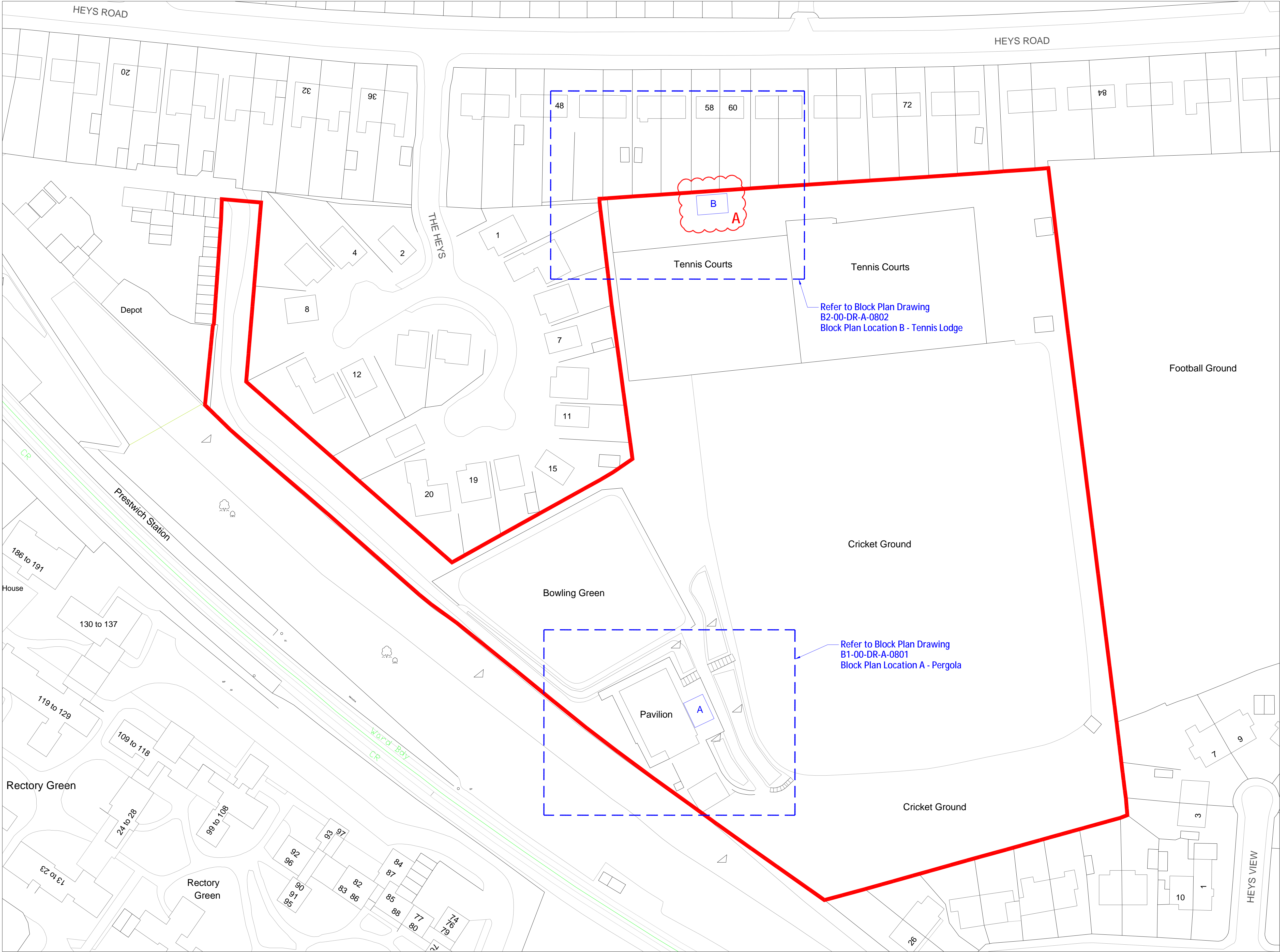


Photo 7

Existing practice nets







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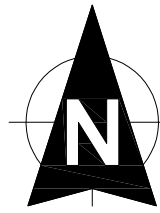
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# PLANNING

NOTES:-

Site area Demise denoted with red line equates to:-  
24,572m² / 264,491 ft² / 2.4572 Hectares / 6.071873 Acres

A	Tennis Lodge relocated to the right along the site boundary.	TR	CM	18.02.21
Rev	Description	By	Chk	Date
Project:	Prestwich Sports Club Heys Road, Prestwich, Manchester M25 1BZ			
Title:	Site Location Plan			
Client:	IN4M			
Drawn By:	TR	Checked By:	BJ	on 28.01.21
Original Size:	A3	Project Number:	PSC	
Drawing Number:	SI- 00-DR- A-0800			REV A



## Site Location Plan

Scale 1:1000 @ A3

0m

10m

20m

30m

40m

50m

Scale Bar 1:1000 @ A3

JENKINS

DESIGN SERVICES

ARCHITECTURE  
DESIGN

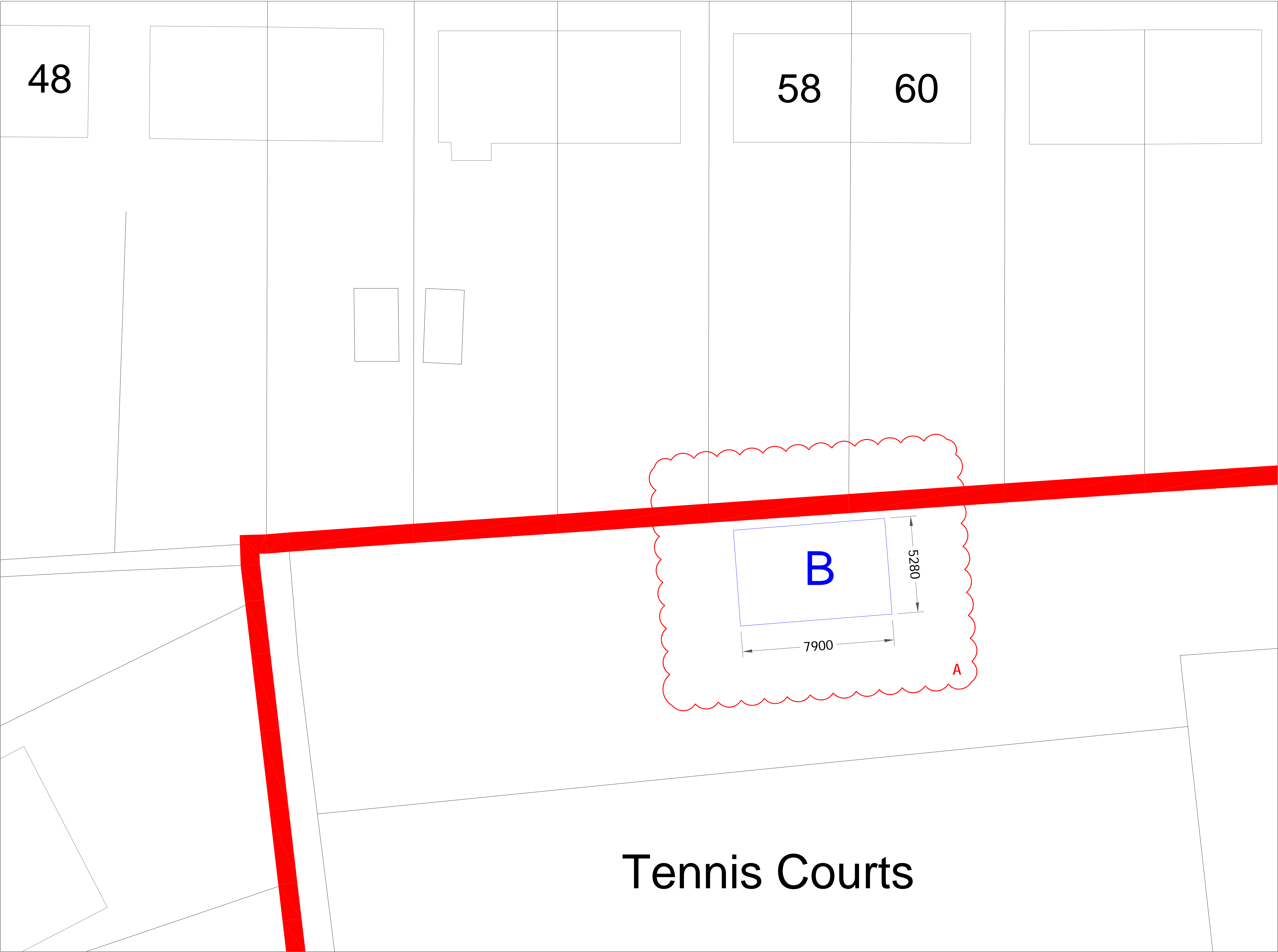
INTERIOR  
DESIGN

PROJECT  
MANAGEMENT

CDM  
ADVISOR

BUILDING  
CONSULTANCY

JENKINS DESIGN SERVICES LTD  
68-70A, TAUNTON ROAD, TAUNTON, SOMERSET TA4 7JY  
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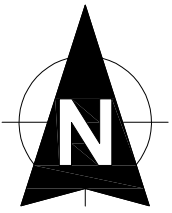
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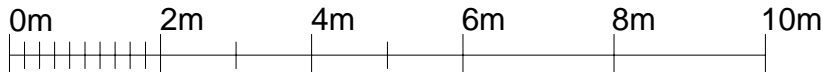
PLANNING

NOTES:-  
Site area Demise denoted with red line equates to:-  
24,572m² / 264,491 ft² / 2.4572 Hectares / 6.071873 Acres

A	Tennis Lodge relocated to the right along the site boundary.	TR	CM	18.02.21
Rev	Description	By	Chk	Date
Project:	Prestwich Sports Club Heys Road, Prestwich, Manchester M25 1BZ			
Title:	Block Plan Location B - Tennis Lodge			
Client:	IN4M			
Drawn By:	TR	Checked By:	BJ	on 28.01.21
Original Size:	A3	Project Number:	PSC	
Drawing Number:	B2-00-DR-A-0802			REV A



Block Plan Location B - Tennis Lodge  
Scale 1:200 @ A3



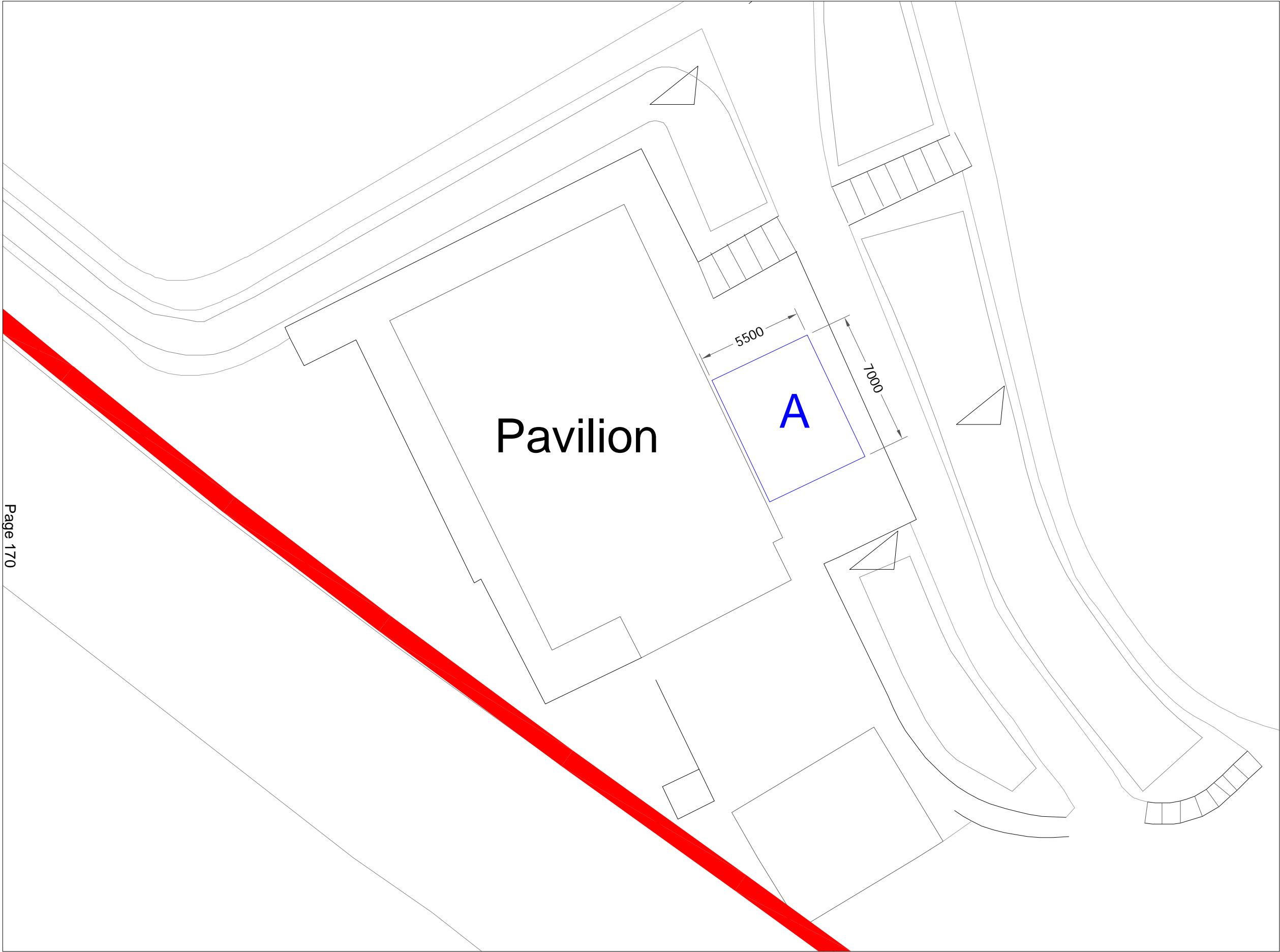
Scale Bar 1:200 @ A3



ARCHITECTURE INTERIOR PROJECT CDM BUILDING  
DESIGN DESIGN MANAGEMENT ADVISOR CONSULTANCY

JENKINS DESIGN SERVICES LTD  
68-69A, TOWN STREET  
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0161 779 7779  
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PLANNING

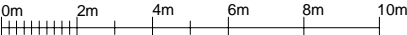
NOTES:-

█ Site area Demise denoted with red line equates to:-

24,572m<sup>2</sup> / 264,491 ft<sup>2</sup> / 2.4572 Hectares / 6.071873 Acres



**Block Plan Location A - Pergola**  
Scale 1:200 @ A3



Scale Bar 1:200 @ A3

Rev	Description	By	Chk	Date
Project: Prestwich Sports Club Heys Road, Prestwich, Manchester M25 1BZ				
Title: Block Plan Location A - Pergola				
Client: IN4M				
Drawn By: TR	Checked By: BJ	on 28.01.21		
Original Size: A3	Project Number: PSC			
Drawing Number: B1-00-DR- A-0801	REV -			



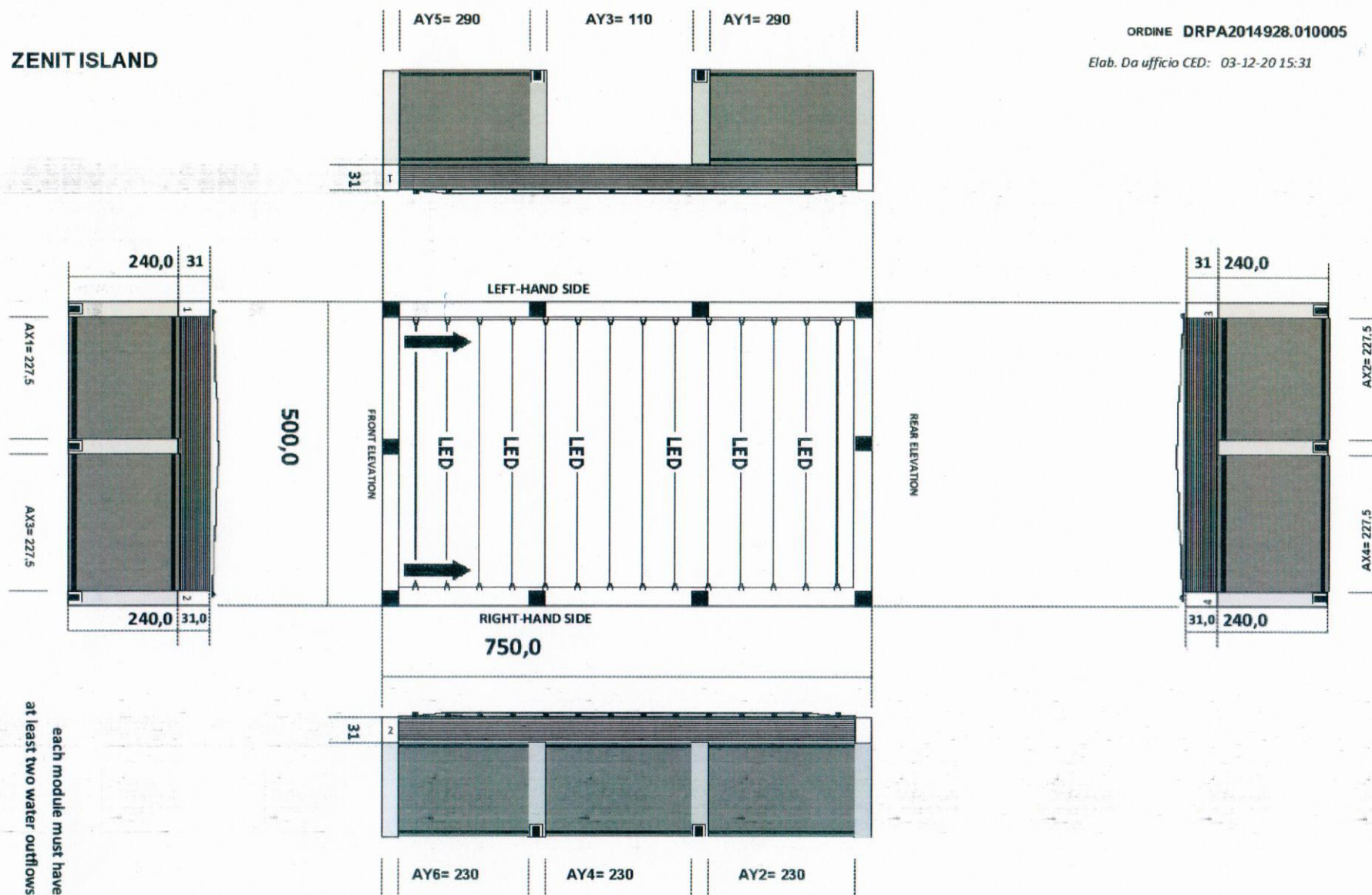
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ARCHITECTURE INTERIOR PROJECT CDM BUILDING  
DESIGN MANAGEMENT ADVISOR CONSULTANCY

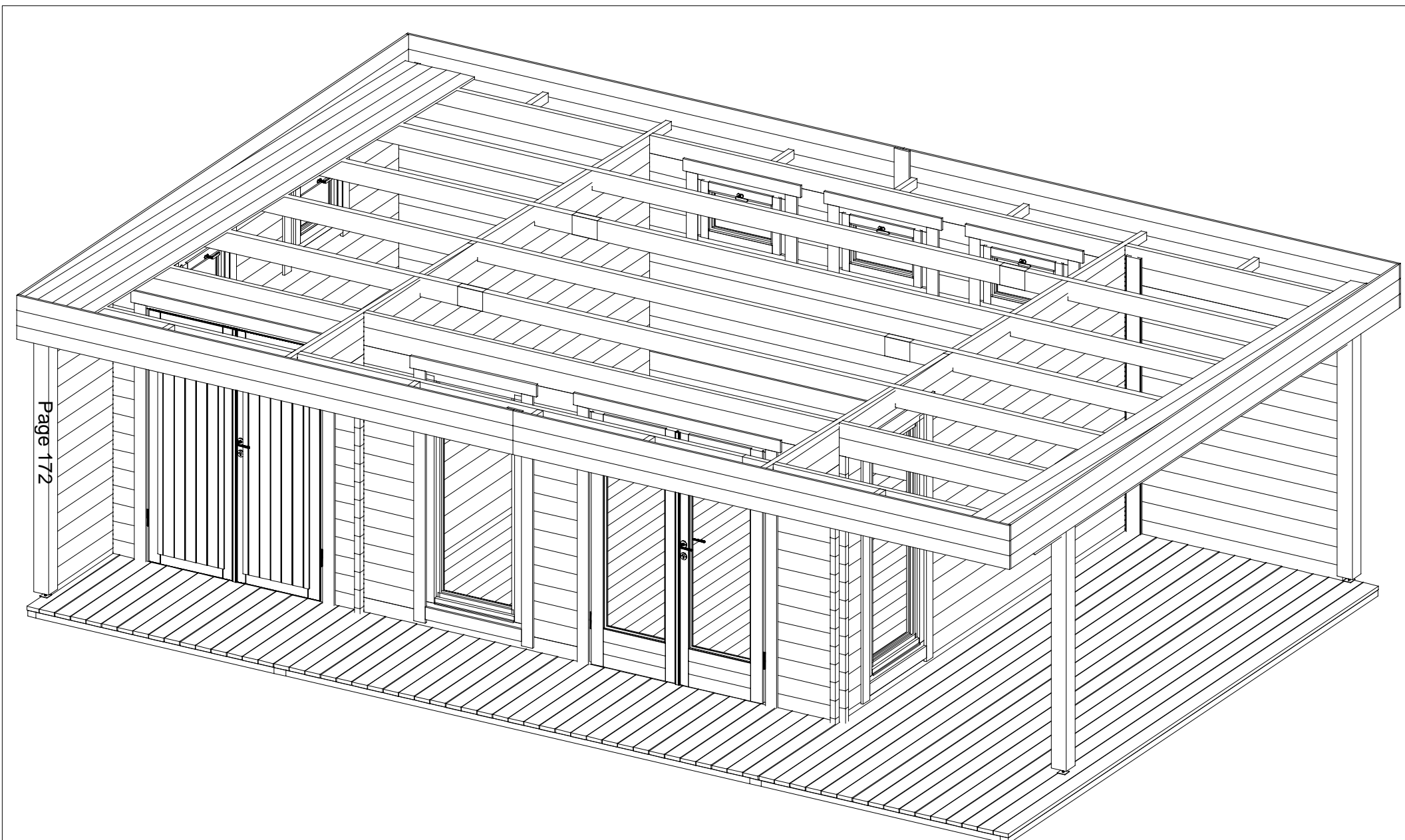
# ZENIT ISLAND

ORDINE DRPA2014928.010005

Elab. Da ufficio CED: 03-12-20 15:31



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Dieses Haus läßt sich auch spiegeverkehrt aufbauen.  
This house can be built mirrored.

Name	Hansa Lounge XXL 403x595+VD 44		
Zeichnung/Drawing	3D		
Profil/Profile	4.4x13.5	Datum/Date	08.01.2020



**Ward:** Bury East - Redvales

**Item** 09

**Applicant:** Mr Aamar Khan

**Location:** 115 Radcliffe Road, Bury, BL9 9LD

**Proposal:** Change of use from cafe (Class E (b)) to hot food takeaway (Sui Generis) with installation of flue/extractor system at rear

**Application Ref:** 66472/Full

**Target Date:** 22/03/2021

**Recommendation:** Approve with Conditions

### **Description**

The application relates to a single storey unit on Radcliffe Road. The unit is set back from the footpath to the front, and is located within a row of commercial premises allocated under UDP Policy S1/5 as a Neighbourhood Centres and Local Shops. Residential premises are located to the south and east of the site. The site faces towards Providence Baptist Church to the north. The unit currently has a cafe (Use Class Eb) use.

Planning permission is sought for a change of use to a hot food takeaway (Use Class Sui Generis). Fumes extraction is also proposed, with the ductwork to project approximately 1100mm above the roof of the premises broadly centrally to the unit protruding from the roof. No other external alterations are proposed. The hours proposed are Sunday to Friday 11:00 - 23:00, and 11:00 - 01:00 Saturday.

### **Relevant Planning History**

None

### **Publicity**

Neighbour letters sent 01/02/2021. Objections received from 3 Rydal Close, 5 Rydal Close, 109 Radcliffe Road, 113 Radcliffe Road and 117 Radcliffe Road in relation to:

- Rats behind the property and in residential gardens will potentially be worse given takeaway being established.
- Noise levels and fumes from extractor.
- Would be an eyesore
- Noise/air pollution.
- Takeaways in this area attract groups which could lead to further disruption.
- Loss of property value.
- At least 7 takeaways within 1 km of this property. Do we need another?
- Late night kitchen noise.
- Commercial bins will be used and possibly overflow.
- Increase of litter.
- Quality of life will be impacted.
- 10 - 12 takeaway food outlets in addition to other food/drink/alcohol sales premises in operation within half a mile of this property and within a mile or so of the town centre outlets.
- Previously made complaints about rats and these records should be accessible by planners.
- Far too many takeaways. Not healthy.
- Traffic and customer noise in the evenings.
- Won't be able to use gardens, open windows, hang washing out due to extractor.
- Noise and foot traffic outside the front of the shop along with vehicles pulling up right in front of the shop would greatly heighten and cause dangers for other road users and

- pedestrians along with the school children crossing.
- We feel this will attract anti social behaviour, litter and noise at unsociable hours and would permanently disrupt the lives of those living close by.
- A fan will eliminate smells from the takeaway into the surrounding environment.
- Possibility of vandalism.
- Detrimental to neighbouring business.

Representations of support received from the applicant, and No. 161 Radcliffe Road in relation to:

- The property will be installed with modern extractor system. This makes absolute minimal noise and has facilities which will eliminate any food smells which it extracts.
- The property will be well managed and kept to all health and safety regulations, therefore eliminating any rodents.
- Previous rodent reports was as a result of one of the neighbouring properties leaving the rear yard over grown and unmaintained for many years. This has been since cleaned up and no further rodent problems have occurred.
- Property has ample parking at the front and will have CCTV cameras and extra litter bins to reduce any anti social behaviour and reduce rubbish.
- Premises has been used as a sandwich shop and has changed ownership several times in the last few years. This has mainly been due to no demand in the area.
- Few takeaways in the Redvale areas many have to go outside to find a decent place to eat.
- Takeaway would create jobs and increase footfall and compliment the existing businesses on the parade in these difficult times.
- Takeaway usage would mean current premises would be renovated and upgraded.
- Need to get empty units occupied and help small businesses.

Following amendments to the scheme in relation to the location of the flue further neighbour letters sent 23/02/2021. Further objections received from:  
5 Rydal Close, 113 Radcliffe Road in relation to:

- Proposed changes to the flue/extractor system this has done nothing but brought the noise and smell closer to one of the bedroom windows of No. 113 which if anything has made matters worse and being higher up will only make matters worse for my neighbours.
- Although the applicant states that the flu will be relatively quiet and will remove odour, I should point out that this will only reduce odours via filters and that the odours will remain as will some noise, as anyone who lives near to a takeaway can attest.
- No. 5 Rydal Close will be in the direct line of fire from this flu and only three to four metres away.
- Even with the best flue currently manufactured it would only assist with all windows and doors closed on the premises at all times. This will not be the case, as staff will be by necessity travelling in and out of the property for various reasons. i.e. deliveries, customers, rubbish disposal.
- I have not had sight of any proposed opening hours for the proposed business.
- Although the proposer states that bins will be placed outside the premises you only have to look outside any other takeaway to see that few take responsibility for those bins and the streets are often blighted by litter. I would imagine that this is probably rectified to a degree at the cost to the local authority.
- The proposer states that the property will be covered by CCTV. Firstly these system's are often a requirement with new business to satisfy insurers and serve to protect the business itself and in no way put in to prevent litter nor anti-social behaviour, which I doubt they do. Additionally they differ massively in quality and will only be viewed in the event that staff are requiring it or crime is committed, again to the benefit of the premises itself.
- Increase in traffic on an already busy road.
- One of the comments appears to be from the proposer himself, which I believe should be invalid as it is clearly biased.

- have also seen a comment from another public user which although neutral does support the application and they are fully entitled to their input in this process. I am somewhat surprised that this address has received a letter relating to this application as it is some distance away from it.
- There are a large number of takeaways less than half of a mile distant and I would add that if the proposal is for a pizza takeaway as I have been led to believe then there are over forty in the Bury area alone, most of which will deliver.
- Although there is information to suggest that a recent rodent issue has been resolved, I firmly believe that it will once again become a nuisance with the introduction of food waste being deposited at the rear of the premises.
- I doubt very much that any of the people involved in this decision would approve it if it were right on their own doorstep, devalued their property and undermined their quality of life.
- Use of the rear garden has been a blessing to us for many years and particularly throughout the pandemic, it would be incredibly sad to have that use restricted.

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

**Traffic Section** - Do not wish to restrict the granting of planning permission.

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

**Environmental Health - Pollution Control** - request for conditions that requires a scheme for treating, diluting and dispersing fumes and odours and to ensure that the installation does not exceeding NR25 in the bedrooms of the nearest residential property, with the windows of that residential property being open in the normal manner for ventilation purposes.

**Waste Management** - No response

**Pre-start Conditions** - Agreed by agent.

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

S2/6	Food and Drink
S1/5	Neighbourhood Centres and Local Shops
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development

### **Issues and Analysis**

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

### **Policy**

Policy S2/6 - Food and Drink and states that in considering proposals, regard be given to the following factors:

- the amenity of nearby residents by reason of noise, smell, litter and opening hours;
- whether or not the proposal would result in an over concentration of these types of uses;
- parking and servicing provision and traffic generation;
- provision for the storage and disposal of refuse and customer litter;
- environmental impact of any ventilation flues and/or ducting.

Policy S1/5 - Neighbourhood Centres and Local Shops seeks to retain retailing, as the



predominant use in small neighbourhood centres and in new or existing local shops, to cater primarily for the day to day needs of residents and businesses

Policy EN1/2 - Townscape and Built Design seeks to ensure that any proposals would not have an adverse impact on the particular character and townscape of an area.

Policy HT2/4 - Car Parking and New Development requires all applications for development to make adequate provision for their car parking and servicing requirements.

### **Principle**

The application site relates to a row of commercial properties as identified under UDP Policy S1/5 referenced above. The site is currently used for cafe use which is considered to comprise of the sale of food and drink for consumption (mostly) on the premises. The proposal seeks a change of use to a hot food takeaway, which is considered to comprise of the sale of hot food where consumption is mostly undertaken off the premises.

Paragraph 85 of the National Planning Policy Framework (2019) states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth management and adaptation. Paragraph 85 (a) further states that planning policies should promote the long term vitality and viability of town centres by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses and reflects their distinctive characters. Whilst the proposal is sited outside of a town centre, it is sited within a local centre which equally plays a part within the local community and as such a similar approach is required.

Both the existing, and proposed uses are relatively similar in nature that include the preparation and sale of food. The needs of these uses therefore are similar in that they both may need ventilation/ducting, commercial bins etc and there do not appear to be any restrictions on the opening times of the existing cafe use. The main difference in this instance is whether the food is consumed on, or off the premises. It is understood that the premises are currently vacant and as such at present the unit is generating no activity. It is considered that the change of use to a take away will generate activity within the existing frontage. Furthermore it will make a positive contribution to help support the long term vitality and viability of the neighbourhood centre.

The proposal site is located within a short row of 4 units that comprise of a cafe (the site), salon, betting shop and an office. A public house is also sited adjacent to the row, separated by the junction to Whitefield Road. The row does not have a particular retail character and the unit is already utilised for a non-retail use. As such, it is considered there would not be an over concentration of take away uses within the row and the proposal would comply with Policy S2/6 - Food and Drink.

### **Residential amenity**

The row is commercial in character and fronts onto a busy road between Bury, and Radcliffe. It is therefore considered that there is already background activity in and around the area. There are other uses in the locality which are open late in the evening (White Boar public house) and as such the addition of one other premises with evening opening hours is considered not to have a significant impact on amenity in the area.

The proposed flue/ventilation system for the proposal would be largely integral with an element of ducting proposed for the projects above the roof of the property. This ducting would be located approximately 13 metres from the rear gardens of the properties on Rydal Close, approximately 26 metres from the first floor bedroom windows of these properties and approximately 23 metres from the ground floor elevations of the single storey extensions of these properties. In terms of additional height of the flue, given the distances to the rear properties it is considered an additional 1.1 metres above the existing flat roof would not be unduly overbearing or prominent.

The proposed ducting would be located adjacent to the side, rather than principal elevation of No 113 Radcliffe Road. This property has a number of windows at ground floor and first floor that face the site however it is unclear if these relate to habitable rooms.

Supplementary Planning Document 6 (SPD 6) provides guidance on what can be considered to be habitable or principal windows, in relation to householder extensions and as such, would be a reasonable guide in this case to assess the impact on windows of the neighbouring property.

A principal window is a window to a habitable room on a main aspect to that property. This would normally be located on the front or rear elevation of the property, or the larger window to the main aspect where more than one window relates to the room. A habitable room is defined as a room in which a resident would normally expect to have reasonable levels of privacy for relaxation. This normally would be a living room, dining room or bedroom. A kitchen, utility, workroom, or bathroom are not defined as habitable rooms. Less weight will be afforded to habitable room windows located on side elevations. Given that the 3 first floor windows of No. 113 that would face towards the proposed ducting are located on a side elevation and as such appear to be non-habitable rooms, and a 4th first floor window located within the side elevation is high level with a principal window located on the rear aspect, the location of the flue is considered to be acceptable and the principal windows of the neighbouring property would be retained free from obstruction.

Conditions have been requested by environmental health in relation to the proposed ventilation system that requires a scheme for treating, diluting and dispersing fumes and odours effectively and to ensure that the installation does not exceed noise rating NR25 in the bedrooms of the nearest residential property, with the windows of that residential property being open in the normal manner for ventilation purposes there would be no undue impact upon amenity.

The application is therefore considered to comply with Policy S2/6 - Food and Drink in this respect.

### **Visual amenity**

The proposed ducting would project above the flat roof of the existing property, but would be largely screened from Radcliffe Road due to the existing parapet walling to the front elevation. It is considered that the views of the proposed ducting would be limited and as such would not detrimentally impact on the character of the street scene.

The front elevation of the property would be retained as existing, with a window, doorway and area for signage. There would be no other physical alterations to the building which would affect the visual amenity of the area.

In this instance therefore the application is considered to comply with Policy EN1/2 - Townscape and Built Design.

### **Parking**

A hot food takeaway is a use where customers tend to park for short periods of time in order to pick up food. There are a number of side streets in the locality where there is short stay parking and no objections have been raised from the Traffic Section in relation to the proposal. As such, in this locality and given the existing situation, the proposal is considered to be acceptable and complies with Policy S2/6 - Food and Drink and Policy HT2/4 - Car Parking and New Development.

### **Bin storage and servicing**

There would be a dedicated bin store area to the rear of the site which would be accessed via Whitefield Road for waste collection. The application is therefore considered to comply with Policy S2/6 - Food and Drink in this respect.

### **Response to neighbours**

Environmental Health have been consulted and have raised no objections to the proposal

subject to conditions that have been attached.

Matters in relation to rats and anti-social behaviour are dealt with by legislation outside of the planning process.

Impact on property values is a non-material planning consideration not relevant to the decision.

The impact of the proposal in terms of residential amenity, use and traffic have been set out above.

Whilst neighbouring properties are written to, to notify them of planning applications anyone is allowed to submit representations on an application and these representations can not be discounted and must be considered.

### **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 SHT 1 of 2 and SHT 2 of 2 Rev A and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
3. The use hereby permitted shall not be open to customers outside the following times: Sunday to Friday 11:00 - 23:00, and 11:00 - 01:00 Saturday..  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.
4. No development shall commence unless and until a scheme for treating, diluting and dispersing fumes and odours has been submitted to and approved in writing by the Local Planning Authority. The scheme submitted shall include a written statement from a suitably qualified person who is a member of the Heating and Ventilation Contractors Association (HVCA) or an equivalent professional body, stating that the fume treatment to be installed complies with or exceeds the 'Minimum Requirements For Odour Control' provided by the Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems :DEFRA 2005 (or if applicable such superseding guidance as shall prevail at the time of commencement of the development).

The scheme to be submitted shall also include the relevant manufacturer and installer instructions for any associated equipment with details of maintenance



requirements.

The scheme as approved shall be implemented, available for use and maintained in accordance with the approved scheme whilst it shall serve the development.

Reason. To protect the residential amenities of nearby residential property from impact upon from fumes and odour pursuant to UDP Policy S2/6 - Food and Drink.

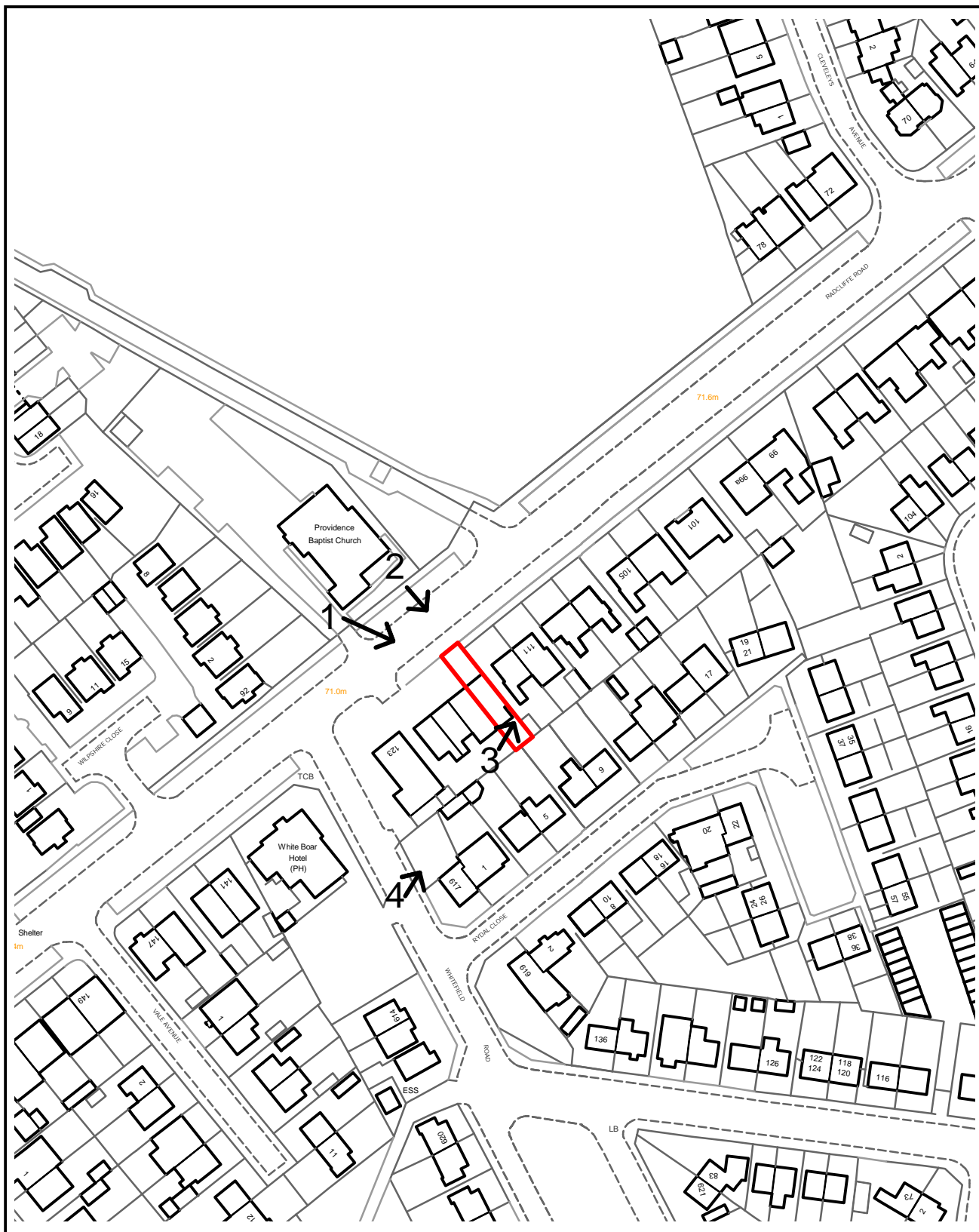
5. The installation shall be so designed such that the maximum noise emitted does not exceed NR25 (Noise Rating) in the bedrooms of the nearest residential property, with the windows of that residential property being open in the normal manner for ventilation purposes.

The scheme as approved shall be fully implemented and all equipment installed shall be used and maintained in accordance with the manufacturers and installers instructions.

Reason. To protect the residential amenities of nearby residential property from impact upon from fumes and odour pursuant to UDP Policy S2/6 - Food and Drink.

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

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

APP. NO 66472

ADDRESS: 115 Radcliffe Road  
Bury

Planning, Environmental and Regulatory Services

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**Bury**  
COUNCIL

66472

Photo 1



Photo 2





Photo 3



Photo 4



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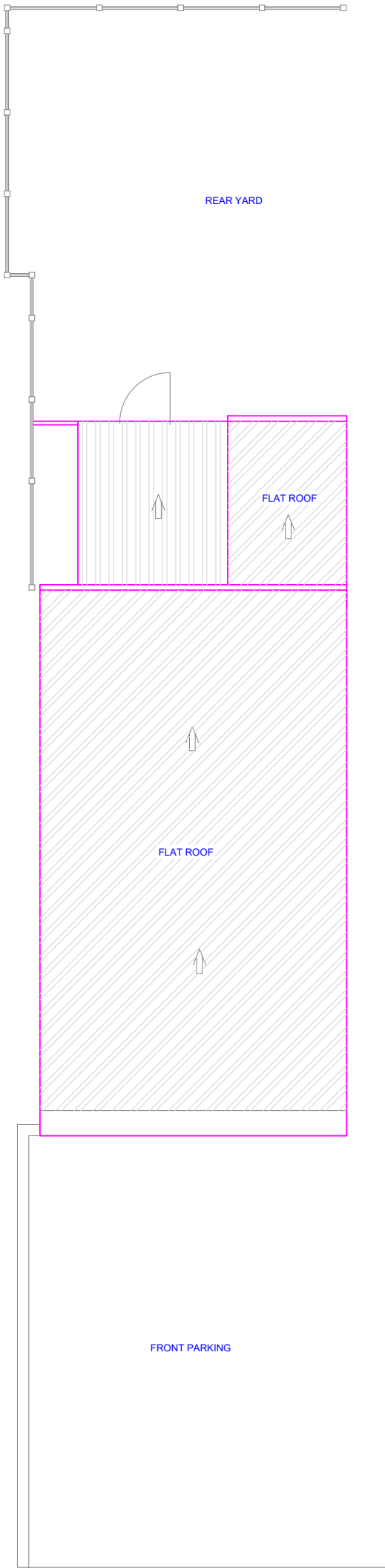
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All dimensions are to be checked on site prior to construction, manufacture of any components and ordering of materials and equipment.

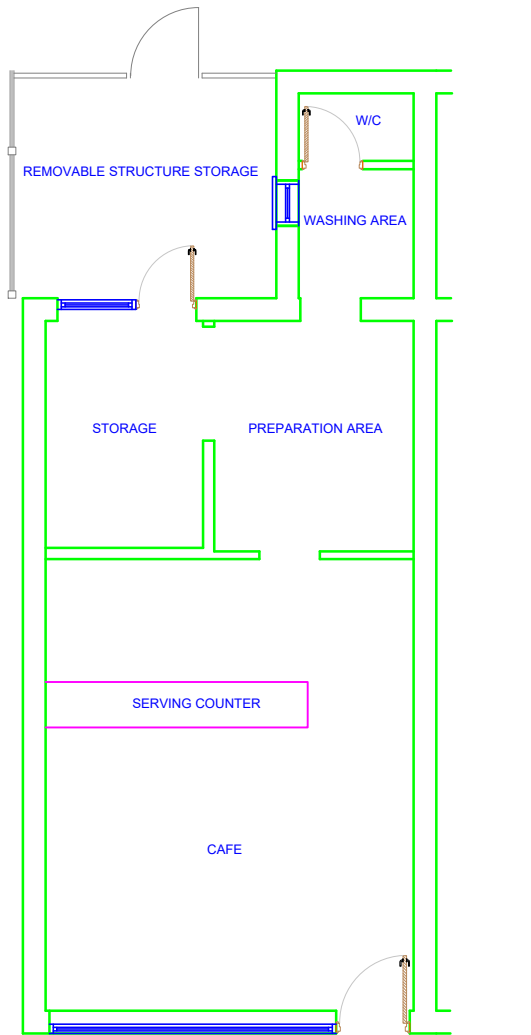
Any discrepancies are to be reported to the architects for clarification.

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

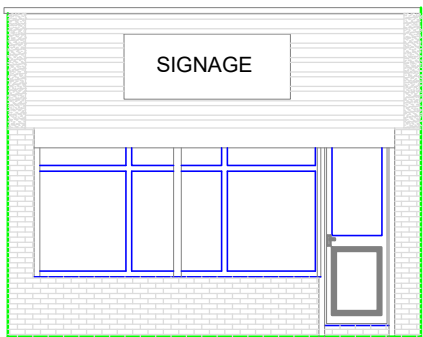
This drawing is to be read in conjunction with all relevant Architectural Structural Engineers, Mechanical Engineers, Electrical Engineers and Specialists drawings and specifications.



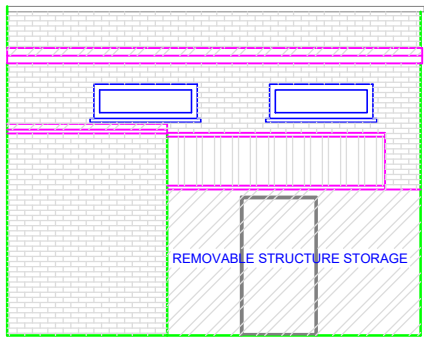
EXISTING SITE PLAN



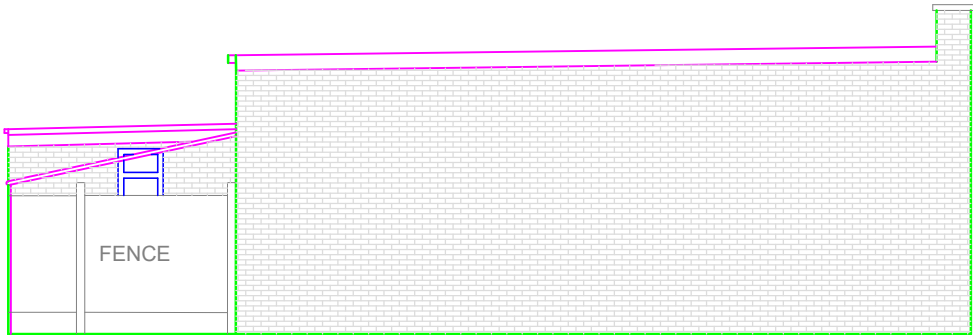
EXISTING GROUND FLOOR PLAN



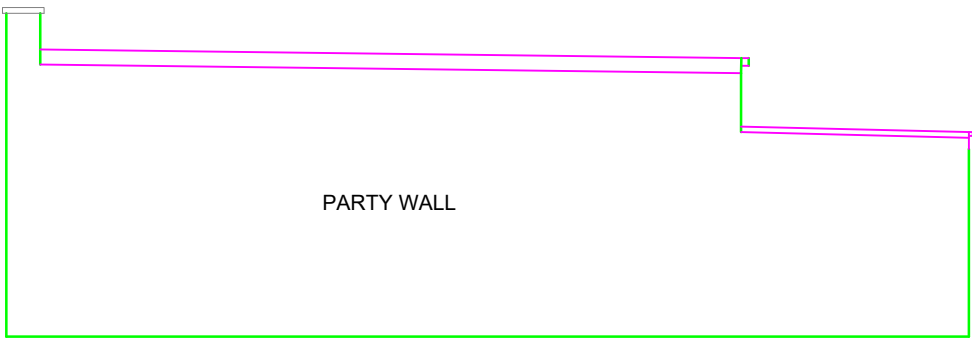
EXISTING FRONT ELEVATION



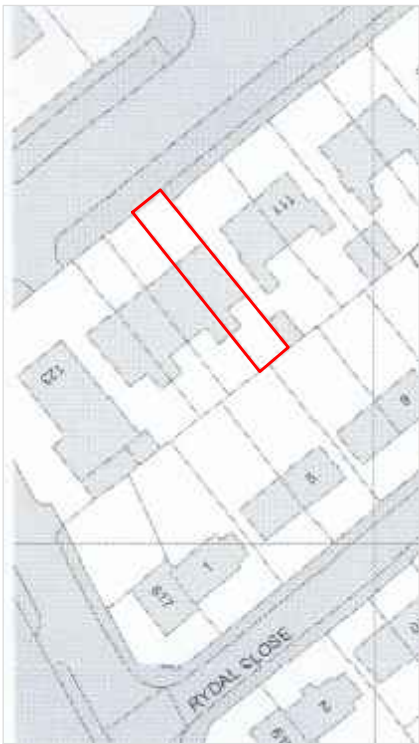
EXISTING REAR ELEVATION



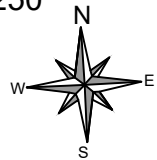
EXISTING SIDE ELEVATION (NORTH EAST)



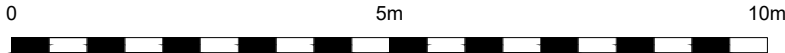
EXISTING SIDE ELEVATION (SOUTH WEST)



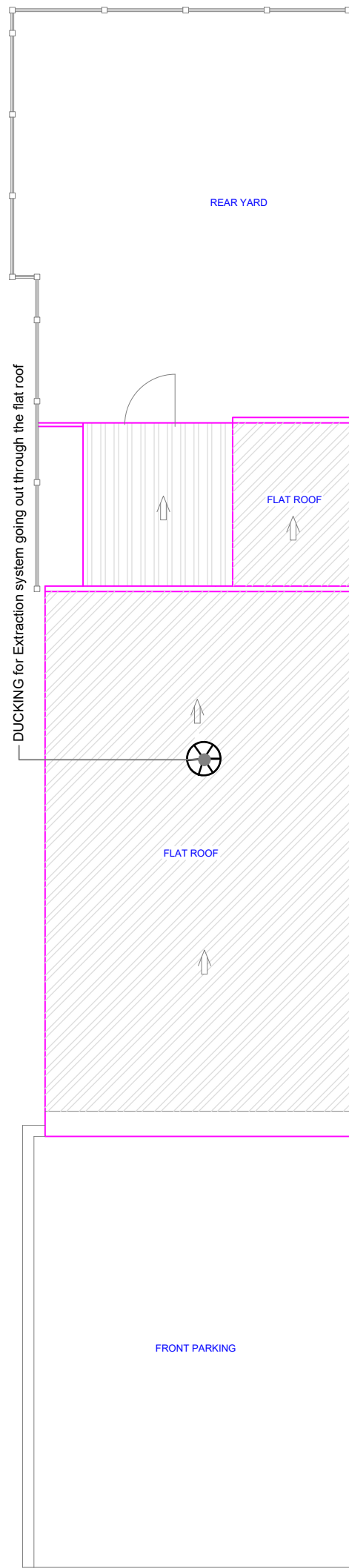
LOCATION PLAN @ Scale: 1:1250



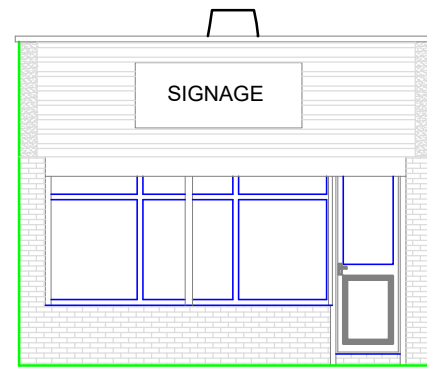
BLOCK PLAN @ Scale: 1:500



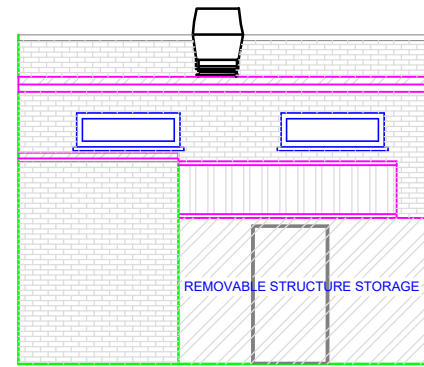
<b>Planning Services</b> email: ipsuk@live.co.uk		6b Cook Street, Bury, Lancashire, BL9 0RP, 0161 8717405	
Existing Floor plans and Elevations of 115 Radcliffe Road, Bury, BL9 9LD			
Scale :1 : 100 on A3		All Dimensions in Meters	
Ref:: IPS/R/115/BL99LD		Date : 04/12/2020	
SHT 1 of 2		Existing	



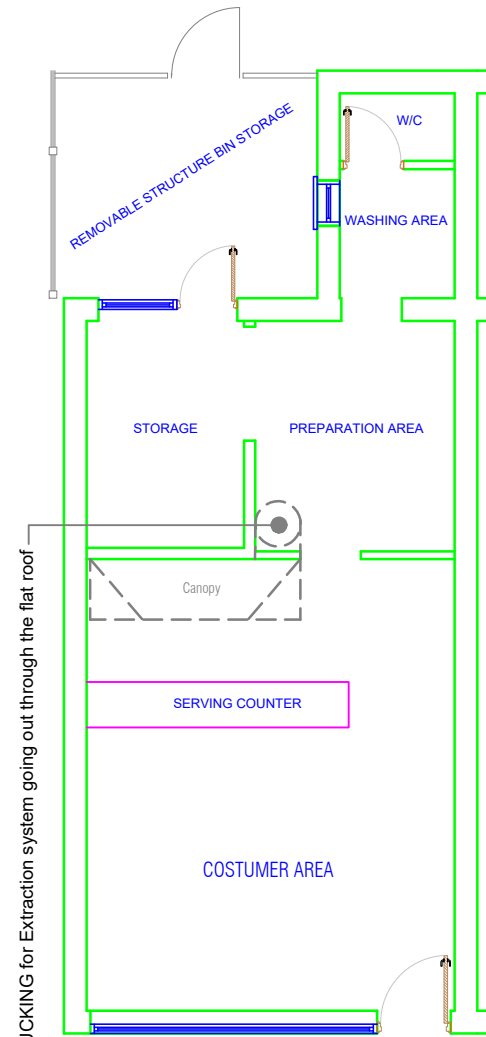
PROPOSED SITE PLAN



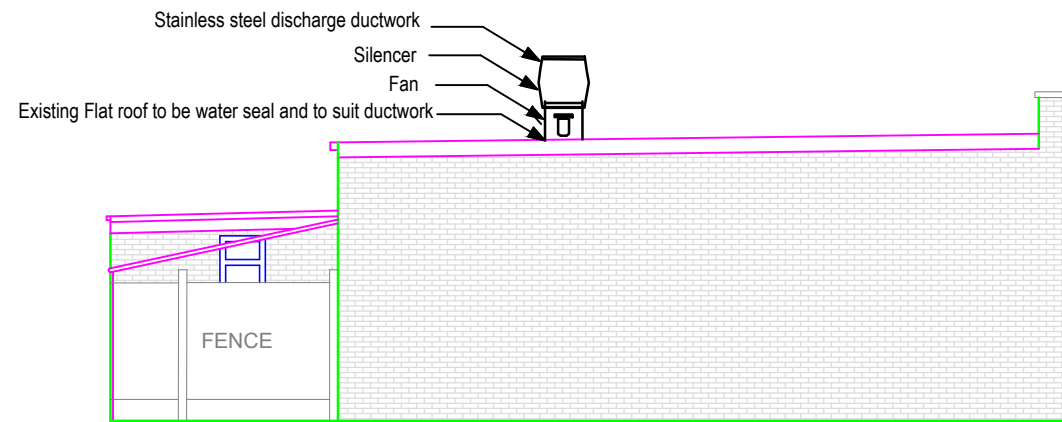
PROPOSED FRONT ELEVATION



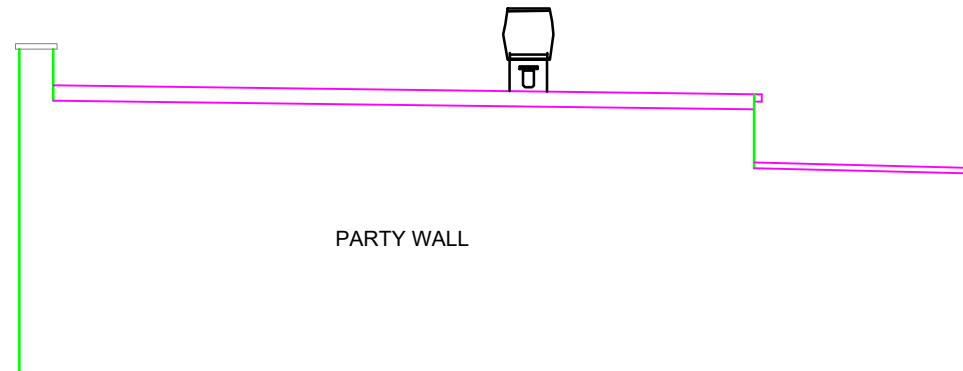
PROPOSED REAR ELEVATION



PROPOSED GROUND FLOOR PLAN



PROPOSED SIDE ELEVATION (NORTH EAST)



PROPOSED SIDE ELEVATION (SOUTH WEST)

### Extraction system specifications,

Canopy Hood details 3 metre Stainless Steel Canopy in 1 piece  
dimensions: 3000mm x 1100mm x 600 mm deep  
The canopy will be manufactured from food grade stainless steel. The hood will be supplied with stainless steel baffle grease filters.

#### Fan Specification

Located within the ductwork is a TCBT 2/4-500 Contra Rotating Cased 630mm compact fan, 4 pole single phase, running transformer regulator.  
1340rpm with a maximum noise of 72dBA and will handle airflow rate in excess of 2.8m<sup>3</sup>/sec @ 500pa

#### Ductwork and Discharge efflux velocity for hood

The ductwork size is approximately 500mm diameter  
Silencer Details

Before the fan and after the fan will be 1 off, 2D Silencers which reduces 32dba (minus 32dba)  
Maximum operating noise of fan is 72dba  
72-32 = 40dba  
which is 10db less from the background levels to comply with BS

This drawing is the property of IPS Architects and copyright is reserved by them.  
This drawing is not to be copied or disclosed by or to any unauthorized person without the prior written consent of IPS Architects.

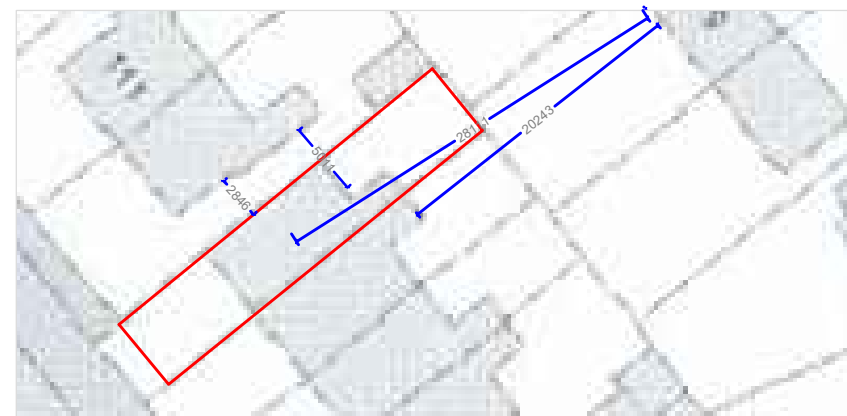
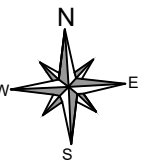
Do not scale from this drawing.

All dimensions are to be checked on site prior to construction, manufacture of any components and ordering of materials and equipment.

Any discrepancies are to be reported to the architects for clarification.

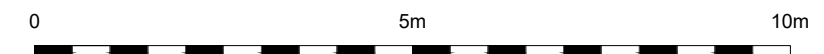
All materials and workmanship to be accordance with the current British Standards and codes of practice.

This drawing is to be read in conjunction with all relevant Architectural Structural Engineers, Mechanical Engineers, Electrical Engineers and Specialists drawings and specifications.



BLOCK PLAN @ Scale: 1:500

<b>I Planning Services</b> email: ipsuk@live.co.uk		6b Cook Street, Bury, Lancashire, BL9 0RP, 0161 8717405
Proposal Floor plans and Elevations of 115 Radcliffe Road, Bury, BL9 9LD		
Scale : 1 : 100 on A3	All Dimensions in Meters	
Ref.: IPS/R/115/BL99LD	Date : 04/12/2020	
REV: A Date: 16/02/21	Proposal	
SHT 2 of 2		





# 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 March 2021</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 08/02/2021 and 12/03/2021**



Ward:

---

**Application No.:** 66455    **App. Type:** CON    08/02/2021    Raise No Objection  
**Location:** Heyhead Farm, Bowstone Hill Road, Bolton, BL2 4LS  
**Proposal:** Article 18 consultation from Bolton Council (ref 10212/21) - Erection of two storey educational facility to provide classroom, baking area, toilets and office facility

Ward: **Bury East**

---

**Application No.:** 66197    **App. Type:** FUL    12/02/2021    Approve with Conditions  
**Location:** Fairfield General Hospital, Rochdale Old Road, Bury, BL9 7TD  
**Proposal:** Installation of a VIE Compound containing a liquid oxygen vessel and two ambient vaporisers in order to supply medical oxygen to the hospital, perimeter security fencing and works to site and access

---

**Application No.:** 66243    **App. Type:** FUL    08/02/2021    Approve with Conditions  
**Location:** 105 The Rock, Bury, BL9 0NB  
**Proposal:** Change of use from retail (Class E(a)) to restaurant (Class E(b)) with ancillary takeaway (Sui Generis) together with external alterations including new shop front and canopy extraction duct / relocation of existing air conditioning condensers to rear

---

**Application No.:** 66274    **App. Type:** FUL    18/02/2021    Approve with Conditions  
**Location:** Unit 5 Kay Gardens, Market Street, Bury, BL9 0BL  
**Proposal:** Change of use from retail (Class E) to adult gaming centre (Sui Generis)

---

**Application No.:** 66275    **App. Type:** ADV    18/02/2021    Approve with Conditions  
**Location:** Unit 5, Kay Gardens, Market Street, Bury, BL9 0BL  
**Proposal:** 1 No. internally illuminated fascia sign and 1 no. internally illuminated projecting sign

---

**Application No.:** 66289    **App. Type:** ADV    01/03/2021    Approve with Conditions  
**Location:** Gable of 61 Rochdale Road, Bury, BL9 7AX  
**Proposal:** Replacement of existing illuminated 48-sheet poster advertisement with internally illuminated 48-sheet D-Poster advertisement

---

**Application No.:** 66327    **App. Type:** FUL    10/02/2021    Approve with Conditions  
**Location:** 2 Beech Grove Close, Bury, BL9 6ES  
**Proposal:** Single storey extension at side with front porch and widening of existing driveway

---

**Application No.:** 66351    **App. Type:** FUL    12/02/2021    Approve with Conditions  
**Location:** 27A The Mall, Bury, BL9 0QQ  
**Proposal:** Installation of replacement air conditioning plant



---

**Application No.:** 66387    **App. Type:** FUL    01/03/2021    Approve with Conditions  
**Location:** 47 Market Street, Bury, BL9 0BH  
**Proposal:** Replacement shop front

---

**Application No.:** 66452    **App. Type:** DEM    18/02/2021    Prior Approval Required and Granted  
**Location:** Peel Centre, Market Street, Bury, BL9 0EE  
**Proposal:** Prior approval for proposed demolition of part single storey and part two storey building including removal of all foundations and basements and levelling off ground

Ward: **Bury East - Moorside**

---

**Application No.:** 65489    **App. Type:** FUL    25/02/2021    Approve with Conditions  
**Location:** Former Lascar Works, School Brow, Tanpits Lane, Bury, BL9 5BY  
**Proposal:** Change of use of industrial land (Class B2) to cabin hire operation (Class B8) including siting of portable site office building, shipping containers for operational stores and workshop and shipping containers for self storage use

---

**Application No.:** 65664    **App. Type:** FUL    02/03/2021    Approve with Conditions  
**Location:** Old Hall, Lower Chesham, Bury, BL9 6BX  
**Proposal:** Residential development for 3 no. dwellings with associated access, car parking and landscaping works to allow cross-funding renovation and repair of Lower Chesham Hall.

---

**Application No.:** 66212    **App. Type:** LDCP    17/02/2021    Lawful Development  
**Location:** Euro House, 34 Walmersley Road, Bury, BL9 6DP  
**Proposal:** Certificate of lawfulness for proposed change of use from A2 estate agents to A3 restaurant

---

**Application No.:** 66295    **App. Type:** FUL    22/02/2021    Approve with Conditions  
**Location:** 21 Hampton Grove, Bury, BL9 6PT  
**Proposal:** Single storey extension at front, side and rear

---

**Application No.:** 66349    **App. Type:** TEL    16/02/2021    Prior Approval Required and Refused  
**Location:** Land outside Aldi Store, Bell Lane, Bury, BL9 6HT  
**Proposal:** Prior approval for proposed installation of a 20 metre high monopole supporting 6 no. antennas and 2 no. transmission dishes, 4 no. equipment cabinets and development works ancillary thereto

Ward: **Bury East - Redvales**

---

**Application No.:** 66213    **App. Type:** FUL    26/02/2021    Approve with Conditions  
**Location:** 201 Parkhills Road, Bury, BL9 9AJ  
**Proposal:** Single storey extension at front; Two storey extension at side/rear; Dormer at rear and single storey extension at rear

---

**Application No.:** 66246    **App. Type:** GPDE    10/02/2021    Prior Approval Not Required - Extension  
**Location:** 106 Devon Street, Bury, BL9 9HT  
**Proposal:** Prior approval for proposed single storey rear extension

---

**Application No.:** 66306    **App. Type:** FUL    22/02/2021    Approve with Conditions  
**Location:** Former Millwood School, Fletcher Fold Road, Bury, BL9 9RX  
**Proposal:** Demolition and site enabling works

---

**Application No.:** 66343    **App. Type:** FUL    11/03/2021    Approve with Conditions  
**Location:** 434 Manchester Road, Bury, BL9 9NS  
**Proposal:** Single storey extension at rear to existing dental surgery

---

**Application No.:** 66383    **App. Type:** FUL    01/03/2021    Approve with Conditions  
**Location:** 76 Cornwall Drive, Bury, BL9 9EX  
**Proposal:** Single storey extension at rear and loft conversion with dormers at front and rear

---

**Application No.:** 66430    **App. Type:** LDCP    08/03/2021    Lawful Development  
**Location:** 46 Leyton Drive, Bury, BL9 9SL  
**Proposal:** Lawful development certificate for proposed hip to gable and rear roof extensions

---

Ward: **Bury West - Church**

---

**Application No.:** 66224    **App. Type:** ADV    24/02/2021    Approve with Conditions  
**Location:** 5 Bolton Road, Bury, BL8 2AB  
**Proposal:** Replacement of existing 48-sheet poster display (6m by 3m) with internally illuminated 48-sheet digital poster display (6m by 3m)

---

**Application No.:** 66291    **App. Type:** FUL    11/02/2021    Approve with Conditions  
**Location:** Elton Cricket Club, Leigh Lane, Bury, BL8 2RH  
**Proposal:** Erection of 3 No. bay practice nets and security fence

---

**Application No.:** 66325    **App. Type:** FUL    11/03/2021    Approve with Conditions  
**Location:** 2 Whitecroft Drive, Bury, BL8 2TN  
**Proposal:** Loft conversion with front and rear dormers

---

**Application No.:** 66445    **App. Type:** GPDE    18/02/2021    Prior Approval Not Required - Extension  
**Location:** 87 Haig Road, Bury, BL8 2LG  
**Proposal:** Prior approval for proposed single storey rear extension (full width of existing house with flat roof)

---

**Application No.:** 66464    **App. Type:** FUL    08/03/2021    Approve with Conditions  
**Location:** 9 Blackrod Drive, Bury, BL8 2HN  
**Proposal:** First floor extension at front, first floor extension at rear and single storey extension at rear

---

**Application No.:** 66470    **App. Type:** FUL    08/03/2021    Approve with Conditions  
**Location:** 66 Fieldhead Avenue, Bury, BL8 2LX  
**Proposal:** Single storey extension at rear and render to external elevations

---

Ward: **Bury West - Elton**

---

**Application No.:** 66114      **App. Type:** FUL      17/02/2021      Approve with Conditions  
**Location:** Unit 3, Irwell Works, Lower Woodhill Road, Bury, BL8 1AA  
**Proposal:** Erection of bale store building

Ward: **North Manor**

---

**Application No.:** 66193      **App. Type:** FUL      11/03/2021      Refused  
**Location:** 21 Greenmount Drive, Tottington, Bury, BL8 4HA  
**Proposal:** Residential development of 2 no. detached dwellings

---

**Application No.:** 66219      **App. Type:** FUL      08/03/2021      Approve with Conditions  
**Location:** 15 Queens Place, Summerseat, Ramsbottom, Bury, BL9 5PH  
**Proposal:** Replace existing conservatory with single storey rear extension

---

**Application No.:** 66225      **App. Type:** FUL      17/02/2021      Approve with Conditions  
**Location:** 49 Bolton Road, Tottington, Bury, BL8 4JA  
**Proposal:** Single storey side/rear extension

---

**Application No.:** 66234      **App. Type:** FUL      15/02/2021      Approve with Conditions  
**Location:** 26 Southfield Road, Ramsbottom, Bury, BL0 9ST  
**Proposal:** Replace existing garage in rear garden with detached outbuilding to be used as a home office space/home gym

---

**Application No.:** 66251      **App. Type:** FUL      11/03/2021      Approve with Conditions  
**Location:** Bramley Fold Farm, Hawkshaw Lane, Tottington, Bury, BL8 4LG  
**Proposal:** Installation of ground mounted solar panels

---

**Application No.:** 66271      **App. Type:** FUL      03/03/2021      Refused  
**Location:** 14 Cliff Avenue, Summerseat, Ramsbottom, Bury, BL9 5NT  
**Proposal:** Two/single storey extension at rear and first floor side extension

---

**Application No.:** 66312      **App. Type:** FUL      08/02/2021      Approve with Conditions  
**Location:** 1 Jackdaw Road, Ramsbottom, Bury, BL8 4ER  
**Proposal:** Two storey & single storey extensions at rear; Porch at side

---

**Application No.:** 66337      **App. Type:** FUL      22/02/2021      Approve with Conditions  
**Location:** 435 Holcombe Road, Tottington, Bury, BL8 4EL  
**Proposal:** Increase in height of roof at rear of house and pitched roof over garage in lieu of flat roof



---

**Application No.:** 66357    **App. Type:** FUL    09/02/2021    Approve with Conditions  
**Location:** 4 Kendal Road, Ramsbottom, Bury, BL0 9SP  
**Proposal:** Single storey extension at rear

---

**Application No.:** 66378    **App. Type:** FUL    04/03/2021    Approve with Conditions  
**Location:** 3 Chapel Gardens, Hollymount Lane, Tottington, Bury, BL8 4PS  
**Proposal:** Single storey extensions at front and rear; Alterations to front bay fenestration with new side canopy; Erection of outbuilding (attached to existing detached garage at rear) and decking area at side/rear

---

**Application No.:** 66386    **App. Type:** LDCP    01/03/2021    Lawful Development  
**Location:** Nabbs Cottage, 116 Brandlesholme Road, Tottington, Bury, BL8 4DZ  
**Proposal:** Lawful development certificate for proposed - The building of a single storey, timber, triple garage on my land. The size to be 10.8m wide x 6m depth with a maximum eaves height of 2.5 metres and maximum overall height of 4 metres with a dual pitched roof. The garage will be at least 2m from the boundary of my property. The garage will be at least 30m from the rear of my house.

---

**Application No.:** 66411    **App. Type:** FUL    04/03/2021    Approve with Conditions  
**Location:** 7 Mayfield Road, Ramsbottom, Bury, BL0 9TB  
**Proposal:** Demolition of detached garage; Two storey side extension; Single storey rear extension; Widening of driveway

**Ward:** **Prestwich - Holyrood**

---

**Application No.:** 66338    **App. Type:** FUL    03/03/2021    Approve with Conditions  
**Location:** 10 Laburnum Grove, Prestwich, Manchester, M25 3DW  
**Proposal:** Two storey side extension and single storey rear extension

---

**Application No.:** 66342    **App. Type:** FUL    11/02/2021    Approve with Conditions  
**Location:** 11 Elm Grove, Prestwich, Manchester, M25 3DN  
**Proposal:** Single storey extension at side

---

**Application No.:** 66403    **App. Type:** GPDE    12/02/2021    Prior Approval Not Required - Extension  
**Location:** 59 Kenilworth Avenue, Whitefield, Manchester, M45 6TR  
**Proposal:** Prior approval for proposed single storey rear extension

---

**Application No.:** 66438    **App. Type:** LDCP    08/03/2021    Lawful Development  
**Location:** 23 Simister Green, Prestwich, Manchester, M25 2RY  
**Proposal:** Lawful development certificate for single storey rear extension

**Ward:** **Prestwich - Sedgley**

---

**Application No.:** 66159    **App. Type:** FUL    11/02/2021    Approve with Conditions  
**Location:** 47 Russell Street, Prestwich, Manchester, M25 1GU  
**Proposal:** First floor extension at side/rear with dormer; Single storey extension at rear; Erection of detached garden store at rear

<b>Application No.:</b>	66270	<b>App. Type:</b>	FUL	04/03/2021	Approve with Conditions
<b>Location:</b>	37 Craigwell Road, Prestwich, Manchester, M25 0FE				
<b>Proposal:</b>	Replace existing garage with detached outbuilding at rear				
<b>Application No.:</b>	66297	<b>App. Type:</b>	FUL	11/02/2021	Approve with Conditions
<b>Location:</b>	23 Sheepfoot Lane, Prestwich, Manchester, M25 0BN				
<b>Proposal:</b>	Erection of replacement two storey dwelling with basement, accommodation in loft and associated landscaping				
<b>Application No.:</b>	66309	<b>App. Type:</b>	FUL	08/03/2021	Approve
<b>Location:</b>	2 Northurst Drive, Prestwich, Manchester, M8 4LS				
<b>Proposal:</b>	Two storey extension at side/rear with front balcony, single storey extension at rear, front porch and replacement of existing garage with outbuilding at rear				
<b>Application No.:</b>	66329	<b>App. Type:</b>	FUL	04/03/2021	Approve with Conditions
<b>Location:</b>	20 Castle Hill Road, Prestwich, Manchester, M25 0FR				
<b>Proposal:</b>	First floor rear extension				
<b>Application No.:</b>	66348	<b>App. Type:</b>	FUL	11/03/2021	Approve with Conditions
<b>Location:</b>	12A Whittaker Lane, Prestwich, Manchester, M25 1FX				
<b>Proposal:</b>	Change of use of the first floor only to form a 4 bedroom/4 person house in multiple occupation (HMO) (Class C4)				
<b>Application No.:</b>	66356	<b>App. Type:</b>	FUL	18/02/2021	Approve with Conditions
<b>Location:</b>	1 Ravens Close, Prestwich, Manchester, M25 0FU				
<b>Proposal:</b>	Single storey extension at rear/side and demolition of existing garage				
<b>Application No.:</b>	66410	<b>App. Type:</b>	FUL	08/03/2021	Approve with Conditions
<b>Location:</b>	23 Hereford Drive, Prestwich, Manchester, M25 0JA				
<b>Proposal:</b>	Hip to gable loft conversion with rear box dormer and two front gable dormers				
<b>Application No.:</b>	66527	<b>App. Type:</b>	GPDE	04/03/2021	Prior Approval Not Required - Extension
<b>Location:</b>	16 Bishops Road, Prestwich, Manchester, M25 0HS				
<b>Proposal:</b>	Prior approval for proposed 6 metre single storey rear extension				

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

<b>Application No.:</b>	66290	<b>App. Type:</b>	FUL	01/03/2021	Refused
<b>Location:</b>	49 Rainsough Brow, Prestwich, Manchester, M25 9XW				
<b>Proposal:</b>	Erection of 2.4 metre high green wire mesh fencing around boundary of existing car park				
<b>Application No.:</b>	66317	<b>App. Type:</b>	FUL	08/02/2021	Approve with Conditions
<b>Location:</b>	125 Hilton Lane, Prestwich, Manchester, M25 9XG				
<b>Proposal:</b>	Single storey side extension and alterations to fenestration at rear				

<b>Application No.:</b>	66334	<b>App. Type:</b>	FUL	01/03/2021	Approve with Conditions
<b>Location:</b>	12A The Downs, Prestwich, Manchester, M25 9RB				
<b>Proposal:</b>	Replace existing conservatory with single storey extension at rear				
<b>Application No.:</b>	66352	<b>App. Type:</b>	FUL	22/02/2021	Approve with Conditions
<b>Location:</b>	13 Grundy Avenue, Prestwich, Manchester, M25 9TG				
<b>Proposal:</b>	Loft conversion with dormer at rear and partial hip to gable				
<b>Application No.:</b>	66365	<b>App. Type:</b>	FUL	01/03/2021	Approve with Conditions
<b>Location:</b>	14 Vernon Drive, Prestwich, Manchester, M25 9RA				
<b>Proposal:</b>	Single storey side extension				
<b>Application No.:</b>	66379	<b>App. Type:</b>	LDCP	01/03/2021	Lawful Development
<b>Location:</b>	64 Rectory Lane, Prestwich, Manchester, M25 1BL				
<b>Proposal:</b>	Lawful development certificate for proposed hip to gable loft conversion with rear dormer				
<b>Application No.:</b>	66388	<b>App. Type:</b>	FUL	08/03/2021	Approve with Conditions
<b>Location:</b>	28 Carr Avenue, Prestwich, Manchester, M25 9TP				
<b>Proposal:</b>	Two storey extension at side/single storey extension at rear				
<b>Application No.:</b>	66517	<b>App. Type:</b>	GPDE	04/03/2021	Prior Approval Not Required - Extension
<b>Location:</b>	55 Mountside Crescent, Prestwich, Manchester, M25 3JH				
<b>Proposal:</b>	Prior approval for proposed single storey rear extension.				

Ward: **Radcliffe - East**

<b>Application No.:</b>	66133	<b>App. Type:</b>	FUL	10/02/2021	Approve with Conditions
<b>Location:</b>	Land adjacent to 21A New Road, Radcliffe, Manchester, M26 1LS				
<b>Proposal:</b>	Erection of detached garage				
<b>Application No.:</b>	66190	<b>App. Type:</b>	FUL	18/02/2021	Approve with Conditions
<b>Location:</b>	4 Dale Street, Radcliffe, Manchester, M26 1AB				
<b>Proposal:</b>	Change of use of vacant retail unit (Class E) to a take-away pizza parlour (Sui Generis) with associated external alterations including new shop front, roller shutters and external extraction duct to rear				
<b>Application No.:</b>	66208	<b>App. Type:</b>	FUL	11/02/2021	Approve with Conditions
<b>Location:</b>	41 Blackburn Street, Radcliffe, Manchester, M26 1NR				
<b>Proposal:</b>	Change of use from financial services (Class E) to hot food takeaway (Sui Generis)				
<b>Application No.:</b>	66218	<b>App. Type:</b>	FUL	11/03/2021	Approve with Conditions
<b>Location:</b>	Spenside, Spen Close, Radcliffe, M26 4AQ				
<b>Proposal:</b>	Demolition of existing dwelling and associated out buildings, construction of 1no. new build detached dwelling and garage.				

---

**Application No.:** 66265      **App. Type:** HAZ      17/02/2021      Approve with Conditions  
**Location:** Fragrance Oils International Ltd, Eton Hill Road, Radcliffe, Manchester, M26 2FR  
**Proposal:** Hazardous substances consent for the storage of substances hazardous to the environment - Storage of E1 substance hazardous to the aquatic environment in category Acute 1 or Chronic 1(130 tonnes) and storage of E2 substance hazardous to the aquatic environment in category Chronic 2 (160 tonnes), giving an aggregation of: (130 / 100) + (160 / 200) = 2.

---

**Application No.:** 66344      **App. Type:** FUL      22/02/2021      Approve with Conditions  
**Location:** 2 Betley Street, Radcliffe, Manchester, M26 2RY  
**Proposal:** Single storey extension at side/rear

---

**Application No.:** 66394      **App. Type:** LDCP      03/03/2021      Lawful Development  
**Location:** 7 Middleton Close, Radcliffe, Manchester, M26 4JU  
**Proposal:** Lawful development certificate for proposed side dormer roof extension

---

Ward: **Radcliffe - North**

---

**Application No.:** 65953      **App. Type:** FUL      17/02/2021      Approve with Conditions  
**Location:** BP Service Station, Turks Road, Radcliffe, Manchester, M26 3NW  
**Proposal:** Installation of 5no. vehicle charging points and associated electrical infrastructure

---

**Application No.:** 66242      **App. Type:** FUL      25/02/2021      Approve with Conditions  
**Location:** 12 Mandon Close, Radcliffe, Manchester, M26 4WR  
**Proposal:** Single storey extension at rear; detached single storey outbuilding at rear

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**Application No.:** 66247      **App. Type:** FUL      15/02/2021      Approve with Conditions  
**Location:** 14 Knowsley Road, Ainsworth, Bolton, BL2 5PZ  
**Proposal:** First floor extension at side, extension to garage with new pitched roof and replacement roof to existing dwelling; New bay window and canopy at front; Removal of chimney breast and alterations to existing windows; Replacement 2 metre high boundary fence and resurfacing of driveway

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**Application No.:** 66364      **App. Type:** FUL      04/03/2021      Approve with Conditions  
**Location:** 96 Stanley Road, Radcliffe, Manchester, M26 4HG  
**Proposal:** Single storey extension at front, first floor extension at side and single storey extension at rear

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**Application No.:** 66441      **App. Type:** CON      10/02/2021      Raise No Objection  
**Location:** Land at Mytham Road, Prestolee Road, Boscow Road, Hall Lane & Newbury Road, Little Lever, Bolton  
**Proposal:** Article 18 consultation from Bolton Council (09775/20) - Erection of dwellings on two sites: Land at former Creams Mill including land off Mytham Road with associated works including: Internal access, landscaping and infrastructure including a two way bridge and provision of woodland walks; Land south of Hall Lane and west of Newbury Road with associated works including: New access from Hall Lane, associated landscaping, internal access and infrastructure including: paths along canal frontage and path linking Moses Gate Country Park; Repair to canal breach and restoration works including re-lining of the Manchester, Bolton and Bury Canal and restoration of canal towpath

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**Application No.:** 66509    **App. Type:** FUL    08/03/2021    Approve with Conditions  
**Location:** 56 Plymouth Grove, Radcliffe, Manchester, M26 3WU  
**Proposal:** Erection of outbuilding at rear

Ward: **Radcliffe - West**

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**Application No.:** 66301    **App. Type:** FUL    01/03/2021    Approve with Conditions  
**Location:** 47 Highmeadow, Radcliffe, Manchester, M26 1YN  
**Proposal:** Single storey side extension with removal of external chimney breast at ground floor level

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**Application No.:** 66323    **App. Type:** ADV    22/02/2021    Approve with Conditions  
**Location:** Starbucks, Riverside Retail Park, Pilkington Way, Radcliffe, Manchester, M26 3DA  
**Proposal:** 1. Internally illuminated 9M totem sign, 2. internally illuminated drive thru directional sign, 3. internally illuminated height restrictor, 4. internally illuminated preview menu board, 5. internally illuminated speaker canopy, 6. internally illuminated 5 panel menu board, 7. internally illuminated no entry/thank you directional sign, 8. internally illuminated single sided 1500mm roundel sign, 9. internally illuminated drive thru letters, 10. internally illuminated single sided 1500mm roundel sign, 11. Internally illuminated 250mm wordmark sign, 12. internally illuminated 250mm wordmark sign, 13a. non-illuminated window manifestations - 950mm from floor, 13b. non-illuminated window manifestations - 1500mm from floor, 14). non-illuminated welcome mesh directional sign, 15. non-illuminated thank you mesh directional sign, 16. non-illuminated banner frame

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**Application No.:** 66382    **App. Type:** FUL    01/03/2021    Approve with Conditions  
**Location:** 65 Ainsworth Road, Radcliffe, Manchester, M26 4FA  
**Proposal:** Erection of detached outbuilding at rear

Ward: **Ramsbottom + Tottington - Tottington**

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**Application No.:** 66203    **App. Type:** FUL    17/02/2021    Approve with Conditions  
**Location:** 48 Hilda Avenue, Tottington, Bury, BL8 3JE  
**Proposal:** Erection of detached double double garage and garden office

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**Application No.:** 66262    **App. Type:** FUL    08/02/2021    Approve with Conditions  
**Location:** 40 Royds Close, Tottington, Bury, BL8 3QD  
**Proposal:** Raising of the existing ridge height and dormer at rear with 2no. juliet balconies & Roof-light to the front elevation

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**Application No.:** 66326    **App. Type:** FUL    17/02/2021    Approve with Conditions  
**Location:** 7 Calderwood Close, Tottington, Bury, BL8 3LE  
**Proposal:** Single storey extension at rear, addition of obscure glass window/door to each gable elevation and brick support to existing canted bay window

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**Application No.:** 66336    **App. Type:** FUL    12/02/2021    Approve with Conditions  
**Location:** 3 The Oaks, Moyse Avenue, Tottington, BL8 3GP  
**Proposal:** Single storey extension at side

<b>Application No.:</b>	66345	<b>App. Type:</b>	FUL	12/02/2021	Approve with Conditions
<b>Location:</b>	18 Neston Road, Tottington, Bury, BL8 3DB				
<b>Proposal:</b>	Single storey extension at side/rear				
<b>Application No.:</b>	66372	<b>App. Type:</b>	FUL	04/03/2021	Approve with Conditions
<b>Location:</b>	12 Wellbank Street, Tottington, Bury, BL8 3HX				
<b>Proposal:</b>	Loft conversion with replacement dormer at front and new rear dormer				
<b>Application No.:</b>	66390	<b>App. Type:</b>	AG	08/02/2021	Prior Approval Required and Granted
<b>Location:</b>	Birchen Bower Farm, Harwood Road, Tottington, Bury, BL8 3PT				
<b>Proposal:</b>	Prior approval for proposed portal frame sheet clad agricultural building for machinery and feed storage				
<b>Application No.:</b>	66427	<b>App. Type:</b>	FUL	08/03/2021	Approve with Conditions
<b>Location:</b>	46 Moorside Road, Tottington, Bury, BL8 3HP				
<b>Proposal:</b>	Single storey rear extension; Two storey side and rear extensions; Alterations to elevations and rebuilding of existing shed				
<b>Application No.:</b>	66448	<b>App. Type:</b>	LDCP	08/03/2021	Refused
<b>Location:</b>	33 Garnett Street, Ramsbottom, Bury, BL0 9JN				
<b>Proposal:</b>	Lawful development certificate for proposed demolition of existing garage and construction of new garage				
<b>Application No.:</b>	66518	<b>App. Type:</b>	GPDE	04/03/2021	Prior Approval Not Required - Extension
<b>Location:</b>	125 Turton Road, Tottington, Bury, BL8 4AJ				
<b>Proposal:</b>	Prior approval for proposed single storey rear extension for Kitchen/Dining Room.				

Ward: **Ramsbottom and Tottington - Ramsbottom**

<b>Application No.:</b>	65977	<b>App. Type:</b>	FUL	25/02/2021	Refused
<b>Location:</b>	Harcles Hill Farm, Moor Road, Ramsbottom, Bury, BL8 4NT				
<b>Proposal:</b>	Proposal for the installation of 1no. 11.8m Wind Turbine				
<b>Application No.:</b>	66068	<b>App. Type:</b>	FUL	18/02/2021	Approve with Conditions
<b>Location:</b>	Gollinrod Farm, Manchester Road, Ramsbottom, Bury, BL9 5NB				
<b>Proposal:</b>	Single storey front extension, side extension & rear extension				
<b>Application No.:</b>	66189	<b>App. Type:</b>	FUL	04/03/2021	Approve with Conditions
<b>Location:</b>	52 Carr Bank Avenue, Ramsbottom, Bury, BL0 9DW				
<b>Proposal:</b>	Raise ridge height of dwelling to create first floor; construction of 2 no. side dormers; change of materials to existing external elevations; and internal alterations to layout that lead to amendments to the fenestration of existing building including the introduction of new windows on the front, rear and side elevations.				

<b>Application No.:</b>	66223	<b>App. Type:</b>	FUL	08/02/2021	Approve with Conditions
<b>Location:</b>	Higher Tops Farm, Moor Road, Ramsbottom, Bury, BL8 4NU				
<b>Proposal:</b>	Single storey rear extension to form granny annex for dependent relative				
<b>Application No.:</b>	66324	<b>App. Type:</b>	FUL	12/02/2021	Approve with Conditions
<b>Location:</b>	33 Palmerston Close, Ramsbottom, Bury, BL0 9YN				
<b>Proposal:</b>	Two/single storey extension at front, first floor side extension and widening of existing driveway				
<b>Application No.:</b>	66328	<b>App. Type:</b>	FUL	25/02/2021	Approve with Conditions
<b>Location:</b>	2 Beechacre, Ramsbottom, Bury, BL0 9LS				
<b>Proposal:</b>	Two storey extension at front; First floor extension at side with front dormer and roof alterations including balcony; Replacement of existing conservatory at rear with single storey extension				
<b>Application No.:</b>	66393	<b>App. Type:</b>	LDCP	01/03/2021	Lawful Development
<b>Location:</b>	25 Holthouse Road, Tottington, Bury, BL8 3JP				
<b>Proposal:</b>	Lawful development certificate for proposed single storey ground floor rear extension.				
<b>Application No.:</b>	66451	<b>App. Type:</b>	GPDE	01/03/2021	Prior Approval Not Required - Extension
<b>Location:</b>	33 Garnett Street, Ramsbottom, Bury, BL0 9JN				
<b>Proposal:</b>	Prior approval for proposed single storey rear extension				

Ward: **Whitefield + Unsworth - Besses**

<b>Application No.:</b>	66170	<b>App. Type:</b>	FUL	11/03/2021	Approve with Conditions
<b>Location:</b>	14 Brook Drive, Whitefield, Manchester, M45 8FR				
<b>Proposal:</b>	Gable roof extension and loft conversion with rear dormer				
<b>Application No.:</b>	66354	<b>App. Type:</b>	FUL	12/02/2021	Approve with Conditions
<b>Location:</b>	95 Bury Old Road, Whitefield, Manchester, M45 7AY				
<b>Proposal:</b>	Demolition of existing conservatory/extension/garage/chimney stack to main roof and erection of single storey extension at side and rear and front porch extension; Erection of 2 metre high boundary wall at side/rear with sliding gate at rear and parking; Pergola at rear				

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

<b>Application No.:</b>	66281	<b>App. Type:</b>	FUL	01/03/2021	Approve with Conditions
<b>Location:</b>	16 Wentworth Avenue, Whitefield, Manchester, M45 7GQ				
<b>Proposal:</b>	First floor rear extension; Single storey rear extension				
<b>Application No.:</b>	66310	<b>App. Type:</b>	FUL	11/03/2021	Approve with Conditions
<b>Location:</b>	36 Pine Avenue, Whitefield, Manchester, M45 7EQ				
<b>Proposal:</b>	Two storey extension at side/rear				

<b>Application No.:</b>	66333	<b>App. Type:</b>	FUL	08/02/2021	Approve with Conditions
<b>Location:</b>	49 Ringley Drive, Whitefield, Manchester, M45 7LA				
<b>Proposal:</b>	Single storey rear extension				
<b>Application No.:</b>	66341	<b>App. Type:</b>	FUL	12/02/2021	Approve with Conditions
<b>Location:</b>	43 Wingate Drive, Whitefield, Manchester, M45 7GX				
<b>Proposal:</b>	Single storey extension at side/rear				
<b>Application No.:</b>	66346	<b>App. Type:</b>	FUL	08/02/2021	Approve with Conditions
<b>Location:</b>	8 Stand Close, Radcliffe, Manchester, M45 7JL				
<b>Proposal:</b>	Conversion of garage to habitable room				
<b>Application No.:</b>	66399	<b>App. Type:</b>	FUL	03/03/2021	Approve with Conditions
<b>Location:</b>	19 Ten Acre Drive, Whitefield, Manchester, M45 7LQ				
<b>Proposal:</b>	Two storey rear extension; Changes to front facade with replacement windows and render to external elevations				
<b>Application No.:</b>	66404	<b>App. Type:</b>	FUL	08/03/2021	Approve with Conditions
<b>Location:</b>	51 Hillingdon Road, Whitefield, Manchester, M45 7GL				
<b>Proposal:</b>	Construction of 1.8m high timber panel fence and 1.2m high boundary wall				
<b>Application No.:</b>	66462	<b>App. Type:</b>	FUL	08/03/2021	Approve with Conditions
<b>Location:</b>	6 Ringley Close, Whitefield, Manchester, M45 7HR				
<b>Proposal:</b>	Installation of a part enclosed canopy on the rear elevation of the property with associated external alterations				

Ward: **Whitefield + Unsworth - Unsworth**

<b>Application No.:</b>	66373	<b>App. Type:</b>	FUL	18/02/2021	Approve with Conditions
<b>Location:</b>	5 Alnwick Drive, Bury, BL9 8BZ				
<b>Proposal:</b>	Two/single storey extension at side				
<b>Application No.:</b>	66450	<b>App. Type:</b>	GPDE	01/03/2021	Prior Approval Not Required - Extension
<b>Location:</b>	9 Thurston Close, Bury, BL9 8NW				
<b>Proposal:</b>	Prior approval for proposed single storey rear extension				

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**Total Number of Applications Decided: 107**



# REPORT FOR NOTING

<b>DECISION OF:</b>	<b>PLANNING CONTROL COMMITTEE</b>
<b>DATE:</b>	<b>23 March 2021</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)**

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## Appeal Decision

Site visit made on 19 January 2021

**by Darren Hendley BA(Hons) MA MRTPI**

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

**Decision date: 9<sup>th</sup> February 2021**

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**Appeal Ref: APP/T4210/W/20/3261134**

**Euro House, 30-32 Walmersley Road, Bury BL9 6DP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by PREL Ltd against the decision of Bury Metropolitan Borough Council.
  - The application Ref: 65225, dated 14 February 2020, was refused by notice dated 14 April 2020.
  - The development proposed is the change of use from shop (Class A1) to hot food takeaway (Class A5) with flue and 4 no. air conditioning units at rear; new shop front.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a change of use from a shop (Class A1) to a hot food takeaway (Class A5) with a flue and 4 no. air conditioning units at the rear; and a new shop front at Euro House, 30-32 Walmersley Road, Bury BL9 6DP in accordance with the terms of the application, Ref: 65225, dated 14 February 2020, subject to the conditions in the attached schedule.

### Procedural Matter

2. The description of development set out in the banner heading above is taken from the Council's decision notice, in the absence of a description on the planning application form. It refers to the Use Class of the shop and the proposed hot food takeaway as it was prior to changes that took place on 1 September 2020<sup>1</sup>. Under the Regulations, an application that was made prior to this date is also to be determined with reference to the uses or use classes that were in place prior to that date. Accordingly, I have considered the appeal on this basis and this is reflected in my decision paragraph.

### Main Issue

3. The main issue is the effect of the proposal on highway safety and the free flow of traffic, in particular the car parking and the servicing arrangements.

### Reasons

4. The appeal property comprises a mid-terrace retail unit, with a small rear service area. It is located on the A56 Walmersley Road, which is a busy thoroughfare. Close to the site lies an area of hardstanding where the

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<sup>1</sup> Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

- appellant has gained planning permission<sup>2</sup> for a public pay and display car park.
5. Double yellow line parking restrictions are found along this part of Walmersley Road and the associated footway is largely separated from the road by a safety barrier. A signalised junction with Moorgate, Derby Way and Peel Way lies a short distance from the site, beyond which is Bury town centre.
  6. The appellant proposes that the customers of the hot food takeaway that are relying on the use of a car as their mode of transport would utilise the spaces in the approved car park. After their arrival at the car park, customers would use a new pedestrian access onto Walmersley Road that would allow ready access to the proposal. This would involve the removal of a fence that lies across part of where the proposed car park would be located.
  7. On this basis, and having regard to the parking restrictions that are in place along Walmersley Road, it would be unlikely that customers would park along this stretch of this road or towards the nearby signalised junction. Access to the approved car park would be taken from Peter Street, a minor road that runs parallel to Walmersley Road and can be easily accessed from Moorgate. As a result, it would be unlikely that customers would carry out associated manoeuvres that would endanger highway safety for parking reasons or otherwise. Moreover, the use of the double yellow lined area for parking would be a matter for traffic enforcement.
  8. Based on the site layout plan for the approved car park and the number of vehicle parking spaces indicated on the planning application form, sufficient parking provision would be made with regard to the Council's Development Control Policy Guidance Note 11 Parking Standards in Bury (2007) (SPD). The SPD also states that car parking for takeaways will be assessed on an individual basis, recognising that they rely on short stay parking in close proximity. The proposed use of the spaces in the approved car park would be consistent with this consideration.
  9. The appellant has stated that the construction of the approved car park will be underway shortly. There is clearly some likelihood of the approved car park being available for usage within a timescale that would be consistent with the proposal. This would be required because the approved car park would be necessary for the appeal to succeed. In addition, the implementation of an agreed parking management plan would be required so that customers are aware of the car park and not inhibited in their use of it. These are matters which can be addressed through the imposition of planning conditions.
  10. The proposal also includes an off-road servicing area that would be contained within the car park and close to the rear of the appeal property. This would also be accessed from Peter Street. Hence, it would not result in manoeuvres that would impede highway safety with its location on the car park.
  11. With regard to the planning permission<sup>3</sup> on the appeal site for a restaurant, this has a limited bearing on my decision because I have considered the highway safety aspects that arise from the proposed takeaway use that is the subject of my decision.

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<sup>2</sup> Council ref: 64112

<sup>3</sup> Council ref: 64707



12. I conclude that the proposal would not have an unacceptable effect on highway safety and the free flow of traffic, in particular the car parking and the servicing arrangements. As such, it would comply with Saved Policies EC4/1, HT2/4, HT6/2 and S2/6 of the Council's Bury Unitary Development Plan (1997) where they are concerned with, amongst other considerations, proposals for small businesses that are environmentally compatible with the surrounding area; provision for car parking and servicing requirements in accordance with the Council's car parking standards; reducing pedestrian/vehicular conflict; and, parking and servicing provision associated with the proposed food and drink development and its effects in terms of road safety, traffic generation and movement.
13. The proposal would also comply with the SPD as the level of car parking associated with a development proposal or particular use is appropriate. It would also accord with the National Planning Policy Framework on highway safety grounds, in particular where it states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

### **Conditions**

14. In addition to the timescale for implementation, I have imposed a condition concerning the approved plans for the purposes of certainty. I have also imposed a condition concerning refuse management in the interests of protecting the living conditions of the nearest residents and public health. Conditions are also imposed concerning the opening hours and the implementation of the submitted odour management measures, also in the interests of protecting the living conditions of the nearest residents.
15. Conditions are imposed which ensure the provision of the approved car park prior to the use of the proposal, together with a related parking management plan. These conditions are imposed in the interests of highway safety and the free flow of traffic.
16. Where I have altered the wording of the remainder of the conditions put forward by the Council, I have done so in the interests of precision and without changing their overall meaning. I have also avoided a pre-commencement condition because such details can be submitted to and agreed prior to the development being carried out and in accordance with those details.

### **Conclusion**

17. For the reasons set out above and having regard to all matters that have been raised, the appeal should be allowed subject to the conditions.

*Darren Hendley*

INSPECTOR

### **Schedule Of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P213-100/A, 19-116 Rev C.
- 3) The development hereby permitted shall be carried out in accordance with a refuse management plan that shall have been previously submitted to and agreed in writing by the Local Planning Authority. The refuse management plan shall include details of the refuse storage and collection arrangements. The approved details shall thereafter be maintained.
- 4) The development hereby permitted shall not be open to customers outside of the following times: 0800hrs to 2300hrs Mondays to Sundays.
- 5) The development hereby permitted shall not be brought into use until the scheme for treating fumes and odours has been implemented in accordance with the approved measures shown in the Risk Assessment for Odour document (site reference: SAM Express Ltd 30-32 Walmersley Road Bury BL9 5AG). The approved measures shall thereafter be maintained.
- 6) The development hereby permitted shall not be brought into use until the car park as approved by the Council under application no: 64112 has been completed in accordance with the details shown on Dwg No. P213-005.
- 7) The development hereby permitted shall be carried out in accordance with a car parking management plan that shall have been previously submitted to and agreed in writing by the Local Planning Authority. The car parking management plan shall include details of:
  - i) the measures that are to be in place to ensure the car park as approved by the Council under application no: 64112 is available for use by the customers of the development hereby permitted and remains so; and
  - ii) how customers are to be made aware that the car park is available for their usage.

The approved details shall thereafter be maintained.



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## Appeal Decision

Site visit made on 19 January 2021

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

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

**Decision date: 18 February 2021**

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**Appeal Ref: APP/T4210/Y/20/3257076**

**35 Mount Pleasant, Nangreaves, Bury BL9 6SR**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Brenda Howcroft against the decision of Bury Metropolitan Borough Council.
  - The application Ref 65474, dated 4 May 2020, was refused by notice dated 9 July 2020.
  - The works proposed are 5 no. replacement timber window frames.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. As the proposal concerns a listed building located within a conservation area and in the setting of another listed building, I have had special regard to sections 16(2), 66(1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Act.
3. The description of development included on the original planning application form did not form a clear succinct description of the proposed works, which at that time involved the replacement of 7 windows in the appeal property. The scheme was amended during its consideration by the Council to the replacement of 5 windows. The description I have used above is taken from the Council's decision notice.

### Main Issues

4. The main issues are the effect of the proposed works on the special architectural and historic interest of a Grade II listed building, 35-40 Mount Pleasant (Ref: 1356809) and any of the features of special architectural or historic interest that it possesses, the effect on the setting of the nearby Grade II listed terrace, Nos 41-50 Mount Pleasant (Ref: 1067245) and whether the works would preserve or enhance the character or appearance of the Nangreaves Conservation Area (CA).

### Reasons

5. Mount Pleasant forms an isolated hillside village designated as a conservation area in 1974. It is a rare example of a purpose-built factory village. It includes several blocks of terraced mill workers properties dating from the early to late nineteenth century. The upper part of the village is focussed around a central

village green. The original mill has been demolished and the site redeveloped with complementary designed terraced properties and apartments.

6. Although the village was built in phases, properties were constructed following a standard pattern. The buildings have regular shapes, groupings and proportions and are constructed in local stone and slate. The building groups are set at different levels with an open and visible layout which assists to create views throughout the village and beyond to the surrounding countryside. The flagstone sett roadway running to and throughout the village adds to its character and distinctiveness. Given the above, I find the significance of the CA, as far as it relates to this appeal, primarily concerns its industrial origins, its historic form and layout together with its uniformity in terms of design and materials.
7. No. 35 Mount Pleasant forms part of a listed terrace comprising a row of five 2 storey former mill workers cottages. The building most likely dates from the latter part of the nineteenth century and is constructed in local millstone grit and sandstone with a natural slate roof. It is simple and functional in form and detail with regularity in terms of the proportions of window and door openings. Given the above, I find the special interest of the listed building, insofar as it relates to this appeal, to be primarily related to its simplicity and historic fabric and form.
8. The listed terraced row comprising Nos 41-50 Mount Pleasant, located to the west of the appeal property, steps down following the topography of the area. It is similarly constructed in local stone and slate with a simple functional appearance and regular proportions. It has an open aspect, framed by landscaped front garden areas with grassed open space beyond. Its setting insofar as it relates to this appeal is defined by its relationship to the appeal building and the rest of the village, which contributes to its understanding and significance.
9. The existing windows in the property comprise timber stained double glazed units with a top hung opening light. There is no dispute that their replacement with windows of similar materials, would cause no harm to the special interest of the listed building or the significance of the CA. I concur with this view. The area of contention relates to the design of the windows.
10. It is proposed to install mock vertical sliding sash windows with central vertical glazing bars, fixed lower sash and a top hung mock sash upper window with horn detailing. The existing set back in the reveal would be maintained and the window would have standard vertical sliding sash dimensions and proportions. When closed it would give the appearance of a vertical sliding sash window, typical of that which would historically have been installed, though it would have no sliding element. When open, the mock horns would form a prominent incongruous and inauthentic feature, at odds with the simple form and uniformity of the listed terrace. This style of window would also be out of keeping with the homogeneity of built form in the village, a feature which contributes to the character and appearance of the CA.
11. The Mount Pleasant Conservation Area Character Appraisal and Management Plan (CACAMP) gives advice on the type of windows that would be acceptable in the CA. The guidance recommends full vertical double sliding sash frames



- either weighted or spring loaded with or without glazing bars or dummy/mock vertical sliding sash frames with the option of fixed upper or lower sashes. It goes on to state that to give some variety within this range, a sole option for each design will not be enforced.
12. The appellant has argued that the scope for different designs set out in the guidance would lend support to the appeal scheme. However, such an interpretation cannot be made in this case, as it is clear that vertical sliding sash is being recommended, not a top hung opening window as proposed in this appeal.
  13. My attention is drawn to a photograph in the CACAMP of Nos 13-28 Mount Pleasant taken in 1912. This illustrates typical windows of that time and shows vertical sliding sash windows at first floor with glazing bars but windows of a different type at ground floor. They have no glazing bars and whilst it is difficult to assess due to the angle of the photograph, appear to have a much lighter frame. Whilst this demonstrates a variety of fenestration, it does little to support the design of windows being proposed in this appeal.
  14. I note the appellant's survey itemising the type of windows installed in other properties in the village, a significant number of which were found not to be vertical sliding sash windows. I recognise that there are other window designs in the CA, including casement windows and mock sliding sash that I observed on my site visit.
  15. The appellant has also brought my attention to a range of window designs that have been approved following listed building consent applications in the village. I am advised by the Council that the approval of uPVC windows in No. 30 Mount Pleasant took place in 1988 before the CACAMP was adopted. In the case of No. 50 Mount Pleasant, top hung opening lights were approved in a rear extension as it would not be visually prominent or installed in part of the original fabric of the building. Whilst I acknowledge that other window designs can be found in the CA and in other listed buildings, I must consider the appeal on its individual merits based on the evidence before me.
  16. Turning to the effect on the setting of the nearby listed terrace Nos 41-50 Mount Pleasant, the consistent and uniform fenestration of Nos 35-40, contributes to the way that this building is experienced. I have already found that the appeal scheme undermines this uniformity. The proposal would therefore impact negatively on the setting of the nearby listed terrace and cause harm to its significance.
  17. In summary, I conclude that given the above, the proposed works would fail to preserve the listed building, would be detrimental to the setting of the nearby listed terrace and fail to preserve or enhance the character and appearance of the CA. I give these harms considerable importance and weight.
  18. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to their conservation. Having regard to the nature of the works and the impact on the CA as a whole, I find the harm to be less than substantial. Accordingly, in line

with paragraph 196 of the Framework, the harm should be weighed against the public benefits of the proposal, which include securing the optimal viable use.

19. The appellant has not outlined in any detail what the public benefits in this case may be. I accept that replacing windows in poor condition would have some public benefit in maintaining and conserving a listed building for the future.
20. The appellant argues that mock vertical sash windows would be more sustainable to maintain. With an appropriate maintenance regime in place, there is no reason why timber sliding sash windows should have a shorter lifespan. In any event, ease of maintenance constitutes a private benefit to the houseowner and not a benefit to the wider public.
21. I conclude that the minimal public benefits outlined above would not outweigh the harm I have found. The works proposed would fail to preserve the special architectural and historic interest of the Grade II listed building, cause harm to the setting of the nearby Grade II listed terrace and fail to preserve or enhance the character or appearance of the Mount Pleasant Conservation area. The works would therefore fail to satisfy the requirements of the Act, paragraph 192 of the Framework and conflict with Saved Policies EN2/1, EN2/2 and EN2/3 of the Bury Unitary Development Plan 1997 which seek to conserve and enhance the heritage significance and setting of an asset.

### **Overall Balance**

22. I have had due regard to the Public Sector Equality Duty (PSED) contained in s149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Based on the evidence before me, it is unclear whether the appellant is a person of advanced years and /or has a physical disability. In any event I shall proceed on the basis that this person shares a protected characteristic for the purposes of the PSED.
23. The appellant highlights the fact that she struggles to open vertical sliding sash windows and that top hung windows are easier to open for an aging population or those with a physical impairment. Bearing in mind the lack of objection to the proposal and the other consents for non-sliding sash windows in the village, she maintains that she has felt discriminated against by the Council. However, if I were to dismiss this appeal, any adverse impact would be limited because properly weighted and maintained vertical sash windows require little physical effort to open and close. Moreover, a poorly maintained top hung casement can be as difficult to operate as a poorly constructed and maintained sash window.
24. Given the above, it would be open to the appellant to submit an application to replace the existing windows with ones of sufficient quality that are more in keeping with this historically important building. I have no evidence before me to suggest a specific physical impairment that would prohibit the operation of properly balanced sash windows in favour of a top hung casements nor any indication of why any adaptation that may be necessary for the operation of a sash window would not be appropriate. Consequently, the harm that would be

caused by the proposal would not be outweighed by any significant, adverse impacts on the protected characteristic of the appellant.

**Conclusion**

25. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Helen Hockenhull*

INSPECTOR

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# REPORT FOR DECISION

**Agenda  
Item**
**07**

<b>DECISION OF:</b>	<b>PLANNING CONTROL COMMITTEE</b>
<b>DATE:</b>	<b>16<sup>th</sup> February 2021</b>
<b>SUBJECT:</b>	<b>SECTION 106 AGREEMENTS</b>
<b>REPORT FROM:</b>	<b>DEVELOPMENT MANAGER</b>
<b>CONTACT OFFICER:</b>	<b>FRAN SMITH</b>
<b>TYPE OF DECISION:</b>	<b>N/A</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	The report outlines the contributions made by S106 obligations between 1 April 2018 and 31 March 2019 and summarises those Agreements where obligations are outstanding and those where the triggers for meeting obligations have not yet been reached.
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	The Committee is recommended to note the report.
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? N/A
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	N/A
<b>Statement by Executive Director of Resources:</b>	N/A
<b>Equality/Diversity implications:</b>	N/A
<b>Considered by Monitoring Officer:</b>	N/A
<b>Wards Affected:</b>	ALL
<b>Scrutiny Interest:</b>	N/A

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

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

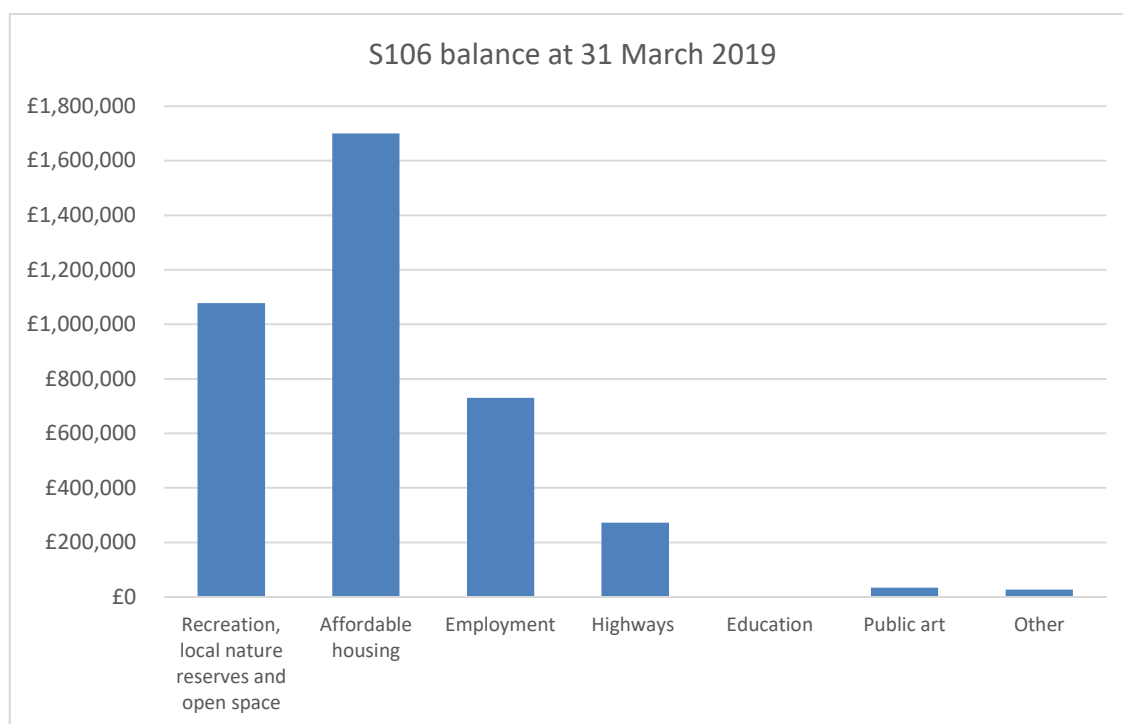
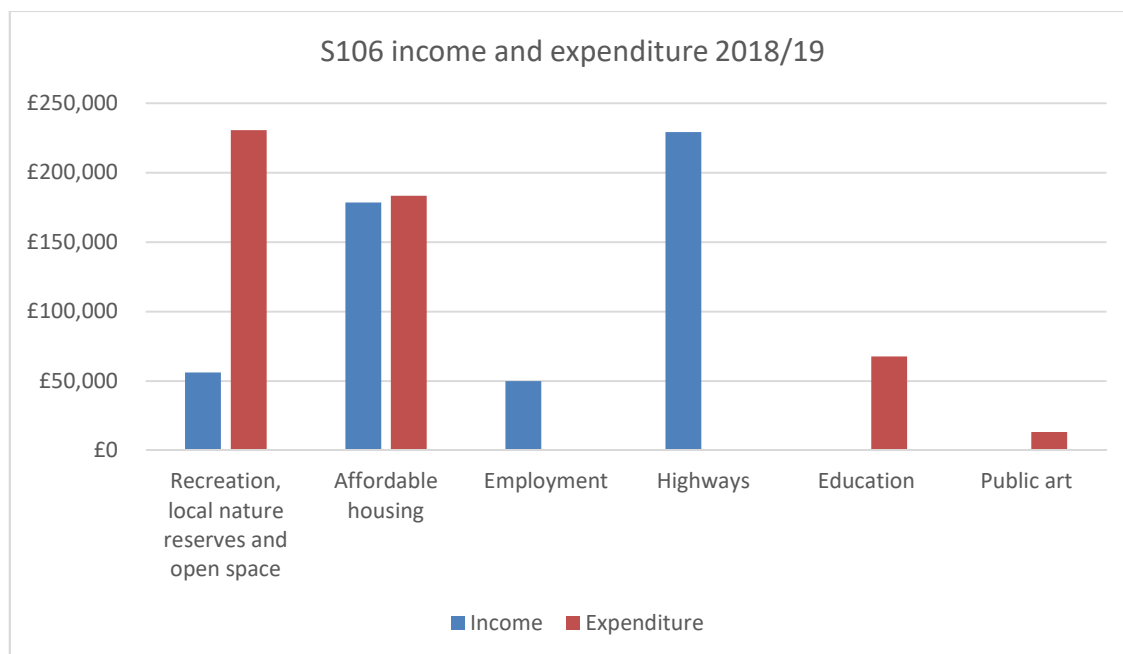
## 1.0 Background

- 1.1 This report outlines the planning obligations that have been secured through S106 Agreements in the 12 months from 1 April 2018 to 31 March 2019 and identifies those Agreements where obligations are outstanding and those where the triggers for meeting obligations have not yet been reached.
- 1.2 The delay in bringing this report to PCC is due to resourcing issues associated with Covid. It is important to note that the position outlined in this report is as of 31 March 2019 and the current position in relation to sites may have since changed.
- 1.3 The 2019/20 report will be brought to PCC shortly. However, the next report will be in a revised format as the Council is now required to submit information on S106 agreements to government in the form an Infrastructure Funding Statement. The Infrastructure Funding Statement will be brought to PCC in advance of submission to government.
- 1.4 S106 Agreements are legal contracts between the Local Planning Authority and the developer / landowner which include obligations that are essential to allow the granting of planning permission in certain circumstances. These obligations are then secured as a land charge on any successive land owner of the application site, should the site be sold on and developed by someone other than the applicant.
- 1.5 The details of the obligations are controlled by statute and must pass the following three tests if they are to be considered when determining an application for planning permission:
  - a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.
- 1.6 Obligations often involve the payment of financial contributions, for example recreation contributions, compensation for the loss of employment land and contributions towards ecological enhancements. On receipt by the Council, these contributions are effectively held on trust, and the Council are legally bound to spend these monies in accordance with the terms of the s106 Agreement.
- 1.7 S106 Agreements may also include non-financial obligations such as provision of on-site affordable housing, access paths or the transfer of land.

## 2.0 2018/19 summary

- 2.1 Over the twelve month period from 1 April 2018 to 31 March 2019, S106 Agreements resulted in almost £500,000 of investment in the Borough, provision of 31 on-site affordable homes and over £500,000 of income to the Council.

- 2.2 It is important to note that a time lag between receipt and expenditure of contributions is to be expected, as funds have to be allocated to specific schemes (for contributions from S106 Agreements signed prior to 6 April 2015), and in some cases contributions are for the long-term maintenance of land that has been or is awaiting transfer to the Council. As of 31 March 2019, the Council had around £3.8million of unspent S106 contributions, much of which has been allocated to specific projects but may take time to deliver and for expenditure to be drawn down.



- 2.3 Table 1 summarises income and expenditure in the twelve months from 1 April 2018 to 31 March 2019, and unspent contributions as at 31 March 2019. This is broken down into more detail in Appendix C.

**Table 1: S106 income, expenditure and balance**

<b>Expenditure type</b>	<b>Contributions received 1 April 2018 to 31 March 2019</b>	<b>Total amount spent 1 April 2018 to 31 March 2019</b>	<b>Total value of unspent contributions as at 31 March 2019</b>
Recreation, local nature reserves and open space	£56,037.95	£230,648.40	£1,078,085.48
Affordable housing	£178,577.26	£183,344.00	£1,699,548.00
Employment	£50,000	0	£730,066.72
Highways	£229,413.37	0	£272,035.65
Education	0	£67,594.00	£0
Public art	0	£13,334.61	£33,843.85
Other	0		£26,641.18
<b>TOTAL</b>	<b>£514,028.58</b>	<b>£494,921.01</b>	<b>£3,840,220.88</b>

Please note that the figures in the table above represent a snap shot in time and may not be entirely consistent with previous reports as expenditure from S106 contributions is confirmed at financial year end and interest is added to the balance. Income figures are based on the twelve month period from 1 April 2018 and 31 March 2019, and total balances are as at 31 March 2019.

### **3.0 Schemes Provided and Obligations Complied With**

- 3.1 This section of the report summarises S106 Agreements by type of obligation. A detailed list of schemes provided as a result of financial contributions is attached to this report at Appendix A, together with a list of contributions received and obligations complied with between 1 April 2018 and 31 March 2019 at Appendix B.

#### **Recreation**

- 3.2 In the twelve months from 1 April 2018 to 31 March 2019, £229,269.40 of recreation contributions has been spent. This has gone towards improvements at a number of sites including:

- Play areas at Thatch Leach Lane (Whitefield & Unsworth), Park Lane (Whitefield & Unsworth), Woodhill Road and Whitehead Park (Bury West);
- Nuttall Park picnic areas and paths (Ramsbottom, Tottington & North Manor);
- Improvements to infrastructure at Close Park (Radcliffe), Bolton Road Park (Radcliffe), Festival Gardens (Radcliffe), Burrs Country Park (Bury West), Dow Lane Park (Bury West) and Whitehead Park (Bury West);
- Park improvements at Bolton Road Park (Radcliffe), Close Park (Radcliffe) and St Mary's Park (Prestwich);
- Duke William PH Bowling Green, Ainsworth (Radcliffe);
- Improvements to St Thomas Church Yard (Radcliffe);
- Burrs Infrastructure Strategy (Bury West);
- Manchester Road outdoor gym (Bury East);



- Bailey Street Bowling Green (Prestwich); and
- St Mary's Park improvements (Prestwich).

- 3.3 In terms of future spending, funding has also been allocated to a number of projects across the Borough, including works to play areas, ball zones, tennis courts, outdoor gyms, bowling greens and park improvements. The priority is to ensure that S106 recreation contributions are allocated within the area where the development took place.
- 3.4 All unspent recreation contributions received up to 31 March 2019 have been committed to specific projects, with the exception of contributions paid up front that can't be committed until commencement of development.

### **Local Nature Reserves**

- 3.5 In the Kirklees Valley, £1,379.00 of S106 contributions have been spent in 2018/19 as match funding in a successful application for £120,519.00 of Woodland Improvement Grant from the Forestry Commission (total scheme value £150,648.75, 20% match funded through S106).

### **Affordable Housing**

- 3.6 S106 Agreements have also required developers to make on-site provision for affordable housing. In 2018/19, 31 affordable properties were completed as a result of planning policy requirements. In addition, some of the previously completed properties have been subsequently re-sold, re-let or are under offer, again to households on the Affordable Housing Scheme.
- 3.7 The planning agreements allow the affordable housing units to be sold on the open market in certain circumstances, subject to 25% of the sale proceeds being given to the Council to spend on affordable housing elsewhere. Between 1 April 2018 and 31 March 2019, three properties were sold in this way, with contributions totalling £78,160.00 received by the Council. Furthermore three affordable properties in Bury were sold at market value, in breach of the S106 Agreement. £100,417.26 has been paid to the Council in 18/19 in-lieu of this on-site affordable housing provision.
- 3.8 As reported in the 2017/18 report, eight affordable properties at Prestfield Road, Bury were sold at market value, in breach of the S106 Agreement. £100,000 has been paid to date in lieu of on-site affordable housing provision. £163,413.72 remains outstanding and legal action is ongoing to seek to recover this.
- 3.9 £346,000 was received in 2017/18 for the former Holcombe Brook Tennis Club, Longsight Road in lieu of on-site affordable housing provision. A further index linked contribution currently remains outstanding.
- 3.10 In total up to 31 March 2019, £2,160,287.28 in commuted sum payments has been received for affordable housing. These contributions will be spent in accordance with Bury's Housing Strategy 2014-2024, which identifies a range of initiatives for expenditure. Spending affordable housing contributions will be agreed by an officer group comprising of representatives from Planning and Housing Strategy, taking into account views of Portfolio Holders. Identified spend must be in accordance with the terms of each Section 106 Agreement.
- 3.11 In August 2012, Cabinet agreed to spend £617,000 of the monies received to bring empty properties back into use as affordable housing in the Radcliffe area, as a pilot exercise working with Registered Providers. However, funding

for the Radcliffe pilot was subsequently secured from the HCA, who have also committed to further funding to increase the number of empty properties to be brought back into use in Radcliffe. As a result, in September 2014, Cabinet agreed to approve the use of the £617,000 of commuted sums in other townships across the Borough, providing the reallocation of resources does not detrimentally affect the outcomes of the Radcliffe pilot. This work will help reduce the number of long term empty properties and provide additional affordable housing. £329,776 has been spent up to 31 March 2019, bringing eight empty properties back in to use as affordable housing.

- 3.12 In July 2017, Cabinet approval was given to commit £250,000 of S106 affordable housing contributions to support the residential development of the site of the former Radcliffe Times building for affordable housing. £136,888.02 has been spent up to 31 March 2019.
- 3.13 The Council is exploring opportunities to use the remaining uncommitted affordable housing contributions to support the delivery of affordable housing on Council owned brownfield sites. Homes England Affordable Homes Programme funding may also be available, but if Homes England funding bids are unsuccessful the S106 contributions could be used to ensure delivery can go ahead. This could result in significant expenditure of Affordable Housing S106 contributions, utilising the existing uncommitted balance. The use of S106 contributions in this way will have multiple benefits of delivering affordable housing, remediating brownfield land and bringing it back into use and contributing to overall housing delivery.

### **Employment Land Development Fund**

- 3.14 The unspent balance of the Employment Land Development Fund (ELDF) at 31 March 2019 was £730,066.72. Under the terms of the S106 agreements, the majority of this money is required to be spent within 10 years of receipt meaning that the current balance will need to be spent on eligible projects by 27/10/2025. £445,144.77 of the ELDF has been allocated to various projects which will help to generate employment opportunities but as at 31/03/2019, this remains unspent. The remaining £284,921.95 is, as yet, unallocated and unspent. Work is on-going to identify specific opportunities in accordance with the approved ELDF Framework for Spending.

### **Highways**

- 3.15 £229,413.37 has been received for the provision of an additional lane at the slip road to junction 3 of the M66. This work is planned for 2020/21.
- 3.16 Work is planned to use the £35,000 contribution which has been received for the provision of a traffic calming scheme, 20mph zone and improvements to the existing bridleway 37 at Lowes Road. A formal consultation with residents has been undertaken and there was strong support for the scheme to progress the traffic calming scheme. The contractor is still on site at this development and the traffic calming and bridleway improvements will be undertaken when their work is complete.
- 3.17 Work is also ongoing to use the remainder of the Fletcher Bank contribution (£7,622.28) for the installation of a second vehicle activated signs on the A56 Manchester Road / Whalley Road. The first of two signs has been installed in the vicinity of Marshalls Quarry Entrance and the second sign has been ordered and is awaiting installation, but the full costs have not yet been drawn down from the S106 account. There are currently no uncommitted highways and public realm S106 contributions.

## Education

- 3.18 £67,594 was received for an extension at St Stephen's CE Primary School, Bury. This contribution has all been spent in 2018/19.

## Public Art

- 3.19 Following the publication of Government guidance which advised that planning obligations should not be sought if they are not considered necessary to make a development acceptable in planning terms, financial contributions for public art are not currently being sought for new planning applications.
- 3.20 In relation to provision of public art projects, £13,334.61 has been spent from historical funds between 1 April 2018 and 31 March 2019 on two projects:
- Recommissioning Ramsbottom Vase: Technical difficulties with the water supply and pumping have meant that the vase's pouring water feature were turned off some years ago. The Ramsbottom Business Forum are keen to have the sculpture operating properly to animate/support visitor activity and so investigatory works followed by full repair have been completed and it is now fully operational. (It is turned off seasonally from October to Easter to avoid freezing or blockage with autumn leaves).
  - Victoria Wood Memorial Sculpture: The sculpture has been installed in Library Gardens facing Moss St. The primary funding for the project has come from the Wood Family and a Crowd-Funding campaign. However, S106 funds have been used to subsidise project management, site preparation and foundations.

## 4.0 Outstanding Obligations

- 4.1 A list of all outstanding obligations is attached to this report at Appendix D. These are divided into those where triggers have been reached (Appendix D – Part 1), identifying the actions that are being taken to recover overdue contributions and non-financial obligations; and those where triggers have not yet been reached, for example because development has not started or insufficient dwellings have been completed (Appendix C – Part 2).

### Outstanding S106 obligations where triggers have been reached

- 4.2 Five developments have been identified as having outstanding obligations that are now due and are being pursued by the Council. Of these, three require financial contributions, totalling £67,788.70.

Requirement	Total amount negotiated
Recreation	£67,788.70
Affordable housing	11 affordable units

- 4.3 The outstanding financial contributions are pursued initially by contacting the parties involved and, where necessary, debt recovery proceedings are instructed. However this can be a lengthy process. The provision of affordable housing is also outstanding on one site and, if necessary, legal proceedings may have to be instructed in order to ensure the affordable housing is provided or a financial contribution is secured in lieu of the on-site provision.

## **Section 106 Agreements not yet triggered**

- 4.4 Appendix C Part 2 provides details of development sites where S106 obligations have been negotiated as part of the planning approval process, but the triggers have not yet been reached, for example because development has not yet commenced or insufficient dwellings have been completed. Recently lapsed or superseded permissions are included on the list for information, but these obligations will not be triggered. The terms of each S106 Agreement will specify how any commuted sums can be spent. It is important to note that these developments may not all proceed as planned and there is, therefore, no guarantee that these funds will ever be received.
- 4.5 We will continue to monitor these developments to ensure that we secure the payments / provisions as and when they are required by the S106 Agreement.

## **5.0 The Community Infrastructure Levy**

- 5.1 In April 2015, the Community Infrastructure Levy (CIL) Regulations imposed restrictions on pooling S106 contributions. Local Authorities were not able to fund specific projects or type of infrastructure by pooling contributions from 5 or more separate S106 agreements. Collecting generic 'recreation' or 'employment' contributions was also no longer permitted. The Council was required to identify within a S106 Agreement exactly what project the contribution would be spent on.
- 5.2 These regulations have since been amended and came into force on the 1 September 2019. The amendments removed the restrictions on pooling S106 contributions.
- 5.3 However, the Council still continues to identify projects up front when the S106 Agreement is signed in order to monitor S106 funds and ensure the contributions are spent on the most appropriate schemes. For recreation contributions, potential project ideas are identified based on the Green Space Strategy, the Play Strategy, local priorities and opportunities for maximising the money by attracting external funding. Ward Councillors are consulted by email, and feedback from them informs the final list of schemes.
- 5.4 Non-financial S106 obligations, such as on-site provision of footpaths and transfers of land are unaffected, and maintenance contributions are tied to specific areas of land.

## **6.0 Conclusion**

- 6.1 S106 Agreements have led to significant investment and improvement across the Borough, and the role of Planning in securing financial contributions and non-financial achievements should be noted.
- 6.2 The proactive approach to ensuring S106 obligations are complied with has resulted in success in recovering outstanding contributions, and enabled prompt identification when triggers have been reached on new developments. This approach will continue, and should ensure that developers deliver their obligations. Where necessary and appropriate, legal action will be taken to ensure compliance with S106 obligations.



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**List of Background Papers:**

Appendix A – Schemes provided via Section 106 commuted sums  
Appendix B – Obligations complied with 1 April 2018 – 31 March 2019  
Appendix C – Outstanding obligations

**Contact Details:**

Strategic Planning and Economic Development  
Department of Resources and Regulation  
3 Knowsley Place  
Duke Street  
Bury  
BL9 0EJ

**Email:** [f.smith@bury.gov.uk](mailto:f.smith@bury.gov.uk)

## APPENDIX A – SCHEMES PROVIDED VIA S106 COMMUTED SUMS

Type of contribution	Scheme provided / location	Money spent 1 April 2018 – 31 March 2019
Recreation	S106 Contribution towards Clarence Park Wellbeing (Bury East)	£5,000.00
Recreation	Thatch Leach Lane Play Area & Ball Zone Improvements (Whitefield and Unsworth)	£4,650.00
Recreation	Nuttall Park Picnic and Paths (Ramsbottom, Tottington & North Manor)	£1,310.50
Recreation	Improvements to Infrastructure at Close Park Green Flag Park Phase 1 (Radcliffe)	£6,082.50
Recreation	Improvements to Bolton Road Park infrastructure Phase 1 (Radcliffe)	£9,250.00
Recreation	Imp to infrastructure at Festival Gardens Phase 1 (Radcliffe)	£20,000.00
Recreation	Improvements to infrastructure at Burrs Country Park Phase 1 (Bury West)	£11,603.04
Recreation	Imp to infrastructure at Dow Lane Phase 1 (Bury West)	£2641.61
Recreation	Improvements to infrastructure at Whitehead Green Flag Park Phase 1 (Bury West)	£1,160.00
Recreation	Burrs Health & Safety to Roads & Toilets** (Bury West)	£7,055.00
Recreation	Barratt Estate SBI** (Radcliffe)	£490.00
Recreation	Gardener Mount Improvements (Prestwich)	£758.66
Recreation	Kirklees Valley Maintenance** (Ramsbottom, Tottington and North Manor)	£2,100.00
Recreation	Park Lane Play Area Improvements** (Whitefield and Unsworth)	£3,431.33
Recreation	Bolton Road Park Improvements** (Radcliffe)	£275.00
Recreation	Close Park Improvements and infrastructure** (Radcliffe)	£4,733.27
Recreation	Burrs Infrastructure Strategy** (Bury West)	£4,934.00
Recreation	Woodhill Road Play Area Improvement** (Bury West)	£16,710.00
Recreation	Whitehead Park Play Area Improvement** (Bury West)	£874.01
Recreation	Whitehead Park Green Flag Infrastructure** (Bury West)	£8,904.90
Recreation	St Marys Park Improvements** (Prestwich)	£14,412.00
Recreation	Market Place Ramsbottom** (Ramsbottom, Tottington & North Manor)	£3,000.00
Recreation	Manchester RD Park outdoor gym & Improvement to BA & BZ** (Bury East)	£24,815.00
Recreation	Duke William Bowling Green** (Radcliffe)	£3,421.33
Recreation	St Marys Flower Park Volunteers** (Prestwich)	£3,953.88
Recreation	Springwater Park & Sailors Brow access Improvements - phase 1 (Radcliffe)	£1,534.05
Recreation	New provision of land fronting Coney Green High School (Radcliffe)	£10,000.00
Recreation	Improvements to Banana Path (Radcliffe)	£11,000.00
Recreation	Improvements to St Thomas Church Yard (Radcliffe)	£22,000.00
Recreation	Improvements to land at Pilkington Way (West) & Pilkington Way (East) (Radcliffe)	£494.00
Recreation	Improvements to land at Festival Gardens (Radcliffe)	£16,043.99
Recreation	Bailey Street Bowling Green (Prestwich)	£210.78
Recreation	Bradley Fold Lane (Radcliffe)	£6,420.55
Local Nature Reserves	Kirklees Valley (Ramsbottom, Tottington & North Manor)	£1,379.00
Affordable Housing	Empty properties scheme (Borough-wide)	£57,444.00
Affordable Housing	Radcliffe Times building (Radcliffe)	£125,900.00
Education	Extension to St Stephens Primary School (Bury West)	£67,594.00
Public art	Re-commission Ramsbottom urn water feature (Ramsbottom, Tottington & North Manor)	£1,367.26
Public art	Victoria Wood sculpture (Bury East)	£11,967.35
<b>TOTAL</b>		<b>£494,921.01</b>

## APPENDIX B – OBLIGATIONS COMPLIED WITH

### 1 APRIL 2018 – 31 MARCH 2019

Application	Site	Description	Obligation complied with
55374	Former Red Bank Health Centre, Unsworth Street, Radcliffe	Demolition of existing health centre and erection of 11 two storey residential houses.	£32, 397.14 recreation contribution received in three instalments: £11,000 received 30/06/2017 £11,000 received 06/03/2018 £10,397.14 received 18/06/2018.  <b>Obligation fully complied with.</b>
60998 62243	Park 66, Pilsworth Road, Bury, BL9 8RS	Mixed use development comprising 6,046sq.m of B1,B2&B8, 1340sqm foodstore, 2843sq.m of other retail, 2,179sq.m D2, two A3/A5 units of 413sq.m with drive thru facilities, associated parking spaces, alterations to site access and associated works.	£229,413.37 highways contribution received 13/9/18 for provision of an additional lane at the slip road to junction 3 of the M66.
56973	Manor House, Fletcher Fold, Bury, BL9 9RT	Erection of 3 no. dwellings and garages (retrospective); Erection of 2 no. dwellings and garages	1 <sup>st</sup> instalment of recreation contribution of £10,264 received 08/10/2014. 2 <sup>nd</sup> instalment of recreation contribution of £6,842.67 received 27/9/18. Interest for late payment - £717.64 received 16/10/2018
59005	Land off Factory Street, Ramsbottom, BL0 9BT	Demolition of buildings and redevelopment for use class C2 residential accommodation with care comprising 57 apartments for persons aged 65 and over.	£50,000 employment contribution received 21/12/2018.
43101	Former Parkside Hostel, Stanley Road, Whitefield, M25 6QX (Parkside Mews)	22 dwellings and three storey block of 18 no. apartments.	Affordable housing commuted sum of £59,250 for two properties.
57255	Land off Radcliffe Road/Inglewhite Close, Bury, BL9 9JT	Erection of 34 no. Dwellings (re-submission)	8 affordable dwellings on site, 25% discount. £55,000 recreation contribution paid 21/07/2016. 5 of the affordable housing units sold as discounted, commuted sum of £100,417.26 paid for 3 affordable units, 11/4/18.

<b>Application</b>	<b>Site</b>	<b>Description</b>	<b>Obligation complied with</b>
63185	Land at Chamberhall, Magdalene Road, Bury, BL9 0ES	Hybrid App - Full for 5 buildings of up to 12,317sq.m (B1,B2, B8) & associated works (Phase 1). Outline for dev (B1,B2,B8) and dev within A1,A3,A4,A5,B1,B2,B8,C1,D1 & D2.	£30,000 recreation contribution received – 7/2/2019
42722, 49667, 54802	Olives Paper Mill, Tottington Road, Bury	Development of 76 residential units including landscaping	£18,910 affordable housing commuted sum received for 44 Valley Mill Lane.
		Clarence Park Angling/Community Room	£7,900.50 REFUND as amount was drawn down from S106 twice.
		Improvements to infrastructure at Starmount Reservoir and Blackshaw Brook Phase 1	£180 added back into S106 recreation balance due to an error in 2017/18 closing balance.



Contributions received after 1 April 2019 are not included in the total values received or unspent in Table 1 of the main report, to simplify the collation of data from the Council's financial systems.

### Contributions received after 1 April 2019

Application	Site	Description	Obligation complied with
58810	Land at Spen Moor, Bury and Bolton Road, Radcliffe (Tudor Grange)	Reserved Matters for appearance, landscaping, layout and scale following grant of Outline planning permission 55003 for residential development of 191 dwellings, creation of ecological enhancement ponds and access off Bury and Bolton Road	£475,070.93 received in three instalments: <ul style="list-style-type: none"> <li>£165,000 received 20/7/2016</li> <li>£160,000 received 22/12/2017</li> <li>£150,070.93 received 21/05/2019</li> </ul>
63185	Land at Chamberhall, Magdalene Road, Bury, BL9 0ES	Hybrid App - Full for 5 buildings of up to 12,317sq.m (B1,B2, B8) & associated works (Phase 1). Outline for dev (B1,B2,B8) and dev within A1,A3,A4,A5,B1,B2,B8,C1,D1 &D2.	£95,000 highways contribution received 23/4/2019.
63534	Site of Former Park Hotel, Lowther Road, Prestwich, M25 9GP	Residential development comprising 7 no. storey houses, 12 apartments, 21 parking spaces and associated amenity spaces.	£9,000 recreation contribution received 18/7/2019
60717 61714	Land between Geoffrey Street, Taylor Street & Brook Street, Bury, BL9 6DN	Reserved matters application following outline approval 60717 for 18 no. Dwellings with details of appearance, landscaping, layout and scale.	£46,155.24 recreation contribution received 6/7/2019
57317	Land adjacent to Hardman Fold Farm, Hardman Street, Radcliffe, M26 4GY	Erection of 1 no. detached dwelling.	£3,970.51 recreation contribution received 5/9/2019. S106 recreation contribution - £3,421.33, £348.18 interest for late payment, £201.00 legal fees.
63185	Land at Chamberhall, Magdalene Road, BL9 0ES	Hybrid App - Full for 5 buildings of up to 12,317sq.m (B1,B2, B8) & associated works (Phase 1). Outline for dev (B1,B2,B8) and dev within A1,A3,A4,A5,B1,B2,B8,C1,D1 &D2.	£24,000 pedestrian connectivity contribution received 3/10/2019.

Application	Site	Description	Obligation complied with
52821, 54715 55235 58055	Land adjacent to 103 Walmersley Road, Bury	Erection of 11 no. flats in 3/4 storey block together with parking	£500 recreation payment received 1/10/2019. £500 recreation payment received 1/11/2019. £500 recreation payment received 1/12/2019 £500 recreation payment received 1/1/2020 £500 recreation payment received 1/2/2020 £500 recreation payment received 1/3/2020  Staged payments to pay outstanding recreation obligation of £5,017.32
63185	Land at Chamberhall, Magdalene Road, BL9 0ES	Hybrid App - Full for 5 buildings of up to 12,317sq.m (B1,B2, B8) & associated works (Phase 1). Outline for dev (B1,B2,B8) and dev within A1,A3,A4,A5,B1,B2,B8,C1,D1 & D2.	Bury Council submitted Arboricultural Mitigation Scheme on the 11/11/2019.  St Modwen approved scheme on 18/11/2019.  Bury Council have 5 years to implement the scheme.
59884	Land at Mountheath Industrial Estate, George Street, Prestwich	Outline planning application for the demolition of all existing structures and redevelopment for a mixed use development comprising up to 160 dwellings and 2,959sq.m of employment floorspace (B1/B8) including all associated infrastructure.	Occupation of more than 10 dwellings will not be permitted until the Phase 1 Employment Units (704sq.m gross internal area) are practically complete and available for occupation.  Phase 1 Employment Units completed – November 2019.
56781	Land at 1 Woodhill Drive, Prestwich, Manchester M25 0BD	Erection of 1 detached dwelling.	£3,421.33 recreation contribution due on commencement.
61117	Bleaklow Mill, Bolton Road, Tottington, BL8 4LL	Demolition of the existing vacant industrial building and the erection of 24 dwellings (20 three bed and 4 four bed) with public open space, parking and associated access.	£8,8881.72 street lighting contribution to be used towards three street lights on Bolton Road, Hawkshaw.

## APPENDIX C: S106 INCOME, EXPENDITURE AND UNSPENT BALANCE

Expenditure type	Contributions received 1 April 2018 to 31 March 2019	Total amount spent 1 April 2018 to 31 March 2019	Total value of unspent contributions as at 31 March 2019	Comments
Recreation enhancement	£56,037.95	£229,269.40	£764,633.06	All allocated with the exception of contributions paid upfront that can't be allocated until commencement of development.  The balance includes £6,119 interest accrued in 2018/19.
Recreation maintenance	-	-	£153,395.03	All allocated to maintenance of transferred land. The balance includes interest earned, £1057.16 in 2018/19.
Recreation – Strategic Planning projects	-	-	£95,000.00	£70,000 contribution towards Moss Shaw section of the Bolton Bury railway path and £25,000 Olives Brook Link contribution.
Local Nature Reserves	-	£1,379.00	£65,057.39	All allocated.
Roch Valley Greenway maintenance fund & repair and maintenance of govt	-	-	£130,823.00	Transfer of land completed 15/6/16.
Affordable Housing	£178,577.26	£183,344.00	£1,699,548.00	£617,000 allocated to bring empty properties back into use as affordable housing across the Borough (of which £444,664 has been spent), £250,000 allocated to Radcliffe Times building (of which £136,888.02 has been spent), remainder ring fenced for AH.

Expenditure type	Contributions received 1 April 2018 to 31 March 2019	Total amount spent 1 April 2018 to 31 March 2019	Total value of unspent contributions as at 31 March 2019	Comments
Employment Land Development Fund	£50,000-	-	£730,066.72	£445,144.77 is allocated to various projects that will help to generate employment opportunities but as at 31/3/2019 remains unspent. £284,921.95 remains unallocated and unspent. However, opportunities for spending in accordance with the approved Framework for Spending are constantly under review.
Highways	£229,413.37	-	£272,035.65	Plans are progressing to spend contributions received for a second vehicle activated signs at Fletcher Bank, traffic calming, 20mph zone at Lowes Road, improvements to Bridleway 37 and the provision of an additional lane at the slip road to Jn 3 of the M66.
Education	-	£67,594.00	£0.00	Committed sum from Spen Moor. The funds have been used to contribute to an extension at St Stephen's CE Primary School which is due to complete in August 2019.
Public art	-	£13,334.61	£33,843.85	In 2018/19 £33,467.80 was spent on refurbishing the Ramsbottom Vase and contributions towards the Victoria Wood statue. Balance includes £375.87 interest earned 2018/19.
Clerke Street study	-	-	£3,374.10	Contribution to a study to identify a reuse or redevelopment scheme for land at Clerke Street. Survey work has been completed and an area study has been prepared.
Heat Pipeline feasibility study	-	-	£23,267.08	Committed sum from Pilsworth quarry to establish the feasibility of establishing a local heat network.
<b>TOTAL</b>	<b>£514,028.58</b>	<b>£494,921.01</b>	<b>£3,840,220.88</b>	

Please note that the figures in the table above represent a snap shot in time and may not be entirely consistent with previous reports as expenditure from S106 contributions is confirmed at financial year end and interest is added to the balance. Income figures are based on the twelve month period from 1 April 2018 and 31 March 2019, and total balances are as at 31 March 2019. Page 226



## APPENDIX D – OUTSTANDING OBLIGATIONS

### Part 1: S106 obligations where triggers have been reached

Application	Site	Description	Outstanding Obligations	Action
50058 50948	Former Albert Inn, Ribble Drive, Whitefield	Erection of 6 retail units with 15 flats above, associated access, parking, servicing and landscaping.	On-site affordable housing – 3 dwellings	Development completed. On-going to seek to recover the outstanding financial contribution in lieu of on-site affordable housing provision.
52821, 54715 55235 58055	Land adjacent to 103 Walmersley Road, Bury	Erection of 11 no. flats in 3/4 storey block together with parking	£5,017.32 recreation payment due upon commencement.	Development completed - contribution now due. Legal action has been instructed. Applicant agreed to pay debt in instalments.
50775 54550 58359	Former Thrush Hotel, Thrush Drive, Bury, BL9 6JD	14 no. dwellings with associated car parking and landscaping.	£13,674.08 recreation payment due in 3 phases, upon 1 <sup>st</sup> occupation of each block.	Development completed – contribution now due. Legal action has been instructed.
58918 Page 227	Land adjacent to 15 Prestfield Road, Whitefield, Manchester, M45 6BD	Erection of 33 no. apartments in 2,3 & 4 storey blocks with associated parking and a detached dwelling.	8 affordable housing units on site.	Development completed. Affordable housing obligation not complied with. Legal action is on-going to seek to recover the outstanding financial contribution in lieu of on-site affordable housing provision.
62237	Prestwich Golf Club, Hilton Lane, Prestwich, Manchester, M25 9XB	Residential development of part of golf course comprising 17 no. dwellings with new access from Kersal Road; Extension and reconfiguration of golf course to provide replacement facility.	£49,107.30 recreation contribution due prior to commencement of the residential development	Under construction - Contribution now due.

## Part 2: S106 obligations not yet triggered

Application	Site	Description	Requirements	Current Status
45274	Former P J Power Site, Millett Street, Bury, BL9 0JA	Demolition of offices & services yard; erection of 21 apartments in four storey block & new office accommodation within three storey block	£7,548.24 recreation payment due upon 1 <sup>st</sup> occupation.	Material start made. Recreation payment has not been triggered.
50058 50948	Former Albert Inn, Ribble Drive, Whitefield	Erection of 6 retail units with 15 flats above, associated access, parking, servicing and landscaping.	£6,176.40 recreation contribution due upon the sale of the sale of the 3 <sup>rd</sup> market unit. On-site affordable housing – 3 dwellings	Development completed but sold to one owner so recreation payment has not been triggered
47200	Townside Fields, Bury	Mixed use development	Layout and maintain footpaths and to use best endeavours to provide Metrolink crossing.	Development commenced. Endeavours to provide Metrolink crossing continue.
53353 57525	Whitefield House, Pinfold Lane, Whitefield	60-bed care home within ancillary clinic / rehab facilities, car parking and landscaping.	£50,000 recreation contribution due upon commencement.	Not commenced.

Application	Site	Description	Requirements	Current Status
58810	Land at Spen Moor, Bury and Bolton Road, Radcliffe, Manchester, M26 4JY	Reserved Matters for appearance, landscaping, layout and scale following grant of Outline planning permission 55003 for residential development of 191 dwellings, creation of ecological enhancement ponds and access off Bury and Bolton Road	<p>48 affordable housing units.</p> <p>£475,070.93 recreation contribution payable in instalments.</p> <p>1<sup>st</sup> instalment of £165,000 paid (10 projects specified in S106); 2<sup>nd</sup> instalment of £160,000 due on commencement of 66<sup>th</sup> dwelling; 3<sup>rd</sup> instalment of £150,070.93 due on commencement of 132<sup>nd</sup> dwelling.</p> <p>On site public open space.</p> <p>Permission for the Council to construct a public access track, with the Owner to ensure that public access is maintained.</p>	<p>Under construction.</p> <p><i>£165, 000 1<sup>st</sup> instalment of recreation contribution paid 20/7/2016</i></p> <p><i>£160, 000 2<sup>st</sup> instalment of recreation contribution paid 22/12/2017</i></p> <p><i>3<sup>rd</sup> instalment (£150,070.93) paid 21/5/2019.</i></p> <p><i>(10 recreation projects specified in S106).</i></p> <p>Completion of the on-site Phase 1 recreational land is required prior to occupation of the 120<sup>th</sup> dwelling and completion of Phase 2 prior to occupation of the 180<sup>th</sup> dwelling.</p>
58521	Former Red Bridge Inn, Bury Old Road, Ainsworth, Bolton, BL2 5PJ	Refurbishment and conversion/change of use of vacant public house to form 2 no. cottages and 8 no. apartments and erection of block of 10 no. apartments	<p>£30,120.06 recreation contribution payable in instalments.</p> <p>1<sup>st</sup> instalment of £15,060.03 due upon commencement; 2<sup>nd</sup> instalment of £15,060.03 due on occupation of the 10<sup>th</sup> unit.</p> <p>Project: Improvement to the Bradley Fold Play Area (Phase 1).</p>	<p>Under construction.</p> <p><i>£15,060.03 recreation contribution paid 12/4/16.</i></p> <p>2<sup>nd</sup> instalment not yet triggered.</p>

Application	Site	Description	Requirements	Current Status
56744	Land at Bury Road/York Street, Radcliffe, Manchester, M26 2WH	Hybrid full planning application for the erection of 153 no. dwellings together with associated works inc laying out public open space, remediate, raise levels, emergency access, development platform for future commercial devt. Outline for B1/B2 B8 7435m2	On site recreation provision. 15 affordable housing units on site plus overage clause. Employment development or ELDF contribution.	Material start made, Recreation payment has not been triggered.
58413	<i>Land to the West of 149 Brandlesholme Road, Bury, BL8 1BA</i>	<i>Reserved Matters application following Outline planning approval 54738 for construction of 39 houses and 18 flats, junction improvements, new access road and associated landscaping</i>	<i>On site recreation provision, 13 affordable housing units</i>	<i>Not commenced. Permission expired.</i>
58324	<i>Land adjacent to Eton Business Park, Bury Road, Radcliffe, Manchester, M26 2XF</i>	<i>Residential development of 18 no. dwellings</i>	<i>£37,342.00 recreation contribution on commencement, plus recreation overage clause. Project: Improvements to the footpaths, play area and ballzone at Close Park.</i>	<i>Not commenced. Permission expired.</i>
58985	<i>Site of Hartshead Works, Deal Street, Bury, BL9 7PU</i>	<i>Demolition of existing buildings and residential development comprising 39 no. dwellings (15 no. houses and 24 no. apartments), new access from Deal Street, carparking and landscaping</i>	<i>39 affordable units</i>	<i>Not commenced. Permission expired.</i>
59809/ 60750/ 62599	Paradise Mill, John Street, Bury, BL9 0NH	Demolition of existing buildings and formation of public pay and display car park including resurfacing works and boundary treatments (temporary period of 3 years).	Potential £144,000 employment contribution - given the applicant's longer term ambitions for the site, they have entered into a deferred overage planning obligation. The obligation specifies that if the site was to subsequently come forward for a higher value use, such as residential and/or retail, there would be a requirement to make a one-off financial contribution to off-set the loss of the employment land and premises.	Completed. S106 requirement has not been triggered.



Application	Site	Description	Requirements	Current Status
59715	Redisher Works, Holcombe Old Road	Demolition of existing buildings and erection of 22 no. dwellings including works to culverted watercourse	£64,261.88 recreation contribution payable in instalments.  1 <sup>st</sup> instalment of £32,130.94 due upon commencement; 2 <sup>nd</sup> instalment of £32,130.94 on 1st occupation  Projects: Improvements to public right of way and footpath at Redisher Woods (phase 1)); Improvements to steps and infrastructure at Pot Green Woodland (phase 1); Improvements to infrastructure at Bolton Road West Playing Fields (phase 1)	Site cleared. Not commenced.
60717, 61714 Page 231	Land between Geoffrey Street, Taylor Street & Brook Street, Bury, BL9 6DN	Reserved matters application following outline approval 60717 for 18 no. dwellings with details of appearance, landscaping, layout and scale.	9 affordable units;  £46, 155.24 recreation contribution received 6/8/2019.  Projects: Improvements to fencing and removal of shrubs/replacement with grass at Taylor Street open space; Improvements to fencing, paths and drainage at Athlone Avenue allotments; Drainage and surfacing of public rights of way at Broad Oak Woods; and Refurbishment of Clarence Park play area (Phase 1)	Under construction.

Application	Site	Description	Requirements	Current Status
60182	Land adjacent to Rico House, George Street, Prestwich, M25 9WS	Erection of synagogue (Class D1) and offices (Class B1) together with associated vehicular access, car parking and landscaping.	£20,000 prior to or upon commencement. This is a financial contribution to be held by the Council to implement a Resident's Parking Scheme if considered necessary. The terms of the obligation are as follows: £7,500 monitoring; £12,500 implementation. Monitoring to include pre-commencement of development and post occupation of development parking surveys at suitable times of the week, to be carried out by TfGM or the Developer.	Not commenced.
59884 62127 63087  Page 232	Land at Mountheath Industrial Estate, George Street, Prestwich	Demolition of all existing structures and redevelopment for a mixed use development comprising 124 dwellings and 2,959sq.m of employment floorspace (B1/B8) including all associated infrastructure.	Occupation of more than 10 dwellings will not be permitted until the Phase 1 Employment Units (704sq.m gross internal area) are practically complete and available for occupation.  Works to improve the junction of George Street/Bury New Road/Kings Road due three years from the date of Phase 2 Employment Units are practically completed and in any event not to cause or permit occupation of any of the dwellings on the site until the highway works are complete.	Phase 1 Employment Units completed – November 2019.  Reserved Matters application for residential element approved December 2019 (see 63324).
60798	Land on the North side of Rochdale Road, Bury, BL9 7AX	Proposed development of 6 no shops (A1) and 24 no. Flats in 3 and 4 storey building	£37,486.80 recreation contribution due prior to or upon commencement.  Project: Improvements to infrastructure at Openshaw Park (Phase 1) and improvements to infrastructure at Clarence Park (Phase 1)	Not commenced.

Application	Site	Description	Requirements	Current Status
60723	Land adjacent to 19A New Road, Radcliffe, Manchester, M26 1LS	Demolition of existing buildings and redevelopment including erection of 14 detached dwellings and associated works.	£38,032.02 recreation contribution due prior to or upon commencement.  Project: Refurbishment of Coronation Park to include tree work, landscaping, paths and play facilities Phase 1); and Landscaping and footpath improvements at St John's Churchyard off New Road, Radcliffe (Phase 1)	Not commenced.
59375	Site of former British Legion Club, Water Street, Radcliffe, M26 4DF	Outline - Demolition of existing building and erection of 1 no. Building containing 19 apartments with associated car parking and amenity space.	£29,677.05 recreation contribution due prior to or upon commencement.  Projects: Improvements to Manchester, Bolton and Bury Canal including removal of invasive species and debris and levelling of towpath east of Water Street (Phase 1); Improvements to footpath and accessibility towards the canal bridge at Banana Path, Improvements to drainage paths and raising the height of plots at Osborne Walk Allotments (Phase 1); and Improvements to track surfacing at Cams Lane running track (Phase 1).	Not commenced.
60762	Victoria Mill, High Street, Walshaw	Proposed extension and conversion of existing mill to provide 13 no. 1 & 2 bedroom residential apartments with 16 car parking spaces and associated works.	£20,305.35 recreation contribution due prior to or upon commencement.  Projects: Improvements to the play area at Town Meadow Park, Tottington (Phase 1); Refurbishment of the tennis courts at Town Meadow Park, Tottington (Phase 1); Improvements to the infrastructure at lodges in Kirklees Valley (Phase 1).	Not commenced.

Application	Site	Description	Requirements	Current Status
61117	Bleaklow Mill, Bolton Road, Tottington, BL8 4LL	Demolition of the existing vacant industrial building and the erection of 24 dwellings (20 three bed and 4 bed) with public open space, parking and associated access.	<p>£66,373.12 recreation contribution due in instalments:</p> <p>£33,186.56 due prior to or upon occupation of the 10<sup>th</sup> unit.</p> <p>£33,186.56 due prior to or upon occupation of the 20<sup>th</sup> unit.</p> <p>Projects:</p> <p>Improvements to play equipment at Old Kays Park Play Area (Phase1);</p> <p>Refurbishment of play equipment and surfacing at Hawkshaw Recreation Ground Play Area (Phase 1);</p> <p>Relocation of playground site and upgrade of play equipment of play equipment at Greenmount Recreation Ground Play Area.</p> <p>£20,000 employment contribution due in instalments:</p> <p>£10,000 due prior to or upon occupation of the 10<sup>th</sup> unit.</p> <p>£10,000 due prior to or upon occupation of the 20<sup>th</sup> unit.</p> <p>Project:</p> <p>Work to support the identification and delivery of sites for future employment development.</p> <p>£8,888.72 street lighting contribution to be used towards the installation of three street lights on Bolton Road, Hawkshaw (paid 10/03/2020)</p>	Under construction.



Application	Site	Description	Requirements	Current Status
61135	Car park to the north of 129 Croft Lane, Bury, BL9 8QH	Outline application for the construction of 8 no. dwellings	£1,500 highways contribution due prior to the commencement of the development.	Not commenced.
60045	Texaco Petrol Station, Bury Old Road, Prestwich, M25 0EY	Demolition of existing structure and erection of a retail A1 unit and synagogue with associated car parking, landscaping and access arrangements.	£5000 monitoring contribution and £10,000 parking scheme contribution due prior to or upon commencement.	Not commenced.
59067	Cartime, Bell Lane Car Centre, Bell Lane, Bury, BL9 6DJ	Demolition of existing car showroom and erection of a new car showroom with car valet.	Restriction on deliveries to Site A (edged in red) being made using 'prohibited vehicles' as defined in the Agreement.	Not commenced.
62081	Woodhill Farm, Spring Street, Ramsbottom, Bury, BL0 0DS	Demolition of existing farm buildings and erection of 16 no. dwellings and associated new infrastructure, including construction of new access road.	<p>£46,808.64 recreation contribution due prior to occupation of the 8<sup>th</sup> dwelling.</p> <p>Projects:  Improvements to infrastructure and accessibility at Nuttall Park (Phase 1);  Improvements to the appearance of the Town Centre open space at Factory Street garden including tree works and clearance (Phase 1);  Improvements to Irwell Sculpture Trail (section between Ramsbottom and Stubbins) and surrounding public footpaths to offer improved access on the trail including drainage, surfacing and signage (Phase 1);  Improvements to infrastructure at Kay Brow Lodge and Garden;  Improvements to landscaping and environmental quality including tree works and creation of habitats at Bolton Road West Playing Fields.</p>	Not commenced.

Application	Site	Description	Requirements	Current Status
62129	Former car park of Masons Arms, Walmersley Old Road, Bury, BL9 6RU	Erection of 1 no. dwelling.	The obligation requires that the ground floor of the Masons Arms public house be converted into 2 flats (pursuant to planning permission 61787) before any development can take place on the car park site.	Not commenced.
62220	The Elizabethan, Ribble Drive, Whitefield	Demolition of public house and erection of 15 no. dwellings	100% affordable housing.	Not commenced.
62765	The Plough, 51 Rainsough Brow, Prestwich, M25 6XW	Demolition of existing public house and erection of 15 no. apartments with basement parking and rear amenity area.	1 affordable housing unit.  £23,429.25 recreation contribution due prior to or on commencement of the development.  Projects: <ul style="list-style-type: none"> <li>Improvements to access, sight lines and safety of users at Drinkwater Park through removal of shrubs and trees:</li> <li>Improvements to paths, access and landscaping to raise the quality standard at Barnfield Park (Phase 1)</li> </ul>	Not commenced.
61217	Ainsworth Mill, Bury New Road, Radcliffe	HYBRID APPLICATION – FULL APP – COU of Phase 1 land (B2/B8) to Place of Worship (D1) OUTLINE APP – Partial demolition of mill and outbuildings retaining no less than 2,000sq.m for B2/B8 and provision of car parking, servicing, landscaping & infrastructure.	The S106 requires that Phase 1 (full app) only be carried out in conjunction with the use of the building under Phase 1 as a place of worship and ancillary uses and secure the parking and servicing areas shown on the plan are delivered for this phase. Phase 2 (outline) is to be brought forward with details of access, servicing and parking provision to be carried out with Phase 2 only.	Not commenced.
63376	The Old School, 1 Walker Street, Radcliffe, M26 1FH	Conversion of antiques centre/dwelling to 13 no. residential apartments	1 affordable housing unit.  £18,734.40 recreation contribution due prior to or upon commencement.  Project: Refurbishment of equipment and surfacing at the play area in Hollinhurst Playing Fields.	Not commenced.

Application	Site	Description	Requirements	Current Status
63185	Land at Chamberhall, Magdalene Road, Bury, BL9 0ES	<p>HYBRID APPLICATION</p> <p>FULL APP – 5 buildings of up to 12,317sq.m (B1, B2, B8) &amp; associated works (Phase 1).</p> <p>OUTLINE APP – Development (B1, B2,B8) and development within A1,A3,A4,A5,B1,B2,B8,C1,D1&amp;D2.</p>	<p>£30,000 Tree Replacement Contribution. The Council has 12 months from the date of receipt of the contribution to submit an Arboricultural Mitigation Scheme to St Modwen for approval. The £30,000 may be used towards the preparation of the scheme. St Modwen have 30 days to either agree or propose amendments to the scheme. The Council have 5 years from the date of approval of the scheme to implement it.</p> <p>£95,000 – Local highway network mitigation.</p> <p>£24,000 pedestrian connectivity contribution to improve pedestrian connectivity between the site and the town centre due prior to first occupation.</p>	<p>Under construction.</p> <p><i>£30,000 Tree Replacement Contribution – received 7/2/2019.</i></p> <p><i>£95,000 – Local highway network mitigation – received 23/4/2019</i></p> <p><i>£24,000 – Pedestrian connectivity contribution received 03/10/2019.</i></p>
63134	Site of former Park Hotel, Lowther Road, Prestwich, Manchester, M25 9GP	Residential development comprising 7 no. 2 storey houses, 12 apartments, 21 parking spaces and associated amenity spaces.	<p>100% affordable housing.</p> <p>£9,000 recreation contribution</p> <p>Project: The completion fencing to improve and upgrade tennis court facilities at St Mary's Park, Prestwich.</p>	<p>Under Construction.</p> <p><i>£9,000 recreation contribution - received 18/7/2019</i></p>
63429	Parkgates, Sedgley Park Road, Prestwich, Manchester, M25 0JW	Creation of one additional floor of office space to an existing building.	<p>£7,500 monitoring contribution;</p> <p>£12,500 parking scheme contribution.</p> <p>Both due prior to or upon commencement.</p>	Not commenced.
62546	Land adjacent to 436 Walmersley Road, Bury, BL9 6QE	Erection of 6 no. dwellings	<p>£12,140.46 recreation contribution due prior to or upon commencement.</p> <p>Projects: Improvements to Limefield Park Improvements to landscape areas in Clarence Park.</p>	Not commenced.

Application	Site	Description	Requirements	Current Status
63003	85 Bury Old Road, Whitefield, Manchester, M45 7AY	Erection of new four storey office building (B1) and new four storey building comprising 11 no. residential apartments (C3) together with dedicated parking.	1 affordable housing unit.  £17,181.45 recreation contribution due prior to or upon commencement.  Projects: Drainage improvement works to upgrade accessibility across the site at Thatch Leach Open Space; Improvements to equipment, surfacing and fencing at Victoria Besses Play Area (Phase 1).	Not commenced.
60370 63617  Page 238	Land to the west of Manchester Road, Ramsbottom, Bury, BL0 0BZ	35 no. dwellings	9 affordable housing units  On-site recreation provision (specification for recreation land is to be submitted for approval prior to commencement with the recreation land being completed and available to the public prior to first occupation.	Not commenced.
63054	Former Texaco Garage, Bury Old Road, Prestwich, Manchester, M25 0EY	Demolition of existing structures and erection of an A1 retail unit and synagogue with associated car parking, landscaping and access arrangements and addition of basement for use as storage and plant space.	£5000 monitoring contribution; £10,000 parking scheme contribution to be paid prior to or upon commencement.  Vehicles above 8m in length are prohibited from entering the site. Prior to commencement, signage is to be agreed with the Council and erected at the entrance to the site regarding the restriction on prohibited vehicles.	Not commenced.
63462	Land at Chapel Road (adjacent to Sycamore Cottage), Prestwich,	Erection of 3 dwellings	£9,723.98 recreation contribution.  Project: Improvements to play equipment and surfacing at Kersal Road Plan Area.	Not commenced.



Application	Site	Description	Requirements	Current Status
63630	Land off Kay Street, Summerseat	Erection of a single building containing 16 no. dwellings and associated car parking. Creation of an upgraded vehicular access from Kay Street	2 affordable housing units.  £24,991.20 recreation contribution.  Project: Improvements to surfacing and equipment at Waterside Play Area.	Not commenced.
63002	Land adjacent to 41 Station Close, Radcliffe, Manchester, M26 4GW	Erection of 14 no dwellings and associated access road.	1 affordable housing unit.  £40,957.56 recreation contribution.  Project: Refurbishment of equipment and infrastructure at Snape Street Play Area (prior to commencement); Refurbishment of equipment at Young Street Play Area (prior to occupation of the 5 <sup>th</sup> unit).  Cycleway	Not commenced.
61474, 64462	Land at Kersal Vale Road, Prestwich, Salford, M7 3NT	Approval of RM of layout, scale, landscaping and appearance for outline app 61474 for the construction of 109 no residential dwellings together with associated public open space, landscaping, sub & pumping stations and highways infrastructure.	44 affordable housing units  On-site recreation provision  Provision of a public access track	Not commenced.
63324	Land at Mountheath Industrial Estate, George Street, Prestwich	Approval of reserved matters - erection of 124 no dwellings including details of appearance, scale, landscaping and layout pursuant to planning permission 62127	18 affordable housing units.  £354,425.84 recreation contribution due prior to or upon commencement.	Not commenced.
63533	Bevis Green Works, Mill Road, Bury, BL9 6RE	Residential development comprising 268 no dwellings (Class C3) with associated access, car parking, landscaping and open space.	33 affordable housing units;  On-site recreation land to be completed and thereafter maintained;  £156,000 employment contribution.	Not commenced.

<b>Application</b>	<b>Site</b>	<b>Description</b>	<b>Requirements</b>	<b>Current Status</b>
63992	Land between 60 and Unit 6 Millett Street, Bury, BL9 0JA	Erection of a building to contain 36 no. apartments with associated external works, car parking and landscaping	100% affordable housing.	Not commenced.
64093	Former Magistrates Court, Tenters Street, Bury, BL9 0HX	Conversion of the existing building to 39 no. apartments and erection of 10 no. townhouses with associated landscaping works	The Owner is required to submit a Viability Appraisal to establish whether any affordable housing/recreation contribution is payable. This is due within three months of completion of 75% of the dwellings.	Not commenced.