

Public Document Pack

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 March 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/2174 |

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 21ST FEBRUARY 2023 *(Pages 3 - 6)*

Minutes of the meeting held on Tuesday the 21st February 2023 are attached.

4 PLANNING APPLICATIONS *(Pages 7 - 30)*

Reports attached.

5 DELEGATED DECISIONS *(Pages 31 - 42)*

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 43 - 62)*

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 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: 21 February 2023

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

Also in attendance: Councillor N Boroda and Councillor T Rafiq

Public Attendance: 6 members of the public were present at the meeting.

PCC.1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by Councillor D Green.
Councillor A Quinn acted as a substitute representative for Councillor Green.

PCC.2 DECLARATIONS OF INTEREST

Councillor A Quinn declared an interest in planning applications 68983 and 68985, Peel Tower, Holcombe Hill, Holcombe, BL8 4NR as he had been in communications with the applicant.

Councillor A Quinn left the meeting during deliberation of the applications.

PCC.3 MINUTES OF THE MEETING HELD ON THE 24TH JANUARY 2023

Delegated decision:

That the Minutes of the meeting held on the 24th January 2023 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 68530, 68983 and 68985.

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 **Be Mindful to Approve** the following application in accordance with the reasons put forward by the Development Manager in the report and subject to the conditions included: -

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

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).

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

Peel Tower, Holcombe Hill, Holcombe, BL8 4NR

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

3. That the Committee **Approve with Conditions** the following application in accordance with the reasons put forward by the Development Manager in the report and subject to the conditions including the deletion of EL01 from condition 2 and further plan to be submitted and clarified to align with the development : -

Peel Tower, Holcombe Hill, Holcombe, BL8 4NR

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

4. 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: -

17 Pembroke Drive, Bury, BL9 9LF

Part single/Part two storey rear extension

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 APPEAL AGAINST NON-DETERMINATION

A report from the Head of Development Management was submitted in relation to the report included on the agenda for the Planning Control Committee held on the 30th August 2022 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.

Members were asked to provide their view on the application, so officers were able to defend the appeal in accordance with their wishes. The Officer recommendation remained that the planning application be approved subject to the conditions set out in the Officer Report and the Supplementary Report.

Councillor A Quinn left the meeting during deliberation of this item as he was acting as a substitute Member and had not sat on the 30th August 2022 committee meeting.

Delegated decision:

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

PCC.8 URGENT BUSINESS

No urgent business was reported.

COUNCILLOR G MCGILL
Chair

(Note: The meeting started at 7.00pm and ended at 9.00pm)

This page is intentionally left blank

| | |
|----------------|-----------------------------------|
| Title | Planning Applications |
| To: | Planning Control Committee |
| On: | 21 March 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.

- 1 **Township Forum - Ward:** Whitefield + Unsworth - Unsworth **App No.** 69115
- Location:** Mercedes-Benz of Whitefield, 845 Manchester Road, Bury
Proposal: Variation of condition 16 (opening hours) of planning permission 58561:
Amend from: The development hereby permitted shall not be open to customers or members of the public outside the following times: 08.00 to 18.30 Monday to Friday, 08.00 to 17.00 Saturdays and 11.00 to 17.00 Sundays
Amend to: The development hereby permitted shall not be open to customers or members of the public outside the following times: 06.00 to 22.00 Monday to Friday, 06.00 to 17.00 Saturdays and 11.00 to 17.00 Sundays
- Recommendation:** Approve with Conditions **Site Visit:** N
-
- 2 **Township Forum - Ward:** North Manor **App No.** 69250
- Location:** 10 Springside Road, Bury, BL9 5JE
Proposal: Demolition of existing single storey side extension and garage; Erection of two/single storey extension to side and rear; Erection of single garage in rear garden; Alterations to driveway to create additional parking
- Recommendation:** Approve with Conditions **Site Visit:** N
-

This page is intentionally left blank

Ward: Whitefield + Unsworth - Unsworth

Item 1

Applicant: LSH Auto UK Limited

Location: Mercedes-Benz of Whitefield, 845 Manchester Road, Bury

Proposal: Variation of condition 16 (opening hours) of planning permission 58561:
Amend from: The development hereby permitted shall not be open to customers or members of the public outside the following times: 08.00 to 18.30 Monday to Friday, 08.00 to 17.00 Saturdays and 11.00 to 17.00 Sundays
Amend to: The development hereby permitted shall not be open to customers or members of the public outside the following times: 06.00 to 22.00 Monday to Friday, 06.00 to 17.00 Saturdays and 11.00 to 17.00 Sundays

Application Ref: 69115/Full

Target Date: 18/01/2023

Recommendation: Approve with Conditions

Description

The site was redeveloped around 10 years ago and contains a new sales/after sale building for Mercedes Benz. The building is used for a variety of uses including car sales, sales of parts/accessories, car valeting, car repair, MoT testing, body repairs and car sales office. The site is accessed from an access adjacent to the northern boundary and car parking is available for customers near the entrance with a smaller staff car park at the rear of the site.

The site is bounded by residential properties to the north, southwest and west and there is a synagogue to the south. There is open land to the east with residential properties beyond and Bury Golf Club is located to the north east.

The proposed development involves the variation of the condition relating to the hours of operation. The proposed development would vary the hours from:

- 08.00 to 18.30 Monday to Friday, 08.00 to 17.00 Saturdays and 11.00 to 17.00 Sundays to
- 06.00 to 22.00 Monday to Friday, 06.00 to 17.00 Saturdays and 11.00 to 17.00 Sundays.

The proposed amendment to the hours would be to allow customers to drop off and collect cars over a longer time period.

The customers would utilise the existing car park at the front of the site and would drop their keys off at the main reception in the showroom at the front of the building.

Relevant Planning History

56517 - Demolition of the existing garage building and the comprehensive redevelopment of the site to provide a new car dealership, with workshop for MOT testing, servicing, car part sales and other car-related activities including the construction of a new (4, 789 sqm) stand-alone sales and after-sales building and workshop, car parking and a reconfigured vehicular access/egress from the Manchester Road at 845 Manchester Road, Bury. Approved with conditions - 16 October 2013.

57266 - Non-material amendment following grant of planning permission 56517 for Demolition of the existing garage building and the comprehensive redevelopment of the site to provide a new car dealership, with workshop for MOT testing, servicing, car part sales and other car-related activities including the construction of a new (4, 789 sqm) stand-alone

sales and after-sales building and workshop, car parking and a reconfigured vehicular access/egress from the Manchester Road:

1. Amendments to front elevation to remove front columns and simplify glazing
2. Reposition building to bring forward approx. 1M (west) and approx 1M left (north) at 845 Manchester Road, Bury. Approved - 24 February 2014.

58561 - Variation of condition 16 following grant of planning permission 56517 to amend the Sunday opening hours:

Amend from: The development hereby permitted shall not be open to customers or members of the public outside the following times: 08.00 to 18.30 Monday to Friday, 08.00 to 17.00 Saturdays and 10.00 to 16.00 Sundays

Amend to :The development hereby permitted shall not be open to customers or members of the public outside the following times: 08.00 to 18.30 Monday to Friday, 08.00 to 17.00 Saturdays and 11.00 to 17.00 Sundays at 845 Manchester Road, Bury. Approved with conditions - 13 May 2015.

58562 - Variation of conditions 2 and 3 following grant of planning permission 58184 to remove reference to the duplicate drawing and amend the timing of the smart lighting coming on:

Condition 2 amend from: This decision relates to drawings numbered 3273/00, 3273/C/02 Rev A, 13.030/E/07 Rev D, 3273/178D, 13.030/E/05 Rev C, 3273/C/179A, 3273/C/021 Rev A, 13.030 MB Whitefield_External Lighting, 13.030 Roof Car Park Lighting, Thorlux lighting - Type AA, T2, S1 and Y and the development shall not be carried out except in accordance with the drawings hereby approved

Condition 2 amend to: This decision relates to drawings numbered 3273/00, 3273/C/02 Rev A, 13.030/E/07 Rev D, 3273/178D, 13.030/E/05 Rev C, 3273/C/179A, 13.030 MB Whitefield_External Lighting, 13.030 Roof Car Park Lighting, Thorlux lighting - Type AA, T2, S1 and Y and the development shall not be carried out except in accordance with the drawings hereby approved.

Condition 3 amend from: The external lighting shall not be switched on outside the hours of 08.00 to 19.00 Monday to Friday, 07.30 to 17.30 Saturdays and 09.30 to 16.30 Sundays except where the sensor detects movement on the site for security purposes.

Condition 3 amend to: The external lighting shall not be switched on outside the hours of 07.30 to 19.00 Monday to Friday, 07.30 to 17.30 Saturdays and 10.30 to 17.30 Sundays except where the sensor detects movement on the site for security purposes at 845 Manchester Road, Bury. Approved with conditions - 28 May 2015

61834 - Change of use of land to form a surface level staff vehicular parking area with 19 no. spaces and associated infrastructure and landscape works at 845 Manchester Road, Bury. Approved with conditions - 25 October 2017.

Publicity

The neighbouring properties were notified by means of a letter on 9 December 2022.

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

- The previous planning approval restricted excessive lighting around the site. This application would remove that
- Such extended hours will mean longer parking of employee and customer cars outside residents homes causing access and parking issues when residents return home from work
- This will also cause additional road danger at surrounding junctions
- The opening hours will double the period of time of noise, volume of traffic, light pollution & parking
- This is a residential area and it is not appropriate to allow such long operational hours for a car sales showroom. There are no other local showrooms that open such an excessive amount of time.
- It would be a major disruption to the local area and traffic
- It would remove the current lighting restriction agreed with the council extending light pollution 4hrs or more per day

- The council now needs to restrict further development of this business given its lack of following the initial reasons provided for previous developments and that its residential
- Impact of the lights from the staff car park - I do not want the extra hours.
- LSH is in the middle of a residential area not an industrial estate. If they want to work 6.00am to 22.00pm they need to move location
- What is so imperative that LSH want to extend their hours? What activities do they intend carrying out? Does the council know? Have they even asked?
- LSH have taken no steps to reduce noise in the current operating hours and do not wish to accept extended working hours.

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

Statutory/Non-Statutory Consultations

Environmental Health - Pollution Control - No response.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

| | |
|-------|---|
| EC3/1 | Measures to Improve Industrial Areas |
| EC6/1 | New Business, Industrial and Commercial |
| EN1/1 | Visual Amenity |
| EN1/2 | Townscape and Built Design |
| EN1/3 | Landscaping Provision |
| EN1/5 | Crime Prevention |
| EN1/6 | Public Art |
| EN1/7 | Throughroutes and Gateways |
| EN5/1 | New Development and Flood Risk |
| EN6 | Conservation of the Natural Environment |
| EN6/3 | Features of Ecological Value |
| EN7 | Pollution Control |
| EN7/2 | Noise Pollution |
| EN7/5 | Waste Water Management |
| EN8 | Woodland and Trees |
| EN8/2 | Woodland and Tree Planting |
| OL1/2 | New Buildings in the Green Belt |
| OL1/5 | Mineral Extraction and Other Dev in the Green Belt |
| OL5/2 | Development in River Valleys |
| S2/1 | All New Retail Proposals: Assessment Criteria |
| S4/4 | Car Showrooms, Car Sales Areas and Petrol Filling Stns |
| HT2/4 | Car Parking and New Development |
| HT5/1 | Access For Those with Special Needs |
| SPD4 | DC Policy Guidance Note 4: Percent for Art |
| SPD6 | Supplementary Planning Document 6: Alterations & Extensions |
| SPD8 | DC Policy Guidance Note 8 - New Buildings in the Green Belt |
| SPD11 | Parking Standards in Bury |
| NPPF | National Planning Policy Framework |

Issues and Analysis

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

Impact upon surrounding area - The proposed amendment to the hours condition would extend the hours of opening by 2 hours on Monday - Saturday mornings and 3 and a half

hours on Monday - Saturday evenings. The proposed extension of the opening hours would only be to drop vehicles off and collect vehicles and the customers would utilise the customer car park at the front of the site. As such, the proposed development would not involve any external changes and would not have a significant impact upon the character of the area. Therefore, the proposed development would be in accordance with Policies EN1/2 of the Bury Unitary Development Plan.

Impact upon residential amenity - The existing car park is some 1.5 metres lower than the adjacent residential properties and there would be 11.6 metres from the gable of No. 863 Manchester Road to the car park. Given the difference in levels and the current use of the car park, the existing fencing would prevent any light from the headlights from affecting the neighbouring residents.

The number of vehicles accessing the site would be spread out over a longer period to prevent queuing at the entrance during peak travel times. As such, the proposed development would not lead to a significant increase in the number of vehicles using the car park or a significant adverse impact in terms of noise.

Therefore, the proposed development would be in accordance with Policies EN7/2, HT2/4 and S4/4 of the Bury Unitary Development Plan.

Noise - A noise survey was submitted with the application and concludes that the proposed change to the opening hours would not generate any noise above the existing background noise levels.

However, while on site, Officers experienced cars being moved from the car park to the workshop by being driven up to the workshop roller shutter door, then beeping the horn, then the workshop door being opened. There is a concern that if this was to happen before 08.00 in the morning, the proposed extension to the opening hours would have an impact upon the amenity of the neighbouring properties. Environmental Health - Pollution Control share the same concern with the potential for noise and disturbance to residential properties between the hours of 06.00 and 08.00. As such, it is proposed to include a planning condition that would prevent the movement of cars from the car park to the workshop before 08.00.

With such a condition, the proposals would still allow vehicles to be dropped off and collected by individuals but would not impinge upon amenity through the movement of vehicles to the workshop bay.

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

Highways issues - The proposed development would utilise the existing access and car park. The proposed increase in the opening hours would enable the number of vehicles accessing the site to be spread out over a longer period to prevent queuing into the site at peak hours. The Traffic Section has no objections to the proposed development. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies HT2/4 of the Bury Unitary Development Plan.

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.

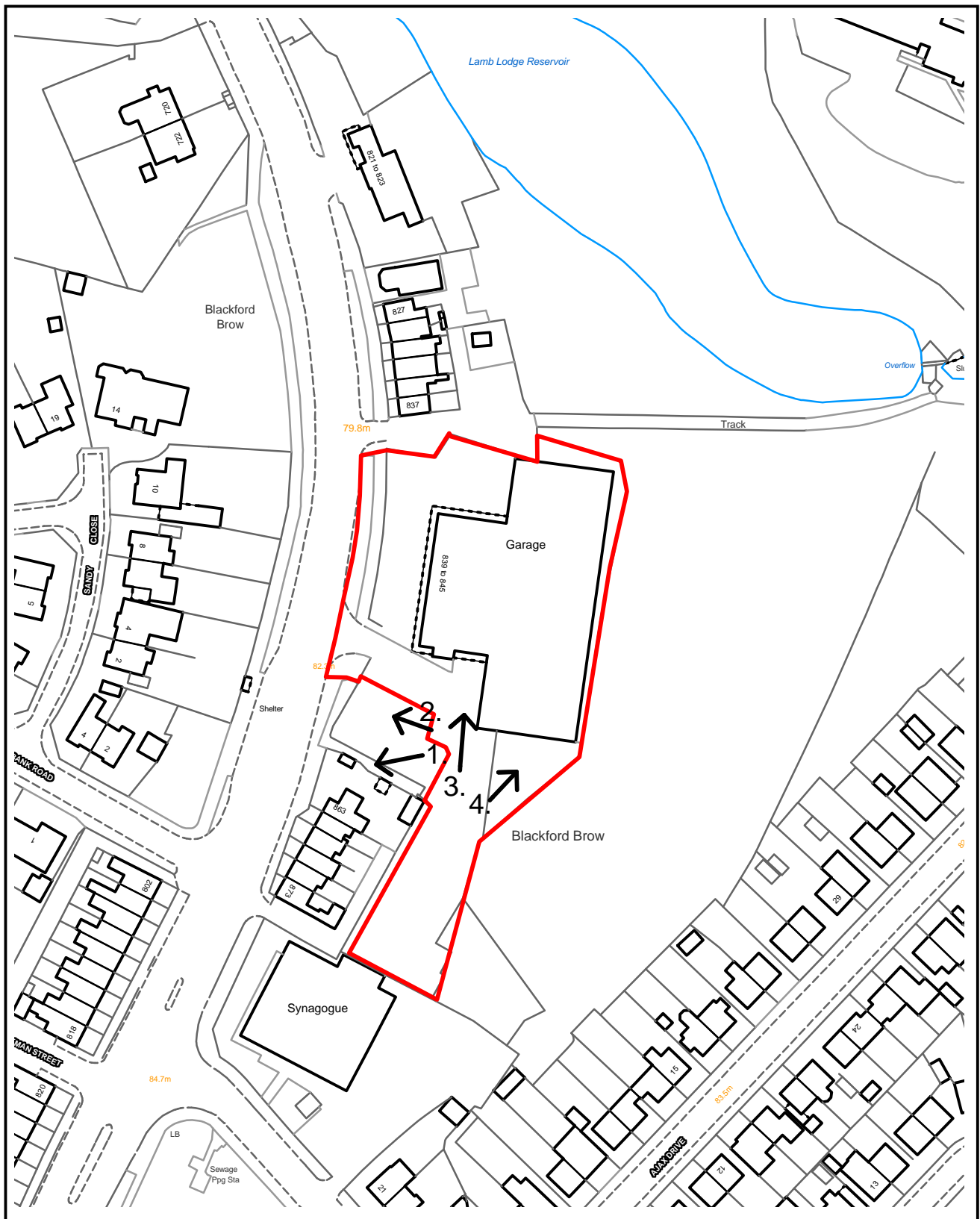
Recommendation: Approve with Conditions

Conditions/ Reasons

1. This decision relates to drawings numbered 3273/50A, 3273/51B, 3273/52B, 3273/53B, 3273/54A, 3273/55A, 3273/56A, 32573/60, Topographical survey - Mercedes, Manchester Road, Whitefield, 252421/001, Noise assessment report - November 2022 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
2. No works shall be carried out to the trees that would disturb nesting birds between 1st March and 31st August inclusive in any year unless otherwise agreed in writing with 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 11 - Conserving and enhancing the natural environment.
3. The development hereby approved shall be carried out in full in accordance with the recommendations of the Ecological Assessment Report Ref 3972.002 May 2013.
Reason. In order to ensure that no harm is caused to the site 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 11 - Conserving and enhancing the natural environment.
4. The development hereby approved shall not be brought into use unless and until the footway and access alterations on Manchester Road indicated on the approved plans, incorporating the reconfiguration of the existing southerly site access, closure of the northerly site access, demarcation of the adopted highway boundary and all associated remedial works have been implemented in full to the written satisfaction of the Local Planning Authority.
Reason. To ensure good highway design and maintain the integrity of the adopted highway in the interests of highway safety pursuant to Policy S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations of the Bury Unitary Development Plan.
5. The turning facilities indicated on the approved plans shall be provided before the development is brought into use and the areas used for the manoeuvring of service 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 S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations of the Bury Unitary Development Plan.
6. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use and thereafter maintained available for use at all times.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan and SPD11.

7. The development hereby permitted shall not be open to customers or members of the public outside the following times: 06.00 to 22.00 Monday to Friday, 06.00 to 17.00 Saturdays and 11.00 to 17.00 Sundays.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations of the Bury Unitary Development Plan.
8. No development, other than demolition works, shall commence until details of a screen to be erected along the southern and western roof line of the building have been submitted to and approved in writing by the Local Planning Authority. The approved details only shall be implemented prior to the development hereby approved being brought into use and maintained thereafter.
Reason. In the interests of residential amenity pursuant to Bury Unitary Development Plan Policy S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations and EN1/2 - Townscape and Built Design.
9. No development other than demolition works, shall commence unless or until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. It shall be implemented not later than 12 months from the date the building(s) is first occupied; 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 to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
10. No movements of vehicles between the customer car park and the workshop shall take place between the hours of 06:00 to 08:00.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations and EN7/2 - Noise Pollution of the Bury Unitary Development Plan.

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



PLANNING APPLICATION LOCATION PLAN

APP. NO 69115

**ADDRESS: Mercedes-Benz of Whitefield
845 Manchester Road**

**Bury
Planning, Environmental and Regulatory Services**



Bury
COUNCIL

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

Photo 1



Photo 2

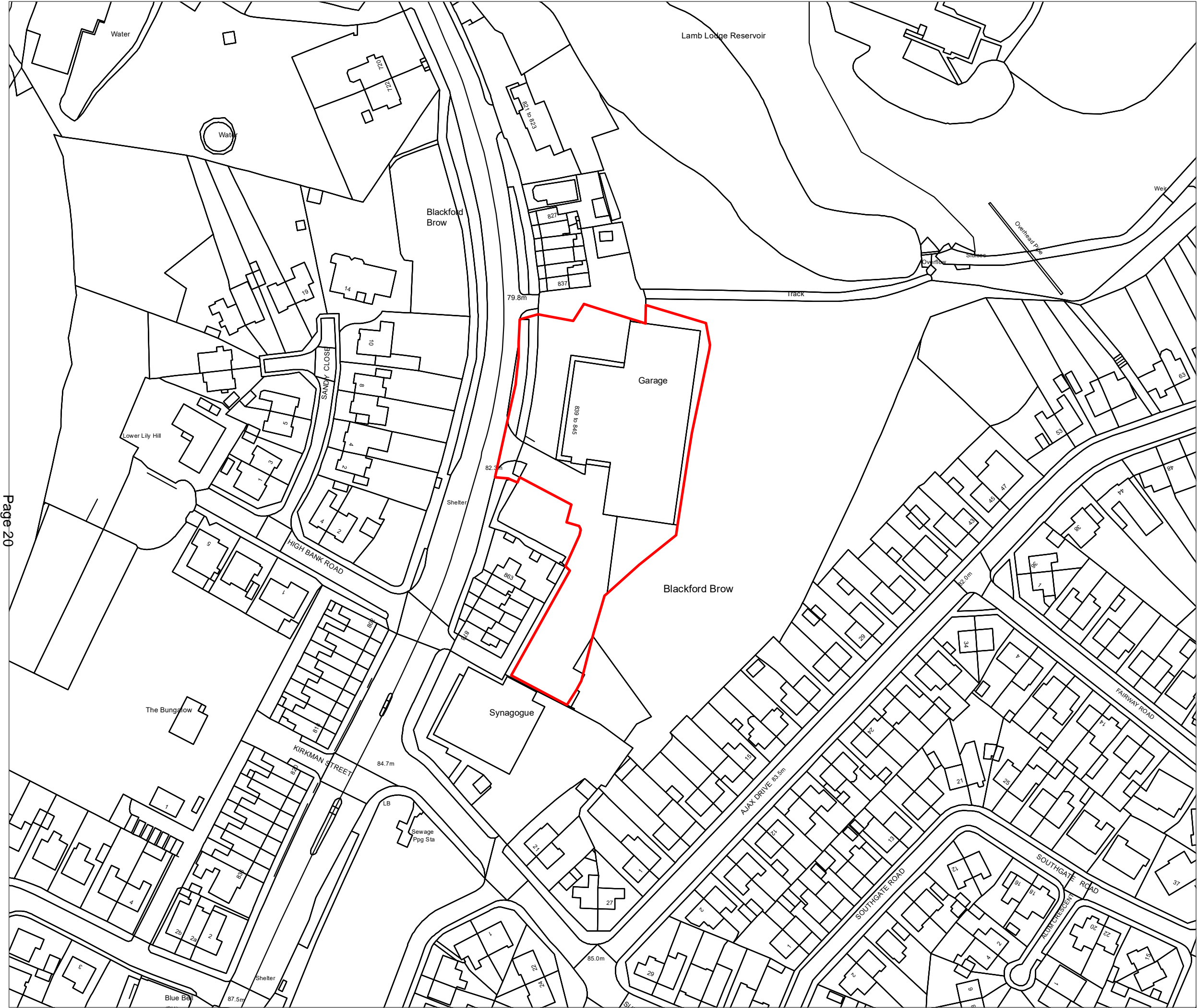



Photo 3



Photo 4





 Site boundary

Mercedes-Benz of Whitefield
LSH Auto

0 30 m



Site location

| | |
|--------------------|--------------------------------|
| Dwg no/252421/001 | Revision |
| Status | 22 November 2022 |
| Scale: 1:1,250 @A3 | Drawn by: JC Checked by: TR |

Based upon the 2022 Ordnance Survey Mastermap with the permission of the Ordnance Survey on behalf of HMSO, © Crown copyright Licence No. AC0000849896. Contains public sector information licensed under the Open Government Licence v3.0 Copyright
Copyright Terence O'Rourke Ltd, 2022



**TERENCE
OROURKE**

LONDON
23 Heddon Street
London W1B 4BQ

BIRMINGHAM
3 Edmund Gardens 117 Edmund Street
Birmingham B3 2HJ

BOURNEMOUTH
Everdene House Deansleigh Road
Bournemouth BH7 7DU

TELEPHONE
020 3664 6755

www.torltd.co.uk

Ward: North Manor

Item 2

Applicant: Mr Steven Leach

Location: 10 Springside Road, Bury, BL9 5JE

Proposal: Demolition of existing single storey side extension and garage; Erection of two/single storey extension to side and rear; Erection of single garage in rear garden; Alterations to driveway to create additional parking

Application Ref: 69250/Full

Target Date: 15/03/2023

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 two storey detached house with garden to the front and a drive leading to a detached garage. The west side of the house has a single storey section which projects past the rear elevation, and this adjoins a projecting bay window. The rear garden is lengthy and has timber fencing to the side boundaries. The rear boundary is a brick wall bordering properties at Old Brewers Court. 14 Springside Road is the neighbouring property to the side of the proposed development and is a detached house with its drive and a detached garage to the site side. Opposite across the street is a primary school.

The application proposes to remove the existing single storey side extension and detached garage. To the west side of the property a two storey extension is proposed coming out 3.6m and 5.5m in length from the existing rear elevation. It would form an additional bedroom with ensuite. To the rear of the property a single storey element would project 2.2m deep adjacent an existing bay window. It would run for 4.1m across where it would then be a further 3.75m deep for 5.5m across and run for 7m along the side. This extension would form a porch, utility, wc and kitchen/dining room.

To the rear garden a detached garage would be constructed along the site boundary with 14 Springside Road, with a footprint of 7m in length and 3.8m wide. It would have a dual pitched roof to a height of 3.5m and eaves at 2.3m. Part of the front garden would be surfaced in porous materials to provide a 7.6m wide by 6.1m long driveway. The access would be widened by 0.5m with the existing drop kerb retained.

Relevant Planning History

68528 - First floor side extension; Single storey side and rear extension; Alterations to driveway to create additional parking - AC 31/08/2022

Publicity

9 notification letters were sent on 27/01/23 to addresses at 8, 11 & 14 Springside Road, 2 Vicarage Close, Springside County Primary School, and 2,3,4,5 Old Brewers Court 681 Walmersley Road. 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

Issues and Analysis

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

Visual amenity and design - The proposed two storey side extension would have a hipped roof set below the main ridge. The front would have a window of a size and design in keeping with that to the existing first floor front.

The single storey to the side would have a monopitch roof and the front elevation would have an entrance door into the porch. Where extending at the rear the deeper section would have a dual pitched roof and a monopitch to the shallower section with roof lights.

The detached garage would have a dual pitched roof. It would be set back into the rear garden 3.5m from the proposed single storey extension.

Materials for the extensions would be brickwork and slate tiles to match the existing.

The proposed extensions and garage are 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 increase the number of bedrooms from 3 to 4 and 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 3 parking spaces.

The drive as existing can accommodate this level of parking. The additional drive area created would provide further parking and allow easier access into and out of the site. The parking arrangements are then sufficient.

Residential amenity - The proposed development would be positioned to the side of 14 Springside Road. The proposed two storey extension would have a blank wall to the side at first floor level and with one secondary kitchen window proposed at ground floor set 5m in from the site boundary. The proposed single storey would have a blank wall to the side elevation. No.14 has a wide drive and the separation between the properties is such that the proposed extensions would not cause any significant loss of light or overshadowing to this neighbouring property or its garden.

The proposed garage would be set 0.8m in from the shared boundary and located in the area alongside where No.14 has its own detached garage.

To the rear the proposed first floor window would be to an ensuite, a non habitable room, and there would be approximately 50m to the boundary with the properties to the rear.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

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

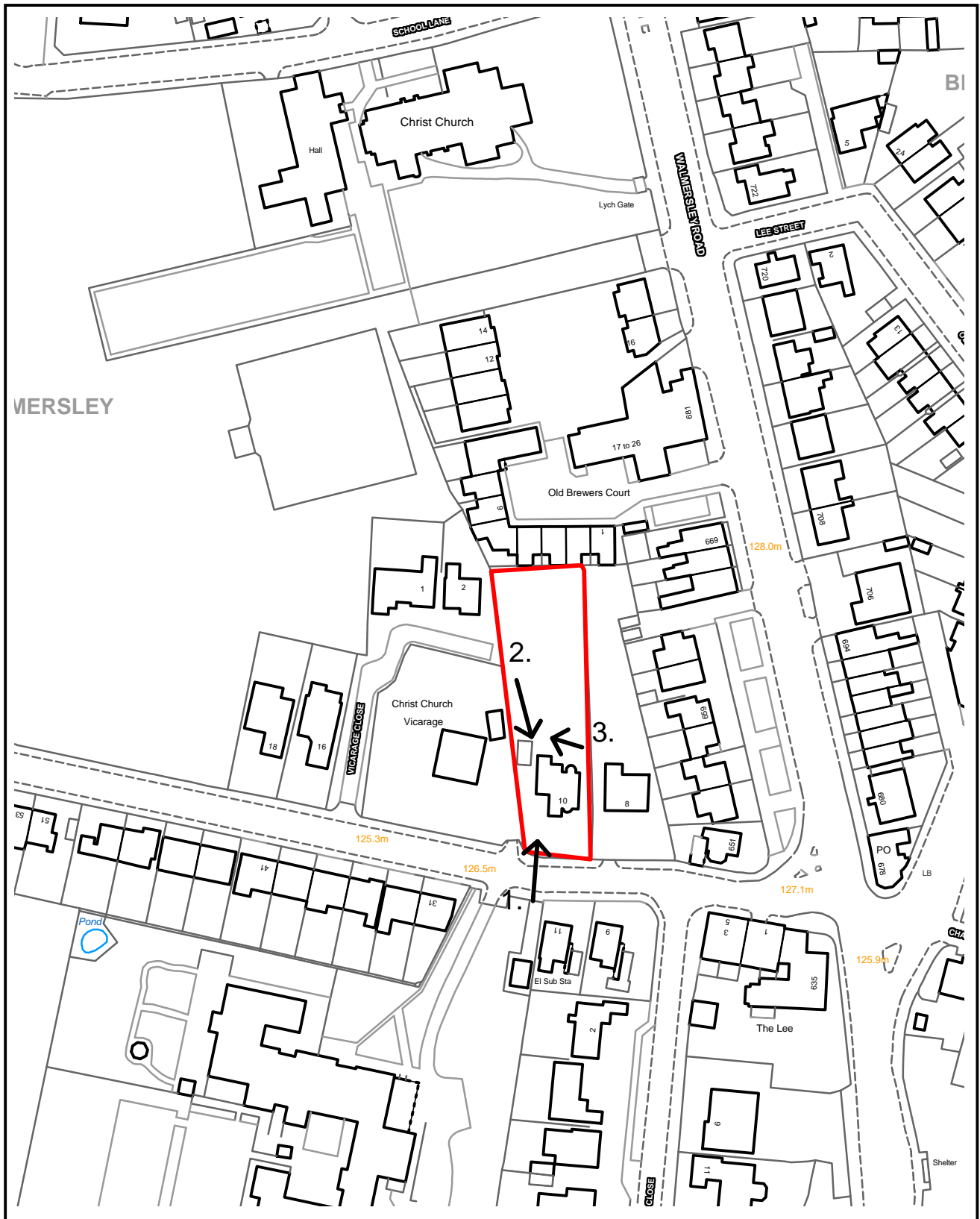
The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority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

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered A100, A101, A102, Proposed site plan, Proposed garage elevations 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**



PLANNING APPLICATION LOCATION PLAN

APP. NO 69250

ADDRESS: 10 Springside Road Bury



Bury
COUNCIL

Planning, Environmental and Regulatory Services

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

Photo 1



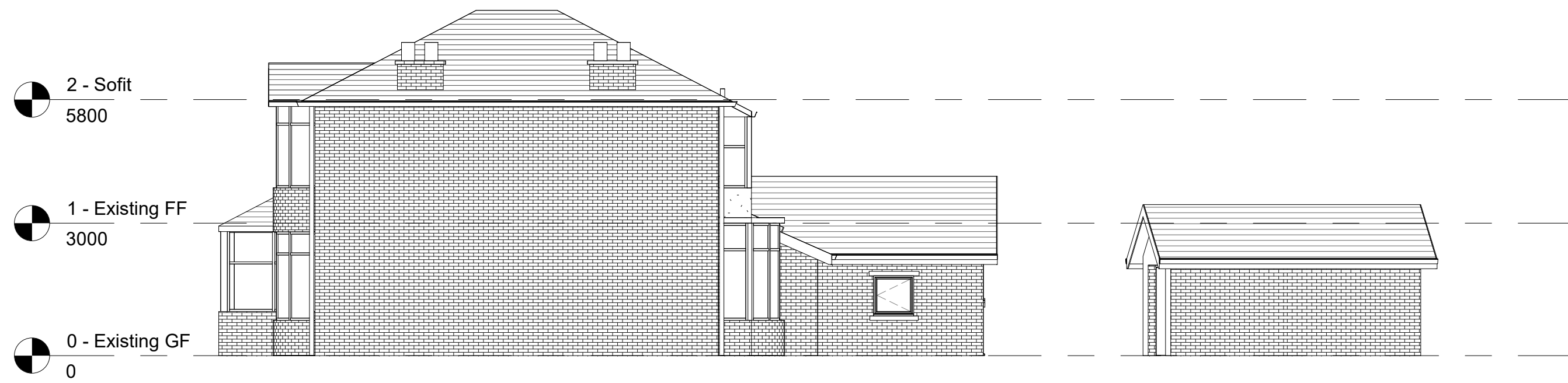
Photo 2







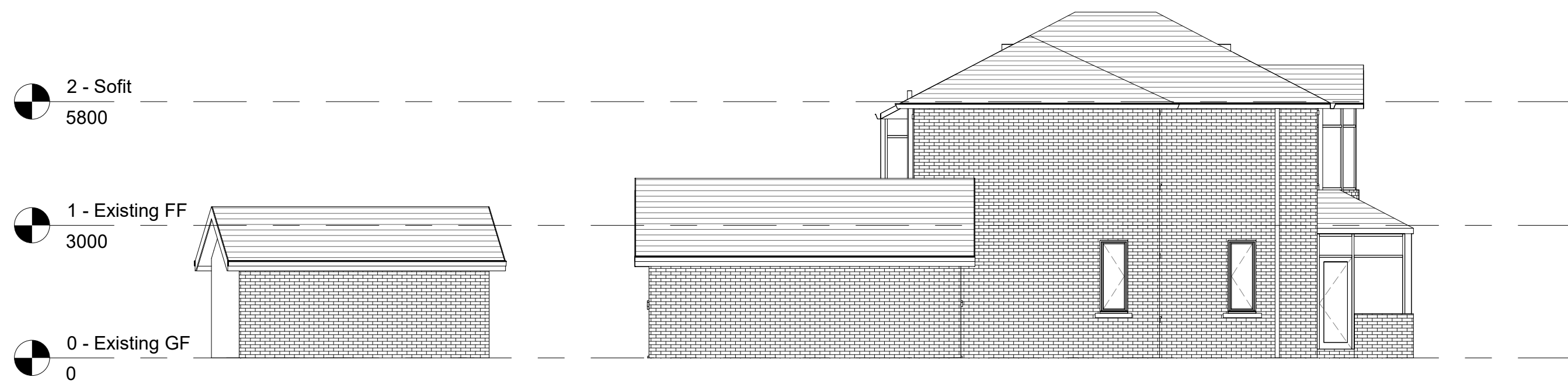
1 Proposed Front
1 : 100



3 Proposed Side A
1 : 100



2 Proposed Rear
1 : 100



4 Proposed Side B
1 : 100

| Rev | Description | Date |
|-----|-------------|------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

| | |
|--------|-------------------------|
| CODE | SUITABILITY DESCRIPTION |
| STATUS | PURPOSE OF ISSUE |

**AUTODESK**
www.autodesk.com/revit

PROJECT

10 Springside Drive

TITLE

Proposed Elevations

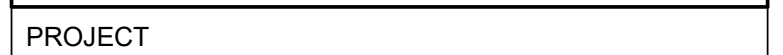
CLIENT

Mr & Mrs Leach

| | | |
|-------------------------|----------------------------------|------------------|
| DRAWN BY Author | CHECKED BY Checker | DATE 05/21/22 |
| SCALE (@ A1) 1 : 100 | PROJECT NUMBER Project Number | |
| DRAWING NUMBER A102 | | REV |



| | |
|--------|-------------------------|
| CODE | SUITABILITY DESCRIPTION |
| STATUS | PURPOSE OF ISSUE |



| |
|-------|
| TITLE |
|-------|

CLIENT

| | | |
|----------------|------------------|------------------|
| DRAWN BY AC | CHECKED BY SL | DATE 01/23/07 |
|----------------|------------------|------------------|

| | | | |
|-------------------------|--|----------------------------------|-----|
| SCALE (@ A1) 1 : 100 | | PROJECT NUMBER Project Number | |
| DRAWING NUMBER A100 | | | REV |



| Rev | Description | Date |
|-----|-------------|------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

| | |
|------|-------------------------|
| CODE | SUITABILITY DESCRIPTION |
| | |

| | |
|--------|------------------|
| STATUS | PURPOSE OF ISSUE |
| | |

**AUTODESK**
www.autodesk.com/revit

PROJECT

10 Springside Drive

TITLE

Existing & Proposed Driveway Layout

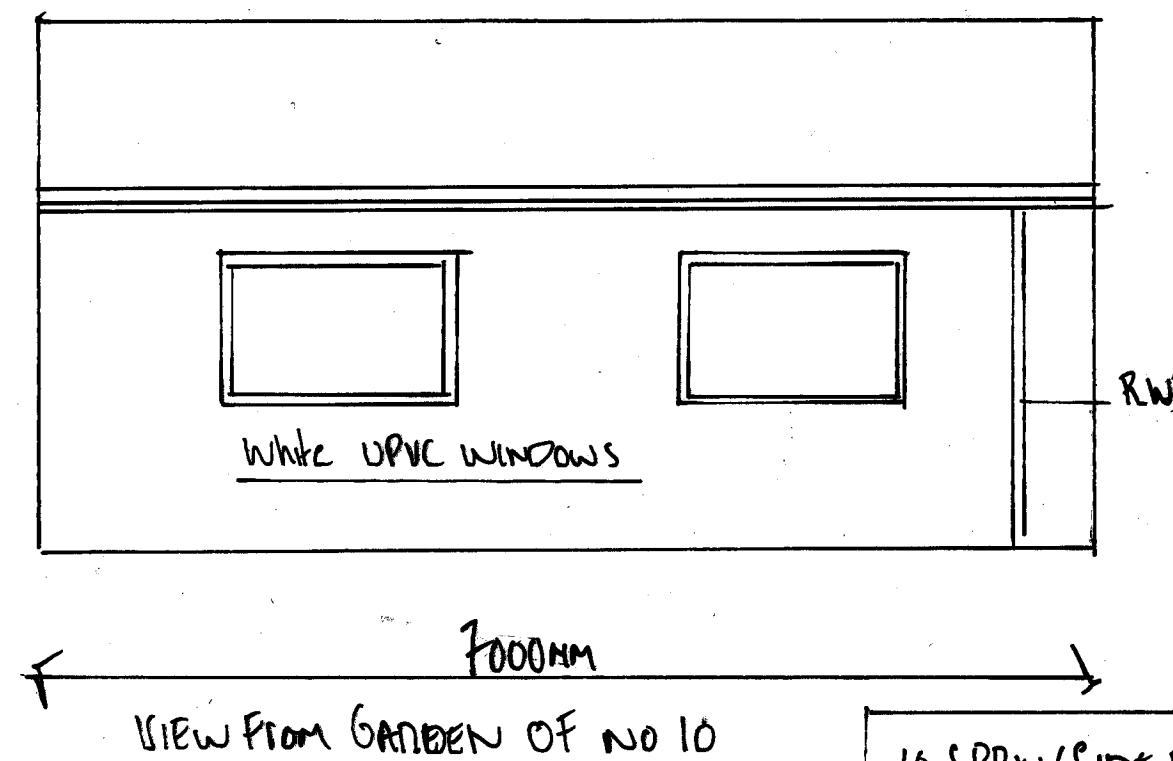
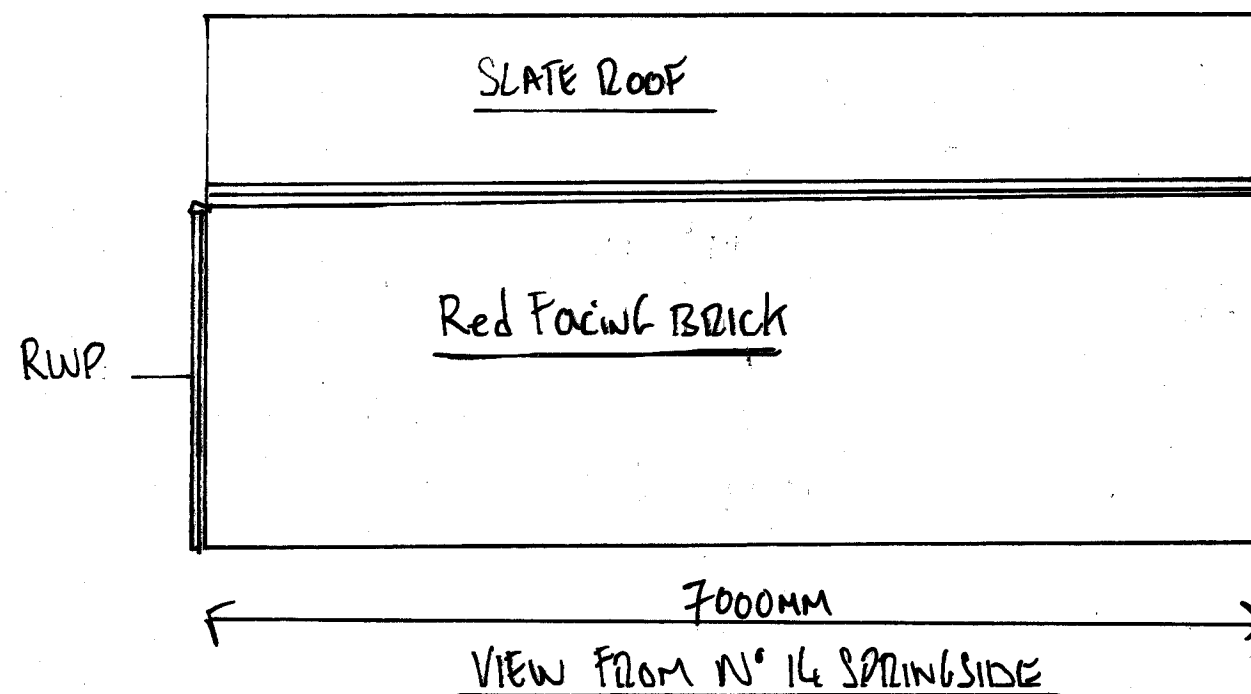
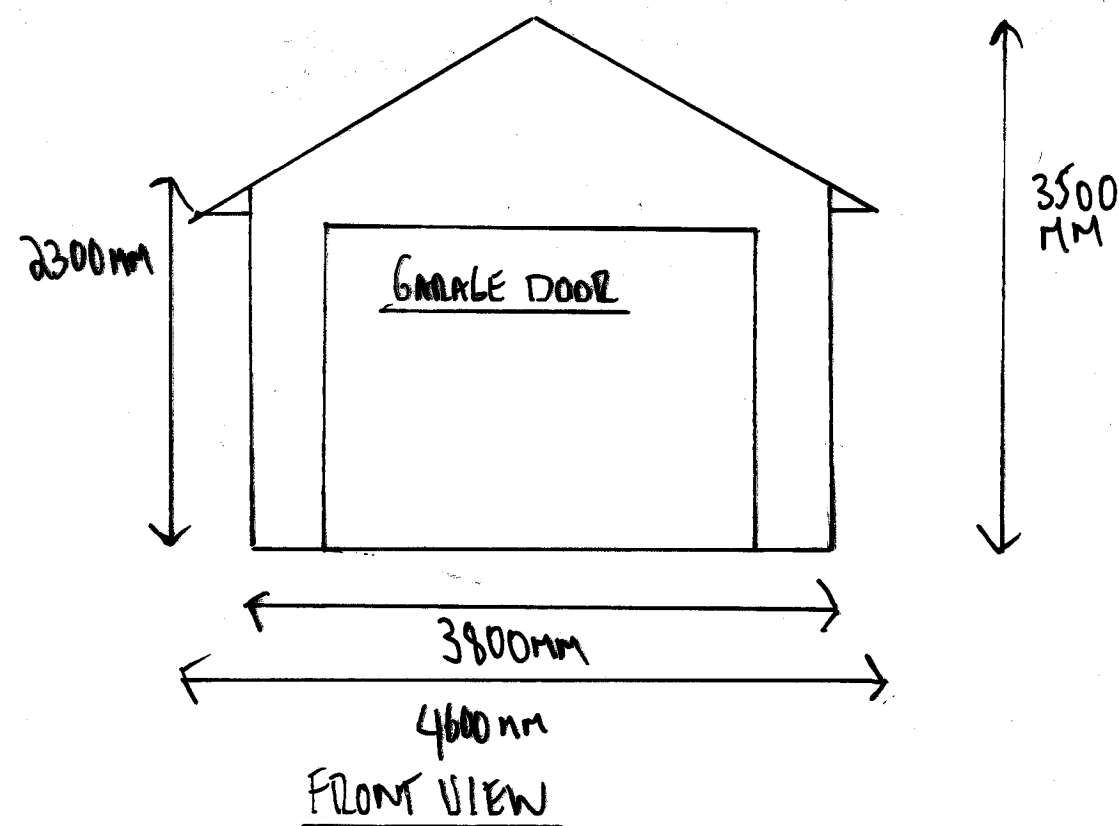
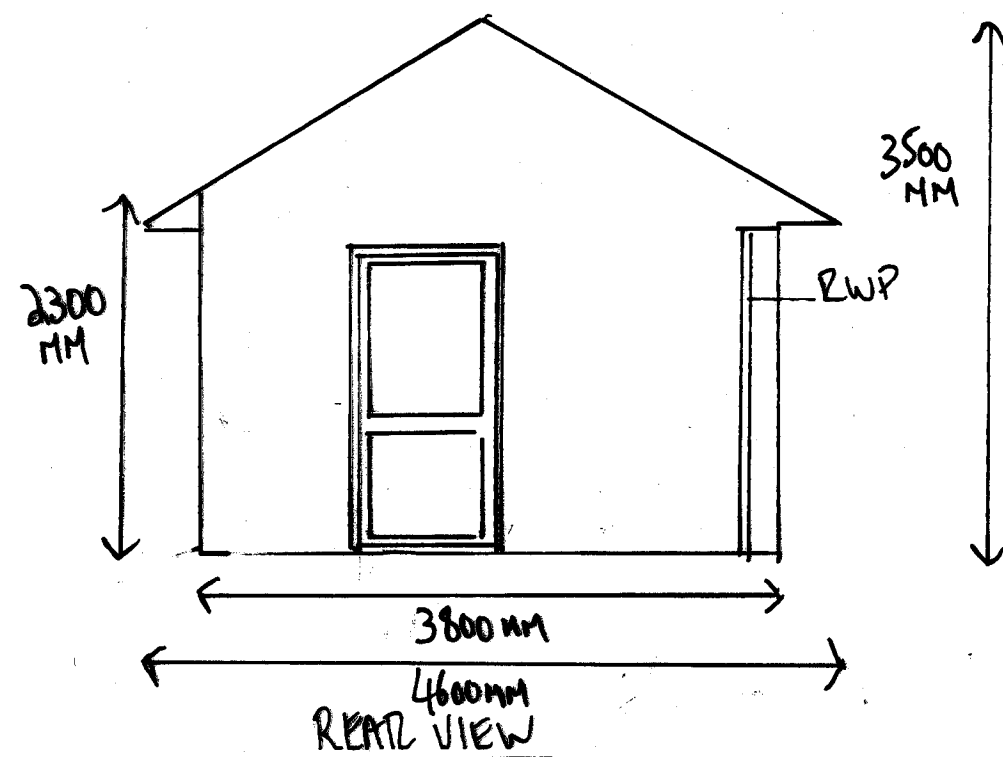
CLIENT

Mr & Mrs Leach

| | | |
|--------------------|-----------------------|------------------|
| DRAWN BY Author | CHECKED BY Checker | DATE 05/21/22 |
|--------------------|-----------------------|------------------|

| | |
|-------------------------|----------------------------------|
| SCALE (@ A1) 1 : 100 | PROJECT NUMBER Project Number |
|-------------------------|----------------------------------|

| | |
|------------------------|-----|
| DRAWING NUMBER A105 | REV |
|------------------------|-----|



10 SPRINGSIDE ROAD, BURY
PROPOSED DETACHED GARAGE
SCALE 1:50 @ A3

REPORT FOR NOTING

Agenda Item 5

Bury
COUNCIL

**Agenda
Item**

5

| | |
|---|---|
| DECISION OF: | PLANNING CONTROL COMMITTEE |
| DATE: | 21 March 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 13/02/2023 and 12/03/2023



Ward: **Bury East**

| | | | | | |
|-------------------------|---|-------------------|-----|------------|-------------------------------------|
| Application No.: | 69186 | App. Type: | FUL | 24/02/2023 | Approve with Conditions |
| Location: | 5 Laurel Street, Bury, BL9 7QJ | | | | |
| Proposal: | Single storey extension at rear | | | | |
| Application No.: | 69323 | App. Type: | DEM | 02/03/2023 | Prior Approval Required and Granted |
| Location: | Bury Market, Murray Road, Bury, BL9 0BJ | | | | |
| Proposal: | Prior approval for proposed demolition of 3 no. existing buildings and removal of market canopies (enabling works for proposed new Flexihall and market canopy and associated landscaping and servicing) | | | | |

Ward: **Bury East - Redvales**

| | | | | | |
|-------------------------|---|-------------------|------|------------|-------------------------|
| Application No.: | 68924 | App. Type: | FUL | 13/02/2023 | Approve with Conditions |
| Location: | 4 Inglewhite Close, Bury, BL9 9NT | | | | |
| Proposal: | Single storey front/side extension and canopy | | | | |
| Application No.: | 69150 | App. Type: | FUL | 08/03/2023 | Approve with Conditions |
| Location: | Beacon Centre, Block B, Bury College, Market Street, Bury, BL9 0AT | | | | |
| Proposal: | Alterations to external elevations, provision of new public entrance with pedestrian walkway and associated landscape works | | | | |
| Application No.: | 69198 | App. Type: | FUL | 08/03/2023 | Approve with Conditions |
| Location: | 110 Redvales Road, Bury, BL9 9PS | | | | |
| Proposal: | Two storey side extension and Front Porch | | | | |
| Application No.: | 69228 | App. Type: | LDCP | 01/03/2023 | Lawful Development |
| Location: | 37 Harrow Close, Bury, BL9 9UD | | | | |
| Proposal: | Lawful development certificate for proposed side extension on domestic property | | | | |

Ward: **Bury West - Elton**

| | | | | | |
|-------------------------|--|-------------------|-----|------------|-------------------------|
| Application No.: | 68995 | App. Type: | FUL | 23/02/2023 | Approve with Conditions |
| Location: | Storage yard at Woolfold Trading Estate, Stewart Street, Bury, BL8 1SB | | | | |
| Proposal: | Erection of 4 no. light industrial units (Class E (g)(iii)) with associated access and parking | | | | |
| Application No.: | 69162 | App. Type: | FUL | 13/02/2023 | Approve with Conditions |
| Location: | 180 Walshaw Road, Bury, BL8 1NA | | | | |
| Proposal: | Proposed loft conversion with rear dormer | | | | |

Application No.: 69242 **App. Type:** FUL 23/02/2023 Approve with Conditions
Location: 4 Newhaven Close, Bury, BL8 1XX
Proposal: Single storey rear extension; New bay window at front: Alterations to existing windows/doors and render to external elevations

Application No.: 69314 **App. Type:** LDCP 17/02/2023 Lawful Development
Location: Lamppost cafe, Burrs Activity Centre, Woodhill Road, Burrs, Bury, BL8 1DA
Proposal: Lawful development certificate for the use of the ground floor former indoor climbing/kayak storage room as a function room, principally for the sale of food and drink (Use Class E(b)) and the first floor former bunk room for short-term letting (sui generis) and proposed general internal refurbishment.

Ward: **Bury West - West**

Application No.: 66396 **App. Type:** FUL 01/03/2023 Approve with Conditions
Location: Land to south of Deardens Street, Bury
Proposal: Erection of 5 no. townhouse dwellings

Application No.: 69111 **App. Type:** FUL 13/02/2023 Approve with Conditions
Location: Chantlers County Primary School, Foulds Avenue, Bury, BL8 2SF
Proposal: Creation of new extension to wrap around and infill an indent onto the current school perimeter located to the rear elevation of school. New extension is to provide a resource provision for a maximum of 12 pupils with SEMH (Social, Emotion, Mental Health)

Application No.: 69213 **App. Type:** FUL 16/02/2023 Approve with Conditions
Location: 16 Buckingham Drive, Bury, BL8 2DH
Proposal: Single storey front extension

Application No.: 69227 **App. Type:** FUL 20/02/2023 Refused
Location: 16 Turton Close, Bury, BL8 2EE
Proposal: Two storey extension at side and two/single storey extension at rear with juliette balconies at rear and alterations to existing roof; External alterations to include changes to windows/doors; Render to external elevations and Raised steps from South West side elevation and rear.

Application No.: 69249 **App. Type:** GPDE 27/02/2023 Prior Approval Not Required - Extension
Location: 40 Lonsdale Street, Bury, BL8 2QD
Proposal: Prior approval for proposed single storey rear extension

Application No.: 69303 **App. Type:** FUL 08/03/2023 Approve with Conditions
Location: 10 Windsor Drive, Bury, BL8 2DB
Proposal: Single storey extensions at front and rear and two storey side extension with hip to gable roof extension at side

Ward: **North Manor**

Application No.: 69180 **App. Type:** FUL 20/02/2023 Approve with Conditions
Location: 486 Bolton Road West, Ramsbottom, Bury, BL0 9RU
Proposal: Two storey side/rear extension; Single storey rear extension; Single storey front extension

Application No.: 69190 **App. Type:** FUL 23/02/2023 Approve with Conditions
Location: 75 Brandlesholme Road, Tottington, Bury, BL8 4DX
Proposal: Two storey rear extension; Hip to gable roof extension at side with new windows to side elevation and loft conversion; New front porch

Application No.: 69199 **App. Type:** FUL 01/03/2023 Approve with Conditions
Location: 1 Two Brooks Lane, Tottington, Bury, BL8 4LA
Proposal: Single storey / two storey extensions at rear; external alterations

Application No.: 69257 **App. Type:** FUL 23/02/2023 Approve with Conditions
Location: 19 Longsight Road, Ramsbottom, Bury, BL0 9SL
Proposal: Two storey extension at side and rear

Application No.: 69259 **App. Type:** FUL 24/02/2023 Approve with Conditions
Location: 14 Hawthorn Avenue, Ramsbottom, Bury, BL0 9UZ
Proposal: Single storey infill extension at front/side; Single storey extension at rear, with gable; Single storey extension to garage at rear to connect to dwelling

Application No.: 69263 **App. Type:** FUL 24/02/2023 Approve with Conditions
Location: 5 Kimble Close, Tottington, Bury, BL8 4QQ
Proposal: First floor extension at side above existing garage and garage conversion; Single storey rear extension and single storey porch

Application No.: 69319 **App. Type:** FUL 08/03/2023 Approve with Conditions
Location: 18 Brierfield Drive, Bury, BL9 5JJ
Proposal: Conversion of existing garage to habitable room and replacement of garage door with front bay window

Ward: **Prestwich - Holyrood**

Application No.: 69104 **App. Type:** FUL 08/03/2023 Approve with Conditions
Location: 11 Malvern Close, Prestwich, Manchester, M25 1PH
Proposal: Erection of 1no. replacement attached dwelling

Application No.: 69206 **App. Type:** FUL 24/02/2023 Approve with Conditions
Location: 3 Freshfield Avenue, Prestwich, Manchester, M25 2GU
Proposal: Single storey side and rear extension

Application No.: 69208 **App. Type:** FUL 03/03/2023 Approve with Conditions
Location: 65 Glebelands Road, Prestwich, Manchester, M25 1WH
Proposal: Single storey rear extension; Raising of roof ridge height; Loft conversion with front and rear dormers; Front canopy

Application No.: 69232 **App. Type:** FUL 17/02/2023 Approve with Conditions
Location: 19 Brooklawn Drive, Prestwich, Manchester, M25 2GS
Proposal: Single storey rear extension

Application No.: 69244 **App. Type:** FUL 09/03/2023 Refused
Location: 424 Bury Old Road, Prestwich, Manchester, M25 1PR
Proposal: Second floor extension at rear to form 1 no. flat and roof extension

Application No.: 69247 **App. Type:** FUL 08/03/2023 Refused
Location: 417 Bury Old Road, Prestwich, Manchester, M25 1PS
Proposal: Retention of storage container

Application No.: 69260 **App. Type:** FUL 09/03/2023 Approve with Conditions
Location: 3 Knights Close, Prestwich, Manchester, M25 1PP
Proposal: Single storey rear extension

Ward: **Prestwich - Sedgley**

Application No.: 68678 **App. Type:** FUL 16/02/2023 Approve with Conditions
Location: 20 Sheepfoot Lane, Prestwich, Manchester, M25 0BN
Proposal: Widening of existing driveway with formation of new vehicular access and erection of front boundary wall and gates

Application No.: 69058 **App. Type:** FUL 27/02/2023 Approve with Conditions
Location: 61 Kings Road, Prestwich, Manchester, M25 0LQ
Proposal: Single storey front extension; Single and first floor rear extension; Loft conversion with rear dormers, roof extension at side with pitched section to the front

Application No.: 69060 **App. Type:** FUL 20/02/2023 Refused
Location: 10 & 12 Harrogate Avenue, Prestwich, Manchester, M25 0LT
Proposal: 10 & 12 - Raise roof ridge height
12 - Loft conversion with dormer at rear

Application No.: 69082 **App. Type:** FUL 13/02/2023 Approve with Conditions
Location: 29 The Meadows, Prestwich, Manchester, M25 1DT
Proposal: Single storey extensions to side and rear

Application No.: 69134 **App. Type:** FUL 16/02/2023 Approve with Conditions
Location: 1 Russell Street, Prestwich, Manchester, M25 1EQ
Proposal: Single storey wrap around front/side/rear extension

Application No.: 69157 **App. Type:** FUL 27/02/2023 Refused
Location: 4 Craigwell Road, Prestwich, Manchester, M25 0EF
Proposal: Two storey extension at side/rear with front bay; Loft conversion with front and rear windows and Increased roof height

Application No.: 69197 **App. Type:** FUL 17/02/2023 Approve with Conditions
Location: 27 Parkway, Prestwich, Manchester, M25 0JB
Proposal: Two storey rear extension and Part single/Part two storey side extension

Application No.: 69210 **App. Type:** FUL 16/02/2023 Approve with Conditions
Location: 8 Russell Street, Prestwich, Manchester, M25 1EQ
Proposal: Two storey side/rear extension; Single storey side and rear extension

Application No.: 69234 **App. Type:** FUL 03/03/2023 Approve with Conditions
Location: 14 Meadfoot Avenue, Prestwich, Manchester, M25 0AR
Proposal: Single storey rear extension and Hip to gable roof extension with rear and front dormers

Application No.: 69248 **App. Type:** FUL 02/03/2023 Approve with Conditions
Location: 20 George Street, Prestwich, Manchester, M25 9WS
Proposal: Loft conversion with rear/side dormer

Application No.: 69258 **App. Type:** FUL 02/03/2023 Approve with Conditions
Location: 36 Richmond Avenue, Prestwich, Manchester, M25 0LZ
Proposal: Erection of raised decking area with steps to garden level at rear

Application No.: 69290 **App. Type:** FUL 08/03/2023 Refused
Location: 69 Richmond Avenue, Prestwich, Manchester, M25 0LW
Proposal: Proposed rear dormer

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

Application No.: 68842 **App. Type:** FUL 06/03/2023 Approve with Conditions
Location: 1 Prestwich Park Road South, Prestwich, Manchester, M25 9PF
Proposal: Single storey extension at front/side; Single storey rear extension; Hip to gable roof conversion with new window to side elevation and rooflights to front and rear.

Application No.: 68999 **App. Type:** FUL 16/02/2023 Approve with Conditions
Location: 387 Bury New Road, Prestwich, Manchester, M25 1AW
Proposal: Extension and conversion of lower ground and ground floors to form 2 no. apartments; external alterations including removal of 1 no. ground floor window and addition of 3 no. ground floor windows

Application No.: 69049 **App. Type:** FUL 24/02/2023 Approve with Conditions
Location: 14 Prestwich Park Road South, Prestwich, Manchester, M25 9PE
Proposal: Replacement of existing windows - 12 no. front, 3 no. side and 7 no. rear of property

Application No.: 69121 **App. Type:** FUL 23/02/2023 Approve with Conditions
Location: 66 Agecroft Road West, Prestwich, Manchester, M25 9RH
Proposal: Two storey side extension; Single storey rear extension; Front porch

Application No.: 69125 **App. Type:** FUL 14/02/2023 Approve with Conditions
Location: 6 Butt Hill Drive, Prestwich, Manchester, M25 9PL
Proposal: Two storey rear extension with juliette balcony; Front porch; Extension to existing detached garage; New vehicular access to the front.

Application No.: 69165 **App. Type:** FUL 16/02/2023 Approve with Conditions
Location: Westholme, St Anns Road, Prestwich, Manchester, M25 9LD
Proposal: Single storey extension at side

Ward: **Radcliffe - East**

Application No.: 68968 **App. Type:** FUL 17/02/2023 Approve with Conditions
Location: 8 Church Street West, Radcliffe, Manchester, M26 2SQ
Proposal: Installation of a new shopfront, satellite dish and air conditioning units to rear elevavation

Application No.: 68969 **App. Type:** ADV 17/02/2023 Approve with Conditions
Location: 8 Church Street West, Radcliffe, Manchester, M26 2SQ
Proposal: 1 no. internally illuminated fascia sign and 1 no. internally illuminated projecting sign

Application No.: 69122 **App. Type:** FUL 13/02/2023 Approve with Conditions
Location: Fragrance Oils International Ltd, Eton Hill Road, Radcliffe, Manchester, M26 2FR
Proposal: Siting of 2 no. portakabins on the rear car park, to be used as shower/changing rooms for employees - for a temporary period of 4 years

Application No.: 69124 **App. Type:** FUL 27/02/2023 Approve with Conditions
Location: 52-54 Water Street, Radcliffe, Manchester, M26 4DF
Proposal: Change of use from dental surgery E(e) to dwelling house C3(a); removal of roller shutters and security bars, with single storey / two storey extension at rear; additional rear door, new bay window and porch to the front; 2 no. dormer windows and 3 no. loft windows to the rear and external alterations

Ward: **Radcliffe - North and Ainsworth**

Application No.: 69141 **App. Type:** FUL 17/02/2023 Approve with Conditions
Location: Travis Perkins, Bury And Bolton Road, Radcliffe, Manchester, M26 0FP
Proposal: Erection of 1 no. cabin; Alterations to traffic management and parking and additional external storage/racking

Application No.: 69292 **App. Type:** FUL 10/03/2023 Approve with Conditions
Location: 8 Aldford Grove, Radcliffe, Bolton, BL2 6RY
Proposal: Two storey side extension and Single storey rear extension

Ward: **Radcliffe - West**

Application No.: 69271 **App. Type:** FUL 24/02/2023 Approve with Conditions
Location: 240 Stand Lane, Radcliffe, Manchester, M26 1JP
Proposal: Loft conversion with 2 no. roof lights at front and dormers at side and rear

Application No.: 69335 **App. Type:** TEL 10/03/2023 Prior Approval Required and Refused
Location: Grass verge opposite 2 Byron Avenue, Radcliffe, Manchester, M26 3GU
Proposal: Prior approval for proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.

Ward: **Ramsbottom + Tottington - Tottington**

Application No.: 67799 **App. Type:** FUL 13/02/2023 Approve with Conditions
Location: Land adjacent to 88 Watling Street, Tottington, Bury, BL8 3QW
Proposal: Erection of 1 no. attached dwelling

Application No.: 68921 **App. Type:** FUL 08/03/2023 Approve with Conditions
Location: 19 Sunnywood Close, Tottington, Bury, BL8 3GH
Proposal: Single storey extension at rear

Application No.: 69133 **App. Type:** FUL 20/02/2023 Approve with Conditions
Location: 5 Pennine Close, Bury, BL8 1RB
Proposal: Front porch extension; Front dormer extension; Dormer at rear; Single storey rear extension; Pitched roof to existing detached garage with single storey extension to form garden room; Render to external elevations

Application No.: 69137 **App. Type:** FUL 06/03/2023 Approve with Conditions
Location: 46 Booth Way, Tottington, Bury, BL8 3JW
Proposal: Alterations to dormer bungalow including first floor extension to front and rear and two storey extension to side to form a two storey property; Front porch; Single storey rear extension; Alterations to driveway and widening of existing dropped kerb.

Application No.: 69172 **App. Type:** FUL 06/03/2023 Refused
Location: Ferns Farm, Turton Road, Tottington, Bury, BL8 3QH
Proposal: Demolition of stables and erection of 1 no. dwelling

Application No.: 69214 **App. Type:** LDGP 01/03/2023 Lawful Development
Location: 84 Moyse Avenue, Tottington, Bury, BL8 3BL
Proposal: Lawful development certificate for proposed single storey rear extension

Application No.: 69246 **App. Type:** FUL 23/02/2023 Approve with Conditions
Location: 2 Chiltern Drive, Bury, BL8 1QY
Proposal: Single storey rear/side extension; Open porch to front; Alteration to existing vehicular access

Application No.: 69313 **App. Type:** FUL 08/03/2023 Approve with Conditions
Location: 3 Claybank Drive, Tottington, Bury, BL8 4BU
Proposal: First floor extension at side and garage conversion

Ward: **Ramsbottom and Tottington - Ramsbottom**

Application No.: 69070 **App. Type:** FUL 17/02/2023 Approve with Conditions
Location: Kays Cottage, Sheep Hey, 2 Leaches Road, Shuttleworth, Ramsbottom, Bury, BL0 0ND
Proposal: Erection of an agricultural building

Application No.: 69103 **App. Type:** CON 16/02/2023 Raise Objections
Location: Land west of Market Street, Edenfield, Lancashire
Proposal: Article 18 consultation from Rossendale Council (ref: 2022/0451) Full application for the erection of 238 no. residential dwellings (Use Class C3) and all associated works, including new access, landscaping and public open space.

Application No.: 69183 **App. Type:** FUL 06/03/2023 Approve with Conditions
Location: Holcombe C of E Primary School, Helmshore Road, Ramsbottom, Bury, BL8 4PA
Proposal: Installation of external canopy to provide sheltered outdoor play provision.

Application No.: 69278 **App. Type:** FUL 01/03/2023 Approve with Conditions
Location: 20 Whalley Road, Shuttleworth, Ramsbottom, Bury, BL0 0DE
Proposal: Single storey rear extension

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

Application No.: 69221 **App. Type:** FUL 23/02/2023 Approve with Conditions
Location: 34 Wingate Drive, Whitefield, Manchester, M45 7QY
Proposal: Two storey side extension; Single storey front extension; Single storey rear extension

Application No.: 69277 **App. Type:** FUL 24/02/2023 Approve with Conditions
Location: 2 Westlands, Whitefield, Manchester, M45 7HH
Proposal: Single storey front infill extension

Ward: **Whitefield + Unsworth - Unsworth**

Application No.: 68122 **App. Type:** FUL 01/03/2023 Refused
Location: Elms Bank Specialist Arts College, Ripon Avenue, Whitefield, Manchester, M45 8PJ
Proposal: Extension of car park for 19 new parking spaces

Application No.: 68851 **App. Type:** FUL 08/03/2023 Approve with Conditions
Location: 16 Stokesay Close, Bury, BL9 8DB
Proposal: Two storey extension at side, Front porch extension, Single storey extension at rear and decking at rear

Application No.: 68944 **App. Type:** FUL 16/02/2023 Approve with Conditions
Location: Asda Stores Ltd, Park 66, Pilsworth Road, Bury, BL9 8RS
Proposal: Erection of 1 no. drive thru coffee unit and associated works

Application No.: 69238 **App. Type:** FUL 24/02/2023 Approve with Conditions
Location: 47 Ajax Drive, Bury, BL9 8EF
Proposal: Single storey side extension

Application No.: 69256 **App. Type:** GPDE 01/03/2023 Prior Approval Not Required - Extension
Location: 15 Laburnum Drive, Bury, BL9 8NB
Proposal: Prior approval for proposed single storey rear extension

Total Number of Applications Decided: 75

This page is intentionally left blank

REPORT FOR NOTING

Agenda Item 6

Bury
COUNCIL

**Agenda
Item**

6

| | |
|---|---|
| DECISION OF: | PLANNING CONTROL COMMITTEE |
| DATE: | 21 March 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 Lodged
between 13/02/2023 and 12/03/2023**



Application No.: 68881/FUL

Appeal lodged: 23/02/2023

Decision level: DEL

Appeal Type: Written Representations

Recommended Decision: Refuse

Applicant: K-Outlet

Location 6-9 Park Hill, Bury Old Road, Prestwich, Manchester, M25 0FX

Proposal Retention of five shipping containers

Total Number of Appeals Lodged: 1

**Planning Appeals Decided
between 13/02/2023 and 12/03/2023**



Application No.: 65844/FUL

Appeal Decision: Dismissed

Decision level: COM

Date: 14/02/2023

Recommended Decision: Minded to Approve

Appeal type: Written Representations

Applicant: Eccleston Homes Limited

Location: Former Mondi/Holcombe Mill, Bridge Street, Ramsbottom, Bury, BL0 0BS

Proposal: Erection of 73 no. dwellings including the retention and conversion of 2 existing buildings to residential use (5 no. units), the retention of a chimney and the demolition of a derelict building, together with engineering operations to create a development platform and associated parking, landscaping, drainage, the layout of internal estate roads and footways and other associated works



Appeal Decision

Site visit made on 3 January 2022

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2023

Appeal Ref: APP/T4210/W/22/3302543

Former Mondi/Holcombe Mill, Bridge Street, Ramsbottom BL0 OBS

- 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 Eccleston Homes Limited against the decision of Bury Metropolitan Borough Council.
 - The application Ref 65844, dated 10 August 2022, was refused by notice dated 7 June 2022.
 - The development proposed is the erection of 72 dwellings including the retention and conversion of 2 existing buildings, the retention of a chimney and the demolition of a derelict building, together with engineering operations to create a development platform and associated parking, landscaping, drainage, the layout of internal estate roads and footways and other associated works.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Eccleston Homes Limited against Bury Metropolitan Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The description in the banner heading above was taken from the planning application form. Following revisions to the scheme proposal during the Council's consideration of the planning application, the description was amended to 'Erection of 73 no. dwellings including the retention and conversion of 2 existing buildings to residential use (5 no. units), the retention of a chimney and the demolition of a derelict building, together with engineering operations to create a development platform and associated parking, landscaping, drainage, the layout of internal estate roads and footways and other associated works'. This was the proposal on which the Council made its decision and so shall I.
4. A completed deed as a planning obligation made pursuant to s106 of the Town and Country Planning Act 1990 (as amended) (the Act) has been submitted with the appeal. It includes obligations to come into effect if planning permission is granted. I return to this matter later in my decision.

Main Issues

5. The main issues are the effect of the development on:

- flood risk
- highway safety and capacity.

Reasons

Flood risk

6. The appeal site lies adjacent to the River Irwell, a main river. The Environment Agency's (the EA) flood risk mapping shows the majority of the site to lie in Flood Zone 3. More limited areas to the west lie in Flood Zone 2 and then Flood Zone 1.
7. Policy EN5/1 of the Bury Unitary Development Plan [1997] (the UDP), seeks to ensure that new development is not at risk from flooding and does not increase the risk of flooding elsewhere. Although it pre-dates the detailed tests in relation to flood risk as set out in the revised National Planning Policy Framework (the Framework), it remains consistent with its aims. Pursuant to Paragraph 219 of the Framework, I find it is therefore entitled to significant weight in the appeal.
8. Paragraph 167 and Footnote 55 of the Framework require applications in flood risk areas to be accompanied by a site-specific flood risk assessment (FRA). Planning Practice Guidance¹ (PPG) advises that the FRA should demonstrate current and future risks to the development, off-site risks, measures to address any identified risks, and evidence to demonstrate that necessary sequential and exception tests are met. The Framework confirms this is relevant to all sources of flooding.
9. A FRA and associated documentation were provided by the appellant. An extended site search exercise carried out by the appellant indicates that there were no sites available to deliver a similar amount of new housing in the northern part of the borough which were at lower risk of flooding. Accordingly, there is no dispute between the main parties that the sequential test, which seeks to direct development to available locations with the lowest risk of flooding, would be met. Having regard to the revised search area and lack of evidence to demonstrate otherwise, I am satisfied that the requirement of the sequential test is met.
10. The residential development of the site would introduce a More Vulnerable development type as classified in Annex 3 of the Framework. Where existing buildings would be reused, this would elevate the vulnerability classification from a Less Vulnerable former use to a More Vulnerable use.
11. Accordingly, in line with Paragraph 163 of the Framework and Table 2 of the PPG², the exception test applies. This requires demonstration that development proposed in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk; and, that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

¹ Paragraph: 020 Reference ID: 7-020-20220825

² Paragraph: 079 Reference ID: 7-079-20220825

Paragraph 165 makes it clear that both elements of the exception test should be satisfied for the development to be permitted.

12. The FRA provides an analysis of existing flood risks and future risks with the development in place. In relation to flood risk from the River Irwell, there is little dispute between the main parties that the proposal to set the new development on a raised platform to ensure sufficient freeboard above modelled flood levels would limit flood risk on the site and elsewhere. This would take account of the anticipated increases in precipitation and river levels due to climate change.
13. Policy EN5/1 seeks to prevent land raising as a method of protecting development from flooding. This could displace flood water storage capacity in those areas identified as being susceptible to inundation. However, a proposed area of open space between the housing and the river channel to the east would be capable of providing compensatory flood water storage capacity for the displacement effects of the platform. A review of the modelled scenarios by the EA suggests that any off-site fluvial flooding effects would be negligible.
14. Although some floor levels are shown to be below the recommended freeboard in the FRA, there is little to suggest that this could not be adequately addressed through planning condition to require it in the new buildings. Any additional displacement capacity could also be secured in this manner.
15. In relation to the northernmost existing building, the modelling suggests that this unit and the site access road could be flooded to a depth of no greater than 0.5m in the design event (1:100 + 35%). This would result in a risk as a consequence of fluvial flooding to those parts of the site and adjacent land.
16. Compared to the existing unmanaged overland flows of surface water on the site, a proposed separate surface water system would provide improvements to the management of site surface water. This would include use of the existing former mill race and a large culvert to provide storage capacity, flow rate control and potential improvement to water quality outputs from the site.
17. Subject to the regular maintenance requirements identified by the appellant being secured, I have little doubt that this would provide a benefit to the site surface water regime. In conjunction with considerably reducing the extent of oversite hard surfacing, the FRA estimates that the development would lead to a 30% reduction in peak surface water discharge to the River Irwell. This would provide some benefits to the discharge profile of water into the river below the site.
18. There is some dispute as to the effects of the proposed unrestricted output of the foul water drainage system into a combined sewer crossing the site. It is evident from the information before me that a concern was raised in relation to the foul flows during the Council's consideration of the planning application. This culminated in its first reason for refusal. This was based on United Utilities (UU) modelling demonstrating that the proposed connection, which cannot be legally refused by UU, could add to flood risk from that source. Although the modelling has not subsequently been provided in evidence, this was estimated as some 14.9m³.
19. There is limited information provided by either main party as to the ability for the combined sewer to accommodate the foul flows during storm events.

- Although the appellant's specialist advisor casts some doubt on the accuracy of the modelling and therefore the degree to which the foul drainage could exacerbate flood risk from this source, there is little conclusive evidence to demonstrate that additional flooding would not arise from the combined sewer.
20. The appellant contests that the designed capacity within the proposed foul drainage would accommodate more than the anticipated volume of surcharge arising from the development's foul drainage system. However, as much of this would be set at levels higher than some sewer cover levels in the locality and in the downstream section of the sewer, it is unclear as to the extent of any attenuation effect, or its impact on surcharging of the sewer.
 21. The appellant asserts that a modelled flow from the former mill anticipates that foul flows would have been greater than that anticipated from the proposed development. However, that use has long since ceased and the site was substantially cleared some time ago. Although there is evidence of former connections, there is little to suggest any managed foul flows are currently directed to the sewer. In the circumstances, I consider that 'fallback' of little merit.
 22. Having regard to the inconclusive representations of both parties on this matter, I find there is insufficient evidence to demonstrate that there would be no residual potential risk from the combined sewer as a possible source of flooding in the locality of the site. The imposition on UU to accept foul drainage does not, in itself, eliminate foul flooding concerns.
 23. The FRA confirms that the site has been modelled to be at moderate to significant risk of groundwater flooding. The report asserts that this modelled estimate is overstated due to the extent of the existing hard cover currently on the site and a measurement of existing groundwater levels. However, as much of the site cover would be removed, there is little to qualify any subsequent risk in relation to that source of flooding.
 24. Parts of the site are modelled by the EA to be at high risk from surface water flooding. This includes the northernmost building for conversion (identified as Building A in the submitted plans), areas about Building B and parts of the mill race. In addition to the design event for fluvial sources of flooding, the EAs mapping also identifies parts of Bridge Street to be at high risk from surface water flooding. This includes the location of the main access.
 25. Some surface water could be directed away from buildings by lowering ground levels at the north-western corner of the site. This would potentially provide some localised benefit by directing some flows to the mill race. However, during inundation events it is anticipated that exceedance flows would be directed along internal roadways. At the northern part of the site this is shown to flow towards the buildings for conversion, which would be below the level of the adjacent carriageway. It is therefore anticipated that some risk to those buildings would arise from those sources of flooding.
 26. Paragraph 167 of the revised Framework requires that, amongst other things, safe access and escape routes are included where appropriate, as part of an agreed emergency plan. The FRA identifies that there is some risk associated with access/egress from the site during a design event or more extreme events. The extent of flooding on Bridge Street is assessed as being between

low to moderate in the design event. A flood hazard assessment³ carried out by the appellant suggests that access via Bridge Street would be a low hazard in times of flood. The appellant contests that this would provide safe access and egress for emergency service vehicles who could attend to those taking safe refuge in the houses.

27. A Flood Plan submitted by the appellant relies, in part, on residents and visitors taking safe refuge in the new houses or at first floor level within the refurbished residential dwellings. However, the buildings for conversion in block A, would be converted into 3 units. This would include 2 single level units at the ground floor. Accordingly, an upper floor refuge would not be a secured option for those residents.
28. During such events, some residents – particularly the elderly or those with more limited mobility, would potentially have significant difficulty evacuating a site where pedestrian and vehicle routes could be inundated. Although the depth of water might be limited, the Flood Plan highlights that walking through moving water should be avoided. There is little evidence provided as to what measures might be capable of securing a more suitable evacuation route or, therefore, whether it could be achieved without undue risk to residents or those who might consequently be responsible for their evacuation. In that absence, this could result in an additional burden for emergency services who would be required to assist.
29. Although the Council have considered the Flood Plan, it reports that it only supports the principle of its content. The EA's advice referred the parties to the guide Flood Risk Emergency Plans for New Development [Sept. 2019]. Contrary to the Council's proposed approach, this makes it clear that is not appropriate to defer consideration of emergency planning matters using pre-commencement planning conditions.
30. As off-site requirements to deliver escape solutions may be necessary, and could only be secured by way of properly assessed Grampian condition/s or an obligation under s106 of the Act, a pre-commencement condition could nullify the benefit of any planning permission it was attached to. It would not therefore pass the test of reasonableness, as set out in Paragraph 55 of the Framework. Moreover, it could not guarantee that the development would be safe for its lifetime having regard to the vulnerability of its users to make the development acceptable in planning terms.
31. As proposed, the Flood Plan would render vulnerable users to be heavily reliant on third parties or emergency services. The EAs guidance highlights that additional burdens on the emergency services can increase the risk to existing communities that are already reliant on emergency services provision. Where additional load would be imposed, this should be mitigated by covering associated costs. This would require an undertaking on the part of the site developer.
32. The Flood Plan envisages a site management company as the Flood Plan Coordinator. It would provide information and advice to representatives of individual households, review details contained in the Flood Plan on a quarterly basis and seek its independent review annually. However, there is little detail

³ Dwg. 4714_034_Q100_CC25_ZUK0 Rev A

of how that arrangement would effectively operate, or the mechanism to secure it over the lifetime of the development.

33. There is no dispute between the main parties that the proposal would provide wider public benefits. This would comprise the benefits of housing delivery, including affordable units, and the effective use of a derelict brownfield site located close to services and facilities. It would respond to local land-use demand, provide management of the site surface water regime to limit peak flows to the River Irwell and provide public access to open space alongside it. Economic benefits would also arise from its construction and occupation phases.
34. Taking all of the above together, I find that the totality of the level of flood risks associated with groundwater, foul drainage, fluvial and surface water sources to be insufficiently clear. It is not therefore possible to determine that the benefits of the scheme would outweigh the flood risks in the particular circumstances of the case. On the balance of the evidence provided, I am not persuaded that the requirements in Paragraphs 164 a) and b) relating to the exceptions test, or that in Paragraph 167 e) of the Framework would be met.
35. For those reasons, I cannot be certain that the proposed development would not cause an elevated risk of flooding elsewhere or that the development could be made safe for the intended 'more vulnerable' occupants of the site over its lifetime. In the absence of demonstrated compliance with the exceptions test, I find the development would thereby conflict with saved Policy EN5/1 of the UDP and the Framework which require that the development should be safe for its lifetime without increasing flood risk elsewhere.

Highway safety and capacity

36. The site lies within the area of Ramsbottom town centre. The scheme would utilise an existing access road serving the site and sports clubs located between the East Lancashire railway and the river corridor. The existing access road would be widened and realigned to provide improved pedestrian and vehicular access on to Bridge Street, a main route through the town centre.
37. Additional pedestrian access points would be installed further east on the site's northern frontage. One former vehicular access close to the point Bridge Street meets Peel Brow would be blocked up to vehicular traffic, another would be restricted to emergency access only. This would prevent their general use and reduce the number of access points on this length of Bridge Street. The Bridge Street pavement would be reinstated to provide a continuous footway along its southern side.
38. Saved Policy H2/2 of the UDP seeks layouts of development that, amongst other things, provide adequate parking provision, access for vehicles and pedestrians, access to public transport and traffic calming where necessary. For new development Policy HT4 supports sustainable development that will assist in the implementation of a balanced transport strategy and minimise the environmental impact of traffic. Development is encouraged where use can be made of public transport or spare capacity in the existing highway network.
39. The scheme layout includes a legible hierarchy of roads, pavements, shared surfaces and driveways. Alongside vehicle turning heads, raised speed tables at key junctions and junction geometry to provide good intervisibility between

different users, facilities would exist for the limiting of road traffic speeds and allow for permeability for all users, including larger service vehicles. Alongside the proposals to incorporate measures to address identified safety concerns in a Road Safety Audit of the site and accesses, I find there is little evidence to demonstrate that the proposed layout and design of access infrastructure would lead to an unacceptable impact on highway safety.

40. Visibility at the access on to Bridge Street has been demonstrated to be sufficient to allow safe egress from the access road. In conjunction with carriageway widening to 5.5m, 6m radii and in-highway 'Keep Clear' markings on the nearside carriageway of Bridge Street, this would allow for a suitable standard of vehicular access to serve the development proposed. Additionally, pedestrian routes within and from the site, across the improved junction and along the northern edge of the site would be included and/or enhanced to provide safe routes for non-vehicular traffic within and about the site. These would facilitate safe and easy access to the nearby town centre shops, services and facilities, including local bus stops.
41. Using industry standard assessment methodologies, the appellant's Traffic Assessment indicates that the development of 72 new residential units would generate some 37 vehicle movements in the morning peak and 38 in the evening peak hour at the proposed access. As this does not apply any reduction for the fact that about a quarter of the units would be apartments – known to generally generate less than dwellinghouses, these figures would not be materially different taking account of the additional unit arising from the scheme amendments during the Council's consideration of the planning application.
42. Those peak flows have been applied to modelled trip distribution in the local road network, including allowances for likely traffic increases to 2025. These illustrate that the traffic associated with the development would have little material impact on capacities in the local network, including a number of key junctions in the locality. Only in relation to peak flows through a junction at Manchester Road (A56) and Bury New Road, some distance to the east of the site, were some concerns expressed by Transport for Greater Manchester (TfGM) due to existing capacity concerns.
43. In relation to the assessment of the A56 junction, the pre-development situation shows that this operates at over a 90% capacity threshold in the evening peak hour and therefore has a variable level of operation. The proposal is calculated to increase queuing by some 2.2 vehicles on the south link of the A56 during the evening peak as the most significant effect. In the context of daily variations this is a limited effect. This is not disputed by the Council or its highway advisors.
44. Notwithstanding the above, TfGM have requested that the costs of installing a microprocessor optimised vehicle actuation system (MOVA) at the junction are met by the developer and secured by way of an obligation under s.106 of the Act. This could deliver junction efficiencies far exceeding the identified effects upon it. This is a matter I return to below. However, at this point it is important to acknowledge that the effect of traffic on the A56/Bury New Road would be limited. It would remain at the variable operating level and below the 100% Degree of Saturation (overloaded conditions). It would not then exceed the

- threshold defined in Paragraph 111 of the Framework as the residual cumulative effect of the proposals would not be severe.
45. The modelled traffic generation at the proposed site access on Bridge Street shows that the access could operate without significant queuing or delays. Again, this is not contested by the Council.
46. In support of its decision the Council directs me to the findings in the Ramsbottom Town Centre Plan [March 2022] (the TCP). Although the document does not form part of the development plan it provides an up-to-date commentary of local strengths and weaknesses in relation to the longer-term aspirations and vision for the town centre area.
47. The TCP acknowledges that Bridge Street is part of an important east-west link between significant classified A-roads in the area. It highlights a concern that the locality is often subject to high volumes of traffic sometimes resulting in congestion and thereby frustrating pedestrian movement in the town centre, particularly during busy visitor times. In conjunction with the fine grain of historic development close to the centre, it notes that the traffic tends to dominate at some cost to pedestrians.
48. There is no dispute that the proposal would introduce additional traffic into an area already suffering from periods of traffic congestion. This would be most notable at peak period times. However, there is little evidence presented by the Council of either existing assessed highway safety concerns or those that might arise from the design arrangement or additional traffic associated with the proposal.
49. There is also no dispute that, as a site located adjacent to the existing town centre facilities, it is well located in terms of limiting travel demands, particularly by private motorised vehicles. In a highly accessible location with access to sustainable means of transport, trips by private motor vehicle can be expected to be less in comparison to more distant housing locations. Additionally, subject to imposing targets, monitoring and management requirements, vehicle trip generation could be further reduced by the implementation of a Travel Plan for residents of the site.
50. I recognise the TCP and expressed local concerns in relation to the levels of town centre parking. However, the scheme would comply with the maximum standards described in the Development Control Policy Guidance Note 11 – Parking Standards in Bury. As a cul-de-sac development with adequate parking for a scheme close to the town centre, there is little to suggest this would exacerbate those concerns or result in out-spill to the detriment of highway safety or traffic movement.
51. The East Lancashire Railway runs adjacent to the western side of the site. This is currently operated by rail enthusiasts as a local visitor attraction. The operation of the heritage railway involves the use of a gated crossing on Bridge Street. According to representations of some third parties, during times when the line is in use the effect of the crossing on traffic flows along Bridge Street can result in significant queuing, both along Bridge Street and local tributary roads. Whilst I have little doubt that the traffic associated with the development would add to existing levels of congestion caused by the operation of the crossing at those times, there is little before me to demonstrate that those effects could be described as severe.

52. I note that the realisation of the City Valley Rail Link Scheme could result in greater use of the crossing. This could further impede the free flow of vehicular traffic on Bridge Street whilst offering alternative commuter transport options to residents. However, as a project yet to be implemented, it is not a matter of material weight in my determination of the appeal.
53. For the above reasons, having regard to the thresholds set out at Paragraph 111 of the Framework, I find that there is little to demonstrate that the proposed scheme would cause an unacceptable impact on highway safety or result in a severe impact on the road network. It would align with the requirements in saved Policies H2/2 and HT4 of the UDP as they seek good standards of residential layout and accessibility, including access to public transport, and where the existing highway network can accommodate the traffic generated by the development. For similar reasons it would be consistent with the requirements in the Framework.

Other Matters

54. Policy H4/1 of the UDP seeks the provision of affordable housing on major housing development sites. There is no dispute between the main parties that, subsequent to the findings of a viability appraisal, the scheme would be financially capable of delivering up to 10 affordable units.
55. In support of the proposals the appellant has provided a signed and sealed agreement with the Council as a planning obligation under s106 of the Act. In addition to securing the parameters relevant to affordable housing delivery on the site, the provision and management of public open space, the obligation includes a transport contribution, defined as £110,000 for transport infrastructure improvements.
56. The improvements would be the installation of MOVA at the A56/Bury New Road junction. For the reasons given above, I find that requirement to be excessive and would not be necessary to make the development acceptable in planning terms. It would thereby conflict with Regulation 122 of the Community Infrastructure Levy Regulations 2010. However, the obligation incorporates a 'blue pencil' clause which requires my determination to be taken into account. Accordingly, the requirement to pay the contribution would fall away without recourse to variation of the obligation. It would remain lawful having regard to the 3 tests set out in the Regulation.
57. A noise assessment undertaken by the appellant is limited to road, railway and sportsground sources only. I note the concerns of an existing large distribution centre located in close proximity to the site and the potential for prospective occupiers to be disturbed by their established activities. These may extend to unsociable hours. Given the findings of the acoustic report in relation to other noise sources and identified requirements for acoustic barriers, it is surprising that the potential effects and any attendant requirement for noise shielding in a prominent location have not been considered as part of that exercise. However, pursuant to my findings on the matter of flood risk, my decision does not turn on this issue.
58. The existing buildings on the site lie within the Ramsbottom Conservation Area (the CA), an amalgamation of 3 previously designated Conservation Areas. There is no dispute between the main parties that the proposed development would not have an adverse effect on the character or appearance of the CA or

its setting. Pursuant to the duty under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, having considered the proposal and visited the site, I concur with that view subject to agreement of suitable materials for the proposed buildings, the means of enclosure (including acoustic barriers), and the detailing of conversion works.

59. This is because those traditional buildings on the site which stem from a chapter in the town's successful development from the late 1700's onwards were formerly dominated by large scale industrial buildings and currently suffer various degrees of dilapidation in a poor setting. The redevelopment of the site would improve the appearance of this part of the CA without harm to its wider character. Accordingly, it is my view that the development proposed would enhance those buildings capable of retention and re-use, and would preserve the character and appearance of the remainder of the designated area.
60. The claims that there are insufficient capacities in local services, including health and educational facilities are noted. However, these are matters beyond the requirements in the development plan or the control of the appellant. They are therefore matters of limited weight in the appeal.
61. An assessment of the site has identified the potential of the development to have an adverse effect on protected species (bats) due to roosting opportunities. Regulation 9 of the Conservation of Habitats and Species Regulations 2017 imposes a duty on me to have regard to the likelihood of European Protected Species being present and affected by the proposed development. It would normally be incumbent on me to determine whether the necessary licence would likely be granted to avoid a conflict with the Habitats Regulations. However, as I am dismissing this appeal for another reason, this has not been necessary. Aside from protected species and nesting bird concerns identified by the appellant, claims of wildlife use of the site are not supported by substantive evidence. I am therefore unable to attribute significant weight to this argument.
62. I note that some aspirations contained within the Town Centre Plan could be met by other uses of the site. However, the acceptability, or otherwise, of an alternative potential development is not a matter for this appeal.

Planning Balance and Conclusion

63. In support of the proposal the appellant refers me to the fact that the Council is unable to demonstrate a 5-year housing land supply and has a poor record of housing delivery in recent years. A recent assessment indicates a significant shortfall, with only 1.7 years supply of housing land. Although dated, this is not contested by the Council. Consequently footnote 8 of the Framework applies which engages para 11 d). However, pursuant to my finding in relation to the matter of flood risk, the policies in the Framework that protect areas or assets of particular importance (including areas at risk of flooding) provide a clear reason for refusing the development as set out in para 11d) i). Accordingly, the presumption in favour of sustainable development does not therefore apply.
64. Notwithstanding my finding in favour of the appellant in regard to highway safety and capacity, on the fundamental matter of risks to residents and those who may be required to attend to them in emergency situations, I do not find that the potential adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. Accordingly, I find the

proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not be allowed.

R Hitchcock

INSPECTOR



Costs Decision

Site visit made on 3 January 2023

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2023

Costs application in relation to Appeal Ref: APP/T4210/W/22/3302543 Former Mondi / Holcombe Mill, Bridge Street, Ramsbottom BL0 0BS

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Eccleston Homes Ltd for a full award of costs against Bury Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for the 'Erection of 73 no. dwellings including the retention and conversion of 2 existing buildings to residential use (5 no. units), the retention of a chimney and the demolition of a derelict building, together with engineering operations to create a development platform and associated parking, landscaping, drainage, the layout of internal estate roads and footways and other associated works'.
-

Decision

1. The application for a full award of costs is granted in the terms set out below.

Reasons

2. Paragraph 30 of the Government's Planning Practice Guidance (PPG)¹ advises that, irrespective of the outcome of an appeal, costs may be awarded where a party has behaved unreasonably, and that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. This can be on procedural or substantive grounds, or both.
3. In this case the Council's officer had recommended the application for approval. Whilst the Council is not duty bound to follow the advice of its professional officers, if a different decision is reached the Council must reasonably defend the appeal by clearly demonstrating why a proposal is unacceptable on planning grounds and provide clear evidence to substantiate that reasoning.
4. The applicant's claim suggests that the Council have relied on vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
5. It is the Council's position that, as part of the democratic process of planning decision making, the Council's Planning Control Committee applied local knowledge and concerns in relation to local flooding and highway conditions. These were issues upon which the Council took the advice of statutory and non-statutory consultees. They were the main issues in the appeal.
6. In relation to highway matters, the Council's concerns related to local highway capacity and road safety. In addition to highway concerns raised by third

¹ Paragraph: 030 Reference ID: 16-030-20140306

- parties, these are issues identified as of local concern in the Ramsbottom Town Centre Plan [2022] (the TCP). Although not part of the development plan, the document provides a useful recent commentary on local perceptions and aspirations in relation to matters including traffic management.
7. The applicant's Traffic Assessment (TA) provided a comprehensive assessment of the likely effects of the development in terms of potential traffic generation and local highway capacity. Alongside proposed layout plans, the TA also demonstrated that parking would be self-contained and non-vehicle road users would be safely provided for within the site.
 8. The TCP identifies pre-existing concerns in relation to town centre traffic congestion and the fact that road vehicle traffic dominates. However, little detail was provided to identify exactly what the Council considered the highway safety issues to be, or where they might arise because of the proposed development. The Council's statement is largely silent on the matter.
 9. In relation to the 'free-flow' of traffic, it is clear that the site, being close to the town centre and on one of few river crossing points linking main busy north-south routes, is in a key location. There is no dispute that the area is subject to congestion at peak times and when the railway crossing is operative. In addition to Bridge Street, some congestion also occurs at key local junctions.
 10. Although there was no dispute that additional traffic would arise, including during peak periods, the TA assessed the effects as limited. Even accounting for the operational limit of the main junction of the A56 and Bury New Road, additional queuing was identified to be at a relatively low level. In advising the Council, Transport for Greater Manchester (TfGM) considered it would exacerbate an existing poor situation at a signal-controlled junction. However, there was little to qualify that any aspect of the proposal would result in a severe network effect.
 11. As a material consideration that post-dates the saved policies in the development plan, the National Planning Policy Framework is clear that development should only be prevented on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
 12. TfGM provided a monetised valuation of the queueing effects of the development at the A56 junction. However, there is little within their assessment, or the Council's case, to suggest this would be a severe effect. In dismissing the offer of improvements to that junction to offset any adverse impacts, the Council have subsequently offered limited evidence as to any other adverse highway outcomes arising from the development.
 13. Furthermore, the Council's assessment seemed to disregard the fact that the site is allocated for employment uses. Those uses could generate considerable amounts of traffic in a similar manner to the former use of the site, including heavy goods vehicles. Traffic associated with alternative uses would also be subject to the effects of the railway line, as highlighted by third parties.
 14. I acknowledge that as a specialist matter, highway effects could be difficult to assess in the light of the various representations before the Committee. However, given the advice of the Council's highway advisors, if a different conclusion was to be reached, then detailed justification should have been

provided to support those views at appeal. Aside from reference to the general findings of the TCP, there is little specific detail of assessment of the effects of additional traffic or clarification as to what highway safety concerns and where they might present themselves. As described above, this should be clearly articulated for the purposes of defending an appeal. Having regard to the Council's submitted case, I find the detail provided was limited at best.

15. As much of the site lies in Flood Zone 3 and identified as being at high risk from other sources of flooding, the Council's degree of concern in relation to flood risk on the site and elsewhere was not unwarranted.
16. The Council's reason for refusal subsequently referred to a flooding event in 2015. Although I have little doubt that the extreme event gave rise to some flooding in the locality, its extent within the Flood Zone 3 area or the nature of its effects on or about the site were not qualified. It was therefore unclear as to any degree of relevance that that, or other local flooding events, held in relation to surface water or the combined sewer network.
17. The Council identified that the proposed foul input from the development could exacerbate concerns in relation to surface water and the combined sewer into which it was intended to flow. However, aside from the Environment Agency's (EA) flood risk mapping, provided by the applicant, the evidence to demonstrate it is limited.
18. The Council referred to the findings of modelling carried out by United Utilities (UU). Although this was not adamantly contested by the applicant, the Council failed to provide that, or any associated commentary from either UU or the Lead Local Flood Authority, to support its case in relation to either surface water or sewer flooding.
19. I acknowledge that in a location where surface water flooding is a high risk, where drainage is combined and some flows might be influenced by river levels, any assessment of development effects will be complex. However, if there were latent concerns held by the Council's officers, UU or the Lead Local Flood Authority prior to the Council's decision, then these were not made clear in the Council's report. Moreover, they have not been clearly demonstrated in evidence for the purposes of the appeal. Only the EA input expressed a residual concern.
20. Whilst it is for the applicant to demonstrate the extent to which modelled risks would be mitigated, if those risks are considered to be greater than claimed by the applicant, the Council should clearly explain why it has come to that conclusion. The Council's case in this regard appears to conflate proposed capacities in the foul and surface water systems to serve the development.
21. Notwithstanding my own finding in relation to this matter, I find the Council failed to sufficiently evidence and support its own case. Once more, I recognise that, as a decision-making committee, Members might not be expert in the technical application of the various aspects of drainage and rely on experiences of local flooding events. However, if a decision is made contrary to consultee views, then the reasons for coming to that view must be clearly demonstrated. Again, I find the Council's degree of evidence on the matter was limited.
22. I acknowledge the Council's contention that the balancing of the benefits of a scheme against identified harm is a matter for the decision-maker. However,

for the purposes of an appeal, it is incumbent on the Council to clearly articulate the nature and degree of the harm.

23. For the above reasons, I find that the Council failed to substantiate each reason for refusal and relied on generalised assertions about the proposal's impacts which were unsupported by objective analysis. Therefore, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has occurred. For this reason, and having regard to all other matters raised, an award for costs is therefore justified.

Costs Order

24. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Bury Metropolitan Borough Council shall pay to Ecclestone Homes Ltd the costs of the appeal proceedings described in the heading of this decision.
25. The applicant is now invited to submit to the Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

R Hitchcock

INSPECTOR

This page is intentionally left blank