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AGENDA FOR

PLANNING CONTROL COMMITTEE



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

To: All Members of Planning Control Committee

Councillors : S Thorpe (Chair), C Boles, D Duncalfe,
U Farooq, J Harris, M Hayes, B Ibrahim, D Quinn,
G Staples-Jones, 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 November 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/3206

AGENDA

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

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

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

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

4 PLANNING APPLICATIONS *(Pages 5 - 136)*

Reports attached.

5 DELEGATED DECISIONS *(Pages 137 - 148)*

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 149 - 166)*

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: 24 October 2023

Present: Councillor S Thorpe (in the Chair)
Councillors D Berry, C Boles, D Duncalfe, U Farooq, J Harris,
M Hayes, B Ibrahim, D Quinn, G Staples-Jones and D Vernon

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

PCC.1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by Councillor M Walsh.
Councillor D Berry acted as a substitute representative for Councillor Walsh.

PCC.2 DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

PCC.3 MINUTES OF THE MEETING HELD ON THE 26TH SEPTEMBER 2023

Delegated decision:

That the Minutes of the meeting held on the 26th September 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 number 70002.

The Committee heard representations from the applicant in respect of an application submitted. This was limited to three minutes for the speaker.

Delegated decisions:

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

Site of Radcliffe Leisure Centre, Spring Lane, Radcliffe, Manchester, M26 2SZ

Demolition of existing school buildings/temporary leisure centre and erection of a two storey temporary school building, external landscaping and associated site infrastructure

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

10 Springside Road, Bury, BL9 5JE

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

PCC.5 DELEGATED DECISIONS

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

Delegated decision:

That the report and appendices be noted.

PCC.6 PLANNING APPEALS

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

Delegated decision:

That the report and appendices be noted.

PCC.7 URGENT BUSINESS

No urgent business was reported.

COUNCILLOR S THORPE
Chair

(Note: The meeting started at 7.00pm and ended at 7.25pm)

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

Executive Summary

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

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

This report has the following implications

Township Forum/ Ward: Identified in each case.

Policy: Identified in each case.

Resources: Not generally applicable.

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

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

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

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

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

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

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

Development Manager

Background Documents

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

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

01	Township Forum - Ward: North Manor	App No. 69054
	Location: Abbots Hall, Woodhey Road, Ramsbottom, Bury, BL0 9RD	
	Proposal: Removal of condition 3 of planning permission ref. 54822 - to remove the occupancy restriction	
	Recommendation: Approve with Conditions	Site Visit: N
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02	Township Forum - Ward: Ramsbottom and Tottington - Ramsbottom	App No. 69702
	Location: Unit, 1-2 Halter Inn Works, 11 Redisher Croft, Ramsbottom, Bury, BL0 9SA	
	Proposal: Demolition of existing industrial buildings and erection of 3 no. detached dwellings	
	Recommendation: Approve with Conditions	Site Visit: N
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03	Township Forum - Ward: Ramsbottom and Tottington - Ramsbottom	App No. 69932
	Location: 5 Square Street, Ramsbottom, Bury, BL0 9BE	
	Proposal: Change of use from chiropractor (Class E) to bar (Sui Generis) (part retrospective)	
	Recommendation: Approve with Conditions	Site Visit: N
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04	Township Forum - Ward: Radcliffe - East	App No. 70044
	Location: 47 Church Street West, Radcliffe, Manchester, M26 2SP	
	Proposal: First floor extension at rear	
	Recommendation: Approve with Conditions	Site Visit: N
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05	Township Forum - Ward: Whitefield + Unsworth - Unsworth	App No. 70061
	Location: 25 Randle Drive, Bury, BL9 8HZ	
	Proposal: Change of use from dwelling (Class C3) to children's residential care home (Class C2)	
	Recommendation: Approve with Conditions	Site Visit: N
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06	Township Forum - Ward: Radcliffe - East	App No. 70071
	Location: Site of Radcliffe Leisure Centre, Spring Lane, Radcliffe, Manchester, M26 2SZ	
	Proposal: Erection of new secondary school alongside supporting sports facilities, car parking, landscaping, site infrastructure, new access road and associated access infrastructure	
	Recommendation: Approve with Conditions	Site Visit: N
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Ward: North Manor

Item 01

Applicant: Mr & Mrs Derek Abbott

Location: Abbotts Hall, Woodhey Road, Ramsbottom, Bury, BL0 9RD

Proposal: Removal of condition 3 of planning permission ref. 54822 - to remove the occupancy restriction

Application Ref: 69054/Full

Target Date: 02/01/2023

Recommendation: Approve with Conditions

Description

The application site is located to the east of Woodhey Road and is within the Green Belt. Planning permission was granted for the erection of a farm building for rabbit breeding and an associated farmhouse in 1992 and works commenced on the two buildings soon after. The dwelling, which is located adjacent to Woodhey Road, was not completed until 2012 and the farm building is located at the eastern end of the site. There is an unmade access, which passes along the northern boundary of the site and links the farm building to Woodhey Road. There is a bank of mature trees along the southern boundary. Woodhey Road is a public footpath and connects the site to Bolton Road West.

There are open fields to the east of the site and residential dwellings some 140 metres to the south west. Woodhey High School is located to the northwest and there are two residential dwellings some 95 metres to the north.

Planning permission (54822) was granted in March 2012 to vary the wording of condition 3 to allow the occupancy of the dwelling by a person mainly or solely in aquaponics or agriculture.

Consent was granted in July 2023 for the conversion of the agricultural building to 3 residential dwellings under prior approval (69509).

Proposed development

The proposed development involves the removal of condition 3 from permission 54822. The condition states:

The occupation of the dwelling shall be limited to a person solely or mainly employed in the locality in aquaponics (fish breeding for food) or agriculture (as defined in Section 336 (1) of the Town and Country Planning Act 1990 (including any dependants of such a person residing with him/her) or a widow of such a person.

The reason the condition was imposed is because the dwelling did not meet the Green Belt policy tests applicable at the time, but it was demonstrated that there was an overriding need for a dwelling in this location for an agricultural worker.

Relevant Planning History

C/23055/89 - Erection of rabbit farm buildings and farmhouse at land at Woodhey Road, Holcombe Brook. Approved with conditions - 14 September 1989.

C/27209/92 - Approval of reserved matters: erection of rabbit farm building and farmhouse at land at Woodhey Farm, Woodhey Road, Holcombe Brook. Approved with conditions - 9 July 1992

52941 - Application for non material amendment following grant of planning permission 27209 for change of window openings and door and alterations / infill to south elevation at

Abbotts Hall, Woodhey Road, Ramsbottom - Refused - 14 September 2010

52941 - Application for non material amendment following grant of planning permission 27209 for change of window openings and door and alterations / infill to south elevation at Abbotts Hall, Woodhey Road, Ramsbottom - Refused - 14 September 2010

54822 - Variation of conditions. New conditions to read No. 3. The occupation of the dwelling shall be limited to a person solely or mainly employed in the locality in aquaponics and/or agriculture. No. 5. The agricultural buildings hereby approved shall be used exclusively for aquaponics and/or agriculture at land at Woodhey Farm, Woodhey Road, Ramsbottom. Approved with conditions - 20 March 2012.

66045 - Extension to dwelling to provide quarantine area for fish in connection with existing business and a garage at Abbotts Hall, Woodhey Road, Ramsbottom. Withdrawn - 25 January 2021.

68483 - Prior approval for new agricultural building for the storage of hay and equipment at land off Woodhey Road, Ramsbottom. Prior approval required and refused - 8 July 2022 (residential amenity and lack of information).

69509 - Prior approval of proposed change of use of agricultural building to 3 no. dwellinghouses (Use Class C3) at Abbotts Hall, Woodhey Road, Ramsbottom. Prior approval required and granted - 20 July 2023.

Enforcement

13/0327 - Change of use to business at Abbotts Hall, Woodhey Road, Ramsbottom. Case closed - 1 August 2013.

13/0348 - Construction of a dwelling at Abbotts Hall, Woodhey Road, Ramsbottom. Case closed - 28 October 2013

13/0569 - Occupancy Condition at Abbotts Hall, Woodhey Road, Ramsbottom. Case closed - 1 April 2014.

14/0237 - Breach of agricultural occupancy condition at Abbotts Hall, Woodhey Road, Ramsbottom. Case closed - 29 July 2014

21/0114 - Unauthorised parking on land and caravan storage at Abbotts Hall, Woodhey Road, Ramsbottom.

Publicity

The neighbouring properties were notified by means of a letter on 22 November 2022 and a press notice was published in the Bury Times on 8 December 2022. Site notices were posted on 2 December 2022.

18 letters have been received. Many points are of no relevance to the application at hand ie removal of the planning condition restricting occupancy. Many points raise private dispute matters and personal accusations are thus not reported.

- Never operated as a rabbit breeding business. The applicant's son is still advertised as the proprietor of Aguaponics Ltd even though the applicant states his son has no interest or experience in aquaponics.
- Applicant applied for a fish quarantine building next to his farmhouse. This application was made after Aguaponics Ltd was dissolved. Also he recently applied for a large barn for farm equipment and hay but in his current application he states that he is unlikely to derive any income from agriculture or aquaponics.
- In 30 years, no serious effort has been made to establish any viable agricultural business.
- Only 4 months ago, the applicants sought permission to build a large barn on the green belt site claiming it was needed by their thriving farming business.

- The applicants should be required to sell the property to people who do meet the planning condition.
- When their occupancy was challenged in 2014, they claimed that they did not own the property, that it was their son's and that he was involved in agriculture and met the occupancy condition. Page 2 admits that the son 'has no interest or qualifications/experience in either farming or aquaponics industry'.
- The original condition was imposed as the site is in a green belt area. This has not changed. The fact that the applicants' personal circumstances have changed is not relevant - if they are in ill health and semi-retired, then they can sell the property to somebody who will use it for its intended purpose - and buy a property more suited for their needs.
- Just because somebody is not/cannot comply with a condition, it does not mean the condition should be removed.
- I strongly object to the proposal to remove condition 3 of the planning proposal ref 54822, as it would appear that there was never any intention of farming/ aquaponics other than to circumvent the local planning regulations on green belt land, and significantly increase the value of their assets. If the planning department agree and support such a change, then it sends a very clear statement to all developers of a similar disposition - that there are no rules that personal gain of the developer overrides that of the community in general, and the value of green belt land for future generations will diminish rapidly.
- A large barn was constructed in 1996 and footings put down for the farmhouse. However, the barn was used to store used cars and no form of rabbit farm was attempted.
- The farmhouse was completed in late 2012 and the applicants moved in and no agricultural activity took place - the barn was still full of cars. The Council investigated in 2013 and in 2014 found the Abbotts were in breach of the condition. The property was sold to their son and it was claimed that he was involved in agriculture and produced a business plan for a fish farming business.
- The business never took off and the whole thing was quietly shut down and the company dissolved. The applicant should provide details of the business turnover and profit and a list of customers and suppliers. Since then, the barn has been used for car storage only.
- Various commercial activities that have taken place at Abbotts Farm during this time. The most recent activity is the storage and repair of caravans on the land to the south east of the dwelling which is advertised at the entrance to the site, although there is no record of a planning application for the change of use of the land to allow these activities to take place.
- The removal of the occupancy condition is wholly unwarranted and would undermine Green Belt policy against which the original planning application was assessed and that which remains in place today.
- The supporting letter from the applicants' agent Roman Summer acknowledges that at the time of granting planning permission for the dwelling, and indeed now, planning permission for a new dwelling within the Green Belt would be resisted unless very special circumstances were demonstrated or if one of the exceptions criteria is met. Whilst time has moved on, the restrictive Green Belt policy has not fundamentally changed, either at local or national level
- An appeal decision in October 2019 addresses the removal of an agriculture occupancy condition in relation to a dwelling approved for use in connection with an agricultural holding in Cadeleigh, Mid Devon - 'While national and local planning policies have evolved since the imposition of the disputed condition, the fundamental aim of controlling development within the countryside remains.'
- No clear very special circumstances have been put forward by the applicant to justify the removal of the occupancy condition. The applicants' claim that the land has a poor soil quality is not evidenced and the fact that the land is 'landlocked' is irrelevant as the land can be readily accessed and serviced from the existing access road from Woodhey Road. It is only if the farmhouse were to become severed from the agricultural land and sold on, which is very possible if the agricultural workers occupancy condition were to

be removed, that access may be restricted if future occupants did not want to share their residential access with agricultural vehicles.

- It is noted that the agricultural dwelling and land have not been advertised on the open market. Evidence of a robust marketing exercise is essential in order to confirm that there is no need for an agricultural workers' dwelling within the area. It is generally accepted that a dwelling of this nature should be marketed for a period of at least 6 months and ideally 12 to 18 months at the correct value for a dwelling with the agricultural tie in order to establish if the unit could become occupied by someone working in agriculture.
- If the occupancy condition were to be removed there is then the concern that there would be subsequent pressure for the change of use of the large building and surrounding yard to a use that would not ordinarily be appropriate development within the Green Belt. The presence of the unauthorised caravan business is already a concern and has a harmful impact on the openness and character of the land.
- The claim that much of the applicants' land is covered by trees is incorrect. However, what is apparent from images taken from Google Earth is that the natural character of much of the area of land contained within the unit has been significantly eroded over the years with natural vegetation having been removed, areas of hard surfacing laid and areas being used for the storage of various items including mobile homes. This in itself has had a harmful impact on the openness of the land.
- Within the applicants' agent's supporting letter it is stated that the dwelling has an extensive domestic curtilage with full permitted development rights intact. It would be very unusual for any new dwelling, with an agricultural tie or not, to be approved without a residential curtilage being defined, particularly within the Green Belt. The curtilage shown appears very large in comparison to the dwelling footprint, particularly in view of the Green Belt location where residential curtilages are usually kept to a minimum.
- The opportunity for the Council to remove permitted development rights, which is unlikely to permit extensions and outbuildings to the extent suggested by the applicants, does not justify the removal of the agricultural occupancy condition or amount to very special circumstances.

The neighbouring properties and objectors were notified of additional information by means of a letter on 2 November 2023.

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

- The new report adds little value.
- It is clear that the applicants have set out to minimise the possibility of the property being sold by excluding any land in the sale.
- The planning condition should remain. The sale price should be reduced to attract buyers or land included in the sale.
- The additional planning statement submitted claims the property has been robustly marketed without any offers for a period of 6 months. It is my opinion that this prospectus has been drawn up to achieve exactly what it has achieved, no interest at all, and another document from a commissioned associate to support the removal of condition 3 of the planning permission ref 54822.
- By inclusion in the marketing prospectus of the non negotiable clause that entitles the vendor or their successor to 90% of the resulting uplift in value of any future sale should the planning restriction be removed in the future - is an absolute deterrent to any buyer.
- Regardless of the submission of this additional document, it does not change the basis of the initial objections to this application.
- Abbots Hall which was built to the applicants' specification and has 2 living areas, 2 kitchens and 7 bedrooms according to the estate agents photographs. This is a different dwelling to those referred to in the cases in the additional planning statement.
- The statement also only refers to the
- applicants marketing the property and does not say they intend to sell it. Indeed the planning statement says that the applicants may develop the barn themselves "or alternatively sell the barn and its associated land to a property developer for housing."
- The additional planning statement refers to the applicant as former farmers but the

applicant is also a house builder and land developer.

- Planning permission has been granted for three houses in the barn. If the occupancy restriction is taken away from the associated farmhouse, the applicant could then argue the fields are redundant and apply more housing development on the fields.
- This would lead to more congestion on the single track lane that is used by walkers and school children.
- The applicant has tried to circumvent the planning process.
- There was never any real intention to establish a rabbit farm or any other agricultural activity at the site.
- Access is via a single track road - any increase in traffic would make it more dangerous.
- The lack of demand infers that the LPA has a duty to relax planning conditions - I do not believe that this is true and there is no such duty.
- Query whether the applicant's have lived at the property and ran an agricultural/aquaponics business from there.
- The applicant had no knowledge of rabbit farming when permission was granted in 1992 and no attempt at rabbit farming has ever been made.

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

Statutory/Non-Statutory Consultations

Traffic Section - No objections.

Environmental Health - Pollution Control - No response.

Public Rights of Way Officer - No objections.

The Ramblers Association - No response.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
OL1/2	New Buildings in the Green Belt
OL1/4	Conversion and Re-use of Buildings in the Green Belt
OL4/2	Protection of Farm Holdings
OL4/4	Agricultural Diversification
OL4/6	Agricultural Dwellings
OL5/2	Development in River Valleys
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
RT3/4	Recreational Routes
SPD 9	Conversion and Re-use of Buildings in the Green Belt
SPD6	Supplementary Planning Document 6: Alterations & Extensions
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, including relevant policies in the emerging Places for Everyone Joint Development Plan. 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.

Places for Everyone - The Places for Everyone Joint Development Plan Document (PfE) is a joint plan covering nine of the ten Greater Manchester districts, including Bury, and is intended to provide the overarching framework to strategically manage growth across the boroughs. PfE was published in August 2021 and subsequently submitted to the Secretary of State in February 2022. Inspectors have been appointed to carry out an independent examination of the Plan with the hearing sessions commencing in November 2022 and were concluding in July 2023. The examination of the plan is on-going.

Whilst PfE cannot be given full weight until it is adopted, its advanced stage of preparation means that it is now considered reasonable that the Plan (as proposed to be modified) should be given weight in the decision-making process in line with paragraph 48 of the National Planning Policy Framework.

Consequently, the principle of this application has been considered against the Plan (as proposed to be modified). However, the principle of this proposal does not give rise to any conflict with PfE policies.

Principle - Green Belt - The proposed application seeks to remove condition 3, which restricts occupancy of the dwelling to a person solely or mainly employed in aquaponics or agriculture.

Para 147 considers that inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 of the NPPF states that when considering an application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

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

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

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

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

- agriculture or forestry (except where permitted development rights have been withdrawn);
- essential facilities for outdoor sport, for cemeteries and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it;
- limited extension, alteration or replacement of existing dwellings, provided that this would not result in disproportionate additions over and above the size of the original dwelling, or, in the case of replacement of existing dwellings, the new dwelling is not materially larger than the one it replaces;
- limited infilling in existing villages as set out under Policy OL1/3.

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

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

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

The dwelling was granted consent in September 1989 (3055/89) and July 1992 (C/27209/92) as an agricultural workers dwelling and this was restricted by condition 3 on the decision notice. In March 2012, planning consent was granted to vary condition 3 to allow a person employed in aquaponics or agriculture to occupy the dwelling. The building as built has deviated from the approved plans and the amendments include the provision of windows in different positions and an infill extension to the south elevation. These amendments are immune from enforcement action and it should be noted that the amendments would be acceptable in planning terms.

The dwelling is in a location where local and national Green Belt policy would normally seek to restrict the construction of new dwellings except in specific defined circumstances. However, the dwelling already has planning permission, has been built and has been there for over a decade. It is lawful.

There would be no conflict with policies in relation to the Green Belt in removing the occupancy condition because the re-use of existing buildings in the Green Belt is not inappropriate development. Paragraph 150 (d) of the Framework refers to the re-use of buildings in the Green Belt provided that the buildings are of permanent and substantial construction.'

Construction of the dwelling commenced in the nineties and was completed in 2012. The dwelling is constructed from stone and slate and as such, is of permanent and substantial construction. As such, the condition was imposed over 30 years ago and the dwelling has

been in place for a decade. The building exists and exists lawfully. The existing dwelling would be capable of re-use as a market dwelling and would be appropriate development by complying with exception (d) in paragraph 150 of the NPPF. Therefore, a case for very special circumstances is not required and the proposed development would be in accordance with Policy OL1/5 of the Bury Unitary Development Plan and the NPPF.

Is it reasonable and necessary to continue to impose the condition? - An appeal inspector allowed an appeal (APP/D0840/W/19/322934) in Newquay to remove the condition restricting occupancy to a person employed in agriculture. The appeal decision makes it clear that while an unrestricted dwelling would not normally be permitted, the proposal is not to erect a new dwelling, but whether there is a need for the condition.

Whilst no longer part of government policy, the appeal inspector referred to guidance in former Planning Policy Statement 7, Annex A and stated that, *'Dwellings should not be kept vacant or occupiers unnecessarily obliged to remain simply by virtue of occupancy conditions which have outlived their usefulness.'*

The Inspector considered the availability of other 3 bedroom properties within the locality, which were significantly cheaper and which could be brought and used by an agricultural worker. Given the undisputed high value of the dwelling with the occupancy condition, those able to purchase it, would have access to a substantial number of other properties within the housing market. As such, the condition would only serve to allow a farm worker access to a wider housing market, rather than assisting the agricultural community in accessing the housing market generally. This may be attractive to parts of the agricultural worker's community, but it is not necessary to meet their needs. In other words, the restrictive condition on this property was not necessary as there were several cheaper dwellings available that would be more affordable for an agricultural worker.

The Inspector concludes that, *'Even if a purchaser could be found, the particular circumstances of this case where the high value of the property means that somebody with the ability to purchase it also has access to the wider open market, means that the condition no longer serves a useful purpose in providing access to housing for the agricultural worker's community.'*

Marketing - The proposed dwelling has been marketed by Charles Louis estate agents at a heavily discounted price (70% of market value), which reflects the restricted use of the dwelling. The property has been advertised on Charles Louis' website and on Right move, Zoopla and On the market websites for a period of over 6 months.

Despite the property being advertised locally and nationally, a letter has been provided from the estate agents, which confirms that no offers or serious expressions have been made by any agricultural workers or any other party, who would be entitled to occupy the dwelling with the current restrictions. The agent has confirmed that the property will remain on the market until a decision has been made on this application.

It is clear from the marketing that there is no current demand from an agricultural worker or someone employed with aquaponics for this dwelling. Given the high value of the dwelling, with the restrictive occupancy condition, any agricultural or aquaponics workers would have access to other, cheaper properties within the locality. As such, it is unlikely that there would be a future demand given the individual circumstances in this case. Consequently, it is considered that the restrictive condition on this property would only serve to allow a farm worker access to a wider housing market, rather than assisting the agricultural community in accessing the housing market generally. In other words, the condition is no longer necessary and has outlived its usefulness, as there are several cheaper dwellings available that would be more affordable for an agricultural or aquaponics worker. As the condition has been found to be unnecessary, it would fail to satisfy the tests that all conditions must meet and as such, should be removed.

It must be noted that the planning landscape has moved on through time. Different policies,

different approaches, other case law and appeal decisions all have relevance and have to a significant extent, presented a particular case of today, which as required, must be considered on its own merits according to the policies that apply today.

Impact upon residential amenity - The building is currently in use as a dwelling and would remain in use as a dwelling. The application is centred upon the removal of an occupancy condition. It is not considering the nature of the dwelling's locational relationship. However, the nearest residential property is 95 metres away, which would be in excess of the 20 metre aspect standard.

Planning permission has been granted to convert the agricultural building to the east to 3 dwellings. There would be 48 metres between the approved dwelling and the proposed development, which would be in excess of the 20 metre aspect standard.

Given the location of the dwelling in relation to its surroundings, the dwelling would not have a significant adverse impact upon the amenity of the neighbouring properties and the removal of the condition would not change this acceptable relationship.

Highways issues - The lawful use of the building is as a dwelling, albeit the occupancy is restricted. As such, the level of traffic associated with the proposed development would be the same as current conditions. There is space for parking on land to the north of the dwelling, which would accommodate 3-4 cars. In many ways, it is not unreasonable to consider that the removal of the agricultural occupancy condition would bring about the less likely need for agricultural vehicles from coming to the site for a daily or frequent reason. 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 Policy EN1/2.

Public rights of way issues - The building has an existing use as a dwelling, which would generate traffic from the occupiers or visitors. The proposed development would not generate any additional traffic and as such, would not have a greater impact upon the PROW. The Public Rights of Way Officer has no objections to the proposed development. Therefore, the proposed development would be in accordance with Policy RT3/4 of the Bury Unitary Development Plan.

Response to objectors

- Aspartions and private disputes are not material planning considerations.
- The issues relating to the impact upon the Green Belt, whether it is reasonable and necessary to impose the condition and traffic generation have been addressed in the report above.
- Various complaints have been made between August 2013 and July 2014, which alleged that the occupiers were not complying with the occupancy condition. On each occasion an investigation took place, formal notices were served to obtain information as appropriate and the cases were closed as there was no breach of planning control.
- The planning history confirms that a prior approval application has been granted to convert the agricultural building into 3 dwellings on 20 July 2023.
- The property has been marketed for over 6 months at 70% of the market value to reflect the reduced value due to the restricted occupancy. No one has come forward to purchase the property, who would comply with the occupancy condition.
- An enforcement notice has been served to discontinue the use of the land adjacent to the agricultural building for caravan storage.
- The residential curtilage is marked on plan reference 154 PLN L 01 and would be secured by a condition.
- The surrounding fields are located within the Green Belt, which would restrict the development which could take place there. In any event, each application has to be assessed on its own merits.

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

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

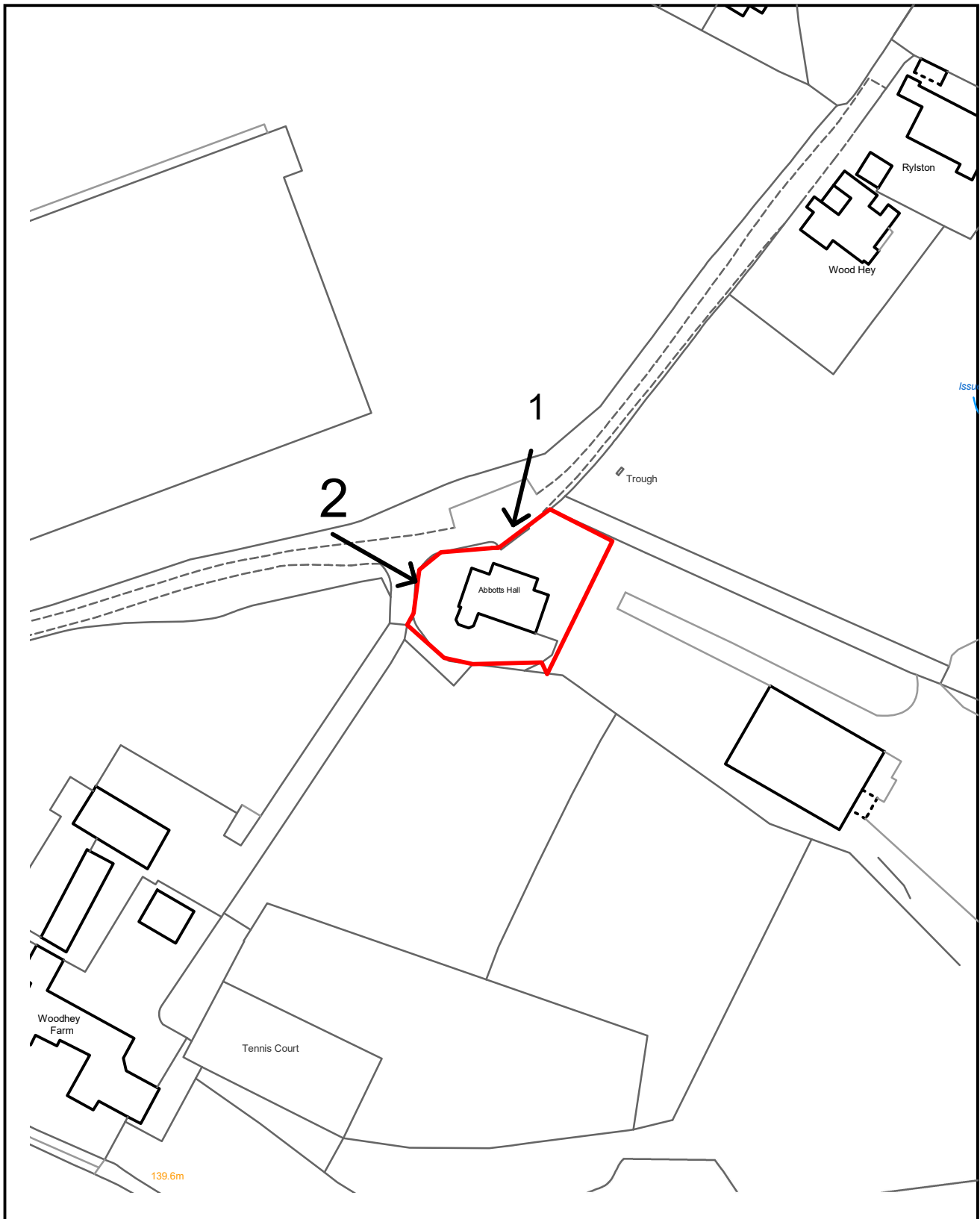
Recommendation: Approve with Conditions

Conditions/ Reasons

1. The parking and servicing facilities shall be made available before the development is brought into use.
Reason. To ensure adequate off-street facilities in the interests of highway safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
2. The landscaping scheme hereby approved at the reserved matters stage shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building(s) is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and 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 EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
4. The agricultural buildings hereby approved shall be used exclusively for aquaponics and/or agriculture.
Reason. To safeguard the character of the Green Belt and to ensure against inappropriate development in the Green Belt in accordance with Policy OL1/2 - New Buildings in the Green Belt of the Bury Unitary Development Plan and PPG2 - Green Belts.
5. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.
Reason. To ensure a satisfactory means of drainage pursuant to Policy EN7/4 - Groundwater Pollution and Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan.
6. The highway improvements indicated on plan reference cm-01 shall be implemented to the written satisfaction of the Local Planning Authority before the buildings hereby approved are brought into use.
Reason. To ensure good highway design in the interests of road safety pursuant to Policy EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan.
7. This decision relates to drawings numbered cm-00, 154 PLN L 01 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 **Helen Leach** on **0161 253 5322**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 69054

ADDRESS: Abbots Hall Woodley Road



Bury
Council

Planning, Environmental and Regulatory Services

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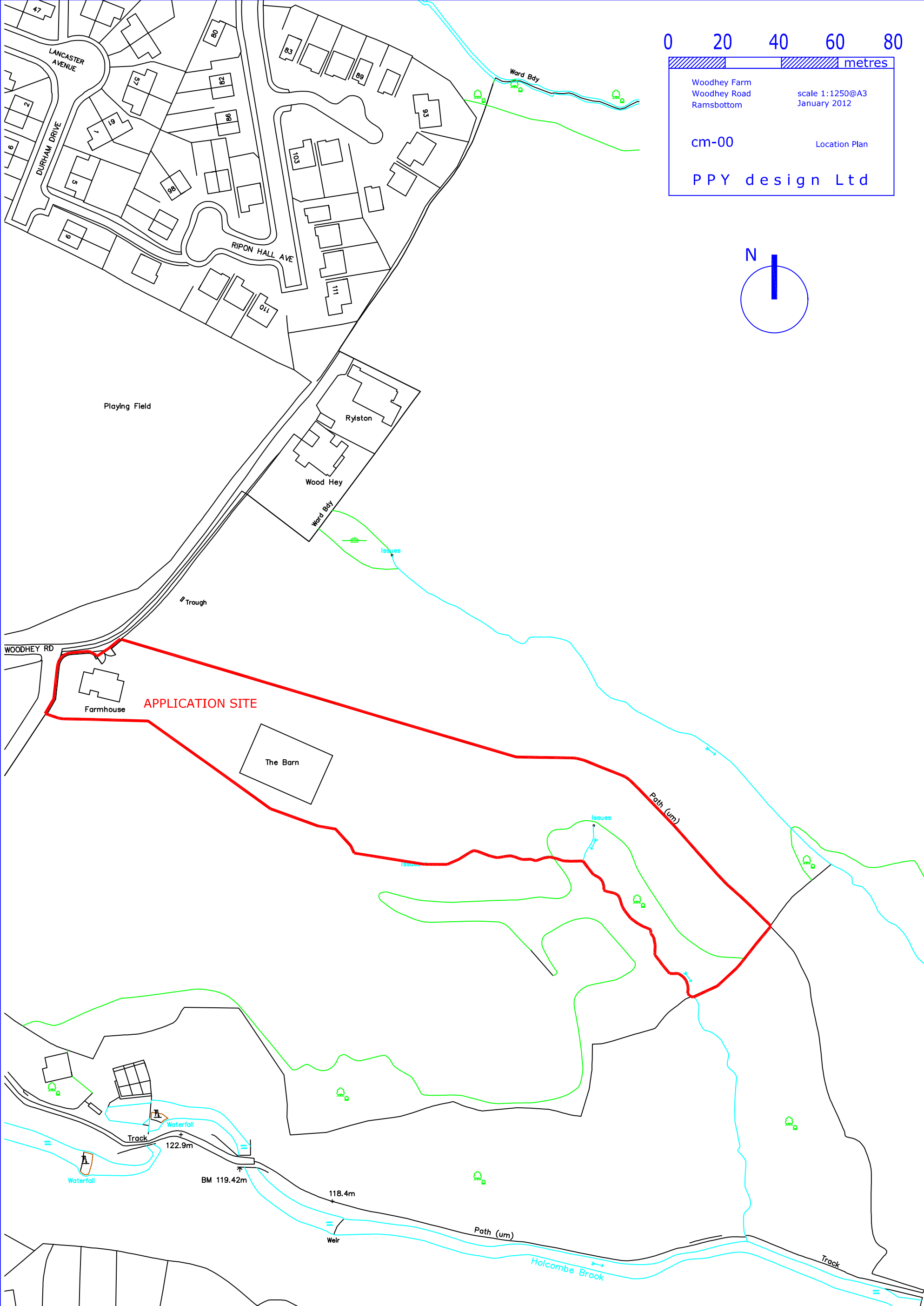
69054

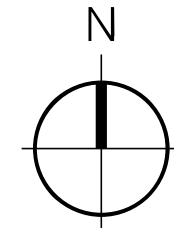
Photo 1



Photo 2





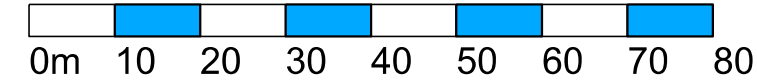


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SITE SPECIFIC HAZARDS

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

SCALE 1:1250



Page 22

REV.	DATE	NOTES	INIT.
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CLIENT / PROJECT
MR & MRS ABBOTT
ABBOTTS HALL, WOODHEY ROAD
RAMSBOTTOM, BL0 9RD

DRAWING TITLE
BOUNDARY LOCATION PLAN

STATUS
PLANNING

DATE	DRAWN	SCALE @ A4
NOV 22	RSL	1:1250

PROJECT NUMBER	PLAN/ BUILD	TYPE	NUMBER	REVISION LETTER
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DRAWING NO.
154 PLN L 01

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

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T. 08453 900 444

E. design@hawthorn-estates.co.uk
www.hawthorn-estates.co.uk



Ward: Ramsbottom and Tottington -
Ramsbottom

Item 02

Applicant: Mr Jonathan Dean

Location: Unit, 1-2 Halter Inn Works, 11 Redisher Croft, Ramsbottom, Bury, BL0 9SA

Proposal: Demolition of existing industrial buildings and erection of 3 no. detached dwellings

Application Ref: 69702/Full

Target Date: 23/08/2023

Recommendation: Approve with Conditions

Description

The site relates to an existing industrial building which operates as a metal components manufacturer and is accessed off Bolton Road West via Redisher Croft, (Bridleway 26RAM) and is within Holcombe Conservation Area. The site accommodates a single/two storey building formed in an "L" shape along the north and western sides with a hardstanding courtyard used for parking and servicing. Between the rear of the building and northern boundary is a smaller yard area which is used to store bins and which is bounded by a row of conifer trees along this site edge.

The site itself is fairly level and sits within a dip in Redisher Croft. There are 4 large detached residential properties which are located to the north at a higher level. Directly adjacent to the southern boundary is No 7 Holcombe Road, a residential stone built property. To the east runs a culvert beyond which is the Hare and Hounds public house. The land rises behind the site to the west and a wooded area. There is a blanket Tree Preservation Order (No 65) surrounding the site.

The access to the site is a single lane unadopted road and bridleway which is shared by the site, No 7 and the 4 houses on Redisher Croft.

The application proposes the demolition of the industrial unit and the erection of 3 no. detached 4 bed dwellings.

The business is seeking to relocate into new units at Chamberhall.

The proposed dwellings would be 2 storey with room in the roofspace served by rooflights. Elevations would comprise natural stone with a natural slate roof and conservation type rooflights. Windows are proposed as white painted timber frames with sandstone cills, heads and mullions.

Internally, accommodation would comprise living areas at ground floor, 3 no bedrooms at first floor and one bedroom en-suite in the roofspace.

To the rear would be a patio and garden which would be enclosed by the existing retaining wall. There would be 2 parking spaces at the front of each property and a visitor space in the southern corner next to plot 1.

The existing unadopted access off Bolton Road would be utilised. The owner of the access is not known and the applicant has signed the correct certification and publicised the application in line with statutory requirements.

Background information

This application was originally submitted with a set of plans for a now lapsed development which had previously been approved in 2012 for 3 no. detached dwellings.

The previously approved scheme proposed 5 bed dwellings, 1m higher than the current

proposal and constructed from reconstituted stone, artificial slate roof, front door canopy and the front piked gable at almost three storey levels.

Whilst this scheme had previously been approved, National Planning Policy has been revised and updated numerous times and there has since been the introduction of the National Design Guide placing particular emphasis on the importance of good design and for developments to be sympathetic and assimilate appropriately into the local character and history.

Taking on board advice from the LPA, the applicant has revised the original plans to propose a scheme as described above.

Relevant Planning History

24523 - 1 no dwelling - refused 1990

54975 - Proposed demolition of existing industrial buildings and erection of 3 no detached dwellings. - Approve with Conditions 03/07/2012

54976 - Conservation Area Consent for proposed demolition of existing industrial buildings and erection of 3 no detached dwellings. - Approve with Conditions 23/05/2012

63892 - Side extension with maximum height of 6.79m to existing workshops and laboratories - Approve with Conditions 11/06/2019

64777 - Siting of 2 no. storage containers - Approve with Conditions 20/12/2019

68618 - Siting of 2no. storage containers - Approve with Conditions 28/10/2022

13/0401 - Change of use to residential - 01/09/2013

19/0179 - Siting of 2 no. shipping containers - 09/10/2019

22/0119 - Breach of conditions of planning approval 64777 - 10/05/2022

Publicity

Letters sent to 24 properties on 3/7/23.

Site notice posted 7/7/23.

Press advert 7/7/23

5 representations in total received.

4 objections 1 comment.

Objections

Scale and layout

- The proposed houses are too tall, nearly 4m higher than highest point of existing buildings.
- A previous approval for an extension to the building was approved at only 6.79m to match the existing building.
- 3 properties on a site that size is too many and we believe the site layout and density lends itself to a maximum of 2 properties
- Negative impact on the vegetation and woodland immediately behind the properties from noise and light pollution. They will overshadow the existing properties
- The houses are positioned closer to Redisher Croft, and directly south of the existing houses - Nos 2,4,6&8 which would fully enclose the Croft.
- Less obtrusive if they were set back on the site along the existing building line.
- The holly hedges between the houses to be kept at a height of 1.5m are too high for drivers visibility perspective and dangerous to both the new and current residents using the access way.
- Enjoyed the natural light over the existing low rise buildings and the existing gaps for more than 23 years. The height and layout of the proposed properties would breach of our right to light.
- The height of the properties and 24 hour occupancy will obviously increase the light pollution and impact the bats, birds and other nocturnal wildlife.
- The site plan shows land in a neighbour's ownership.

Parking and access

- Parking is insufficient and will overflow onto the bridleway.
- Parking is dangerous with cars blindly entering the access road. Visitor parking is only suitable for 1 car.
- Parking unlikely to be sufficient for three 5 bed properties.
- The siting of Plot 3 will mean cars reversing will be doing so onto a blind bend making it dangerous for residents and the refuse collectors, delivery drivers, taxis and walkers entering and exiting the bridleway etc
- The Applicant does not own the access way. We, (and the other owners of the houses on Redisher Croft), have a legal right of way over the access way.
- It is likely that visitors would attempt to park on the access way impeding access to and from Redisher Croft.
- There is a covenant "to keep the access way clean and clear and unobstructed at all times" and "not to park or allow any motor vehicles to be parked on the access way which would obstruct the same". The Applicant should be reminded of its obligations contained in this deed and explain how this would be achieved during construction.
- The new development (if permitted) will not have any rights to use the Private Road.
- Deliveries to the new properties would have no turning facilities.
- At the moment, some of the land/roadway, owned by the residents of Redisher Croft is open, and used by vehicles for turning etc, without permission, we will now, have no alternative, but to look at measures to enforce restriction relating to Redisher Croft owned land/roadway, should the application receive approval, in order to endeavour to maintain Redisher Croft as a safe place to access/live.
- The open forecourt on the application site is used as a passing space to and from Redisher Croft, when being met by the likes of online food delivery vehicles or refuse collection lorries. If the development was to be allowed, the open forecourt would no longer exist.

Traffic

- Currently the factory has between 5-8 cars using the access way Monday to Friday usually once in a morning and once at night. The proposed development with a similar number of vehicles will double/triple the amount of traffic movement meaning an increased chance of an accident especially at the weekends.
- The access road is already operating beyond it's safe limitations on this busy junction, and increasing the traffic through it, without improving the traffic management at the junction and down the access road, will inevitably result in an unacceptable safety risk.

Construction access/safety/environmental issues

- No storage of the construction materials during the construction as there will be very little space on the site with 3 properties
- Nowhere for deliveries to pull off the access road, nowhere for construction parking etc.
- Construction vehicles/activities will cause a pollution risk operating directly adjacent to the river/woodland
- We are concerned about the hours of work and damage caused to the access way and our properties during construction.
- Concerns that the excavation of foundations for the adjacent, proposed house will have a detrimental effect on the retaining wall by undermining the foundations, with the potential for structural damage to the wall, and slippage to the access road for the properties on Redisher Croft.
- When existing building is demolished, what type/specification of retaining wall is proposed?
- There is little doubt we would be frequently obstructed from getting to and from our property.
- Utilities to the new site - as the current factory uses a septic tank, a new pumping station would be required to connect the new utilities to the main road. The laying of pipes/cabling will require the access way to be dug up and will block the access to Redisher Croft whilst this work is undertaken.
- There is a culvert to the river, between the access road, and Bridleway between the Hare & Hounds Public House, and No.2 Redisher Croft, that is of unknown structural

strength. Large Construction vehicles, which will inevitably drive onto this area, risk the collapse of the culvert.

Flood risk

- The overland flood route down the unmade bridleway to the east will wash down the bridleway materials (unmade ground) and flood the houses.
- Although changes to current drainage are proposed, the source of surface flood water still exists from the fields/cobbled pathway leading from Park Road to Redisher Woods. Are there plans to mitigate the issue at source? Otherwise, flood risk remains for new development.
- A recent new housing scheme, 66115 diverted the river flood water overland route, from Redisher Woods, so that it comes down the unmade bridleway between No.2 Redisher Croft, and the Hare & Hounds Public House. Flood water down this route will come at a very high velocity due to the gradient, and will wash down the unmade materials of the bridleway, with the proposed houses being directly in the route of this overflow.
- Serious concerns about, that the applicant plans to divert the existing water culvert, that runs parallel with this wall at present, closer to the retaining wall down the very narrow gap between the proposed end house and the retaining wall, it is unfeasible to do so without having an adverse effect on the retaining wall.

Revised plans received to revise the height and design of the proposed dwellings and layout.

Re-notification of the amendments sent by letter on 16/10/23

4 further objections received (same addresses as previous objections).

Issues raised are summarised as follows -

- Our original objections made to the application(above) still apply.

Scale and layout

- Note that a small number of amendments, namely the height of the proposed houses, changes to the internal layout reducing the number of bedrooms and the external front dividing hedges between the properties have become c. 4ft dividing walls. Whilst we welcome the changes to the height of the properties, our primary concerns as detailed in our original objection.
- I notice from historical records that an application for only one residential property here, was refused in 1990, presumably because the location was unsuitable. It is more so unsuitable now!
- The revised application is still over 36% higher than the existing and the most recently approved application and is not acceptable.
- The gable wall of the proposed houses is directly adjacent to Redisher Croft, with the full height of this house, up to ridge level fully "enclosing" Redisher Croft from the open, southern elevation.
- The site is not large enough to accommodate 3 houses of this size, I would suggest two, as an absolute maximum, and reduce the height to that of standard two storey houses, similar to the height of the existing buildings.

Land ownership/retaining wall -

- The plan drawings still detail the retaining wall for Redisher Croft as being owned by the applicant, which it is not.
- The proposed scheme details that part of the wall is to be buried below ground, due to raising the existing ground level, this could not only have a detrimental effect on the brickwork, but also hinder access to the foundations.
- Concerns that the excavation of foundations for the adjacent, proposed, house will have a detrimental effect on this retaining wall by undermining the foundations.
- Serious concerns about diversion of the existing water culvert.

Parking, traffic and access -

- Inadequate parking provision
- Increase in traffic
- Concerns regarding access/egress/turning around and within the site not been addressed.
- Lack of access and turning for services/deliveries.
- Dividing walls would impede visibility.
- Plot 3 is still an issue for cars entering / exiting Redisher Croft as cars reversing on or off this property will still be pulling out onto a blind bend.
- Impact on safety as children play on the road.

Construction access/safety/environmental issues -

- Still concerns about access and parking for construction vehicles and storage facilities and highway safety risks.
- Construction vehicles/activities will cause a pollution risk and risk the collapse of the culvert.

Pollution -

Concerns about drainage provision.

Flood risk -

- Concern of flood water from the new housing development at Redisher.
- Exacerbation of flooding in the area.
- Damage to the culvert.

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

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions

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

Borough Engineer - Drainage Section - No objection subject to condition and informatives.

Waste Management - No response received.

United Utilities (Water and waste) - No objection. Recommend an informative for the applicant to contact UU with regard to the location of the public sewer.

Greater Manchester Ecology Unit - No objection subject to conditions.

Conservation Officer - No objection.

Public Rights of Way Officer - No comments

Environment Agency - No objection subject to conditions.

Coal Authority - No objection subject to conditions

Pre-start Conditions - Agreed with pre-start conditions

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EC2/2	Employment Land and Premises
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN8/1	Tree Preservation Orders
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
OL5/2	Development in River Valleys
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict

HT4	New Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations including relevant policies in the emerging Places for Everyone Joint Development Plan. 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.

The Places for Everyone Joint Development Plan Document (PfE) is a joint plan covering nine of the ten Greater Manchester districts, including Bury, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

PfE was published in August 2021 and subsequently submitted to the Secretary of State in February 2022. Inspectors have been appointed to carry out an independent examination of the Plan with the hearing sessions commencing in November 2022 and were concluding in July 2023. The examination of the plan is on-going.

Whilst PfE cannot be given full weight until it is adopted, its advanced stage of preparation means that it is now considered reasonable that the Plan (as proposed to be modified) should be given weight in the decision-making process in line with paragraph 48 of the National Planning Policy Framework.

Consequently, the principle of this application has been considered against the Plan (as proposed to be modified) and reference to relevant policies and proposals are made in this report.

Housing policy principle

The National Planning Policy Framework (NPPF) should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. The Framework maintains the emphasis on identifying a rolling five year supply of deliverable housing land.

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

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

Therefore, in relation to the proposed dwelling, paragraph 11d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. The application of policies in the Framework that protect areas, or assets of particular importance, provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.

In this case, due to the sites location on land within the Conservation Area, the 'titled balance' does apply. Paragraph 11d)i of the Framework therefore applies in this case with the policies relating to development affecting the Conservation Area being of 'particular importance' in the assessment and determination of this application. This will be assessed throughout the report and the proposals compliance with paragraph 11d) determined within this report.

The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68 in chapter 16); and areas at risk of flooding or coastal change.

UDP Policy EC2/2 – Employment Land and Premises Outside Employment Generating Areas, seeks the retention of such sites unless it can be clearly demonstrated that the land and premises are no longer suited, in land use terms, to continued employment use.

UDP Policy H1/2 - Further Housing Development will have regard to the following factors:

- the need to direct development towards the urban area;
- the availability of infrastructure;
- the need to avoid the release of peripheral open land;
- the suitability of the site in land use terms with regards to amenity, the nature of the local environment and surrounding land uses;
- other policies and proposals of the Plan.

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

Loss of Employment land - principle of development.

UDP Policy EC2/2 seeks to retain existing employment sites where they are considered suitable in land use terms. In this instance, however, there are considered to be significant land use constraints which undermine the suitability of the site for employment purposes. In particular, the access to the site is restricted in terms of both width and gradient and the site is closely adjoined by potentially incompatible residential uses. These factors have led to the conclusion that the site is unsuitable in land use terms for continued employment use. Consequently, the proposal is not considered to be in conflict with UDP Policy EC2/2.

The site is located in the urban area with residential properties close by on Redisher Croft and Holcombe Brook. There is existing infrastructure in place to support the scale of the development and as such the land use principle is considered acceptable.

Conservation Area - principle of development

The application site is within Holcombe Village Conservation Area.

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

Paragraph 197 of the NPPF states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

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

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

Paragraph 206 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Paragraph 207 of the NPPF states that not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

The National Design Code - Planning practice for beautiful, enduring and successful places sets out the long-standing fundamental principles for good design that are: fit for purpose, durable and brings delight.

Policy JP-P2 (Heritage) of the Places for Everyone Joint Development Plan (as proposed to be modified) states that we will proactively manage and work with partners to positively conserve, sustain and enhance its our historic environment and heritage assets and their settings.

The original application submission has since been revised to the scheme which is now proposed in this application, with revisions made to the size, scale, design and materials for the proposed dwellings.

The proposal would now represent the simple vernacular form and materials of the historic dwellings that contribute to the character and appearance of the conservation area. As such the proposal would have a neutral impact and as such would preserve the character and appearance of the conservation area.

The proposal would therefore comply with the NPPF policies referenced above and would align with the objectives of the governments National Design Code and the Holcombe Village Conservation Area Appraisal and Management Plan.

Layout

The layout of the proposed development has been primarily influenced by the access to the site and position of the adjacent properties. It is proposed to site the dwellings adjacent to No 7-9 Holcombe Road, set back into the site by approximately 6.5m to provide parking for 2 cars in front of each house with a visitor space located in the southern corner of plot 1. Each of the plots would be separated by a 1.2m high stone wall at the front.

There would be an access down to the side of each property leading to a patio and rear garden with bin store facilities which would be contained within the existing retaining wall along the rear boundary.

On either side of the site, the existing brick wall and line of conifers which runs along the northern boundary of the site adjacent to Redisher Croft would be also retained, as would the retaining wall to No 7-9 Redisher Croft.

The 3 houses could be readily accessed by Redisher Croft, particularly considering the lane has served the existing manufacturing unit for many years and there would be a sufficient level of amenity space and parking to support the development.

The scale for development for 3 no detached cottage type dwellings is considered to be appropriate in the character of the surrounding area and its setting within the Conservation Area and would achieve the objectives of the National Design Code in terms of its setting and context within the local surroundings.

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

It is considered unnecessary to remove permitted development rights as the site is located in Holcombe Conservation Area which is restricted by an Article 4 Direction which removes permitted development rights for residential properties.

Scale, design and appearance

The existing properties on Redisher Croft comprise No 7-9 which is a 2 storey stone built cottage and the later 1980's/early 1990's development of 4 no red brick built dwellings which front Redisher Croft to the north of the site. At the top of the access lane are 3 storey stone

dwelling and the houses to the south of the site on Park Lane are cottage types.

Paragraph 41 of the National Design Guide states that development should understand and relate well to the site, its local and wider context. Well-designed new development should respond positively to the features of the site itself and the surrounding context beyond the site boundary, enhancing positive qualities and improving negative ones.

Paragraph 48 of the National Design Guide states that well designed places and buildings are influenced positively by the history and heritage of the site, its surroundings and wider area, including cultural influences.

Holcombe's typical development reflects that of an upland collection of modest sized dwellings. Footprints generally are small and elevations typically stone with conservative window openings, simple elevations and slate roofs.

The development proposes a row of 3 cottage type dwellings of a traditional character and appearance. The dwellings would be 2 storey and set at a lower level to No 7-9 Redisher Croft and the 4 detached houses on Redisher Croft due to the topography of the land. The footprint of the properties would be reflective of cottage/terrace type dwellings which characterise the historic character of the area and as such would be of an appropriate scale and massing within the setting of the site and context of the Conservation Area.

Elevations would comprise natural stone with a natural slate roof and conservation rooflights. The use of painted timber framed windows with stone cills and headers would add detailing to the fenestrations and would be appropriate to the Conservation Area.

The properties would be divided by a low stone wall to the side of each driveway and this is also considered to be an acceptable feature within this small scale residential setting and context of the area.

It is therefore considered that the proposed dwellings would be acceptable in terms of scale, design and materials and have taken into consideration the special character and appearance of the Conservation Area. As such, the scheme would be in compliance with Policies EN1/2 - Townscape and Built Design, H2/1 - The Form of New Residential Development and EN2/1 - Character of Conservation Areas.

Impact upon surrounding area and residential amenity

SPD 6 advises on acceptable separation distances between properties.

There would be a distance of 5m between the side elevation of plot 1 and the blank gable wall of No 7-9 Redisher Croft and as such there would be no issues of privacy or overlooking. The proposed dwellings would also be set back behind the front elevation of this property and at a lower height and ground level and as such would not be overbearing or dominant to this property. Aspect standards would be compliant with SPD6.

To the north are Nos 2-8 Redisher Croft with No 2 facing the site. There would be a distance of approximately 16.5m from the rear corner edge of plot 3 to the front elevation of No 2 and as such the side gable of the majority of plot 3 would not be directly opposite the front elevation of no 2. In addition, there would be no windows on the side elevation of plot 3 which would cause any issues of overlooking and there would be no direct interface from a habitable room window on No 2 Redisher Croft to the proposed dwelling.

No 2 is also elevated above the ground level of the site by almost 2m and the proposed dwellings would be lower in height comparative to this neighbour. There is also a row of conifer trees along the northern boundary of the site which would substantially screen the proposed dwellings when viewed from the houses on Redisher Croft. Aspect standards would be compliant with SPD6.

It is therefore considered that the proposed development would not have a detrimental impact on the amenity of neighbouring properties in terms of the scale, mass and position of

the new dwellings and would be policy compliant with H2/1, H2/2 and SPD6.

Highways issues

Access

The access to the site is from Bolton Road West. The access is a single width, short stretch of road which bends at the upper end. The lane is unadopted but tarmaced and well-maintained and carries a bridleway. The access currently serves the existing industrial unit, a cottage and 4 detached dwellings and has historically served these properties on Redisher Croft for over 30 years.

The existing site operates as a manufacturing unit where servicing and deliveries to and from the business would be carried out by vans and larger type vehicles. The site also provides parking for staff and visitors in the courtyard area. as such the site could be occupied and parking space utilised to its capacity, plus factoring in any deliveries which may occur.

Comparatively, it is considered that a domestic development for 3 no dwellings would not significantly intensify the use or occupation of the site to any significant degree considering the existing industrial use which could generate trips by heavy goods vehicles. The lawful use would also be able through permitted development and be able to change to an intensive use without planning permission thereby could reasonably create harmful levels of trip generations. Occupiers of both the existing and proposed dwellings would also not all be leaving or arriving at the same time and the layout of the access lane does not lend itself to be driven at fast or even moderate speed, users of the lane would automatically slow down and take care along the route.

For three dwellings it is considered that the scale of development would not significantly add to the volume of traffic to the extent to cause highway safety concerns.

The highways officer has raised no objection to the residential development in view of the reduction in traffic that could result from the loss of the light industrial use with its replacement by 3 dwellings and considers the access to be acceptable.

The access to the site has been included in the red edge location plan and the applicant has served the requisite notices and as such satisfies the requirements of the certification of the application.

It is therefore considered the proposed development would be acceptable and comply with policies H2/2 and HT6/2.

Parking

SPD 11 - Parking Standards in Bury states the maximum parking provision required would be 3 spaces for a 4 bedroomed dwelling. However, these are maximum standards and given the site is within a high access area where there is a regular bus service, the parking provision for each property is considered to be satisfactory.

The Highway Section have raised no objection to the proposed level of parking.

As such, the proposals are considered to comply with UDP Policy H2/2 - The Layout of New Residential Development, HT2/4 - Car Parking and New Development and SPD 11.

Ecology

GMEU have been consulted on the application and provides advice to the Council on ecology matters.

The application site is immediately adjacent to the Redisher Woods and Holcombe Brook Site of Biological Importance (SBI). GMEU would not consider that the proposed development would have a substantive effect on the special nature conservation value of the SBI, providing that precautions are taken during any demolition and construction works to avoid encroachment into the SBI.

GMEU would therefore advise that a Demolition and Construction Environmental Method Statement be prepared giving details of the measures to be taken to prevent harm to the natural environment during works. The Method Statement could be conditioned.

GMEU would accept the results of the bat surveys, that the buildings to be demolished are unlikely to support a bat roost, but note that the surrounding habitat is excellent for bats. Bats can be very mobile in their habits.

Therefore, GMEU would advise the applicant that if bats are encountered at any time during works, work must cease and advice sought from a suitably qualified person about how best to proceed. All UK bats and their resting places carry a high level of legal protection.

The site would benefit from the installation of two or three bat roosting boxes, which would be a useful biodiversity enhancement of the site. This can be conditioned along with the submission of a landscaping scheme.

The proposed development would therefore be acceptable and comply with Policies EN1/2, EN6/3 and H2/2 and the principles of the NPPF.

Flood risk and drainage

The NPPF requires a sequential approach to the location of new development and is designed to ensure that areas at little or no risk of flooding are developed in preference to areas at high risk. The overall aim is to steer new development to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, LPAs should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of Flood Zone 3 be considered.

The site is partially located within Flood Zone 1 and Flood Zone 2. The proposal is for residential development which is classified as 'more vulnerable' in Table 2 of the NPPF Technical Guidance. Table 3 of the NPPF Technical Guidance determines that 'more vulnerable' development is appropriate in Flood Zone 1 and 2 and the exception test is not required.

Whilst it is recognised that there may be a limited number sequentially preferable sites in Ramsbottom, Tottington and North Manor for three dwellings, the site is only partially located within in Flood Zone 2 and the NPPF determines that more vulnerable uses are appropriate in Flood Zone 2.

A flood risk assessment has been submitted with the application. The Environment Agency has reviewed the submitted flood risk assessment and have recommended the applicant adhere closely to the recommendations in the FRA and to meet the NPPF requirements in relation to flood risk and has provided a condition to secure this.

The Lead Local Flood Authority has no objections to the proposed development subject to a condition requiring details of surface water drainage proposals to be submitted and approved by the LPA.

UU have raised no objections to the proposed development and advise the applicant contact them directly with regards to determining the location of public sewers/wastewater pipelines. This would be included as an informative to the applicant

It is therefore considered that the sequential test has been met and the proposed development would be acceptable and comply with UDP Policy EN5/1 and the principles of chapter 14 and 15 of the NPPF.

In addition, the development at Redisher Works included works to the culvert, which passes by the site. The works involved opening up the culvert to increase the water capacity of it

which would be an improvement to the drainage conditions in the area

Coal Authority

The Coal Authority (CA) records indicate that a coal outcrop runs through the south western portion of site and this may have been subject to unrecorded workings at shallow depth. If workings are present within the outcrop these may pose a potential risk to surface stability and public safety.

The CA note that this application is accompanied by a Desk Based Coal Mining Risk Assessment report (LKC 23 1356) prepared by LK Consult, dated June 28th 2023. The report has been based upon a review of coal mining and geological information, and concludes that unrecorded underground coal mine workings at shallow depth within a coal outcrop may be present beneath the site. The report identifies that unrecorded shallow working may pose a potential risk to the development site.

The report makes recommendations for ground investigations to be carried out on the site in order to establish the extent of any unrecorded shallow mine workings and to inform any remedial works and mitigation measures needed to ensure the site is safe and stable. A watching brief is also recommended during intrusive investigation work and groundworks to check for the potential presence of any unrecorded mine entries.

The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary.

The applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property.

The Coal Authority have no objections to the proposed development subject to conditions for a scheme of intrusive investigations to be carried out and the implementation of any necessary remediation works to make the development safe. A verification report to confirm any works carried out will also need to be submitted for approval.

As such the proposed development is considered acceptable and would comply with the principles of the NPPF.

Air quality

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

Bury Council has been identified by DEFRA as an area required to significantly improve air quality. Due to this requirement, and the requirements of the new building regulations (The Building Regulations 2010, Approved Document S, Infrastructure for the charging of electric vehicles), it is recommended a condition be included to require each dwelling to provide an EV chargepoint.

Response to objectors

- The clarify, the revisions to the scheme included reduction from 5 no bedrooms to 4 no bedrooms, reduction in height by 1m and changes to the design and appearance of the dwellings.
- A Construction Traffic Management Plan will be required to be submitted and approved by the LPA (condition 13).
- Red edge includes the access to the site including the area to the front of the site. The relevant certificate of ownership has been signed and appropriate notice served.

Therefore the statutory requirements for land ownership declaration has been carried out by the applicant.

- Should there be any encroachment onto private land this would be a private matter between the two respective parties.
- The dividing walls at the front of the property would be 1.2m high and set back from the access to provide adequate visibility when existing the site.
- The existing site has the ability to exercise their rights to prevent unauthorised access as does anyone else. The scheme provides parking and visitor spaces to meet planning requirements.
- The site was visited on 7/7/23 and all representations made to the application have been addressed in the report.
- Retaining wall - This would not be affected by the proposed development. The proposed plans show this would be retained and maintained in position. A risk assessment of the site would also be carried out prior to any demolition works.
- Issues around private rights of access and private covenants are all private civil matters. They are not material planning considerations.
- Issues of claims of right to light are private matters and for the respective parties to address, not the council. The site and development has been assessed in relation to making appropriate levels of separation, outlook and amenity as is required by exercising the public duty of the Planning Acts, National and local policy.
- The 1 no dwelling refused in 1990 related to only a small portion of the current site which was directly adjacent to the southern boundary. Refused for inadequate space for the dwelling and inaccurate plans.
- There have been no objections raised from any consultees including the Environment Agency, United Utilities, the Local Lead Flood Authority or the Traffic Section, subject to conditions which are deemed necessary to make the development acceptable and in accordance with the principles of the NPPF.
- All other issues relating to scale, size and position of the properties, access and parking, traffic, flood risk and construction have been covered in the above report.

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

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

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings Location plan 1411/105A - Site Location Plan; Proposed site plan 1411/103E - Site Plan; Proposed section 1411/102A - Sections (Section A-A and B-B); Proposed section 1411/106A - Section C-C; Landscaping planting plan dwg M458/HR/LAND01; Flood Risk Assessment by PGConsulting (PGC 765) 25/5/23 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.

3. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
 1. A site investigation scheme, based on the information already submitted to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 3. A verification plan providing details of the data that will be collected to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action.The scheme shall be implemented as approved within agreed timescales.

Reason. To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.
4. Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason. To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.
5. The development shall be carried out in accordance with the submitted flood risk assessment (ref PGC 765) and the following mitigation measures:
 - Finished floor levels shall be set no lower than 156.36 metres above Ordnance Datum (AOD)These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason. To reduce the risk of flooding to the proposed development and future occupants pursuant to chapter 14 - Meeting the challenge of climate change, flooding and coastal change.
6. No drainage systems for the infiltration of surface water to the ground where adverse concentrations of contamination are known or suspected to be present are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason. To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework.
7. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason. To ensure that the proposed piling, does not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework and Position Statement J of the 'The Environment Agency's approach to groundwater protection'.

8. No development shall commence until;
- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

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

Reason. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

9. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

10. Prior to occupation the applicant shall provide one electric vehicle (EV) charging point (minimum 7kW*) per unit (dwelling with dedicated parking).

*Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2019 to be used. Further information regarding minimum standards can be found at <https://www.gov.uk/transport/low-emission-and-electric-vehicles>.

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

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

Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policies EN1/2, EN2/1, EN2/2 and H2/1.

12. The development hereby approved shall not be commenced unless and until a photographic dilapidation survey of the access to the site (Redisher Croft/Bridleway No.26, Ramsbottom) from the adopted highway has been undertaken and submitted to/agreed with the Local Planning Authority. Within one month of completion of the development, a further survey shall be undertaken to assess the condition of the route. Any remedial works required as a result of damage caused by demolition/construction traffic shall be undertaken at the

expense of the applicant to a specification and programme to be agreed with the Local Planning Authority.

Reason. To maintain the integrity of the adjacent Public Right of Way and in the interests of highway safety pursuant to Bury Unitary Development Plan Policies H2/2 - the Layout of New Residential Development, EN1/2 - Townscape and Built Development HT4 - New Development.

13. No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:
- Access route for all demolition/construction vehicles to the site from the Key Route Network;
 - Access point/arrangements for demolition/construction traffic from Redisher Croft/Bridleway No.26, Ramsbottom, taking into consideration the need to maintain safe pedestrian/vehicular access on the adjacent Public Right of Way and to the adjacent residential properties, and all temporary works required to facilitate access for demolition/construction vehicles;
 - If proposed, details of site hoarding/gate positions, taking into consideration the need to maintain vehicular access to the adjacent residential properties;
 - The provision, where necessary, of temporary pedestrian facilities/protection measures on the highway;
 - A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access;
 - Confirmation of hours of operation, demolition, delivery & construction vehicle sizes that can be accommodated on the Public Right of Way that serves the site and number of vehicle movements;
 - Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres;
 - Parking on site or on land within the applicant's control of operatives' and demolition/construction vehicles, together with storage on site of demolition/construction materials;
 - Measures to ensure that all mud and other loose materials are not spread onto the adjacent highways as a result of the groundworks operations or carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

The approved plan shall be adhered to throughout the construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period.

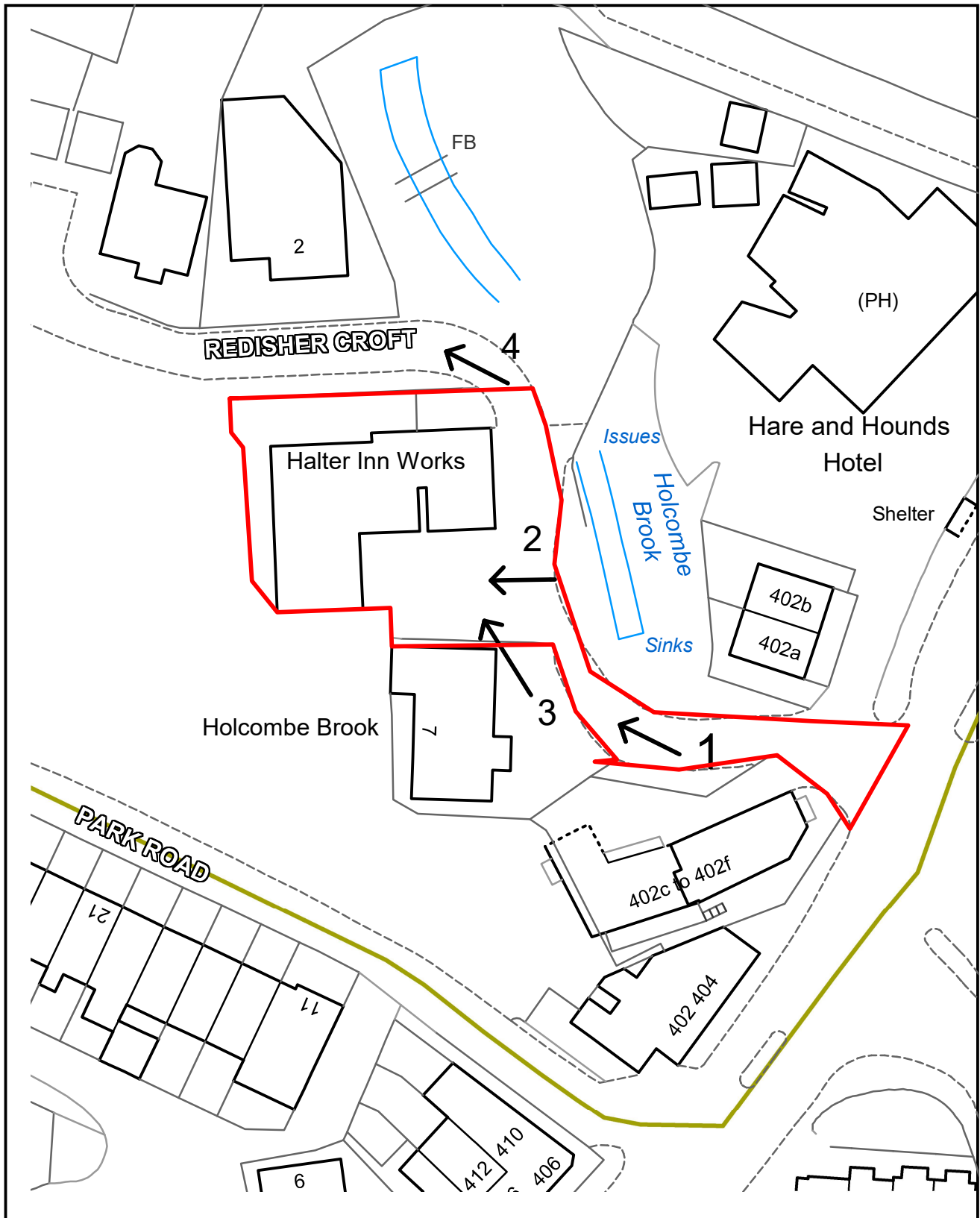
Reason. Information not submitted at application stage. To mitigate the impact of the demolition and construction traffic generated by the proposed development on the adjacent highways, ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction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

14. The car parking indicated on the approved plans reference 1411 / 103 Revision E shall be surfaced with permeable/porous paving materials and made available for use to the written satisfaction of the Local Planning Authority prior to the dwellings hereby approved being occupied and thereafter maintained at all times.
- Reason. To ensure adequate off street car parking provision in the interests of road safety and minimise the discharge of surface water onto the adjacent Public Right of Way pursuant to policy HT2/4 - Car Parking and New Development and EN5/1 - New Development and Flood Risk of the Bury Unitary Development Plan.

15. No development shall commence unless and until details of surface water drainage proposals have been submitted to and approved by the Local Planning Authority. The scheme shall be in accordance with the principles set out in the submitted Flood Risk Assessment and must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed maintenance arrangements should also be provided. The approved scheme only shall be implemented prior to first occupation and thereafter maintained.
Reason. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.
16. Notwithstanding the submitted landscaping plan, prior to commencement of the construction of the new dwellings hereby approved, a landscaping scheme shall be submitted to, and approved by the Local Planning Authority. The contents of the plan should include native tree and shrub planting and the provision of bat bricks/tubes within the new development and bat/bird boxes. The approved scheme shall thereafter be implemented not later than 12 months from the date the building(s) is first occupied or within the first available tree planting season. Any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.
17. No development shall commence unless and until a detailed Construction Environment Management Plan, including measures to protect the Site of Biological Interest from dust, debris, run-off and pollution, have been submitted to and approved by the Local Planning Authority. The approved measures only shall be implemented prior to the commencement of development and retained throughout the construction period.
Reason. To ensure the safe and secure development of the site in relation to the nature conservation of particular ecological significance of the Sites of Biological Interest pursuant to Bury Unitary Development Plan Policies EN6/1 - Sites of nature Conservation Interest (Sites of Special Scientific Interest, National Nature Reserves and Grade A Sites of Biological Importance), EC6/3 - Features of Ecological Value and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 69702

ADDRESS: Unit 1-2 Halter Inn Works



Bury
Council

Planning, Environmental and Regulatory Services

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69702

Photo 1



Photo 2



69702

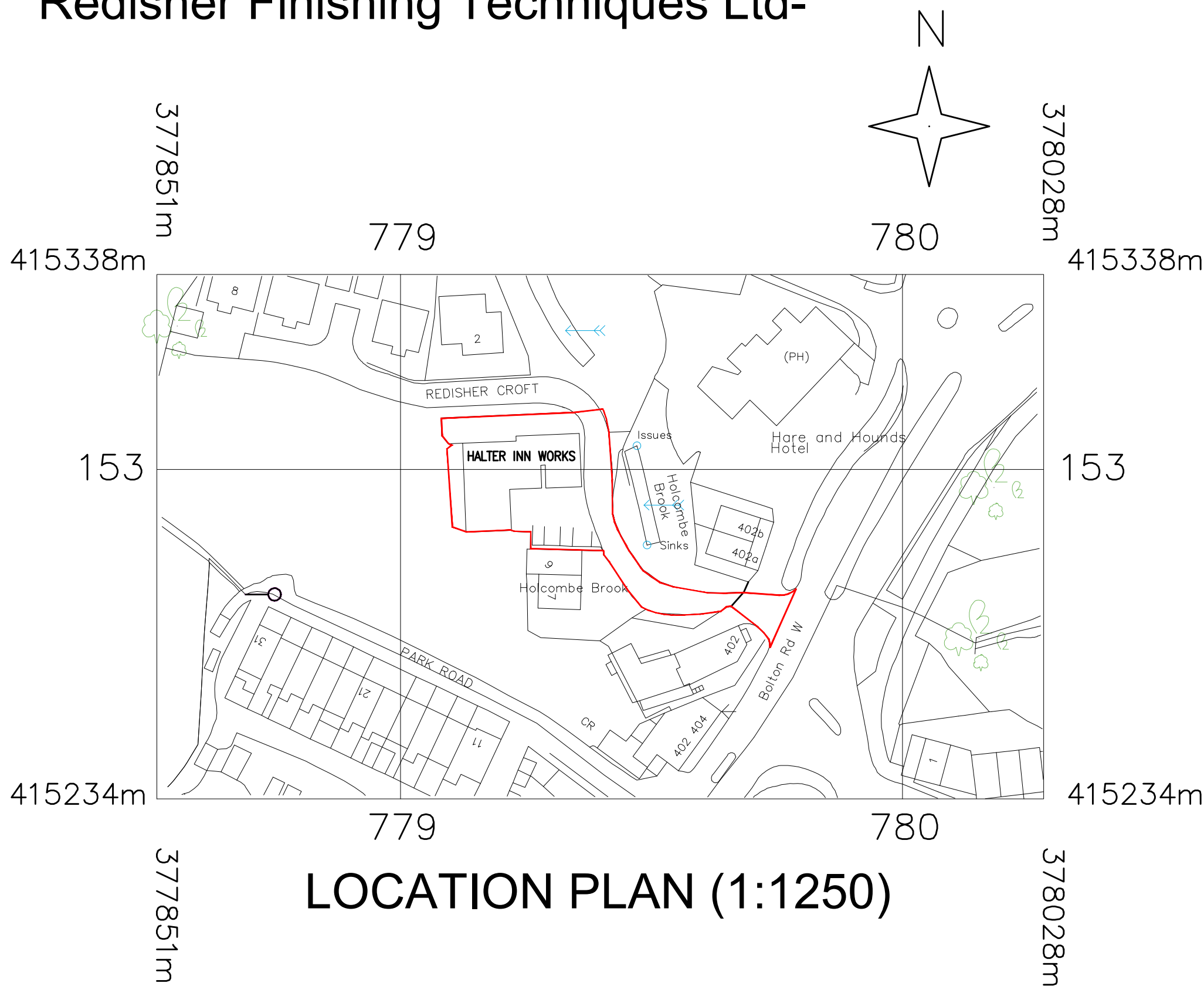
Photo 3



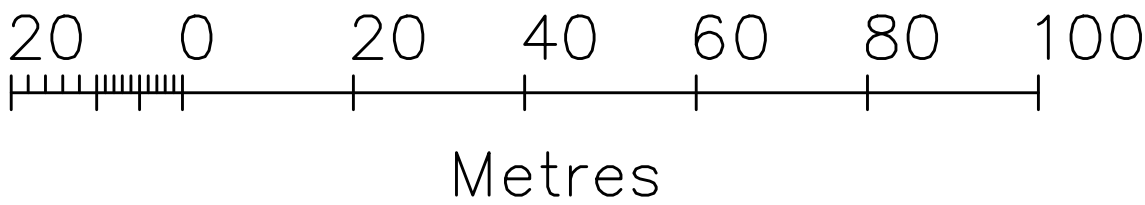
Photo 4



Proposed Residential Development to Site at Redisher Finishing Techniques Ltd-



LOCATION PLAN (1:1250)



Revisions:

A - 01.05.2023 - JPE - Red edge amended to correspond with red edge of development area to previously approved site plan.

6 SCHOOL ST, RADCLIFFE, MANCHESTER, M26 3BP.
TEL: 0161 724 8027
FAX: 0161 725 9095
EMAIL: info@tommyerscough.co.uk

Client: Redisher Finishing Techniques Ltd

Project: Proposed Residential
Development

Drawing Number: 1411 / 105A - Site Location Plan

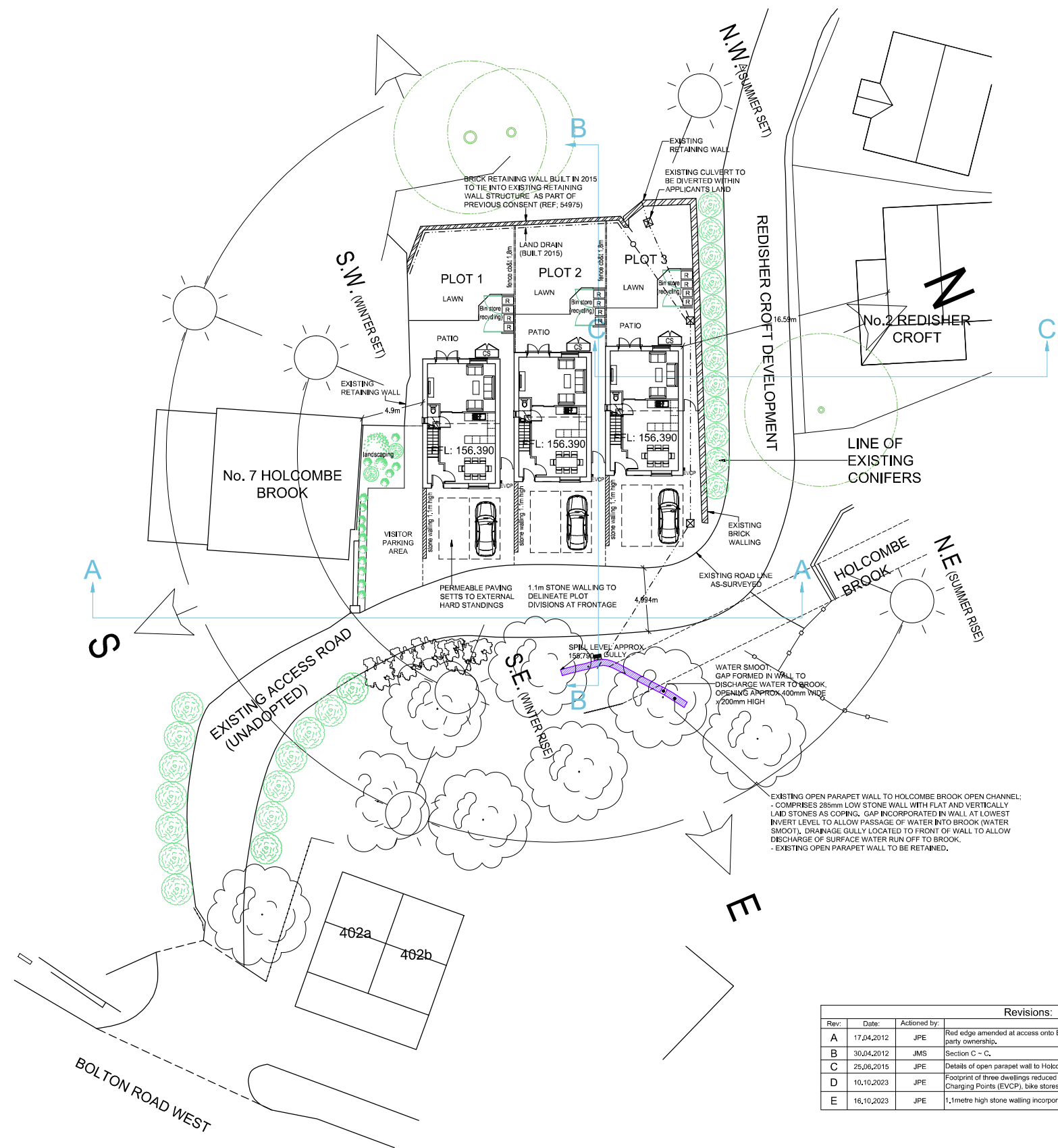
Drawn By: JMS
Date: 22-09-11
Scale: A4 @ 1:1250
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Proposed Residential Development to Site at Redisher Finishing Techniques Ltd.



KEY TO EXTERNAL BOUNDARIES & EQUIPMENT

Each dwelling to have a rear garden with an area with amenity grass, and a flagged patio. Perimeter paths & patios to individual dwellings to be: Marshalls Richmond utility paving (colour - buff). Refer to landscaping design for details of hard & soft landscaping details.

Each dwelling to have a minimum of two off-street parking bays to be surfaced with permeable block paving to be Tobomore Hydropave 240 (colour - Charcoal), with demarcation of each space and soldier course to the perimeter of the parking area to each dwelling with Hydropave 240 (colour - Bracken).

Bin storage to be provided within rear garden areas (separate containers for general waste, plastic bottles, glass & paper, & garden waste).

Each dwelling to be provided with a single Mode 3 compliant Electric Vehicle Charging Point (EVCP) to be installed to the external wall of each dwelling directly adjacent to the parking spaces. The specification for the EVCP's are to be Rolek Wallpod EV Type 2 Mode 3 charging socket.

EVCP Electric Vehicle Charging Point (EVCP)

Each dwelling to be provided with a cycle store (capable of accommodating two cycles). To be metal storage unit for 2 bikes (colour - grey) by Asgard or similar & approved, galvanised steel, 3-point locking system, unit is securely bolted to the ground. Width: 90cm, depth: 190cm, height: 120cm.

CS Cycle store (CS)

KEY TO BOUNDARY STRUCTURES & LANDSCAPING

Plot divisions to rear gardens formed with new 1.5metre high close boarded timber fence plus 0.3metre trellis atop fence (1.8m overall height). Gaps to be left at base of fencing to be permeable to wildlife.

New 1.1metre high stone walling with stone coping for demarcation of plot frontages.

Indicative new landscape planting (refer to landscape planting plan M458/HR/LAND/01).

IMPROVEMENTS TO LANDSCAPING, ECOLOGY AND BIO-DIVERSITY

- Proposed landscaping, and ecological and bio-diversity enhancements:
- One bat box (Greenwood Eco Habitat two crevice box) to be placed on site prior to commencement of works.
 - Bat box to remain onsite following completion of works as part of bio-diversity improvements.
 - For landscaping improvements refer to Landscape Planting Plan (M458/HR/LAND/01)
 - Existing trees retained (off site).
 - New holly hedges to be planted to rear garden boundaries (west), side boundaries (north) to rear gardens, and side boundaries (south) to frontage of development.
 - Area of ornamental planting to south boundary (tolerant of shade).
 - Bulbs planted with grass adjacent to rear boundary (west) of rear gardens.
 - Ornamental shrub planting to rear gardens and frontage of development.
 - Boundaries between dwellings to be permeable to wildlife, achieved by providing gaps in fencing.

Revisions:				
Rev:	Date:	Actioned by:	Details:	
A	17/04/2012	JPE	Red edge amended at access onto Bolton Road West to exclude slither of land in third party ownership.	
B	30/04/2012	JMS	Section C ~ C.	
C	25/06/2015	JPE	Details of open parapet wall to Holcombe Open Brook Channel shown to drawing.	
D	10/10/2023	JPE	Footprint of three dwellings reduced with removal of front projection. Electric Vehicle Charging Points (EVCP), bike stores, and bin stores shown to plan.	
E	16/10/2023	JPE	1.1metre high stone walling incorporated as demarcation of plot divisions at frontage.	

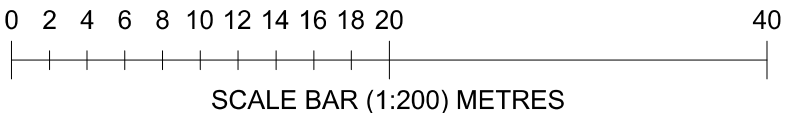
Client: Redisher Finishing Techniques Ltd

Project: Proposed Residential Development

Drawing Number: 1411 / 103E - Site Plan

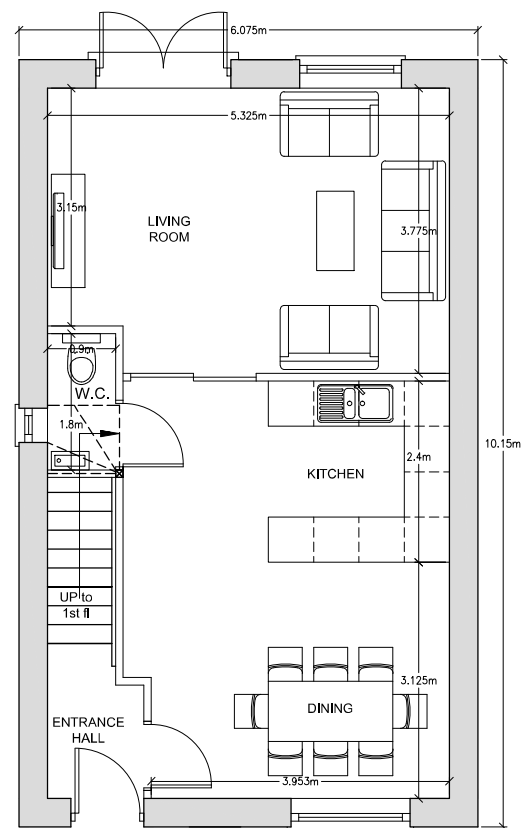
Drawn By: JMS
Date: 22-09-11
Scale: A1 @ 1:200
Checked By:

SITE PLAN AS PROPOSED (1:200)

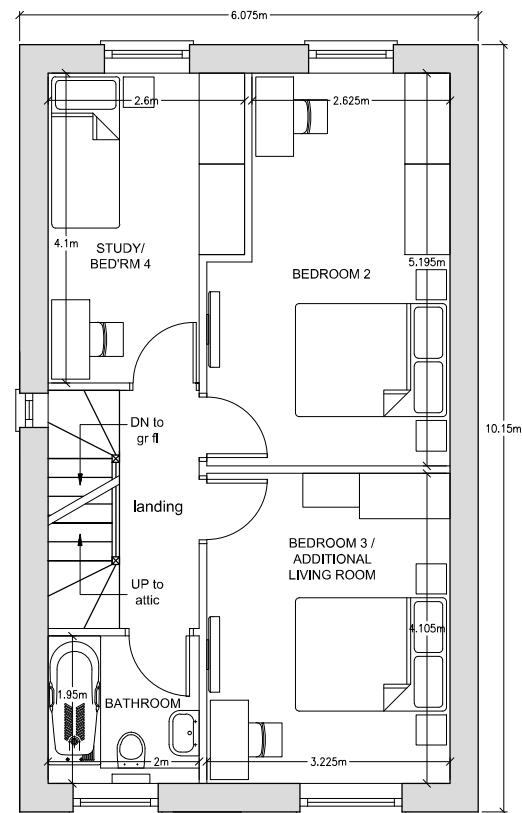


Proposed Residential Development to Site at Redisher Finishing Techniques Ltd.

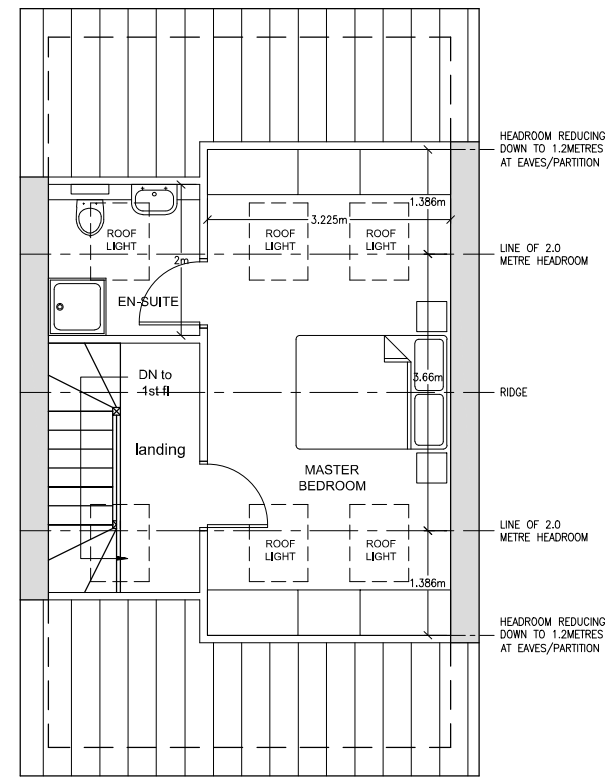
Page 47



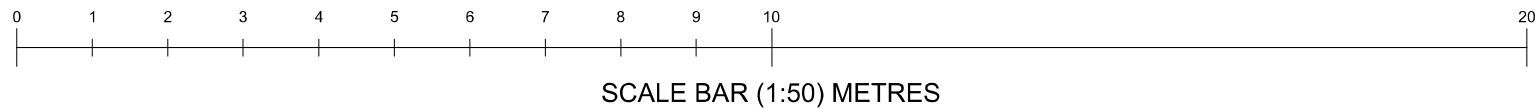
PROPOSED GROUND FLOOR PLAN (1:50)



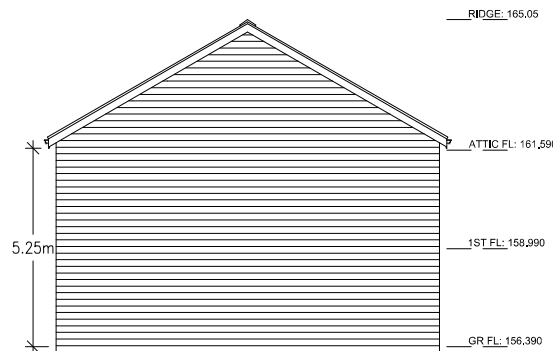
PROPOSED FIRST FLOOR PLAN (1:50)



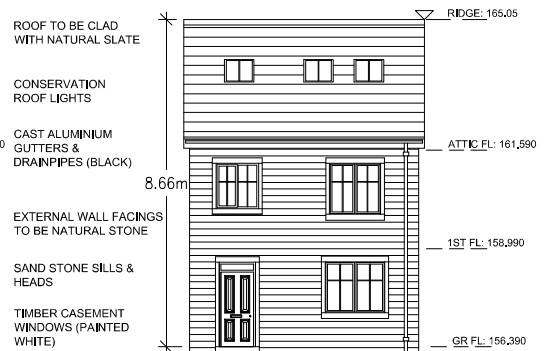
PROPOSED ATTIC FLOOR PLAN (1:50)



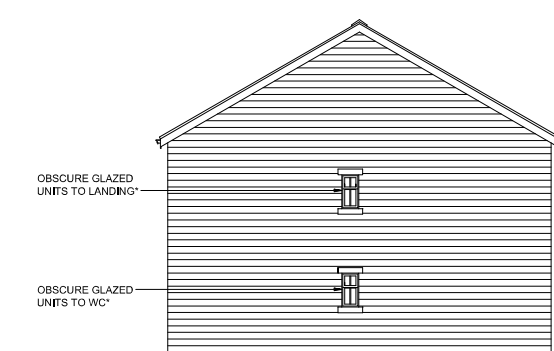
Revisions:			
Rev:	Date:	Actioned by:	Details:
A	10.10.2023	JPE	Internal layout amended with ground floor wc repositioned, stairs adjusted, and attic bedroom area redesigned to a single master bedroom. Elevations amended following comments from LPA with elevation treatment simplified, height of roof reduced by 1.0metre, roof pediment removed to front elevation, and canopy over entrance door removed.



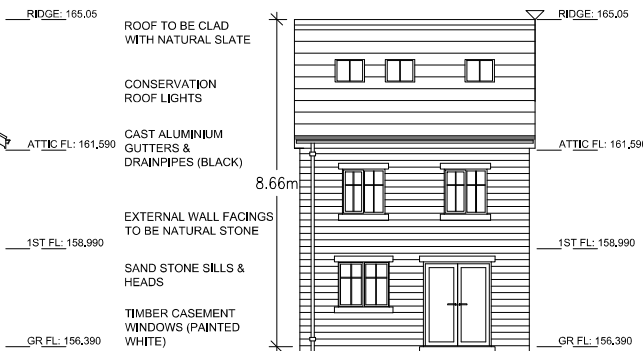
PROPOSED SIDE/NORTH ELEVATION (1:100)



PROPOSED FRONT/EAST ELEVATION (1:100)



PROPOSED SIDE/SOUTH ELEVATION (1:100)

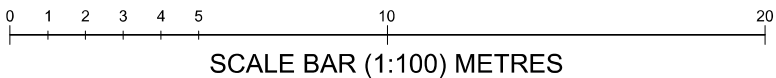


PROPOSED REAR/WEST ELEVATION (1:100)

Client: Redisher Finishing Techniques Ltd
Project: Proposed Residential Development
Drawing Number: 1411 / 101A - Floor Plans & Elevations As Proposed.

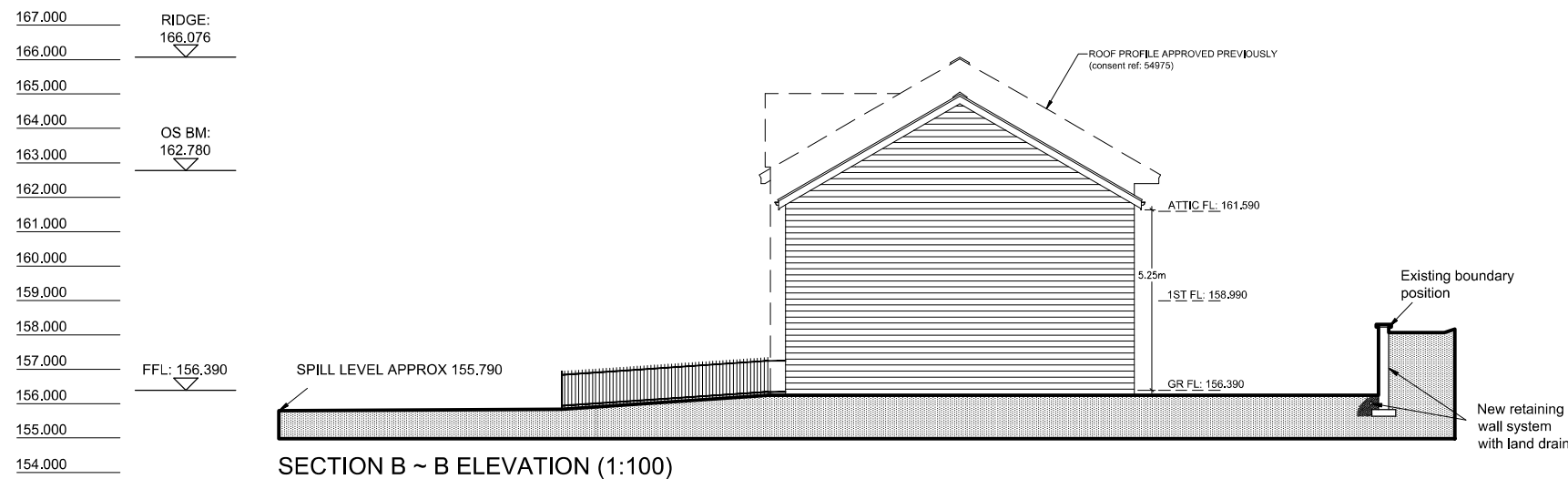
Drawn By: JPE / JMS
Date: 22-09-11
Scale: A1 @ 1:50
Checked By:

MATERIALS:
ROOFS TO BE CLAD WITH NATURAL SLATE
EXTERNAL WALL FACINGS TO BE NATURAL STONE
SAND STONE SILLS & HEADS
CAST ALUMINIUM GUTTERS & DRAINPIPES (BLACK)
TIMBER CASEMENT WINDOWS (PAINTED WHITE)
CONSERVATION ROOF LIGHTS

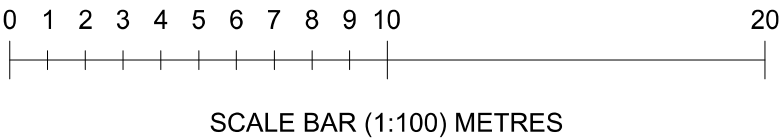


*NOTE:
OBSCURE GLAZED UNITS TO LANDING & WC
WITH OBSCURATION LEVEL OF AT LEAST 3 ON
THE PILINGTON SCALE OF 1-5 (WHERE 1 IS
CLEAR & 5 IS COMPLETELY OBSCURE).

Proposed Residential Development to Site at Redisher Finishing Techniques Ltd.



Revisions:
A - 10.10.2023 - JPE - Height of all three dwellings reduced by 1.0m (compared to consent ref: 54975), and elevations redesigned.



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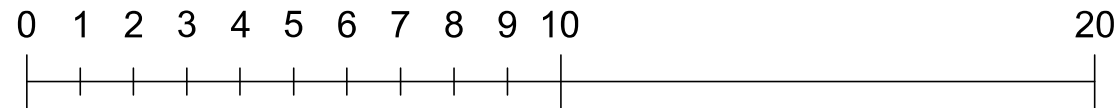
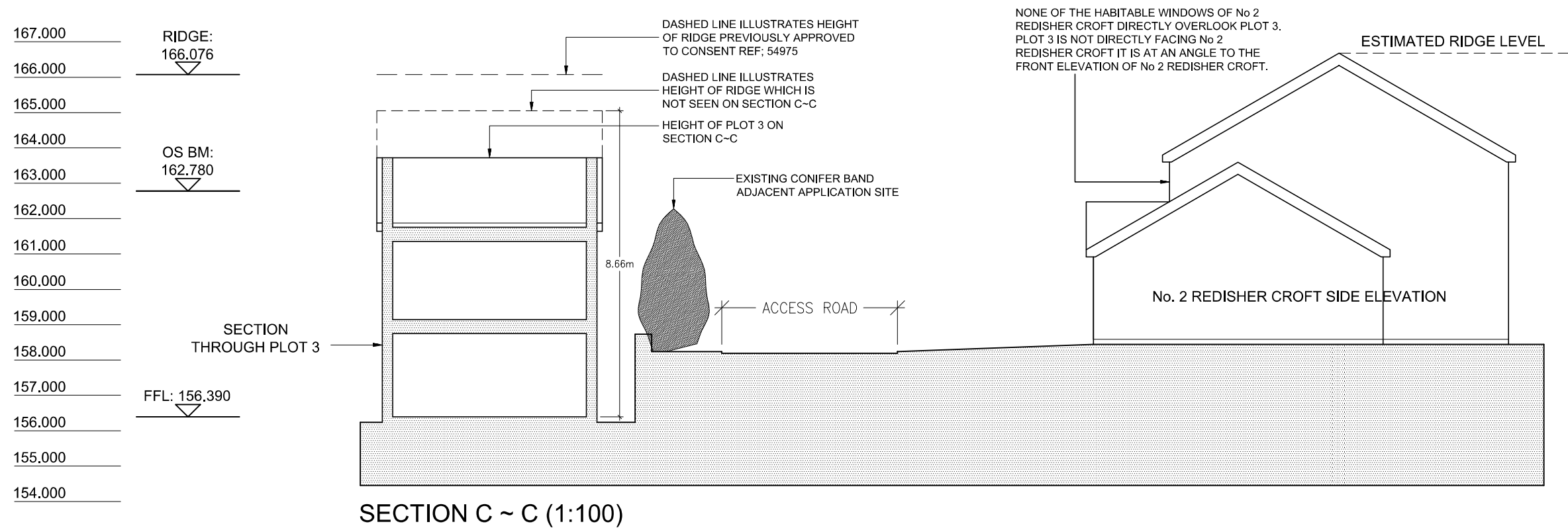
Project: Proposed Residential Development

Drawing Number: 1411 / 102A - Sections

Drawn By: JMS
Date: 22-09-11
Scale: A1 @ 1:100
Checked By:

Proposed Residential Development to Site at Redisher Finishing Techniques Ltd.

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SCALE BAR (1:100) METRES

Revisions:

A - 10.10.2023 - JPE - Height of all three dwellings reduced by 1.0m (compared to consent ref; 54975), and elevations redesigned.

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Client: Redisher Finishing Techniques Ltd

Project: Proposed Residential Development

Drawing Number: 1411 / 106A - Section C ~ C

Drawn By: JMS
Date: 26-04-12
Scale: A2 @ 1:100
Checked By:

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Ward: Ramsbottom and Tottington -
Ramsbottom

Item 03

Applicant: Mr Mark Ainsworth

Location: 5 Square Street, Ramsbottom, Bury, BL0 9BE

Proposal: Change of use from chiropractor (Class E) to bar (Sui Generis) (part retrospective)

Application Ref: 69932/Full

Target Date: 18/09/2023

Recommendation: Approve with Conditions

Description

The application relates to a traditional 1 up - 1 down two-storey mid-terraced stone under a slate roof property located on the south-east side of Square Street, Ramsbottom. The property is located within a Primary Shopping Frontage and within Ramsbottom Conservation Area, as allocated within the adopted Local Plan. The rear of the property has a single storey brick built extension and a single storey brick outbuilding.

Planning permission is sought to change the use of the property from a Chiropractors (Use Class E) to a Bar (Sui-Generis Use) and insert a ventilation fan within a first floor window to the rear of the building.

The proposed bar use would occupy both floors of the building. A bar has been installed downstairs against the wall of the property abutting no. 7 Square Street. The door to the rear of the property would be accessible from the staff side of the bar. The proposal shows a single toilet within the existing ground floor rear extension. At first floor level, a seating area is proposed.

To the rear of the property is a rear yard. This has a brick built mono-pitched outbuilding which is proposed to be used for storage and would provide a second toilet for the proposed business. The proposal seeks to store refuse bins to serve the proposed business within the rear yard area. This yard area has a single person width access gate onto Back Silver Street/ Back Square Street, a cobbled street that provides access to properties on Back Silver Street, the rear of properties on Square Street and Bridge Street.

The opening hours proposed for the bar are:

Monday - Saturday 10am - 11pm; and,
Sunday 11am - 10pm

The proposal states the proposal would provide 2 full time jobs and 3 part time jobs.

The proposals are partly retrospective as the applicant has refurbished the property by installing new windows and doors, a bar at ground floor level has been installed and also appears to have upgraded the handrail on the staircase.

The property sits adjacent to 3A Square Street, a first floor residential apartment. To the side and rear of the application site, there are residential properties on Bridge Street and Silver Street. A first floor residential flat exists above 64a Bridge Street with a residential property located 5 Back Silver Street.

Relevant Planning History

69538 - Change of use from chiropractor (Class E) to bar (Sui Generis) - Withdrawn by

Applicant, 20/06/2023

69269 - Lawful development certificate for proposed change of use from Chiropractor (Class E(e)) to a Bar (Class E(b)) - Refused, 17/03/2023 - A drinking establishment is considered to be a use classed as Sui Generis.

Adjacent site - 7 Square Street

34863 - Change of use of front room of house to retail shop - Approved with Conditions, 08/12/1998

50340 - Change of use of ground floor from dwelling house (Class C3) to financial and professional services (Class A2) together with new front display window and new front entrance - Approved with Conditions, 02/10/2008

53976 - Change of use of first floor from residential (Class C3) to financial and professional services (Class A2) - Approved with Conditions, 11/07/2011

Publicity

The proposal has been advertised by Site Notice and neighbouring properties have been consulted by letter.

As a result of the publicity 11 representations have been received; 7 letters of support and 4 letters raising objections. The representations received raise the following matters:

Support

- Requests the Council support a new venture and bring life back into the picturesque town of Ramsbottom, once voted as one of the best places to live in The Times.
- Requests Bury Council get Rammy great again
- Asserts the once vibrant town is now sadly a dark and dismal place, therefore proposals like these should be supported.
- Questions why there would be objections given the street has already experienced outdoor seating (during Covid)
- Expresses sadness at the decline in the town given the bars and restaurants have recently closed.
- Expresses concern that Ramsbottom is falling behind towns like Rawtenstall and losing out in terms of the night time economy.
- Advises it would benefit the local people, the local economy and bring outsiders into Ramsbottom village centre
- Asserts we should support people trying to bring jobs and some life back into the town

Objections

- Raises concern about noise affecting their amenity, advising they could hear the builders through the walls and raises concern that triple the amount of people in the property, by virtue of staff and customers will adversely affect their amenity.
- Raises concern that adjoining residential occupiers won't be able to open windows, hang out their washing out, or even sit in their back yard due to noise and cigarette smells thereby adversely affecting their amenity.
- Advises that proposal would directly affects those that live there all the time, and not those who visit the town from time to time.
- Raises objections to the bar using the street for the consumption of alcohol and outside seating
- States there is no room for more commercial rubbish/bottle bins at the back of Square Street and asserts this will also impact on the access/egress for emergencies, particularly concerning as first floor flats on Square Street, Back Silver Street, Silver Street and Bridge Street are all accessed from the cobbled lane at the rear of the application site
- Raises concern about the proposal attracting and increasing anti social behaviour, litter and noise.

- Asserts the application should have been submitted before the bar was fitted out
- Raises concern that the bar is situated between two residential properties and would thus adversely affect their amenities
- Believes that the safety of residents would be compromised by yet a further bar being opened in a residential area
- States it would be unacceptable to expect council tax payers to put up with the environment which it creates, especially the residents of the street, if this bar is allowed.
- Asserts only selective residents are notified about proposals on Square Street, in case the Residents who live here 24/7 object
- Asks the decision maker to ask itself whether they would like to live next door to a bar.

Statutory/Non-Statutory Consultations

Conservation Officer - No objections but notes the replacement windows and doors should have received planning permission.

Environmental Health - Pollution Control - Initially raised objections but after reviewing the additional information received raise no objections.

Waste Management - No objections, provided sufficient refuse storage can be accommodated within the rear yard area.

Greater Manchester Police - design for security - No comments or observations received

Traffic Section - No objections.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

S1/2	Shopping in Other Town Centres
S2/2	Prime Shopping Areas and Frontages
S2/6	Food and Drink
EN2	Conservation and Listed Buildings
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
TC2/1	Upper Floors
TC2/3	Vacant and Cleared Sites
EC4/1	Small Businesses
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.

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, including relevant policies in the emerging Places for Everyone Joint Development Plan. 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.

The Places for Everyone Joint Development Plan Document (PfE) is a joint plan covering nine of the ten Greater Manchester districts, including Bury, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

PfE was published in August 2021 and subsequently submitted to the Secretary of State in February 2022. Inspectors have been appointed to carry out an independent examination of the Plan with the hearing sessions commencing in November 2022 and were concluding in July 2023. The examination of the plan is on-going.

Whilst PfE cannot be given full weight until it is adopted, its advanced stage of preparation means that it is now considered reasonable that the Plan (as proposed to be modified) should be given weight in the decision-making process in line with paragraph 48 of the National Planning Policy Framework.

Consequently, the principle of this application has been considered against the Plan (as proposed to be modified) and reference to relevant policies and proposals are made in this report.

Principle of Development

The application site is located on Square Street within Ramsbottom town centre, which is allocated within the adopted Local Plan as prime shopping frontage.

Policy S2/2 of the UDP states that within prime shopping areas, the Council will seek to maintain retailing as the predominant land use at ground floor level. Proposals for change of use or redevelopment within these areas will be assessed on their merits and by taking into account the following factors:

- a. the design and appearance of the proposed frontage;
- b. the maintenance or provision of a display window at ground floor level, where appropriate;
- c. access for the mobility impaired, where appropriate and through negotiation with the developer;
- d. whether the proposed development will give rise to disturbance or nuisance;

In addition, where a proposal would lead to more than 10% of any identified prime shopping frontage being in non-retail use, the Council will also take into account the following factors:

- e. the location and prominence of the proposal within the prime shopping frontage;
- f. the number, distribution and proximity of other premises in non-retail use or with planning permission for such uses;
- g. the particular nature and character of the use proposed, including the level of activity associated with it.

Policy S2/6 states that the Council, when considering proposals which involve bars, will have regard to the following factors:

- a. the amenity of nearby residents by reason of noise, smell, litter and opening hours;
- b. whether or not the proposal would lead to an overconcentration of Class A3 uses, which could adversely change the nature or character of a centre as a whole;
- c. parking and servicing provision associated with the proposed development and its effects in terms of road safety, traffic generation and movement;
- d. provision for the storage and disposal of refuse and customer litter;
- e. the environmental impact of any ventilation flues/ducting.

Public houses, wine bars or drinking establishments were previously an A4 use and are now considered to be a sui generis use.

The section of Square Street (from its junction with Smithy Street to its junction with Bridge Street) contains 13 properties. 7 of the 13 properties are in residential use, with the majority of these being flats at first floor level.

Out of the 13 properties on Square Street, 11 are in use for retail, office and restaurant uses, all of which fall within the Class E use class and are appropriate uses within the town centre. Notwithstanding this, the existing uses are predominantly daytime and quiet uses, with the exception of the restaurants at no. 6 and no. 10.

The proposed bar would by its nature as a sui generis use, be different from the two restaurants on the street. Bars tend to have more comings and goings of customers throughout evenings than any of the existing uses. As such, the proposal may cause noise and disturbance and/or nuisance to occupiers of flats at first floor level on Square Street, Bridge Street and Silver Street, contrary to the requirements of UDP Policy S2/2. This matter will be discussed further in the Residential Amenity section of this proposal.

Issues relating to the amenity of nearby residents, parking and servicing provision, storage and disposal of refuse will be discussed later in the report.

Impact upon conservation area

The application site is located within Ramsbottom Town Centre Conservation Area. UDP Policy EN2/1 - Character of Conservation Areas, follows the requirements of Section 72 of the Town and Country Planning (General Permitted Development) Act 1990 (as amended), in that proposals are required to either preserve or enhance the character and appearance of a the boroughs conservation areas.

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

Policy JP-P2 (Heritage) of the Places for Everyone Joint Development Plan (as proposed to be modified) states that we will proactively manage and work with partners to positively conserve, sustain and enhance its our historic environment and heritage assets and their settings.

The proposed development as it stands does not involve any further external changes to the building.

This part of the Conservation Area is characterised by small stone terraces, all originally built for residential purposes, as is evidenced by their front elevations; with nos. 1- 9 form the original terrace, with them having ground and first floor windows of matching proportions and detailing and a single doorway with an arched stone surround with keystone and being one up/ one down. Nos. 11 -15 Square Street were added on at a later date and do not have the stone arched doorway detailing but follow the proportions of the properties and the window sizes and door placement of original terrace.

The uniformed appearance of the eastern side of Square Street contributes significantly to the character and appearance of this part of the Conservation Area.

Although this application seeks only a change of use of the property, it is evident on Google Street View that sometime between August 2018 and this application, the timber front door which was primarily solid, with the exception of its fanlight above, has been removed and replaced with a clear glass UPVC door. The loss of the solid front door, detracts from its character and thus this change dilutes the heritage significance of this property and the terrace to which it forms part. The brown UPVC windows have been replaced with black upvc windows and doors.

The LPA notes that the Barbers Shop at no. 9 Square Street has a similar door, although no. 9's refurbishment is considered to be slightly better by virtue of the windows at least reflecting the horns present on the windows of nos. 7 - 15 (odd) Square Street.

In addition, the signage board present on the property, advertising the name of the proposed business, covers the stone head of the ground floor window, one of its historic features, further diluting the appearance of this part of the conservation area. The signage on the building does not form part of this application and would be separate to advertisement consent.

Paragraph 199 of the NPPF requires a level of harm to be determined and any such harm weighed by the public benefits. The proposal is considered to cause less than substantial harm to the character and appearance of the Conservation Area. The refurbishment and re-occupation of the building is considered to be a public benefit, as empty properties ultimately deteriorate and end up detracting from the character and appearance of the Conservation Area.

Residential Amenity

UDP Policy S2/6 - 'Food and Drink' requires, amongst other things, the amenity of nearby residents to be considered by reasons of noise, smell, litter and opening hours.

UDP Policy EN7/2 - 'Noise' states that to limit noise pollution the Council will not permit development which would lead to an unacceptable noise nuisance to nearby occupiers.

The application site is located between Nos 3 and 7 Square Street. No. 70 Bridge Street has been combined with Nos 1 and 3 Square Street to form a retail unit at ground floor level and a self-contained flat at first floor level. The flat has a boundary with the application site and is accessed via Back Square Street/ Back Princess Street.

No. 7 Square Street has planning consent for use as an office and as business rates have been paid on the property, this consent has been implemented. Attached to no. 7 Square Street is no. 9 Square Street, a Barbers, which has a first floor flat above, accessed from the rear cobbled street. Opposite the property is a Hairdressers and a Dentists practice.

To the rear and side of the application site, a flat above a property on Bridge Street (no. 63A) is present, which is accessed via Back Square Street/ Back Silver Street. The occupiers of 63A Bridge Street also have an outlook over the rear yard area of the application site and the cobbled back street.

Other properties also use the rear cobbled street to access their properties and homes include all businesses on the three streets (Square Street, Bridge Street and Back Square Street) and at least 5 homes, including a residential property, 2 Silver Street that fronts onto the cobbled back street.

On the opposite side of Square Street, albeit at a diagonal to the application site, a residential apartment exists above the ground floor uses of nos. 10 Square Street, a Restaurant (Vacant) and 12 Square Street (Retail).

The proposed development would occupy the ground and first floor and the first floor level of the building which would be adjacent to a residential flat.

Officers have raised concerns over the impact of noise from the proposed use, including noise within the premises, customers arriving and leaving the premises, and bottles being emptied within the rear yard area, on the adjoining residential occupier and surrounding neighbours. The application is accompanied by a Sound Insulation Report.

The applicant has demonstrated soundproofing along the party wall with no.70 Bridge Street/ 3A Square Street. The Council's Environment

Square Street is an inherently quieter street than the main retail/ commercial streets of Bridge Street and Bolton Road West. Noise pollution stemming from music and people talking and shouting, and an increased number of people over and above, those that would

have ever lived in this one up, one down property, being present in the property, would adversely affect the occupier(s) of the adjoining apartment. Due to the bars opening hours - 10am - 11pm Monday to Sunday - it is considered that the proposed use would have a serious impact on the amenity of the adjoining residential occupier of no. 3A Square Street.

When windows and doors are opened to provide ventilation due to the small size of the building for example, and by customers entering and leaving the property, and by the emptying of bins, including bottle bins within the refuse storage area proposed within the rear yard area. The emptying of bins could happen at any time of the day or night and would generate noise, which would impact significantly upon the amenity of the neighbouring properties.

A sound insulation report accompanies this application asserting sound testing has been undertaken in the rear office of no. 70 Bridge Street/ 1 and the ground floor of no. 3 Square Street and within no. 7 Square Street. The Council's Environmental Health Officers have reviewed this report and are satisfied that the sound proofing to the party walls that has occurred will prevent noise transferring through to the adjoining flat.

Concerns have been raised by that the opening of the doors and windows whilst the business is open to provide ventilation to the property would cause issues of noise nuisance to surrounding residents. To address this concern, the applicant proposes to insert a ventilation unit within the rear first floor window on the rear elevation located at the top of the stairs. To avoid the first floor windows being opened whilst the proposed drinking establishment is open, a condition is recommended requiring the first floor window to be fixed and non-opening.

Although toilet provision is not a planning consideration, the Council's Environmental Protection team have advised that the proposal needs to provide at least 2 toilets, 1 for male customers and 1 for female customers, or provide fully separated cubicles with wash hand facilities for each. The applicant has provided additional information and indicates that as well as the toilet shown within the existing ground floor extension at the rear of the building, a second toilet would be provided within the rear outbuilding. Given the only access to the rear yard area and the outbuilding is via the existing rear door which is located behind the bar area, the rear door would be opened to allow ventilation and access to the rear yard area and the outbuilding, would create an additional noise issue, which may cause residential amenity issues.

Officers within Environmental Health have also raised some concerns over noise from customers entering and leaving the building would cause disturbance to the residential occupiers of 3A Square Street and other nearby residents as customers would head from Square Street to either Bridge Street or Bolton Road West.

Given the size of the building, it is not clear how many customers would fit into the property and therefore how much noise customers and the proposed use would make, as stated by the applicants noise consultant. To see if the proposal would lead to conditions detrimental to the amenity of adjoining and surrounding residential occupiers, Officers recommend that a temporary permission would be appropriate in this location to allow the Council and neighbours to see how, and whether the proposals would indeed have an adverse impact on the amenity of adjoining and nearby residents. It is therefore recommended that a temporary permission of 18 months from the date this application is determined be granted.

Highway Safety and Waste Management

The Highway Authority has raised no objections to this proposal given the application sites town centre location, and provided sufficient refuse storage bins can be accommodated within the rear yard area.

The Council's Waste Management team have previously advised on the last application that they have no objections to the proposal provided 2 x 1100 litre bins, or the equivalent in standard bins be provided within the rear yard area. The applicant has provided an

amended plan showing that the rear yard area of the application site can accommodate the required storage provision and have demonstrated that the rear gate opening and historic yard wall will not need to be altered in any way. On this basis, subject to a condition being imposed require refuse storage bins to be accommodated within the rear yard area, except for collection days, the proposal is considered to be acceptable in this regard.

Conclusion

The part retrospective proposal has renovated a vacant property on a Prime Shopping Frontage and allowance of the proposal would provide a commercial use within the Town Centre that would contribute to improving the economic and social conditions of Ramsbottom. The re-use of a currently vacant building would thereby outweigh the less than substantial level of harm that has occurred to the character and appearance of this part of Ramsbottom conservation area through the external alterations that have taken place and as proposed.

The Council does however have some concerns that the proposal would have an adverse impact on the amenity of adjoining and nearby residents by virtue of noise and disturbance, however the application contests that these concerns would not cause such demonstrable harm to the amenity of local residents. In this case, and given the building is on a street allocated within the UDP as Primary Shopping Frontage, it is strongly recommended that approval should only be granted for a temporary period, to allow the Council and neighbours to monitor the impacts the proposals would have on the amenity of adjoining and nearby neighbours. Subject to granting a temporary permission and imposing a condition recommending fixed glazing to the first floor windows of the building, a condition restricting the hours of use to those which have been applied for, and a condition relating to the storage of refuse, it is recommended that the application be approved.

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

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

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The permission hereby granted is for a limited period only, namely for a period expiring on the 30 May 2025, and the use comprising the development for which permission is hereby granted is required to be respectively discontinued at the end of the said period and the building reinstated to its former condition to the written satisfaction of the Local Planning Authority within 2 months of the date of this decision.

Reason. The development is of a temporary nature only to allow the Council to assess the impact of the development on adjoining and surrounding residential occupiers, in accordance with policies EN7/2 - 'Noise Pollution' and S2/6 - 'Food and Drink' of the Bury Unitary Development Plan, the National Planning Policy Framework and National Planning Practice Guidance.

2. This permission relates to the following plans:

OS. Site Plan/ Location Plan;
Drawing no. 0223/04-02 Rev. C: Block Plans; and,

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan and the National Planning Policy Framework.

3. Before the first occupation of the use hereby permitted the first floor windows on the front and rear of the building shall be non-opening and retained as such in perpetuity.

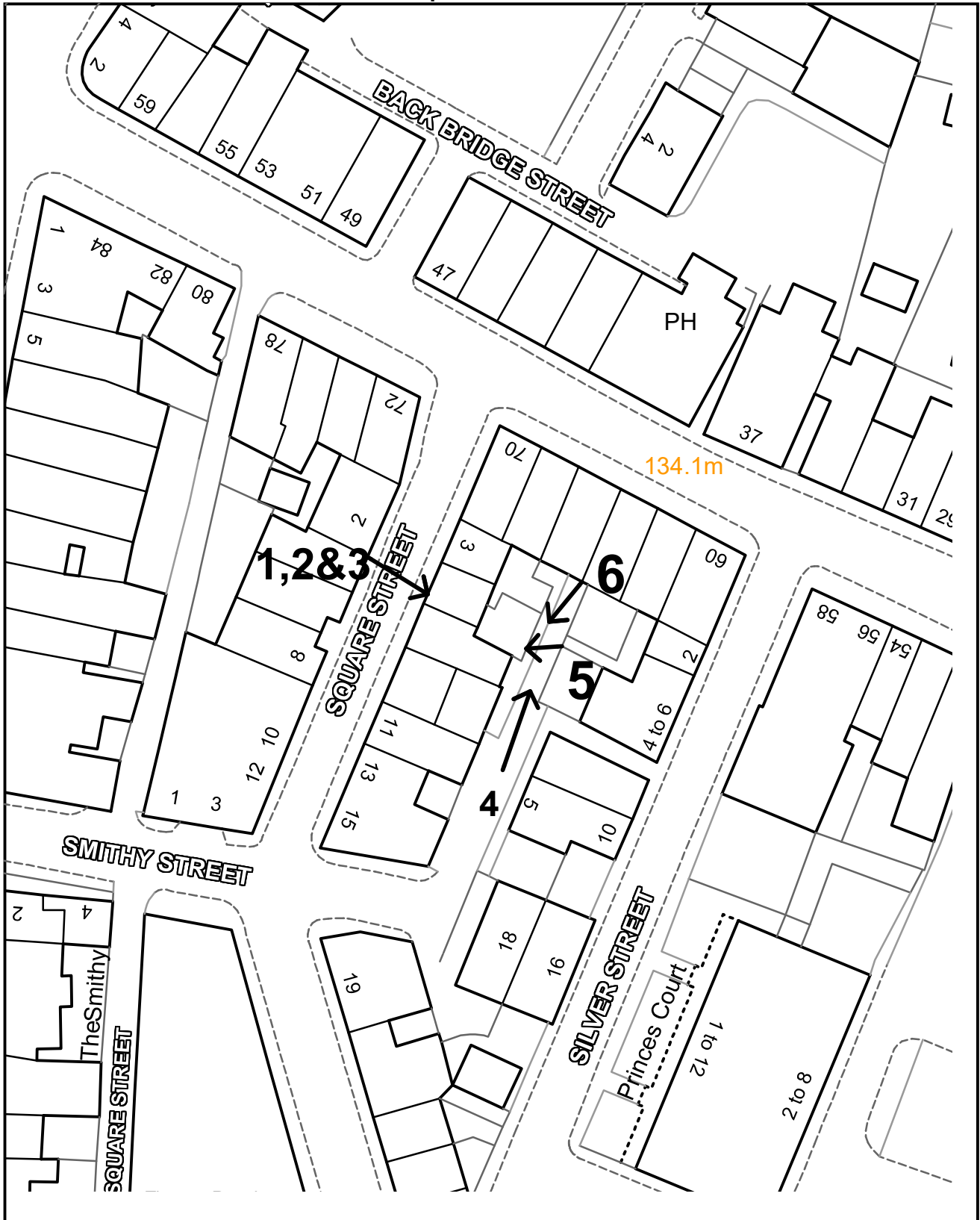
Reason: To protect the privacy of adjoining occupiers and nearby occupiers and to accord with Policies S2/6 - 'Food and Drink' and EN7/2 - 'Noise Pollution' of the Bury Unitary Development Plan.

4. The use hereby permitted shall only be open for trade or business between 10:00 hours and 23:00 hours Monday to Saturday and between 11:00 hours and 22:00 hours on Sundays, Bank Holidays and/ or Public Holidays.

Reason: To limit the potential for noise generation during unsocial hours and to prevent nuisance arising in order to safeguard the amenity of the occupiers of adjoining and surrounding residential properties in accordance with the requirements of Policies S2/2 – Prime Shopping Frontages, EN7/2 - Noise Pollution and S2/6 – Food and Drink, of the Bury Unitary Development Plan and the National Planning Policy Framework.

For further information on the application please contact **Claire Booth** on **0161 253 5396**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 69932

ADDRESS: 5 Square Street Ramsbottom



Bury
Council

Planning, Environmental and Regulatory Services

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69932

Photo 1



69932

Photo 2



Photo 3



69932

Photo 4



69932

Photo 5



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Photo 6

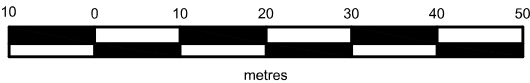
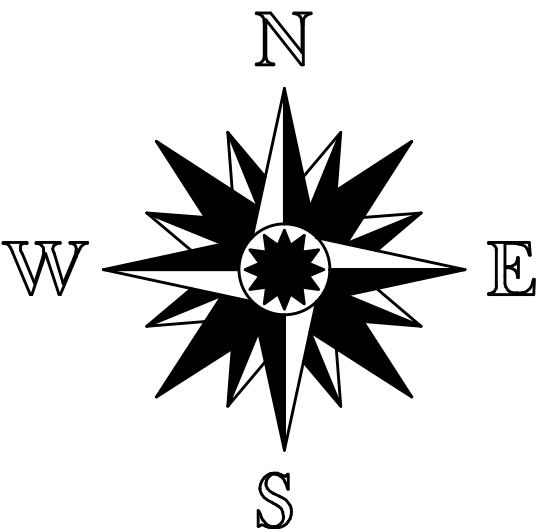


Project: 5 Square Street, Ramsbottom, Bury BL0 9BE

Project No.: 2023-04

Title: OS Site Plan

Scale: 1:1250@A4



20 Fernhill Drive
Stacksteads, Bacup
Lancashire
OL13 8JS
mob: 07528809176
tel 01706 870944
e: ben@eds20.co.uk

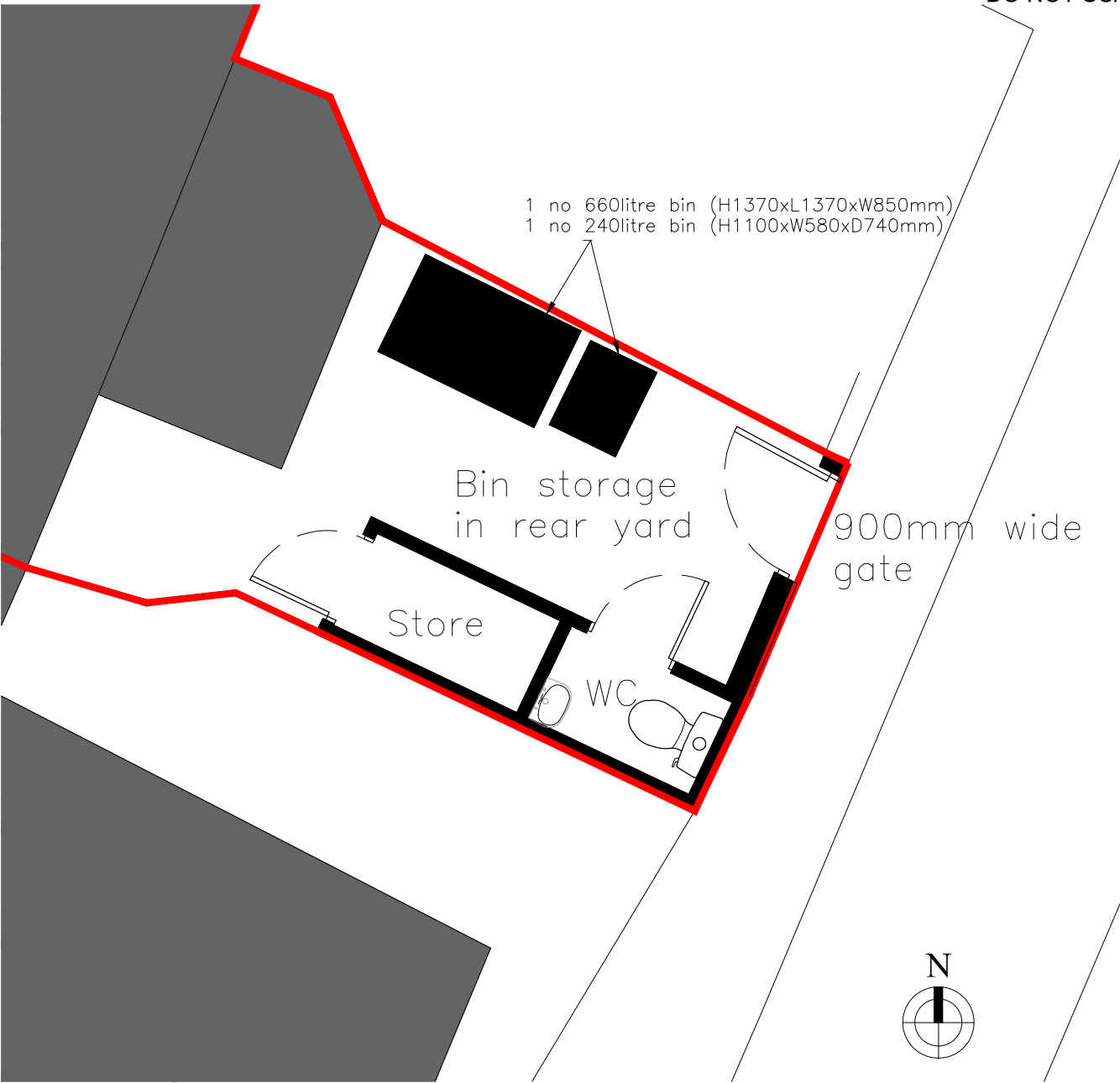




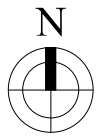
Existing Site Plan (1:100)



Proposed Site Plan (1:100)



Proposed Rear Yard Plan (1:25)

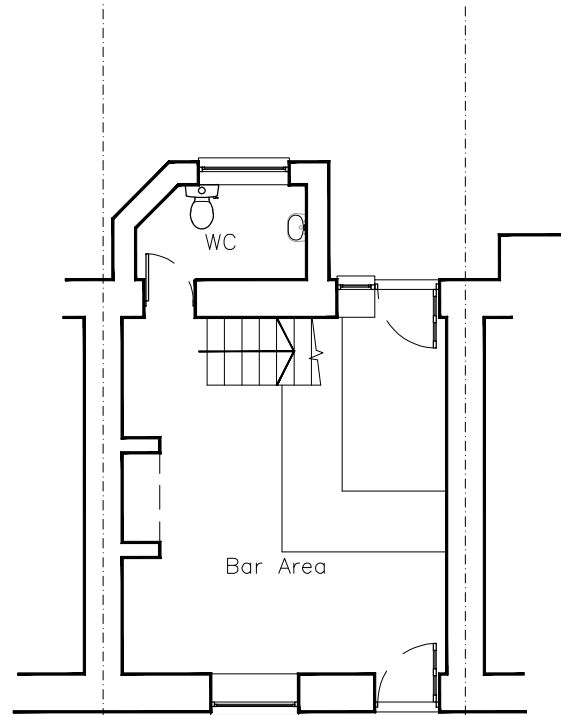


Client			
Mark Ainsworth			
Project			
Change of use of Chiropractor Class E(e) to Bar use (Sui Generis) 5 Square Street, Ramsbottom BL0 9BE			
Job No.	Area	File Ref	
2023/04			
Title			
Block Plans			
2023/04-02			rev. C
Date	Drn.	Scale	Checked
03.04.23	B. Edmondson	AS Noted@A1	

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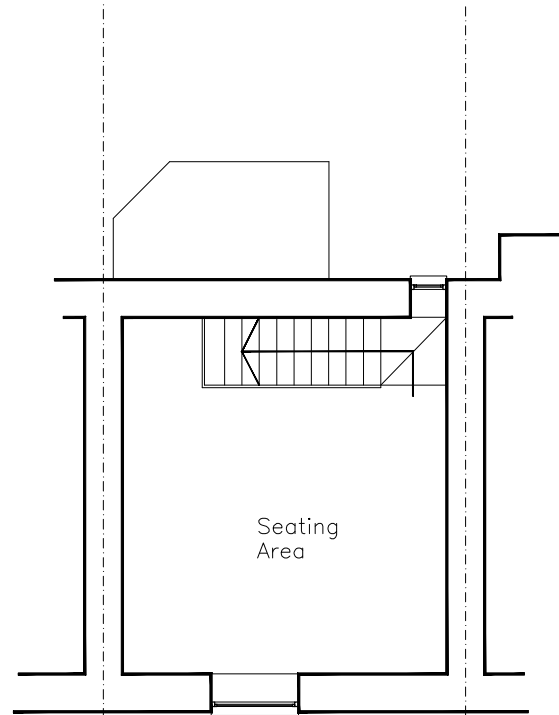
20 Fernhill Drive
Stacksteads, Bacup
Lancashire
OL13 8JS
tel 01706 870944
mob: 07528809176
e:info@eds20.co.uk

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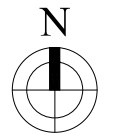
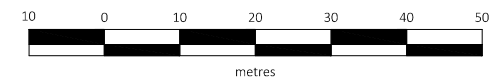
Square Street

Existing and Proposed Ground Floor Plan (1:50)

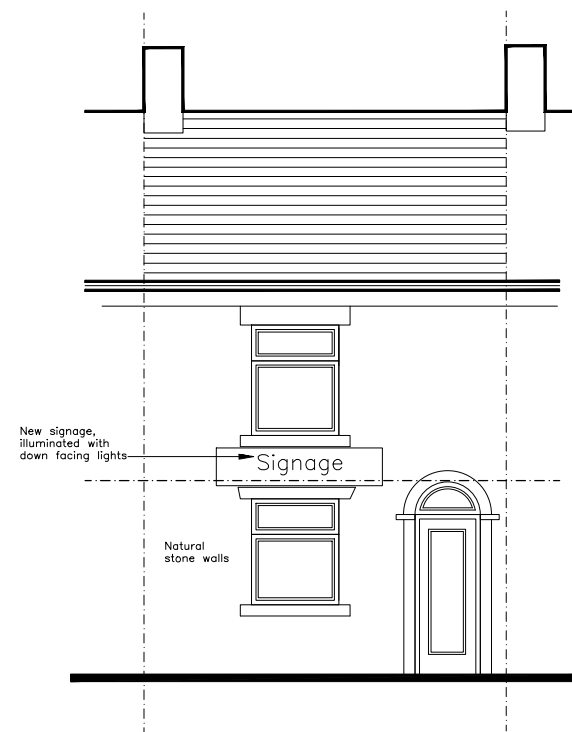


Square Street

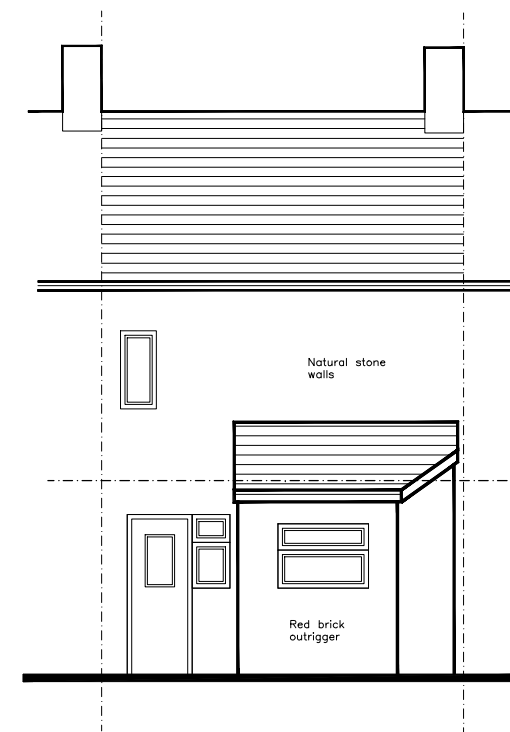
Existing and Proposed First Floor Plan (1:50)



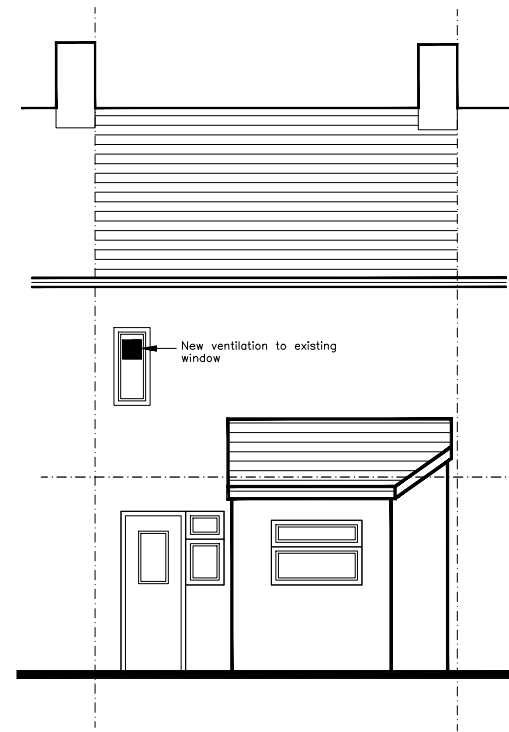
Site Plan (1:500)



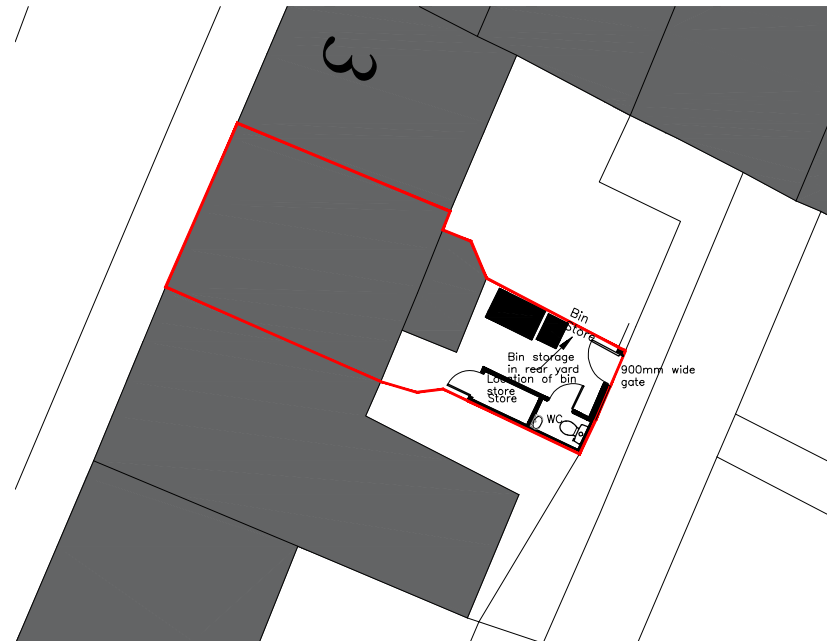
Existing and Proposed Front Elevation (1:50)



Existing Rear Elevation (1:50)



Proposed Rear Elevation (1:50)



Site Plan (1:100)

Client			
Mark Ainsworth			
Project			
Change of use of Chiropactor Class E(e) to Bar use (Sui Generis) 5 Square Street, Ramsbottom BL0 9BE			
Job No.	Area	File Ref	
2023/04			
Title			
Proposed Plans & Elevations			
2023/04-01			rev. C
Date	Drn.	Scale	Checked
03.04.23	B. Edmondson	AS Noted@A1	

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design services

20 Fernhill Drive
Stacksteads, Bacup
Lancashire
OL13 8JS
tel 01706 870944
mob: 07528809176
e:info@eds20.co.uk

Ward: Radcliffe - East

Item 04

Applicant: Radcliffe Pharmacy

Location: 47 Church Street West, Radcliffe, Manchester, M26 2SP

Proposal: First floor extension at rear

Application Ref: 70044/Full

Target Date: 24/10/2023

Recommendation: Approve with Conditions

Description

The application relates to a pharmacy on Church Street West. The property is located at the end of a row of terraced properties. The pharmacy currently occupies the ground floor of the site, with residential flats located at first and second floor.

Planning permission is sought for a first floor extension. The proposed extension would be L-shaped and extend above the single storey outrigger on the rear corner of the building. It would allow the addition of a first floor staff room and store room for the pharmacy. The application is a resubmission of application 58326 which has lapsed.

Relevant Planning History

49401 - Installation of a new shop front and siting of airconditioning condensers - Withdrawn
- Invalid 10/04/2008

50678 - New shop front and two storey extension at rear - Approve with Conditions
23/12/2008

50679 - 2 internally illuminated fascia signs; 1 projecting/hanging sign - Approve with
Conditions 19/12/2008

51118 - Single storey extension at rear; new shop front (revised scheme) - Withdrawn by
Applicant 14/05/2009

51119 - 2 no. internally illuminated fascia signs; 1 no. internally illuminated projecting sign
(revised scheme). - Withdrawn by Applicant 14/05/2009

58326 - First floor extension at rear - Approve with Conditions 04/03/2015

Publicity

Neighbour letters sent 6/9/2023. 6 representations received in relation to:

- It will cause distress to the tranquillity of my home.
- I feel it would be detrimental to the aesthetic appearance of the building
- It will obviously block out natural daylight to the existing windows.
- Historically this building had 3 more windows which were blocked up for security.
- I've consulted a lawyer and you'll be hearing from them in due course.

Statutory/Non-Statutory Consultations

Traffic Section - condition requested in relation to foundations, scaffolding/hoarding, a construction method statement and facilities for the storage of construction materials.

Environmental Health - Pollution Control - no comment

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

Unitary Development Plan and Policies

S1/2	Shopping in Other Town Centres
S2/3	Secondary Shopping Areas and Frontages
EC4/1	Small Businesses
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
HT6/2	Pedestrian/Vehicular Conflict
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations, including relevant policies in the emerging Places for Everyone Joint Development Plan. 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.

The Places for Everyone Joint Development Plan Document (PfE) is a joint plan covering nine of the ten Greater Manchester districts, including Bury, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

PfE was published in August 2021 and subsequently submitted to the Secretary of State in February 2022. Inspectors have been appointed to carry out an independent examination of the Plan with the hearing sessions commencing in November 2022 and were concluding in July 2023. The examination of the plan is on-going.

Whilst PfE cannot be given full weight until it is adopted, its advanced stage of preparation means that it is now considered reasonable that the Plan (as proposed to be modified) should be given weight in the decision-making process in line with paragraph 48 of the National Planning Policy Framework.

Consequently, the principle of this application has been considered against the Plan (as proposed to be modified). However, the principle of this proposal does not give rise to any conflict with PfE policies.

Principle

The site is currently in use as a pharmacy at ground floor, with residential accommodation at first floor. The site is located within Radcliffe Town Centre, and an identified shopping area/frontage.

In shopping areas identified under UDP Policy S1/2 - Shopping in Other Town Centres seeks to strengthen and maintain retail roles. In addition UDP Policy S2/3 - Secondary Shopping Areas and Frontages the Council will seek to maintain retailing as the predominant land use at ground floor level. Proposals within these areas will be assessed on their merits and by taking into account:

- a) the design and appearance of the proposed frontage;
- b) the maintenance or provision of a display window at ground floor level, where appropriate;
- c) access for the mobility impaired, where appropriate and through negotiation with the developer;
- d) whether the proposals will give rise to disturbance or nuisance.

UDP Policy EC4/1 states that proposals for small businesses will be acceptable where the scale of development is appropriate to, and the use is environmentally compatible with the

area in which is located.

The use of the extension will be ancillary to the use of the pharmacy to which it is attached and the scale of the proposed extension is of an appropriate scale in relation to the size of the existing business. As such there is no objection to the principle or use of the extension and therefore the proposal is considered to comply with UDP Policies S2/3 and S1/2 in this respect.

Layout and Design

Policies EN1/1 Visual Amenity and EN1/2 - Townscape and Built Design seeks to ensure that any proposals would not have an adverse impact on the visual amenity and particular character and townscape of an area.

The site is visible from the car park at the rear, and health centre to the side. The extension would not be higher than the main property, or the eaves of the adjacent property and as such is considered to be of a suitable scale. As such the proposal would not appear as particularly prominent on the streetscape. The proposed windows are considered to be suitably aligned. The finishing materials would match the existing building.

The proposal is therefore considered to be acceptable and complies with UDP Policies EN1/1, EN1/2, EC4/1 and S2/3.

Amenity

The policies set out above require an assessment of the proposal in terms of disturbance or nuisance. Consideration also needs to be given as to whether the proposed use is environmentally compatible with the area in which it is located. In addition UDP Policy EN7/2 - Noise Pollution does not permit development which could lead to an unacceptable noise nuisance to nearby occupiers and/or amenity users.

The proposal would create ancillary accommodation in association with the existing ground floor use, however there are existing residential uses at first floor and second floor that need to be taken into consideration.

There are no existing windows at first floor facing towards the proposed extension. There is an existing rear second floor window, and existing second floor side window sited above the proposed extension. Reviewing previous planning permissions (58363) at the site for the creation of these residential units, the rear window appears to relate to a bedroom and the side window appears to relate to a corridor area.

As the side window is non-habitable no further assessment has been undertaken. The existing second floor bedroom window would be sited above the ridge of the proposed extension and as such would maintain the existing outlook.

A bedsitting room for flat 7 (as identified on application 58363) would be located at first floor attached to the proposed extension. This bedsitting room is already sited above the existing shop and therefore has an existing relationship with this use in relation to noise generation. The bedsitting room would be separated from the proposed extension by the original outer wall. Given the existing relationship of this flat to the shop, the existing original outer wall, and the proposed use of the extension (storage and staff room) it is considered that the location of the proposed extension is acceptable and would not have a significant adverse impact upon the occupiers of this flat. Environmental Health have raised no objections, and have not asked for any additional mitigation measures to be put in place in relation to noise.

It is therefore considered that the proposal complies with policy in terms of amenity and would not have a detrimental impact on the impact of the residential amenity of the neighbouring occupiers. The proposal would therefore be compliant with UDP Policies EN1/1, EN1/2, EC4/1, EN7/2 and S2/3.

Access

UDP Policy EN1/2 - Townscape and Built Design requires the consideration of the design and appearance of access, parking and service provision. UDP Policy HT6/2 - Pedestrian/Vehicular Conflict that requires developments to reduce pedestrian/vehicular conflict.

The ground floor extension is already in situ, however it is located adjacent to Quarry Street which is an adopted highway. As such the traffic section have requested a condition in relation to confirmation of any new foundations, the submission of a construction method statement and confirmation of a scaffolding/hoarding permit in order to maintain the integrity of the adopted highway and ensure adequate off highway materials storage arrangements are provided for the duration of the construction period.

Access to the building itself will remain unaltered and the traffic section have raised no objections to the proposal subject to the details of the condition set out above.

The proposal is therefore considered to comply with UDP Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

Response to representations

It is considered that the representations received have been addressed within the main body of report.

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

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

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered Site Location Plan, SHT 1 of 3 Rev A and SHT 2 of 3 Rev A and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
3. The external finishing materials for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. The development hereby approved shall not be commenced unless and until the following has been submitted to and approved by the Local Planning Authority:
 - Confirmation that either the existing foundations are to be utilised in order to

construct the proposed first floor extension or any new foundations that are required do not project under the adjacent adopted highway.

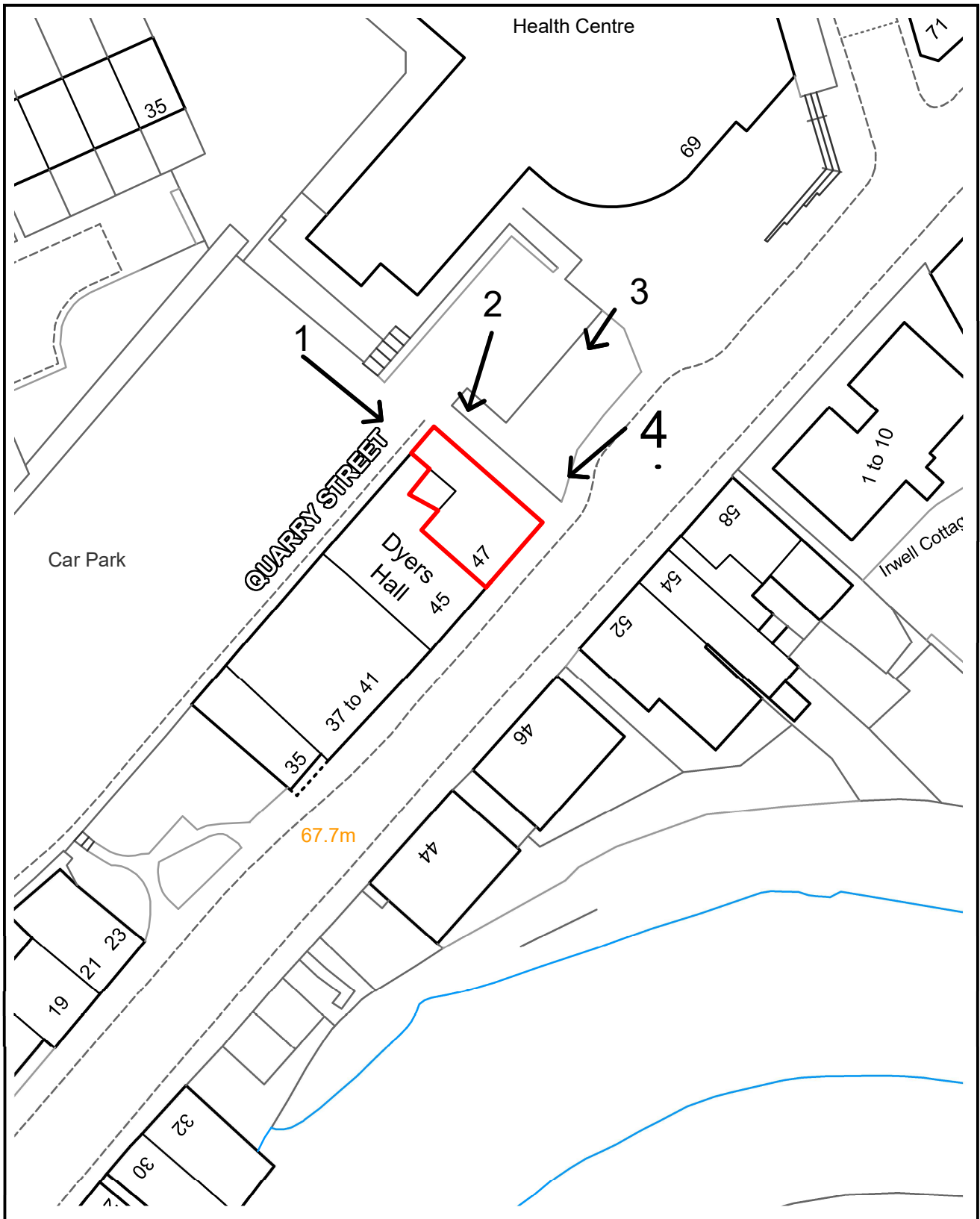
- In the event that new foundations are required, photographic dilapidation survey of the footway abutting the site in the event that subsequent remedial works are required following construction of the extension.
- Confirmation that a scaffolding/hoarding permit has been applied for due to the proximity of the property/extension to the adopted footway on Quarry Street.
- Construction method statement incorporating appropriate pedestrian protection measures and retention of adequate pedestrian facilities/access arrangements on Quarry Street that abuts the site.
- Facilities for the storage of construction materials on land within the applicant's control.

The measures subsequently approved shall be implemented and maintained for the duration of the works that affect the adjacent adopted highway. The material storage facilities shall be retained for the intended purpose and the area identified shall not be used for any other purposes other than the storage of construction materials for the duration of the construction period. All highway remedial works identified as a result of the dilapidation survey shall be implemented prior to the development hereby approved being brought into use.

Reason. To maintain the integrity of the adopted highway and ensure adequate off highway materials storage arrangements are provided for the duration of the construction period, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 70044

ADDRESS: 47 Church Street West Radcliffe



Bury
Council

Planning, Environmental and Regulatory Services

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70044

Photo 1



Photo 2



70044

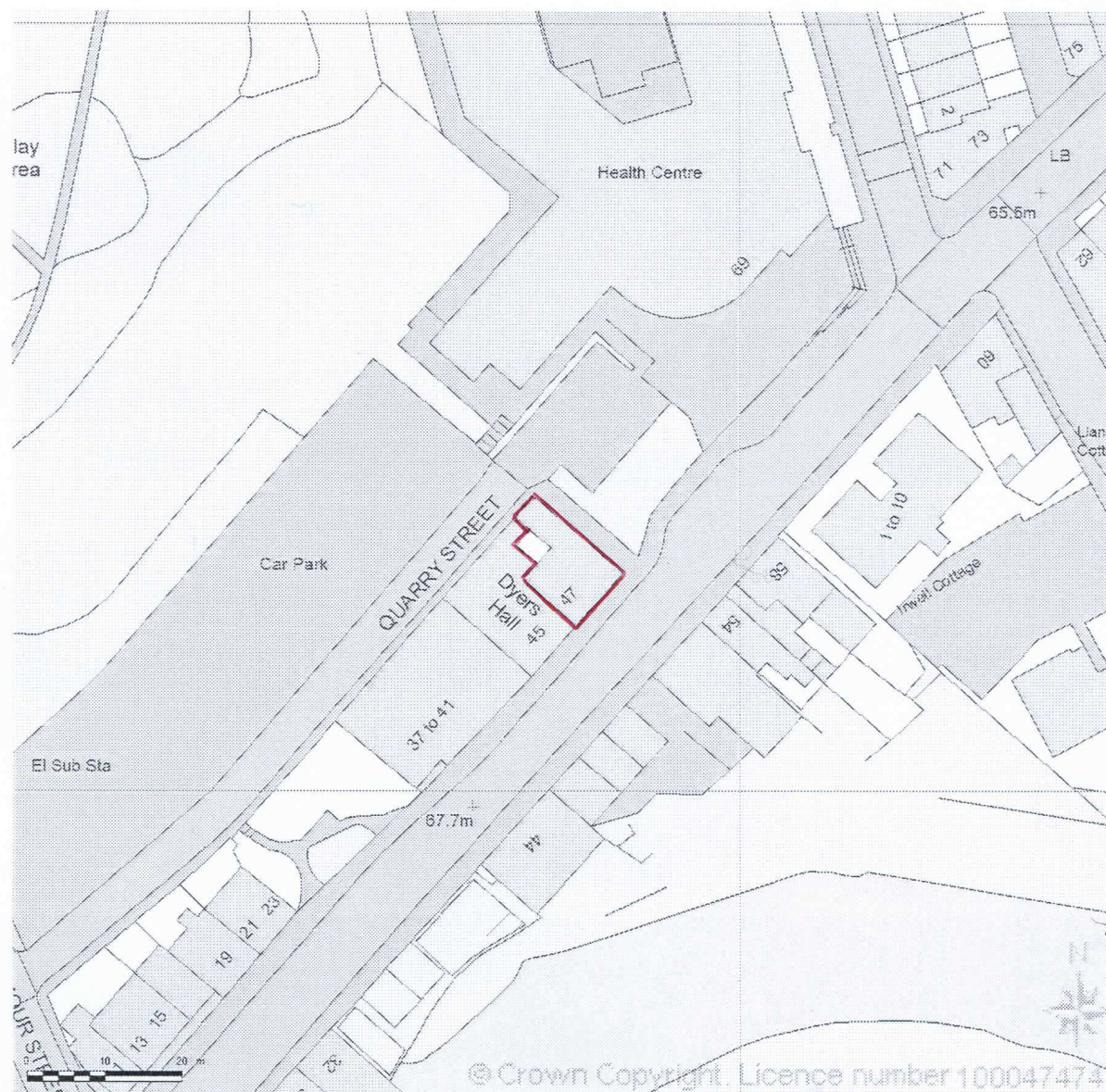
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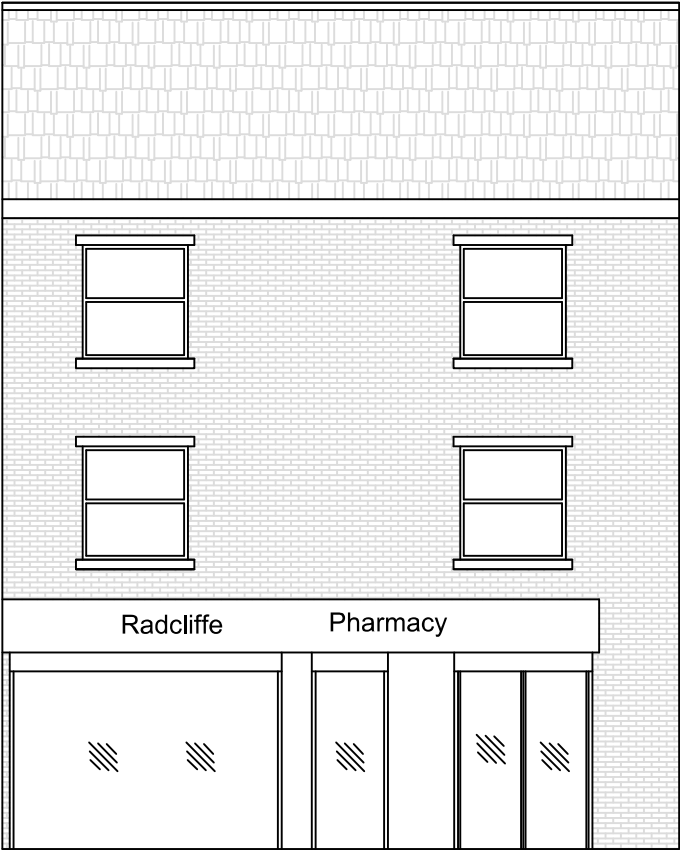
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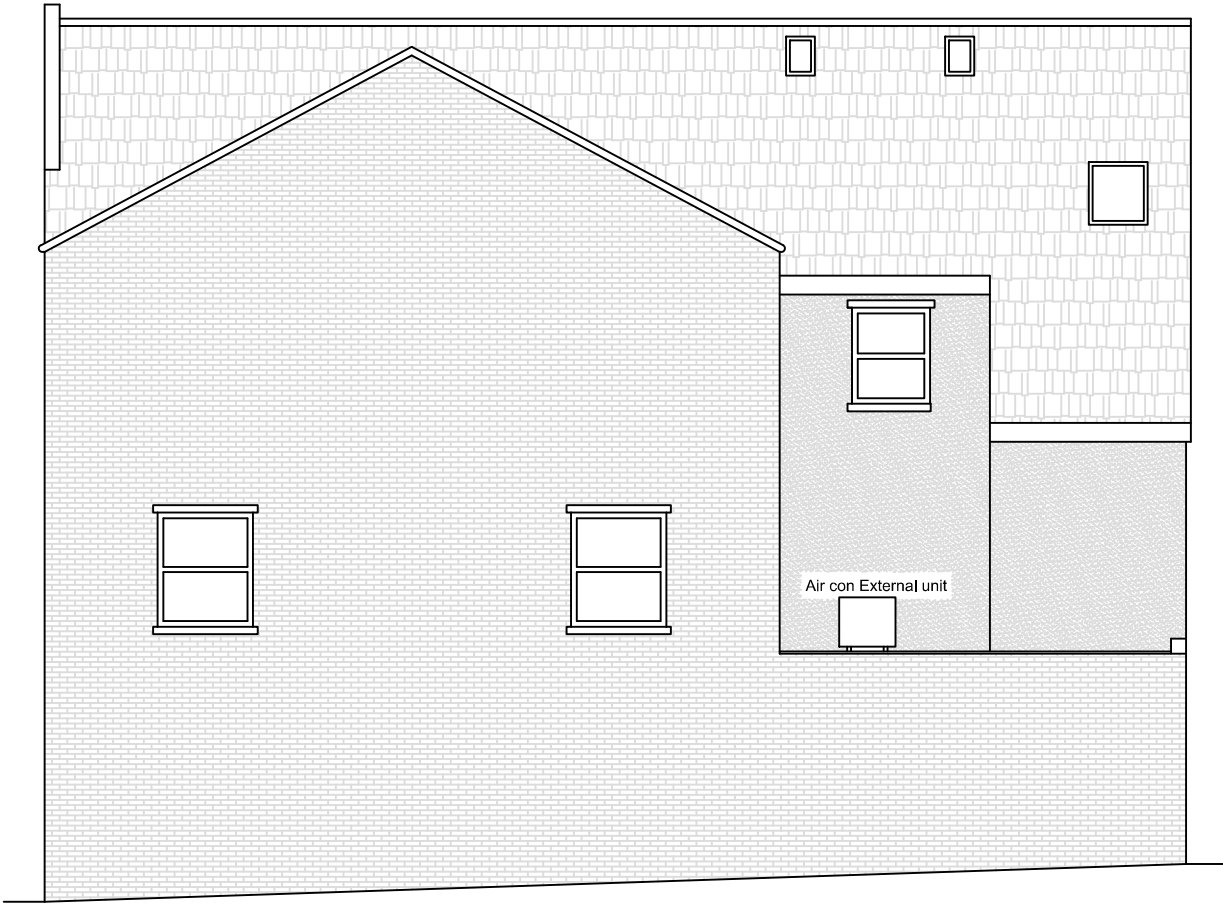
SITE LOCATION PLAN
AREA 2 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 378677, 407131



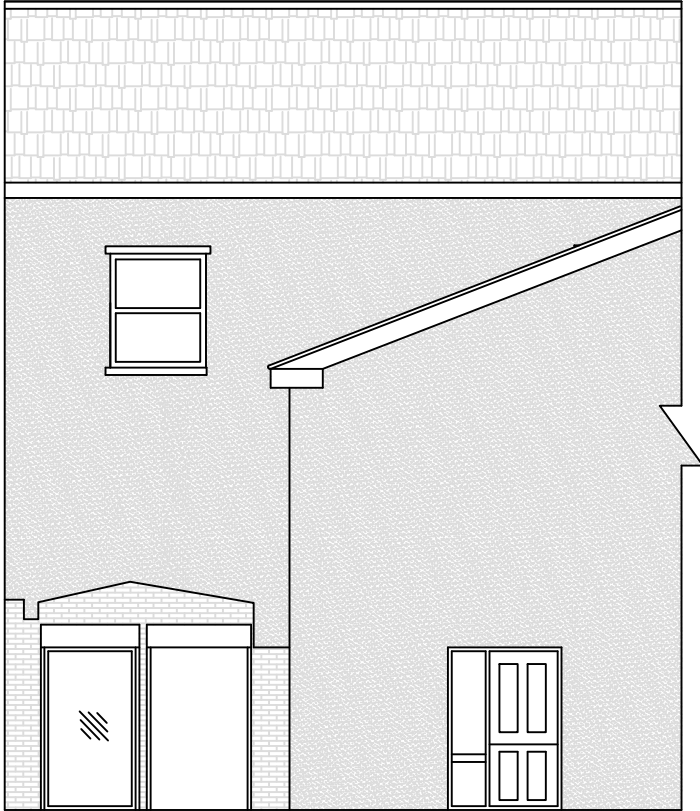
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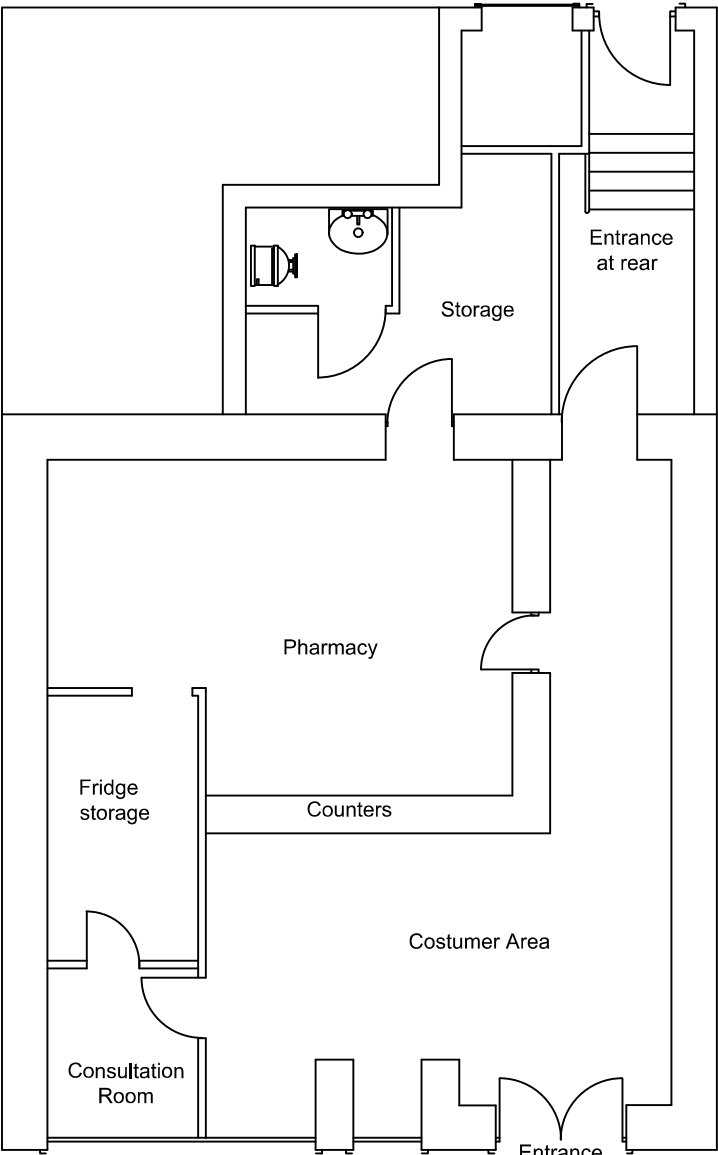
Existing Front Elevation



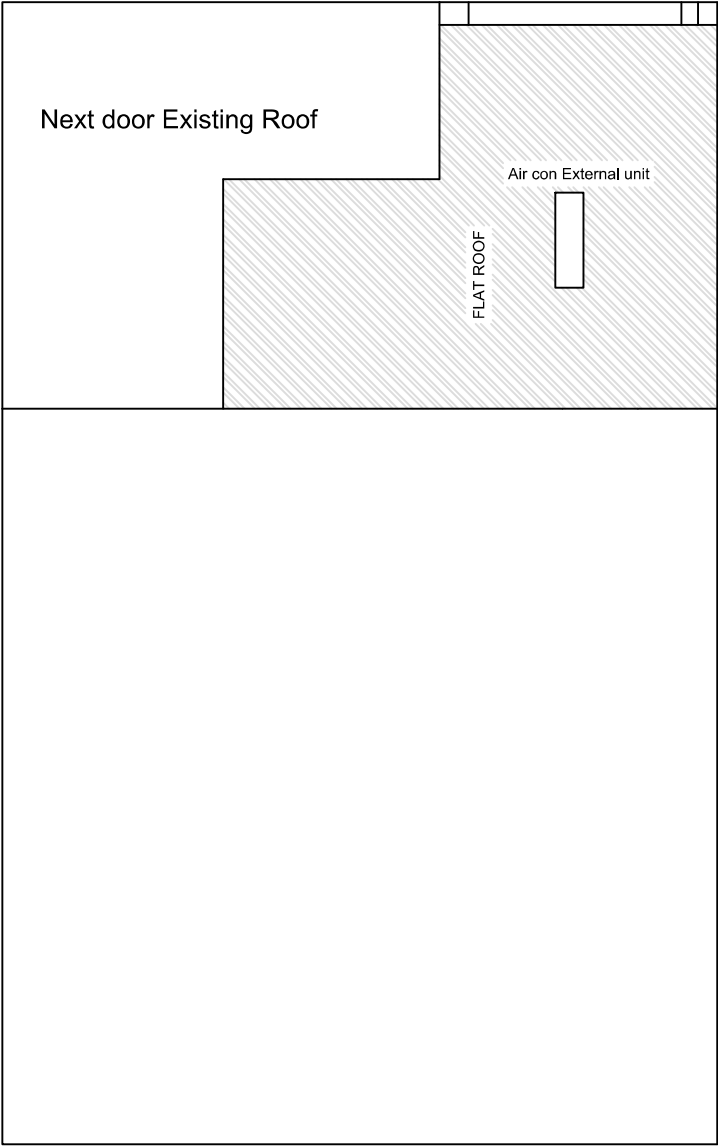
Existing Side Elevation



Existing Rear Elevation



Existing Ground Floor Plan



Existing First Floor Plan

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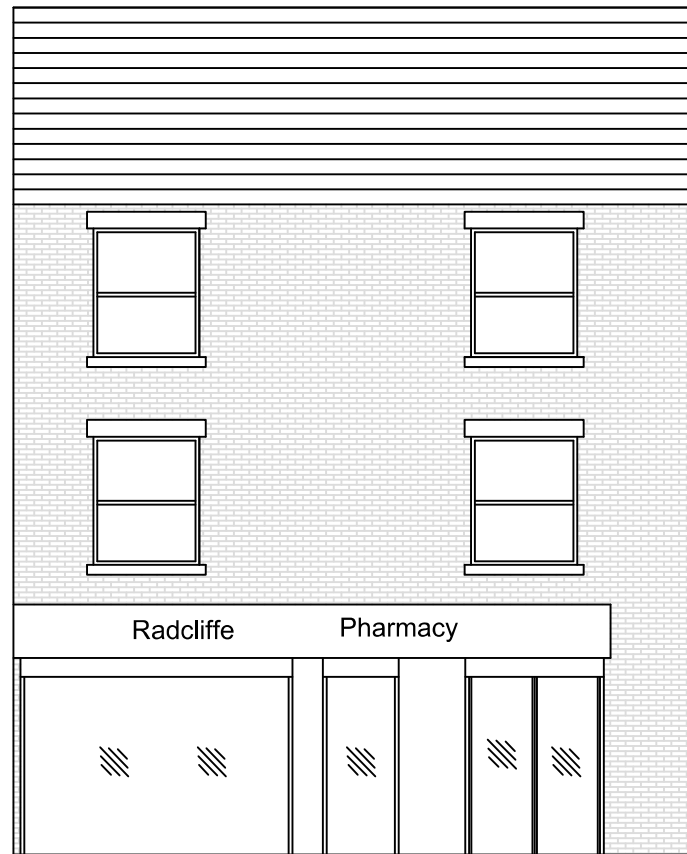
All dimensions are to be checked on site prior to construction, manufacture of any components and ordering of materials and equipment.

Any discrepancies are to be reported to the architects for clarification.

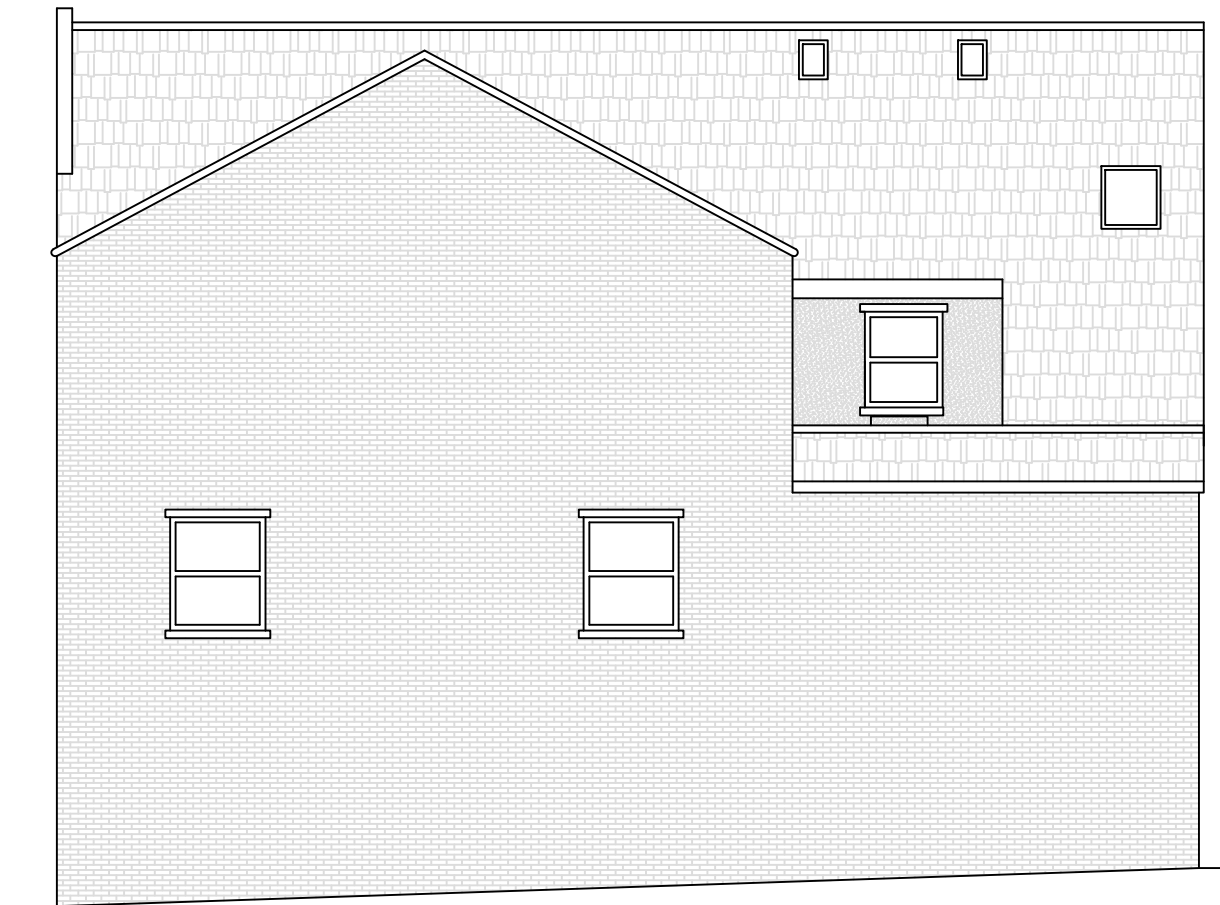
All materials and workmanship to be accordance with the current British Standards and codes of practice.

This drawing is to be read in conjunction with all relevant Architectural Structural Engineers, Mechanical Engineers, Electrical Engineers and Specialists drawings and specifications.

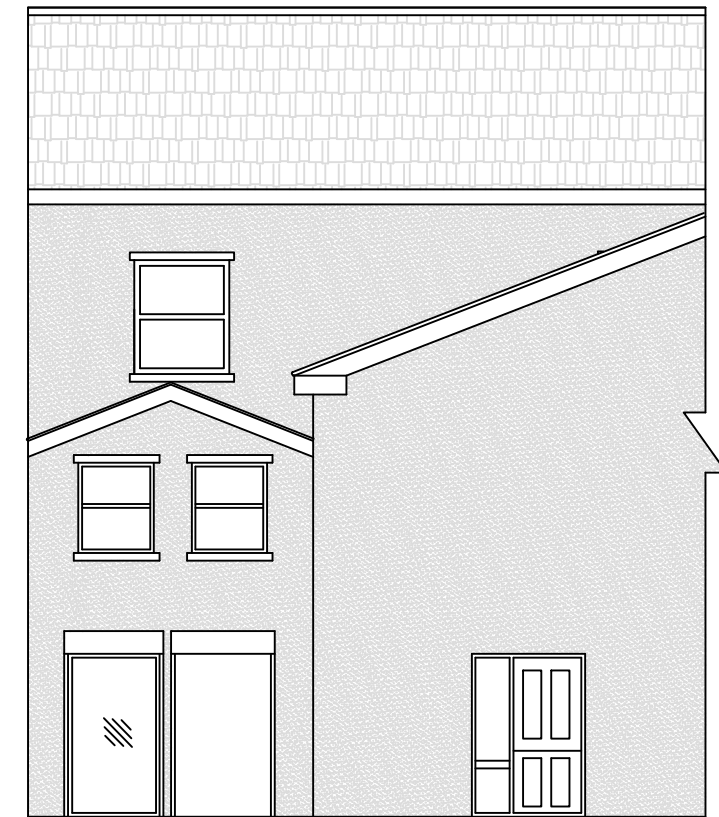
IPS Planning Services email: ipsuk@live.co.uk		2 York Street Bury Lancashire BL9 7AR
Existing Elevations & Plans		
of 47-49 Church Street Radcliffe M26 2SP		
Scale :1 : 100 on A3	All Dimensions in Meters	
Ref.: IPS/R/47/M262SP	Date :16/12/2014	
REV: A Date: 09/10/2023	Existing	
SHT 1 of 3		



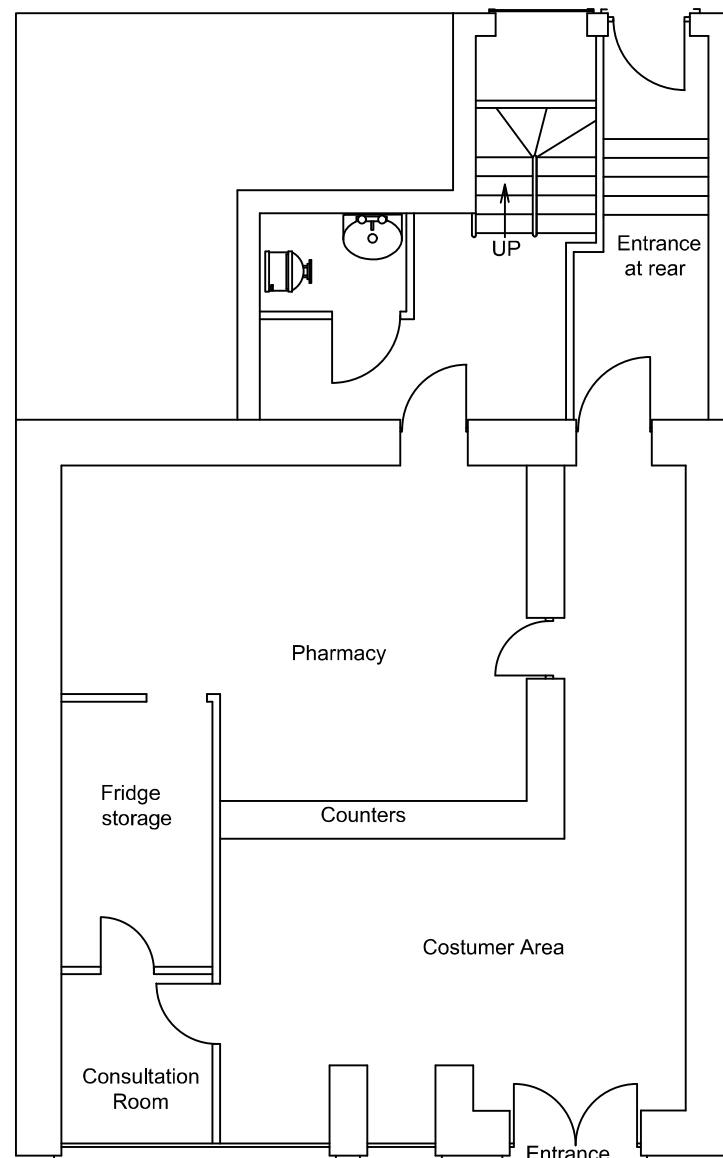
Proposed Front Elevation



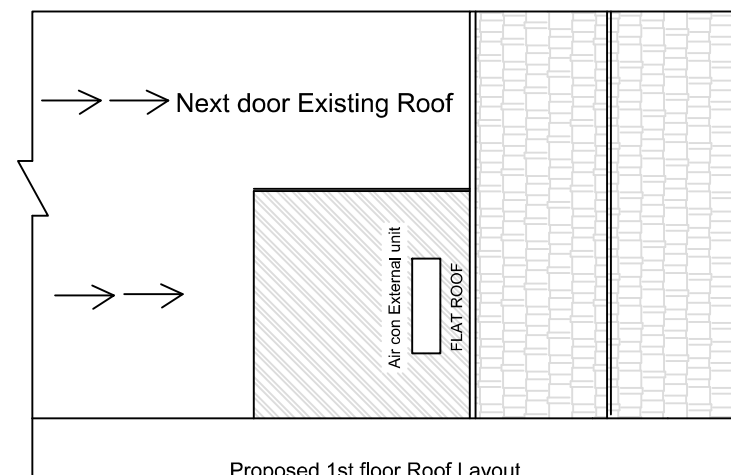
Proposed Side Elevation



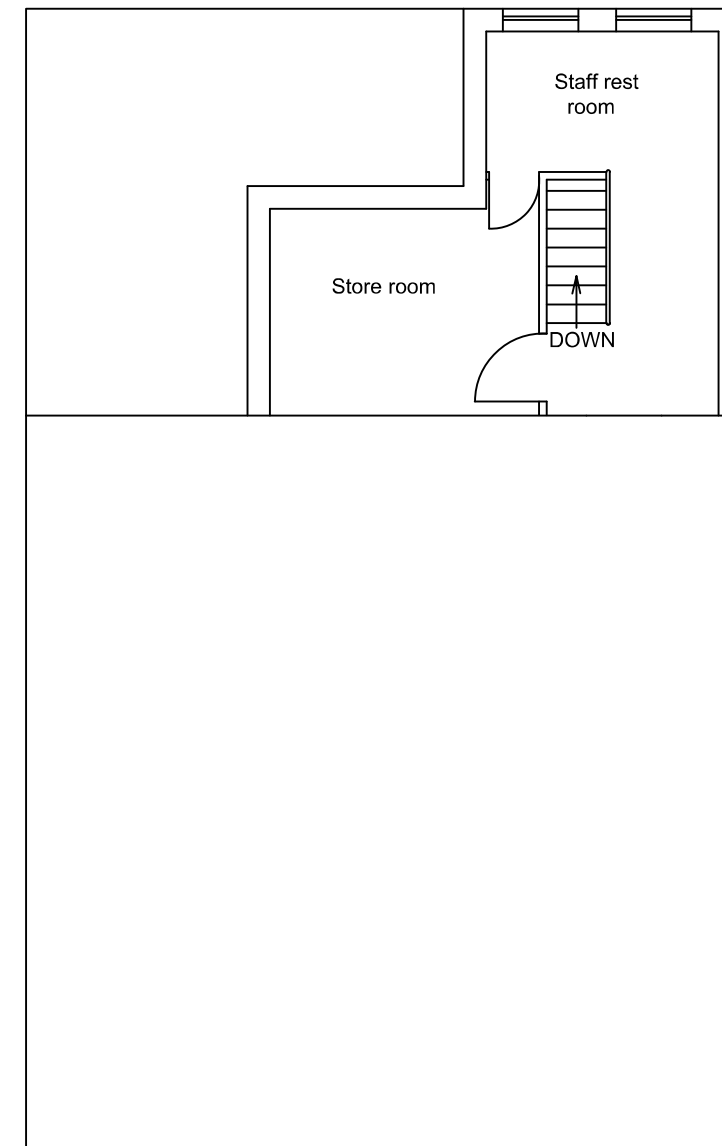
Proposed Rear Elevation



Proposed Ground Floor Plan



Proposed 1st floor Roof Layout



Proposed First Floor Plan

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IPS Planning Services
email: ipsuk@live.co.uk
2 York Street
Bury
Lancashire
BL9 7AR

Proposed Elevations & Plans of 47-49 Church Street Radcliffe M26 2SP	
Scale :1 : 100 on A3	All Dimensions in Meters
Ref:: IPS/R/47/M262SP	Date :16/12/2014
REV: A Date: 09/10/2023	Proposed
SHT 2 of 3	

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Ward: Whitefield + Unsworth - Unsworth

Item 05

Applicant: Upwards Care Solutions Ltd

Location: 25 Randale Drive, Bury, BL9 8HZ

Proposal: Change of use from dwelling (Class C3) to children's residential care home (Class C2)

Application Ref: 70061/Full

Target Date: 24/11/2023

Recommendation: Approve with Conditions

Description

The application relates to a 4 bedroomed detached dwelling which is situated within an established residential estate.

The site comprises the detached dwelling with an integral garage and a driveway at the front with parking for up to 3 cars. There is a rear garden beyond which is a wooded area. Accommodation comprises living areas at ground floor and 4 bedrooms and bathroom at first floor.

The application proposes the change of use from a residential dwelling (Class C3) to children's residential care home (Class C2). The application is seeking to provide housing for children in need of care within the Bury area to enable them to stay within the Borough.

The property would accommodate up to 3 children only between the ages of 7-17 years old. It would be staffed 24/7 and support staff would operate on a shift pattern. There would be 2 members of staff working on a shift rota basis and a Registered Manager Monday to Friday between 9am and 5pm. At weekend there would be 2 members of staff on site. The maximum number of occupants at the property (children and carers) would be 5 or 6 depending on the time of day and number of children present.

Visitors to the site by support/social staff would be pre-arranged and there would be no planned medical staff required to attend (as the home would not cater for young people with a disability).

Internally, accommodation would largely remain the same as existing, with one room at the ground floor used as a staff office.

There would be no changes to the access or driveway which provides 3 parking spaces and the rear garden would continue to provide the amenity space for the property.

Relevant Planning History

N/a

Publicity

Letters sent to 13 properties on 5/10/ 23.

92 representations received.

88 objection, 3 comments, 1 support

Impact on residents -

- Impact negatively on the area, particularly the elderly and young children. The demographics of Randale Drive are such that the majority of its residents are elderly or

have families with very young children. The proposal to place youths with behavioural difficulties in the midst of an elderly population with disabilities is unthinkable.

- Many of these elderly residents are terrified of the very real threat to themselves and their properties but are unable to voice their concerns because of disability or a lack of access to technology.
- Families with young children have also expressed concerns about the risk of violent youths taking their behaviour onto the streets, children picking up discarded needles and the increased threat to road safety with an unreasonable and excessive number of extra vehicles at the property that will result.
- The placement of persons with challenging behaviour potentially poses a serious threat to the current residents. Having worked with excluded youths over many years, I am all too aware of the extreme behaviours that can be triggered in a matter of seconds.
- We have the right to live in our properties without fear of intimidation, aggravation or harm from another person.
- Upwards Care Solutions Ltd state that they will provide at times only two staff members for three sixteen and seventeen year olds. At no time are the staff allowed to positively handle the youths and the staff themselves may have little or no experience. Can Bury Council assure me that the residents and their properties will be kept completely safe?
- This is impacting already on residents mental health as we are consumed with fear about the future if this planned proposal goes ahead.
- What behavioural difficulties do the youths have? Have they committed criminal offences for example, if so which type? Does the care home cater for young people convicted of and or accused of sexual offences for example? If so, how does the council intend to manage the risk? Do the youths have a history of causing criminal damage and or anti-social behaviour? All of these are relevant considerations for the community and the council.
- If this house could be a home for up to 7 seventeen year old boys with known behavioural problems it could have a disastrous effect on the character of the surrounding neighbourhood.

The effect on individual buildings

- The potential for loud noise (due to music, raised voices, challenging behaviour) is great. Excluded pupils will be educated on the premises and therefore present for the majority of the time. There is the likelihood of excessive noise at all times of the day and night. This would contravene Article 8 of the Human Rights Act: Respect for your private and family life, home and correspondence and Right to privacy. 'There should be no interference by a public authority with the exercise of this right'. Protocol 1, Article 1: Right to peaceful enjoyment of your property. Every legal person is entitled to the peaceful enjoyment of his possessions.
- Noise from changeover of staff and emergency situations
- There would also be additional noise from the regular fire drills that would need to be carried out and the weekly test of the fire alarm. Evacuation practices to assembly points would mean congregations of the youths in the street at night.
- The bedrooms at the back of the property directly overlook adjacent properties' gardens. If these rooms were occupied for the majority of the day, it would lead to a total loss of privacy for residents living adjacent.

Parking

- Upward Care Solutions Ltd states that there could potentially be six individuals at the property on a daily basis - therefore the potential for six cars. Upward Care Solutions Ltd states that meetings for youths will take place on the premises. These meetings statutorily must be held on a regular basis and involve every professional involved with the youth - e.g. social worker, health professional (s), outreach, key worker, police, probation officer, youth offending team and parents. Such a large number of cars cannot be accommodated at the property and therefore will block up the road and result in double parking. This will most definitely limit visibility for residents trying to leave their property and be an increased danger to cyclists and pedestrians. This is in breach of Bury's Unitary Development Plan which states, 'The safety, convenience and mobility

of pedestrians, cyclists and other vulnerable road users will be promoted'. The claim by Upwards Care Solutions that most of the staff will use public transport is not a valid one. Staff turnover can happen at any time.

Misleading information in the application

- The proposal submitted by Upwards Care Solutions Ltd states that it proposes to house children from 7-17. The website of Upwards Care Solutions Ltd states clearly that it supports persons aged between 16 to 25 year olds and following a conversation by myself with the company, this age range was confirmed. The assumption here is that Upwards Care Solutions Ltd deliberately misinformed the residents of Randale Drive and the surrounding area with the intention of putting in 16 and 17 year old youths into the property - potentially raising the age range of the residents to 25, once the proposal has been passed.
- The Location Plan submitted by Upwards Care Solutions displays a driveway showing four cars. It would be impossible to fit four cars onto the drive - reasonably it would only fit two.
- Upward Care Solutions Ltd states there will be at least two/possibly three workers on site day and night. It also states that 'staff would be sleeping through the night'. If there are only four bedrooms, which the proposed floor plan shows, where are the staff going to sleep?
- Upwards Care Solutions states it will provide experienced staff, but in the planning statement it has submitted, it states 'shift patterns would be set out dependent on the experience of the staffing team'.
- So many discrepancies are a very serious cause for alarm. How will Bury Council ensure that correct procedures/regulations are being followed for the safety of the occupants of the property and the residents of Randale Drive?

The needs of the youths to be housed at 25 Randale Drive

- Youths and adults with social, emotional and behavioural difficulties have complex needs which require complex solutions. It is not sufficient to pluck out a property in a highly unsuitable area (like a pop-up shop), place challenging individuals within it and consider it 'job done' for financial gain or to satisfy a political statistic. These persons are very needy individuals that require space within their own environment (sensory/timeout room) and access to amenities such as parks, leisure centres and activities. Supporting individuals with complex needs should not be a profit-making business. Is Upwards Care Solutions Ltd and therefore you, the councillors really putting the needs of these vulnerable youths first?

Other

- The property itself backs onto Sunny bank woods - I would suggest this is a serious fire hazard.
- Wrong location. Believe a more suitable area would be Bury town centre.
- The local infrastructure is struggling to cope with the amount of people in the local area.
- Affect house prices
- How will 1 food bin cope with the fast food detritus of the 4? From the plans there isn't a dining area (room) anymore and it doesn't seem that the bins can get to the front of the house.
- It appears this has happened to a house at 13 Ennerdale drive and last week there was a big disturbance spilling out onto the streets and the police had to attend. The people had only been living there for a few months.
- Who will prevent drug dealing and the inevitable crime and disorder that will ensue?.
- Too many C2 uses in the locality
- Not enough staff on, especially at weekends, to cope with the maximum number of residents.
- As a resident and Council Tax payer for over 35 years, I am extremely alarmed and aggrieved at not receiving any form of written notification from Bury Council informing me of this.
- 2nd application has been made for the same purpose on Sunny Bank Road. This will

mean locally 2 residential homes which may therefore encourage antisocial behaviour from the increased number of residents.

- I think it's pretty poor from Bury council that you are happy to pay out my council tax money on extortionate rates that the care homes charge instead of having council run care homes!
- We want our youth to thrive, why put them into a locality which will encourage them to do otherwise? Especially with the lack of youth provisions.
- How can placing a group of possibly criminal youths together there do anything but harm to the area. The house concerned also has access at the rear to a park where mischief could easily take place.
- It seems to me that this is a money making venture for the current owner without consideration for the character of the neighbourhood. It could also lead to other similar ventures being undertaken and the character of Sunny Bank could, as a result, be lowered disastrously.
- Could you please let me know what checks you have carried out to ensure that Upward Care Solutions would be able to fulfil their commitments to their proposed residents and to the surrounding community.
- The property has an extensive portion of flat roof that is accessible from the windows and would be extremely dangerous for anyone suffering from severe trauma or mental health issues. The windows can't all be blocked either due to fire safety regulations.
- There will be a sharps bin in the property, if they do not provide for personal care, we wonder why there is a need for a sharps bin. If the type of individual has behavioural problems / anti social tendencies, they need specialist help and the level of support with 2 staff and 3 residents overnight is worrying.
- The Police were unaware of the number of properties in close proximity now popping up to be used to house these individuals. Police gave crime figures and mentioned that there had been problems with crime peaking as a hotspot in Radcliffe when a similar property was sanctioned.
- I have checked the website & companies house & can see no reference to the company having experience with children.
- Whilst the one-to-one care and supervision is desirable, it is totally at odds with the current economic scene, it is quite wrong to spend inadequate resources in this way.

Support

- No comment given

Comments

- All I ask for is that the property is properly monitored and staff are properly trained. If it were the children of the objectors, they would be begging for suitable placements. It's just NIMBY. I suspect that it's property values on their radar.
- Can You please advise if Upward Care Solutions Limited own or intend to own the property ? On checking the land registry it states that the property is owned by someone else.
- I think the area of Unsworth has a lot to offer young people in need of a good start in life - transport links, schools, local shops and amenities. I personally would welcome this addition to the local area. However, I am concerned by the amount of judgmental presumptions (increase in crime and anti-social behaviour etc.) being made by locals. Is it fair to house these vulnerable children/young adults next to people who are going to be watching their every move, trying to find fault and unfairly judging them as they try to navigate a challenging period in their lives?

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

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions.

Environmental Health - Pollution Control - No response received.

Children's Centres & Early Years - No objection.

Waste Management - No response received.

Greater Manchester Police - designforsecurity - No objections/comments made.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN7/2	Noise Pollution
CF3	Social Services
CF3/1	Residential Care Homes and Nursing Homes
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD11	Parking Standards in Bury

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations, including relevant policies in the emerging Places for Everyone Joint Development Plan. 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.

Places for Everyone - The Places for Everyone Joint Development Plan Document (PfE) is a joint plan covering nine of the ten Greater Manchester districts, including Bury, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

PfE was published in August 2021 and subsequently submitted to the Secretary of State in February 2022. Inspectors have been appointed to carry out an independent examination of the Plan with the hearing sessions commencing in November 2022 and were concluding in July 2023. The examination of the plan is on-going.

Whilst PfE cannot be given full weight until it is adopted, its advanced stage of preparation means that it is now considered reasonable that the Plan (as proposed to be modified) should be given weight in the decision-making process in line with paragraph 48 of the National Planning Policy Framework.

Consequently, the principle of this application has been considered against Places for Everyone (as proposed to be modified). However, the principle of this proposal does not give rise to any conflict with PfE policies.

Policies

Chapter 8 of the National Planning Policy Framework relates to promoting healthy and safe communities. Paragraph 91 states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- promote social interaction, including opportunities for meetings between people who might otherwise come into contact with each other.
- are safe and accessible, so that crime and disorder, and fear of crime, do not undermine the quality of life or community cohesion.

- enable and support healthy lifestyles.

CF3 - Social services considers favourably proposals for the provision of new, and the improvement of, existing facilities including children and young people, encouraged to live in the local community rather than in large institutions. Support for new and improved services is supported providing that there is no conflict with existing residential amenity and the environment.

CF3/1 - Residential Care Homes and Nursing Homes should be located in residential areas and will be permitted where they do not conflict with the amenity of adjoining areas

Principle

The application relates to a 4 bed detached property located in an established residential estate with the proposal to provide living accommodation for children in care which would function as a 'typical' family home to provide a safe and secure environment.

The expressed ethos of the facility intends that the occupation and the use of the property by children and support carers for daily living purposes would be comparable to that of a family home and family environment. The property would not be extended or altered and the number of occupiers at any one time (5/6) would be akin to that of a family.

The property is located within an established residential estate which is close to shops, local amenities and schools and it is therefore considered the location of the proposed use would be acceptable.

The applicant and the use would be regulated by Ofsted with the condition that there would be no more than 3 children age 7-17 years old in care at any one time.

It is therefore considered that the proposed use would make a positive contribution to the care and protection of children/young adults residing at the premises and as such considered to be acceptable in principle and comply with UDP Policies EN1/2, CF3 and CF3/1 and the principles of the NPPF.

Scale and intensification of use

Section 55 of the Town and Country Planning Act as amended, provides that only *material* changes of use would constitute development and therefore require planning permission. A change of use of land or buildings from one classification of use to another use within the terms of the Use Class Order 1987 is dependent upon whether the change would be considered 'material' and therefore development.

In this case, the planning judgement is whether the change of use would significantly impact the immediate area or change the character and perception of the property as a dwellinghouse in terms of the scale and intensification of the proposed use.

Households can take many forms and in terms of occupation of the current dwelling, this could be occupied by 5 family members (possibly more if the garage was converted). Furthermore, without planning permission, the dwelling could be utilised as a house in multiple occupation for up to 6 occupants.

This application seeks to accommodate 3 children and a maximum of 3 staff during the day, with two staff members in the evening/overnight and at weekends.

The supporting information sets out that the children would occupy the dwelling in a manner that would not be materially different to how a family would occupy it. Each child would have their own bedroom and the use of the communal spaces (e.g. kitchen/lounge/garden) would be shared between the occupants.

In terms of the arrangements of shift changeovers, the applicant has submitted a typical shift rota, where there would be a staff cross-over every 48 hour period. The only other arrival and departure would be the manager on weekdays, arriving at 9am and leaving at

5pm.

Trips such as journeys to work, extracurricular activities and routine chores are generally representative of a typical family household where there could be 2 parents leaving for work, school drop-offs and all the other comings and goings during the week which are part of daily life.

The attendance and visits by social workers/support workers would introduce additional but fairly irregular trips, and no more frequent than visits made by a family's relatives or friends for example.

Permitted development - fall back position

A change of use of land or buildings from one classification of use to another use within the terms of the Use Class Order 1987 (as amended) is dependant upon whether the change would be considered '*material*' and therefore development as set out in s55.

There is Case Law which has questioned whether a development of a very similar character and scale to this application actually needed planning permission. The relevant judgement in this case was *North Devon District Council v. First Secretary of State* (2003) EWHC 157 (admin).

In *North Devon* the question to look at was whether a dwellinghouse used as a home for children in care, with care provided by staff on a rota basis, resulted in a material change of use.

It was held that it was a question of fact and degree to the change in scale and character of the use of the dwellinghouse which should be considered and the Court determined that *no material change of use had taken place* due to the fact that for all intents and purposes, the 'care home' would operate within the parameters of a family sized home and function as a family household unit.

In this application, the care element would be provided by staff working on a shift pattern basis and as such, the use would fall into Class C2, on the face of it requiring a change of use from a C3 dwellinghouse.

In assessment of the character, scale and intensification, and to summarise, the following factors of this application are considered:

- the size of the household for 3 children and 2/3 adults would not go beyond what would be expected of a family unit in a 4 bed house;
- the normal comings and goings would not significantly go beyond that of what would be expected of a family unit - eg children going to school, rotation of staff replicating working patterns, recreational activities;
- visitors would not go beyond that normally expected of a family household in terms of trips to the property.
- there would be no specific medical needs which would require additional visitors to the site

It is a matter of fact and degree as to whether the development would '*materially*' alter the character of the use of the current dwellinghouse. For all intents and purposes, the scale of proposed development and the daily routines of the occupiers would operate the same as a family home which is classed as a C3 Use and it is therefore considered that the proposed change of use would not change the character of the residential area or intensify activities at the property beyond that of a 'typical family' household.

The applicant has chosen to apply for planning permission in this case but had a Lawful Development Certificate been submitted to establish whether a 'material' change of use would occur, given the assessments above and the Court ruling in the *North Devon* case, the LPA could consider the proposal would not constitute development under Section 55 of the Town and Country Planning Act (as amended), and as such would be lawful in any event.

It is therefore considered that the principle and the scale of the proposed change of use would not have an adverse or detrimental impact on the character or the amenity of the surrounding area or adjacent properties and would comply with UDP Policies EN1/2, CF3 and CF3/1.

A number of uses fall under the umbrella of Use Class C2 (residential institutions), including a hospital or nursing home, residential school, college or training centre. The size of the property and the existing parking and access may be sub standard compared to other C2 Uses and as such it is considered reasonable to control the use for a residential care facility only at the scale proposed. An appropriate condition to this effect would therefore be included.

Impact on residential amenity

As discussed above, it is considered that the character and the scale of the use would be consistent with that of a family household occupying the existing 4 bedroom detached dwelling. The property would be accommodated by cared for children and occupying care adults in a manner that would not be materially different to how a family would occupy a dwelling and the transition of staff, trips to and from the property and any visitors to the house would be commensurate with family households and family lifestyles.

The perception of crime and disorder under the planning acts can be a material consideration as is stated within the NPPF. The Council has a duty imposed upon it to consider The Crime and Disorder Act 1998 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.

Some objections refer to the potential for anti-social behaviour and allude to the 'type' of future occupants, claiming that they may pose a danger for existing residents due to abusive, threatening and violent behaviour.

In consideration of this issue, the Council has consulted Greater Manchester Police and Children's Centres and Early Years.

The assessment of impact on residential amenity relates to the nature and character of occupation as a care home and not on the assumptions about the particular character of individuals. Children are in care for any number of reasons and the objective of the operator is to offer the best possible care, support and security for children in an environment which would be consistent with 'normal' residential living conditions and the regularity of daily living.

Living within a community environment and providing the children with a 'normal' and stable lifestyle is also one of the reasons for accommodating children within a residential environment, and it is therefore in the interest of the applicant that they integrate with neighbours and the community rather than be a cause of conflict.

Furthermore, the applicant would be regulated by OfSTED with the binding agreement that there be no more than 3 children in care at the property at one time and of an age range between 7-17 years old. An appropriate condition would also secure that this be the case. The police do have a direct liaison with the managers of such sites and maintain a register of the locations of such premises.

There have been no representations made from the Police in terms of objections and no objections from Children's Services. As such, there is no evidence to substantiate that this particular user and proposal should not be supported and that the development would increase the rates of crime or disorder.

It is therefore considered that the proposed development would not conflict with the character of the area or have an adverse impact on the amenity of local residents and would therefore comply with UDP Policies CF1/1, CF3, EN1/2 and EN7/2.

Layout arrangements

The proposed layout would not fundamentally change from the current arrangements and there would be no physical alterations to the property.

The existing dwelling has a driveway and parking for 3 cars which would be maintained.

At the rear is a garden and there is ample room for bin storage and there would be no requirement for any additional provision beyond that already provided.

Internally, the only change would be to convert a ground floor room to an office/sleep area for staff. Conversion of an internal space to living/bedroom accommodation does not require planning permission and could be carried out at any time and by existing or future occupiers if its use continued as a C3 dwelling. Similarly, the garage could also be converted to living accommodation without the need for planning permission.

For all intents and purposes, the property would continue to have the character and appearance of a passive suburban dwelling and there would be no detrimental impact on the street scene or residential character of the locality.

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

Highway issues

Local residents have concerns about the lack of parking and traffic generation to the property which would compromise highway safety.

In terms of staff rotations, during the week there would be 3 members of staff on site when the property is fully staffed, with two staff working a 24-hour shift and one Manager working a 9-5 work week.

The busiest time of the day would be at shift changeover time but this would be for a brief period only (30 mins or so). Comings and goings at the property would also be fairly typical of family households (when people leave for work, drop off at school, carry out daily chores or other such journeys) and therefore the proposal would not be dissimilar to the general functions and daily living behaviours of typical households.

In terms of parking, the driveway could provide spaces for 3 cars and if all the day staff drove to the site, there would be adequate space to park. Similarly there would be sufficient parking for the night staff. Comparatively, the property could quite reasonably be occupied by up to 4 or 5 car owners, plus there could be additional trips to the site by visitors, friends/family and from deliveries or servicing requirements associated with day to day living

There would be other visitors to the property from social workers and such like, but these would be so infrequent and at pre-arranged times when parking would be able to be managed. There is on street parking in front of the property which could be used by visitors (as there is for visitors to other premises on the street) or social workers/support staff but this would only be for brief periods of time and on infrequent occasions and would only be the same for visitors to the existing dwelling.

The site is also in a sustainable area where there is access close by to bus services and therefore reasonable to consider that some staff members may travel by public transport.

The scale of the development proposed would be commensurate of family living and it is therefore considered the proposed use would not have a significant on the impact on parking in the area, the free flow of traffic or cause highway issues.

Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe and the Traffic Section

have not objected to the proposal.

As such, the proposed development is considered to be acceptable and would comply with UDP Policies CF1/1, CF3, HT2/4 and HT6/2

Response to objectors

- The applicant is Upwards Care Solutions Ltd. Objectors have raised the issue that the company's website states it supports persons aged between 16 to 25 year olds and residents state the application is misleading by proposing a care home for 7-17 year olds. The applicant has confirmed the age range of the children would be 7-17 years and this would be regulated by OfSTED. The Council is required to consider this application based upon what is presented to it. A condition is recommended to limit the age ranges of the children and that there would be no more than 3 children in care at any one time as proposed.
- There would be no more overlooking to neighbouring properties from habitable room windows than currently exists.
- Revised plan received to show 3 parking spaces achievable and available on the driveway.
- Issues relating to impacts on the character of the area, residential amenity and highways have been covered in the above report.
- many of the personal concerns over individual needs would be within the control of other regulatory services to control and not the planning system.
- Other issues raised are not material to the planning application

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

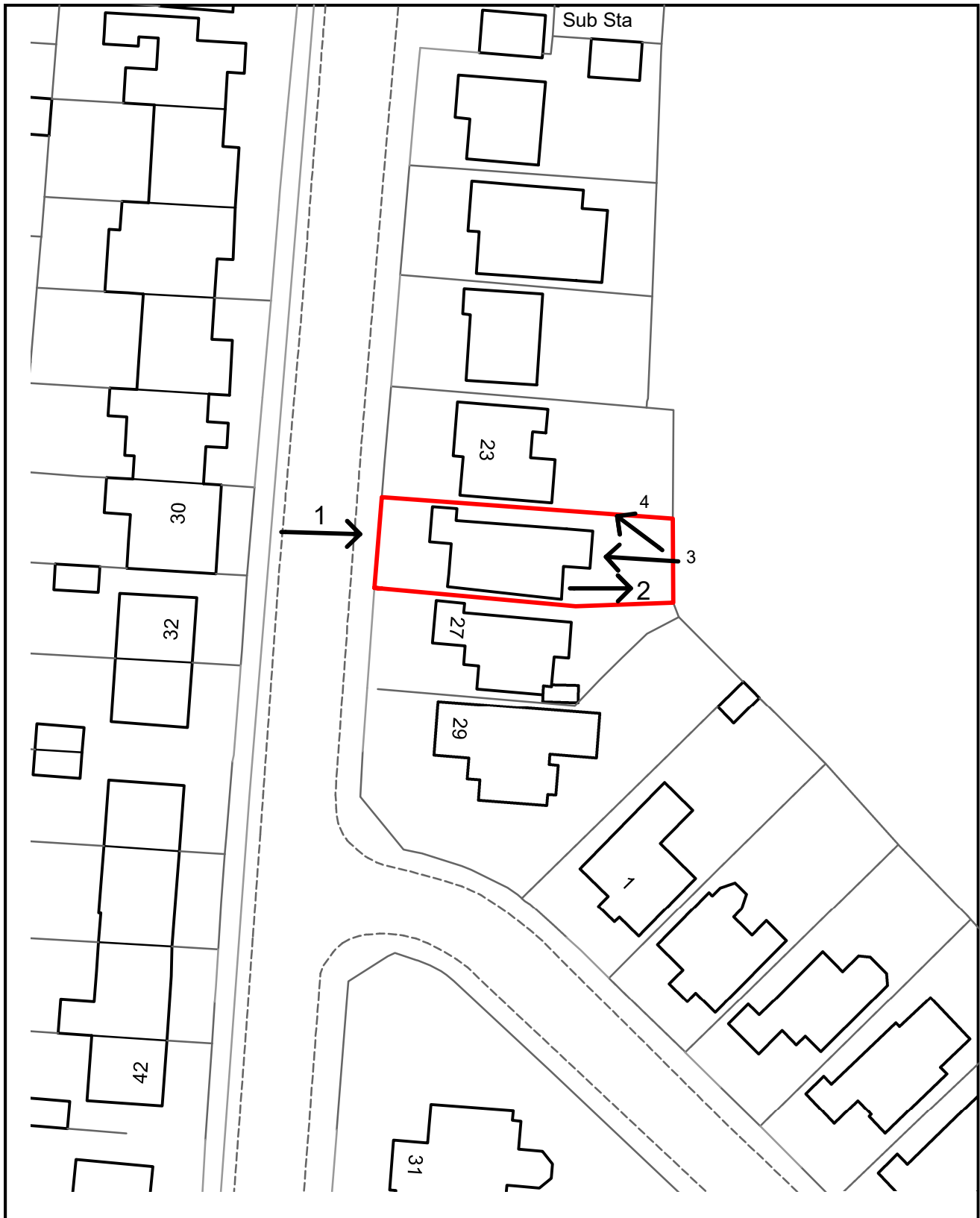
Conditions/ Reasons

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 - Location plan 8/9/23; Site and site location plans 1940.103 rev C; Existing floor plans and elevations 3/9/23; Proposed floor plans and elevations 3/9/23 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
3. The children in care to be accommodated at the property hereby approved shall be between the ages of 7-17 years only and there shall be no more than 3 children residing at the property at any one time.
Reason. To ensure the appropriate provision of facilities and standards of accommodation are provided for future occupiers and to ensure the use of the property is not over intensified to unacceptable levels which would incur additional activities and disturbances to local residents beyond that which would be accepted for a residential dwelling in a residential area pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, CF3 - Social Services and CF3/1 - Residential Care Homes and Nursing Homes.

4. The premises to which this approval relates shall be used for residential care only and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).
Reason: To ensure the intensification and scale of uses in the property does not extend beyond acceptable levels which would cause impact to residential amenity and highway safety in respect of the associated parking, access and servicing requirements or general activity and disturbance pursuant to policies EN1/2 - Townscape and Built Design, CF3 - Social Services, CF3/1 - Residential Care Homes and Nursing Homes, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict of the Bury Unitary Development Plan.
5. The car parking indicated on approved plan reference 1940.103 Revision C shall be made available for use prior to the use hereby approved commencing and thereafter maintained in situ at all times.
Reason: To ensure adequate off street car parking provision in the interests of road safety pursuant to Bury Unitary Development Plan Policy HT2/4 - Car Parking and New Development

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 70061

ADDRESS: 25 Randale Drive Bury



Bury
Council

Planning, Environmental and Regulatory Services

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70061

Photo 1



Photo 2



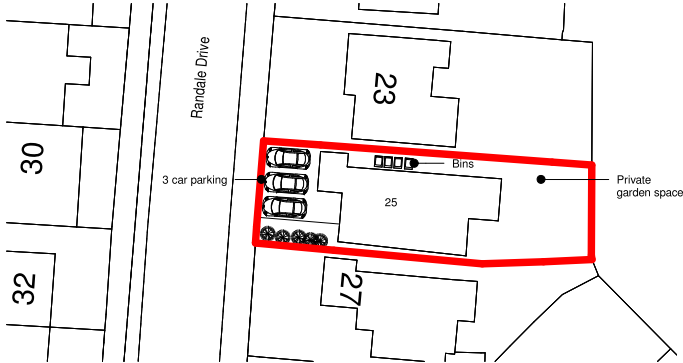
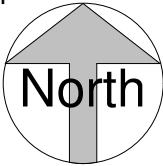
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Photo 3



Photo 4

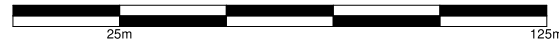




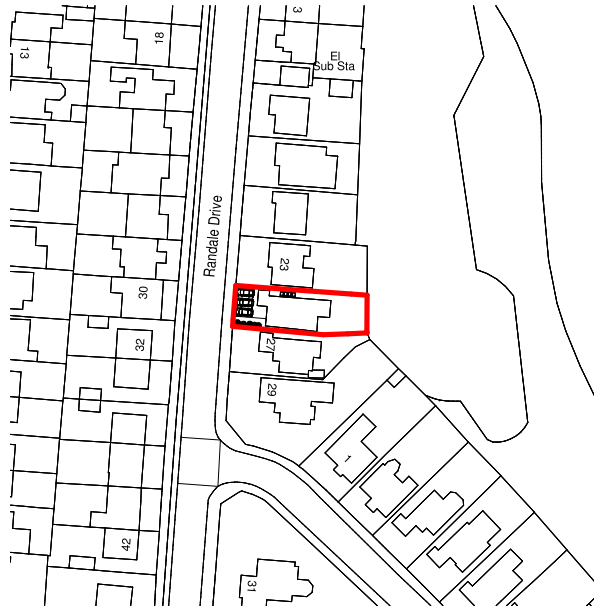
Site Plan
1 : 500



SCALE 1:500



SCALE 1:1250



Site Location Plan
1 : 1250

C	Revised parking layout	08.11.23
B	General revisions	27.09.23
A	Shown bins, parking and rear garden space	22.09.23

Rev. No.	Description	Date
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DirC Architectural Ltd.
13 Ringcroft Gardens,
Moston
Manchester
M40 5GG

m: 07940 933 498
e: dirc@hotmail.co.uk



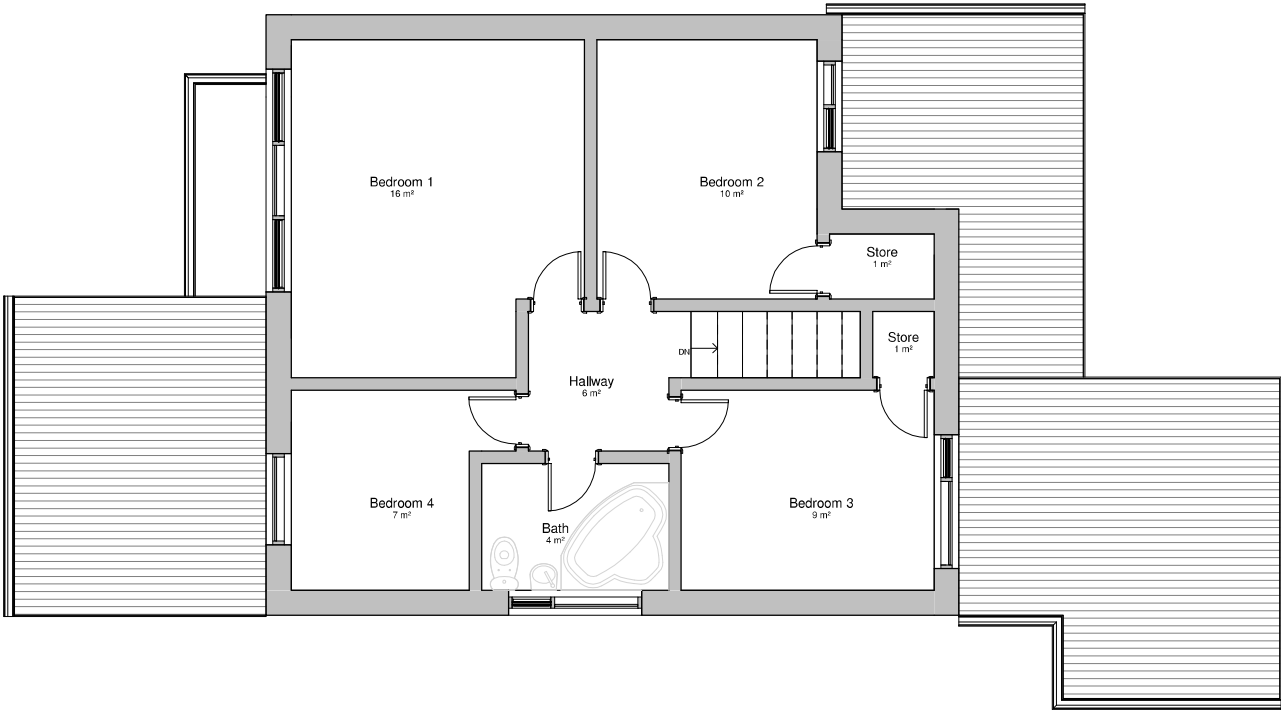
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UPWARDS CARE SOLUTIONS LIMITED

Project
Change of Use from C3(a) to C2

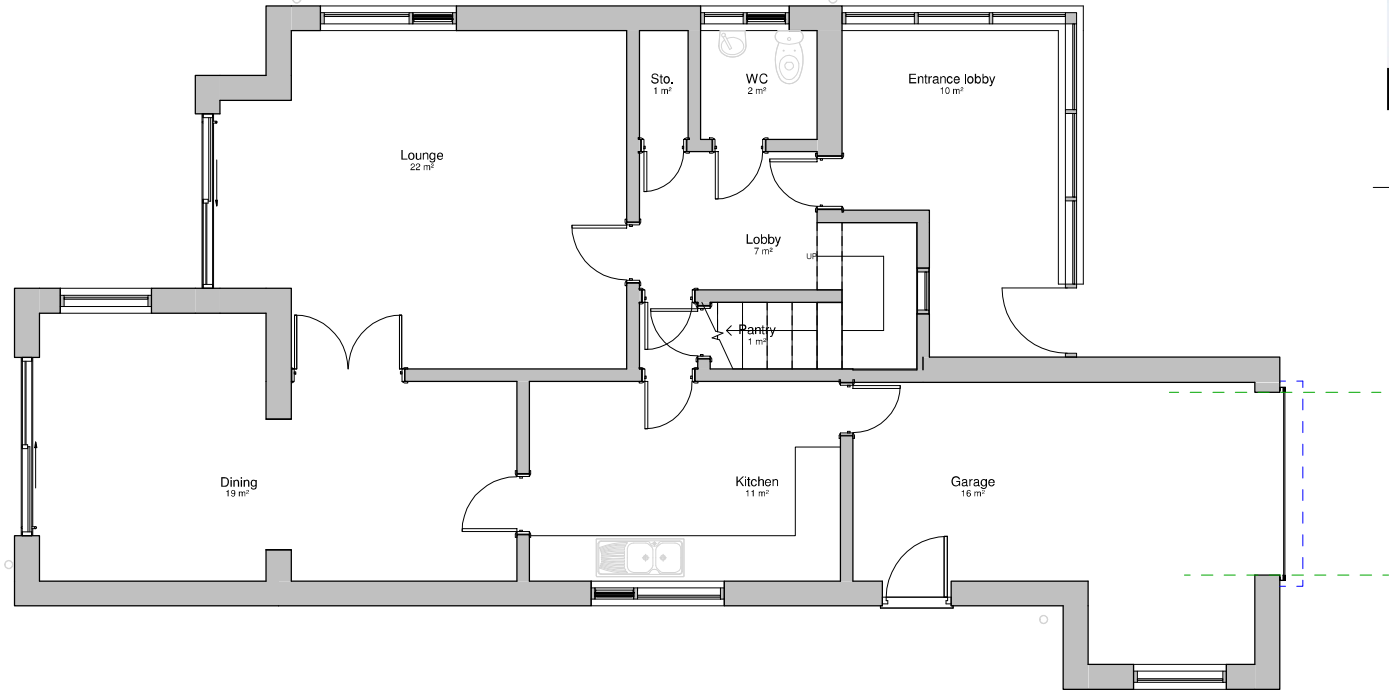
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25, Randale Drive, Bury, BL9 8HZ

Sheet title
Site and Site Location Plans

Project number 1940	Date 03.09.2023	
Drawn by DirC	Checked by DirC	
Drawing Number 1940.103	Scale @ A3 As indicated	Revision C



01 - First Floor Existing
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00 - Ground Floor
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Existing - Side Elevation
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Existing - Rear Elevation
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Existing - Front Elevation
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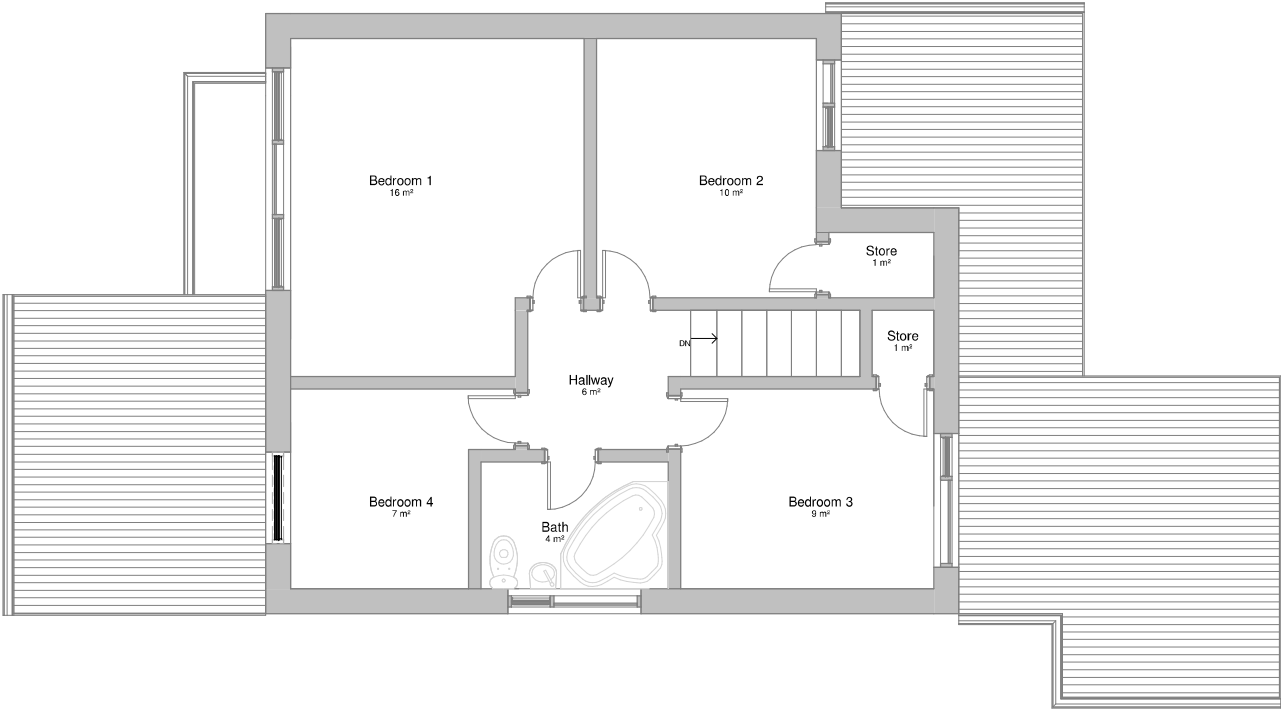


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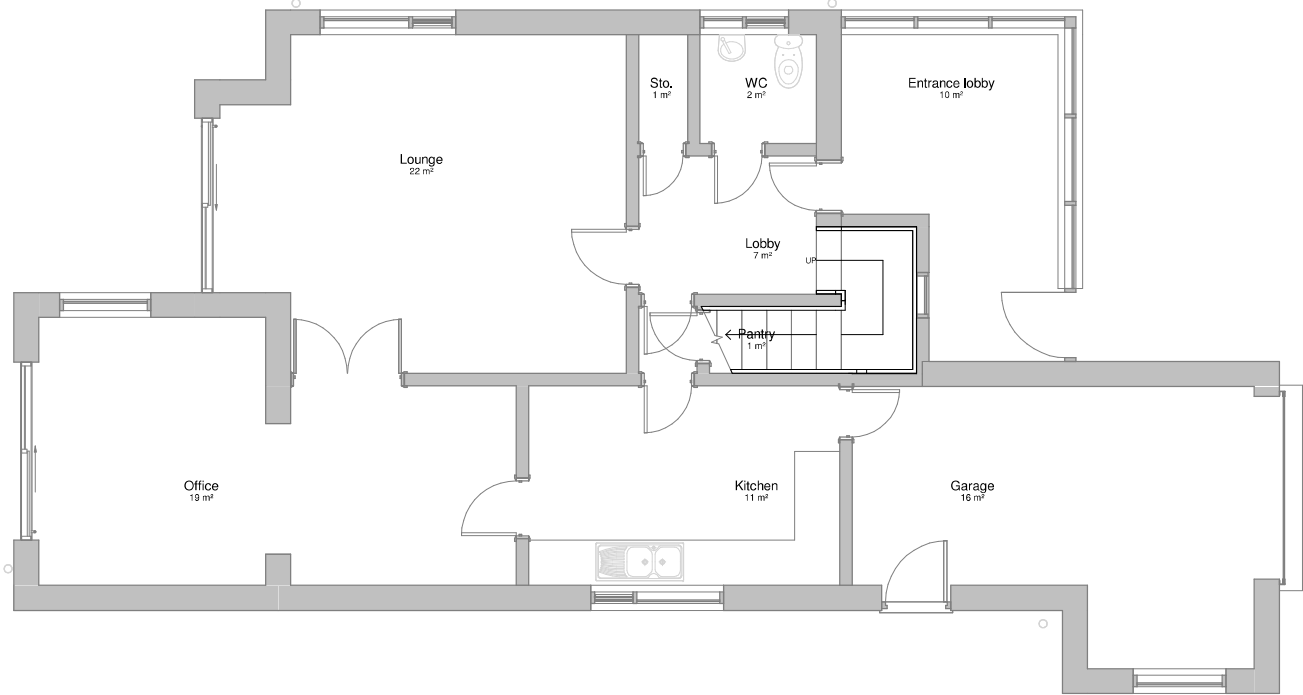
Rev. No.	Description	Date
1940	DirC Architectural Ltd. 13 Regent Gardens, Moston, Manchester M20 5DZ t: 07480 333 498 e: info@dirc.co.uk	03.09.2023
Client: UPWARDS CARE SOLUTIONS LIMITED		
Project: Change of Use from C3(a) to C2		
Project Address: 25, Randle Drive, Bury, BL9 8HZ		
Sheet title: Existing Floor Plans and Elevations		
Project number 1940	Date 03.09.2023	
Drawn by DirC	Checked by DirC	
Drawing Number 1940.101	Scale @ A1 1 : 50	Revision



SCALE 1:50



01 - First Floor Proposed



00 - Ground Floor Proposed

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Proposed - Rear Elevation

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Proposed - Front Elevation

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Proposed - Side Elevation

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Proposed - Side Elevation

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Rev. No.	Description	Date
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General revisions
27.09.23
DirC Architectural Ltd.
13 Stargate Gardens,
Wotton,
Manchester
M46 5DZ
t: 07540 333 498
e: dirc@architectural.co.uk

Client:
UPWARDS CARE SOLUTIONS LIMITED

Project:
Change of Use from C3(a) to C2

Project Address:
25, Randale Drive, Bury, BL9 8HZ

Sheet title:
Proposed Floor Plans and Elevations

Project number	Date	
1940	03.09.2023	
Drawn by	Checked by	
DirC	DirC	
Drawing Number	Scale	Revision
1940.102	1 : 50	A

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Ward: Radcliffe - East

Item 06

Applicant: Morgan Sindall Construction

Location: Site of Radcliffe Leisure Centre, Spring Lane, Radcliffe, Manchester, M26 2SZ

Proposal: Erection of new secondary school alongside supporting sports facilities, car parking, landscaping, site infrastructure, new access road and associated access infrastructure

Application Ref: 70071/Full

Target Date: 12/12/2023

Recommendation: Approve with Conditions

This application has been referred to Planning Control Committee as the development would exceed 5,000 square metres of floor space.

Description

Site and surroundings

The proposal relates to the site of the former Coney Green Secondary School, with the associated grounds. The site is currently occupied by the Spring Lane Pupil Referral Unit (PRU) and Radcliffe Leisure Centre, both of which are to be relocated to alternative premises. The site equates to an area of 6 hectares, broadly triangular in shape and is bounded by the Metrolink to the east, the Manchester, Bolton and Bury Canal and a former railway line to the north, contemporary suburban housing to the east, beyond an intervening public footpath (Banana Path) and Spring Lane to the south. The Metrolink station and car park oppose the site on the south side of Spring Lane.

There are clusters of mature trees close to the western boundary of the site adjacent to the Banana Path and more sporadic specimens close to the site frontage to Spring Lane. The embankment to the Metrolink line to the east is occupied by a robust linear stand of trees.

Vehicular access to the site is presently via two access points from Spring Lane, providing dedicated access to both the PRU and leisure centre.

The site is unallocated in the Bury Unitary Development Plan, but falls within Inner Radcliffe Improvement Area. Wildlife Links and Corridors pertain adjacent to the eastern and northern boundaries of the site and there is a Site of Biological Importance to the north (on the south side of the Manchester, Bolton and Bury Canal).

Background to proposal

Planning permission for an associated temporary school at the site was granted planning permission on 24 October 2023.

There is an established need for additional free secondary school places in the Radcliffe locality as part of the Local Authority's identified schools strategy.

It is intended that the approved temporary school would be utilised for the first two academic terms up to the Easter break in 2025, at which point the first cohort of students would decant across to use the proposed permanent school for the summer term onwards. The construction programme for the project, plans for completion of the permanent school building in May 2025, allowing for the temporary accommodation to be removed and the subsequent completion of the school's outdoor spaces and sports facilities.

The facilities associated with the leisure centre are due to be relocated to the new Civic Hub

building in the town centre, which received planning permission in July 2023 and is supported through the Levelling Up and Sport England funding.

The Spring Lane PRU school will be relocated to the New Kershaw Centre in the interim, pending the outcome of an options appraisal that is presently underway.

Description of the proposal

The proposal is for a three storey school building with associated sports hall and changing facilities positioned north of the existing complex of buildings; outdoor sports pitches and a multi-use games area; a car park and secure cycle storage, accessed from a re-positioned and improved vehicular and active travel access from Spring Lane. In detail, it would comprise the following:

- A 6,015 sq.m three storey school building in a 'superblock' design and sports hall finished in red brick, with partial dark brick base (dark grey), feature entrance reveal (dark grey) and standing seam dark grey cladding to the upper portion of the sports hall elevations. It would accommodate traditional, science, ICT, art, music food technology and design and technology classrooms and a student library. There would be a designated Special Educational Needs (SEN) wing.
- A new access road with priority junction and a designated pupil drop-off area away from the main carriageway with a dedicated and segregated pedestrian/cycle footway to the school entrance. Vehicular access into the Academy would be taken from a new roundabout junction from the new access road. A new car park with a total of 97 parking spaces with 6 no. accessible bays, including provision for electric vehicle charging. Cycle storage facilities for over 80no. bicycles for pupils and 10no. for staff (this is an increased provision from the original submission of 40 spaces). Within the car park, designated coach and servicing vehicles laybys would be incorporated;
- Off-site highway works to include widening and upgrading of the existing pelican crossing to a Toucan crossing (a crossing for pedestrians and cyclists) and creation of a shared cycle-footway on the opposing southern kerbline;
- The indoor sports facilities include a sports hall, activity studio and designated changing rooms. Outdoor sports facilities would include a 3G all weather playing pitch, a 2G short pile playing pitch (suitable for hockey) and a hard surfaced 3 court multi-use games area (MUGA). The sports facilities would be made available for use by the community outside of school hours and would be accessed via a dedicated entrance:
- Hard and soft landscaping, including 111no. trees, shrub, hedgerow and meadow planting, SEN garden and seating;
- Surface water drainage and basin;
- The perimeter of the school grounds would be enclosed by 2.4m high weldmesh fencing, sports pitches by 3m high weldmesh fencing (with 2m ball stop netting atop where adjacent to the Metrolink line) and internally thereafter a mix of timber and weldmesh fencing between 0.6m and 1.8m high fencing.

The aim would be that the Academy would achieve carbon net zero in operation through the generation of renewable energy via roof mounted photo-voltaic panels and energy efficient installations, such as air source heat pumps.

The proposed school would have a capacity for up to 750 pupils and 80 staff (full-time equivalent) and it would be the intention that some of the sports facilities would be made available for community use outside of school hours.

Relevant Planning History

45672 - Outline application - Residential development including associated infrastructure and open space at Coney Green High School Site, Spring Lane, Radcliffe. Approved with conditions - 14 September 2007.

56310 - Prior notification of proposed demolition of two portacabins at rear at Radcliffe Riverside School, Spring Lane, Radcliffe. Prior approval required and granted - 12 June

2013.

56313 - Erection of 2.4m high fencing and gates at Radcliffe Riverside School, Spring Lane, Radcliffe. Approved with conditions - 3 July 2013.

58244 - Erection of demountable structure containing swimming pool tank and changing facilities together with change of use of 4 no. classrooms into gym and changing facilities at Radcliffe Riverside School, Spring Lane, Radcliffe. Approved with conditions - 13 January 2015.

58360 - Refurbishment of part of the former High School to create a Pupil Learning Centre; Single storey extension and associated works at Radcliffe Riverside School, Spring Lane, Radcliffe. Approved with conditions - 23 April 2015.

58463 - Prior Notification of proposed partial demolition of the former Radcliffe Riverside High School and Southern classrooms and courtyard at Radcliffe Riverside School, Spring Lane, Radcliffe. Prior approval required and granted - 20 March 2015.

59386 - Creation of multi use games area with erection of security fencing/entrance gates and floodlighting for night-time use in connection with new pupil referral unit and sports centre at Coney Green High School, Spring Lane, Radcliffe. Approved with conditions - 19 January 2016.

69855 - EIA Screening Opinion' under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) for proposed secondary school (Class F1) with associated sports facilities, access, car parking and landscaping at former school, Spring Lane, Radcliffe. EIA not required - 28 July 2023.

70002 - Demolition of existing school buildings/temporary leisure centre and erection of a two storey temporary school building, external landscaping and associated site infrastructure at site of Radcliffe Leisure Centre, Spring Lane, Radcliffe. Approved with conditions - 24 October 2023.

Related sites

69388 - Demolition of 13-21 Blackburn Street/TSB Bank and erection of three-storey civic hub building containing swimming pools, fitness suites and studios, indoor climbing facility, offices, cafeteria and library; Link block between Radcliffe Market and Market Chambers buildings, plus refurbishment of Market Chambers and Market Hall basement, for use as a multi-use event space, with associated external alterations and works and hard and soft landscaping at 13 - 21 Blackburn Street, Radcliffe. Approved with conditions - 25 July 2023.

Publicity

Neighbouring properties were notified by letter on 15 September 2023 and a press notice was published in the Bury Times on 21 September 2023. Site notices were posted on 18 September 2023.

One representation has been received objecting to the proposal, raising the following issues:

- No objection to the principle of a new school, but consider that the infrastructure needs reassessing.
- Concerned about the safety aspect with regard to air quality. The area is already below acceptable standards and additional road traffic pollution has high potential to affect asthma sufferers.
- Concerned about possibility of noise pollution. There appears to be no acoustic fencing or additional tree planting along the western boundary. Asphalt road surfacing would increase noise pollution.
- Request that the banana path is moved away from the fence line for residential properties - the additional footfall will increase the amount of anti-social behaviour presently experienced.

The Manchester, Bolton & Bury Canal Society (MBBCS) have also commented as follows:

The MBBCS believes the canal side part of the site should be integrated into a strategy to develop a network of high-quality walking, wheeling and cycling routes to promote the use of active travel, working with TfGM to enhance the Bee Network. Key to a strategy would be the development and promotion of safe "off-road" active travel routes for walkers, runners and cyclists along the canal towpath, and watercraft users on the water.

MBBCS also proposed in response to the consultation exercise that the full restoration of the canal would be accompanied by three community environment hubs (one each in the Bury, Bolton and Salford local authority areas) offering facilities for people to engage with learning, citizen research and leisure activities including blue exercise such as paddle boarding and canoeing. The academy site would be an ideal location within Bury for the hub.

The Design & Access Statement in the planning application comments that the Bolton & Bury Canal borders the northwest boundary, offering a scenic backdrop to the school. MBBCS believes this seriously undervalues the potential that the canal has to offer amenity to the Academy school. As we proposed in the response to the consultation, we think that the school grounds adjacent to the canal towpath would be an excellent location for an Environment & Activity Hub, to facilitate the use of the canal for water-based sports such as paddle boarding and canoeing. Blue and green exercise have been shown to be excellent for health and wellbeing.

The canal from Daisyfield Viaduct in Bury to the Bolton boundary at Little Lever is a 5km spinal route comprising the canal and its towpath which links some of the most deprived areas of the borough to schools, employment and leisure facilities for local families, children & parents to use.

A key part of the restoration strategy is for the culvert at Water Street to be removed and the road raised to allow boats to navigate through that section. This would also further enable connectivity off-road between communities via an enhanced towpath.

Statutory/Non-Statutory Consultations

Highway Officer: No objection, subject to conditions relating to the access, off-site highway works, drainage, street lighting and waiting restrictions; adoption; Construction Traffic Management Plan; highway management; turning facilities, drop-off facilities and bin storage.

Drainage Section - No objections, subject to the inclusion of conditions relating to surface water drainage.

Environmental Health - Contaminated Land and Air Quality: No objection, subject to conditions relating to contaminated land investigation, remediation and verification and the provision of electric vehicle charging points.

Environmental Health - Pollution Control: No objection, subject to condition securing the mitigation measures set out in the Environmental & Intrusive Noise Study.

Waste Management: No objection.

Greater Manchester Ecology Unit: No objection, subject to conditions relating to nesting birds, reasonable avoidance measures, invasive species, construction and environmental management plan and landscaping and informatives relating to bats and badger.

Sport England: Objection.

The proposal does not meet the terms of Exception 4 of the Playing Fields Policy. Sport

England could consider the proposal as a departure from this policy if it was demonstrated that there was significant benefit to sport to outweigh the policy objection. However the current proposal does not demonstrate such benefit.

Any recommended conditions will be reported in the Supplementary Report.

Greater Manchester Police: No objection.

Greater Manchester Fire Service: No objection.

The Coal Authority: No objections, subject to the inclusion of conditions relating to site investigation, remediation/mitigation and verification of previous coal mining at the site.

United Utilities: No objection, subject to conditions relating to the treatment of surface and foul drainage.

Canal & River Trust: No objection.

Transport for Greater Manchester: No objection, subject to the inclusion of conditions relating to travel planning, working safely near the Metrolink line and tree protection.

Pre-start Conditions - Agent has agreed to the pre-start conditions

Unitary Development Plan and Policies

EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN1/7	Throughroutes and Gateways
EN4/2	Energy Efficiency
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8	Woodland and Trees
EN8/2	Woodland and Tree Planting
RT1/1	Protection of Recreation Provision in the Urban Area
RT1/2	Improvement of Recreation Facilities
RT2/3	Education Recreation Facilities
RT3/4	Recreational Routes
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
HT6/1	Pedestrian and Cyclist Movement
HT6/2	Pedestrian/Vehicular Conflict
CF1/1	Location of New Community Facilities
CF2	Education Land and Buildings
EN6/4	Wildlife Links and Corridors
EN10/2	Riverside and Canalside Improvement in Urban Areas
HT2	Highway Network
HT5	Accessibility For Those With Special Needs
HT6	Pedestrians and Cyclists
EN4	Energy Conservation
EN4/1	Renewable Energy
EN4/2	Energy Efficiency

SPD3	DC Policy Guidance Note 3: Planning Out Crime
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
SPD12	Travel Plans in Bury
SPD16	Design and Layout of New Development 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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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.

The Places for Everyone Joint Development Plan Document (PfE) is a joint plan covering nine of the ten Greater Manchester districts, including Bury, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

PfE was published in August 2021 and subsequently submitted to the Secretary of State in February 2022. Inspectors have been appointed to carry out an independent examination of the Plan with the hearing sessions commencing in November 2022 and were concluding in July 2023. The examination of the plan is on-going.

Whilst PfE cannot be given full weight until it is adopted, its advanced stage of preparation means that it is now considered reasonable that the Plan (as proposed to be modified) should be given weight in the decision-making process in line with paragraph 48 of the National Planning Policy Framework.

Consequently, the principle of this application has been considered against Places for Everyone (as proposed to be modified) and reference to policies and proposals are made in this report where these are considered relevant.

Principle - Community facilities

Policy CF1/1 states that proposals for new and improved community facilities will be considered with regard to the following factors:

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

Policy CF2 states that the Council will, where appropriate, consider favourably proposals for the provision, improvement and dual use of educational facilities.

The NPPF is very clear in Paragraph 95 that; “it is important that a sufficient choice of school places is available to meet the needs of existing and new communities.” The NPPF further emphasises that local authorities should “give great weight” to the need to create schools through decisions on applications.

Development Plan (as proposed to be modified) states that significant enhancements in education, skills and knowledge to benefit existing and new residents will be promoted, including by enabling the delivery of new and improved accessible facilities for all ages, such as early years, schools, further and higher education, and adult training to ensure our workforce is ready to benefit from new employment opportunities.

The proposed development would provide a new permanent school, which would provide facilities for pupils in the locality where there is a recognised need for a facility. As such, the proposed development would be in conformity with Policy JP-P5.

The buildings on the site were previously used as a school and pupil referral unit and a leisure centre, all constituting community uses. The proposed development would deliver a new mainstream secondary school for the community, where currently there are none in the catchment area it is intended to serve. The other issues, such as size and scale, impact upon residential amenity and access issues are discussed in subsequent sections of the report. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policies CF1/2 and CF2 of the Bury Unitary Development Plan, paragraph 95 of the NPPF and Policy JP-P5 of the Places for Everyone Joint Development Plan (as proposed to be modified).

Principle - Recreation

Paragraph 99 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- (a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- (b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- (c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Policy RT1/1 states that development will not be allowed where it would result in the loss of:

- existing and proposed outdoor public or private recreation facilities, including playing fields, sports grounds, parks and gardens, children's play areas, allotments and golf courses;
- recreation space within settlements located in the Green Belt;
- indoor facilities for which there is a recreational need;
- any other unidentified recreation provision such as playing fields, sports grounds, parks and gardens, children's play areas, allotments and golf courses, including sites created during the period of the plan.

Exceptions to this policy may be permitted where:

- sports and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site;
- alternative provision of equivalent community benefit is made available;
- it can be demonstrated that there is an excess of sports pitch provision and public open space in the area, taking account of the recreation and amenity value of such provision.

Policy JP-P7 (Sport and Recreation) of the Places for Everyone Joint Development Plan (as proposed to be modified) states that a network of high quality and accessible sports and recreation facilities will be protected and enhanced, supporting greater levels of activity for all ages, including by (inter alia) encouraging the incorporation of a sports facilities mix in all education settings, that meet both curriculum and local community sport needs as identified by an up to date Local Authority Sports Needs Assessment, and made available for community use where possible.

The Sport England Playing Fields Policy states:

Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
 - land which has been used as a playing field and remains undeveloped, or
 - land allocated for use as a playing field
- unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.

A playing field is defined in the NPPF as 'the whole of a site which encompasses at least one playing pitch as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015'. The definition refers to the whole of a site and therefore does not just cover land which is (or was) laid out as pitches i.e. it could include ancillary facilities such as changing rooms.

The site contains the following existing provision (across the PRU and Leisure Centre facilities):

- Grass Playing Field Area - Disused (20,342 sq.m);
- Artificial Grass MUGA (696 sq.m);
- Former 4 court Hard games Area - Disused (now a car park);
- Sports Hall - 4 Court (circa 640 sq.m);
- Activity Hall (250 sq.m);
- Gym (34 stations);
- Swimming Pool - temporary (8 lane x 25m).

With regard to the loss of the facilities at the site, it should be noted that planning permission (69388) was granted for the Radcliffe Civic Hub in July 2023, which will include the following:

- swimming pools (8 lane x 25m main pool/learning pool (150 sq.m));
- gym (100 stations), and;
- fitness studio (318 sq.m. across two rooms);
- Climbing wall (156sq.m).

Such provision would replace and exceed the provision provided by the swimming pool, gym and activity hall (fitness studio) presently at the Radcliffe Leisure Centre at the application site.

The proposed new school would provide:

Outdoor

- 3G All-weather Pitch (long pile) (5,917sq. m/97m x 61m);
- 2G All-weather Pitch (short pile) (3,260sq.m);
- Informal Grass Area (3,185sq.m) to include mini football pitch (61m x 43m);

Indoor

- Sports Hall - 3 court (504sq.m);
- Activity Studio (121sq.m).

Sport England have provided a non-statutory response (reflective of the fact that the area of former grass playing fields within the site has not been used for in-excess of five years (it is understood that they have remained unused since 2004)), objecting to the proposal, as they do not consider that the proposal would meet any of the five specific exceptions to the Sport England Playing Fields Policy or to accord with paragraph 99 of the NPPF. It states that in order to consider the proposals acceptable in their view, it needs to be demonstrated that there would be significant overriding benefits to sports provision and the wider community to outweigh the proposals' inability to meet their policy exceptions and to satisfy paragraph 99 of the NPPF.

A response to the Sport England consultation has been provided by the applicant, noting that the Sport England response is non-statutory. It states that it is for the Local Planning Authority to weigh up the benefits of the application (including the benefits for education), against the level of impact for existing sports provision. It also notes that the sports facilities

at the proposed school would be available for community use outside of the school's opening hours and outside of school term times.

The response from the applicant thereafter seeks to demonstrate that the proposal would satisfy exception (c) of NPPF paragraph 99 and Exception 5 of the Sport England Playing Fields Policy, which states “The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.”

The applicant's response notes that the proposed school's facilities, in step with the wider strategy for the delivery of new sports facilities being progressed by the Council at the £30m Civic Hub, will meet this exception. It also confirms that the application site does not provide any active grass playing fields, as the former grass pitch at the site has not been used for that purpose for almost 20 years and is categorised as 'disused' in the Council's playing pitch strategy document “Bury Playing Pitch and Outdoor Sport Strategy” (2019). Apart from the 5v5 artificial pitch, which is used by the PRU school, none of the outdoor playing areas mentioned in Sport England's response currently provide any active sports use. The applicant's response states that consequently, the 'loss' of outdoor sports provision at the site is actually very modest and that:

- The proposed 3G, 2G and MUGA pitches to be delivered as part of the new school proposals would offer a significant betterment above the current situation with respect to outdoor pitch provision. (see figures above);
- In terms of indoor sports provision, the existing temporary leisure centre facilities have reached the end of their useable lifespan and do not meet customer expectations for modern facilities. Their replacement has long been identified by Bury Council. The temporary swimming pool has already closed due to prohibitive costs identified for necessary repair works;
- The original planning permission for the gym, changing rooms and swimming pool at the Spring Lane site was only provided for a temporary period and includes a condition for their use to be discontinued from January 2024;
- That permission has already been granted by the Local Planning Authority for the demolition of the existing temporary leisure centre buildings (reference 70002, granted October 2023).

In relation to specific recommendations made in the Sport England consultation concerning matters of detail to address to potentially overcome their objection, the applicant notes that:

- The school's indoor sports facilities have principally been designed to meet the Department for Education's (DfE) standards who are funding the scheme, and the educational requirements for the Academy. However, the cumulative floor space of the proposed sports hall and activity studio along with those at the Radcliffe Civic Hub would exceed the Sport England standard of 690sq.m;
- The site's size and constraints do not realistically allow for a larger 3G pitch to be successfully accommodated, without compromising the other outdoor sports facilities or the necessary outdoor spaces. The former grass pitches historically in place at the former school on the site did not provide a full-sized football pitch;
- The 3G pitch will be a core component of the school's outdoor sports facilities, necessary to undertake their curriculum of PE activities. The 3G pitch will allow for year-round use, as well as more intensive use than would be possible on a grass surface. The 3G pitch will provide the school flexibility to accommodate a range of sports, including football and rugby, which best suits their needs;
- The specification for the 3G pitch will include a shock pad beneath the synthetic carpet, to allow for rugby training to be undertaken on the surface;
- A mini football pitch is now to be marked out on the informal grass area;
- There will be continuity of provision of sports facilities following closure of the existing Leisure Centre at the Castle Leisure Centre in Bury to provide temporary cover;
- The exact specifications of each of the proposed new outdoor surfaces is to be provided by a sports facilities specialist at detailed design stage;

In relation to the Radcliffe Civic Hub, hoardings have been erected at the site and the enabling works contract has been signed and the signing of the main contract is imminent. Demolition of the existing buildings at the site are scheduled for December 2023 and thereafter, construction of the Civic Hub will commence.

Hence, the facilities to be lost would be replaced by the facilities at the proposed civic hub and the proposed permanent school. The proposed civic hub development would be located in Radcliffe town centre, which would continue to serve the residents of Radcliffe. Given that planning permission has been granted for the civic hub, funding has been secured, the contracts part secured and works are due to commence in December 2023, it is considered that there is sufficient certainty that the replacement sports facilities will be delivered.

As set out above, the range of new sports facilities to be made available at the Academy site, for use by the proposed school and the community outside of school operation, in combination with the complementary facilities to be delivered at the new Civic Hub, will provide greatly improved facilities in terms of both quantity and quality, with enhanced levels of access to sports facilities for the community. The proposals are therefore considered meet the exception policy tests set out in both Sport England Guidance and the NPPF, and would comply with policies RT1/1, RT1/2 and RT2/3 of the Bury Unitary Development Plan.

Layout and design

The proposed layout for the scheme has been influenced by the surrounding land constraints, namely the location of neighbouring residential uses, the adjacent Metrolink line, the site's topography which slopes down from north to south and the location of underground services.

The positioning of the proposed secondary school has been determined by reacting to the site constraints, existing building positioning and access roads and the wider context. The location of the school within the site provides a natural buffer away from the road, reducing noise disruption, whilst also allowing ample space around the building for associated car parking and outdoor sports facilities. The nature of the construction sequence and approved temporary education facility provision also drives the need to retain the access road to and hard standing left from the demolition of the Radcliffe Leisure Centre.

Given the size and context of the site, framed by the wooded embankment of the Metrolink line, the Manchester Bolton and Bury Canal (MBBC) and the Banana Path, and the central position of the proposed buildings within it, the development would have a spacious character and appearance, without immediate juxtaposition of existing buildings.

The proposed 3 storey teaching block with the stepped down and set back sports hall block would create a contrast of vertical elements, allowing for a less bulky feel to the massing and scale whilst maximising daylight into the teaching spaces.

The proposed materials palette would complement and assimilate the proposed built form of the site within the wider townscape and the extensive use of weldmesh fencing to enclose the site and make it secure would be typical to a contemporary educational facility.

Therefore, the proposed development would be in accordance with Policies CF1/1 and EN1/2 of the Bury Unitary Development Plan.

Impact upon amenity

The nearest residential properties would be over 100 metres away from the proposed school buildings and so it would not have any overbearing impacts on nearest neighbours.

The supporting Environmental and Intrusive Noise Study considers the impact of the outdoor amenities/sport pitches and external plant on neighbouring amenity. It establishes

that even if all the outdoors sports pitches were used simultaneously, the noise created would be highly unlikely to result in any adverse effects for the surrounding occupants. Noise emitted from the school building's services, such as air conditioning units or any other externally mounted plant, can be suitably controlled through planning conditions to comply with appropriate noise limits presented within the supporting Noise Study.

A lux plan is provided for the external lighting scheme to demonstrate that there would not be any detrimental impacts for neighbouring occupants with respect to external lighting.

Ball striking sports would be limited to informal cricket using the 2G pitch and would therefore be highly unlikely to impact on nearest neighbouring dwellings.

The Environmental Health Officer does not raise any objection to the proposal.

Given the above, and subject to appropriate conditions relating to noise mitigation measures, the proposed development would be in accordance with Policies EN1/2, EN7/2 and CF1/1 of the Bury Unitary Development Plan.

Access, highway safety and parking

Section 9 of the NPPF and UDP Policies EN1/2, HT2, HT2/4, HT4, HT5, HT5/1, HT6, HT6/1, HT6/2 and CF1/1 pertain.

A Transport Statement (TS) has been prepared to accompany the planning application, which considers the transport implications of the proposed development. Modelling of the key traffic junctions which would be influenced by the proposed school indicates that all junctions would continue to operate within capacity.

The assessment undertaken has considered the existing and proposed operation of the highway in terms of highway safety, sustainability and capacity. The site is considered to be in a highly sustainable location with a wide range of local services and facilities that can be accessed on foot and by bicycle and by frequent bus and Metrolink services that operate adjacent to the site.

The TS considers that it demonstrates that the proposed development can be accommodated without any significant negative impact on the local highway network, being in a highly sustainable location and without detriment to highway safety.

An Interim Travel Plan has also been prepared which identifies potential measures to promote the use of available sustainable transport options to users of the site and reduce reliance on the private car.

Transport for Greater Manchester (TfGM) are generally satisfied with the proposal, recommending that mitigation measures are explored for the junction at Spring Lane/Bury Road, which may include active travel measures, and the conditions noted above.

In relation to potential impacts on the adjacent Metrolink line, TfGM state that they support the proposal in principle, but that the interface between the proposed development and Metrolink has not been adequately addressed in the submission. Therefore, a condition is recommended requiring approval of details of works adjacent to the Metrolink.

The Highway Officer does not object to the proposal, subject to conditions noted above.

Therefore, the proposed development would not be detrimental to highway safety.

Parking and cycle storage provision

Supplementary Planning Document 11 states that the maximum parking standards for a school are:

- 1.5 spaces per classroom
- 3 disabled parking bays of 6% of the total capacity, whichever is the greater;

- 1 cycle stand per 10 full time equivalent staff (minimum)
- 1 cycle stand per 10 pupils (minimum)
- 1 two (or three) wheeled motor vehicle space per 40 full time equivalent staff - minimum of 2 spaces

On a simple calculation, this would equate to a maximum allowance of 66 car parking spaces. In relation to schools, SPD11 states that the standard equates to 1 car parking space per full time member of staff with limited provision for visitors and that only operational requirements should be provided for. However, the maximum standard (noting that it is supposed to represent 1 full time member of staff) is not reflective of modern operating circumstances for schools and assumes that parking should only be provided on the basis of the number of classrooms (and then only allowing for one member of staff per class). This fails to provide for the full time equivalent of all staff employed at a school and potential operational requirements.

The supporting TA states that there are 44 individual teaching spaces within the proposed school and that there would be 80 full time equivalent members of staff (which could equate to over a 100 members of staff on site at the same time) and it further confirms that the parking proposed (as set out in the description of the development) would be provided in line with the Department for Education (DfE) specification for staff and visitors (i.e. the operational requirements). It also notes that the (now increased) cycle parking provision would be located in a prominent position outside the main entrance (covered and monitored). Parking for community use of the sports facilities would be served by the same provision as for the school outside of school operating times. The TA states that the parking provisions as set out in the description is appropriate for the proposed operational and community requirements of the site.

SPD11 recommends a pragmatic approach to parking standards (concerning vehicles) in relation to education facilities, based upon operational requirements. In relation to community use of the sports facilities, SPD11 states that the standard is for individual consideration. Consequently, the (vehicle) parking provision would meet DfE requirements and the cycle storage provision has been increased to meet the minimum quantitative and qualitative standards stated in SPD11.

Ecology, trees and landscaping

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment.

The proposal is supported by a suite of ecological, species and aboriginal reports.

The Greater Manchester Ecology Unit (GMEU) have raised no objections to the proposal, subject to conditions noted above.

Bats

No evidence of bats roosting on the site were detected and only low levels of bat activity were recorded.

Great Crested Newt (gcn)

The nearest pond to the site within the Radcliffe Wetlands SBI was adequately surveyed and no great crested newts were located, which is in-line with the numerous previous surveys of this pond.

Approximately 0.8ha of the site are within 250m of the recently recorded gcn population. However, there are physical barriers to dispersal, such as the canal, which is a fairly effective barrier. Although the existing bridge provides a relatively direct route to the site i.e. would not add much to the distance separating the pond from the site, it is unvegetated and generally hostile to gcn dispersal. There is also significant areas of good cover for gcn between the pond and the canal. The risks to gcn are therefore very low.

Reasonable Avoidance Measures

Whilst the site is generally sub-optimal for most protected and priority species, species such as badger, hedgehog and amphibians such as common toad could forage across the site at night and be at risk during construction.

Invasive Species

Himalayan balsam was recorded along the northern boundary and Japanese knotweed recorded just off the site. Whilst the Japanese knotweed appears avoidable, Himalayan balsam seed is likely to be present within the footprint of the development.

Contributing to and Enhancing the Natural Environment

The development will result in the loss a fairly large area of grassland, that has been inaccurately portrayed as amenity grassland. It was historically managed as playing fields and regular mowing has not occurred for many years. Whether this changes the ecological value of the grassland is a separate issue, it may still be best described as modified grassland a low value habitat, but could potentially be other neutral grassland a moderate value habitat.

A net gain assessment has been provided that indicates a significant net gain, which may be sufficient to buffer any potential undervaluing of the baseline habitats.

Net gain can be achieved even if the grassland was upgraded to other neutral grassland. It will therefore be important to ensure that the trees planted are relatively quick growing and capable of quickly maturing and being native.

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

Trees and landscaping

An Arboricultural Impact Assessment (AIA) and a Tree Survey and Constraints Report has been submitted in support of the application. It confirms that there are no tree preservation orders or conservation areas pertaining to the site.

The AIA confirms that the development would result in the removal of 17no. trees as a direct impact of the proposed development (out of 70no. that were surveyed). The root protection areas have been identified in the Tree Protection Plan.

The Greater Manchester Ecology Unit consider that the proposed soft landscaping scheme, that includes 111no. trees, shrub, hedgerow and meadow planting, is acceptable.

Therefore, the proposed development, subject to conditional control, would not harm the character of the area and would be in accordance with Policy EN8/2 of the Bury Unitary Development Plan.

Other matters

Sustainability

The Department of Education requires that all their new build schools achieve netzero carbon emissions when in operation. This will be achieved through the generation of renewable energy on the site through the inclusion of photo-voltaic panels on the building's roof and energy efficient installations, such as air source heat pumps and efficient glazing.

The achievement of carbon net-zero in operation represents a significantly higher sustainability standard than is established within SPD 16: Design and Layout of New Development, which seeks for new non-residential developments to achieve at least a BREEAM rating of 'Very Good'.

Therefore, the proposed development would be in accordance with policies EN4/1 and EN4/2 of the Bury Unitary Development Plan.

Ground conditions

The Environmental Health - Contaminated Land Officer and the Coal Authority do not object to the proposal, subject to the above noted conditions.

Air quality

The Environmental Health - Air Quality Officer has no objection to the proposal, subject to the inclusion of a condition relating to the installation of electric vehicle charging points. The applicant has agreed to increase provision to 20% of the parking spaces (18no. spaces).

Drainage

Neither the Drainage Section (Lead Local Flood Authority) or United Utilities object to the proposal, subject to conditions relating to surface water drainage scheme and foul drainage.

Waste Management

No objection is raised by the Waste Management Section.

Greater Manchester Fire & Rescue Service (GMFRS)

The applicant has confirmed that the proposal would be in accordance with the technical requirements set out in the consultation response from the GMFRS.

Observation on representations received

The points raised in the representations, where material, have been addressed in the above analysis and/or recommended conditions.

Concerning the request that the banana path is moved away from the fence line for residential properties to the west of the site, the proposal does not include the path, which falls beyond the application site.

The representation from the Manchester, Bolton and Bury Canal Society suggests that the canal as a local resource is utilised by the school as an educational resource. However, this is an educational matter which is not a material planning matter.

CONCLUSION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be in accordance with the plan, unless material considerations indicate otherwise.

The proposed development would bring forward a new free school to meet an established need for additional free secondary school places in the Radcliffe locality as part of the Local Authority's identified schools strategy that is intended to be completed in May 2025.

The assessment finds that the proposal is acceptable in principle and thereafter, subject to conditions, would not have any unacceptable impacts on visual and residential amenity, highway safety or ecological interests and would be of an appropriate layout, scale and design.

Given the above, the proposal would be compliant with the above stated UDP policies, The Places for Everyone Joint Development Plan Document (PfE) and the NPPF. Therefore, in accordance with the Section 38(6) of the Planning and Compulsory Purchase Act, the proposal merits approval.

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

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

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.

Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

2. Subject to the requirements of the conditions below, the development hereby permitted shall be carried out in accordance with the following approved drawings and documents:

Drawings

Site Location Plan (Dwg No. FS1013-ALA-EX-ZZ-D-L-0039 S2 REV.P04)

Access Strategy - Staff and Students (Dwg No. FS1013-ALA-EX-ZZ-D-L-0022 S2 REV.P02)

Access Strategy - Community use (Dwg No. FS1013-ALA-EX-ZZ-D-L-0023 S2 REV.P01)

Access Strategy - Servicing (Dwg No. FS1013-ALA-EX-ZZ-D-L-0024 S2 REV.P02)

Access Strategy - Parking Strategy (Dwg No. FS1013-ALA-EX-ZZ-D-L-0026 S2 REV.P02)

Green Infrastructure Strategy (Dwg No. FS1013-ALA-EX-ZZ-D-L-0028 S2 REV.P02)

Tree retention and removal plan (Dwg No. FS1013-ALA-EX-ZZ-D-L-0031 S2 REV.P02)

External Sports Provision (Dwg No. FS1013-ALA-EX-ZZ-D-L-0041 S2 REV.P03)

Landscape Visualizations (Dwg No. FS1013-ALA-EX-XX-I-L-0001)

Whole Site Plan (Dwg No. FS1013-ALA-EX-ZZ-D-L-0001 S2 REV.P04)

Existing Site Plan (Dwg No. FS1013-ALA-EX-ZZ-D-L-0002 S2 REV.P02)

Site Landscaping Plan - Overview (Dwg No. FS1013-ALA-EX-ZZ-D-L-0004 S2 REV.P02)

Planting Plan (Dwg No. FS1013-ALA-EX-ZZ-D-L-0010 S2 REV.P02)

PROPOSED EXTERNAL LIGHTING LAYOUT (Dwg No.

FS1013-KRD-EX-XX-D-E9003)

PROPOSED EXTERNAL LIGHTING STRATEGY (Dwg No.

FS1013-KRD-EX-XX-D-E9003)

Proposed Ground Floor & Sports Plan (Dwg No. FS1013-AHR-01-00-D-A-2001 S4 REV.P13)

Sports Hall (Dwg No. FS1013-AHR-01-00-D-A-2050 S4 REV.P01)

Proposed First Floor Plan (Dwg No. FS1013-AHR-01-01-D-A-2002 S4 REV.P10)

Proposed Second Floor Plan (Dwg No. FS1013-AHR-01-02-D-A-2002 S4 REV.P10)

Proposed Roof Plans (Dwg No. FS1013-AHR-01-RF-D-A-2003 S4 REV.P05)

Strip Sections 1-2 (Dwg No. FS1013-AHR-01-ZZ-D-A-2021 S4 REV.P05)

Strip Sections 2-2 (Dwg No. FS1013-AHR-01-ZZ-D-A-2022 S4 REV.P03)

Fencing General Arrangement (Dwg No. FS1013-ALA-EX-ZZ-D-L-0012 S2 REV.P02)

Elevations (Dwg No. FS1013-AHR-XX-ZZ-D-A-2010 S4 REV.P06)

Utility Survey (Dwg No. 42645-T-UG)

Levels Plan - Overview (Dwg No. FS1013-ALA-EX-ZZ-D-L-0013 S2 REV.P02)

Site Sections 1 of 2 (Dwg No. FS1013-ALA-EX-ZZ-D-L-0019 S2 REV.P02)

Documents

Phase II Geo-Environmental Assessment Report (Doc Ref. FS1013-BSL-XX-XX-T-O-1000 Rev. P01)
Remedial Strategy (Doc Ref. FS1013-BSL-XX-XX-T-O-1000 Rev. P01)
Desk Study Report (Project No. PC228400)
Ground Investigation (Project No. PN224390)
Outline Drainage Strategy (Doc Ref. FS1013-REN-XX-XX-T-C-0161 Rev. P02)
Crime Impact Statement (Ref. 2022/0391/CIS/02 Version A)
Arboricultural Impact Assessment (AIA)
Tree Survey and Constraints Report
Biodiversity Enhancement Measures (Doc. Ref. 11068-MS-StarRadcliffe-Biodiversity-V1 05.087.2023 Version 1)
Environmental & Intrusive Noise Study (Doc. Ref. FS1013-SOL-ZZ-ZZ-D-J-0002 P04)
Energy Strategy Report (Doc. Ref. FS1013-KRD-01-XX-T-Z-0204)
Demolition and Construction Management Plan (Doc. Ref. FS1013-MS-XX-XX-T-MC-1100 Rev 01)

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

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

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

4. Following the provisions of Condition 3 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and a Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

5. Proposed areas of hardstanding located within the Coal Authority Development High Risk Area, including access roads and vehicle parking, shall be constructed with appropriate geogrid reinforcement to protect the development from the effects of potential land instability derived from any shallow coal mine workings present, as outlined in Section 10.2 of the supporting Phase II Geo-Environmental Assessment Report. These measures shall be carried out in accordance with

authoritative UK guidance.

Reason - In order to ensure the safety and stability of the development, pursuant to Section 15 of the National Planning Policy Framework.

6. Prior to the occupation of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm that the mitigation measures necessary to address the risks posed by past coal mining activity have been implemented in full.

Reason. To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, pursuant to Section 15 of the National Planning Policy Framework.

7. No development comprising the erection of any external walls shall take place until details of the materials to be used in the construction of the external surfaces of the development, including the roof, and all boundary treatments and fencing, have been submitted to and approved in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved details.

Reason. Only indicative material details have been submitted and full details are required in the interests of visual amenity and to ensure a satisfactory development pursuant to Bury Unitary Development Plan policies EN1/1 and CF1/1.

8. Use of the development shall not commence until a community use agreement has been submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to internal and external sports facilities and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.

Reason. To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport pursuant to chapter 8 - Promoting healthy communities of the NPPF and RT2/3 - Education Recreation Facilities.

9. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any

subsequent replacement national standards.

Prior to the first occupation of the development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason. To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding and pollution, pursuant to Policy EN5/1 of the Bury Unitary Development Plan and Section 14 of the National Planning Policy Framework.

10. Prior to the first occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

(a). Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and

(b). Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason. To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development, pursuant to Policy EN5/1 of the Bury Unitary Development Plan and Section 14 of the National Planning Policy Framework.

11. Development shall not commence until investigations have been completed to confirm the available capacity of the watercourse proposed to receive surface water flows and the appropriate Ordinary Watercourse Consent has been submitted to and approved by the Lead Local Flood Authority.

Reason. To ensure the adequacy of the proposed discharge to the culverted watercourse, to prevent an undue increase in surface water run-off and to reduce the risk of flooding and pollution, pursuant to Policy EN5/1 of the Bury Unitary Development Plan and Section 14 of the National Planning Policy Framework.

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

- Formation of the proposed site access/priority junction onto Spring Lane, incorporating the provision of visibility splays appropriate for a design speed of 30mph, tactile paved crossing point within an extension of the current limits of adoption, demarcation of the revised limits of the adopted highway, give-way markings and alterations to existing road markings, and all associated highway and highway drainage remedial works;
- Detailed design of the new access road and its alignment relative to the existing adopted footpath route (Banana Path)/Public Footpath No. 3, St. Andrew's, Radcliffe, that crosses the westerly boundary of the site and proposals for (if any) pedestrian connections to this route;
- Reinstatement of the redundant easterly site access onto Spring Lane to adjacent footway levels and all associated highway and highway drainage remedial works;
- In the event that the new access road is not to be considered for adoption by the Council, measures to prevent the discharge of surface water onto the adopted highway;
- In the event that any retaining structures are required that abut/are sited in close proximity to the adopted highway, an 'Approval In Principle' for the proposed structures, incorporating full structural, construction and drainage

details, calculations, pedestrian protection measures and a detailed construction method statement;

- Provision of a street lighting assessment to a scope and specification to be agreed for the junction of the proposed site access/priority junction onto Spring Lane and, where necessary, a scheme of improvements;
- Review of existing waiting restrictions in the vicinity of the proposed site access/priority junction onto Spring Lane and, if required, the introduction of new/extension of existing waiting and loading restrictions, including all necessary road markings and signage.;
- A programme for the implementation of the details to be agreed.

Thereafter, the development shall be implemented in full accordance with the agreed details and programme.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design, ensure the intervisibility of the users of the site and the adjacent highways and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to Bury Unitary Development Plan Policies RT6/2 - Pedestrian/Vehicular Conflict, CF1/1 - Location of New Community Facilities, EN1/2 - Townscape and Built Design and HT2/2 - Car Parking and New Development.

13. In the event that it is intended for the new access road to be considered for adoption by the Council, notwithstanding the details indicated on the approved plans, no development shall commence unless and until full details of the following have been submitted on a topographical based survey of the site and adjacent adopted highways to the Local Planning Authority:
- Detailed design of the new access road and its alignment incorporating running lane/carriageway and footway widths to be agreed and any proposed gates to be inward opening and set back a minimum of 5.0m from the back of the adopted highway;
 - Proposed pedestrian and cycling facilities with appropriate tactile paved crossing points at all junctions/pedestrian crossing points, signage and road markings;
 - Provision of long sections and cross sections at positions to be agreed through the proposed new access road and roundabout to ensure that gradients will not exceed 1 in 14 for the purposes of adoption and incorporating a maximum 1 in 20 plateau at any junction within the development and at the interface with the adopted highway;
 - In the event that any retaining structures are required that abut/are sited in close proximity to the future adopted highway, an 'Approval In Principle' for the proposed structures, incorporating full structural, construction and drainage details, calculations, pedestrian protection measures and a detailed construction method statement;
 - Demarcation of the limits of adoption at all relevant locations;
 - Provision of visibility splays and forward visibility envelopes appropriate for a design speed of 20mph at all proposed junctions and bends in accordance with the standards in Manual for Streets with no obstructions above the height of 0.6m within them;
 - Swept path analysis of the new access road to ensure that all vehicles anticipated to use the new road, including an 11.85m long refuse collection vehicle can pass a private car at all points, the bend and manoeuvre at the proposed mini-roundabout;
 - Proposed porous/permeable hardstanding materials and/or measures to prevent the discharge of surface water onto the adopted highway;
 - Provision of a street lighting assessment to a scope to be agreed for the new access road and street lighting scheme to a specification to be agreed;
 - Review of need for the introduction of waiting/loading restrictions on the new access road and at the proposed junctions/roundabout to a scope to be agreed, including all necessary road markings and signage;

- Proposed planting/surfacing details and management/maintenance arrangements for all landscaped/car parking areas abutting the proposed adopted highway.

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

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design, ensure the intervisibility of the users of the site and the adjacent highways and maintain the integrity of the adopted highway, all in the interests of highway safety, pursuant to Bury Unitary Development Plan Policies HT6/2 - Pedestrian/Vehicular Conflict, CF1/1 - Location of New Community Facilities, EN1/2 - Townscape and Built Design and HT2/4 - Car Parking and New Development.

14. Notwithstanding the submitted 'Demolition and Construction Management Plan FS1013 Star Radcliffe Academy' reference FS1013-MSC-XX-XX-T-MC-1100 Rev 01 and dated 11 August 2023, no development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:

- Photographic dilapidation survey of the footways and carriageways leading to and abutting the site in the event that subsequent remedial works are required following construction of the development and as a result of statutory undertakers connections to the site;
- Access route for all demolition/construction vehicles to the site from the Key Route Network;
- Access point/arrangements for demolition/construction traffic from Spring Lane, taking into consideration the need to maintain safe pedestrian/vehicular access to the adjacent temporary school site, and all temporary works required to facilitate access for demolition/construction vehicles;
- If proposed, details of site hoarding/gate positions; The provision, where necessary, of temporary pedestrian facilities/protection measures on the adopted highway;
- A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access onto Spring Lane;
- Confirmation of hours of operation and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres;
- Parking on site or on land within the applicant's control of operatives' and demolition/construction vehicles, together with storage on site of demolition/construction materials;
- Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways as a result of the groundworks operations or carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations;
- Detailed method statements of construction and risk assessments which shall include agreed safe methods of working adjacent to the Metrolink Hazard Zone, boundary and infrastructure*

The approved plan shall be adhered to throughout the construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period.

Reason. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent highways, ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, pursuant to policies EN1/2, CF1/1 and HT6/2 of the Bury Unitary Development Plan.

*The detailed method statements of construction and risk assessments for working adjacent to Metrolink shall as a minimum provide for:-

- the retention of 24hr unhindered access to the trackside equipment cabinets and chambers for the low voltage power, signalling and communications cables for Metrolink both during construction and once operational;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - construction and demolition methods to be used; including the use of cranes (which must not oversail the tramway);
 - the erection and maintenance of security hoarding, location to be agreed with Metrolink due to proximity of operational tramway and infrastructure;
 - provision of a "mock up" security hoarding, if required, to review and mitigate any hazards associated with positioning next to an operational tramway prior to permanent erection;
 - measures to prevent the spread of detritus onto the Metrolink Track during construction; and
 - measures to control the emission of dust and dirt during construction.
15. In the event that it is not intended for the new access road to be considered for adoption by the Council, no above ground development shall commence unless and until details of the proposed arrangements for future management and maintenance of the proposed road within the development have been submitted to and approved by the local planning authority. The new access road shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.
Reason. To ensure that the unadopted estate road serving the development is maintained to an acceptable standard in the interest of residential/highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway, pursuant to policies CF1/1 and EN1/2 of the Bury Unitary Development Plan.
16. The various turning facilities indicated on the approved plans shall be provided before the areas of the development to which they relate are brought into use and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety, pursuant to policies CF1/1 and EN1/2 of the Bury Unitary Development Plan.
17. The vehicle parking and refuse and coach drop-off laybys indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the development hereby approved being brought into use.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
18. The bin storage arrangements to be provided within the curtilage of the school site shall be made available for use prior to the development hereby approved being brought into use and thereafter maintained at all times.
Reason. To ensure that adequate bin storage arrangements are provided to serve the site, pursuant to policies CF1/1 and EN1/2 of the Bury Unitary Development Plan.
19. Eighteen car parking spaces shall be provided with electric vehicle (EV) charging points (minimum 7kW*) prior to the use of those spaces.
*Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2019 to be used.

Reason. To encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable. To safeguard residential amenity, public health and quality of life pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

20. The secure cycle storage facilities indicated in the approved plans shall be provided in full before the development hereby approved is first brought into use and shall thereafter remain available for use for the lifetime of the development. For the avoidance of doubt, at least 80no. secure cycle storage spaces shall be provided for pupils and visitors and at least 10no. secure cycle spaces shall be provided for staff.

Reason. To ensure adequate cycle storage and in order to promote sustainable means of travel pursuant to policy HT6/1 of the Bury Unitary Development Plan.

21. No development shall take place until full details of the tree protection to the trees located within the Metrolink boundary have been submitted to, and approved in writing by the Local Planning Authority. Thereafter, the approved tree protection measures shall remain in situ until the development has been completed.

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

22. Prior to first occupation of the development, a full School Travel Plan, which shall include clear objectives and modal split targets, together with a time-bound programme of implementation, monitoring, regular review and update; and be based on the particulars contained within the submitted Travel Plan (by VIA Solutions – Doc Ref. PS1013-VS-XX-XX-T-H-1003 TP), shall be submitted to and approved in writing by the local planning authority and thereafter operated in accordance with the agreed details and any subsequent updated School Travel Plan.

Reason. To promote and provide access to sustainable transport options, pursuant to Section 9 of the National Planning Policy Framework.

23. A landscape and ecological management plan (LEMP) (or equivalent) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include information which demonstrates the creation or management of habitats to secure a meaningful and measurable net gain for biodiversity, in line with the principles established in the proposed 'Site Landscaping Plan - Overview' (Dwg No. FS1013-ALA-EX-ZZ-D-L-0004 P02), 'Planting Plan' (Dwg No. FS1013-ALA-EX-ZZ-D-L-0010 P02) and 'Biodiversity Enhancement Measures Report' (Version 1).

The LEMP should include:

1. Description and evaluation of features to be managed;
2. Ecological trends and constraints on site that might influence management;
3. Aims and objectives of management;
4. Appropriate management options for achieving aims and objectives;
5. Prescriptions for management actions for all habitats for a period of no less than 30 years;
6. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
7. Details of the body or organization responsible for implementation of the plan, and;
8. Ongoing monitoring and remedial measures.

The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how

contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason. To ensure improvements to the biodiversity of the site, pursuant to policies EN8/2 and EN10/2 of the Bury Unitary Development Plan and Section 15 of the National Planning Policy Framework.

24. All trees to be retained on the site, as indicated in the submitted Arboricultural Impact Assessment and approved drawing 'Tree retention and removal plan' (Dwg No. FS1013-ALA-EX-ZZ-D-L-0031 S2 REV.P02), shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall remain in situ until the development has been completed.

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

25. No development, site clearance or earth moving shall take place or material or machinery brought on site until a reasonable avoidance measures method statement for mammals and amphibians will be provided to and agreed in writing by the Local Planning Authority. Thereafter, the approved measures shall be implemented in full and maintained for the duration of the construction period or for any other period as may subsequently be agreed in writing by the Local Planning Authority.

Reason. This information is required prior to the commencement of development to ensure that the development does not adversely affect wildlife and protected species, pursuant to policy EN6/3 of the Bury Unitary Development Plan and Section 15 of the National Planning Policy Framework.

26. Prior to any earthworks within 20 metres of the identified invasive species, an invasive species management strategy for Himalayan balsam and Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority. The approved management plan shall include a timetable for implementation. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority.

Reason. The scheme does not provide full details of the actual extent of invasive species in the interest of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

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

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

28. The development shall be carried out in accordance with the noise mitigation measures/recommendations in the Environmental & Intrusive Noise Study by Sol Acoustics submitted with the application, pursuant to policies EN7/2 and CF1/1 of the Bury Unitary Development Plan.

Reason. In order to ensure that the amenities of nearby residential occupants are not adversely impacted by noise, pursuant to policies EN7/2 and CF1/1 of the Bury Unitary Development Plan and the Section 15 of the National Planning Policy Framework.

29. Prior to installation, full details of the scheme of external lighting in association with the development hereby approved, including lighting spread, with details of levels of luminance, position, types, direction and size and technical summary, shall be submitted to and approved by the Local Planning Authority. The approved lighting scheme only shall thereafter be implemented prior to first occupation of the development hereby approved.

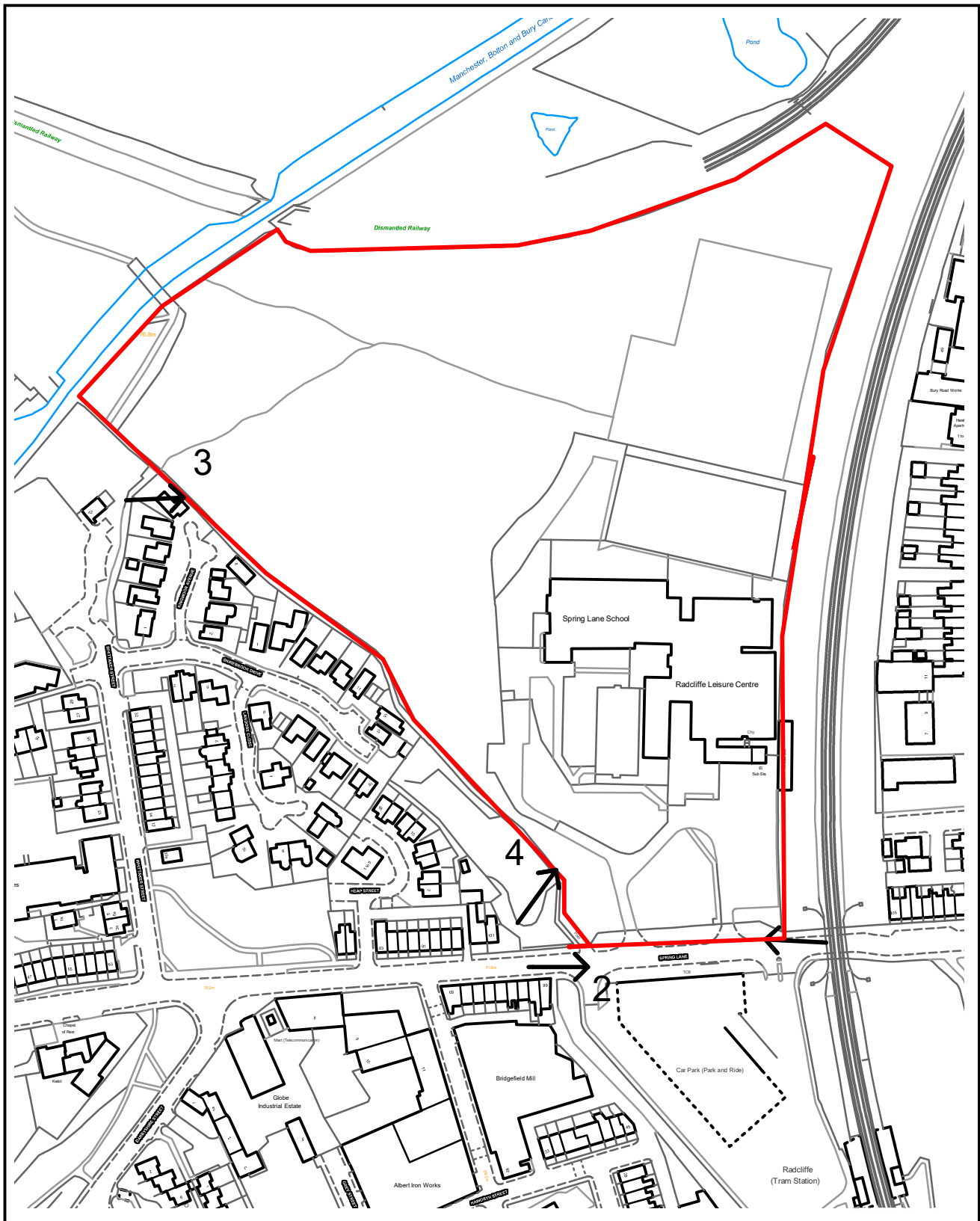
Reason. In the interests of residential amenity and to ensure no harm is caused to a Protected Species pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value and EN7 - Pollution Control.

30. The development hereby approved shall be carried out in accordance with the mitigation measures set out in the submitted Air Quality Assessment by Tetra Tech (Doc. Ref. 784-B047825).

Reason. To protect the amenity of users and visitors to the site and to ensure the satisfactory development of the site in terms of human health pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment and Bury Unitary Development Plan Policy EN7/1 - Atmospheric Pollution.

For further information on the application please contact **Dean Clapworthy** on **0161 253 5317**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 70071

**ADDRESS: Site of Radcliffe Leisure Centre
Spring Lane Radcliffe**

Planning, Environmental and Regulatory Services

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Bury
Council

70071

Aerial view of site (present layout)



Aerial visualisation of proposed layout



70071

Aerial view of site from the north



Aerial of the site from the south



70071

Photo 1 - Site frontage to Spring Lane from the east



Photo 2 - Site frontage to Spring Lane from the west



70071

Photo 3 - East across northern section of site from Banana Path



Photo 4 - East across southern section of site from Banana Path



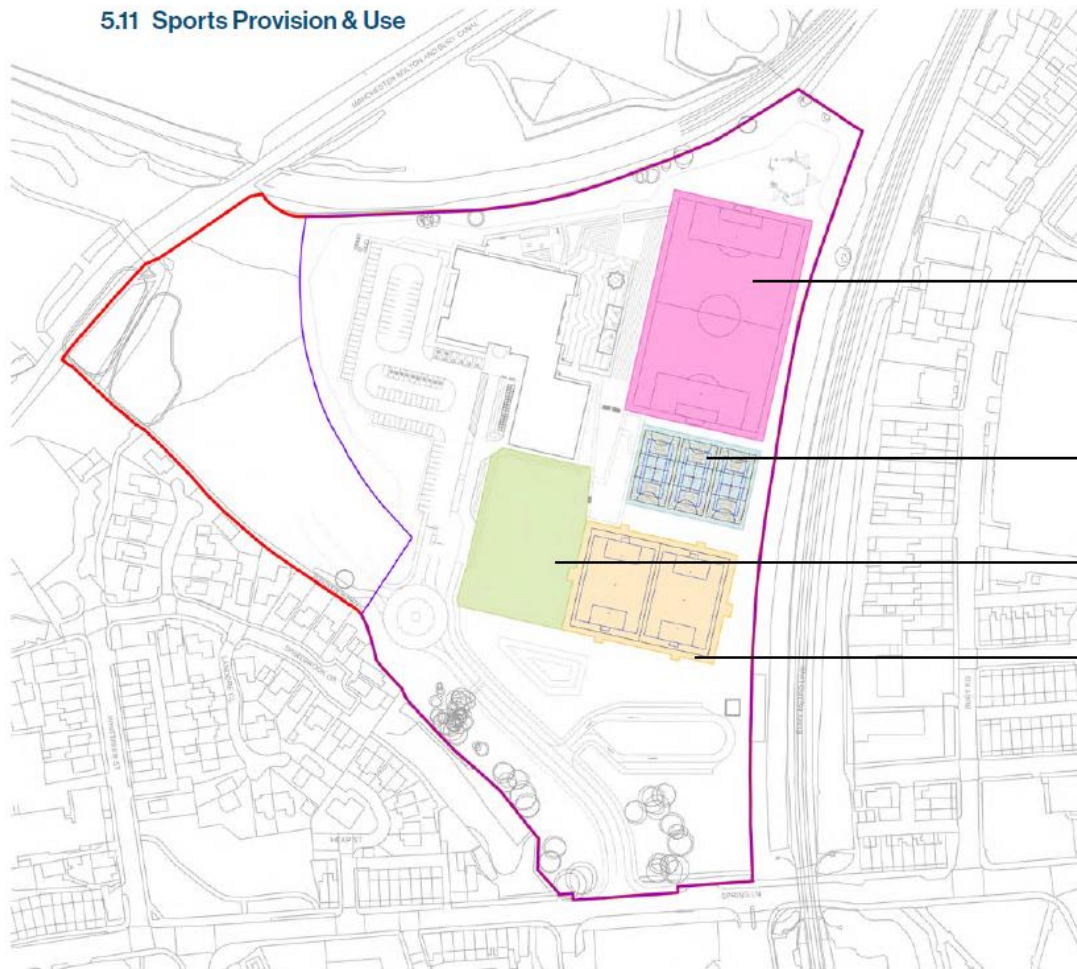
70071 - Proposed layout

- ▶ Vehicular Entrance
- ▶ Pedestrian/ Cyclist Entrance



70071 – Layout of sports provision & use

5.11 Sports Provision & Use



Due to the proposed building and fence arrangements, it allows the community to have access to all pitches without breaching the schools secure line.

3G All Weather Pitch-
97x61m
Long pile
Primary Sport: 1x U15/16 Football Also allows for rugby Training

MUGA
34.75x 51.75m
Primary Sports: 3x Basketball Court
3x Netball Court 3x Tennis Court

Informal Grass
Area could be used for informal athletic space in summer months

2GEN All Weather Pitch
66.67x 48m
Short Pile
Primary Sports: 1x 7 a side Hockey

2 x 5 a side Football
Area could also be used for informal cricket practice/games

70071 – Proposed elevations

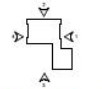


NO.	DESCRIPTION	DATE	BY	CHKD.
1	PROPOSED ELEVATIONS	10/22/2019	HR	HR
2	REVISIONS			
3				
4				
5				
6				
7				
8				
9				
10				

HR

Department for Education
HR Academy/Highly
Education

10/22/2019
10/22/2019
10/22/2019
10/22/2019
10/22/2019
10/22/2019
10/22/2019
10/22/2019
10/22/2019
10/22/2019



Elevation Locations

70071 – Proposed ground floor and sports layout



70071 – Proposed first floor layout



70071 – Proposed second floor layout



70071 – Aerial perspective of site



70071 - Existing buildings on site



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REPORT FOR NOTING

**Agenda
Item**
5

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

TRACKING/PROCESS**DIRECTOR:**

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

1.0 BACKGROUND

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

2.0 CONCLUSION

That the item be noted.

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

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

Tel: 0161 253 5291

Email: d.marno@bury.gov.uk

Planning applications decided using Delegated Powers Between 16/10/2023 and 12/11/2023



Ward: Bury East

Application No.: 70053 **App. Type:** FUL 24/10/2023 Approve with Conditions
Location: 8 Bell Lane, Bury, BL9 6AR
Proposal: Change of use of ground floor (Class E) to 1 no. self contained flat (Class C3); alterations to front elevation including removal of existing shop front and installation of a window at front and 1 no. additional ground floor window at the rear

Application No.: 70068 **App. Type:** FUL 27/10/2023 Approve with Conditions
Location: 6 Almond Avenue, Bury, BL9 7LY
Proposal: Two storey extension at side; Part single/Part two storey extension at rear (to gain additional 50cm to rear extension due to the sewer pipe position); Front porch

Application No.: 70082 **App. Type:** FUL 09/11/2023 Approve with Conditions
Location: 90 Hunstanton Drive, Bury, BL8 1XH
Proposal: Two storey rear extension; front porch and pitched roof over existing garage

Ward: Bury East - Moorside

Application No.: 69964 **App. Type:** FUL 20/10/2023 Approve with Conditions
Location: 2 Arbour Close, Bury, BL9 5HJ
Proposal: Erection of front/side boundary walls and rear garden fence; Single storey rear extension and front porch

Application No.: 69981 **App. Type:** FUL 25/10/2023 Approve with Conditions
Location: 15 Milner Avenue, Bury, BL9 6NG
Proposal: Change of use from 6 bedroom HMO (Class C4) to 7 bedroom (single occupancy) HMO (Sui Generis)

Application No.: 70065 **App. Type:** FUL 20/10/2023 Approve with Conditions
Location: 324 Walmersley Road, Bury, BL9 6QF
Proposal: Single storey rear extension

Application No.: 70072 **App. Type:** FUL 08/11/2023 Approve with Conditions
Location: 48 Arley Avenue, Bury, BL9 5HG
Proposal: Single storey front/side/rear extension

Ward: Bury East - Redvales

Application No.: 69931 **App. Type:** FUL 27/10/2023 Approve with Conditions
Location: 253 Market Street, Bury, BL9 9JW
Proposal: Two storey front and side extensions and Part single/part two storey rear extension

Application No.:	69977	App. Type:	LDCE	18/10/2023	Lawful Development
Location:	45 Grasmere Drive, Bury, BL9 9GA				
Proposal:	Lawful development certificate for existing outbuilding for use as a home office within the curtilage of the house				

Application No.:	70003	App. Type:	FUL	03/11/2023	Approve with Conditions
Location:	14 Poynton Close, Bury, BL9 9EA				
Proposal:	Single storey rear extension				

Application No.:	70040	App. Type:	FUL	23/10/2023	Approve with Conditions
Location:	66 Wellington Road, Bury, BL9 9BQ				
Proposal:	Single storey rear extension				

Application No.:	70041	App. Type:	FUL	03/11/2023	Approve with Conditions
Location:	61 Horne Street, Bury, BL9 9HS				
Proposal:	Two/single storey rear extension				

Ward: **Bury West - Elton**

Application No.:	70020	App. Type:	FUL	18/10/2023	Approve with Conditions
Location:	7 Grantham Drive, Bury, BL8 1XW				
Proposal:	Single storey pitched roof front, side and rear extensions				

Ward: **Bury West - West**

Application No.:	70012	App. Type:	FUL	26/10/2023	Refused
Location:	508 Bolton Road, Bury, BL8 2DU				
Proposal:	Erection of detached outbuilding to be used for storage, jacuzzi and games room				

Application No.:	70037	App. Type:	FUL	20/10/2023	Approve with Conditions
Location:	77 Haig Road, Bury, BL8 2LG				
Proposal:	Two storey side extension with front, rear, side dormers; Single storey rear extension; Single storey front extension, including front porch; Additional window to front elevation; Extension to existing vehicular access				

Ward: **North Manor**

Application No.:	69522	App. Type:	FUL	27/10/2023	Approve with Conditions
Location:	21 Newcombe Road, Ramsbottom, Bury, BL0 9UU				
Proposal:	Two storey extension at side, front porch with canopy across the front, single storey extension to front/side and alterations to the driveway				

Application No.:	69641	App. Type:	FUL	25/10/2023	Approve with Conditions
Location:	21 Stretton Road, Ramsbottom, Bury, BL0 9SX				
Proposal:	Replace existing dormers with new full width dormers to front and rear				
Application No.:	70001	App. Type:	FUL	06/11/2023	Approve with Conditions
Location:	27 Stretton Road, Ramsbottom, Bury, BL0 9SX				
Proposal:	Increase in roof height to provide first floor accommodation with dormers at side; Garage extension at side with front dormer extension above and first floor extension at rear with Juliette balcony; Single storey extensions to front and side				
Application No.:	70026	App. Type:	FUL	16/10/2023	Approve with Conditions
Location:	12 Westgate Avenue, Ramsbottom, Bury, BL0 9SS				
Proposal:	Single storey rear extension				
Application No.:	70029	App. Type:	FUL	16/10/2023	Approve with Conditions
Location:	12 Cliff Avenue, Summerseat, Ramsbottom, Bury, BL9 5NT				
Proposal:	Variation of condition no. 2 (approved drawings) following approval of planning permission 68503 - Amend side elevation window from fixed window to top hung opening light with an opening restrictor to allow for emergency escape				
Application No.:	70039	App. Type:	FUL	20/10/2023	Approve with Conditions
Location:	6 Conway Crescent, Tottington, Bury, BL8 4EG				
Proposal:	Single storey rear extension				
Application No.:	70075	App. Type:	GPDE	24/10/2023	Prior Approval Required Refused - Ext
Location:	Forest Cottage, 2 Wood Road Lane, Summerseat, Bury, BL9 5PZ				
Proposal:	Prior approval for proposed single storey rear extension				
Application No.:	70080	App. Type:	FUL	09/11/2023	Approve with Conditions
Location:	26 Larkfield Close, Tottington, Bury, BL8 4QJ				
Proposal:	Two storey/single storey rear extension; Front canopy				

Ward: **Prestwich - Holyrood**

Application No.:	69962	App. Type:	FUL	31/10/2023	Approve with Conditions
Location:	10 Elm Grove, Prestwich, Manchester, M25 3DN				
Proposal:	New front porch with steps; loft conversion and external alterations including change from rear window to patio doors and removal of 2 no. windows and 1 no. door at rear				
Application No.:	69978	App. Type:	FUL	18/10/2023	Approve with Conditions
Location:	2 Mount Pleasant, Prestwich, Manchester, M25 2SD				
Proposal:	Single storey side extension, Extension of loft conversion with dormers at front and rear and Front porch.				

Application No.:	69998	App. Type:	FUL	26/10/2023	Approve with Conditions
Location:	171 Simister Lane, Prestwich, Manchester, M24 4SJ				
Proposal:	First floor rear extension and alterations to existing conservatory roof; Front porch extension; Conversion of existing garage to habitable room with new window				
Application No.:	70008	App. Type:	FUL	25/10/2023	Approve with Conditions
Location:	10 Langley Gardens, Prestwich, Manchester, M25 3EF				
Proposal:	Two storey extension at front/side with new steps/balustrade to front entrance				
Application No.:	70049	App. Type:	LDCP	09/11/2023	Lawful Development
Location:	16 Pine Grove, Prestwich, Manchester, M25 3DR				
Proposal:	Lawful development certificate for proposed front porch addition, replacement/new windows and patio doors to rear elevation and loft conversion without dormer				
Application No.:	70069	App. Type:	LDCP	06/11/2023	Lawful Development
Location:	285 Heywood Road, Prestwich, Manchester, M25 2RA				
Proposal:	Lawful development certificate for proposed dormer roof extension to existing room in roof space				
Application No.:	70073	App. Type:	FUL	06/11/2023	Approve with Conditions
Location:	132 Heys Road, Prestwich, Manchester, M25 1PB				
Proposal:	Two storey extension at side and part single/part two storey rear extension along with a front porch extension - Amendments to the roof				

Ward: **Prestwich - Sedgley**

Application No.:	69773	App. Type:	P3CMU	27/10/2023	Prior Approval Not Required
Location:	91 Windsor Road, Prestwich, Manchester, M25 0DB				
Proposal:	Prior approval for proposed change of use from Commercial, Business and Service (Use Class E) to mixed use including offices and a flat				
Application No.:	69917	App. Type:	FUL	26/10/2023	Refused
Location:	65 Windsor Road, Prestwich, Manchester, M25 0DB				
Proposal:	Change of use of ground floor from shop to restaurant (Class E) with installation of a external flue pipe at the rear of the building				
Application No.:	69958	App. Type:	FUL	18/10/2023	Approve with Conditions
Location:	64 Whittaker Lane, Prestwich, Manchester, M25 1ET				
Proposal:	Single storey extension to ground floor flat; alterations to side elevation and 1.8m high fence to side and rear boundary				
Application No.:	69959	App. Type:	FUL	18/10/2023	Refused
Location:	52 Albert Avenue, Prestwich, Manchester, M25 0LX				
Proposal:	Change of use of existing residential dwelling (Class C3) to prayer hall (Class F1(f)) to ground floor and self-contained flat (Class C3(a)) to first floor				
Application No.:	69997	App. Type:	FUL	18/10/2023	Approve with Conditions
Location:	6 Russell Street, Prestwich, Manchester, M25 1EQ				
Proposal:	Single storey extension at rear and new front porch				

Application No.:	70016	App. Type:	FUL	20/10/2023	Approve with Conditions
Location:	59 Meade Hill Road, Prestwich, Manchester, M8 4LW				
Proposal:	Demolition of existing single storey extension and erection of new single storey side extension with bay window				
Application No.:	70022	App. Type:	FUL	01/11/2023	Approve with Conditions
Location:	3 Parkway, Prestwich, Manchester, M25 0JE				
Proposal:	First floor rear extension and loft conversion with rear dormer and extension to roof at side; 3 no. loft windows at front and removal of 2 no. first floor windows at rear and addition of 1 no. larger window				
Application No.:	70050	App. Type:	P3JPA	27/10/2023	Prior Approval Not Required
Location:	93 - 95 Windsor Road, Prestwich, Manchester, M25 0DB				
Proposal:	Prior approval for proposed change of use from Commercial, Business and Service (Use Class E) to mixed use including offices and 2no. flats				
Application No.:	70079	App. Type:	FUL	09/11/2023	Approve with Conditions
Location:	16 Silverdale Avenue, Prestwich, Manchester, M25 0FD				
Proposal:	Single storey rear extension; Garage conversion				
Application No.:	70084	App. Type:	GPDE	27/10/2023	Prior Approval Not Required - Extension
Location:	63 Park Road, Prestwich, Manchester, M25 0EA				
Proposal:	Prior approval for proposed single storey rear extension				
Application No.:	70107	App. Type:	GPDE	08/11/2023	Prior Approval Not Required - Extension
Location:	7 Fairway, Prestwich, Manchester, M25 0JF				
Proposal:	Prior approval for proposed single storey rear extension				

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

Application No.:	70005	App. Type:	FUL	01/11/2023	Approve with Conditions
Location:	3 Lynmouth Grove, Prestwich, Manchester, M25 9TH				
Proposal:	Two storey side extension and single storey front extension				
Application No.:	70025	App. Type:	LDCP	27/10/2023	Lawful Development
Location:	33 Kersal Wood Avenue, Prestwich, Manchester, M7 3AS				
Proposal:	Lawful development certificate for proposed single storey extension to the rear of the property and alteration of surface water drains to accommodate extension				
Application No.:	70031	App. Type:	FUL	20/10/2023	Approve with Conditions
Location:	12 Carlford Grove, Prestwich, Manchester, M25 9TN				
Proposal:	Two storey extension at side/rear and single storey rear extension with raised decking area				
Application No.:	70076	App. Type:	GPDE	24/10/2023	Prior Approval Not Required - Extension
Location:	33 Carr Avenue, Prestwich, Manchester, M25 9TW				
Proposal:	Prior approval for proposed single storey rear extension				

Ward: Radcliffe - East

Application No.: 65847 **App. Type:** FUL 01/11/2023 Deemed Withdrawn
Location: Land at York Street/Bury Road, Radcliffe, Manchester, M26 2GL
Proposal: Full planning permission for 201 no. dwellings, together with associated parking, landscaping, public open space, drainage, the laying out of roads and footways and other associated works including engineering operations to create flood defences and the development platform

Application No.: 70004 **App. Type:** FUL 18/10/2023 Approve with Conditions
Location: 16 Bridgemere Close, Radcliffe, Manchester, M26 4FS
Proposal: Two storey/first floor side extension and single storey rear extension

Ward: Radcliffe - North and Ainsworth

Application No.: 69945 **App. Type:** FUL 19/10/2023 Approve with Conditions
Location: Barrack Fold Farm, Knowsley Road, Radcliffe, Bolton, BL2 5PS
Proposal: Variation of condition 2 (approved plans) on 53450: to refer to replacement proposed site plan showing amended siting of detached garage (Drawing ref: 23/1301/201)

Application No.: 69975 **App. Type:** FUL 19/10/2023 Refused
Location: The Bungalow, Ainsworth Nursing Home, Knowsley Road, Ainsworth, Radcliffe, Bolton, BL2 5PT
Proposal: Removal of condition 6 (removed permitted development rights) on planning permission ref. 66467

Application No.: 69995 **App. Type:** FUL 20/10/2023 Approve with Conditions
Location: 2 Taylors Lane, Ainsworth, Bolton, BL2 6QS
Proposal: Change of use from garage/unit into 1 no. dwelling

Application No.: 70006 **App. Type:** FUL 16/10/2023 Approve with Conditions
Location: 57 Plymouth Grove, Radcliffe, Manchester, M26 3WU
Proposal: Two storey extension at side, single storey extension at side/rear, porch/canopy at front

Application No.: 70055 **App. Type:** LDCP 09/11/2023 Lawful Development
Location: Unit 17, Vale Street Industrial Unit, Vale Street, Radcliffe, Bolton, BL2 6QF
Proposal: Lawful Development Certificate for proposed Class B2 - MOT bay inside of existing car & commercial garage

Ward: Radcliffe - West

Application No.: 69491 **App. Type:** FUL 31/10/2023 Refused
Location: 298A Stand Lane, Radcliffe, Manchester, M26 1JB
Proposal: Formation of new driveway/vehicular access with electric gates and replacement of existing access/gate with brick boundary wall

Application No.: 69795 **App. Type:** FUL 18/10/2023 Refused
Location: Rear of 120 Water Street, Radcliffe, Manchester, M26 4BE
Proposal: Conversion of existing vacant workshop to 1 no. dwelling

Application No.: 70000 **App. Type:** FUL 25/10/2023 Refused
Location: Hawthorn Hotel, 137-143 Stand Lane, Radcliffe, Manchester, M26 1JR
Proposal: Change of use from hotel to 18 bedroom (single occupancy) HMO (Sui Generis) and single storey rear extension

Ward: **Ramsbottom + Tottington - Tottington**

Application No.: 69581 **App. Type:** FUL 01/11/2023 Refused
Location: Sheepgate Farm Cottage, Bradshaw Road, Walshaw, Tottington, Bury, BL8 3PL
Proposal: Modifications to roof/first floor roof extension to accommodate additional living space to first floor; Porch to front elevation; Reduction in size of existing garage; External alterations to include solar panels to front/rear roof slopes, new stone/render finish to external elevations and alterations to doors/windows/glazing with 2 no. juliet balconies to rear elevation

Application No.: 69807 **App. Type:** FUL 06/11/2023 Approve with Conditions
Location: 1 Pennine Close, Bury, BL8 1RB
Proposal: Loft conversion with dormer extension at rear; Two storey extension at side and external alterations

Application No.: 69910 **App. Type:** LDCE 16/10/2023 Lawful Development
Location: 17 Beryl Avenue, Tottington, Bury, BL8 3NF
Proposal: Lawful development certificate for existing change of use to change open land at the rear of the property to a direct extension of the garden.

Application No.: 69944 **App. Type:** FUL 31/10/2023 Approve with Conditions
Location: Five Acre Farm, 90 Watling Street, Tottington, Bury, BL8 3QW
Proposal: Detached bungalow to replace stables and barn

Application No.: 70030 **App. Type:** FUL 20/10/2023 Approve with Conditions
Location: 110 Watling Street, Tottington, Bury, BL8 3QJ
Proposal: Erection of an agricultural building for the storage of machinery and hay

Application No.: 70051 **App. Type:** FUL 26/10/2023 Approve with Conditions
Location: 62 Harwood Road, Bury, BL8 3PU
Proposal: Single storey extension at rear

Ward: **Ramsbottom and Tottington - Ramsbottom**

Application No.: 69884 **App. Type:** FUL 03/11/2023 Refused
Location: Land adjacent to 1 Park Avenue, Ramsbottom, Bury, BL0 0DA
Proposal: Erection of 1 no. dwelling including driveway

Application No.:	69990	App. Type:	FUL	18/10/2023	Approve with Conditions
Location:	7 Nuttall Close, Ramsbottom, Bury, BL0 9LQ				
Proposal:	Conversion of existing conservatory and garage to habitable space and single storey extension at side				
Application No.:	70036	App. Type:	FUL	24/10/2023	Approve with Conditions
Location:	Land adjacent to 173 Whalley Road, Shuttleworth, Ramsbottom, Bury, BL0 0DG				
Proposal:	Erection of 1 no. dwelling				
Application No.:	70038	App. Type:	FUL	25/10/2023	Prior Approval Required and Granted
Location:	Sheep Hey, 2 Leaches Road, Shuttleworth, Ramsbottom, Bury, BL0 0ND				
Proposal:	Variation of condition no. 3 on planning permission reference 69814, to amend the condition to read: The building hereby permitted shall be used for agricultural purposes only (as defined in section 336(1) of the Town and Country Planning Act 1990) in conjunction with the remainder of the holding as identified in the supporting information submitted with the application.				
Application No.:	70060	App. Type:	FUL	23/10/2023	Approve with Conditions
Location:	4 Emerald Cottages, Boothwood Stile, Ramsbottom, Bury, BL8 4NE				
Proposal:	Alterations to existing rear hall and bathroom; replacement of walk-in bay window to front elevation; and replacement of glazing in bay window to front elevation and in first floor window to side elevation.				
Application No.:	70123	App. Type:	CON	19/10/2023	Raise No Objection
Location:	Land West of Market St, Edenfield (H66)				
Proposal:	Article 18 consultation from Rossendale Council: Further Amended Masterplan & Design Code in association with Housing Allocation H66 of the Adopted Rossendale Local Plan				
Ward:	Tottington (Historic)				
Application No.:	70058	App. Type:	FUL	06/11/2023	Approve with Conditions
Location:	469 Walshaw Road, Bury, BL8 3AE				
Proposal:	Two storey front extension; single storey rear extension; new bay window at front and front driveway entrance enlargement including installation of sliding gate				
Ward:	Whitefield + Unsworth - Besses				
Application No.:	69925	App. Type:	FUL	01/11/2023	Approve with Conditions
Location:	21 Thatch Leach Lane, Whitefield, Manchester, M45 6EN				
Proposal:	Two storey side and rear extensions; Single storey rear extension and Front porch				
Application No.:	70009	App. Type:	FUL	24/10/2023	Approve with Conditions
Location:	72 Mersey Drive, Whitefield, Manchester, M45 8LF				
Proposal:	Single storey front extension				

Application No.: 70023 **App. Type:** FUL 18/10/2023 Approve with Conditions
Location: 2 Connaught Avenue, Whitefield, Manchester, M45 6DA
Proposal: Single storey extension at side

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

Application No.: 69728 **App. Type:** FUL 25/10/2023 Approve with Conditions
Location: 2 Holcombe Grove, Radcliffe, Manchester, M26 1SE
Proposal: Variation of condition 2 (approved plans) of planning permission 67413 (Erection of a two storey detached dwelling following demolition of two minor outbuildings and improvements to the existing access) - Raising eaves & ridge height by 400mm and large feature window added to North-East elevation with juliette balcony

Application No.: 70019 **App. Type:** FUL 30/10/2023 Approve with Conditions
Location: 25 Ringley Road, Whitefield, Manchester, M45 7LD
Proposal: Single storey rear and front extension; raised decking at rear; external alterations and render to existing elevations

Ward: **Whitefield + Unsworth - Unsworth**

Application No.: 69810 **App. Type:** FUL 18/10/2023 Approve with Conditions
Location: 113 Randle Drive, Bury, BL9 8NE
Proposal: New front porch; Single storey side extension; single storey / two storey side extension; loft conversion including 2 no. dormer windows to the front; rear dormer extension and external alterations

Application No.: 69988 **App. Type:** FUL 24/10/2023 Approve with Conditions
Location: 2 Alkrington Close, Bury, BL9 8NP
Proposal: Single storey rear extension and render to all external elevations of existing dwelling and proposed extension

Total Number of Applications Decided: 75

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REPORT FOR NOTING

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	21 November 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
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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 16/10/2023 and 12/11/2023**



Application No.: 69616/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mr K & Mrs V Stopforth

Location The Coach House, Former Ainsworth Nursing Home, Knowsley Road, Ainsworth, Bolton, BL2 5PT

Proposal Demolition of existing building to be replaced with 2 no. dwellings

Appeal lodged: 30/10/2023

Appeal Type: Written Representations

Total Number of Appeals Lodged: 1

**Planning Appeals Decided
between 16/10/2023 and 12/11/2023**



Application No.: 68817/TEL	Appeal Decision: Allowed
Decision level: DEL	Date: 18/10/2023
Recommended Decision: Prior Approval Required	Appeal type: Written Representations
Applicant: Ck Hutchison Networks (UK) Limited	
Location: Land near junction of Sycamore Road & Bury Road, Tottington, Bury, BL8 3EG	
Proposal: Prior approval for proposed 5G 16m telecoms installation: H3G street pole and additional equipment cabinets.	
Application No.: 68818/TEL	Appeal Decision: Dismissed
Decision level: DEL	Date: 19/10/2023
Recommended Decision: Prior Approval Required	Appeal type: Written Representations
Applicant: Ck Hutchison Networks (UK) Limited	
Location: Land opposite Brookshaw Centre, Brook Street, Bury, BL9 6EB	
Proposal: Prior approval for proposed 5G 15m telecoms installation: H3G street pole and additional equipment cabinets.	
Application No.: 68819/TEL	Appeal Decision: Dismissed
Decision level: DEL	Date: 19/10/2023
Recommended Decision: Prior Approval Required	Appeal type: Written Representations
Applicant: Ck Hutchison Networks (UK) Limited	
Location: Corner of Jubilee Way & Tenters Street, Bury, BL9 0AL	
Proposal: Prior approval for proposed 5G 20m telecoms installation: H3G street pole and additional equipment cabinets.	
Application No.: 69670/FUL	Appeal Decision: Dismissed
Decision level: DEL	Date: 01/11/2023
Recommended Decision: Refuse	Appeal type: Written Representations
Applicant: Mr Daniel Cainer	
Location: Lady Margaret House, 51 Prestwich Park Road South, Prestwich, Manchester,	
Proposal: Erection of detached double garage.	



Appeal Decision

Site visit made on 19 September 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2023

Appeal Ref: APP/T4210/W/22/3309740

Land near junction of Sycamore Road & Bury Road, Tottington, Bury BL8 3EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by CK Hutchison Networks (UK) Limited against the decision of Bury Metropolitan Borough Council.
- The application Ref 68817, dated 23 August 2022, was refused by notice dated 6 October 2022.
- The development proposed is described as 'proposed 5G 16m telecoms installation: H3G street pole and additional equipment cabinets.'

Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a 5G 16m telecoms installation: H3G street pole and additional equipment cabinets at land near junction of Sycamore Road & Bury Road, Tottington, Bury BL8 3EG, in accordance with the application ref: 68817, dated 23 August 2022, and the plans submitted with it including BRY21769_MAN638_88062_BL0390_GA_REV_A Issue A (002 Site Location Plan), BRY21769_MAN638_88062_BL0390_GA_REV_A Issue A (215 Proposed Site Plan), BRY21769_MAN638_88062_BL0390_GA_REV_A Issue A (265 Proposed Site Elevation).

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the installation, alteration or replacement of any electronic communications apparatus subject to limitations and conditions.
3. The provisions of the GPDO require the local authority to assess proposed development solely based on its siting and appearance, taking account of any representations received. My determination of this appeal has been made on the same basis.
4. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A do not require consideration of the development plan. Therefore, I have had regard to the policies of the development plan only in so far as they are factors relevant to matters of siting and appearance.

5. I have taken the address of the appeal site from the Council's decision notice rather than the application form as it is a more accurate description of the location. In addition, I have amended the description of development used in my formal decision from that set out in the banner heading above, which has been taken from the planning application form. The amended description leaves out 'proposed' as this word does not refer to an act of development.

Main Issues

6. The main issues are the effect of the siting and appearance of the proposal on:
- the character and appearance of the area; and
 - highway safety.

Reasons

Character and appearance

7. The appeal site is located on Sycamore Road within a well-maintained and wide grass verge adjoining the vehicular carriageway, and between two vehicular accesses. It is in a predominantly residential area and adjoins the playing field of Walshaw Sports Club. The proposed apparatus would be sited close to the footpath with a narrow strip of grass retained between. A wider area of verge would separate the proposal from the carriageway. There are lampposts, trees and telegraph poles within the grass verges on either side of Sycamore Road and cabinets are located broadly opposite the appeal site within the grass verge.
8. Standard machinery may not be suitable for use within the remaining narrow strip of verge, making maintenance more difficult. Nonetheless, there is nothing before me that demonstrates that the strip could not be maintained should the proposed apparatus be installed. Furthermore, even if it were not possible to maintain the entire grass verge, only a small area would become overgrown. This would not be to the extent that a material and harmful impact on the appearance of the site or the wider area would arise.
9. Interested parties have raised concerns that the proposal would adversely affect the character and appearance of the area. However, the rhythm created by the existing lampposts, telegraph poles and trees would not be unacceptably interrupted by the introduction of the proposed apparatus. Whilst the proposed street pole would be higher than the nearby trees, it would be seen against the backdrop of these trees which would soften its presence. Moreover, the proposed equipment cabinets would be of modest size and extent and would not appear as large and unsightly additions to the verge.
10. Notwithstanding the existing cabinets close to the site and the possible erection of a 15m mast nearby, the siting of the proposed apparatus would not result in an undue proliferation of street furniture that would create a visually cluttered street scene. Additionally, given the degree of separation and the intervening green space, the proposal would not appear as conspicuous and discordant features when viewed from the houses on Sycamore Road and Bury Road.
11. For the above reasons, I conclude that the siting and appearance of the proposal would not harm the character and appearance of the area. Insofar as they are relevant to siting and appearance, the proposal would accord with

Policies EN1/2, EN1/3 and EN1/10 of the Bury Unitary Development Plan (UDP) which, amongst other things, seek to ensure proposals do not have an unacceptable adverse effect on character and townscape and encourage the provision of suitably located and well-designed street furniture.

Highway Safety

12. The footpath adjoining the appeal site has a straight alignment and its existing width would be maintained. Consequently, any driver would have good visibility of pedestrians travelling along Sycamore Road or emerging from the public footpath that joins Sycamore Road close to the appeal site. Given the limited footprint and height of the proposed cabinets, and the diameter of the proposed street pole, any obstruction of views between drivers and pedestrians would be extremely limited. As such, all highway users would be able to see and anticipate each other's movements if the proposed apparatus were in place and highway and pedestrian safety would be maintained. Furthermore, taking into consideration the scale and position of the proposed apparatus and its distance to the junctions of the nearby accesses, the proposed apparatus would not impede driver visibility to the extent that harm to highway safety would result.
13. As set out above, there is very little before me that demonstrates that the maintenance of the grass verge around the proposed apparatus would not be possible. Moreover, due to the small area of grass verge that would be affected, even if it became overgrown due to a lack of maintenance it would not be to such an extent that it would harm highway safety by impeding visibility. Therefore, in the absence of any substantive evidence to the contrary, I find that adequate accommodation works would be provided around the perimeter of the proposed apparatus and that the highway verge could continue to be maintained following its installation.
14. For the reasons given above, the siting and appearance of the proposal would not have an unacceptable impact on highway safety.
15. UDP Policy EN1/10 has been referenced in the reasons for refusal 2, 3 and 4, however, as this policy makes no reference to highway safety it is not relevant to this main issue.

Other Matters

16. As I have found that the siting and appearance of the proposal to be acceptable, it is not necessary for me to consider the alternative sites that have been suggested by the Council and interested parties, or those that have been assessed by the appellant. In addition, whether the site was chosen on a financial basis is a matter that falls outside of the remit of this decision.
17. Concern has been expressed about the potential effects of the proposed installation on health. The appellant, however, has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines not be complied with or that a departure from national policy would be justified.

Conditions

18. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place. I have not repeated these conditions in my formal decision.
19. The Council have suggested that a condition be imposed stating the development must be begun not later than 3 years beginning with the date of this permission. They have also suggested a condition relating to visibility splays. However, the GPDO does not provide any specific authority to amend the 5-year time limit set out at Paragraph A.3 (11) or for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators. Consequently, I have not imposed the suggested conditions.

Conclusion

20. For the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.

Elaine Moulton

INSPECTOR



Appeal Decision

Site visit made on 19 September 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2023

Appeal Ref: APP/T4210/W/22/3310086

Land opposite Brookshaw Centre, Brook Street, Bury BL9 6EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchison Networks (UK) Limited against the decision of Bury Metropolitan Borough Council.
 - The application Ref 68818, dated 23 August 2022, was refused by notice dated 17 October 2022.
 - The development proposed is described as 'proposed 5G 15m telecoms installation: H3G street pole and additional equipment cabinets.'
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the installation, alteration or replacement of any electronic communications apparatus subject to limitations and conditions.
3. The provisions of the GPDO require the local authority to assess proposed development solely based on its siting and appearance, taking account of any representations received. My determination of this appeal has been made on the same basis.
4. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A do not require consideration of the development plan. Therefore, I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are factors relevant to matters of siting and appearance.
5. I have taken the address of the appeal site from the Council's decision notice rather than the application form as it is a more accurate description of the location.

Main Issues

6. The main issues are:
 - the effect of the siting and appearance of the proposal on the character and appearance of the area and the outlook of nearby occupants; and,

- in the event that harm is identified, whether this would be outweighed by other considerations including the need to locate the installation on the appeal site having regard to the potential availability of alternative sites.

Reasons

Character and appearance

7. The appeal site is part of a footpath that passes through a grassed area of public open space. The open space is identified as Recreation Provision in the Urban Area protected under Policy RT1/1 of the Bury Unitary Development Plan (UDP). Around the public open space are two storey properties, predominantly in residential use, and a small public car park.
8. Whilst there are lampposts, a telegraph pole, a traffic sign and existing cabinets on the edge, no street furniture or trees are located within the space. The open nature of the space offers visual relief from its densely built-up surroundings and positively contributes to the character and appearance of the area.
9. The proposed street pole would be substantially taller than the nearby lampposts and other street furniture. It would also be of a greater height than the two-storey buildings in the vicinity of the site. The scale of the proposed apparatus and its isolated position within the open space and absence of trees to provide screening would result in it appearing as a conspicuous and discordant feature, particularly from the houses that face towards the site.
10. The occupants of 26-32 Brookshaw Street would have a very clear view of the appeal scheme from the front facing windows. In addition, there would be clear views from the first-floor rear facing windows of 8 Hilton Street. Due to the close distance to these residential properties, the proposed apparatus would be dominant and oppressive in such views and would thereby harm the living conditions of such occupants with respect to their outlook.
11. I acknowledge that the proposed street pole is of the lowest possible height required for the improved service need that has been identified in the area. I also acknowledge that the street pole and the associated cabinets are designed to be installed on grass verges and pavements alongside street furniture, where limited siting opportunities exist. Nevertheless, for the reasons given above, the proposed apparatus would unacceptably detract from the character and appearance of the area and would harm the living conditions of nearby occupants.
12. The appeal proposals would not impact on a conservation area or other sensitive receptors. However, this is a neutral factor that does not outweigh the harm that I have found. Furthermore, even if I were to consider that the grey colour of the equipment is appropriate in this location, this would not mitigate the harm to the character and appearance of the area and to the living conditions of nearby occupants that I have identified.
13. For the above reasons, I conclude that the siting and appearance of the proposal would harm the character and appearance of the area and the outlook of nearby occupants. Insofar as they are relevant to siting and appearance, the proposal would conflict with UDP Policies EN1/2, EN1/4 and EN1/10. Such policies, amongst other things, seek to ensure proposals do not have an unacceptable adverse effect on character and townscape, taking into

consideration landscaping and open space provision, and encourage the provision of suitably located and well-designed street furniture. The proposal would also be contrary to paragraphs 115 and 130 of the Framework, which seek to ensure that telecommunications equipment is sympathetically designed and sympathetic to the built environment.

Whether any harm is outweighed by other considerations

14. Paragraph 117 of the Framework states that evidence must be supplied to demonstrate that alternatives have been taken into consideration, including the possibility of erecting antennas on an existing building, mast or other structure.
15. The appellant's submission sets out that no mast/site sharing opportunities or existing buildings/structures were identified. The appellant does not, however, consider and explain why the erection of the proposed equipment on the existing mast, buildings and other structures within the Freetown Business Park is not appropriate. I cannot, therefore, discount mast sharing and erecting antennas on existing buildings as being sequentially preferable alternatives to the appeal proposal.
16. The information submitted as to the reasons why each of the six identified alternative sites are unsuitable is limited to a very brief commentary. One such alternative is nominal location, D1, on Hudcar Lane which is said to be very residential with insufficient pavements when it is, in fact, where Freetown Business Park is located and is predominantly commercial in nature with areas of incidental open space. Another alternative, location D5 is a wide footpath on the corner of Chesham Road and Walmersley Road. No substantive evidence has been provided to demonstrate that the pavement is unsuitable or that siting of the proposed apparatus would impede driver visibility or obstruct pedestrian flows making the footpath unsuitable for the proposals. Therefore, subject to further investigation such sites might reasonably be less harmful to the character and appearance of the area and the outlook of nearby occupants.
17. Consequently, I have insufficient evidence before me to be satisfied that alternative sites have been comprehensively assessed or that the appeal site represents the least harmful option available to meet the additional coverage and capacity requirements and so secure the same public benefits. In that regard it would be contrary to UDP Policy EN1/10, insofar as it is relevant to siting and appearance, and paragraph 117 of the Framework as there is insufficient evidence to justify the proposal.
18. The Framework indicates that planning decisions should support the expansion of electronic communications networks. The proposal is required to address an acute need and to facilitate 5G coverage for the area. I attach positive weight to these benefits and the improved service to users. However, the overall harm caused in respect of the main issue is significant and the benefits of the proposal and other considerations do not outweigh this harm.

Conclusion

19. For the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

Elaine Moulton INSPECTOR



Appeal Decision

Site visit made on 19 September 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2023

Appeal Ref: APP/T4210/W/22/3309754

Corner of Jubilee Way & Tenters Street, Bury BL9 0AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Bury Metropolitan Borough Council.
- The application Ref 68819, dated 23 August 2022, was refused by notice dated 12 October 2022.
- The development proposed is described as 'proposed 5G 20m telecoms installation: H3G street pole and additional equipment cabinets.'

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the installation, alteration or replacement of any electronic communications apparatus subject to limitations and conditions.
3. The provisions of the GPDO require the local authority to assess proposed development solely based on its siting and appearance, taking account of any representations received. My determination of this appeal has been made on the same basis.
4. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A do not require consideration of the development plan. Therefore, I have had regard to the policies of the development plan only in so far as they are factors relevant to matters of siting and appearance.
5. I have taken the address of the appeal site from the Council's decision notice rather than the application form as it is a more accurate description of the location.
6. An Arboricultural Report (the Report) has been submitted with the appeal, however such information was not before the Council when it made its decision. The Procedural Guide to Planning Appeals – England is clear that it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. Therefore, having regard to the Wheatcroft¹ Principles, the

¹ *Bernard Wheatcroft Ltd v Secretary of State for the Environment (JPL 1982 P37)*

acceptance of the Report at this stage would potentially prejudice the interests of other parties. As such, in reaching my decision, I have not had regard to the Report and have determined the appeal based only on the information that was before the Council. Even if I had accepted the survey and taken it into account, for the reasons I shall set out below, the overall outcome of the appeal would be unchanged.

Main Issues

7. The main issues are:

- the effect of the siting and appearance of the proposals on the character and appearance of the area and the outlook of nearby occupants;
- the effect of the siting and appearance of the proposals on highway safety; and,
- in the event that harm is identified, whether this would be outweighed by other considerations including the need to locate the installation on the appeal site having regard to the potential availability of alternative sites.

Reasons

Character and appearance

8. The appeal site forms part of a gently sloping grassed verge adjoining Jubilee Way, a busy urban dual carriageway. The site lies directly in front of a largely complete development of town houses and between two lines of trees. Whilst there are lampposts and traffic signs in the wider area the grass verge within which the appeal site would be located is free from street furniture.
9. Whilst not formally protected through a Tree Preservation Order, the trees adjoining the appeal site, along with the other street trees on Jubilee Way, makes a significant and positive contribution to the character and appearance of the locality forming part of a green corridor along this busy urban route. I have no evidence before me to demonstrate that the trees would be unlikely to survive for many years.
10. It is clear the proposed street pole would be very close to, and would possibly rise through, the canopies of trees that are along the front boundary of the town houses. It is therefore likely that the proposed apparatus would be within the root protection areas of such trees. In the absence of an Arboricultural Report that I can take into consideration, there is no evidence that demonstrates such works would not constrain the root area and/or result in the need to undertake significant pruning works to the tree canopies. Accordingly, the health and/or the appearance of the trees could be significantly and adversely affected by the proposals. For these reasons, it is not certain that the proposed apparatus can be installed whilst ensuring the long-term retention of the trees in a form that would continue to positively contribute to the character and appearance of the area.
11. Views of the street pole and cabinets would be filtered through the trees along the front boundary of the town houses adjoining the appeal site that are under construction. Nonetheless, the proposed apparatus would be directly in the line of sight. The proximity to the front elevation and front gardens of the town

houses would result in the proposals being dominant and oppressive in such views. Consequently, the outlook of the future occupants of such properties would be unacceptably harmed. Such effects would be exacerbated should the canopies of the trees be significantly pruned to accommodate the proposals, or naturally die back over time.

12. Standard machinery may not be suitable for use between the proposed equipment and the adjoining footpaths, making maintenance more difficult. Nonetheless, there is nothing before me that demonstrates that the strip could not be maintained should the proposed apparatus be installed. Furthermore, even if it were not possible to maintain the entire grass verge, only a small area would become overgrown. This would not be to the extent that a material and harmful impact on the appearance of the site or the wider area would arise. This does not, however, outweigh the harm that I have found.
13. I acknowledge that the proposed street pole is of the lowest possible height required for the improved service need that has been identified in the area. I also acknowledge that the street pole and the associated cabinets are designed to be installed on grass verges and pavements alongside street furniture, where limited siting opportunities exist. Nevertheless, for the reasons given above, the proposed apparatus would unacceptably detract from the character and appearance of the area and would harm the living conditions of nearby occupants.
14. The appeal proposals would not impact on a conservation area or other sensitive receptors. However, this is a neutral factor that does not outweigh the harm that I have found. Furthermore, even if I were to consider that the grey colour of the equipment is appropriate in this location, this would not mitigate any impact on the trees and the harm to the living conditions of nearby occupants that I have identified.
15. For the above reasons, I conclude that the siting and appearance of the proposal would harm the character and appearance of the area and the outlook of nearby occupants. Insofar as they are relevant to siting and appearance, the proposal would conflict with Policies EN1/2, EN1/3, EN8 and EN1/10 of the Bury Unitary Development Plan (UDP). Such policies, amongst other things, seek to ensure proposals do not unacceptably affect character and townscape, consider the wider landscape setting, and retain trees.

Highway Safety

16. As set out above, there is nothing before me that demonstrates that the maintenance of the grass verge around the proposed apparatus would not be possible. Moreover, due to the small area of grass verge that would be affected and distance from vehicular traffic, even if it became overgrown due to a lack of maintenance it would not be to such an extent that it would harm highway safety by impeding visibility. Therefore, in the absence of any substantive evidence to the contrary, I consider that adequate accommodation works would be provided around the perimeter of the proposed apparatus and that the highway verge could continue to be maintained following its installation.
17. Accordingly, the siting and appearance of the proposal would not have an unacceptable impact on highway safety.

18. UDP Policies EN1/2, EN1/3, EN8 and EN1/10 have been referenced in the fourth reason for refusal, however, these policies do not relate to highway safety and are not, therefore, relevant to this main issue.

Whether any harm is outweighed by other considerations

19. Paragraph 117 of the Framework states that evidence must be supplied to demonstrate that alternatives have been taken into consideration, including the possibility of erecting antennas on an existing building, mast or other structure.
20. The appellant's submission sets out that no mast/site sharing opportunities or suitable existing buildings/structures were identified. The appellant does not, however, consider and explain why the site of the existing monopole at the junction of Haymarket Street and Angouleme Way is not suitable as a site share. I cannot, therefore, discount site sharing as being sequentially preferable alternative to the appeal proposal.
21. Furthermore, the information submitted as to the reasons why each of the six identified alternative sites are unsuitable is limited to a very brief commentary. One such alternative is nominal location, D1, on Jubilee Way/Tenterden Street. Although it is stated that this site is very residential with insufficient pavements it is, in fact, next to a cleared site, car park and offices with the nearest residential properties being some distance from, and not looking towards that location. Therefore, subject to further investigation this site might reasonably be less harmful to the character and appearance of the area and the outlook of nearby occupants.
22. Consequently, I have insufficient evidence before me to be satisfied that alternative sites have been comprehensively assessed or that the appeal site represents the least harmful option available to meet the additional coverage and capacity requirements and so secure the same public benefits. In that regard it would be contrary to UDP Policy EN1/10, insofar as it is relevant to siting and appearance, and paragraph 117 of the Framework, as there is insufficient evidence to justify the proposal.
23. The Framework indicates that planning decisions should support the expansion of electronic communications networks. The proposal is required to address an acute need and to facilitate 5G coverage for the area. I attach positive weight to these benefits and the improved service to users. However, the overall harm caused in respect of the main issues is significant and the benefits of the proposal and other considerations do not outweigh this harm.

Conclusion

24. For the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

Elaine Moulton

INSPECTOR



Appeal Decision

Site visit made on 24 October 2023

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2023

Appeal Ref: APP/T4210/D/23/3330060

Lady Margaret House, 51 Prestwich Park Road South, Prestwich M25 9PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Cainer against the decision of Bury Metropolitan Borough Council.
 - The application Ref 69670, dated 19 May 2023, was refused by notice dated 10 July 2023.
 - The development proposed is a double garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the conservation area.

Reasons

3. The proposal is for a detached garage within the garden of this large semi-detached property. The house lies within the St Marys Conservation Area which although focused on the church and extensive wooded parkland to the north, includes the large detached houses built along the edge of the woodland area along St Ann's Road and the houses to their south, including the appeal property at the junction of St Ann's Road and Prestwich Park Road South. This specific area is residential in character but includes many street trees and mature gardens that ensure that it is the greenery and foliage which contribute most significantly to the character of the area. The properties generally sit relatively comfortably within this landscaped setting. The area includes a number of distinctive period properties which add to the quality of the conservation area including the appeal property and its attached neighbour; and the matching pair of houses to the immediate south.
4. It is evident that the appellant has considered the importance of this property to the wider conservation area. The proposed garage would be set back from the road and at a low level which would reduce its impact. Similarly, the high hedge to the side would ensure that it would not be visible when approaching from the west along St Ann's Road and would be screened to some extent when travelling from the east by the hedge and street trees. The developing

hedge along the Prestwich Park Road South frontage would also reduce its impact. The hipped roof would limit its scale and reflect, to some extent, the detailing of the house.

5. This and the three similar properties to the south, have their main entrances to their side elevations. Although the spaces around these properties and their imposing and symmetrical frontages are particularly important to their appearance, their main entrance features are also of importance. Although each has a different arrangement and detail with regard to each front door, the entrance to each house is of considerable significance with regard to their character. The position of the proposed garage forward of the main entrance feature would detract from its character and reduce its significance. Access to the main entrance would be to the side of the garage diminishing its importance. Its position would also ensure that, despite its lower floor level, it would be viewed immediately alongside the frontage of the dwelling in views from Prestwich Park Road South.
6. As this dwelling has less rear garden than its neighbours, I appreciate the desire to maintain as much as possible of the lawned area of the side garden. I appreciate also that the vehicular access to St Ann's Road has been closed. Situating the garage further back would increase the amount of surfaced area to the side of the property which would also not be positive. However, its currently proposed position, although not dominant as suggested by the council, would detract from the particular characteristics of this house and would ensure that it would also detract from views of it. It would result in harm to the character and appearance of this particular property and it would also fail to preserve or enhance the character and appearance of the conservation area.
7. I am mindful that the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty requiring that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The *National Planning Policy Framework* is clear that any harm to a heritage asset, such as a conservation area, should be weighed against the public benefits of the proposal. In this case, the harm to the conservation area would be less than substantial. As the house currently has sufficient parking and turning space, whilst there are benefits to the provision of garaging, there are no public benefits that are sufficient to outweigh this harm. The proposal would also detract from the character and appearance of this property and the benefits of the proposal do not outweigh this separate harm. It therefore conflicts with the heritage objectives of the *Framework*.
8. The proposal would conflict with policies EN1/1, EN2/1, EN2/2 and H2/3 of the Bury Unitary Development Plan 1997 as it would have a detrimental impact on views of this important building and harm its character; and it would not preserve or enhance the character or appearance of the conservation area. Although now of some age, the policies generally accord with both the design and heritage requirements of the *Framework*.
9. Reference has been made to numerous existing garages and applications approved for garages. Although this proposal must be considered on its own merits, these examples are not directly comparable, particularly with regard to

the relationship of the garage to the frontage of the property and the main entrance to the dwelling.

10. In conclusion, although I have had regard to all the matters put forward, there are none that are sufficient to outweigh my concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR