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AGENDA FOR

PLANNING CONTROL COMMITTEE



Contact: Michael Cunliffe
Direct Line: 0161 253 5399
E-mail: m.cunliffe@bury.gov.uk
Website: www.bury.gov.uk

To: All Members of Planning Control Committee

Councillors : G McGill (Chair), S Arif, C Boles, D Duncalfe, D Green, J Harris, M Hayes, D Quinn, S Thorpe, D Vernon and M Walsh

Dear Member/Colleague

Planning Control Committee

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

Date:	Tuesday, 21 February 2023
Place:	Council Chamber, Bury Town Hall
Time:	7.00 pm
Briefing Facilities:	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
Notes:	https://councilstream.com/burycouncil/2173

AGENDA

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

Members of the Planning Control Committee are asked to consider whether they have an interest in any of the matters on the Agenda and, if so, to formally declare that interest.

3 MINUTES OF THE MEETING HELD ON THE 24TH JANUARY 2023 *(Pages 3 - 4)*

Minutes of the meeting held on Tuesday the 24th January 2023 are attached.

4 PLANNING APPLICATIONS *(Pages 5 - 108)*

Reports attached.

5 DELEGATED DECISIONS *(Pages 109 - 118)*

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 119 - 124)*

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 APPEAL AGAINST NON-DETERMINATION *(Pages 125 - 152)*

Report attached.

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: 24 January 2023

Present: Councillor G McGill (in the Chair)
Councillors S Arif, C Boles, D Duncalfe, D Green, J Harris,
M Hayes, D Quinn, S Thorpe, M Walsh and L McBriar

Also in attendance: Councillor C Morris, Councillor A Quinn and Councillor
J Rydeheard

Public Attendance: 5 members of the public were present at the meeting.

PCC.1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by Councillor D Vernon.
Councillor L McBriar acted as a substitute representative for Councillor Vernon.

PCC.2 DECLARATIONS OF INTEREST

Councillor M Hayes declared an interest in planning application 68878, 78
Trimmingham Drive, Bury, BL8 1EL as he was the local ward Councillor for the Elton
area.

He and another local ward Councillor had circulated a letter and short survey to the
surrounding properties which contained facts about the application and referred
residents to the Council's website to provide any comments. Councillor Hayes had not
pre-determined the application and would continue to approach it with an open mind
and without prejudice.

PCC.3 MINUTES OF THE MEETING HELD ON THE 13TH DECEMBER 2022

Delegated decision:

That the Minutes of the meeting held on the 13th December 2022 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
applications for planning permission.

There was supplementary information to add in respect of application numbers 68647
and 68878. The supplementary information also detailed that the application which
was deferred at the last planning control committee on the 13th December 2022 for a
site visit had been withdrawn by the applicant on the 11th January 2023.

The Committee heard representations from applicants, objectors and Ward Councillors
in respect of applications submitted. This was limited to three minutes for the speaker.

Delegated decisions:

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

78 Trimingham Drive, Bury, BL8 1EL

Change of use from dwellinghouse (Class C3) to children's residential care home (Class C2) (maximum 4 no. children and 3 no. members of staff) including conversion of integral garage to additional living space and associated external alterations

2. That the Committee be **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: -

Red Bank Playing Fields, Unsworth Street, Radcliffe, Manchester, M26 0RN

Creation of 3G Artificial Grass Pitch (AGP) with perimeter fencing, new macadam hardstanding areas, floodlights, storage container, single storey pavilion and 83 space car park with associated lighting and landscaping

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 and enforcement appeal decisions since the last meeting of the Planning Control Committee.

Delegated decision:

That the report and appendices be noted.

PCC.7 URGENT BUSINESS

No urgent business was reported.

COUNCILLOR G MCGILL
Chair

(Note: The meeting started at 7.00pm and ended at 8.18pm)

Title	Planning Applications
To:	Planning Control Committee
On:	21 February 2023
By:	Development Manager
Status:	For Publication

Executive Summary

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

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

This report has the following implications

Township Forum/ Ward: Identified in each case.

Policy: Identified in each case.

Resources: Not generally applicable.

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

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

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

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

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

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

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

Development Manager

Background Documents

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

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

01	Township Forum - Ward: Whitefield + Unsworth - Unsworth	App No. 68530
	Location: Land at the junction of Hollins Brook Way and Pilsworth Road, Bury, BL9 8RR	
	Proposal: Hybrid application - Full application: Zone 1 development of Commercial building No1 (Creche, Use Class E), car parking and internal site roads, a new site access junction to Pilsworth Road, highway improvements to Hollins Brook Way and Pilsworth Road, use of an existing car park exit to Aviation Road for emergency purposes only. Outline application: Zone 2 development of Commercial building No.2 (Hub building, Use Class E) car parking and internal site roads and a multi-purpose all-weather sports pitch (Including reserved matters of means of access and scale included for determination).	
	Recommendation: Minded to Approve	Site Visit: N
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02	Township Forum - Ward: Ramsbottom and Tottington - Ramsbottom	App No. 68983
	Location: Peel Tower, Holcombe Hill, Holcombe, BL8 4NR	
	Proposal: Camera on top of a flag pole at the top of Peel Tower	
	Recommendation: Approve with Conditions	Site Visit: N
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03	Township Forum - Ward: Ramsbottom and Tottington - Ramsbottom	App No. 68985
	Location: Peel Tower, Holcombe Hill, Holcombe, BL8 4NR	
	Proposal: Listed building consent for a camera on top of a flag pole at the top of Peel Tower	
	Recommendation: Approve with Conditions	Site Visit: N
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04	Township Forum - Ward: Bury East - Redvales	App No. 69093
	Location: 17 Pembroke Drive, Bury, BL9 9LF	
	Proposal: Part single/Part two storey rear extension	
	Recommendation: Approve with Conditions	Site Visit: N
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Ward: Whitefield + Unsworth - Unsworth

Item 01

Applicant: JD Sports Fashion plc

Location: Land at the junction of Hollins Brook Way and Pilsworth Road, Bury, BL9 8RR

Proposal: Hybrid application - Full application: Zone 1 development of Commercial building No1 (Creche, Use Class E), car parking and internal site roads, a new site access junction to Pilsworth Road, highway improvements to Hollins Brook Way and Pilsworth Road, use of an existing car park exit to Aviation Road for emergency purposes only.

Outline application: Zone 2 development of Commercial building No.2 (Hub building, Use Class E) car parking and internal site roads and a multi-purpose all-weather sports pitch (Including reserved matters of means of access and scale included for determination).

Application Ref: 68530/Full

Target Date: 05/09/2022

Recommendation: Minded to Approve

It is recommended that this application is Minded to Approve subject to the signing and completion of a Section 106 agreement for a contribution towards highway improvement works in accordance with Chapter 9 of the NPPF and adopted Unitary Development Plan Policies EN1/7, HT1 and HT2.

The Development Manager has recommended a site visit be carried out prior to the Planning Committee meeting.

Description

The application site comprises a vacant piece of land circa 1.7 hectares which is located in the Pilsworth Industrial Estate Employment Generating Area under UDP Policy EC2/1. The site is associated with the JD Group campus where the main headquarters for the company are established.

The site is located at the junction of Hollins Brook Way and Pilsworth Road, directly adjacent to the existing JD offices and car parks with the surrounding area predominantly characterised by commercial and industrial uses. There is an established residential development to the west of the site comprising Beechwood apartments and dwellings on The Croft separated from the site by trees. To the south is open land which is allocated as a Wildlife Corridor, River Valley and land which forms Hollins Local Nature Reserve.

There is a Public Right of Way (PRoW) which runs down the eastern pavement of Hollins Brook Road to the south of the site and connects to the Local Nature Reserve.

A High Pressure (HP) gas pipeline crosses the north east corner of the site and Hollins Brook Way.

The site was formally occupied as a plant hire depot operated by A-Plant which was acquired by the applicant in 2017 with the building demolished in 2019. The site has since remained vacant.

The application proposes a complete redevelopment of the site to provide additional facilities and functions to support the existing campus and needs of its employees.

The new facilities would provide a creche building, hub building for offices, training, amenity areas and staff facilities, multi purpose all weather pitch and parking with associated landscaping and highway works.

It is proposed to deliver the development in two phases and the application has been submitted as a hybrid application as follows:

Full application - Zone 1

Creche - New creche building with outdoor terraces and play areas.

The creche would be positioned in the south western corner of the site with the main entrance facing eastwards towards the main campus area. The build would comprise 2 storey with plant equipment located on the roof and would form a stepped arrangement, the higher part of the building close to the southern boundary.

Parking would be arranged to the front and side of the building to provide 80 no. spaces including EV chargepoints and accessible spaces and 26 no. spaces for the creche employees. To the western side adjacent to the boundary would be landscaped external play areas enclosed by a 2.5m high close boarded timber fence.

The creche would be of a contemporary modern design built on a dark grey brick plinth with elevations a mix of grey tiled and metal cladding, natural toned metal cladding, louvred screens and glazed entrance and feature windows.

It is anticipated the creche would provide for between 90 and 120 children and would be provided to meet the childcare needs of the JD employees only.

Landscaping

There would be some tree removal along the south and western boundary with proposals for replacement and additional planting and along part of the site frontage.

New access and highway infrastructure works - It is also proposed to create a new access from Pilsworth Road to lead directly to the creche with an internal circular road linking to the existing access at Hollins Brook Way. This access would be widened to provide a second lane and enable a dedicated left and right turn out of the site. Works to the highway to widen Pilsworth Road to provide dedicated right turns into the site would be carried out. The access from Aviation Road would be used for emergency purposes only.

Parking

Proposed as follows -

- 26no. creche staff spaces
- 20no. Parent & Child spaces
- 5no. Parent & Child EV spaces
- 12no. standard EV spaces
- 38no. standard spaces
- 5no. accessible spaces

Total = 106 spaces

Outline application to include matters of access and scale for determination (layout appearance and landscaping are reserved matters) - Zone 2

Whilst layout does not form part of the details, the scheme had been significantly advanced in terms of design and the layout shown on the Masterplan would unlikely alter to a significant degree.

A reserved matters application would consider the details for the final layout, appearance and landscaping elements of the scheme, with scale and access being considered as part of the application.

New Hub building - New 4 storey multi function Hub to provide a focal building incorporating offices, gym, restaurant and cafe, meeting rooms, training facilities, mock shop, presentation theatre with outdoor terraces.

The proposed masterplan shows this building located in the eastern part of the site with associated parking between the building and Pilsworth Road.

Details of the design would be applied for under a reserved matters application but indicative plans show a mix of glazing and cladding and a featured entrance in a landscaped surrounding.

Sports pitch - A multi purpose all weather pitch is proposed to be located towards the centre of the site between the creche and Hub building. The pitch would be provided as a leisure facility for JD employees.

A running track would also be provided as a circular route round the pitch and the creche. Changing facilities for the leisure uses would be located in the creche building.

A detailed landscaping plan would be submitted as part of reserved matters.

Parking

Whilst not forming part of the details of the application, the masterplan indicates that the parking would be located to the front of the site and would provide circa 20 no visitor spaces and 51 no staff spaces for the Hub building.

Zone 3

Zone 3 shown on the 'Zoning Plan' is not within the application red edge plan and does not form part of this planning application. It is anticipated that future works in this part of the applicant's site would involve reconfiguration of existing internal roads and car park. This may not require planning permission.

Community consultation

The applicant carried out community consultation by meeting with local residents. This is discussed in the report below.

Relevant Planning History

02227/E - Change of use to offices, staff training accommodation, including mock shop; staff gym, multi-storey car park and surface level car park, re-cladding existing external with upgraded materials and external works to facilitate the proposed use - Enquiry completed 18/02/2019

02716/E - Construction of buildings, a multi-purpose all-weather sports pitch, fitness trail, car parking and highway works to create a new business hub and childcare facilities at JD Campus - Enquiry completed 05/07/2022

54670 - Replacement boundary fence (Pilsworth Road/ Hollins Brook Way) - Approve with Conditions 02/02/2012

60525 - Retention of existing car park and re-location of car park gate onto Aviation Road for egress only; alterations and improvements to the junction of Aviation Road and Pilsworth Road, including repositioning of existing gate on Aviation Road to improve pedestrian

access (north side) and provision of a horse stile (south side) and associated signage -
Approve with Conditions 21/02/2018

63159 - Variation of condition 1 following grant of planning permission 60525 to allow an additional 6 months for commencement of the junction improvement works - Approve with Conditions 04/10/2018

63998 - Variation of condition 1 following grant of planning permission 63159 to allow an additional 6 months for commencement of the junction improvement works - Approve with Conditions 23/05/2019

64607 - Prior notification for proposed demolition of single storey steel framed workshop/works depot and single storey garage - Prior Approval Required and Granted 24/10/2019

68605 - Installation of a temporary two storey Portakabin modular building to provide a decant office facility, whilst refurbishment works are carried out across the site. The building will be vinyl wrapped as per the attached design. This application sees temporary planning permission of 3 years. - Approved 20/9/22

20/0101 - Breach of conditions of demolition determination application 64607 - 08/06/2020

Publicity

Letters sent on 7/7/22 and 19/8/22 to 72 properties.

Site notice posted 15/7/22

Press advert 14/7/22

- This development appears not to have considered that people will need to arrive by means other than car, at a time when we are in a climate emergency and energy cost crisis. There is no sign of a protected cycleway or of a continuous footway.
- There is no plan for controlled pedestrian crossings anywhere on Pilsworth Road - this again seems at odds with the need to encourage travel by means other than private car.
- Also it's a bit odd that the running track stops at roads - surely this and the footway should continue across the carriageway (using Dutch-style ramped entrance kerbs) with cars expected to give way?
- Purely on the basis of a lack of consideration for anyone not arriving at this facility by car, I object.
- The application proposes a widening of the carriageway to facilitate a turning pocket, but offers nothing for people cycling. No protected facility or anything, on a road that is deeply uncomfortable, even dangerous, to cycle on due to the amount of traffic travelling to and from the M66, Asda and the A56. Considering the size of the grass verges running along the highway at this point, it is unforgivable not to provide for active travel.
- There are no controlled pedestrian crossings anywhere on Pilsworth Road. Not one. How are people supposed to cross in safety and comfort?
- And why is there only a single cycle store?
- Croft Lane is an extremely busy tight road already and it is close to the motorway which means there is plenty of traffic all day long. As well as this, the current office contributes to a lot of the congestion, so by making an extension will only mean more congestion, pollution and disruption. In addition to this, a big project like this is going to be extremely noisy and has the potential to go on for a long extended period of time causing disturbances and noise pollution to the people that live here. Also it will cause a lot of vibration to the Houses as we have already felt them when the last works were carried out. I am worried that the vibrations may weaken the foundations of my Home bearing in mind this is an ex coal mining area. These are some of the concerns I have regarding this situation
- The construction is going to take an estimated 2 years. This is such a long period of time to be living next to an active construction site, it will be noisy, dusty and most likely cause some sort of structural damage to the surrounding properties.

- The creche appears to be backing onto the croft houses, this means that the noise from people attending the creche is going to be heard all day long by these residents who currently live in an extremely quiet neighbourhood.
- The improvements they are making to the main road will not ease the traffic in anyway, this is due to the traffic being exacerbated by people coming out of JD and turning right towards the motorway NOT people turning INTO the JD site.
- The football pitch is said to close at 9pm when it is in use, this will create further noise, litter and pollution for residents, many of which who are elderly.
- Overall, 2 years of inconvenience when only JD are benefiting.

Comment

The purpose of this comment is to ask Bury planning to note that many will not comment on the proposals until the JD/neighbours meeting has been held and to extend the consultation period if necessary to allow residents to make comments following the meeting.

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

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions

Environmental Health - Contaminated Land - No objection subject to conditions

Environmental Health - Pollution Control - No objection subject to conditions

Waste Management - No response received.

Public Rights of Way Officer - No objection

United Utilities (Water and waste) - Flood risk assessment proposals acceptable in principle. Recommend a drainage scheme to be submitted.

The Coal Authority - No objection

Greater Manchester Ecology Unit - No objection subject to conditions

Transport for Greater Manchester - No objection.

Cadent - No objection

Health and Safety Executive - No objection

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

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EC2/1	Employment Generating Areas
EC6/1	New Business, Industrial and Commercial
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/11	Public Utility Infrastructure
EN4/1	Renewable Energy
EN5/1	New Development and Flood Risk
EN6/2	Sites of Nature Conservation Interest LNR's
EN6/3	Features of Ecological Value
EN7/2	Noise Pollution
RT3/5	Noisy Sport
HT2	Highway Network
HT2/1	The Strategic Route Network
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
HT6/1	Pedestrian and Cyclist Movement
HT6/2	Pedestrian/Vehicular Conflict
SPD11	Parking Standards in Bury

Issues and Analysis

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

Policy Principle - The site is in an identified Employment Generating Area under UDP Policy EC2/1 and is part of the Pilsworth Industrial Estate.

The applicant, JD Group has established headquarters at Pilsworth and now seeks to consolidate and reinforce the facilities and functions of the campus, by providing additional facilities to serve the needs of the whole campus and strengthen its role as a major employer in Bury and continue the company's growth within the global market.

In principle, the proposed development would be acceptable and would comply with the principles of the NPPF and UDP Policies EC2/1 and EC6/1.

Layout and siting - The development site would be split into two areas, with zone 1 comprising the creche building, running track, new access and associated parking and landscaping, followed by zone 2 for the hub, sports pitch and parking.

Zone 1

The zone 1 works are proposed in full detail, comprising the creche building with a footprint of circa 627sqm. The build would be located close to the south western corner of the site and orientated with the longer length running north to south. The main outdoor play space would be located to the western side of the building and enclosed by a 2.4m high acoustic fence.

Parking for 80 no cars would be arranged to the front and side of the building to include 26 no. spaces for creche staff, EV chargepoint spaces and accessible spaces. A new access to this part of the site would lead directly to the creche which would aide vehicle traffic flows through the site. The creche would be approx 11m at the closest point to the western boundary and separated by the running track and existing trees and vegetation which would provide a degree of relief from residential properties beyond this boundary.

There would be some tree removal along the west and southern boundaries required to facilitate the zone 1 development and it is proposed to mitigate this by supplementing and strengthening the planting along these boundaries which would not only provide additional screening to the neighbours but would soften the built development and car park areas.

A number of factors have driven the position, design and orientation of the creche building, largely in the applicant's consideration of the proximity to the boundary and by positioning the highest part of the building further from neighbours. It was also important to the applicant that the building provide a connectivity and overlooking of the sports pitch and rest of the campus site. The position of the build away from Pilsworth Road and the new access would also minimise noise and pollution from the main road and improve safety at this new access point.

In consideration of these factors, the proposed siting of this building and associated parking and access would be considered to be acceptable.

Zone 2

Whilst not applied for in detail, indicative layout plans have been submitted to show approximate positions of the Hub, playing pitch and parking areas. The position of these elements on site have largely been driven by the applicant's desire for the hub to be the focal point of the development whilst providing good connectivity to the other areas of the site, providing green spaces and retaining trees where possible and utilising the existing access. The development is also constrained by the main gas pipe to the north east and the PRow which connects the main road to the LNR.

It is therefore unlikely that the proposed layout would change to a significant degree once a reserved matters application comes forward.

The Hub would be the pivotal element of the development and would be located towards the eastern part of the application site and central part of the site set back from the frontage by approximately 30m. Visitor parking would be provided in the area in front of the Hub. The front of the site would be landscaped which would soften and enhance the frontage.

The playing pitch would be located between the creche and Hub, the size of which would facilitate football games of circa 5-a-side and which is considered to be commensurate within the campus development.

The remaining part of the site would provide parking for staff and internal vehicular links would connect the site to the wider campus, with refuse facilities and cycle parking located near to each building. Landscaping of the whole site would be incorporated into the development with details to be secured by condition.

The proposed scheme has been designed to provide a comprehensive development which would integrate within the existing campus in response to business needs.

Delivered as the first phase, the position of the creche building is considered the most appropriate location within the site acknowledging the proximity of the residential properties yet linking to the wider facilities both visually and practically.

The remaining part of the site would accommodate the more 'commercial' Hub for the development for offices, training and employee facilities and it is considered the position of these elements would integrate and relate well to the existing campus.

It is therefore considered that the proposed development would be acceptable and comply with UDP Policies EC2/1, EC6/1 and EN1/2

Design and scale

Chapter 12 of the NPPF - Achieving well-designed places advocates the creation of high quality and sustainable buildings to provide better places for people to live and work. Design quality should be considered throughout the evolution and assessment of individual proposals.

Zone 1

In terms of design, the creche build would be 2 storey in height with a 1st floor terrace and 1.8m metal louvred screen to enclose plant equipment on the roof. The build would be formed in a 'tiered' arrangement and in terms of its scale and mass is considered to be an appropriate solution when considering its position on site in relation to the residential properties to the west. A clearly defined main entrance would be located on the eastern elevation to front the wider site and enable a safe and clear pedestrian connection to the other facilities and whole campus.

The design approach proposes a contemporary and modern solution, comprising dark grey metal cladding, dark grey tiled shingles, louvred plant screen, and buff coloured cladding interjected with elements of metallic green vertical strips. Full height glazing would signify the main entrance and access points and provide light openings to the upper floor. The stepped design and recessed areas set within the elevations would incorporate elements of interest and contrasts to the build.

The building would be softened by tree planting and vegetation with the potential to provide a green roof and photovoltaic panels. Native hedge and woodland planting would be incorporated around the boundary of the zone 1 site area.

It is considered that the design and appearance of the proposed creche building would present a high quality yet practical approach to a childcare facility, incorporating elements to promote sustainable development. As such, the proposed development is considered acceptable and would comply with EN1/2 and the principles of the NPPF.

Zone 2

In terms of scale, the main hub building would be 4 storey and the parameters plan states the maximum height would be a maximum of 21m which would require further approval if this were to alter. The section plan D-D shows the top of the parapet wall at 17.740m and plant screen at 20.24m. The design is at a relatively advanced stage so it is unlikely the reserved matters plan would deviate from that submitted but dimensions could change if the plant screen needed to be a slightly higher or lower.

The site section plans shows the Hub building within the context of the existing built development on site and in relation to Edinburgh House to the rear of the site at the end of Hollins Brook Way and Balmoral House to the east fronting Pilsworth Way. The Hub building would not be significantly different to the height of these buildings and would be positioned in a broadly central position when viewed within the context of the whole JD campus. It is therefore considered the scale and massing would be an appropriate addition and would assimilate within the development and its surrounds.

Whilst approval for appearance is not sought for zone 2 proposals, the applicant has provided indicative images and drawings of the design concept which have been developed for the Hub building.

The Hub is intended to be the 'feature' building on site and orientated such that the longer of the elevation would front Pilsworth Road which would present a strong and important frontage to address the streetscene. The footprint of the building would comprise 3 sections, with the middle element in a recessed position where it is proposed to provide an outside courtyard area which would be flanked by the two outer sections. At first floor it is also intended to provide an external terraced space which would overlook the sports pitch. Illustrative images show elevations would comprise grey cladding and glazing with intermittent coloured panels for contrast.

Within the setting of the existing campus and wider industrial estate, it is considered this approach would be acceptable and would comply with EN1/2 and the principles of the NPPF.

The overall development proposes to incorporate sustainable design features with a 'fabric first' approach to ensure good standards of energy efficiency are achieved and maximising planting to external spaces to encourage biodiversity and ecological gains. Where possible rainwater harvesting and SuDs would be implemented and 34 no. EV chargepoints provided across the site.

It is therefore considered that the proposed development would deliver a high quality specification of buildings in terms of the design approach and one which would be appropriate in scale not only to the direct setting but within the industrial estate as a whole.

Highways issues

Access

The site is currently served from Hollins Brook Way and this would be retained as the primary access for the established JD offices. An additional exit lane to provide dedicated left and right hand turns out of the site would improve traffic flows within the site itself and help regulate traffic movement onto Pilsworth Road.

A right turn lane would also be provided on Pilsworth Road into the site at the Hollins Brook Way junction bettering the existing access arrangements to this part of the site.

The development also proposes to create a new access into the site from Pilsworth Road which would serve as the primary access for the creche and into the new development . This would be formed at the western part of the site frontage and a dedicated right turn lane would be formed from Pilsworth Road into the site which would enable traffic to continue to flow freely past the site.

The applicant also proposes to provide a right turn lane into Pilsworth Way opposite the site which would improve access to this part of the industrial estate.

With the proposed new access, there would be no need to continue use of Aviation Road on a daily basis and this would revert to use for emergency purposes only, which would be a condition of any approval.

Traffic

In terms of traffic generation for the creche, this facility would be provided solely for JD employees and for staff who already work at the campus and as such these journeys would not be new to the highway network. However, there would be a degree of additional traffic by employees who are not currently based at the campus, enticed back to being office based by the convenience of the creche facility.

There would also be traffic generated by 26 staff employed at the creche.

The Hub would offer a range of amenity and recreational facilities, elements of which would be shared across the existing JD campus but would also provide additional office accommodation plus training and lecture/theatre facilities which would generate additional trips by employees, visitors and when events are hosted, for example.

The traffic at Pilsworth Industrial Estate is already problematic, particularly at peak morning and evening times and as one of the main employers in the area, JD's existing operation is a contributing factor to the traffic which builds up around these junctions and the local highway network. The proposed development would bring an uplift in traffic to the site and area in general.

The site and industrial estate are not particularly well served by links to public transport and whilst there is the opportunity for cycle travel, the location of the site makes this mode of transport more difficult. It is also highly probable that the majority of JD employees, existing and future, would not live within such proximity to benefit from sustainable transportation modes, although this is/should be encouraged. Reliance on a vehicle therefore remains the primary mode of travel.

A Transport Assessment (TA) has been submitted with the application which provides an analysis of existing flows and predicted increase to the level of trip generation as a result of the proposed development.

TfGM have been consulted on the proposals and have reviewed the Transport Assessment which has submitted with the application. It was identified that road junction usages in the localised area already function at capacity at peak periods and would operate at worse levels with the additional development traffic.

TfGM are currently working up a number of vehicle, cycle and pedestrian improvement schemes around the A56/Hollins/Pilsworth corridor and it has been recommended that the applicant provides a contribution towards one such improvement scheme in the locality.

The applicant has agreed to make a contribution of £100,000 which would be secured by way of a S106 legal obligation.

Other improvements would come forward as part of the s278 Highways process including improved pedestrian crossing facilities, speed announcement signage amongst other highways requirements. These would not necessarily be shown within a planning application but would be required by the Highway Authority.

Parking

In terms of parking for the creche, the proposed site plan show there would be an additional 106 spaces provided for this facility, broken down as follows -

- 26no. creche staff spaces
- 20no. Parent & Child spaces
- 5no. Parent & Child EV spaces
- 12no. standard EV spaces
- 38no. standard spaces
- 5no. accessible spaces

The applicant anticipates that some parents will use the creche parking and walk to the main campus, whilst others will park on the main campus and walk to the creche. The balance of parking across the masterplan has been designed to allow for this, as well as the future development of the hub building.

The parking for the hub development has not been 'set' as such but indicative plans show circa 51 no staff spaces and 20 no visitor spaces (including EV charge points and accessible spaces) would be provided and this is considered to be proportionate to the scale of development and needs of the business.

Conclusion

Whilst the development would be of a sizeable scale, the proposals to create dedicated turns into the site and the widening of the existing site access would help in filtering traffic more safely on and off the new and existing JD Campus and improve Pilsworth Road flows. The parking which has been proposed for the creche would be directly accessible from the new access point and the provision would facilitate employees to park and walk to other areas of the campus rather than driving a convoluted route to the main campus car parks. The provision of the EV charge point spaces would contribute to the sustainability of the site and are welcomed.

The Highway Authority and TfGM have raised no objections to the proposed development subject to conditions and completion of the S106 agreement for the highway contribution.

As such, the proposed development is considered to be acceptable and comply with UDP Policies and the principles of the NPPF.

Impact on residential amenity

Creche - The creche would be located to the east of the residential dwellings on The Croft and at the closest point would be approx 20m away from the nearest property.

The building would be orientated such that the main entrance would be located on the eastern elevation and as such activity of comings and goings to the creche would be directed towards the main site and away from the houses.

Part of the 1st floor would be used as an outdoor space but given this would be approximately 20m to the nearest property the relationship is considered not to be significantly detrimental to residential amenity.

The main outdoor play areas would be located to the western side of the building and enclosed by a 2.5m acoustic type fence and as such it is considered that noise emanating from this part of the site would not be so significant as to be of detrimental harm to residential amenity.

It is also proposed to retain the majority of the trees to the western boundary and with additional tree planting, there would be a relatively dense buffer and screening of the creche from neighbouring properties.

Hub - The hub would be the main focal point of the development, providing office space, training areas and staff welfare and leisure facilities and has illustratively been positioned in the eastern part of the site, 75m from the houses to the west and further away from these properties than the 'A' plant building which previously accommodated site.

Given the distance away and screening provided along the western boundary, it is considered the use and position of the building would not directly affect the nearest residents.

Parking - It is proposed to provide a parking area which would be close to the boundary with Beechwood apartments. This area of the site was previously used as a hardstanding area for servicing and parking for the previous 'A' plant site and as such the use of this area would be no different. However, the arrangement would be more formalised and the boundary treatment with additional landscaping and 1.8m fence would aid the screening and separation of this area of the site and as such is considered to be acceptable.

Siting of the all weather pitch - The pitch would be positioned towards the centre of the site, 60m from the nearest house and would be comparable to the size of a 5-a-side pitch. The pitch would provide a private sporting facility primarily for the JD employees. It is intended that there will be occasional use for JD privately hosted events, such as those involving the community and charity partners but there would not be general access for the public, or hire out of the pitch.

Whilst in outline only and details not finally secure at this stage, the use of the pitch would be available until 9pm which is considered to be a reasonable time and not an excessively late into the night to have a significant effect on the amenity of nearest neighbours.

It is proposed to provide floodlights around the pitch to facilitate its usage after 'office hours' which would be switched off at 9pm to align with the use of the pitch and also in consideration of the neighbours.

A lighting strategy and light pollution assessment has been submitted and lighting has been designed in accordance with current good practice Society of Lighting and Lighting (SLL) guidelines and the Institution of Lighting Professionals (ILP).

The lighting strategy categorises the area within an E3 Environmental Zone, which is a small town centre or urban location and as such a degree of lighting would be expected within an industrial estate.

The luminaires would be designed so as to direct light downwards and would be fitted with cowls / baffles/ louvers to prevent unwanted light spill. Time-based lighting controls would ensure the lights were extinguished at a time of 9pm. Details of the height of the lighting columns would be determined in a reserved matters application and would be included as a condition.

Security lighting would be fitted around pedestrian, circulation and car park areas and again so designed to avoid excessive light spillage and would be typical of lighting found in similar commercial developments.

Pollution Control have been consulted on the proposals and with conditions to control the hours of floodlighting to switch off at 9pm, luminaires directed downwards and fitted with louvers/baffles to reduce spillage there are no objections in principle.

As the sports pitch and floodlighting submissions are indicative only at this stage, details of the floodlighting specification, including design, light spillage controls and times of operation and times of availability of the pitch would be secured by condition at a Reserved Matters stage.

Conclusion - In terms of potential noise, activity and general disturbances which the scheme could generate, the site could be used at any time for an industrial use and historically, one which could function as a 24/7 operation. Comparatively, it is considered the proposed development with controls to condition elements of the development in the future would be acceptable with causing significant detriment to residential amenity.

The applicant has carried out their own community consultation with the local residents which involved a meeting and following feedback from neighbours, resulted in some adjustments to the scheme which involved creche height reduction and revised landscaping to the shared boundary. There is also the commitment to engage with the community throughout the construction phase.

This approach is welcomed to enable a good relationship with neighbours going forward.

Drainage - The application is accompanied by a Flood Risk Strategy. United Utilities have been consulted on the proposals and are satisfied with the details for the scheme to be implemented and which would be conditioned as part of an approval.

It is therefore considered the proposed development would be acceptable and comply with the principles of sustainable development in accordance with the NPPF.

Cadent - A main gas pipe runs across the north east section of the site. The site plan shows an easement of 9.2m either side of the gas pipe with the hub building set outside the easement.

Cadent have been notified of the proposals and have raised no objection. The Health and Safety Executive have been consulted and do not advise against the development.

The applicant is aware of the location of the gas pipeline and an advisory would be included to contact Cadent prior to the commencement of any works.

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

The planning application is accompanied by a Coal Mining Risk Assessment report (January 2022, prepared by Groundtech Consulting). Based on a review of relevant sources of coal mining and geological information, the report concludes that possible unrecorded mine workings associated with a sub cropping coal seam pose a potential risk of subsidence at the site. Accordingly, it goes on to recommend that an intrusive investigation is undertaken to further assess the risk posed by any such workings.

In light of the above, the Coal Authority note that the applicant has also submitted a Geo-Environmental Appraisal (31 March 2022, again prepared by Groundtech Consulting) in support of their application.

The report concludes the risk to the stability of the surface of the site is very low and no further action would be required.

The Coal Authority's Planning & Development Team considers the content and professional opinions expressed within the Coal Mining Risk Assessment report and the subsequent Geo-Environmental Appraisal to be sufficient for the purposes of the planning system, in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore wish to raise no objection to the proposed development.

Ecology

Summary

The developer's ecological consultant identified no significant ecological issues. Other ecological issues relating to bats, nesting birds, amphibians, hedgehog, invasive species, proximity to Hollins Vale LNR and biodiversity enhancement measures can be resolved via condition and or informative.

Bats

The buildings and trees in the Phase 1 site were assessed for bat roosting potential. Both buildings were assessed as negligible risk and trees assessed as low risk. Trees to be retained can be protected by a condition.

Both buildings and a number of trees are located within zone 2 of the outline application are negligible risk. It is however possible that the ecological report may no longer be valid by the time a reserved matters application comes forward for zone 2.

GMEU therefore recommend a condition is applied to any outline permission for zone 2 that as part of reserved matters relating to zone 2 an updated ecological report shall be provided.

The ecologists have assessed the lines of trees as having low value for foraging and commuting bats. GMEU would tend to agree with this assessment, the corridors not linking significant habitats, with the Hollins Brook to the south a much high value habitat for bats, linking the SBI to the River Roch. The line of trees along the southern boundary and northern boundaries are to be primarily removed, with the western boundary primarily retained.

External lighting is also proposed including around the perimeter of the site along a running track. This is to be set at 10 lux and only in use when the centre is in use. GMEU are satisfied that the lighting levels would not have a significant impact on the retained trees. No further information or measures are required at this stage.

Other Protected Species

All other species have been reasonably discounted. GMEU require no further information or measures.

Nesting Birds

The development will result in the loss of trees and scrub, potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. GMEU recommend a condition to restrict the timing of removal of vegetation.

Amphibians and Small Mammals

Habitats on site are suitable for providing shelter for species such as common toad and hedgehog, both UK Biodiversity Priority Species. The consultant has recommended reasonable avoidance measures during site clearance. This would apply primarily to the full permission, the outline area currently lacking much in the way of cover though this may change by the time any reserved matters application comes forward. GMEU are satisfied however that only the full application requires a condition at this time, that prior to any earthworks a reasonable avoidance measures method statement for amphibians, hedgehog and any other small mammals, will be provided to and agreed in writing by the LPA.

Invasive Species

Four species (including two different Cotoneaster) listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended) were recorded across the site. All are relatively easy species to deal with. Only two are present on the outline site. GMEU recommend conditions are applied for the submission of method statements detailing eradication and/or control and/or avoidance measures for identified invasive species.

Proximity to Hollins Vale Local Nature Reserve

The full application is immediately adjacent to Hollins Vale Local Nature Reserve along its southern boundary. The outline permission will be buffered by the full application from the LNR. Whilst the area of the LNR adjacent to the site is not a core habitat area ie less sensitive, measures during construction are still justified as part of the Construction environment management plan. The details can be conditioned as a bullet within any proposed CEMP condition.

Contributing to and Enhancing the Natural Environment

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The site is primarily of negligible ecological value with habitat losses restricted to lines of trees and scrub along with associated bat and bird habitat.

A net gain assessment has been provided that states that there will be a significant gain. Whilst the metric has not been provided and therefore it not possible to analyse how this is being achieved, given the site is largely hardstanding and building, net gain would be relatively simple to achieve. The net gain report also seems fair in terms of condition assessments and net gain is also not as yet mandatory.

A revised landscaping scheme has been submitted and GMEU welcome the increased level of tree planting along the southern boundary as part of the full application. This will buffer the LNR and should consist of locally native species such as oak, silver birch, rowan,

hawthorn, holly etc. It likely also increased the level of ecological mitigation that falls within the full application, though without an amended net gain assessment this is difficult to assess. GMEU do not however feel that it is necessary at this stage unless the applicant wishes to amend the biodiversity net gain assessments in order to take account of these amendments.

Therefore based on the landscape proposals GMEU are satisfied that section 174 can be complied with.

The full and outline layouts should be conditioned with the requirement that 70% or more of the urban trees are native in order to ensure compliance with the net gain assessment as should all other planting schedules.

A condition should also be applied requiring provision of bird and bat boxes. This is more applicable to the full application where the bat and bird habitat occurs. It is also more straightforward to provide mitigation within this phase as some tree retention is proposed within this section where bird and bat boxes could be mounted adjacent to the LNR.

GMEU therefore recommend a condition be applied to the full application that prior to development a bird and bat box plan should be provided.

No condition is required for the outline application as adequate measures are provided within the zone 1, but if the developer prefers to put some bird and bat boxes on the new build GMEU would have no objection.

As such, it is considered the proposed development would be acceptable and comply with the principles of the NPPF and policy EN6/3.

Community consultation

The applicant carried out their own community consultation with local residents on 1st September 2022 where residents were able to view the proposals and raise any concerns with JD directly. A follow up meeting was held on 13 October 2022 to provide an update on the planning application progress and feedback on the issues raised during the first session. JD took on board residents comments and amendments were made to the scheme, comprising a reduction to the height of the creche, strengthening the landscaping along the shared boundary, amending the route of the running track to avoid roads and managing and communicating with residents during the construction phase. It was also explained that there would be provision for a right lane turn into the site to ease traffic congestions.

No further representations have been received following these meeting.

Response to objectors

- As reported above, amendments have been made to the scheme to address the concerns raised with regards to the height of the creche, running track, landscaping and impacts of noise and pollution during construction.
- A cycle store for 66 cycles would be provided as part of the zone 1 phase for the creche. As part of the zone 2 development for the Hub, this building would be designed to meet British Council for Offices (BCO) standards, so will provide a good level of secure cycle storage, together with shower and changing facilities in the building. This element would be determined within a reserved matters application.
- A Construction Traffic Management Plan would be required by condition.
- Any damage caused to nearby properties as a result of the development would be a private matter.

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

Recommendation: Minded to Approve

Conditions/ Reasons

1. CONDITIONS RELATING TO ALL PARTS OF THE PLANNING APPLICATION

2. This decision relates to drawings-

All plans ref: 11302-AEW-

XX-SI-DR-A-0500-S2-P03 Location Plan

XX-SI-DR-A-0501-S2-P05 Proposed Zoning Plan

XX-SI-DR-A-0502-S2-P02 Existing Site Plan

XX-SI-DR-A-0503-S2-P02 Constraints Plan

XX-SI-DR-A-0504-S2-P08 Proposed Site Plan

XX-SI-DR-A-0505-S2-P04 Proposed Boundary Treatment Plan

XX-SI-DR-A-0506-S2-P01 Proposed Site Sections

XX-SI-DR-A-0510-S2-P04 Proposed Parameters Plan

02-00-DR-A-0520-S2-P05 Creche - Proposed Ground Floor Plan

02-00-DR-A-0521-S2-P05 Creche - Proposed First Floor Plan

02-00-DR-A-0522-S2-P04 Creche - Proposed Roof Plan

02-00-DR-A-0530-S2-P05 Creche - Proposed North West Elevation

02-00-DR-A-0531-S2-P05 Creche - Proposed North East Elevation

02-00-DR-A-0532-S2-P05 Creche - Proposed South East Elevation

02-00-DR-A-0533-S2-P05 Creche - Proposed South West Elevation

02-00-DR-A-0540-S2-P04 Creche - Proposed Section AA

02-00-DR-A-0541-S2-P04 Creche - Proposed Section BB

XX-SI-DR-A-0511-S2-P07 Proposed Masterplan Plan (Illustrative)

XX-SI-DR-A-0512-S2-P01 Proposed Site Sections

01-00-DR-A-0570-S2-P01 Hub - Proposed Ground Floor Plan

01-00-DR-A-0571-S2-P01 Hub - Proposed First Floor Plan

01-00-DR-A-0572-S2-P01 Hub - Proposed Second Floor Plan

01-00-DR-A-0573-S2-P01 Hub - Proposed Third Floor Plan

01-00-DR-A-0574-S2-P01 Hub - Proposed Roof Plan

XX-SI-SK-A-0027-S2-P01 Proposed Site Section DD

01-XX-VF-A-0501-S2-P01 Illustrative 3D Views (Zone 1)

02-XX-VF-A-0502-S2-P01 Illustrative 3D Views (Zone 2)

2206-CWS-XX-GF-DR-L-101-P04 Landscape Proposals - Indicative Site Plan

2206-CWS-XX-GF-DR-L-102-P02 Landscape Proposals - Future Development - Outline Plan

JDHQ-CDL-ZZ-XX-DR-E-39001 Light Pollution Assessment External Lighting

Arboricultural Impact Assessment - UG_1466_ARB_AIA_Final_REV_OO May 2022 Urban Green

Bat Survey Report UG_1466_ECO_BSR_01 September 2022 Urban Green

Biodiversity Net Gain Assessment UG_1466_ECO_BNG_01, May 2022 Urban Green

Biodiversity Enhancement Management Plan UG_1466_ECO-BMP_01, May 2022 Urban Green

Coal Mining Risk Assessment GRO-21438-3119, January 2022 Groundtech

Crime Impact Statement Ref.2012/0008/CIS/01, May 2022 Design for Security

Flood Risk Assessment & Drainage REP-JDS-FRDS-RK-001, May 2022 Kennedy Redford
 Lighting Strategy (External) 1022986 P02, May 2022 Cundall
 Mechanical, Electrical and Public Health Planning Statement 1022986/SY002 rev.A, April 2022 Cundall
 Noise Assessment 1022986-CDL-ZZ-XX-RP-AS-45220 P02, May 2022 Cundall
 Preliminary Ecological Appraisal UG1466, April 2022 Urban Green
 Site Investigation Report Phase 1 Risk Assessment GRO-21438-33118, February 2022 Groundtech
 Site Investigation Report Phase 2 Geo-Environmental Appraisal GRO-21438-3308, March 2022 Groundtech
 Supplementary Geo-Environmental Appraisal, GRO-21438-3875, 20 September 2022 Groundtech
 Sustainability Planning Statement 1022986/SY001, May 2022 Cundall
 Transport Assessment 2561.02, May 2022 Eddisons

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:-
 - an updated and detailed remediation strategy and validation plan has been submitted to and approved 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.

This can be satisfied in phases

4. Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

This can be satisfied in phases

5. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (Ref No. REP-JDS-FRDS-RK-001-REV--, Dated 27.05.2022) which was prepared by Kennedy Redford. No surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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.

This condition can be satisfied in phases.

7. 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.

8. 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.

10. No development shall commence unless and until a detailed Construction Environment Management Plan, including measures to protect the Local Nature Reserve from dust, debris, run-off and pollution, have been submitted to and approved by the Local Planning Authority. The approved measures only shall be implemented prior to the commencement of development and retained throughout the construction period.

Reason. To ensure the safe and secure development of the site in relation to the nature conservation of particular ecological significance of the Local Nature Reserve pursuant to Bury Unitary Development Plan Policies EN6/2 - Sites of Nature Conservation Interest Local Nature Reserves and Grade B and C Sites of Biological Importance, EC6/3 - Features of ecological interest and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

This can be satisfied in phases

11. **CONDITIONS IN RELATION TO THE FULL APPLICATION**

12. 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.

13. The development hereby approved shall be carried out in accordance with the EV chargepoints in association with the creche building on approved proposed site plan 11302-AEW-XX-SI-DR-A-0504 P08.

Reason. In accordance with the principles 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.

14. The development hereby approved shall be carried out in accordance with the Landscape Proposals site plan ref 2206-CWS-XX-GF-DR-L-101 P04 and trees, vegetation, plants and hedges shall be of a native species.
The approved scheme shall thereafter be implemented not later than 12 months from the date of first use/first occupation of the development hereby approved or within the first available tree planting season. 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 EN1/2 - Townscape and Built Design and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

15. Prior to any earthworks or site clearance a reasonable avoidance measures method statement during site clearance works or any construction works for amphibians, hedgehog and any other small mammals, shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation measures/reasonable avoidance measures identified as a result of the method statement shall be implemented in full prior to the commencement of the development and thereafter maintained for the duration of the site clearance/construction works.

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. Prior to any earthworks a method statement detailing eradication and/or control and/or avoidance measures for rhododendron, monbretia and Cotoneaster spp should be submitted to and approved by the Local Planning Authority. The agreed method statement shall be adhered to and implemented in full to an approved timetable. 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. To ensure the safe and satisfactory development of the site in the interest of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
FULL

17. The creche hereby permitted shall be available for the use of employees of the applicant only and shall not be used as a childcare facility for general members of the public.

Reason. The proposed use and permission has only been granted given the particular circumstances of the applicant pursuant to policies of the Unitary Development Plan listed below.

18. Prior to the commencement of development a bird and bat box plan should be provided to and agreed in writing by the Local Planning Authority. The plan should include the provision of bird/bat boxes in trees to be retained.

The plan shall thereafter be implemented prior to the first use/occupation of the development hereby approved and be retained in situ thereafter.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies 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.

19. 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 (where appropriate) 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;
- Widening of Pilsworth Road to a scope and specification to be agreed, incorporating the extension of the works to tie the scheme into the existing approach alignments on Pilsworth Road, agreed running lane and right turn widths, minimum 2.0m footway widths, provision of pedestrian refuges at positions to be agreed in conjunction with the proposed ghost island markings and right turn lanes, the demarcation of the limits of the adopted highway and all associated road marking, signage and highway and highway drainage remedial works;
- Formation of the new vehicular access to the site from Pilsworth Road to a specification to be agreed, incorporating plotted visibility splays at the junction with the adopted highway in accordance with the appropriate standards in Manual for Streets, the provision of tactile paved pedestrians crossing points within an appropriate extension of the limits of the adopted highway, demarcation of the new limits of the adopted highway, gates set back a minimum of 5.0m from the new limits of the adopted highway and/or method of gate operation amended, measures to prevent the discharge of water from the proposed private industrial estate road onto the adopted highway and all associated road markings, signage and highway and highway drainage remedial works;
- Formation of the widened (Hollins Brook Way) site access from Pilsworth Road to a specification to be agreed, incorporating plotted visibility splays at the junction with the adopted highway in accordance with the appropriate standards in Manual for Streets, the provision of tactile paved pedestrians crossing points within the limits of the future adopted highway, the demarcation of the limits of the adopted highway, measures to prevent the discharge of water from the existing private industrial estate road onto the adopted highway and all associated road markings, signage and highway and highway drainage remedial works;
- Provision of LED speed warning signage in a position(s) and of a type/specification to be agreed;
- Provision of a street lighting assessment and scheme of improvements for the junctions of the proposed vehicular access with Pilsworth Road, junction of Hollins brook Way with Pilsworth Road and the length of Pilsworth Road abutting the site;
- White lining scheme for Pilsworth Road and the proposed private industrial estate roads, tying into existing lining on the adopted highway;
- Retention/replacement of the existing site boundary fencing and/or all necessary measures required between the back of the new southerly footway

on Pilsworth Road in the event that embankment/batter gradients will exceed 1 in 3;

- Measures and appropriate signage to ensure that the existing access via Aviation Road/Bridleway No. 81, Bury, shall be used for emergency purposes only and shall not be used for daily use to enter/exit the site;
- Review of the Traffic Regulation Orders in the vicinity of the development, with a view to introducing additional parking restrictions as appropriate including, if required, all necessary road markings and signage, in addition to ensuring that existing parking restrictions remain in place and are refreshed accordingly.

The details subsequently approved shall be implemented to an agreed programme and to the written satisfaction of the Local Planning Authority. The visibility splays shall be implemented to the satisfaction of the Local Planning Authority before the development is first occupied and subsequently maintained free of obstruction above the height of 0.6m.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design, ensure the intervisibility of the users of the site and the adjacent highways and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EC6/1 - Assessing New Business, Industrial and Commercial Development, HT2 - Highway Network and HT6/2 - Pedestrian/Vehicular Conflict.

20. 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 for each phase of the development and shall confirm/provide the following:

- Access route for construction traffic from the highway network, restricted to a route from Pilsworth Road/Junction 3 of the M66;
- Hours of operation and number of vehicle movements;
- Access point(s) for construction traffic from Pilsworth Road (to exclude the use of Aviation Road/Public Right of Way [Bridleway] No. 79, Bury) and all temporary works required to facilitate access for ground works/construction vehicles,
- If proposed, details of site hoarding/gate positions clear of required visibility splays onto Pilsworth Road/the private industrial estate roads;
- The provision, where necessary, of temporary pedestrian facilities/protection measures on the highway and to maintain access for users of Public Right of Way [Footpath] No. 81, Bury, that crosses the site;
- A scheme of appropriate warning/construction traffic warning signage in the vicinity of the site and its access(es) onto Pilsworth Road;
- Confirmation of hours of operation and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres;
- Parking on site or on land within the applicant's control of operatives' and construction vehicles, together with storage on site of construction materials;
- Measures to ensure that all mud and other loose materials are not 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 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.

21. No development shall commence unless and until a 'Framework Travel Plan' for the provision of occupier travel measures has been submitted to and agreed in writing with the Local Planning Authority for each phase of the development and shall incorporate/confirm/provide the following:
- feature a range of measures promoting a choice of transport mode, and a clear monitoring regime with agreed targets;
 - a travel plan budget and resources for the implementation and day to day management of travel plan measures;
 - appropriate management structures;
 - detailed time frames for the delivery;
 - a marketing and communication strategy;
 - handover arrangements for the travel plan or its components when the developer's responsibility ceases;
 - and initial targets before first surveys are conducted.

The 'Plan' shall establish the developer and occupier travel plan objectives and targets and include an implementation programme. The approved schemes shall thereafter be implemented before the occupation of each phase hereby approved, and thereafter maintained.

Reason. In order to deliver sustainable transport objectives in accordance with chapter 9 of the NPPF - Promoting Sustainable Travel.

22. The vehicular and pedestrian access arrangements within the curtilage of the site indicated on the approved plans shall be implemented to the satisfaction of the Local Planning Authority before the development is brought into use.
- Reason. To ensure good highway design in the interests of road safety pursuant to Bury Unitary Development Plan Policies EC6/1 - Assessing New Business, Industrial and Commercial Development, HT2 - Highway Network and HT6/2 - Pedestrian/Vehicular Conflict. .

23. The turning facilities within the curtilage of the site indicated on the approved plans shall be provided before the development 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 Bury Unitary Development Plan Policies EC6/1 - Assessing New Business, Industrial and Commercial Development and HT6/2 - Pedestrian/Vehicular Conflict.

24. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the first use/occupation of the development hereby approved.

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

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

Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policies EC6/1 - Assessing New Business, Industrial and Commercial Development and EN1/2 - Townscape and Built Design.

26. **CONDITIONS RELATING TO THE OUTLINE APPLICATION**

27. Applications for approval of reserved matters must be made not later than:

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

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

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

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

29. As part of a Reserved matters application relating to appearance, details of the materials to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials shall be used for the construction of the development.

Reason. In the interests of visual amenity and to ensure a high quality and satisfactory development pursuant to UDP Policies EC6/1 - Assessing New Business, Industrial and Commercial Development and EN1/2 - Townscape and Built Design

30. The height of the hub building hereby approved shall not exceed 21m in height.

Reason. To ensure the appropriate scale of development within the context of the site and surrounding area pursuant to Bury Unitary Development Plan Policy EN1/2 - Townscape and Built Design.

31. As part of a reserved matters application, details of the EV chargepoints shall be provided.

Reason. In accordance with the principles 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.

32. As part of a reserved matters application, details of the proposed floodlighting to the Multi Purpose All Weather Pitch, including the specification, height, lux level and spillage controls shall be submitted to and approved by the Local Planning Authority. Only the approved details shall be implemented and thereafter maintained.
Reason. In the interests of residential amenity pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, EN7 - Pollution.
33. As part of a reserved matters application, a biodiversity net gain assessment and plan shall be submitted to and approved by the Local Planning Authority. The plan should consist of native trees species and a bird and bat box strategy. The approved scheme shall thereafter be implemented not later than 12 months from the date of first use/occupation of the development hereby approved or within the first available tree planting season. 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 EN1/2 - Townscape and Built Design and chapter 15 - Conserving and enhancing the natural environment of the NPPF.
34. As part of reserved matters relating to zone 2 an updated ecological report shall be provided to and agreed in writing by the LPA. All mitigation measures shall be fully implemented prior to the commencement of works and remain in situ on the site for an agreed period of time.
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.
35. As part of reserved matters a method statement detailing eradication and/or control and/or avoidance measures for Cotoneaster spp should be submitted to and agreed in writing to the LPA.
The agreed method statement shall be adhered to and implemented in full to an approved timetable. 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. To ensure the safe and satisfactory development of the site in the interest of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
36. Notwithstanding the details indicated on the approved plans, full details of the following shall be submitted at first reserved matters stage:
- All proposed means of vehicular and pedestrian access to subsequent phases of the development;
 - Provision within the curtilage of each subsequent phase of the development for the loading and unloading of vehicles and the parking of cars in accordance with 'SPD 11 - Parking standards in Bury' which visit the site in connection with the uses hereby approved;
 - Provision within each subsequent phase of the development to the written satisfaction of the Local Planning Authority to enable vehicles to enter and leave each site in forward gear, and shall subsequently be maintained free of obstruction.

The details subsequently approved shall be implemented to an agreed programme and to the written satisfaction of the Local Planning Authority.

Reason. To secure the satisfactory development of the site in terms of highway safety and ensure good highway design, all in the interests of road and pedestrian safety pursuant to Bury Unitary Development Plan Policies EC6/1 - Assessing New Business, Industrial and Commercial Development, HT2 - Highway Network, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.

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

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100 m
200 ft

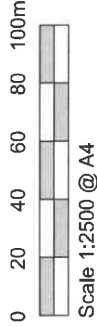
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NOTES AEWTP030C

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- All proprietary materials and products are to be used strictly in accordance with the manufacturers' recommendations.

CDM 2015

Client notified of duties: 18/01/2022
Principal Designer: David M. Eagle Ltd.
Unless noted below, all known hazards have been highlighted on the drawing.



Key:

- Application Boundary - 2.30ha / 5.67ac
- Land within client ownership

P03 Rev

11302-AEW-XX-SI-DR-A-0500

Job No

P03	26/05/2022	RP	PBH
Issued for planning			
P02	12/05/2022	RP	RP
Red and blue lines updated to include Aviation Road			
P01	27/04/2022	RP	PBH
Initial issue			

REV	Date	Drawn by:	Checked by:
S2		Purpose of Issue	
		For Approval	
		Drawing stage	Planning

client: JD Group

project: JD Sports Campus Hub
(Former A-Plant Site)

drawing title: Location Plan

date: 23/04/2022
scale@A4: 1:2500
drawn: RP
checked: PBH



NOTES

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- This drawing contains the following model files:

11302-AEW-XX-XX-M3-A-0001

CDM 2015

Client notified of duties: 19/01/2022
Principal Designer: Avid

Unless noted below, all known hazards have been highlighted on the drawing:

PO#	07/10/22	Elevations resurveyed for planning	RP	PBH
P04	06/10/22	Revised planning issue	RP	PBH
P03	12/05/22	Updated to planning consultant comments	RP	PBH
P01	29/04/22	Revised to latest design	RP	PBH
P02	27/04/22	Initial Drawing Issue	RP	PBH
Rev	Date	Description	Drawn by	Checked by

Status	Purpose of Issue
S2	For Approval

drawing stage **Stage 4**

...fani!

JD Group

1381010

JD Sports Campus Hub (Former A-Plant Site)

drawing table

Creche - Proposed North West
Elevation

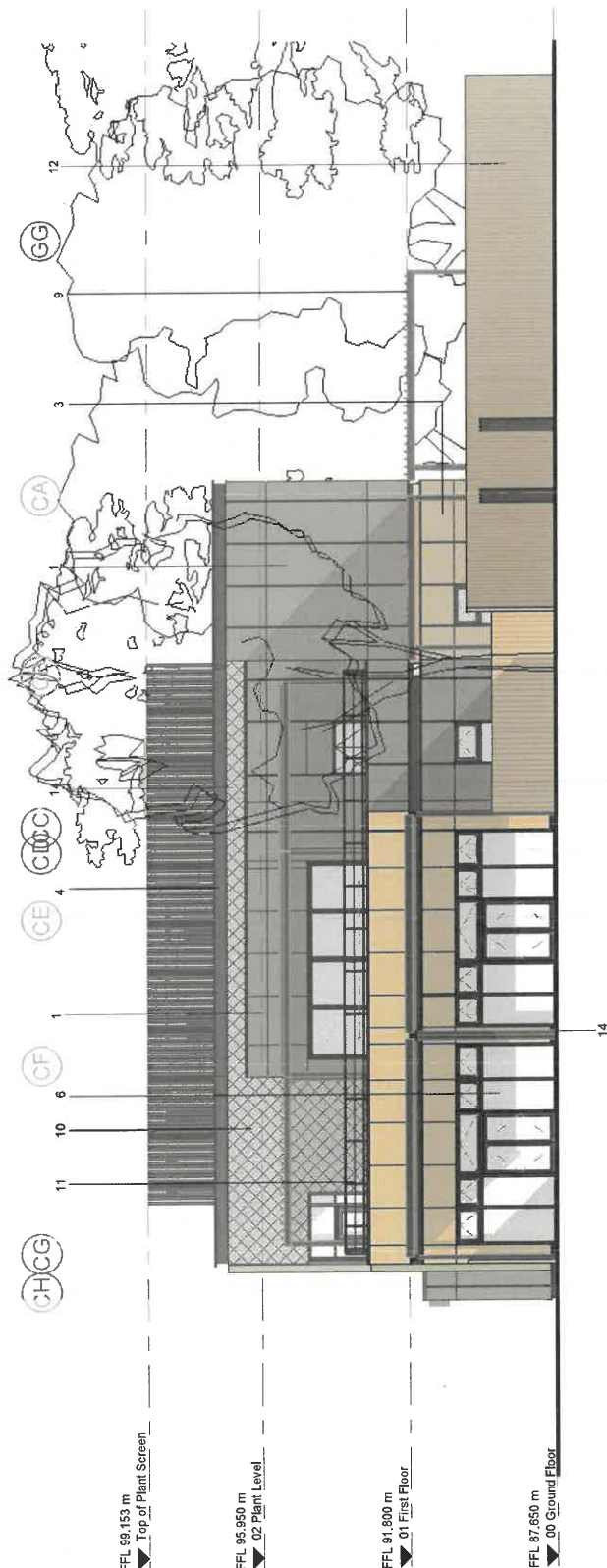
date	04/05/22	KJ
scale @ A2	As indicated	drawn
		checked
		PBH

Key

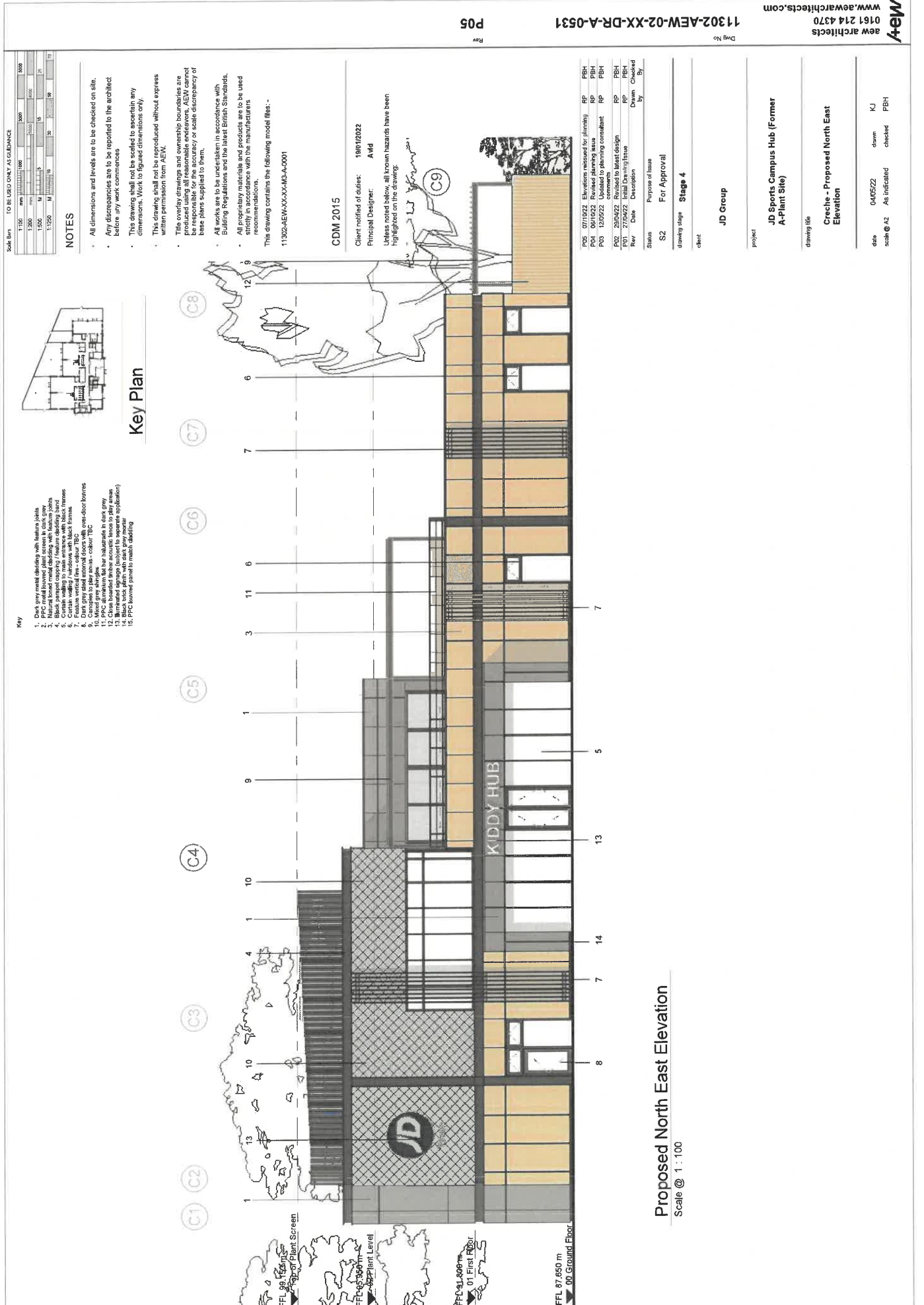
1. Dark grey metal cladding with feature joints
2. PPC metal painted joint screen in dark grey
3. Natural bonded metal cladding with feature joints
4. Natural bonded metal cladding with feature joints
5. Black perforated capping / feature cladding band
6. Curtain walking to main entrance with black frames
7. Curtain walking / windows with black frames
8. Feature vertical fins - colour TBC
9. Dark grey steel external doors with overdoor porches
10. Canopies to play areas - colour TBC
11. Mixed grey stringles
12. PPC aluminium bar balustrade in dark grey
13. Close bonded timber acoustic fence to play areas
14. 32. Limited signage (subject to separate application)
15. Dark black plinth with dark grey mortar
16. PPC poured gravel to match cladding



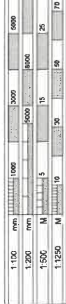
Key Plan



Proposed North West Elevation
Scale @ 1 : 100



Scale Bar 1 TO BE USED ONLY AS GUIDANCE



Key

1. Dark grey metal cladding with feature joints
2. PPC framed windows with feature joints
3. Natural timber metal cladding with feature joints
4. Dark grey metal cladding with feature joints
5. Dark grey metal cladding with feature joints
6. Curtain walling / windows with black frames
7. Dark grey metal cladding with feature joints
8. Dark grey metal cladding with feature joints
9. Dark grey metal cladding with feature joints
10. Dark grey metal cladding with feature joints
11. PPC aluminium bar balustrade in dark grey
12. Dark grey metal cladding with feature joints
13. Mirrored signage (subject to separate application)
14. Black brick path with dark grey mortar
15. PPC interior paint to match cladding



Key Plan



NOTES

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11302-AEW-XX-XX-MD-A-0001

CDM 2015

Client notified of duties: 19012022

Principal Designer: AMD

Unless noted below, all known hazards have been highlighted on the drawing.

Rev	Date	Description	Drawn	Checked	By
P05	07/10/22	Elevations released for planning	RP	PBH	
P04	06/10/22	Revised planning issue	RP	PBH	
P03	12/09/22	Updated to planning consultant	RP	PBH	
P02	23/04/22	Revised to latest design	RP	PBH	
P01	27/04/22	Initial Drawing Issue	RP	PBH	

Status	Purpose of Issue
S2	For Approval

drawing stage	Stage 4
---------------	---------

client

JD Group

project

JD Sports Campus Hub (Former A-Plant Site)

drawing title

Creche - Proposed South East Elevation

date 04/05/22 drawn KJ checked PBH

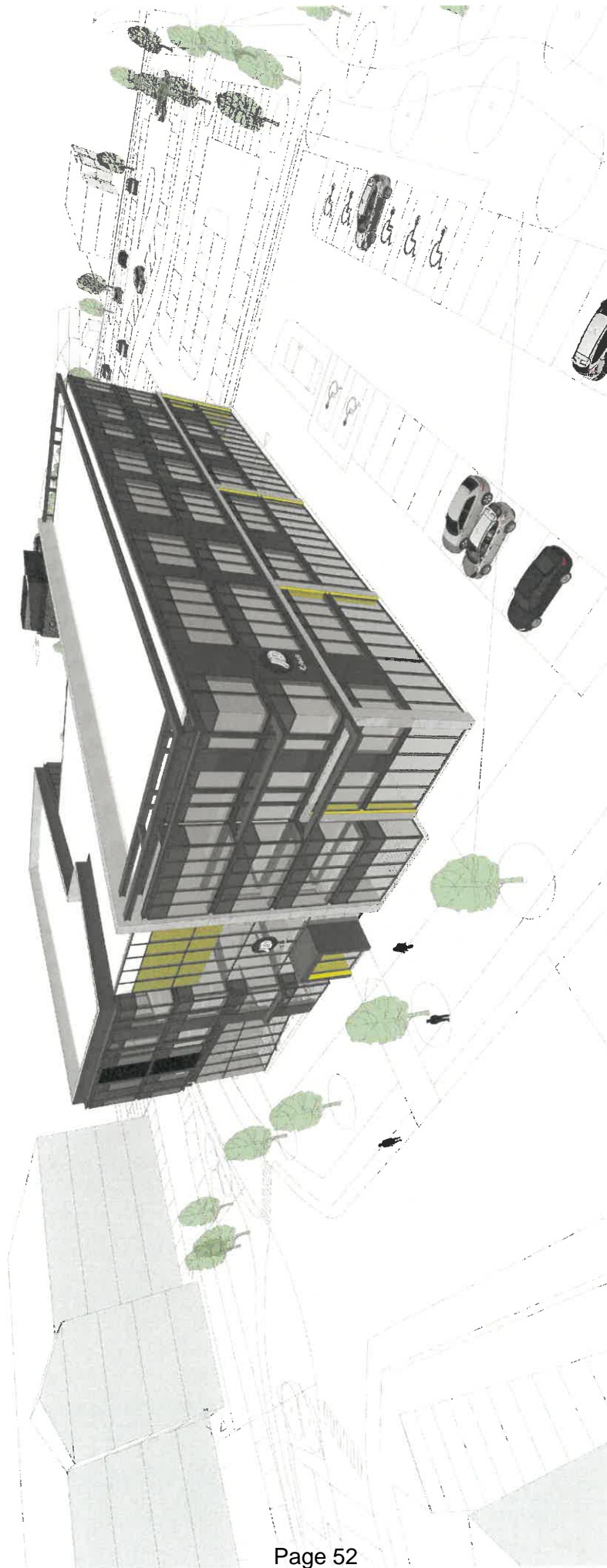
scale @ A2 As indicated

Proposed South East Elevation

Scale @ 1 : 100









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- All plans are to be validated in accordance with building regulations and the latest poison regulations.
- All proposed materials and products are to be used in accordance with the manufacturers recommendations.

CDM 2015

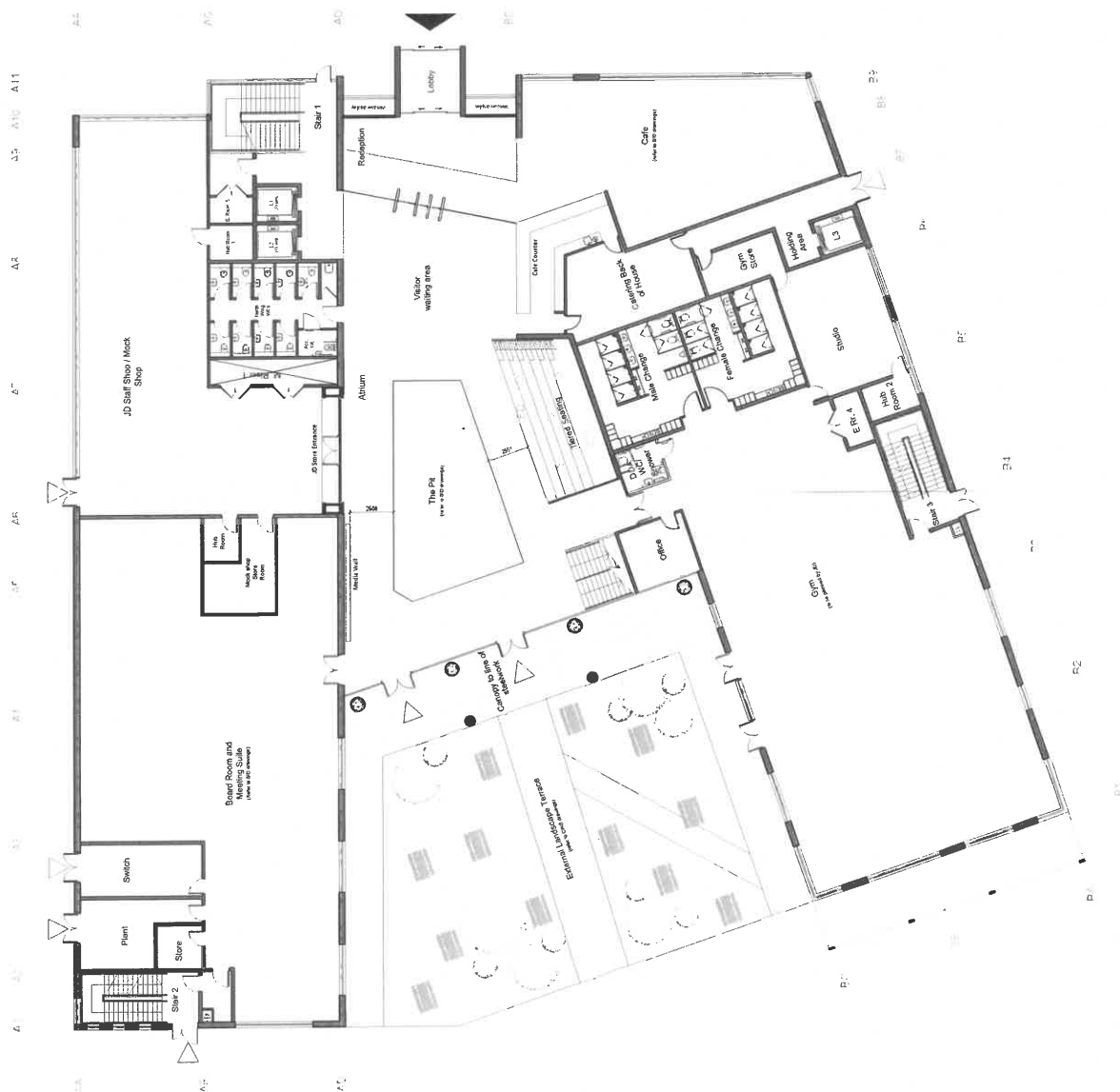
Client notified of duties. 13/01/2022
Principal Designer David M. Eagle Ltd.
Unless noted below, all known hazards have been highlighted on the drawing.



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Scale 1:200 @ A2

FOR ILLUSTRATIVE PURPOSES ONLY



P01	2005/022	RP	PERH
Initial Issue			
REV	Date	Drawn by -	Checked by -
1/01		Purpose of Issue	
S2		For Illustration	
drawing stage		Stage 2	
sheet			JD Group

JD Sports Campus Hub
(Former A-Plant Site)

Drawing Mfr Hub =

Proposed Ground Floor Plan

date	15/12/2021	drawn	R/P
scaled (M2)	1.200	checked	PSH

NOTES
AEWTP027C

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- All proprietary materials and products are to be used in accordance with the manufacturer's instructions.

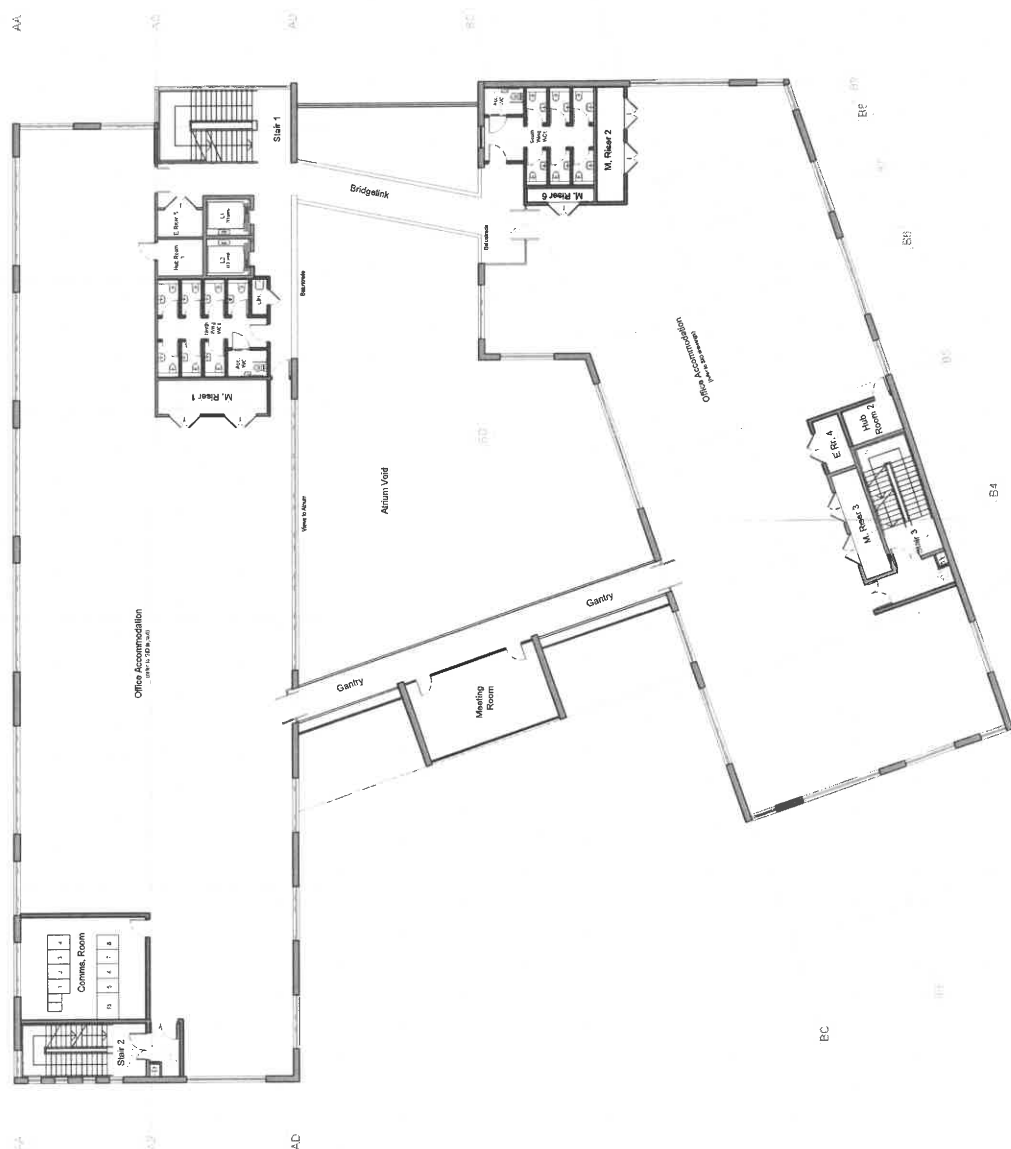
CDM 2015

Client notified of duties.
Principal Designer
19/01/2022
David M. Eagle Ltd.
Unless noted below, all known hazards have been highlighted on the drawing.



Scale 1:200 @ A2

FOR ILLUSTRATIVE PURPOSES ONLY



P01	2008/2022	RP	98M
Initial Issue			
REV	Date	Drawn by -	Checked by -
Station	Purpose of Issue		
S2	For Illustration		
drawing stage	Stage 2		
client			
JD Group			

Project
JD Sports Campus Hub
(Former A-Plan Site)

drawing title
Hub -
Proposed Second Floor Plan

date	15/12/2021	drawn	RP
vol+QA2	1200	shaded	pink

City	23/03/22	drawn	RP
London	1:200	checked	PMH



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Ward: Ramsbottom and Tottington -
Ramsbottom

Item 02

Applicant: Bury Council

Location: Peel Tower, Holcombe Hill, Holcombe, BL8 4NR

Proposal: Camera on top of a flag pole at the top of Peel Tower

Application Ref: 68983/Full

Target Date: 16/01/2023

Recommendation: Approve with Conditions

Description

The application subject involves the Grade II Listed stone built tower constructed 1851-1852 near to the highest point of Holcombe Hill. It is sited at vertical elevation of approximately 340 metres in tribute to Sir Robert Peel in effecting the repeal of the Corn Laws. The tower was designed by the members of the Monument Committee. The tower stands at a height of approximately 40 metres and is accessed predominantly on foot via footpaths from various points in and around Holcombe and Ramsbottom.

The tower is sited on the edge of the north west boundary of the Holcombe Conservation Area.

This application seeks full planning permission for the siting -

Of a single camera affixed to a replacement demountable flagpole at the top of the tower. The flagpole has a height of 2.50 metres and the camera is affixed approximately half way up the pole. The camera will not restrict the hoisting of flags on the flagpole.

The body of the camera and its fixing bracket to the flagpole has the overall dimensions of a depth and width of 208 mm (20 cm).

The camera has a 360 degree panning capability and an optical zoom of x18. The camera does not tilt. Its view is to be limited to distance views of the horizon. There will be no collection or storage of images or streaming and the views will not be live streamed to the internet and will only be able to be viewed on a single screen at Bury Tourist Information Centre located at the Fusilier's Museum.

A Data Protection Impact Assessment (DPIA) submitted to the Information Governance and Risk Strategic Advisor was submitted as part of the application. It is to be noted that the camera is already in situ.

An application for listed building consent, 68985, has also been submitted which assesses the impact of the proposal on the architectural and historic interest of the tower.

Relevant Planning History

None.

Publicity

Press Notice on 08/12/2022.

Site Notice on 10/12/2022.

1 address notified by letter on 23/11/2023.

7 objections, 2 comments and 1 support received and are summarised below.

Objections

- Will the camera be unable to zoom in to nearby residential buildings? This is a matter of privacy and I would like to be reassured that this has been taken into account.
- The cameras and flagpole are clearly visible from various houses and gardens in Holcombe and the surrounding area and as such there may be problems with loss of privacy and unintentional surveillance. It is not clear whether the cameras are compliant with General Data Protection Regulation. This needs to be addressed as a priority.
- The camera would be out of place and harmful to the character and appearance of the Holcombe conservation area and to the listed building including harm to its heritage significance.
- Such cameras are unsightly and not in keeping with the look of Peel Tower. In order to achieve the desired outcome they will have to be placed in an elevated position and will be clearly visible. They are also intrusive to neighbouring properties and raise real and serious risks regarding security and privacy.
- Peel Tower is a historic structure and as such should be considered a heritage asset. Adding a camera is not going to add to the value of the Tower. The camera will provide views of the surrounding area but also local residencies, an intrusion, which we as residents, will have no control over what is being broadcast publicly. This matter must be addressed before approval.

Support

- These cameras will give many more people an opportunity to view the area. Those who are unable to climb the steps to the tower will significantly benefit. I would have thought under the numerous disability acts that the approval of this camera must be seen as being in the public interest, they are very small and do not affect the appearance of the building at all. I'm aware of other cameras attached to listed buildings locally. Cameras are common in the area, mainly cctv on the surrounding properties. The CCTV cameras installed on the tower are facing over public land and presumably not applicable to private GDPR regulations. No different to google earth?

Comments

- To live stream views from Peel Tower is a great initiative for those unable to climb the Holcombe hill or climb the steps inside the Tower. Kind of the private individual to donate. The views are spectacular from the top of the tower, including the moorland behind. I am reassured that the live stream is not recorded and only on display in the Tourist Information Office. However, what is the future intention? Will this live stream be accessed on line, for example, Visit Bury web site, Twitter, Facebook or Trip Advisor? I am thinking of the privacy of those living close to the Tower? Also thinking of riders, include vulnerable young children and/or those with a disability, who often ride to the Tower and back from Margaret Haes Riding Centre. I see the joy when those who are unable to climb the hill, see the view for the first time from horseback. I do understand. Please consider appropriate controls on the use of the camera and authorisations on recording and publishing images.
- How will the cameras alter/affect the aesthetics of the actual tower, being an iconic local landmark, this is an important aspect. Privacy concerning the potential use of the cameras as they could literally zoom into my garden, front room and or bedroom if powerful enough. Who will have access to the cameras and for what purpose?

Statutory/Non-Statutory Consultations

Listed buildings - National Amenity Societies - No Comments received.

Council Information Governance Officer responded as follows:

Response from the Information Governance and Risk Strategic Advisor to the submitted Data Protection Impact Assessment (DPIA) for applications 68983 & 68985.

As the DPIA advises no processing of personal data, I see no reason for the

Initiative not to proceed. The continuous live stream, with recording functionality disabled is an added safeguard that supports compliance to the data protection legislation and avoids having to respond to Subject Access Requests.

Pre-start Conditions - None.

Unitary Development Plan and Policies

EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN1/2	Townscape and Built Design
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.

Policies

Section 72(1) 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 202 of the National Planning Policy Framework (NPPF) states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

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

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

Assessment

To clarify the parameters of the planning application, the proposal to retain the camera relates to the impact of the camera on residential amenity and the character and appearance of the conservation area.

The impact of the retention of the camera on the Grade II listed Peel Tower will be assessed under listed building consent application reference 68985 and which is concurrently before the Planning Control Committee.

Residential Amenity

There is no specific policy for the control of the use of cctv cameras, however it is considered that the second bullet point of EN1/2 - Townscape and Built Design - the relationship of the proposal to the surrounding area is the most appropriate with regard to residential amenity, specifically privacy.

The operation of the camera is restricted to 360 degree panning of the horizon only with a limit of x18 optical zoom to the horizon. There will be no tilting of the camera and therefore no ability to point the camera towards residential properties nearer the site. Therefore there will be no inadvertent surveillance that would impact on the privacy of nearby properties.

An appropriate condition would be added to any consent to control the operation of the camera.

As such the proposal would comply with adopted UDP policy EN1/2 - Townscape and Built Design.

Conservation Area

Section 72(1) 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 202 of the National Planning Policy Framework (NPPF) states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The camera would represent a very small feature when viewed from closer distances within the conservation area and would be barely discernible from longer distances outside it. As such it is considered that the camera would have a neutral impact which would not represent less than substantial harm and would therefore at least preserve the character and appearance of the conservation area.

The proposal would comply with adopted UDP policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control.

Data Protection

The camera has been restricted to the operations previously described. No data will be collected or stored and the camera stream will not be available generally online. The Information Governance and Risk Strategic Advisor is satisfied that its operation supports compliance to the data protection legislation and avoids having to respond to Subject Access Requests.

Response to objections Raised

The report has addressed the concerns raised.

It is considered there would be benefit to the wider public for those with mobility issues who would be unable to access views from the tower.

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

The proposal complies with the development plan and would improve the economic, social

and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. This decision relates to drawings and documents: Statement for Installation of Camera dated 26th January 2023, Elevation of Tower and Camera EL01, Demountable Flagpole Details CY/1/06, Data Protection Impact Assessment dated March 2022 and the camera hereby given consent for its retention shall be operated and maintained in accordance with the documents and drawings hereby approved.
Reason. For the avoidance of doubt and to ensure satisfactory operation of the camera pursuant to the policies of the Bury Unitary Development Plan listed.
2. The operation of the camera hereby approved shall not include the tilt facility or store or record any image or streaming from the camera or stream to the internet and shall be viewable only via the single screen in the Bury Tourist Information Centre.
Reason. For the avoidance of doubt and to ensure satisfactory operation of the camera pursuant to the policies of the Bury Unitary Development Plan listed.

For further information on the application please contact **Mark Kilby** on **0161 253 7639**

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 03

Applicant: Bury Council

Location: Peel Tower, Holcombe Hill, Holcombe, BL8 4NR

Proposal: Listed building consent for a camera on top of a flag pole at the top of Peel Tower

Application Ref: 68985/Listed Building
Consent

Target Date: 16/01/2023

Recommendation: Approve with Conditions

Description

The application subject involves the Grade II Listed stone built tower constructed 1851-1852 near to the highest point of Holcombe Hill. It is sited at vertical elevation of approximately 340 metres in tribute to Sir Robert Peel in effecting the repeal of the Corn Laws. The tower was designed by the members of the Monument Committee. The tower stands at a height of approximately 40 metres and is accessed predominantly on foot via footpaths from various points in and around Holcombe and Ramsbottom.

The tower is sited on the edge of the north west boundary of the Holcombe Conservation Area.

This application seeks listed building consent for the siting -

Of a single camera affixed to a replacement demountable flagpole at the top of the tower. The flagpole has a height of 2.50 metres and the camera is affixed approximately half way up the pole. The camera will not restrict the hoisting of flags on the flagpole.

The body of the camera and its fixing bracket to the flagpole has the overall dimensions of a depth and width of 208 mm (20 cm).

The camera has a 360 degree panning capability and an optical zoom of x18. The camera does not tilt. Its view is to be limited to distance views of the horizon. There will be no collection or storage of images or streaming and the views will not be live streamed to the internet and will only be able to be viewed on a single screen at Bury Tourist Information Centre located at the Fusilier's Museum.

An application for planning permission, 68983, has also been submitted which assesses the impact of the proposal on residential amenity and the character and appearance of the conservation area.

Relevant Planning History

None.

Publicity

Press Notice on 08/12/2022.

Site Notice on 10/12/2022.

1 address notified by letter on 23/11/2023.

2 objections received which are summarised below.

Objections

- The submitted photos are totally misleading - I shall submit truly representative photos separately. The cameras are noticeable physical attachments and significantly detract from the rugged 19th C stone structure. They contaminate the visual historic and aesthetic appearance of the tower with obviously modern high tech features. In turn the development harms the Holcombe Conservation Area. If cameras are desired - surely one wld be enough - the positioning could discretely utilise an existing window opening at the top of the tower and thereby potentially be made un-noticeable and not harmful to the character and appearance and historic significance.
- Our home, our property and gardens are situated directly below Peel Tower and will be in plain sight of the proposed web cam. We are extremely concerned with an invasion of our privacy and security problems which may arise from public surveillance.
- We have CCTV at home and we have to comply with strict rules to ensure that only our private land and buildings are monitored. What will the installed cameras be able to see and what will be broadcast to the public? This is unclear. Under the Data Protection Act 2018, we have the right to find out what and how the information the web cam operators will obtain will be used. The documentation submitted in the application does not address this matter.

Statutory/Non-Statutory Consultations

Listed buildings - National Amenity Societies - No comments received.

Pre-start Conditions - None.

Unitary Development Plan and Policies

EN2/3 Listed Buildings

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.

Policies

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in the exercise of their planning functions to have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 199 of the National Planning Policy Framework (NPPF) states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 of the NPPF states any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 202 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

EN2/3 - Listed Buildings - The Council will actively safeguard the character and setting of Listed Buildings by not permitting works, alterations or changes of use which would have a detrimental effect on their historical or architectural character and features. Proposals for demolition will be opposed and will only be considered where it is demonstrated conclusively that the building(s) cannot be retained.

In considering applications for Listed Building Consent, the Council will have regard to the following criteria:

- the impact of the proposal on the historic fabric of the building;
- the relationship of any extension to the Listed Building in terms of its height, size, design, and roofscape;
- the need to protect the setting of the Listed Building;
- the impact of associated ancillary facilities and infrastructure works.

Assessment

Buildings of Special Architectural or Historic interest are "listed" by the Secretary of State for the Environment. The listing of a building provides statutory protection against its alteration or demolition. The Borough's valuable heritage is reflected in the large number of Listed Buildings in the area (316 in June 1996) and the Council is mindful of the desirability to preserve them and enhance their setting and appearance.

New uses for Listed Buildings may often be the key to their preservation especially for buildings which have become wholly or partly redundant. However, new uses must not adversely affect the architectural or historic features and character or appearance of such buildings.

The setting of a Listed Building is often an essential feature of its character; unsympathetic development in close proximity to a Listed Building can mar its appearance, make its future use unattractive or untenable, or physically damage its structure. It is therefore important to consider the effect that a proposed development may have on such buildings.

Proposals

The heritage significance of the tower can be distilled down into its architectural aesthetic, its contribution to the Holcombe Conservation Area and the tower's association with Sir Robert Peel.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in the exercise of their planning functions to have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 202 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The camera and replacement flagpole would represent a small feature when viewed from closer distances to the listed building and would be barely discernible from further distances from it. The proposal is reversible and as such does not represent a permanent alteration to the listed building.

By virtue of its size, scale and siting it would not represent harm to its architectural interest,

the contribution it makes to the character and appearance of the conservation area or its association with Sir Robert Peel. As such the proposal to retain the camera and flagpole is not considered to represent less than substantial harm within the terms of paragraph 202 of the NPPF and as such does not require a public benefit justification in planning policy terms, although that benefit does exist in allowing those with mobility issues access to the views provided by the camera.

As such the proposal would not cause a loss of heritage significance of the listed Peel Tower. The proposal would therefore comply with paragraphs 194, 195, 199, 200 and 202 of the NPPF and adopted UDP policy EN2/3 - Listed Buildings.

Response to objections raised

The issues raised have been addressed in this report and the report for planning application for 68983.

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.

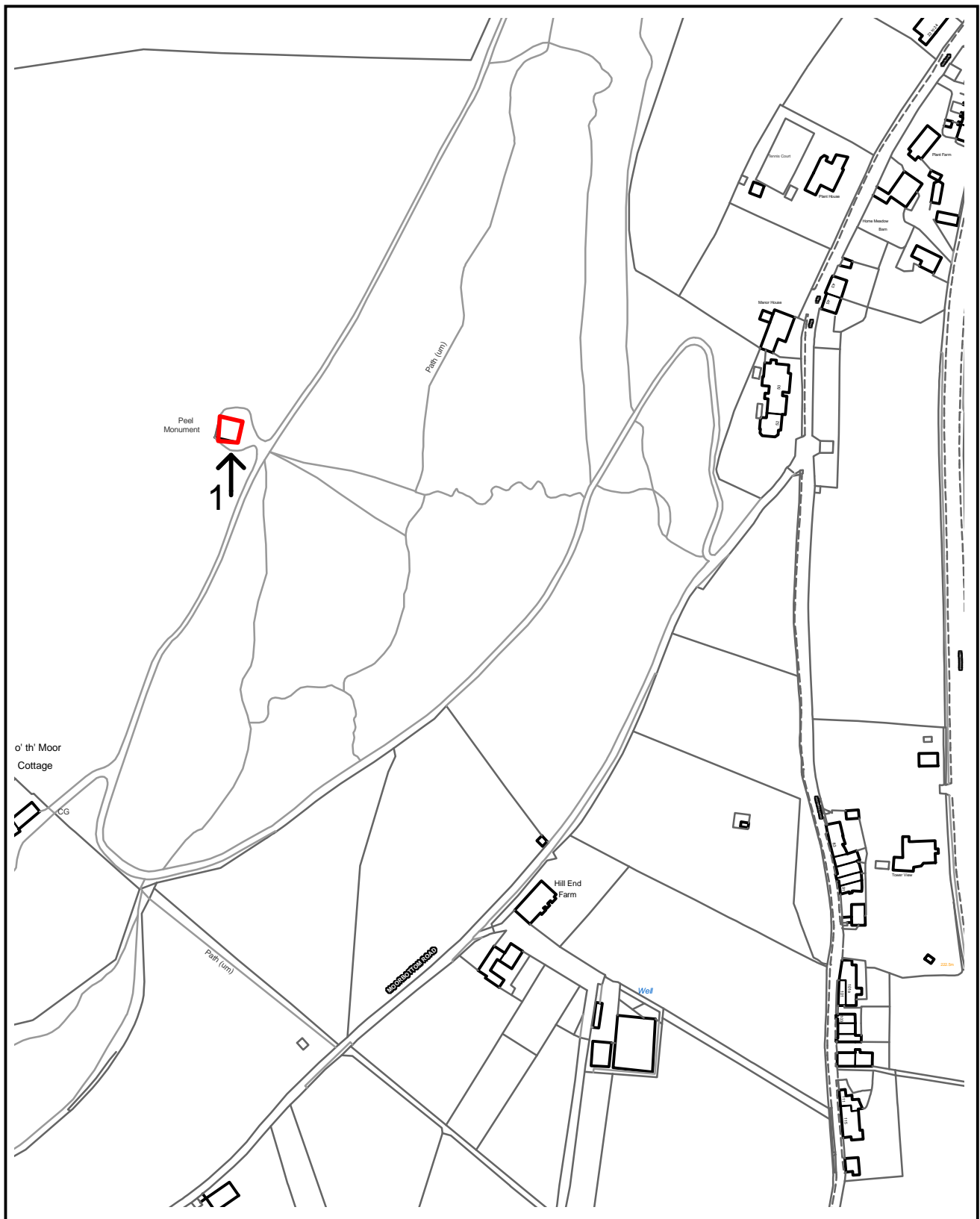
Recommendation: Approve with Conditions

Conditions/ Reasons

2. This decision relates to drawings and documents: Statement for Installation of Camera dated 26th January 2023, Elevation of Tower and Camera EL01, Demountable Flagpole Details CY/1/06, Data Protection Impact Assessment dated March 2022 and the camera hereby given consent for its retention shall be operated and maintained in accordance with the documents and drawings hereby approved.
Reason. For the avoidance of doubt and to ensure satisfactory operation of the camera pursuant to the policies of the Bury Unitary Development Plan listed.
3. The operation of the camera hereby approved shall not include a tilt facility or store or record any image or streaming from the camera or stream to the internet and shall be viewable only via the single screen in the Bury Tourist Information Centre.
Reason. For the avoidance of doubt and to ensure satisfactory operation of the camera pursuant to the policies of the Bury Unitary Development Plan listed.

For further information on the application please contact **Mark Kilby** on **0161 253 7639**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 68983

ADDRESS: Peel Tower Holcombe Hill



Bury
COUNCIL

Planning, Environmental and Regulatory Services

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

68983 & 68985

Photo 1



Images of Peel Tower with new Flagpole and Camera

November 2022



These photos were taken in November 2022 and show the flagpole in relation to the tower, as viewed from all 4 sides

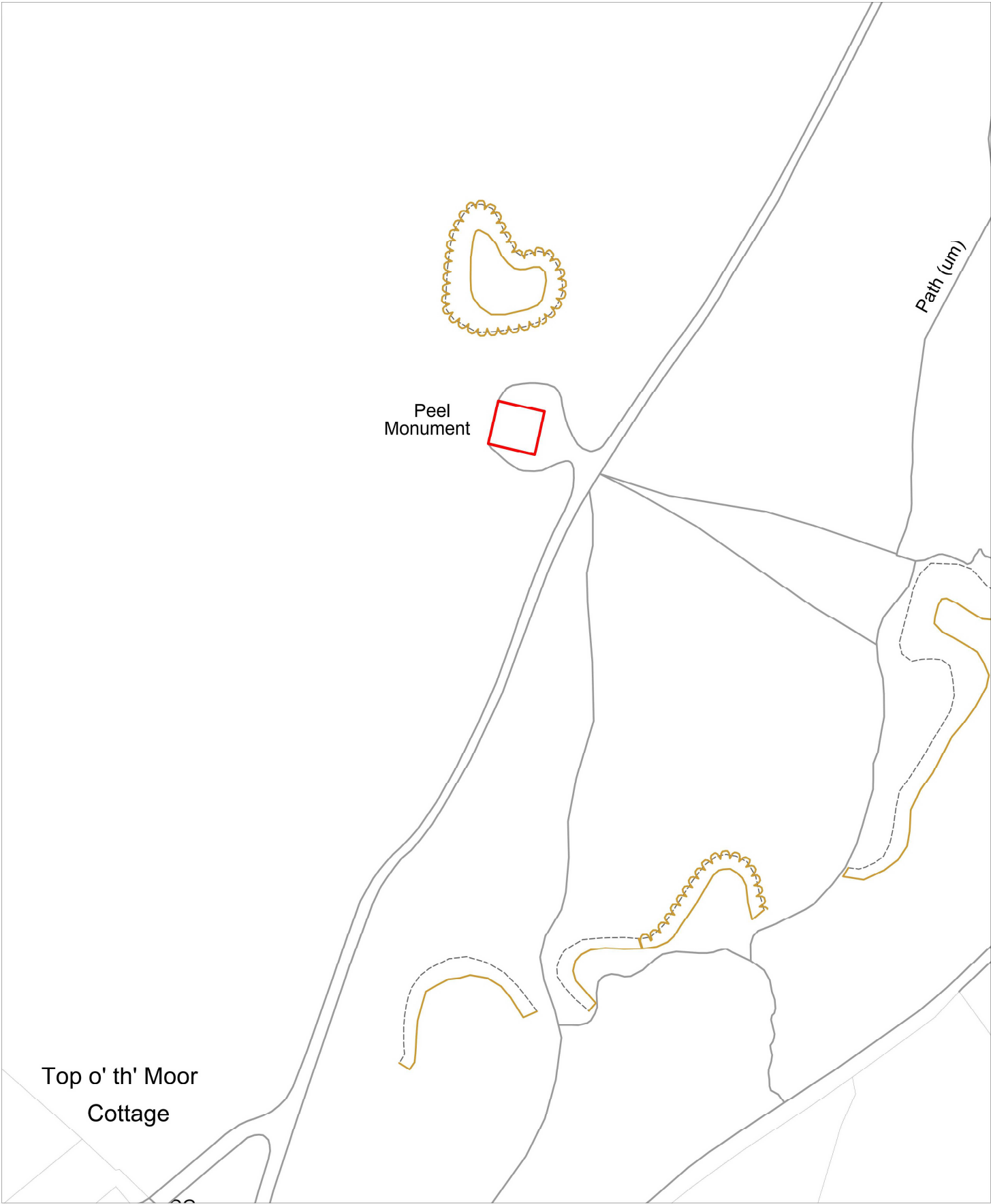




Image taken in the summer of 2022 showing the size, shape and height of the camera in relation to the flagpole



Summer photo showing the flagpole in relation to the tower (on a clear day).



PLAN Peel Monument
Moorbottom Road
Ramsbottom BL8 4NR
1:1250
SCALE MB
DRAWN BY 02/09/2022
DATE

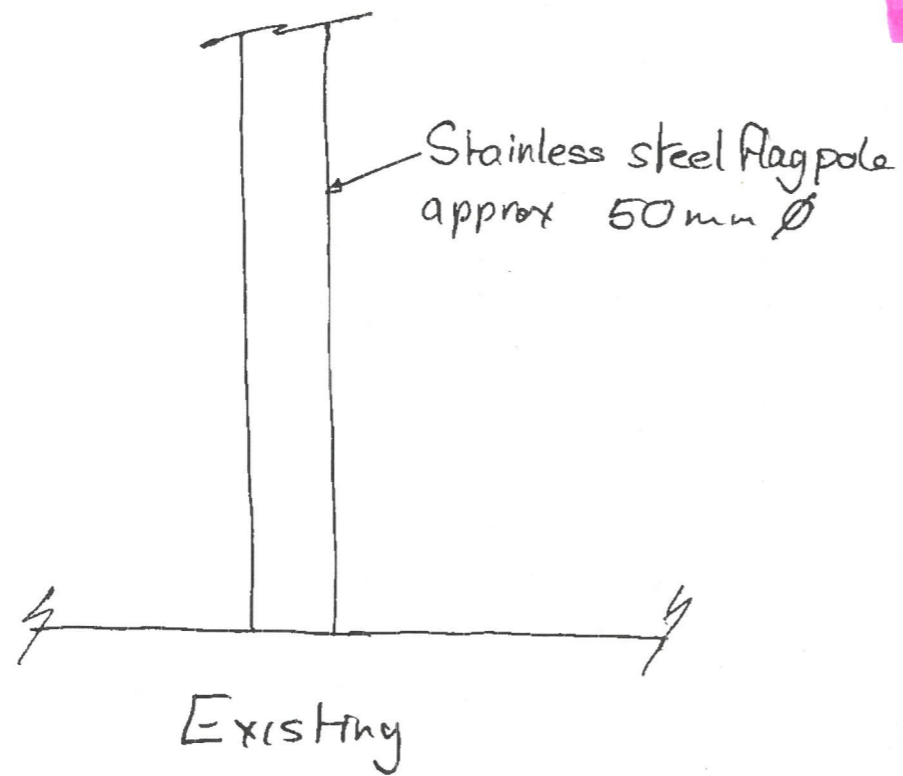
Business, Growth & Infrastructure

Land & Property

3 Knowsley Place
Duke Street,
Bury, BL9 0EJ

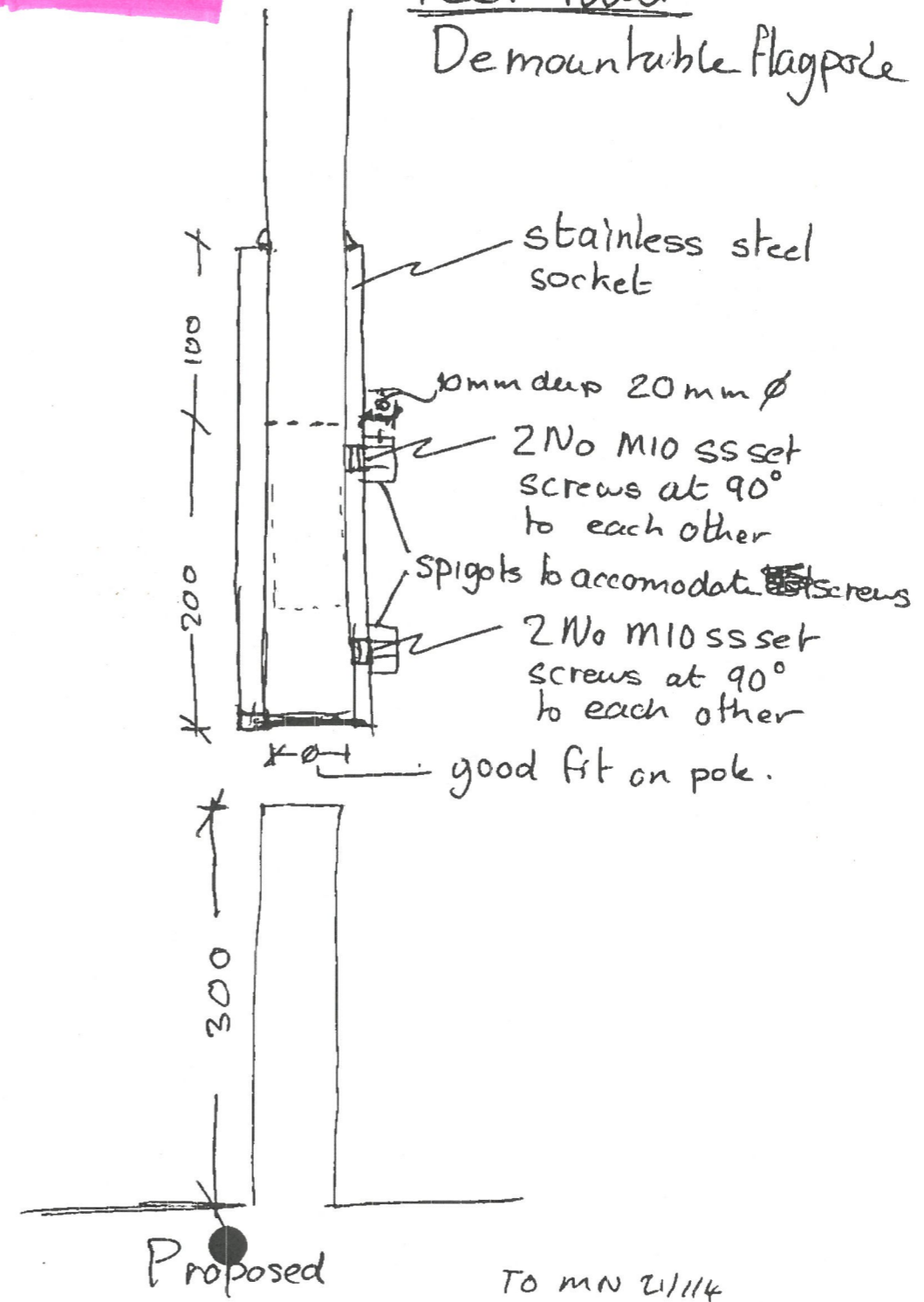
Tel. 0161 253 5995





CY/11/06

Peel Tower - Demountable flagpole



Statement for installation of cameras on top of Peel Tower

26th January 2023

The camera specification is available to view below

The camera is to be fitted to the flagpole on top of the Tower but will not obstruct the raising of the flag

The intended use of the cameras is not to view anything other than the view from the top of Peel Tower, to show those that cannot for whatever reason climb to the top of the Holcombe Hill or the Tower itself what everyone else can see

The camera, although has tilt and panning capabilities it will only be used in a restricted way to show the whole view from the Tower

We have no objections to having a planning condition requirement to restrict the operation of the camera to a single static view with no zoom, tilt or pan

It will not record any data just live stream the view to the Tourist information centre as this facility can and is switched off and will not be used on the internet

There are no intentions to live stream or to zoom into people's faces or into nearby homes

Camera Specification

1.38 kg	
Image Sensor	1/2.8 Sony CMOS
Image	Flip / Mirror
Scanning System	Progressive scanning
Resolution	1920 x 1080
Electronic Shutter	1/25 ~ 1/10,000s
Minimum Illuminatio	Colour: 0.05 Lux / F2, BW: 0.005 Lux / F2, 0 Lux (IR)
Optical Zoom	18x
S / N Ratio	50dB (AGC Off)
Exposure Mode	Auto
2D DNR	Supports
BLC	On / Off

Synchronous	Internal synchronisation
Day / Night Mode	Supports IR-CUT colour to black
Focus Mode	Auto / Manual
Gain Control	Auto / Manual
Lens Initialisation	Built-in
Focus Range	4.7 ~ 84.6mm (Wide-Tele)
Pan Angle	54.8 ~ 3.4 (Wide Tele)
IR Distance	60m (in ideal conditions)
IR Angle	3 angle adjustable with zoom in/out
Pan Speed	0.6 ~ 180/S
Tilt Speed	3.5 ~ 30/S
Tilt Range	0 ~ 90, Auto flip 180
Manual Speed	High / Middle / Low for adjustable
Proportional Zoom	Supports

Preset	220
Patrol	4, each patrol can add 32 preset
Pattern	4, total record time more than 10mins
A.B Preset Scan	Supports
Park Function	Supports, can select preset, patrol, pattern, A.B scan, pan auto running
BNC Output	AHD / CVI / TVI / CVBS (1Vp-p 75, PAL / NTSC, BNC
Communication Protocols	PELCO-D/P
ID	1-255
Baud Rate (RS485)	2400/4800/9600bps/auto identify
Ingress Protection	IP66
Lightning Protection	TVS3000V lightning protection, surge protection and voltage transient protection
Power Supply	DC12V/2A
Power Consumption	Max. 20W (Not including the heat)
Working Environment	-20C~-60C, 90%RH (Frostless)

Dimensions	208 x 251.1 x 136.1 mm
Weight	4 Kg

Data Protection Impact Assessment Template

Author: Information Governance Manager

Date: March 2022

Version: V0.1

Title	Data Protection Impact Assessment Template
Author	Information Governance Manager
Owner	Information Governance Manager
Subject	DPIA Template
Created	Marcus Connor and Jacqueline Williams
Approved by	Information Governance Steering Group
Date of Approval	7 March 2022
Review Date	7 March 2024

1. Document Version Control

Document Version Control	
Issue Number	Date
1.0	March 2022 (Bury Council)

This is a live document effective from the issue date. It supersedes any previous versions of this document, which are now withdrawn.

Data Protection Impact Assessment

Introduction

The Data Protection Impact Assessment (DPIA) process is an important means of evidencing our compliance with the requirements of Data Protection. This should be used when introducing new or amending existing systems or processes which involve personal data. To support with identifying when a DPIA needs to be completed the DPIA Screening Questionnaire can help indicate when it is needed.

The DPIA will capture:

- How data protection principles are met
- What risks there may be to non-compliance
- What mitigation is in place to address risks identified
- Processes in place to notify any data breaches

Completed DPIAs ensure services document their activity and provide assurance that they comply with our statutory data protection responsibilities.

Our Data Protection Policy sets out the requirement for changes to be reviewed and this process to be followed where the relevant criteria are met, referring to the Data Protection Privacy Impact Assessment (DPIA) Policy and associated guidance.

How to use this DPIA

Each section of the DPIA should be completed to provide a full overview of the proposal, the information being collected and/or processed and how the data protection principles have been considered and demonstrate that these can be upheld.

The supporting DPIA Policy and guidance document has been created to run alongside the DPIA and provide:

- Further guidance and clarification on the information that is required within the DPIA
- Additional information on what should be in place to meet the data protection principles
- Prompt questions that should be considered when completing the DPIA

2. The Proposal

About this Assessment		
Title of Project		
Cameras on top of Peel Tower		
Brief summary and description of the project		
<p>A member of the public approached the Council as he wanted to put something back into the local area of Ramsbottom. He would like to install a camera on top of the flagpole at Peel Tower to stream the view live to the Tourist Information Centre on a screen for everyone to get an idea of and see the view, including disabled people who cannot traverse the steep path to the tower.</p> <p>There is no intention of filming people just the view and as the tower is a Grade 1 listed building a Heritage Statement has been requested to accompany this Impact assessment, please see the attached.</p> <p>As it is being live streamed and the facility to record removed there will be no personal data collected</p> <p>The company who fitted the cameras deliberately took out the recording of the cctv cams and if you try to record it says you are not authorised</p>		
Stakeholders		
Have stakeholders been consulted/contributed to the assessment of the project		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Stakeholder (Organisation/Service, Name, Role)	Contact details	Project responsibility (Data controller, Processor, Technical Solution Provider etc)
Parks & Countryside, Mike Bent	m.bent@bury.gov.uk 0161 253 5917	Data controller
Grounds Maintenance Manager, Kevin Dickinson	k.dickinson@bury.gov.uk 0161 253 5905	

Assistant Director Operations Neil Long	n.s.long@bury.gov.uk 0161 253 7928	

3. Information collected

Personal Data			
Type (please tick)		Type (please tick)	
Name	<input type="checkbox"/>	Telephone/contact numbers	<input type="checkbox"/>
Date of Birth/Age	<input type="checkbox"/>	Email address	<input type="checkbox"/>
Gender	<input type="checkbox"/>	Location data	<input type="checkbox"/>
Personal representative / next of kin	<input type="checkbox"/>	Financial information	<input type="checkbox"/>
Physical description	<input type="checkbox"/>	Cultural /Social identifiers or information about family life	<input type="checkbox"/>
Address	<input type="checkbox"/>	Other Unique identifier (please state)	<input type="checkbox"/>
Postcode	<input type="checkbox"/>	Images/CCTV and/or audio recordings	<input type="checkbox"/>
Explain necessity			
Special (Sensitive) Personal Data			
Type (please tick)		Type (please tick)	
Physical or mental health	<input type="checkbox"/>	Religious beliefs or similar	<input type="checkbox"/>
Health/social care	<input type="checkbox"/>	Political opinions	<input type="checkbox"/>
Genetic data	<input type="checkbox"/>	Sexual life/orientation	<input type="checkbox"/>
Biometric Data	<input type="checkbox"/>	Trade union membership	<input type="checkbox"/>
Racial or ethnic group	<input type="checkbox"/>		
Explain necessity			
Crime data			

Type		Type			
	<input type="checkbox"/>		<input type="checkbox"/>		
	<input type="checkbox"/>		<input type="checkbox"/>		
Explain necessity					
Other personal information not included above					
Type		Type			
	<input type="checkbox"/>		<input type="checkbox"/>		
	<input type="checkbox"/>		<input type="checkbox"/>		
Explain necessity					
N/A					
Is any category of data used for law enforcement purposes					
Personal Data			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Special Personal Data			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Crime Data			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Categories of data subject					
Tick the categories of data subject whose personal data will be processed					
Customers	<input type="checkbox"/>	Complainants (and their reps)	<input type="checkbox"/>	Suspected offenders	<input type="checkbox"/>
Suppliers	<input type="checkbox"/>	Advisors/consultants	<input type="checkbox"/>	License/permit holders	<input type="checkbox"/>
Offenders	<input type="checkbox"/>	Benefits recipients	<input type="checkbox"/>	Inspected persons	<input type="checkbox"/>
Claimants	<input type="checkbox"/>	Carers	<input type="checkbox"/>	Captured on CCTV	<input type="checkbox"/>
Students/Pupils	<input type="checkbox"/>	Incident witnesses	<input type="checkbox"/>	Employees of other orgs	<input type="checkbox"/>
Landlords	<input type="checkbox"/>	Employees/contractors	<input type="checkbox"/>	Holders of public office	<input type="checkbox"/>

4. Information flows

This table summarises the type of data, the source of the data, recipient organisations for each distinct data flow, the protective method of exchange and expected frequency. Data flow maps /information architecture diagrams may be added to section 8 to illustrate.

Data flows					
Flow Ref.	Data	From	To Including external parties	Method of transfer	Frequency
01					
02					
03					
04					
05					

5. The Principles

A. Processed lawfully, fairly and in a transparent manner

i. Legal basis for processing

Conditions for Processing			
Tick all relevant conditions which identify a lawful basis for the processing of personal and special category data.			
GDPR Article 6 All personal data processed for non law enforcement purposes			
6(1)(a)	Consent	<input type="checkbox"/>	Outline any applicable legislation and explain how this supports the processing
6(1)(b)	Contracts	<input type="checkbox"/>	
6(1)(c)	Legal obligation	<input type="checkbox"/>	
6(1)(d)	Vital interests	<input type="checkbox"/>	
6(1)(e)	Public Interest/ Official Authority	<input type="checkbox"/>	
6(1)(f)	Legitimate interests	<input type="checkbox"/>	
GDPR Article 9 All special category data processed for non law enforcement purposes			
9(2)(a)	Explicit Consent	<input type="checkbox"/>	Outline any applicable legislation and explain how this supports the processing
9(2)(b)	Employment, Social Security, Social Protection law	<input type="checkbox"/>	
9(2)(c)	Vital interests	<input type="checkbox"/>	
9(2)(d)	Not-for-profit body	<input type="checkbox"/>	
9(2)(e)	Made public	<input type="checkbox"/>	
9(2)(f)	Legal claims / Judicial	<input type="checkbox"/>	
9(2)(g)	Public Interest	<input type="checkbox"/>	
9(2)(h)	Medicine, Employee capacity, Medical Diagnosis, Health or Social Care	<input type="checkbox"/>	
9(2)(i)	Public Health	<input type="checkbox"/>	
9(2)(j)	Archiving, Scientific and Historical Research or Statistical Purposes	<input type="checkbox"/>	

DPA 2018 Schedule 1(3)**All special category data as part of criminal offence data processed for non law enforcement purposes**

1(3)(29)	Consent	<input type="checkbox"/>	Outline any applicable legislation and explain how this supports the processing
1(3)(30)	Vital Interests	<input type="checkbox"/>	
1(3)(31)	Processed by not-for-profits	<input type="checkbox"/>	
1(3)(32)	Manifestly made public by data subject	<input type="checkbox"/>	
1(3)(33-34)	Legal Claims or Judicial Acts	<input type="checkbox"/>	
1(3)(35)	Administration of accounts used to commit indecency offences involving children	<input type="checkbox"/>	
1(3)(36)	Substantial Public Interest	<input type="checkbox"/>	

DPA 2018 Part 3(35)**All personal data processed for law enforcement purposes**

3(35)(2 a)	Consent	<input type="checkbox"/>	Outline any applicable legislation and explain how this supports the processing
3(35)(2 b)	Public Interest	<input type="checkbox"/>	

DPA 2018 Part 3(35) and Schedule 8**All special category data processed for law enforcement purposes**

3(35)(4 a)	Consent	<input type="checkbox"/>	Outline any applicable legislation and explain how this supports the processing
8(1)	Statutory purpose (legal obligation or public interest)	<input type="checkbox"/>	
8(2)	Administration of justice	<input type="checkbox"/>	
8(3)	Protecting individuals vital interests	<input type="checkbox"/>	
8(4)	Safeguarding of children and individuals at risk	<input type="checkbox"/>	
8(5)	Personal data already in public domain	<input type="checkbox"/>	
8(6)	Legal claims	<input type="checkbox"/>	

8(7)	Judicial acts	<input type="checkbox"/>	
8(8)	Preventing fraud	<input type="checkbox"/>	
8(9)	Archiving, scientific or historical research, or statistical	<input type="checkbox"/>	

Consent

If consent is being relied upon, confirm that the relevant conditions are in place

Evidence that an individual data subject has consented to the processing	<input type="checkbox"/> Yes <input type="checkbox"/> No
Processes in place to manage the withdrawal of consent	<input type="checkbox"/> Yes <input type="checkbox"/> No
Capability to manage data processed pre- and post- withdrawal of consent	<input type="checkbox"/> Yes <input type="checkbox"/> No
Consent is freely given	<input type="checkbox"/> Yes <input type="checkbox"/> No
For data subjects under 13 years old, parental consent/ authorisation is in place	<input type="checkbox"/> Yes <input type="checkbox"/> No

ii. Rights

Does the processing support an individual's rights

Right to be informed (what privacy notices are in place?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Right to access	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Right to rectification	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Right to erasure	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Right to restrict processing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Right to data portability	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Right to object	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Rights relating to automated decision making and profiling	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments/supplementary evidence

Notices will be installed around the Tower to inform people that there are cameras on top of the flag pole.

iii. Data Subject consultation

Consultation with data subjects	
Has any consultation been undertaken with data subjects over appropriate processing of personal data?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Comments/supplementary evidence	

B. Collected for specified, explicit and legitimate purposes

Legitimate purposes	
Does your project plan cover all of the purposes for processing personal data?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Have potential new/secondary purposes been identified as the scope of the project expands?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Do the purposes include scientific, historical or statistical purposes, or archiving in the public interest?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Purpose	
1	
2	
3	
	(Add additional lines as required)
Comments	

C. Adequate, Relevant and Limited

Minimising personal data	
Is there any personal data that could not be used, without compromising the needs of the project?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there any data minimisation techniques being used? (eg, anonymisation, pseudonymisation, redaction)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Comments	

D. Accurate and, where necessary, kept up to date

Accuracy	
If you are procuring new software does it allow you to amend data when necessary?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are there processes in place for ensuring that personal data is accurate and is reviewed where necessary?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Comments	

E. Kept no longer than is necessary

Retention and destruction	
If you are procuring new software does it allow you to delete data when necessary?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are retention periods suitable for the personal data you will be processing? (Please outline the retention periods below)	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are processes in place to ensure information can be securely deleted/destroyed in relation to both paper and electronic files	<input type="checkbox"/> Yes <input type="checkbox"/> No
Comments	

F. Appropriate Security

i. Organisational Controls

Contractual controls			
Is there a contract in place with any third party for the purpose outlined in section 5B			<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, does the contract contains the organisation's standard contract schedule relating to Information Governance requirements			<input type="checkbox"/> Yes <input type="checkbox"/> No
Contact term			
Start Date		End Date	
Optional extension period (years):			
Additional processing assurances			
Is a Data Processing Agreement and/or Data Sharing Agreement required to specify the processing involved and appropriate information governance requirements			<input type="checkbox"/> Yes <input type="checkbox"/> No

Comments	
Third party accreditations	
Has evidence of appropriate industry accreditations from third parties been collated	<input type="checkbox"/> Yes <input type="checkbox"/> No
Details	
Training in how to securely process the data	
Confirm that employees (and users where relevant) of the system will receive appropriate training	<input type="checkbox"/> Yes <input type="checkbox"/> No
Confirm that comprehensive written guidance will be available to employees and users	<input type="checkbox"/> Yes <input type="checkbox"/> No
Comments	
Capture issues impacting on Organisational Policy	
Does the proposal impact on any current organisational policy in a way that requires an update to ensure the adequacy of the policy?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Comments	

ii. Technical Controls

Access controls	
Are access controls in place that ensures only those with a valid need to access the data can do so	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is a process in place which assigns and reviews appropriate permissions to view, create, amend and delete data	<input type="checkbox"/> Yes <input type="checkbox"/> No
Process in place to ensure notification of any data breaches by any party involved	<input type="checkbox"/> Yes <input type="checkbox"/> No
Outline the secure method used for controlling access to the information	
Security in transit – when data transferred from one system to another	

Confirm that appropriate security processes is in place to protect the data in transit from threats	<input type="checkbox"/> Yes <input type="checkbox"/> No
Outline how information is transferred securely	
Security at rest - data within a system	
Are appropriate technical security processes is in place to protect the data at rest from threats	<input type="checkbox"/> Yes <input type="checkbox"/> No
Outline how external parties will hold information securely	
Cloud security	
Does the project involve cloud computing	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is the processing compliant with the National Cyber Security (NCSC) Cloud Security Principles	<input type="checkbox"/> Yes <input type="checkbox"/> No
Comments / assessment outcome	

G. Demonstrate Compliance

Records of Processing Activity (ROPA)	
Does the council's ROPA need to be updated to reflect any change resulting from this processing?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Comments	

6. International transfers

Transfer of personal data to third countries	
Personal data will stay within the UK only	<input type="checkbox"/> Yes <input type="checkbox"/> No
Personal data may be transferred within the EEA	<input type="checkbox"/> Yes <input type="checkbox"/> No
Personal data may be transferred outside of the EEA (please detail how secured)	<input type="checkbox"/> Yes <input type="checkbox"/> No
Comments	



7. Risk Management

Risk Register							
Risk Ref.	Description of Risk	Probability (1 – 5)	Impact (1 – 5)	Level (High, Med, Low)*	Solution (s)	Impact (eliminated, reduced, or accepted)	Approved by
01							
02							
03							
04							
05							

* The level is calculated by multiplying the probability and impact scores and plotting on the risk matrix, see section 6B of the guidance.

Page 96

High risk assessment			
Are there any High Level risks that have been accepted			<input type="checkbox"/> Yes <input type="checkbox"/> No
Are there any High Level risks that cannot be significantly reduced following mitigation			<input type="checkbox"/> Yes <input type="checkbox"/> No
In any cases where there are high level risks that cannot be adequately addressed through mitigation then the processing cannot begin until the ICO have been consulted.			
Any DPIA that needs to be referred to the ICO must be reviewed by the DPO prior to being sent to the ICO.			
ICO review			
Date submitted to ICO		Date ICO feedback received	
ICO feedback			

8.Supporting documentation

Please embed relevant documents below.

This section and the documents within will not be routinely published with the DPIA.

Document	Title/Summary
Information Governance (Privacy Notice/ Consent Form)	
[Embed Doc]	
[Embed Doc]	
Project (including Business Case, PIDs, EMT reports etc)	
[Embed Doc]	
[Embed Doc]	
Design (including Specification, High level, Low level, network diagrams, Data flow maps etc)	
[Embed Doc]	
[Embed Doc]	
Procurement (Specification, Contract/ Agreement)	
[Embed Doc]	
[Embed Doc]	

9.Actions

Action plan		
Please outline any residual actions identified as part of the DPIA that are required to be completed as part of the project or business as usual processes.		
Action	Date	Responsible person

10. Approvals

Approved by Senior Responsible Officer / project board		
Name	Role	Date
Reviewed by Data Protection Officer		
Name	Date	
Advice / comments		
Have all recommendations from the Data Protection Officer been implemented	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>
Approved by SIRO (if required)		
Name	Date	

11. Reviews

Regularity of Reviews		
A timetable for reviewing the processing has been identified, taking into account the intended length of the activity and the risk rating		<input type="checkbox"/> Yes <input type="checkbox"/> No
Comments		
Review 1		
Date Review Undertaken		
Processing as initially defined in this assessment remains unchanged	<input type="checkbox"/> Yes <input type="checkbox"/> No	
All mitigations remain in place and are effective and appropriate to the level of risk	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Residual actions have been completed	<input type="checkbox"/> Yes <input type="checkbox"/> No	
No further action is required as a result of the review	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Comments		
Review 2		
Date Review Undertaken		
Processing as initially defined in this assessment remains unchanged	<input type="checkbox"/> Yes <input type="checkbox"/> No	
All mitigations remain in place and are effective and appropriate to the level of risk	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Residual actions have been completed	<input type="checkbox"/> Yes <input type="checkbox"/> No	
No further action is required as a result of the review	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Comments		

(Add additional sections for further reviews)

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Ward: Bury East - Redvales

Item 04

Applicant: Mrs Shakila Karami

Location: 17 Pembroke Drive, Bury, BL9 9LF

Proposal: Part single/Part two storey rear extension

Application Ref: 69093/Full

Target Date: 06/02/2023

Recommendation: Approve with Conditions

This application is a householder development and would normally be dealt with under delegated powers. It is presented to the committee as the applicant is related to a member of staff.

Description

The site is a semi detached house with garden and drive to the front. To the rear is a single storey extension across part of the elevation and there are patio doors to the party wall side which lead on to a decked area. The rear garden is lengthy and fenced. There are no properties directly at the rear. The adjoining property No.19 is extended single storey along the shared boundary and then with a conservatory set further across. To the opposite side the unattached No.15 is extended single storey at the rear.

The application proposes an extension to the rear. It would project 3.5m deep from the original rear elevation as two storey, across the width of the property. The ground floor would project out a further 2.5m deep to the party wall side, for 2m across, where it would then be project a further 2m deeper for the remainder of the width. The extension would form a kitchen and living room with an additional bedroom at first floor.

Relevant Planning History

None.

Publicity

2 notification letters were sent on 22/12/22 to 15 & 19 Pembroke Drive. No responses have been received.

Statutory/Non-Statutory Consultations

None required.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

Issues and Analysis

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

specifically mentioned.

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

Visual amenity and design - The proposed first floor extension would have a dual pitched roof forming a rear gable and the single storey where deeper would have a monopitch roof with roof light. Materials for the extension would be brickwork and slate tiles to match the existing.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would not increase the number of bedrooms it would remain a 3 bed with an existing bedroom becoming an office. SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 2 parking spaces. The site as existing has a drive at the front for one vehicle. With a street cabinet directly outside on the footpath there would be no scope for the creation of additional parking in the garden. The area has on street parking and there is public transport available. In this instance then the parking arrangements are considered sufficient.

Residential amenity - SPD6 states that for two storey rear extensions, where the extension would be on or adjacent to the boundary of another dwelling, it should not normally project in excess of 1 metre from the rear wall of the neighbouring property. Beyond the 1 metre point, the extension should not encroach beyond a 45° angle taken from the boundary at the 1 metre point.

The 45°/25° rule is designed to ensure that proposals for extensions do not have detrimental impact on a neighbouring properties right to light or outlook, by avoiding unacceptable levels of overshadowing or unneighbourly relationships.

In relation to the adjoining No.19 the proposed two storey would project as blank wall 1m beyond the rear elevation of this neighbouring property as extended at ground floor. In consideration of its first floor rear window then the proposal would encroach the 45 degree line from the mid point of the window. No.19 is located to the south of the site and as such there would be no significant loss of light or over shadowing. The proposed single storey would project out from the two storey along the boundary for a further 2.5m. At this point it would set in from the boundary with no development within a 45 degree angle. This would then see a total length of two and single storey development where adjacent the boundary of 6m. A material consideration is permitted development and the larger homes scheme which allows single storey extensions up to 6m deep where there are no neighbour objections. None have been received in this case.

To the opposite side the unattached No.15 is extended single storey at the rear. Its first floor has one window and the proposal, where the two storey part would be located, would not encroach the 45 degree line from the mid point of this window. The proposed single storey would project deeper and would encroach the 45 degree line taken from the closest rear ground floor window to No.15 but would not exceed the upward 25 degree line. There would be no windows proposed to the first floor side elevation of the proposed extension to cause overlooking to No.15 and with only a door to a utility at ground floor.

Given the above, there would then be no serious impact on the amenity of any adjacent neighbouring properties and the proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

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.

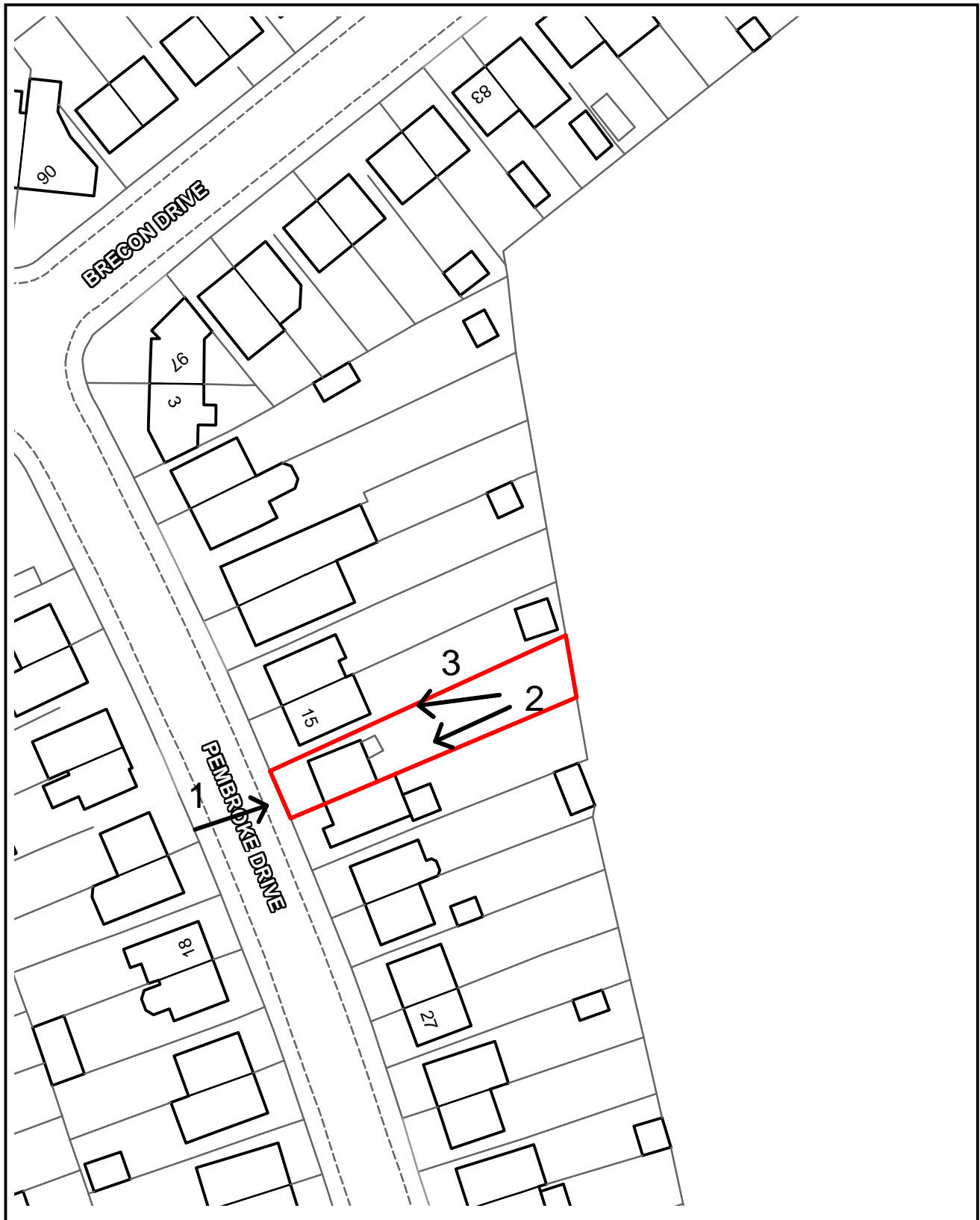
Recommendation: Approve with Conditions

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 22/SH01 existing elevations, 22/SH01 existing and proposed ground floor plans, proposed elevations and proposed section received 17/01/23 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.

For further information on the application please contact **Jane Langan** on **0161 253 5316**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 69093

ADDRESS: 17 Pembroke Drive, Bury, BL9 9LF



Bury
COUNCIL

Planning, Environmental and Regulatory Services

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69093

Photo 1



Photo 2



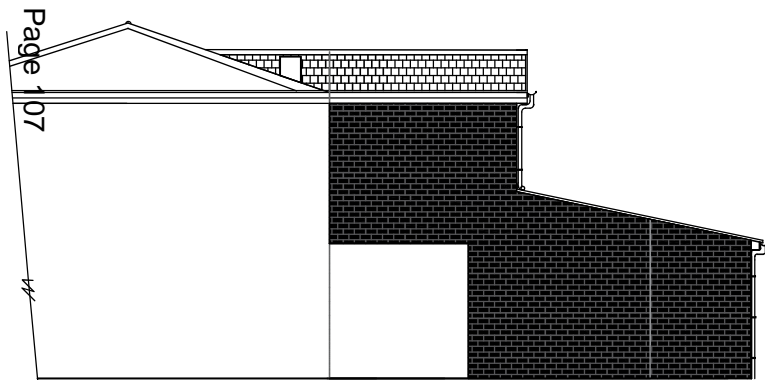
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Photo 3

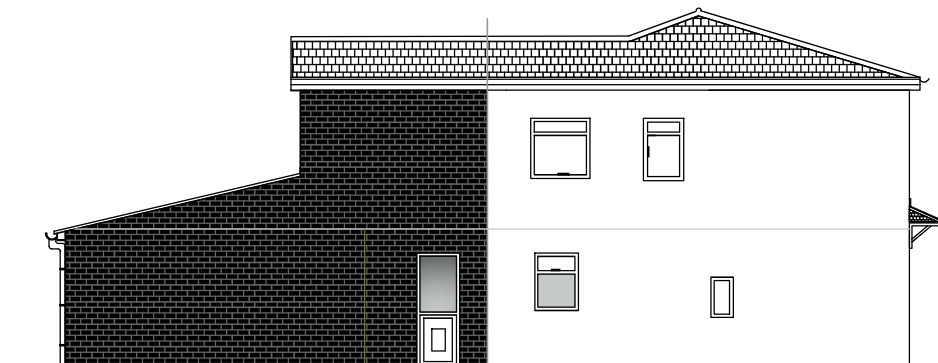




Proposed rear elevation



Proposed side elevation

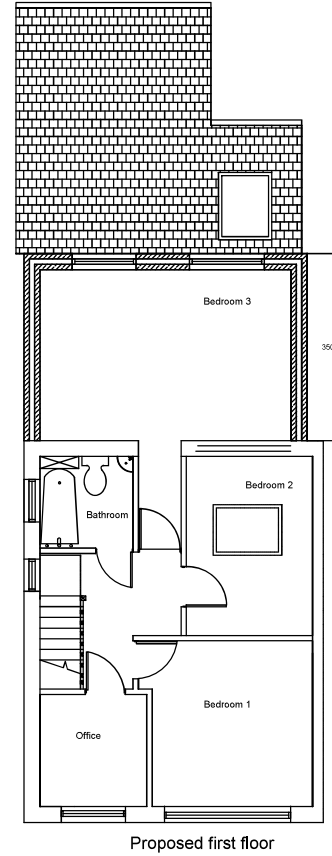
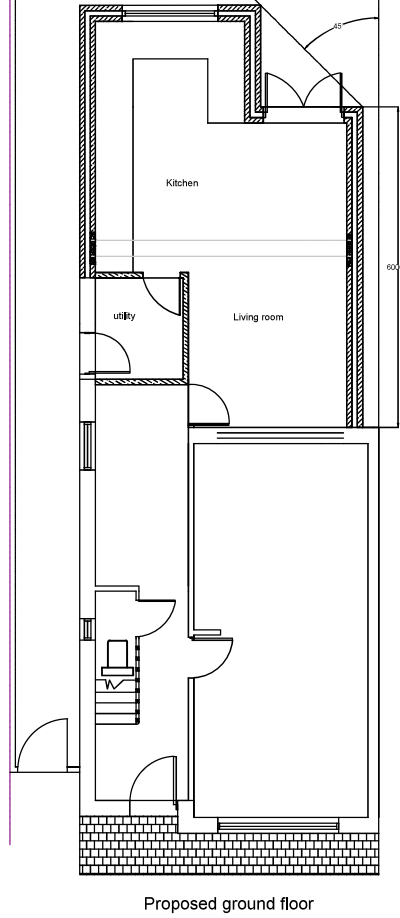
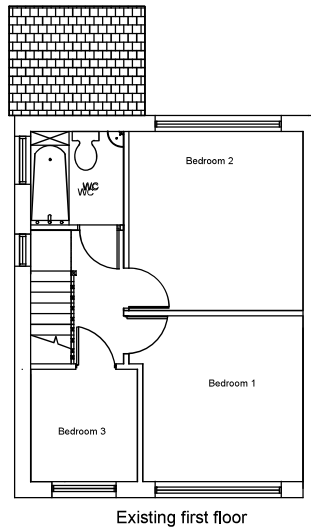
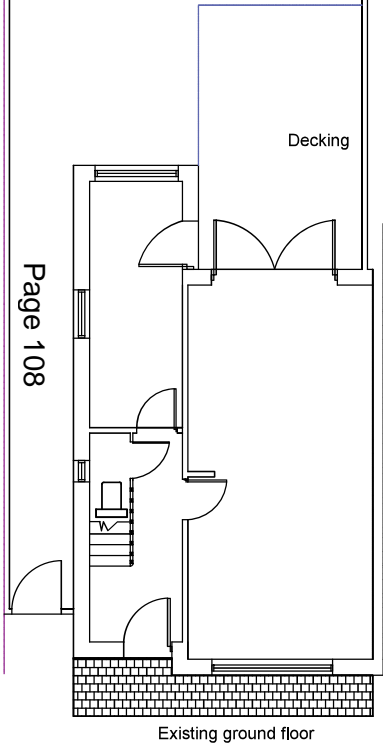


Proposed side elevation

Scale Bars 1:100  10m

Page 107

Drawing Title: Proposed 2 Story rear extension	Rev/ Drawings		Name	
	Drawing No	22/SH01	Date	
Client: Mrs S Karami& Mr K Karami	Drawn/ Designed	AZ	14/11/22	KK Design Solution Chartered Building Surveyors.
	Checked	KK	14/11/22	
Project: 17 Pembroke Drive Bury BL9 9LF	Drawing Status:	KK		
	For Approval Revision A/B	K/22/01	16/01/23	
	Sheet Size A3			
	Scale: Do not Scale			
			Address: Unit2, Manchester Rd BL9 9Q8	
			Email: shakila420@yahoo.com	
			Mob: 07731 888560	
			Tel: 016127628682	



Scale Bars 1:100 10m

Drawing Title: Proposed 2 Story rear extension	Rev/ Drawings	Name	
	Drawing No	22/SH01	Date
Client: Mrs S Karami& Mr K Karami	Drawn/ Designed	AZ	14/11/22
	Checked	KK	14/11/22
Project: 17 Pembroke Drive Bury BL9 9LF	Drawing Status:	KK	KK Design Solution Chartered Building Surveyors.
	For Approval Revision A/B	K/22/01	
	Sheet Size A3	16/01/23	
	Scale: Do not Scale		
		Address: Unit2 Manchester Rd BL9 9QB Email: shai@420@yahoo.com Mob: 07731888560 Tel: 016127628682	

REPORT FOR NOTING

Agenda Item 5

Bury
COUNCIL

**Agenda
Item**

5

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	21 February 2023
SUBJECT:	DELEGATED DECISIONS
REPORT FROM:	HEAD OF DEVELOPMENT MANAGEMENT
CONTACT OFFICER:	DAVID MARNO
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	The report lists: Recent delegated planning decisions since the last PCC
OPTIONS & RECOMMENDED OPTION	The Committee is recommended to the note the report and appendices
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Executive Director of Resources to advise regarding risk management
Statement by Executive Director of Resources:	N/A
Equality/Diversity implications:	No
Considered by Monitoring Officer:	N/A
Wards Affected:	All listed
Scrutiny Interest:	N/A

TRACKING/PROCESS**DIRECTOR:**

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

1.0 BACKGROUND

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

2.0 CONCLUSION

That the item be noted.

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

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

Tel: 0161 253 5291

Email: d.marno@bury.gov.uk

Planning applications decided using Delegated Powers

Between 16/01/2023 and 12/02/2023

Ward: **Bury East**

Application No.: 68987 **App. Type:** FUL 20/01/2023 Approve with Conditions
Location: 67 Craven Street, Bury, BL9 7PP
Proposal: Single storey rear and side extension

Application No.: 68993 **App. Type:** FUL 16/01/2023 Approve with Conditions
Location: Wallwork Heat Treatment Ltd, Land off Parker Street/Lord Street, Bury, BL9 0RE
Proposal: Erection of ancillary plant equipment comprising of 2 no. storage tanks and fan array with concrete base

Application No.: 69032 **App. Type:** LDCP 17/01/2023 Lawful Development
Location: 12 Holden Avenue, Bury, BL9 7TJ
Proposal: Lawful development certificate for proposed loft conversion with rear dormer and rooflights

Application No.: 69068 **App. Type:** FUL 01/02/2023 Approve with Conditions
Location: 32 Kershaw Street, Pimhole, Bury, BL9 7HH
Proposal: Conversion of party venue to 2no. commercial units (Class E) at ground floor and 2no. studio flats (Class C3) at first floor.

Application No.: 69114 **App. Type:** FUL 27/01/2023 Refused
Location: 88 Rochdale Road, Bury, BL9 7AY
Proposal: Two storey rear extension with mansard roof at rear and front/rear dormers to form 3 no. additional flats to 1st/2nd floors

Ward: **Bury East - Moorside**

Application No.: 69116 **App. Type:** FUL 18/01/2023 Approve with Conditions
Location: 42 Cateaton Street, Bury, BL9 5AW
Proposal: Loft conversion with front and rear dormers

Ward: **Bury East - Redvales**

Application No.: 68925 **App. Type:** FUL 24/01/2023 Approve with Conditions
Location: 19 Meadway, Bury, BL9 9TY
Proposal: Two storey side extension with bay window to the side; Single storey front & rear extensions; Garage conversion; Juliet balcony at rear; Retention of existing balcony at rear; Replacement first floor window to front elevation with new apex to roof

Application No.: 69015 **App. Type:** FUL 19/01/2023 Approve with Conditions
Location: Land adjacent to 8 Haslam Brow, Bury, BL9 0TS
Proposal: Erection of 1no. dormer bungalow with altered access along Haslam Brow

Application No.: 69071 **App. Type:** FUL 20/01/2023 Approve with Conditions
Location: 5 Hampson Mill Lane, Bury, BL9 9UA
Proposal: Single storey front extension and Part single/Part two storey rear extension

Application No.: 69130 **App. Type:** FUL 09/02/2023 Approve with Conditions
Location: 42 Wellington Road, Bury, BL9 9BQ
Proposal: Single storey extension at rear and loft conversion with rear dormer

Application No.: 69168 **App. Type:** FUL 25/01/2023 Approve with Conditions
Location: Land at Bury Football Club Co Ltd, Gigg Lane, Bury, BL9 9HR
Proposal: Proposed Rooftop upgrade to the existing telecommunications installation: Proposed removal and replacement of 3No. Antennas with 6No. Antennas and 1No. Replacement Cabinet;
Proposed installation of 1No. GPS Module, 15No. ERS's and associated ancillary works

Ward: **Bury West - Elton**

Application No.: 69153 **App. Type:** FUL 24/01/2023 Approve with Conditions
Location: 294 Brandlesholme Road, Bury, BL8 1ER
Proposal: Front and rear first floor extensions above existing ground floor extensions

Ward: **Bury West - West**

Application No.: 68981 **App. Type:** LDGP 25/01/2023 Lawful Development
Location: 32 Freckleton Drive, Bury, BL8 2JA
Proposal: Proposed demolition of existing conservatory and erection of of single storey rear extension.

Application No.: 69014 **App. Type:** FUL 17/01/2023 Approve with Conditions
Location: 2 Pleasington Drive, Bury, BL8 2ET
Proposal: Roof extension at side with side and rear dormers to form first floor living accommodation;
Extension to existing garage at front

Application No.: 69069 **App. Type:** LDGP 17/01/2023 Lawful Development
Location: 6 Eagley Drive, Bury, BL8 2NF
Proposal: Lawful development certificate for proposed rear dormer extension

Application No.: 69098 **App. Type:** LDGP 17/01/2023 Lawful Development
Location: 5 Whitby Close, Bury, BL8 2TX
Proposal: Lawful development certificate for proposed demolition of existing conservatory and erection of single storey rear extension.

Application No.: 69146 **App. Type:** FUL 20/01/2023 Approve with Conditions
Location: 77 Haig Road, Bury, BL8 2LG
Proposal: Two storey side extension with front and rear dormers; Single storey rear extension;
Additional windows to front elevation; Existing flat roof to front porch replaced with a hipped roof; Extension to existing vehicular access

Ward: North Manor

Application No.: 69040 **App. Type:** FUL 06/02/2023 Approve with Conditions
Location: 50 Robin Road, Summerseat, Ramsbottom, Bury, BL9 5QP
Proposal: Demolition of existing rear conservatory and erection of single storey rear extension

Application No.: 69043 **App. Type:** FUL 25/01/2023 Approve with Conditions
Location: 20 Longsight Road, Ramsbottom, Bury, BL0 9TD
Proposal: Single storey side and rear extensions; New pitched roof over existing two storey flat roofed extension; Alterations to existing windows; Render to new and existing walls

Application No.: 69166 **App. Type:** LDCP 08/02/2023 Lawful Development
Location: 125 Walmersley Old Road, Bury, BL9 6SB
Proposal: Lawful development certificate for proposed dormer to rear

Ward: Prestwich - Holyrood

Application No.: 69061 **App. Type:** FUL 06/02/2023 Approve with Conditions
Location: 15 Maple Grove, Prestwich, Manchester, M25 3DQ
Proposal: Demolition and reconstruction of single storey rear extension

Application No.: 69129 **App. Type:** FUL 20/01/2023 Approve with Conditions
Location: 131 Heywood Road, Prestwich, Manchester, M25 1LF
Proposal: Single storey extension at rear

Application No.: 69193 **App. Type:** FUL 03/02/2023 Approve with Conditions
Location: 8 Barnard Avenue, Whitefield, Manchester, M45 6TY
Proposal: Single storey rear extension

Ward: Prestwich - Sedgley

Application No.: 68596 **App. Type:** FUL 24/01/2023 Approve with Conditions
Location: 39 and 40 Sheepfoot Lane, Prestwich, Manchester, M25 0DL
Proposal: No. 39 - Single storey extension at front; Dormer extensions at front and rear; Two storey extensions at side and rear with Single storey canopy at rear.
No. 40 - Single storey extension at front ; Dormer extensions at front and rear; Two storey extensions at side and rear

Application No.: 69027 **App. Type:** FUL 24/01/2023 Approve with Conditions
Location: 305 Middleton Road, Manchester, M8 4LY
Proposal: Variation of condition 2 (approved plans) of planning permission 67944 - Amend the footprint of the dwelling with rear conservatory removed and front bays amended.

Application No.:	69033	App. Type:	FUL	18/01/2023	Approve with Conditions
Location:	99 Kings Road, Prestwich, Manchester, M25 0JS				
Proposal:	Loft conversion with front and rear dormers				
Application No.:	69036	App. Type:	LDCP	26/01/2023	Lawful Development
Location:	69 Richmond Avenue, Prestwich, Manchester, M25 0LW				
Proposal:	Lawful development certificate for proposed hip to gable, loft conversion and rear dormer				
Application No.:	69080	App. Type:	FUL	19/01/2023	Approve with Conditions
Location:	4 Castle Hill Road, Prestwich, Manchester, M25 0FR				
Proposal:	Two storey extension at front with alterations to existing front elevation and entrance/front porch; New bay window to right of front elevation, modify roof line above existing bay windows with new pitched roofs				
Application No.:	69090	App. Type:	FUL	30/01/2023	Approve with Conditions
Location:	38 Fairway, Prestwich, Manchester, M25 0JH				
Proposal:	Two storey extension at side; Part single/Part two storey extension at rear; Single storey extension at front; Widening of existing vehicular access				
Application No.:	69120	App. Type:	FUL	09/02/2023	Approve with Conditions
Location:	43 Bland Road, Prestwich, Manchester, M25 9WG				
Proposal:	Two storey side/rear extension; Single storey front extension; Single storey rear extension				
Application No.:	69131	App. Type:	FUL	25/01/2023	Approve with Conditions
Location:	142-144 Albert Avenue, Prestwich, Manchester, M25 0HE				
Proposal:	Basement extension at rear; single storey / two storey extension at rear; juliette balcony at rear; Hip to gable roof extensions; 2 no. dormers at front and 1 no. dormer at rear; raised decking with handrail and steps to rear garden and external alterations including new 2nd floor window to right hand side elevation				
Application No.:	69174	App. Type:	FUL	01/02/2023	Approve with Conditions
Location:	Mikvah, 102-104 Albert Avenue, Prestwich, Manchester, M25 0LU				
Proposal:	Single storey rear extension				
Application No.:	69196	App. Type:	FUL	06/02/2023	Approve with Conditions
Location:	41 Brooklands Road, Prestwich, Manchester, M25 0FB				
Proposal:	Single storey rear extension; Rear basement extension and Loft conversion with front and rear dormers				
Application No.:	69211	App. Type:	FUL	09/02/2023	Approve with Conditions
Location:	61 Meade Hill Road, Prestwich, Manchester, M8 4LW				
Proposal:	Two storey side/rear extension; Single storey rear extension				

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

Application No.: 69097 **App. Type:** FUL 27/01/2023 Refused
Location: 27 Rainsough Brow, Prestwich, Manchester, M25 9XW
Proposal: Single storey extension at side / rear; basement level extension at rear and erection of 1.8 metres high fencing

Application No.: 69143 **App. Type:** FUL 24/01/2023 Approve with Conditions
Location: 14 Harold Street, Prestwich, Manchester, M25 3HY
Proposal: Single storey rear extension

Application No.: 69155 **App. Type:** FUL 06/02/2023 Approve with Conditions
Location: 20 Swarbrick Drive, Prestwich, Manchester, M25 9TD
Proposal: Replacement of existing conservatory with single storey rear extension

Ward: **Radcliffe - East**

Application No.: 69076 **App. Type:** FUL 27/01/2023 Refused
Location: 6 Sandford Street, Radcliffe, Manchester, M26 2PT
Proposal: Change of use from mixed use; public house and 8 self-contained flats to 13 bed (maximum 20 person) HMO (sui generis); demolition of existing conservatory; formation of parking space / cycle store, entrance / exit at rear and alterations to ground floor window at rear

Application No.: 69084 **App. Type:** FUL 01/02/2023 Approve with Conditions
Location: 1 Martingale Close, Radcliffe, Manchester, M26 4YA
Proposal: First floor extension at rear and Installation of first floor windows to side elevations

Application No.: 69185 **App. Type:** GPDE 10/02/2023 Prior Approval Required & Granted - Ext
Location: 62 Starling Road, Radcliffe, Manchester, M26 4LN
Proposal: Application for prior approval of a proposed enlargement of a dwellinghouse by construction of additional storeys - Proposed addition of one storey to create a two storey house (maximum height 9.5 metres)

Ward: **Radcliffe - North and Ainsworth**

Application No.: 68948 **App. Type:** FUL 18/01/2023 Approve with Conditions
Location: 33 Browns Road, Radcliffe, Bolton, BL2 6RQ
Proposal: Single storey rear extension and conversion of garage to habitable room

Application No.: 69085 **App. Type:** FUL 27/01/2023 Approve with Conditions
Location: 63 Stanley Road, Radcliffe, Manchester, M26 4HG
Proposal: Single storey front extension with pitched roof

Application No.: 69123 **App. Type:** FUL 24/01/2023 Approve with Conditions
Location: 8 Tintagel Court, Radcliffe, Manchester, M26 3TY
Proposal: Two storey rear extension

Application No.: 69144 **App. Type:** LDCP 25/01/2023 Lawful Development
Location: 8 Broomfield Close, Ainsworth, Radcliffe, Bolton, BL2 5QY
Proposal: Lawful development certificate for proposed rear dormer roof extension for loft conversion

Application No.: 69189 **App. Type:** FUL 08/02/2023 Refused
Location: 22 Cockey Moor Road, Bury, BL8 2HB
Proposal: Variation of condition no. 1 (approved plans) of planning permission 68038 for erection of detached dwelling: Increase the size and height of the second floor and External alterations

Ward: **Radcliffe - West**

Application No.: 69149 **App. Type:** FUL 03/02/2023 Approve with Conditions
Location: 44 Grosvenor Street, Radcliffe, Manchester, M26 4BQ
Proposal: Single storey extension at rear

Application No.: 69170 **App. Type:** GPDE 18/01/2023 Prior Approval Not Required - Extension
Location: 23 Hawthorn Avenue, Radcliffe, Manchester, M26 1BX
Proposal: Prior approval for proposed single storey rear extension

Ward: **Ramsbottom + Tottington - Tottington**

Application No.: 68991 **App. Type:** FUL 19/01/2023 Approve with Conditions
Location: 10 Sandybrook Close, Tottington, Bury, BL8 3LB
Proposal: Two storey side extension; Single storey rear extension; Front porch

Application No.: 69057 **App. Type:** FUL 19/01/2023 Approve with Conditions
Location: 23 Cotswold Crescent, Bury, BL8 1QJ
Proposal: Front dormer to existing first floor; Repositioning of side door; Rear bi-fold doors

Application No.: 69083 **App. Type:** FUL 25/01/2023 Refused
Location: Toto Ristorante, High Street, Walshaw, Bury, BL8 3AG
Proposal: Single storey side extension

Application No.: 69105 **App. Type:** FUL 16/01/2023 Approve with Conditions
Location: 23 Alcester Close, Bury, BL8 1QE
Proposal: Extension to existing front dormer

Application No.: 69110 **App. Type:** FUL 30/01/2023 Approve with Conditions
Location: Christ Church Church Of England Primary School, Church Street, Tottington, Bury, BL8 3AX
Proposal: Retention of single storey Portakabin building for a period of 5 years from the date of expiry on original planning application (ref no. 57546)

Application No.: 69140 **App. Type:** FUL 25/01/2023 Approve with Conditions
Location: 2 Booth Hall Drive, Tottington, Bury, BL8 3HQ
Proposal: Two storey front extension

Application No.: 69182 **App. Type:** FUL 01/02/2023 Approve with Conditions
Location: Grassington Court, Walshaw, Bury, BL8 3AW
Proposal: Demolition of existing communal bin store and Erection of fence line to form new bin store with associated hard standing.

Ward: **Ramsbottom and Tottington - Ramsbottom**

Application No.: 68593 **App. Type:** FUL 06/02/2023 Approve with Conditions
Location: Bast House, Manchester Road, Ramsbottom, Bury, BL9 5LZ
Proposal: Variation of condition 2 following approval of planning permission ref. 68336 - The addition of PV panels to the roof, a reduction in the window cill height of kitchen window and the inclusion of a glazed lean to south elevation.

Application No.: 68974 **App. Type:** FUL 19/01/2023 Approve with Conditions
Location: Heather Cottage, 22-24 Cross Lane, Ramsbottom, Bury, BL8 4LY
Proposal: Single storey rear extension

Application No.: 69118 **App. Type:** FUL 18/01/2023 Approve with Conditions
Location: 27 Bridge Street, Ramsbottom, Bury, BL0 9AD
Proposal: Part change of use of second floor storage (Class E) to include 1 no. apartment (Class C3) Vertical extension to existing stairwell to allow access to the existing second floor; New second floor rear pitched roof

Ward: **Whitefield + Unsworth - Besses**

Application No.: 69188 **App. Type:** FUL 27/01/2023 Approve with Conditions
Location: 2 Hazel Road, Whitefield, Manchester, M45 8EU
Proposal: Single storey side extension

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

Application No.: 69016 **App. Type:** FUL 02/02/2023 Approve with Conditions
Location: 36 Ringley Road, Whitefield, Manchester, M45 7LE
Proposal: Single storey extension at rear; Modification to front entrance with replacement double height window; First floor balcony rear elevation; internal and external alterations along with landscaping.

Application No.: 69066 **App. Type:** FUL 19/01/2023 Approve with Conditions
Location: 40 Ferndale Avenue, Whitefield, Manchester, M45 7QP
Proposal: Two storey extension at front; Pitched roof alteration to single storey front extension, Single storey extension at rear with lantern and rooflights, Loft conversion with dormer at rear.

Application No.:	69077	App. Type:	FUL	20/01/2023	Approve with Conditions
Location:	6 Pinfold Lane, Whitefield, Manchester, M45 7JS				
Proposal:	Single storey rear extension with pergola				

Application No.:	69117	App. Type:	FUL	26/01/2023	Approve with Conditions
Location:	6 Higher Croft, Whitefield, Manchester, M45 7LY				
Proposal:	Two storey side extension; Two storey front extension; Single storey rear extension; Alterations to existing window and elevation arrangements				

Ward: **Whitefield + Unsworth - Unsworth**

Application No.:	68897	App. Type:	FUL	18/01/2023	Approve with Conditions
Location:	Unit 3, Roach Bank Road, Bury, BL9 8RY				
Proposal:	Proposed extension to existing warehouse with external alterations to the existing building and use of the building for Class E(g) and / or Class B2 and / or Class B8 purposes with associated works				

Application No.:	68940	App. Type:	FUL	16/01/2023	Approve with Conditions
Location:	13 Blenheim Close, Bury, BL9 8BY				
Proposal:	Single storey rear extension				

Application No.:	69001	App. Type:	FUL	18/01/2023	Approve with Conditions
Location:	33 Sunny Bank Road, Bury, BL9 8HE				
Proposal:	Single storey rear extension and raised decking at rear				

Application No.:	69107	App. Type:	FUL	25/01/2023	Approve with Conditions
Location:	71 Hillsborough Drive, Bury, BL9 8LF				
Proposal:	Single storey rear extension				

Total Number of Applications Decided: 66

REPORT FOR NOTING

Agenda Item 6

Bury
COUNCIL

**Agenda
Item**

6

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	21 February 2023
SUBJECT:	PLANNING APPEALS
REPORT FROM:	HEAD OF DEVELOPMENT MANAGEMENT
CONTACT OFFICER:	DAVID MARNO
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	<p>Planning Appeals:</p> <ul style="list-style-type: none"> - Lodged - Determined <p>Enforcement Appeals</p> <ul style="list-style-type: none"> - Lodged - Determined
OPTIONS & RECOMMENDED OPTION	The Committee is recommended to the note the report and appendices
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Executive Director of Resources to advise regarding risk management
Statement by Executive Director of Resources:	N/A
Equality/Diversity implications:	No
Considered by Monitoring Officer:	N/A

Wards Affected:	All listed
Scrutiny Interest:	N/A

TRACKING/PROCESS

DIRECTOR:

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

1.0 BACKGROUND

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

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

2.0 CONCLUSION

That the item be noted.

List of Background Papers:-

Contact Details:-

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

Tel: 0161 253 5291

Email: d.marno@bury.gov.uk

**Planning Appeals Decided
between 16/01/2023 and 12/02/2023**



Application No.: 68103/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mr Howarth

Location: 29 Chestnut Avenue, Tottington, Bury, BL8 3EE

Proposal: Two storey extension at rear; First floor extension at side

Appeal Decision: Dismissed

Date: 26/01/2023

Appeal type: Written Representations



Appeal Decision

Site visit made on 9 January 2023

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2023

Appeal Ref: APP/T4210/D/22/3306984

29 Chestnut Avenue, Tottington, Bury BL8 3EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Howarth against the decision of Bury Metropolitan Borough Council.
 - The application Ref 68103, dated 16 February 2022, was refused by notice dated 24 June 2022.
 - The development proposed was originally described as a 2 storey rear extension to existing property, with the addition of a second floor on top of a side single storey elevation.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted an alternative scheme with their appeal submission to address the reasons for refusal. Generally, proposals cannot be amended through the appeal process. The appeal process should not be used to evolve a scheme and it is important that what is considered by myself is essentially what was considered by the local planning authority, and on which interested people's views were sought. Where an appeal is made it is made against the decision of the Council and based on the plans submitted at the application stage.
3. The proposed amendments have not been subject to any public consultation and are not insignificant. Furthermore, as is discussed in more detail below, the drawings submitted with the planning application are of poor quality and inconsistent. As a result, neighbouring occupiers may have found it difficult to fully understand what was being proposed.
4. To consider an appeal on the basis of the amended proposal without the ability to undertake a revised consultation exercise would be unfair and could prejudice the position of those who may wish to comment. Consequently, having regard to the Wheatcroft Principles, I have determined the appeal on the basis of the plans originally submitted to the Council. Any amended proposal would be a matter for the Council to consider.

Main Issues

5. The main issues are the effect of the proposed extension on:
 - the living conditions of the occupants of 27 Chestnut Avenue, with particular reference to outlook; and

- the character and appearance of the host dwelling and surrounding area.

Reasons

Living conditions

6. No 29 is a two-storey dwelling situated within a residential area. The dwelling has a single storey element to the side and there is a large outbuilding situated at the rear of the garden. The appellant highlights that the Council has not raised concern in relation to privacy, loss of light, overlooking, No 31 or the 45 degree line.
7. No 27 is adjacent to the appeal site and is sited forward of the host dwelling. No 27 has a single storey garage directly adjacent to No 29's single storey element, as well as two outbuildings adjacent to No 29's garden which occupy a large proportion of the garden. The boundary treatment between Nos 27 and 29 is low which enables direct views between the gardens.
8. The drawings are inconsistent and of poor quality with little detail which makes it difficult to fully assess the proposal's impact. In any event, the proposed site plan shows that the two-storey extension would have a large projection along the shared boundary beyond the rear elevation of No 27. The Council state in their officer's report that the proposed site plan shows that the projection would be 9 metres.
9. The existing buildings within No 27's garden would to a degree screen the proposed extension. However, there is no guarantee that the outbuildings would be retained. Nonetheless, the extension would be clearly visible as it would be two-storey in height. It would be a dominant addition which would have an overbearing effect on the outlook from particularly the garden of No 27 because of the proposed depth and height of the extension which would be adjacent to the common boundary. The gardens are not of a size to accommodate the proposed extension without causing harm to the occupiers of No 27.
10. For these reasons, the proposed extension would have an unacceptable effect on the living conditions of the occupants of 27 Chestnut Avenue, with particular reference to outlook. Consequently, it would conflict with Policy H2/3 of the Bury Unitary Development Plan (1997) (UDP). This states that applications for house extensions will be considered with regard to the amenity of adjacent properties.
11. The scheme would also conflict with the Supplementary Planning Document 6: Alterations and Extensions to Residential Properties (2004, updated 2010) (SPD). This states that the separation between aspects of dwellings is an important consideration in order to avoid overbearing relationships.

Character and appearance

12. The second reason for refusal does not specifically refer to the character and appearance of the host dwelling and surrounding area. However, it is clear from reading the officer's report that this reason for refusal relates to concerns relating to visual amenity.

13. The proposed extension would not result in the appearance of uncharacteristic terracing. This is because No 29 is set back from No 27, and I recognise that the Council has not specifically raised concern in this regard.
14. As stated above, the drawings are inconsistent and of poor quality with little detail. Therefore, it is not possible to fully assess the proposal's effect on the character and appearance of the host building and surrounding area. The drawings are inadequate to ensure that the proposed extension complements the original building and does not have a detrimental impact on the character and appearance of the street scene. I am also mindful that if planning permission was granted then there could be enforcement issues as it is not wholly clear what is being proposed in order to ensure that the development is carried out entirely in accordance with the approved plans.
15. For these reasons, I am not satisfied that the proposed development would have an acceptable effect on the character and appearance of the host dwelling and surrounding area. Consequently, it would conflict with Policy H2/3 of the UDP which states that applications for house extensions and alterations will be considered with regard to the size, shape, design and external appearance of the proposal, as well as the character of the property in question and the surrounding area.
16. The scheme would also conflict with the SPD which states the plans and drawings are a very important part of any application and are needed so that the Council understands the proposal. In addition, any application for a domestic extension will not normally be permitted unless the proposal achieves a high standard of design and complements the original building and does not have a detrimental impact on the character and appearance of neighbouring properties and general street-scene.

Other Matters

17. The appellant has highlighted a number of other matters. These include that side extensions and alteration are not uncommon in the local area, the extension would provide additional accommodation to meet the appellant's needs, no objection from the occupiers of No 27, compliance with parts of the National Planning Policy Framework (the Framework) and benefits of the proposal. In addition, they consider that limited weight should be given to policies contained within the UDP because it is out of date.
18. A lack of objection and compliance with parts of the Framework do not amount to a positive factor in favour of the scheme. In my view, Policy H2/3 of the UDP is broadly consistent with the Framework which promotes good design and seeks to ensure developments are sympathetic to local character and create places with a high standard of amenity. Accordingly, I find no significant conflict between Policy H2/3 and the Framework. The other matters raised, and benefits of the proposal, do not outweigh the harm identified above.

Conclusion

19. For the reasons given above, having considered the development plan as a whole, and all other material considerations, the appeal does not succeed.

L Wilson
INSPECTOR



Item Number	Item No. 7
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Meeting:	Planning Control Committee
Meeting date:	21st February 2023
Title of report:	Appeal against Non-Determination:- Planning Application: 67658 Applicant: Westchurch Homes Limited & Wyresdale Amateur Football Club Location: Land to west of Radcliffe Moor Road/Bury New Road, Radcliffe Proposal: Change of use of the land for use as outdoor sports pitches including engineering operations to form 4 pitches, the construction of a clubhouse, ancillary storage structures, creation of access from Radcliffe Moor Road, parking, landscaping, drainage and associated works.
Report by:	Head of Development Management
Decision Type:	Planning Control Committee
Ward(s) to which report relates	Radcliffe – North and Ainsworth

Background

1. On 30th August 2022 a report from the Development Manager was submitted to the Planning Control Committee in relation to the following planning application:-

Planning Application: 67658

Location: Land to west of Radcliffe Moor Road/Bury New Road, Radcliffe

Applicant: Westchurch Homes Limited & Wyresdale Amateur Football Club

Proposal: Change of use of the land for use as outdoor sports pitches including

engineering operations to form 4 pitches, the construction of a clubhouse, ancillary storage structures, creation of access from Radcliffe Moor Road, parking, landscaping, drainage and associated works.

2. The report recommended that the application be approved subject to conditions. The Committee heard representations from the applicant, an objector and Ward Councillors. The Committee resolved to defer consideration of the application pending further information in relation to the ecology of the site which included impact of surface water run-off into nearby wetlands and fishing lodges which are a Site of Biological Importance (SBI).
3. Officers sought to work with the Applicant to secure the further information for the Committee in a timely manner. However, on the 12th October 2022 the Council received notification that the Applicant had lodged an appeal with the Planning Inspectorate for "non-determination". Where an application has not been determined within the relevant statutory period (or such other period as has been agreed in writing between the Council and the Applicant), the Applicant has a right to appeal against non-determination.
4. The Planning Inspectorate has now confirmed that the appeal is valid and has started. This means that the Council no longer has jurisdiction to determine the application and the decision will instead be made by a Planning Inspector appointed by the Secretary of State.
5. All comments the Council previously received on the application will be forwarded to the Inspectorate and will form part of the appointed Planning Inspector's considerations. In addition, all those persons who were notified or consulted about the application and any other interested persons who made representations on the application have been notified of the appeal and will have the opportunity to make any additional comments directly to the Inspectorate by 14th March 2023.
6. The Planning Inspector has determined that the appeal will be determined using the written representations procedure. By the 14th March 2023 the

Council is required to submit a Statement of Case which will need to set out the decision the Council would have made if the power to determine the application remained with the Council. Consequently, it is important that members of the Planning Committee provide views on what decision they would have made so that officers are able to properly respond to the appeal.

Officer Report / Update

7. The Officer Report to the Planning Control Committee on 30th August 2022 is attached as **Appendix 1** and the Supplementary Report with further details on the application is attached as **Appendix 2**.
8. In relation to the reason for deferral (for further information in relation to the ecology of the site which included impact on water run off into nearby wetlands and fishing lodges), no further information has been received and so there is nothing further to report.
9. It is acknowledged that the condition is undoubtedly complex. The aim of the condition was to allow the project to proceed on the basis that any adverse findings from the required further investigations would lead to suspension of any works pending an amended proposal or acceptable mitigation. The difficulty here is that due to the relatively unknown nature of the hydrology within the site and its relationship to the water bodies and SBI, mitigation may or may not be required and it was considered that the scheme would require close monitoring during implementation. The NPPG considers that when used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.
10. The view of members was that these investigations should be undertaken prior to consideration of the planning application. Officers remain of the view that proposed Condition 7 in the Supplementary Report adequately controls the potential for surface water contaminated with nutrient or other contamination from entering the adjacent water bodies and the potential for disruption to the aquifers having an adverse effect on the quality or quantity of water entering the adjacent water bodies and consequently biodiversity of the SBI.
11. The Officer Recommendation remains that the planning application be approved subject to the conditions as set out in the Officer Report and the Supplementary Report.
12. Local planning authorities must review cases promptly following the lodging of an appeal and are at risk of an award of costs if they behave unreasonably with respect to a matter under appeal, for example, by unreasonably defending appeals.

Recommendation

Members are being asked to provide their view on the application, so officers are able to defend the appeal in accordance with their wishes.

The Officer recommendation remains that the planning application be approved subject to the conditions set out in the Officer Report and the Supplementary Report.

APPENDIX 1

The Officer Report to the Planning Control Committee on 30th August 2022

Ward: Radcliffe - North and Ainsworth

Item 02

Applicant: Westchurch Homes Limited & Wyresdale Amateur Football Club

Location: Land to west of Radcliffe Moor Road/Bury New Road, Radcliffe

Proposal: Change of use of the land for use as outdoor sports pitches including engineering operations to form 4 pitches, the construction of a clubhouse, ancillary storage structures, creation of access from Radcliffe Moor Road, parking, landscaping, drainage and associated works.

Application Ref: 67658/Full

Target Date: 10/01/2022

Recommendation: Approve with Conditions

The Development manager suggests that a site visit be carried out by the Planning Control Committee Meeting

Description

The application site comprises 2 rectangular parcels of grassed land of 6 hectares in size. The site is located to the west of Radcliffe Moor Road and to the south of Bury New Road. The land slopes downwards from Bury New Road to Browns Road. The site was last used as agricultural land and there are hedgerows on the perimeter of and crossing the site.

Bury New Road forms the boundary to the north with residential properties beyond. There is a car sales dealer and a Public Right of Way on the north west corner. There are 4 lodges to the south of the site, with industrial building beyond. There is an open field to the west with residential properties beyond. Radcliffe Moor Road forms the boundary to the east with open fields beyond.

The proposed development involves the change of use of the land including operational development to form 4 football pitches with associated engineering works, the construction of a clubhouse, creation of an access from Radcliffe Moor Road and works to parking, landscaping and drainage.

The proposed pitches would be formed in the north and south of the site and 'cut and fill' would be used to create a level playing area. The proposed clubhouse would be single storey and would be located centrally in the site. Access would be taken from Radcliffe New Road and a parking area for 78 cars and a cycle store for 24 cycles.

The application is submitted to provide a compensatory loss of open space within Bolton at Inverbeg Drive, where the site is currently intended to be redeveloped for housing.

Relevant Planning History

None relevant.

Publicity

The neighbouring properties were notified by means of a letter on 28 October 2021 and a press notice was published in the Bury Times on 25 November 2021. Site notices were posted on 12 November 2021.

1 letter in favour was received and raised the following issues:

- This will give a local club a fantastic up to date facility so they can continue to provide opportunities for hundreds of young people to play football on a weekly basis.
- The field is currently unused and will change very little with the addition of a parking area and two buildings.
- Most of the area will remain grass for wildlife to use.
- I am sure the council will look careful at appropriate traffic measures.
- People moan there is nothing for youngsters to do.... Here is a perfect opportunity to help.

2 comments and 79 letters were received, which have raised the following issues:

- The existing site of the football club should be improved.
- Traffic on Radcliffe Moor Road is already an issue and cars are unable to turn right onto Bury New Road.
- The increase in traffic would increase danger and pollution
- This site has been encouraged to enable further housing applications
- The proposal is located on Green Belt land which should be preserved
- The applicant cannot maintain their current pitches and this site would fall into disrepair.
- The developer will continue and put homes on the Green Belt land
- The proposal is an overdevelopment as the club does not have enough members to warrant such large facilities
- The area around the lodges is a haven for wildlife.
- The noise and light pollution would cause distress to wildlife in the surrounding area
- Problems already exist with Browns Road - this road is classified as unsuitable for heavy vehicles but isn't managed and the small road is blocked daily by HGVs, preventing access to Boundary Drive. If cars attending sports events also attempt to park here, there will be chaos.
- The development is not required in that particular area - there are other developed sports facilities within 2km of this site and it therefore this represents a duplication
- The extra parking that will inevitably overflow onto Browns Rd and other nearby residential roads
- the noise from matches would be audible in this otherwise quiet area
- We need to keep natural habitat and green spaces to stop climate change and encourage biodiversity. This is greenbelt and as such should be protected
- Lack of consideration given to the existing mine shaft entry point highlighted in the objection by the Coal Authority.
- Twenty-seven spaces for spectators is inadequate.
- Safe access for those with limited mobility and / or a disability not considered.
- The existing land is a natural drain to the lodges. The development will again cause more localised flooding.
- Why destroy greenbelt and subsequent wildlife habitats in Bury when the football pitches in question have been sold for profit under another council.
- Why does a Bolton football club have to relocate into Radcliffe, why don't they go to Bolton council for greenbelt land to relocate to.
- The area is widely used by local people.

- Once again the greed of Bury Council to increase revenue on green land has now extended to allowing a very small Bolton FC to apply for permission to build a new complex.
- By approving this application, the council would be setting a precedent for other applications on Green Belt. Bury's Green Belt should not be sacrificed for Bolton's gain.
- The low intensity managed grassland provides capture and drainage of rainwater. Replacing this with intensively managed drained pitches can impact local flood resilience. The water drains into Starmount Lodges and then Blackshaw Brook. If installed drainage is permitted to have same outflow then I have concerns about pollution or eutrophication resulting from pesticides and fertilizers used in pitch maintenance.
- Security & devaluation of properties is another concern
- Footballs being jettisoned onto a main road will be dangerous
- Most of the other football pitches in the area have problems with jobs and druggies
- Our properties were built in 1912 and enjoy splendid unobstructed panoramic views towards the Cheshire Hills. Any change of the vista would be an eyesore and totally out of character.
- As a life long residents here and Council Tax (or equivalent) payers of over 50 years we were somewhat dismayed and disappointed to receive less than 3 weeks notice to reply to this proposal which evidently has been carefully assembled over an 18 month period.
- Bolton should first utilise their own brownfield sites for a development of this nature.
- We are bewildered if a struggling football club who needs to sell their site would be worthy of such a dramatic and out of context extension in a borough to which they do not belong.
- We believe that for the vast majority of the week the site and car-park would be redundant (Sporadic use) Especially given the seasonal nature of the sport and games at the weekend. Can it's development be justified when the fields lay idle for 3 months a year (Summer)?
- Would Bolton Council be willing to allow an amateur football club from Bury to build on their greenbelt land?

The objectors and supporter 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 highway improvements, construction traffic management plan, turning facilities, parking and bin storage facilities.

Drainage Section - Comments to be reported in the Supplementary Report.

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

Environmental Health - Air Quality - No objections, subject to the inclusion of a condition relating to an electric vehicle charging point.

Public Rights of Way Officer - No objections.

GM Ecology Unit - No objections, subject to the inclusion of conditions relating to nesting birds, invasive species, method statement, disposal of surface water and landscaping and informatives relating to bats.

Sport England - No objections, subject to the inclusion of a condition relating to a management and maintenance scheme.

Cadent Gas Ltd - No objections, subject to the inclusion of a condition relating to the gas pipeline.

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

Lancashire Wildlife Trust - No response received.
Transport for GM - No objections.

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

Unitary Development Plan and Policies

EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/11	Public Utility Infrastructure
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/2	Sites of Nature Conservation Interest LNR's
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/4	Groundwater Protection
EN7/5	Waste Water Management
EN8	Woodland and Trees
EN8/2	Woodland and Tree Planting
OL1/2	New Buildings in the Green Belt
OL1/5	Mineral Extraction and Other Development in the Green Belt
OL4/1	Agricultural Land Quality
RT2/1	Provision of New Recreation Sites
RT3/4	Recreational Routes
RT3/5	Noisy Sport
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

Issues and Analysis

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

Principle - Green Belt - The application site is located in the Green Belt and as such, paragraph 149 and 150 are relevant.

Paragraph 149 of the NPPF states that the construction of new buildings would be inappropriate in the Green Belt. Exceptions to this are:

- a. buildings for agriculture and forestry;
- b. the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

- 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;
- d. the replacement of a building, provided 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 local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g. 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 within the area of the local planning authority.

Paragraph 150 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement or a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction;
- material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Policy OL1/2 states that the construction of new buildings in the Green Belt is inappropriate development, unless it is for one of more of the following purposes:

- agriculture and forestry
- essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it;
- limited extension, alteration or replacement of existing dwellings, provided that this would not result in a disproportionate additions over and above the size of the original dwelling, or, in the case of replacement existing dwellings, the new dwelling is not materially larger than the one it replaces;
- limited infilling in existing villages.

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

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

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

One of the main issues to be considered in respect of the proposal is the impact of the proposed development on the Green Belt. This can be broken down into the following areas:

- A. Whether the proposed use as a football club (outdoor recreation) is an appropriate use within the Green Belt.
- B. Whether the details of the scheme would make the proposal inappropriate development within the Green Belt.
- C. Would the proposed development result in additional harm to the openness of the Green Belt.
- D. Are there any very special circumstances, which would outweigh any inappropriateness or harm to the openness of the Green Belt.

The proposed development involves the change of use of the land to form 4 sports pitches, including engineering operations and the construction of a clubhouse. The proposed change of use and associated engineering works would be appropriate development under paragraph 150 of the NPPF.

The proposed clubhouse would contain changing rooms for the teams and officials, plant, disabled changing facilities, toilets, an office, a kitchen and a coaching/meeting room. All of which would be essential facilities for outdoor recreation. The proposed clubhouse would be single storey structure with a pitched roof and would be located towards the middle of the site. The site slopes steeply and cut and fill would be used to create three level areas for 4 pitches and for the clubhouse and associated parking. The proposed clubhouse would be lower than Radcliffe Moor Road and the hedgerow would be maintained and would act as a screen.

It is acknowledged that some of the associated development, such as the proposed clubhouse and car park would have an impact upon the openness of the Green Belt. However, the principle of the recreational use is acceptable and the associated users would require parking. The proposed clubhouse would be relatively compact and the proposed parking provision is adequate for the proposed use - i.e. parking has not been over-provided. As such, bearing in mind the planning balance, the proposed development would invariably bring change but the change would be of such a scale that it would maintain the openness and character of the Green Belt.

As such, it is considered that the proposed development would be appropriate development and would not have a significant adverse impact upon the openness and character of the Green Belt. Therefore, the proposed development would be in accordance with Policies OL1/2 and OL1/5 of the Bury Unitary Development Plan and the NPPF.

Principle - Recreation - Policy RT2/1 states that the Council will give favourable consideration to proposals involving the provision of additional recreational facilities throughout the borough.

The proposed development would provide 4 sports pitches and an associated clubhouse. As such, the proposed development would provide additional recreational facilities. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy RT2/1 of the Bury Unitary Development Plan.

Design and layout - The proposed football pitches would be positioned on the perimeter of the site and would be of varying sizes for use by different age groups. The sloping site would be cut and filled to provide a level playing surface. Additional landscaping would be provided to supplement the existing hedgerows, which would act as a screen. As such, the

proposed pitches would not be a prominent feature in the streetscene or Green Belt location.

The proposed clubhouse and car park would be located broadly centrally within the site. The proposed clubhouse would be constructed in 2 phases as the club expands. The first phase of the proposed clubhouse would involve a rectangular, single storey building, which would be constructed from brick with a tile roof. The second phase of the proposed clubhouse would add two single storey extensions to the north and east, creating a L shaped building. The proposed development would incorporate pike details and brick headers, which would add visual interest. As such, the proposed development would not be a prominent feature in the streetscene.

A storage container would be located adjacent to the proposed clubhouse for storage of equipment required for maintenance of the pitches and would be viewed against the proposed clubhouse. The agent has confirmed that the proposed container would be clad in timber and the area around it would be landscaped. As such, given the landscaping and the cladding proposed, the proposed container would not be a prominent feature in the streetscene.

Therefore, the proposed development would be in accordance with Policies EN1/1 and EN1/2 of the Bury Unitary Development Plan.

Agricultural land - Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

The Agricultural Land Classification grades land, with the best and most versatile being grades 1 and 2 and 3a being low quality. There is no grade 1 or 2 agricultural land within the borough and there are small pockets of Grade 3a land in the Unsworth, Pilsworth and Simister area and Grades 3b and 3c in the north west and south west parts of the borough. The site of the proposed club is classified as Grade 4, which is poor quality. Therefore, its loss would not be contrary to the requirements of Policies OL4 and OL4/1 of the adopted Unitary Development Plan and the NPPF.

Drainage - A Flood Risk Assessment was submitted as part of the application and identified a bedrock aquifer and secondary source within the site. It is understood that Stormont

Lodges and its associated ponds, which are located to the south of the site, are fed via natural springs/aquifers from the application site.

Policy EN7/4 states that the Council will not permit development proposals which would have an unacceptable adverse effect on groundwater resources particularly in terms of their quality and/or supply.

The Drainage Strategy submitted with the application confirms that the proposed car park and football pitches would be constructed using a cut and fill method. As such, the proposed cut and fill method of construction could disrupt the water flow from the springs to the lodges and ponds. In addition, this could lead to cross contamination from maintenance and usage of the pitches and potentially decrease the flow of supply to the lodge and pond. This then could impact upon the nearby Site of Biological Interest (SBI).

Further information has been submitted which has confirmed that the proposed drainage works would be acceptable. In addition, the report confirms that the deeper aquifer feeds the existing lodge and reservoir and would not be affected by the proposed works. As such, the water level would be maintained. In addition, the applicant has agreed to a monitoring point being provided, which would allow for regular testing to highlight any potential issues in terms of water quality. The Drainage Section has no objections in principle and the conditions would be reported in the Supplementary Report.

Ecology - An ecological survey was submitted as part of the application and identified no significant issues.

Bats - No buildings or trees with potential bat roosting features are present on the site. Bat foraging/commuting is likely to be restricted to using linear features to reach the Site of Biological Interest (SBI) where foraging habitat is of significantly higher value. These linear features are primarily retained and the hedgerow to be removed is the least structurally developed. GM Ecology Unit states that the proposed development is unlikely to impact upon bats.

There is no mention of flood lighting and a statement that external lighting would be LED and on a timer to prevent use prior to dawn and after dusk. GM Ecology Unit states that there would not be any likely indirect impacts from the proposed lighting and that any future phases that propose flood lighting should submit bat activity surveys. Therefore, the proposed development would not cause harm to a protected species and would be in accordance with Policies EN6 and EN6/3 of the Bury Unitary Development Plan.

Great Crested Newts - It is unlikely that Great Crested Newts (GCN) would be present in this area as the ponds and lodges have been surveyed previously and are sufficiently isolated from known meta populations at Coggra Fold and Darcey Lever. As such, colonisation is extremely unlikely. GM Ecology Unit agrees with the findings and has no objections, subject to a condition relating to reasonable avoidance measures being implemented. Therefore, the proposed development would not cause harm to a protected species and would be in accordance with Policies EN6 and EN6/3 of the Bury Unitary Development Plan.

Nesting Birds - The central hedgerow would be lost as well as a section of hedgerow along Radcliffe Moor Road. The hedgerows would provide potential bird nesting habitat and there is a chance that ground nesting birds, such as lapwings, use the fields. GM Ecology Unit has no objections, subject to the inclusion of a condition relating to nesting birds. Therefore, the proposed development would not cause harm to a protected species and would be in accordance with Policies EN6 and EN6/3 of the Bury Unitary Development Plan.

Invasive Species - Japanese Knotweed and Himalayan Balsam are present along boundaries of the site. Both species are included within schedule 9 part 2 of the Wildlife & Countryside Act 1981, as amended and it is an offence to introduce or cause to grow wild either of these plants.

Both would appear to be largely avoidable, given the boundary hedges where both plants occur are to be retained. However, earthworks for pitch 3 do appear to encroach on the hedgerow, with the roots of Japanese knotweed potentially extending in to the zone of the earthworks and similarly seed from balsam potentially impacted upon. GM Ecology Unit has no objections, subject to the inclusion of a condition relating to invasive species. Therefore, the proposed development would be in accordance with Policies EN6 and EN6/3 of the Bury Unitary Development Plan

Protection of Bradley Fold SBI and Blackshaw Brook - The site drains towards Bradley Fold SBI and it is proposed to discharge primarily to Blackshaw Brook with some drainage leading to the SBI via a swale. GM Ecology Unit has no objections in principle, but require a condition to ensure that any surface water draining into either the Brook or the mill ponds is the same or better in terms of nutrient levels, pollutants and discharge volumes to ensure no negative impacts occur on either water body both during construction and operations. This is discussed above and relates to this concern directly.

Therefore, the proposed development with conditional controls, would not cause harm to a protected species and would be in accordance with Policies EN6 and EN6/3 of the Bury Unitary Development Plan.

Contributing to and Enhancing the Natural Environment - Section 170 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment.

The proposed development will result in the loss of a small part of the low ecological value grassland to hardstanding and buildings and around 90 metres of hedgerow to low value grassland. The proposed development includes tree and shrub planting around the boundaries of the site and there are significant areas of grassland that would be retained as amenity grassland with annual cuts. As such, the proposed development would be able to provide adequate mitigation on site and additional mitigation for the loss of bird nesting habitat should be provided.

No flood lighting is proposed.

GM Ecology Unit has no objections, subject to the inclusion of a condition relating to landscaping, including hawthorn hedges, native tree and shrub planting and ornamental planting around the car park and clubhouse. Therefore, the proposed development would be in accordance with Policies EN1/3, EN6 and EN6/3 of the Bury Unitary Development Plan.

Impact upon residential amenity/noise - The proposed development would provide 4 football pitches, a clubhouse and car park on site. There are 4 elements of the proposed development which may affect residential amenity:

- Noise directly associated with the use of the pitches for playing football;
- Noise associated from the clubhouse;
- Noise from the car park.

The proposed pitches would be 78.6 metres from the dwellings on Bury New Road; 211 metres from the dwellings on Somerton Road and 179.8 metres from the dwellings on Browns Road.

The proposed clubhouse would be 245 metres from the dwellings on Bury New Road; 360 metres from the dwellings on Somerton Road and 287.5 metres from the dwellings on Browns Road.

Given these significant distances, it is considered that the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties through noise.

Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring residents, subject to conditional control and would be in accordance with Policies EN7 and EN7/2 of the Bury Unitary Development Plan.

Highways issues - The proposed development would be accessed from Radcliffe Moor Road and a new junction would be formed. The proposed access would be 6.3 metres wide and there would be appropriate levels of visibility. Turning facilities would be provided in the proposed car park.

The Traffic Section has no objections, subject to the inclusion of conditions relating to highway improvements, construction traffic management plan, turning facilities, parking provision and bin storage facilities.

Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies EN1/2 and HT4 of the Bury Unitary Development Plan.

Public right of way - A Public Right of Way passes near the north west corner of the site and would be unaffected by the proposals. The Public Rights of Way Officer has no objections to the proposed development. Therefore, the proposed development would be in accordance with Policy RT3/4 of the Bury Unitary Development Plan.

Parking - With regard to parking provision, there is no maximum standard with SPD11 and the parking provision should be determined on the individual merits of the proposal.

The proposed development would provide 78 spaces for cars and 24 spaces for cycle storage.

This would reflect the likely maximum demand, based on a tournament with a number of teams playing on all courts. The proposed level of parking would also ensure that there would be no parking on Radcliffe Moor Road. The site is located in a high access area and there is a regular bus service on Bury New Road, which is within walking distance and shared transport would also be expected to be used. As such, the level of parking provision would be acceptable in this instance and would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

Access issues - The provision of the disabled parking bays, level access to the clubhouse and the disabled toilet/changing facilities is welcomed. As such, the proposed development would be fully accessible and would be in accordance with Policy HT5/1 of the adopted Unitary Development Plan.

Response to objectors

- The issues relating to impact upon wildlife, noise and light pollution, traffic generation and access for persons with disabilities have been addressed in the main report.
- The proposed development would be appropriate development within the Green Belt and would maintain openness.
- No applications have been submitted for housing on this land.
- No precedent would be set as each application is assessed on its own merits.
- The proposed development would not impact upon access to the wider area.
- The proposed development would be accessed from Radcliffe Moor Road and not Browns Road.
- The Coal Authority has no objections to the proposed development.
- Impact upon property prices and the loss of a view are not material planning considerations.
- The existing hedgerows surrounding the site would be retained and supplemented and would prevent footballs from passing onto Radcliffe Moor Road.
- The Council has complied with the statutory requirements for the publicity of the application.
- Bury Council is determining the application and does not own the land or have any connection to the applicant.
- A brownfield site is unlikely to be suitable for use for grassed football pitches.
- As a result of the development, the borough would gain additional sport pitch facilities to contribute to the overall recreation provision within the Radcliffe area.

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 2102-GTA-00-00-DR-A-1000, 2102-GTA-00-00-DR-A-1001 A, 2102-GTA-00-00-DR-A-1002 C, 2102-GTA-00-00-DR-A-1003 C, 2102-GTA-00-00-DR-A-1004 C, 2102-GTA-00-00-DR-A-1005 A, ISO A4 - Proposed layout, ISO A4 - Cross Section A - AA, ISO A4 - Cross Section B - BB, ISO A4 - Cross Section C - CC, ISO A4 - Cross Section D - DD, ISO A4 - Cross Section E - EE 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/cladding/paint finishes) to be used in the external elevations of the clubhouse and storage facility, 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.
6. Prior to occupation the applicant shall provide one dual head fast capability electric vehicle (EV) charging point.
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.
7. Before the drainage system associated with the club house, playing pitches and car park is brought into use, a Management and Maintenance Scheme for the playing pitches and other facilities hereby approved including management and maintenance responsibilities, a maintenance schedule, a monitoring regime (after first establishing a baseline for quantity and quality) including the monitoring of water quantity and quantity discharged from the proposed reed bed, and a mechanism for review, shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include details of any fertiliser to be used on the site, including its type, chemical composition, method and density of application, as well as the timing of application.

The Management and Maintenance of the site including the playing surfaces, swale and reed bed shall thereafter be strictly in accordance with the approved scheme.

No fertiliser, pesticides, conditioning agents, or other chemicals shall be used on the site other than that expressly identified in the Maintenance and Management Scheme.

Should the monitoring and maintenance regime not be followed then use of the facility (pitches, clubhouse and car park) must cease immediately until the breach is investigated and rectified. No fertiliser, pesticides, conditioning agents, or other chemicals shall be applied until the swale and reed bed are established and functioning as intended.

Reason. To ensure that a new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with paragraph 99 of the NPPF whilst preventing any adverse effect on quality or quantity of water entering the adjacent water bodies due to surface water contaminated with nutrient or other contaminants or disruption of aquifers which would otherwise have an adverse effect on water quantity or quality and consequently biodiversity.

8. No works to trees, shrubs or hedgerow occur or earthworks commence between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.

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

9. No development shall commence until full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonia Japonica*, *Rosa Deceana*, *Polygonum Cuspidatum*) and Himalayan Balsam (*Impatiens Glandulifera*) 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 15 - Conserving and enhancing the natural environment.

10. No earth moving shall take place or material or machinery brought on site until a method statement to protect the ponds at Bradley Fold and the Blackshaw Brook from accidental spillages, dust and debris has been supplied to and agreed by the LPA. All measure will be implemented and maintained for the duration of the construction period in accordance with the approved details.

Reason. To protect the Site of Biological Interest from harm pursuant to Policies EN6/2 - Sites of Nature Conservation Interest and EN6/3 - Features of Ecological

Value of the Bury Unitary Development Plan and Section 15 of the National Planning Policy Framework.

11. No development shall take place until it can be demonstrated that there will be no negative impacts on the ecological potential of the ponds at Bradley Fold and Blackshaw Brook resulting from the disposal of surface water post-development 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. To protect the Site of Biological Interest from harm pursuant to Policies EN6/2 - Sites of Nature Conservation Interest and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and Section 15 of the National Planning Policy Framework.
12. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The contents of the landscaping scheme should include wildflower grassland, hawthorn hedges, 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 clubhouse 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.
13. Notwithstanding the details indicated in different forms on approved plan references B026883 TTE 00 XX PL D 001 Revision P01 & 2102-GTA-00-00-DR-A-1003 Revision C, 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:
 - Provision of a swept path analysis of the proposed junction onto Radcliffe Moor Road to determine adequate access road width and kerb radii;
 - Provision of a swept path analysis of the proposed refuse collection/site servicing arrangements;
 - Formation of the site access onto Radcliffe Moor Road, incorporating the provision of adequate arrangements at the interface with the adopted highway to form a maximum 1 in 20 plateau, 2.0m wide (minimum) footways tying into existing footways at positions to be agreed, provision of visibility splays at the junction of the site access with Radcliffe Moor Road for an appropriate design speed based on speed surveys to be undertaken on the classified road, alterations to the adjacent site boundaries in order to ensure that there will be no obstructions within the splays above a height of 0.6m, demarcation of the limits of the adopted highway, tactile paved crossing points in positions to be agreed including, if necessary, of revised limits of adoption required to ensure that the crossing point is located on the adopted highway, give-way markings and alterations to the existing road markings on Radcliffe Moor Road to provide a right turn pocket into the development, and all associated highway and highway drainage remedial works;

- Measures to prevent the discharge of surface water from the proposed car park hardstanding areas and site access onto the adjacent adopted highway
- Provision of a street lighting assessment to a scope and specification to be agreed for the junction of the site access with Radcliffe Moor Road and, where necessary, a scheme of improvements;
- Proposals for the introduction of waiting restrictions at the junction of the site access with Radcliffe Moor Road, including all necessary road markings and signage.

The details subsequently approved shall be implemented to an agreed programme 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 Policies EN1/2 - Townscape and Built Design and Policy H4 - New Development of the Bury Unitary Development Plan.

14. 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 leading to and abutting the site access in the event that subsequent remedial works are required following construction of and statutory undertakers connections to the development;
- Access route for vehicles from the highway network;
- Access point(s) 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 Radcliffe Moor Road;
- A scheme of appropriate warning/speed limit signage in the vicinity of the construction site access(es);
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
- Parking on site of operatives' and construction vehicles together with storage on site of construction materials;
- Measures to ensure that all mud and other loose materials are not 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.

15. The turning facilities indicated on the approved plans (or as required to satisfy a separate condition) 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 Policy EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan.
16. The car and cycle parking spaces indicated on the approved plans shall be surfaced/implemented and made available for use prior to the development hereby approved being brought into use and thereafter maintained at all times.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
17. The bin storage facilities indicated on the approved plans shall be implemented to the satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use and maintained thereafter.
Reason. To ensure adequate provision for the storage and disposal of refuse within the curtilage of the site, clear of the adopted highway pursuant to Policy EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan.
18. Prior to the commencement of development a detailed drainage design, broadly in accordance with the principles established in the Hydrological Assessment (July 2022) (ref. HYD633) and Preliminary Drainage Strategy (ref. HYD633.633.BET.1 Rev. A) shall be submitted to and approved in writing by the local planning authority. The detailed scheme shall include the detailed design and construction of the swale (to include the detailed design of the reed bed, wet and dry portions of the swale, as well as the flow control mechanisms to deliver the required attenuation and flows to ensure the integrity and functionality of the reed bed as well as the provision of facilities to allow the monitoring of water quality from the reed bed) as well as all other proposed drainage features on the site. The detailed design calculations shall be submitted for the approved scheme, including attenuation design to accommodate a 1 in 100 year storm event, plus a minimum allowance of 75% for climate change. The drainage scheme shall be implemented strictly in accordance with the approved details in its entirety prior to the pitches hereby approved being brought into use and shall thereafter be retained, and managed and maintained in accordance with the Management and Maintenance Scheme required by condition 7 above.
Reason. To ensure that the detail design of the scheme has proper regard to the need to drain the site and safeguard both the fabric of the adjacent waterbodies as well as the quantity and quality of the water discharging in accordance with the following Policies of the Bury Unitary Development Plan:
Policy EN5/1 - New Development and Flood Risk
Policy EN7/5 - Waste Water Management
Policy EN6/3 - Features of Ecological Value
19. Prior to the commencement of development a scheme of intrusive site drainage investigations and preliminary engineering works to investigate ground water flows

feeding Starmount reservoir and springs in the vicinity of the proposed swale, including the timing of such works, shall be submitted to and approved in writing by the local planning authority.

A report of the findings of such investigations shall be submitted to the local planning authority. Any such report should include where appropriate any additional drainage works that are necessary to safeguard the functionality of the swale and the water quality and ground water flows into the adjacent existing waterbodies. Including detailed design that demonstrates that the proposed works will safeguard the structural integrity of Starmount reservoir and the quantity and quality of the water feeding the reservoir. Any such additional works shall be approved in writing by the local planning authority and shall thereafter be implemented prior to the completion of the drainage works to which they relate.

The additional works shall be implemented in full in accordance with the approved details prior to the pitches hereby approved being brought into use and shall thereafter be retained, and managed and maintained in accordance with the Management and Maintenance Scheme required by condition 7 above.

Reason. To ensure that the detail design of the scheme has proper regard to the need to drain the site and safeguard both the fabric of the adjacent waterbodies as well as the quantity and quality of the water discharging in accordance with the following Policies of the Bury Unitary Development Plan:

Policy EN5/1 - New Development and Flood Risk

Policy EN7/5 - Waste Water Management

Policy EN6/3 - Features of Ecological Value.

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

APPENDIX 2

Supplementary Report to the Planning Control Committee on 30th August 2022

BURY COUNCIL

DEPARTMENT FOR BUSINESS, GROWTH AND INFRASTRUCTURE

PLANNING SERVICES

PLANNING CONTROL COMMITTEE

30 August 2022

SUPPLEMENTARY INFORMATION

Item:02 Land to west of Radcliffe Moor Road/Bury New Road, Radcliffe
Application No. 67658
Change of use of the land for use as outdoor sports pitches including engineering operations to form 4 pitches, the construction of a clubhouse, ancillary storage structures, creation of access from Radcliffe Moor Road, parking, landscaping, drainage and associated works.

Publicity

1 letter of support has been received, which has raised the following issues:

- Strongly support the application on one condition
- The postal address is Bradley Fold, Bolton, BL2 with 01204 numbers. It is BOLTON not Radcliffe. The football club would still be geographically in Bolton. Some objectors referring to Radcliffe are not locals. Besides Bolton Borough's loss would be our gain.
- A football club will bring new much needed facilities for local kids - there are zero other sports facilities in Bradley Fold. So this is a great opportunity.
- The particular piece of land is not open to the public and the objectors have no idea of what wildlife on the site might be displaced. Currently it is unused scrubland, an eyesore, not particularly attractive at all.
- The condition - yes traffic on Radcliffe Moor Rd can be busy (at peak times, not football match times) so the club to fund a roundabout at the junction of Radcliffe Moor Road and Bury New Road to both calm the 40mph traffic down and let traffic out of Radcliffe Moor Rd.

44 letters have been received, which have raised the following issues:

- It is really frustrating to see any applications that potentially use greenfield sites - it is as if the climate changes aren't really happening? Once we have no more brownfield sites left then the council shouldn't be allowing any greenfield development before then. Time for the Council to adopt a responsible policy that protects the environment rather than developers calling the shots.
- I oppose the fact that football pitches are being created on a wildlife corridor when there are actual football pitches just down the road.
- The traffic will now be dangerous on the main road with cars turning into this facility and there will be excess noise created in a quiet area.
- What will happen to the deers that currently reside in those fields?
- Bury already have a large amount of football pitches available.
- Why are you even contemplating building on this beautiful land. The area is greenbelt and is home to an abundance of wildlife.
- Objection on grounds of loss of greenbelt to a Bolton club, whose council want to relocate them to build houses. These facilities should be relocated in Bolton and the greenbelt in Radcliffe and associated wildlife maintained.
- Object to this application on the strongest terms, especially as the plan has so far been rejected by Bolton Council. Addressing that meeting, Cllr Adele Warren said: "I understand the need for new housing but that should not be to the detriment of local residents, local sports provision or wildlife. Common sense! So why should it be considered in Bury?"
- The proposal will result in a loss of yet more greenbelt, which is here fundamentally to protect urban sprawl from merging one town to another and to encourage reuse of urban and derelict land keeping land permanently open for the health of the residents and the wildlife. Do our Council not already tell us how our use of green areas is good for our health?

- The proposal would destroy and damage wildlife and have an adverse effect on local ecology, compounded by the effects of extra road traffic together with noise and light pollution.
- No building should take place on Green Belt land.
- The proposed social club would lead to anti-social behaviour
- Firstly it is wrong that Bury Council are even considering such an application on Green Belt land when they have previously stated that they will protect the loss of such land. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
- A local planning authority should regard the construction of new buildings as inappropriate in the greenbelt. Obviously there are exceptions for outdoor sport or outdoor recreation, but I do NOT consider this application to fit the criteria of 'Very Special Circumstances' and should NOT be considered by Bury council as a reason for building on any greenbelt in Radcliffe.
- There is no justification to make changes to this Green Belt and there is certainly no exceptional circumstances to consider. There are more than sufficient 'suitable' locations, even brown field sites within Bolton to accommodate the future needs of Wyresdale football club, BOLTON.
- Even the coal authority have stated that they have concerns regarding the land in this area and building on it because of unmapped areas which are considered unsafe of there are pollution concerns which have been expressed by representatives of the wildlife organisation.
- Drainage into the adjacent lodges, this would have a massive impact on the wild life and surrounding properties.
- Only yesterday, 24th August 2022, an accident happened at the top of Radcliffe Moor Road, where a vehicle who's driver was trying to avoid a speeding car, caught the kerb and the car overturned, the driver plus car ending up in the very fields which they want to turn into a football pitch!
- The masonic hall holds approximately 300 Masonic Meetings each year and there are serious concerns at the high extra congestion that will be caused in and around the entrance if this application is approved.
- There are also concerns that cars from the football could be parked on Radcliffe Moor Road restricting vision when leaving the Hall and that cars from the football could park on the Hall Car Park if the gates were open for a Meeting or function.
- Again this is absolutely disgusting - more houses built purely out of greed. The constant destruction of out local outdoor space is becoming unbearable. You wouldn't have to start having clean air zones if you didn't keep allowing more and more houses to be built. No No NO!

Response to objectors

- The proposed development involves the provision of grass football pitches and associated changing facilities in a clubhouse, which is an appropriate development in the Green Belt. As such, the applicant does not have to demonstrate a case for very special circumstances.
- The issues relating to noise, ecology and traffic have been addressed in the main report.
- It is not possible to refuse consent because the existing facilities are being redeveloped in another borough.
- It is unusual to develop grass football pitches on brownfield sites.
- For the avoidance of any doubt, the application is for the creation of football pitches and a clubhouse and not for housing or a social club.

- The Coal Authority has no objections to the proposal, subject to an informative relating to coal mining.

Issues

Principle - Green Belt - Paragraph 138 of the NPPF states that the Green Belt serves five purposes:

- h. to check the unrestricted sprawl of large built-up areas;
- i. to prevent neighbouring towns merging into one another;
- j. to assist in safeguarding the countryside from encroachment;
- k. to preserve the setting and special character of historic towns; and
- l. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The proposed development would provide grassed football pitches, a clubhouse with changing facilities and showers and parking. The majority of the application site would remain open and grassed and as such, would still fulfill the purpose of a - c in paragraph 138. The site is not located near a historic town and is greenfield and as such, purposes d and e are not relevant. Therefore, the proposed development would comply with the purposes of the Green Belt and would be appropriate development. The proposal would be in accordance with Policy OL1/2 of the Bury Unitary Development Plan and the NPPF.

Pre-start conditions - The agent has agreed with pre-start conditions.

Conditions

Conditions 7 and 12 have been amended and conditions 18 and 19 have been added in relation to drainage, groundwater supply and quality.

7. Before the drainage system associated with the club house, playing pitches and car park is brought into use, a Management and Maintenance Scheme for the playing pitches and other facilities hereby approved including management and maintenance responsibilities, a maintenance schedule, a monitoring regime (after first establishing a baseline for quantity and quality) including the monitoring of water quantity and quantity discharged from the proposed reed bed, and a mechanism for review, shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include details of any fertiliser to be used on the site, including its type, chemical composition, method and density of application, as well as the timing of application.

The Management and Maintenance of the site including the playing surfaces, swale and reed bed shall thereafter be strictly in accordance with the approved scheme.

No fertiliser, pesticides, conditioning agents, or other chemicals shall be used on the site other than that expressly identified in the Maintenance and Management Scheme.

Should the monitoring and maintenance regime not be followed then use of the facility (pitches, clubhouse and car park) must cease immediately until the breach is investigated and rectified. No fertiliser, pesticides, conditioning agents, or other chemicals shall be applied until the swale and reed bed are established and functioning as intended.

Reason. To ensure that a new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with paragraph 99 of the NPPF whilst preventing any adverse effect on quality or quantity of water entering the adjacent water bodies due to surface water contaminated with nutrient or other contaminants

or disruption of aquifers which would otherwise have an adverse effect on water quantity or quality and consequently biodiversity.

12. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The contents of the landscaping scheme should include wildflower grassland, hawthorn hedges, 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 clubhouse 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.

18. Prior to the commencement of development a detailed drainage design, broadly in accordance with the principles established in the Hydrological Assessment (July 2022) (ref. HYD633) and Preliminary Drainage Strategy (ref. HYD633.633.BET.1 Rev. A) shall be submitted to and approved in writing by the local planning authority. The detailed scheme shall include the detailed design and construction of the swale (to include the detailed design of the reed bed, wet and dry portions of the swale, as well as the flow control mechanisms to deliver the required attenuation and flows to ensure the integrity and functionality of the reed bed as well as the provision of facilities to allow the monitoring of water quality from the reed bed) as well as all other proposed drainage features on the site. The detailed design calculations shall be submitted for the approved scheme, including attenuation design to accommodate a 1 in 100 year storm event, plus a minimum allowance of 75% for climate change. The drainage scheme shall be implemented strictly in accordance with the approved details in its entirety prior to the pitches hereby approved being brought into use and shall thereafter be retained, and managed and maintained in accordance with the Management and Maintenance Scheme required by condition 7 above.

Reason. To ensure that the detail design of the scheme has proper regard to the need to drain the site and safeguard both the fabric of the adjacent waterbodies as well as the quantity and quality of the water discharging in accordance with the following Policies of the Bury Unitary Development Plan:

Policy EN5/1 - New Development and Flood Risk

Policy EN7/5 - Waste Water Management

Policy EN6/3 - Features of Ecological Value

19. Prior to the commencement of development a scheme of intrusive site drainage investigations and preliminary engineering works to investigate ground water flows feeding Starmount reservoir and springs in the vicinity of the proposed swale, including the timing of such works, shall be submitted to and approved in writing by the local planning authority.

A report of the findings of such investigations shall be submitted to the local planning authority. Any such report should include where appropriate any additional drainage works that are necessary to safeguard the functionality of the swale and the water quality and ground water flows into the adjacent existing waterbodies. Including detailed design that demonstrates that the proposed works will safeguard the structural integrity of Starmount reservoir and the quantity and quality of the water

feeding the reservoir. Any such additional works shall be approved in writing by the local planning authority and shall thereafter be implemented prior to the completion of the drainage works to which they relate. The additional works shall be implemented in full in accordance with the approved details prior to the pitches hereby approved being brought into use and shall thereafter be retained, and managed and maintained in accordance with the Management and Maintenance Scheme required by condition 7 above.

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