

# Public Document Pack

## AGENDA FOR

## PLANNING CONTROL COMMITTEE



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**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:-

<b>Date:</b>	Tuesday, 19 December 2023
<b>Place:</b>	Council Chamber, Bury Town Hall
<b>Time:</b>	7.00 pm
<b>Briefing Facilities:</b>	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
<b>Notes:</b>	<a href="https://councilstream.com/burycouncil/3207">https://councilstream.com/burycouncil/3207</a>

## **AGENDA**

### **1 APOLOGIES FOR ABSENCE**

### **2 DECLARATIONS OF INTEREST**

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

### **3 MINUTES OF THE MEETING HELD ON THE 21ST NOVEMBER 2023** *(Pages 3 - 6)*

Minutes of the meeting held on Tuesday the 21<sup>st</sup> November 2023 are attached.

### **4 PLANNING APPLICATIONS** *(Pages 7 - 72)*

Reports attached.

### **5 DELEGATED DECISIONS** *(Pages 73 - 84)*

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 85 - 96)*

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 PLANNING ENFORCEMENT** *(Pages 97 - 104)*

A report from the Head of Development Management providing statistical information on Enforcement activity between the 1<sup>st</sup> January 2023 to the 1<sup>st</sup> December 2023 is attached.

### **8 URGENT BUSINESS**

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

**Minutes of:** **PLANNING CONTROL COMMITTEE**

**Date of Meeting:** 21 November 2023

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

**Public Attendance:** 44 members of the public were present at the meeting.

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**PCC.1 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted by Councillor U Farooq

**PCC.2 DECLARATIONS OF INTEREST**

There were no declarations of interest made at the meeting.

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

**Delegated decision:**

That the Minutes of the meeting held on the 24<sup>th</sup> October 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 69054, 69932, 70044, 70061 and 70071.

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

**Delegated decisions:**

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

**Abbotts Hall, Woodhey Road, Ramsbottom, Bury, BL0 9RD**

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

2. That the Committee **Approve with Conditions** the following application in accordance with the reasons put forward by the Development Manager in the

report and any supplementary information submitted subject to all other conditions included:

**25 Randale Drive, Bury, BL9 8HZ**

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

3. That the Committee **Approve with Conditions** the following application in accordance with the reasons put forward by the Development Manager in the report with an amended condition 16 to include Swift bricks, and subject to all other conditions included:-

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

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

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

**5 Square Street, Ramsbottom, Bury, BL0 9BE**

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

5. 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:

**47 Church Street West, Radcliffe, Manchester, M26 2SP**

First floor extension at rear

6. 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**

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

**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 7.10pm and ended at 8.30pm)**

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<b>Title</b>	<b>Planning Applications</b>
<b>To:</b>	<b>Planning Control Committee</b>
<b>On:</b>	<b>19 December 2023</b>
<b>By:</b>	<b>Development Manager</b>
<b>Status:</b>	<b>For Publication</b>

### **Executive Summary**

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

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

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

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

**Policy:** Identified in each case.

**Resources:** Not generally applicable.

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

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

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

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

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

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

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

## **Development Manager**

### **Background Documents**

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

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

<b>01</b>	<b>Township Forum - Ward:</b> Whitefield + Unsworth - Unsworth	<b>App No.</b> 69956
	<b>Location:</b> Pilsworth Quarry, Pilsworth Road, Bury, BL9 8QZ	
	<b>Proposal:</b> Erection and operation of a Material Recycling Facility and associated works	
	<b>Recommendation:</b> Approve with Conditions	<b>Site Visit:</b> N
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<b>02</b>	<b>Township Forum - Ward:</b> Radcliffe - West	<b>App No.</b> 70195
	<b>Location:</b> Millwood Primary Special School, School Street, Radcliffe, Manchester, M26 3BW	
	<b>Proposal:</b> Erection of an extension to contain classrooms, multi- purpose hall and support areas; Landscaping works to include dedicated play areas, railings and external pagoda and additional car parking on the existing school site.	
	<b>Recommendation:</b> Approve with Conditions	<b>Site Visit:</b> N
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<b>03</b>	<b>Township Forum - Ward:</b> Radcliffe - North and Ainsworth	<b>App No.</b> 68667
	<b>Location:</b> Land between 18 & 24 Bradley Fold Road, Radcliffe, Bolton, BL2 5QD	
	<b>Proposal:</b> Erection of 1 no. dwelling	
	<b>Recommendation:</b> Approve with Conditions	<b>Site Visit:</b> N
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**Ward:** Whitefield + Unsworth - Unsworth

**Item** 01

**Applicant:** Valencia Waste Management Ltd

**Location:** Pilsworth Quarry, Pilsworth Road, Bury, BL9 8QZ

**Proposal:** Erection and operation of a Material Recycling Facility and associated works

**Application Ref:** 69956/Full

**Target Date:** 17/11/2023

**Recommendation:** Approve with Conditions

### **Description**

The application concerns a development at the Pilsworth South Quarry which is situated to the south of Pilsworth Road and just to the east of the M66 motorway. The application site is located within the boroughs Green Belt.

Planning permission is sought for a Proposed Materials Recycling Plant located on land to the west of the office buildings on the site. The proposed building will extract recyclables and inert materials from being deposited on the landfill. The proposed building would measure 52m by 39m. It would have an eaves height of approximately 9m and a ridge height of circa 12.5m. The building is proposed to be a steel portal frame on breeze block with internal breeze-block push walls and steel cladding externally and to the roof.

The proposed Materials Recycling Plant is to be accessed via the existing road junction to the landfill site, utilising the existing weighbridges and offices.

The application states the proposed development will be removed from the site during the restoration of the landfill.

Previous applications have included proposals similar to this application (approved under Bury MBC planning ref: 47617) which have not been constructed.

### **Relevant Planning History**

28072 - Revised landfill and restoration scheme - Approved with Conditions, 04/03/1993

29828 - Outline: Installation of Generator run from Gas produced in a Gasifier using short rotational coppice as the fuel together with associated barn for storage of fuel - Approved with Conditions, 11/08/1994

30237 - Extension to Existing quarrying and landfilling operations including restoration in part to agriculture and woodland - Approved with Conditions, 20/07/1995

31264 - Erection of mobile landfill gas flare unit - Approved, 14/09/1995

36972 - Extension to the Energy Centre, including the provision of leachate treatment lagoons and revised landfill - Approved with Conditions, 16/02/2021

43575 - Erection of Modular building for use as environmental education centre - Approved with Conditions, 23/12/2004

45528 - Extraction of Sand and Gravel from extension area prior to creation of approved

landscape buffer zone including in part backfilling and restoration with controlled waste - Approved with Conditions, 01/03/2006

47617 - Waste Reception, Transfer, Recycling and Pre-Treatment Facility = Approved with Conditions, 21/05/2007

54012 - Waste Reception, Transfer, Recycling and Pre-treatment Facility - Approved with Conditions 09/08/2011

53453 - Vertical and lateral extension, re-phasing and enhanced restoration and ecological scheme at Pilsworth South Landfill within the consented site boundary - Approved with Conditions, 09/05/2012

54563 - Scrap metal and aggregate/soils recycling facility - Approved with Conditions, 25/01/2012

54831 - Revised restoration and ecological scheme to Pilsworth North Quarry and Landfill (Amending approval 34895) - Withdrawn by Applicant, 14/03/2013

58004 - Installation of a pilot energy storage system and associated development for a 2 year operational period - Approved with Conditions, 10/12/2014

59691 - Erection of 2 no. leachate storage tanks and associated works - Approved with Conditions, 08/08/2016

61708 - Erection of a security fence and gates to the perimeter of the site - Approve with Conditions 25/08/2017

62626 - Non material amendment following grant of planning permission 59691 for change to the layout of the proposed leachate tanks and a reduction in the height of the proposed tanks. Minor amendments to associated infrastructure. - Approve with Conditions 13/04/2018

66971 - Non material amendment following approval of planning permission 65157- Changes to plan dimensions of tanks and position of fences - Approved with Conditions 08/06/2021

Two of the above-mentioned planning applications are particularly relevant to this applicant. Firstly, the extant consent for landfilling ref: 53453 which allows landfilling to continue at the site until 2028. Within the application, the applicant advises an application will be submitted in due course to seek an extension to landfilling operations.

Secondly, the planning approval ref: 47617 for a 'Waste Reception, Transfer Recycling and pre-treatment facility' which was proposed on land to the south of the offices/weighbridge. This approved development was not constructed.

### **Publicity**

The proposed development has been advertised within the Press and by Site Notice due to being Major Development and has also been advertised as a Departure from the Development Plan also due to its location within the Green Belt.

5 letters of objection have been raised from nearby residents who raise the following concerns:

### **Amenity**



- Raises concerns about the odour smells from the landfill - advising it is smelt from up to 2 miles away
- States odour and flies from the property are "horrendous"
- Notes air quality has been noticeably poor in within the last decade as a result of smell of the landfill.
- No longer landfill, it is an artificially created mountain, an uncapped and stinking eyesore.
- States that the Viridor site is bordered on three sides by public footpaths/bridleway/cycleway, and the smells emanating from it are discouraging

#### Impact on the local highway network

- Raises concern that the proposal will cause further traffic around Junction 3 of the M66 leading to more motorists queuing on the hardshoulder of the M66 to exit the motorway.
- Raises concerns that extra development will add to traffic congestion which already leads to long queues of traffic.
- Asserts the applicants' statements about little traffic impact on Pilsworth Road, Croft Lane and the M66 are not credible.
- Raises concerns about the potholes on Pilsworth Road and questions why the potholes are not filled in.

#### Other Matters

- Questions when the landfill will end, stating it was only supposed to be a landfill site for 5 years.
- Objects to further development stating the Viridor site has exceeded its proposed life expectancy and is a blight on Bury.
- Asserts there must be potential for toxins from the landfill site to leach into local waterways.

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

**Traffic Section** - No objections, subject to the measures and facilities detailed in the 'Construction Management Plan' being implemented to the satisfaction of the Local Planning Authority and be adhered to throughout the construction period.

**Borough Engineer - Drainage Section** - No comments or observations received.

**Waste Management** - No comments or observations received.

**Environmental Health - Contaminated Land** - No objections, subject to conditions requiring contaminated land site investigation, detailed risk assessment and remediation strategy, and electric vehicle charging provision for at least 20% of the proposed parking spaces.

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

**Greater Manchester Ecology Unit** - No objections, subject to issues relating to biodiversity enhancement measures being secured via condition.

**The Coal Authority** - No objections, subject to conditions requiring intrusive site investigations to be carried out on site to establish the risks posed to the development by past coal mining activity, and; any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed and 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.

**Transport for Greater Manchester** - No objections, advising the quantum of development hereby proposed does not trigger the requirement of a highway impact review.

**United Utilities (Water and waste)** - No objections, subject to the imposition of a condition requiring a sustainable surface water drainage scheme and a foul water drainage scheme to be submitted and approved prior to the commencement of development.

**Planning & Building Regs consultation Fire Protection Dept Bury Fire Station (Part B)**  
- No comments or observations received.

**Environment Agency** - No objections.

**Health & Safety Executive - Quarries** - No comments or observations received.

**Minerals and Waste Planning Unit** - No objections.

**G M Archaeological Advisory Service** - No objections.

**National Highways** - No objections

**Active Travel England** - No objections

**Greater Manchester Police - designforsecurity** - Initially advised a Crime Impact Assessment should accompany this application. On submission of the Crime Impact Statement, GM Police were re-consulted. Any response subsequently received will be reported to Members within the Supplementary Report.

**Rochdale MBC** - No objections but request the site provides adequate wheel washing facilities for vehicles exiting the site.

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

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

OL1	Green Belt
OL1/2	New Buildings in the Green Belt
OL1/5	Mineral Extraction and Other Development in the Green Belt
EN9	Landscape
EN9/1	Special Landscape Areas
MW1	Protection of Mineral Resources
MW1/1	Areas of Search
EN7/1	Atmospheric Pollution
HT2/4	Car Parking and New Development
HT2/7	Lorry Parking
HT2/10	Development Affecting Trunk Roads
GMMWP	Greater Manchester Minerals and Waste Plan
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guide

#### **Environmental Impact Assessment Screening**

This proposal exhibits characteristics that would best be related to Schedule 2 Section 11(b) of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), which is defined as: "Installations for the disposal of waste (unless included in

Schedule 1)".

Set against the indicative thresholds and criteria advice the proposal individually and in combination with existing and planned development does not breach the thresholds identified in the particular sections of the Regulations and Planning Practice Guidance.

Based on the consideration of both the criteria within Schedule 3 of the Regulations for Schedule 2 Sections 11 (b), and the Planning Practice Guidance it is considered that EIA would not be required in this instance.

### **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).

### **Principle of Development**

The application site falls within the Green Belt (UDP Policy OL1) and Special Landscape Area (UDP Policy EN9/1), as defined by the adopted Unitary Development Plan (UDP). The site also falls within an Area of Search for Minerals (UDP Policy MW1/1) within the adopted Unitary Development Plan (UDP).

#### **Green Belt**

In relation to proposals that affect the Green Belt, Paragraph 147 of the National Planning Policy Framework (NPPF) makes it clear that inappropriate development is harmful to the green belt and should not be approved except in Very Special Circumstances.

Paragraph 149 specifies that Local Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt and should not be approved except in very special circumstances. The NPPF states that "When considering any planning 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".

Although the application involves inappropriate development in the Green Belt, it includes a satisfactory case for 'very special' circumstances to justify the development. The proposals seek to undertake an activity which is directly linked to the existing landfill and can therefore be considered to be ancillary to the current activities on site. The proposed development is also temporary in nature and does not prevent the restoration of the site in the future as the building and machinery will be removed prior to the cessation of landfilling.

Given the above, in the context of national planning policy, the proposed development will not impact on the permanence of the Green Belt and 'very special' circumstances exist to justify the development, in principle therefore, the proposal is not considered to be an inappropriate use in the Greenbelt.

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.

Based upon the above, the proposal is acceptable in principle.

The proposals impact on minerals resources and the visual amenity and character of the landscape in which the application site is set will be assessed under the visual amenity section of this report.

### **Mineral Safeguarding**

The site falls within an Area of Search for Minerals (UDP Policy MW1/1). However, the site has already been quarried for its minerals and is now being used for landfill purposes.

The application site is within a Mineral Safeguarding Area, as defined within the Greater Manchester Minerals and Waste Plan. This site has been extracted of its minerals and is now a landfill site.

The general premise of the proposed development that provides for the recycling, processing and recovery is in accordance with and supported by the Objectives and Policies set out in the Joint Waste Plan and is therefore acceptable on this ground.

### **Ground Conditions**

The site historically remained undeveloped until the development of the landfill when this area of the site has been in use for hardcore screening. Surrounding historical uses have included a sand quarry and more recently a landfill with offices, car parking and weighbridges. The site is currently in use as a storage area.

The site is in close proximity to two landfill sites and a number of ponds are situated to the east and south of the site. The site is situated above the Lower Coal Measures Formation Secondary A Aquifer which is overlain by Glaciofluvial Sand and Gravel.

A Phase 1 Desk Study and Preliminary Risk Assessment Report has been received and commented on by this Section (please see attached response). Further investigation has been recommended and is required prior to any development commencing on site. It is therefore recommended that this be secured by condition, along with any remediation considered to be necessary to make the site safe. A condition is also recommended which would ensure any remediation is carried out to a satisfactory standard.

#### *Coal Mining Legacy*

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

The Coal Authority records indicate that a thick coal seam outcrops at or close to the surface of the site which may have been worked in the past and historic unrecorded underground coal mining is likely to have taken place beneath the site at shallow depth. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. The site also lies within a Surface Coal Resource Zone.

The Coal Authority advise that the applicant has obtained appropriate and up-to-date coal mining information for the proposed development site. This information has been used to inform a Coal Mining Risk Assessment (or equivalent) (June 2023, prepared by Wardell Armstrong) to accompany the planning application.

The report is able to identify that, based upon a review of available information, there is a risk of unrecorded shallow mine workings to be present beneath the site due to Arley coal seam conjectured to outcrop at the site. The thickness of superficial deposits is currently unknown and the report affirms that it is possible that should such workings collapse, voids at ground surface (crown holes) may develop. Accordingly, the report recommends that the applicant should carry out a suitably designed rotary borehole investigation and on completion interpret the data and review the risk assessment.

The Coal Authority recommend that 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 Coal Authority have therefore recommended a planning condition be imposed to secure the above.

#### *Mine Gas*

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. The Planning and Development Team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if their data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, they advise, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel. Officers therefore recommend suitably worded planning conditions to ensure mine gas does not adversely affect future users of the proposed building.

Based on all of the above, subject to the recommended planning conditions, planning conditions can be imposed to ensure the site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability, landfill and mine gases, and contamination, in accordance with the requirements of the National Planning Policy Framework.

### **Heritage**

Greater Manchester Archaeological Unit have been consulted on the application. Having checked their records they are satisfied that the proposed development does not threaten any known or suspected archaeological heritage. On this basis there is no reason to seek to impose any archaeological requirements upon the applicant.

### **Biodiversity**

A valid ecological report has been provided this included eDNA surveys for great crested newts. No evidence of any protected species or other wildlife was found. Given the site is primarily bare earth, within an existing active quarry/landfill, Officers have no reason to doubt the findings of the report. Whilst some of the piles of waste could provide theoretical cover for nesting birds etc, Greater Manchester Ecology Unit is satisfied that the risks are very low.

### *Contributing to and Enhancing the Natural Environment*

Paragraph 174 of the NPPF 2023 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The application site is primarily bare ground with photographs indicating sparse and scattered early successional vegetation. The wildlife value of the site is negligible. Any biodiversity measures would likely result in an overall enhancement to biodiversity. Given the entire site technically has a restoration plan, any habitat creation measures implemented now, would likely be of temporary to medium term. The best approach would therefore be as suggested by the consultant to provide bird boxes around the perimeter of the site on existing trees. The details are therefore secured by planning condition.

### **Parking and Highway Safety**

UPD Policy HT2/4 - Car Parking and New Development requires all applications for development to make adequate provision for their car parking and servicing requirements in accordance with the Council's parking standards, laid out in SPD11.

The application is supported by a satisfactory number of parking bays and also swept path analysis demonstrating HGV's can manoeuvre around the site in a forward gear. The proposals indicate that the proposed development would result in approximately 8 additional vehicles going to and from the site per day.

### **Design and Visual Amenity**

The application site is within a Special Landscape Area, as defined upon the Proposals Map associated with the adopted Unitary Development Plan.

UDP Policy EN9/1 states that in those areas identified on the Proposals Map as Special Landscape Areas, any development which is permitted will be strictly controlled and required to be sympathetic to its surroundings in terms of its visual impact. High standards of design, siting and landscaping will be expected. Unduly obtrusive development will not be permitted in such areas. Any development on the site should be subject to strict control to protect or enhance the character of these areas.

UDP Policy EN1/1 regarding Visual Amenity also states that development will not be permitted where proposals would have a detrimental effect on the visual amenity both

within, or viewed from, areas of environmental interest such as the Green Belt, Special Landscape Areas or the river valleys. The site is designated as Green Belt and as a Special Landscape Area.

The Landscape and Visual Assessment submitted with the application concludes that the visual effects of the proposals are minimal and that there are no adverse significant effects.

The proposed height and extent of the proposed building is governed by the operational needs of vehicles discharging their loads within the building and the space required to operate in safety the storage, sorting, separating, recycling and loading activities. Nevertheless, the design and location has taken into account, where possible, the surrounding environment which includes a designation as Special Landscape Areas (Policy EN9/1). Thus, the site is in a location that is least obtrusive in terms of the surrounding topography and the existing substantial tree screen along the motorway. The colour of steel cladding proposed to the walls and roof have not been stated within the application and therefore it is recommended this aspect be controlled by planning condition. Provided suitably coloured materials are used, in the near vicinity the appearance of the building would be absorbed by the nearby topography and tree screen. In terms of more distant views the main impact of the building would be that the top portion of the building may be partly visible over a long distance from the south and west and then only from a limited number of properties at an oblique angle. The mound that has been created at the site - see Photograph no. 4 will also screen the building from longer range views. It should also be noted that the structure would not be permanent but would remain in place only for the duration of the tipping operation and would be demolished on its completion.

As the proposal is temporary in nature and the buildings and machinery would be removed following cessation of the landfill any impact on the Special Landscape Area is reversible and the character of the landscape will be improved once restoration of the quarry site has taken place. A planning condition is recommended to ensure the building would be removed on cessation of the landfill site. Subject to this condition, and a condition requiring details of colouring of the materials, it is therefore considered that the proposal is not in conflict with UDP Policy EN9/1 or UDP Policy EN1/1.

### **Residential Amenity**

The landfill site is surrounded by a small number of sporadic residential receptors. The nearest residential property to the landfill operations is Jackson Fold some 60m to the north of the existing landfill boundary on the opposite side of Pilsworth Road. The Three Arrows Inn and a set of three cottages; the Boskins/Whippletree Cottage/Coal Pits Farm) lie 235m and 400m east of the proposed landfill boundary respectively. Four dwellings known as Pilsworth Cottages abut the Pilsworth South Landscape Buffer Zone (LBZ) some 320m south of the consented landfill boundary. Further south of the site, and beyond the deeply incised valley of Brightley Brook, there are a number of scattered dwellings; all of these are over 500m from the Landscape Buffer Zone. A group of dwellings known as Hollins Estate lies further afield over 600m from the proposed development site on the opposite side of the M66.

The concerns raised in the representations are fully acknowledged, however, this application must be assessed on its own merits. The proposal seeks to minimise the amount of material going to landfill by intercepting waste that is heading for landfill and extracting recyclable materials which would then be removed from site for recycling, re-use. recovery by third parties elsewhere.

Whilst odour from the existing landfill will not be affected as part of these proposals, the proposal will not result in odour conditions changing that would be any worse than nearby residents already experience, as all waste currently enters the site and goes straight to

landfill, whereas this proposal seeks to minimise the amount of material going into the landfill. The proposals are therefore acceptable in this regard pursuant to Policy EN7/1 of the Bury Unitary Development Plan and the National Planning Policy Framework.

### **Utilities, Drainage and Flood Risk**

Paragraph 167 of the Framework (2021) states that Local Planning Authorities should ensure flood risk is not increased elsewhere (i.e. outside areas at risk of flooding) and only consider development appropriate in areas at risk of flooding where proposals are informed by a site-specific flood risk assessment.

UDP Policy EN5/1 concerns itself with new development and flood risk and states the Council will not permit new development, including the raising of land, and the intensification of development, where such development would be at risk from flooding, or would be likely to increase the risk of flooding elsewhere, or affect river flood defences.

The application site is located in Flood Zone 1 which is identified as being an area which has the lowest risk of flooding. United Utilities have viewed the proposals have recommended a condition relating to drainage be imposed, should Members be minded to approve the proposals. This condition is duly recommended.

### **Crime and Security**

Both the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) set out guidance in creating safe and accessible communities. paragraphs 58 and 69 of the NPPF recommend that local planning authorities ensure their policies and decisions aim to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. The Design section of the PPG includes crime prevention and security measures.

A Crime Impact Statement has been submitted and Whilst GM Police have not yet provided any views on the submitted Crime Impact Statement, Officers are satisfied that the building would be located on what is a secure site, with the crime prevention measures currently operated by the applicant. The proposal is therefore acceptable in this regard.

### **Conclusion**

Although the application involves inappropriate development in the Green Belt, by virtue of this being a new building in the Green Belt, the submission includes a satisfactory case for 'very special' circumstances to justify the development. The proposals seek to undertake an activity which is directly linked to the existing landfill and can therefore be considered to be ancillary to the current activities on site. The proposed development is also temporary in nature and does not prevent the restoration of the site in the future as the building and machinery will be removed prior to the cessation of landfilling.

Given the above, in the context of national planning policy, the proposed development will not impact on the permanence of the Green Belt and 'very special' circumstances exist to justify the development, in principle therefore, the proposal is not considered to be an inappropriate use in the Greenbelt.

Subject to all of the recommended planning conditions being imposed, the proposal is considered to be acceptable in all other regards and it is thus 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 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 shall only remain in place until landfilling ceases on site. The Material Recycling Facility building, hardstanding areas and other associated structures shall be removed and the land fully restored in accordance with already approved drawings LE10698/EIA 4.14 rev B and LE10698/EIA 4.15 approved under application 53453, not later than the 12 months after the cessation of landfilling operations, or in accordance with any subsequent variations to the approved landfilling operations or restoration scheme agreed beforehand in writing with the Local Planning Authority.

Reason: To safeguard the landscape character and appearance of the area pursuant to Policies OL1/5 - Mineral Development and Other Development in the Green Belt. EN1/1 - Visual Amenity and EN9/1 - Special Landscape Areas of the Bury Unitary Development Plan and the National Planning Policy Framework.

2. This permission relates to the following plans and documents:

Drawing no. EC:9595.D01.002: Location Plan @ 1:2500;

Drawing no. ECL.9595.D01.004 A: Proposed Building Elevations;

Drawing no. ECL.9595.D01.007: Proposed parking plan layout;

Drawing no. ECL9595. D01 003: Swept Path Analysis;

Drawing no. ECL9595.D01/008: Proposed Section Plan;

Preliminary Ecology Appraisal; and

Appendix 1 Construction Management Plan

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. 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. No development shall commence until;

- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- 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 178 and 179 of the National Planning Policy Framework.

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

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy EN5/1 of the Bury Unitary Development Plan and the National Planning Policy Framework.

6. The measures and facilities detailed in the approved 'Construction Management Plan' shall implemented to the satisfaction of the Local Planning Authority and be adhered to throughout the construction period, with the measures 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 construction traffic access and materials storage arrangements for the duration of the demolition and construction periods and that the adopted highways are kept free of deposited material from the ground works operations.

7. Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, no above ground works shall take place until samples or full details of all materials to be used on the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Policies ENV1 - 'Visual Amenity' and EN9/1 - 'Special Landscape Areas' of the Bury Unitary Development Plan and the National Planning Policy Framework as no material samples accompany this application.

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

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

9. Prior to occupation the applicant shall provide electric vehicle (EV) charging points for at least 20% of the proposed parking spaces. EV charge points shall be 7kW\* as a minimum.

Reason: To encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

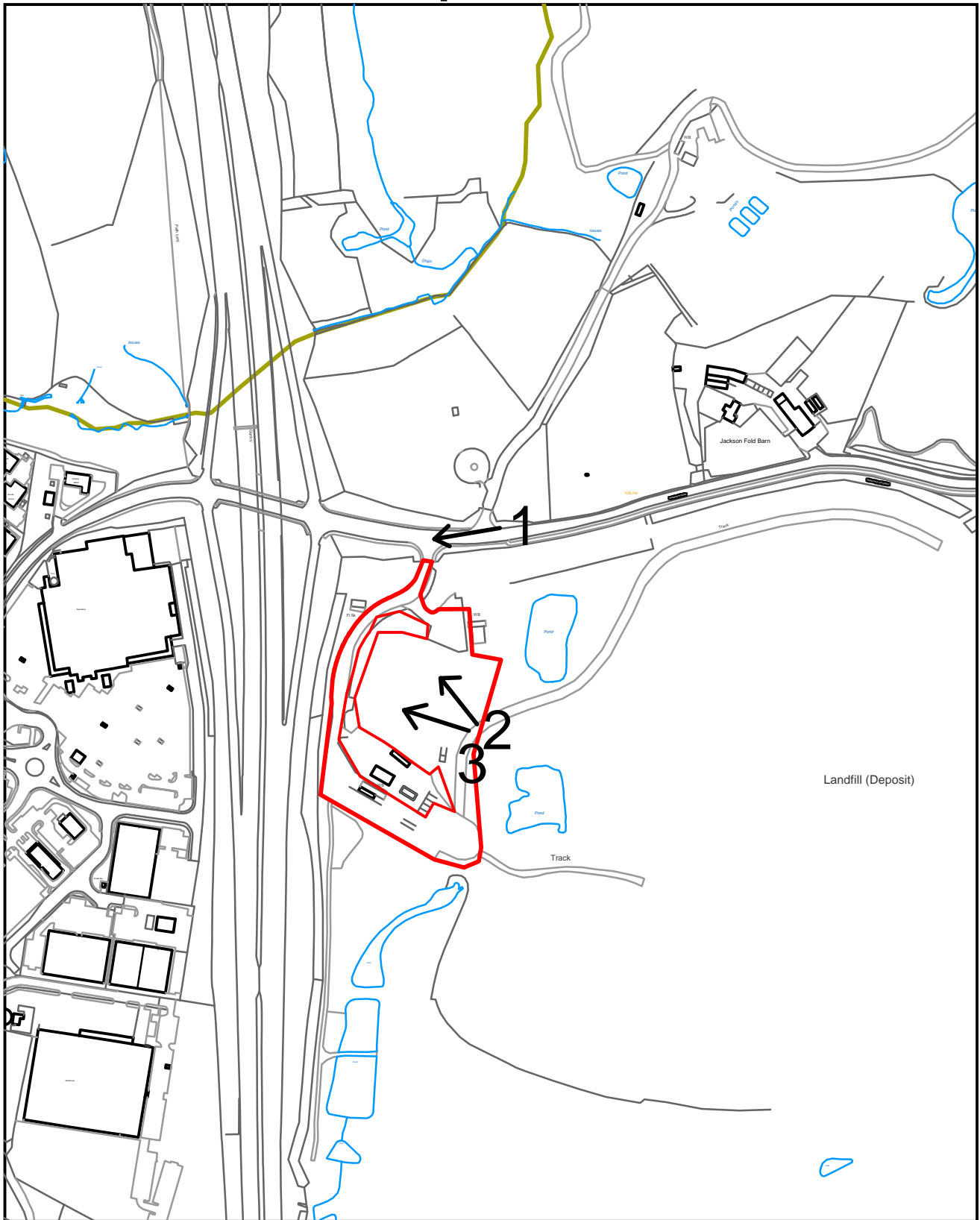
10. The mitigation and opportunities for enhancement measures identified within section 4.2 of the Preliminary Ecological Appraisal, dated June 2023, carried out by Environmental Business Appraisal, shall be implemented prior to occupation and use of the building hereby approved.

Reason: To ensure the provision of appropriate biodiversity enhancements in accordance with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

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



# Viewpoints



PLANNING APPLICATION LOCATION PLAN  
APP. NO 69956

ADDRESS: Pilsworth Quarry, Pilsworth  
Road

Planning, Environmental and Regulatory Services

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**Bury**  
Council

69956

Photo 1



Photo 2





69956

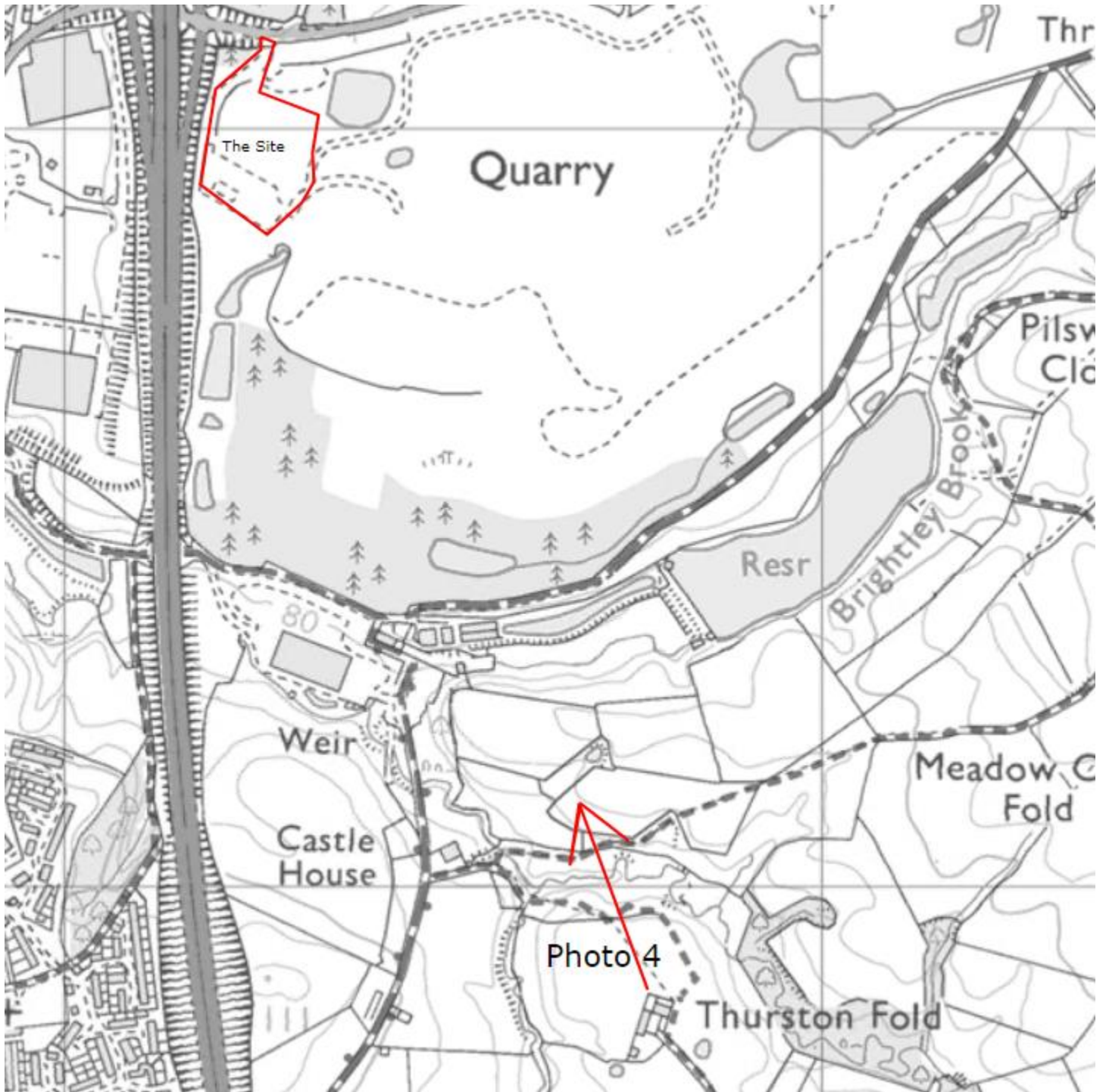
Photo 3



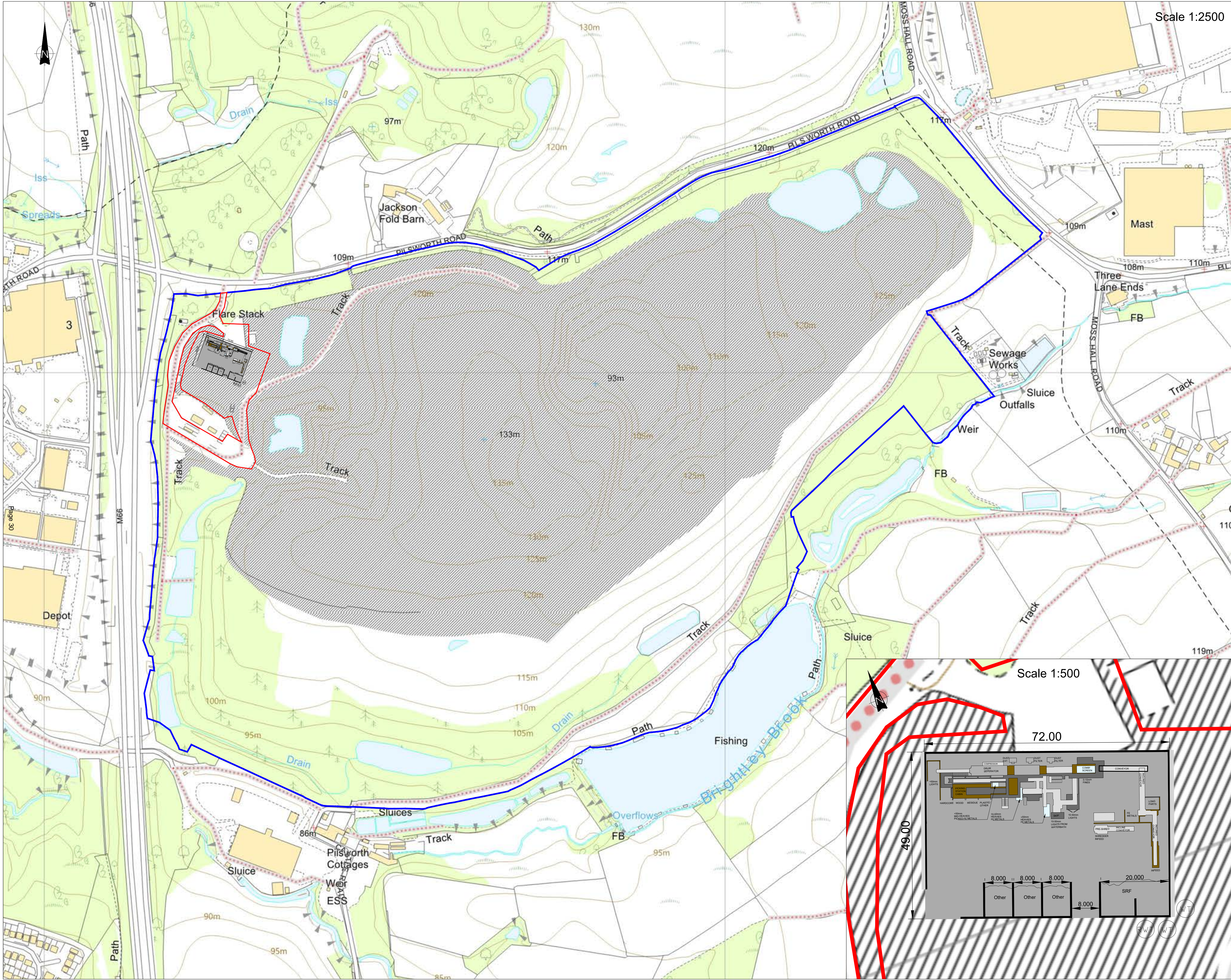
Photo 4











Scale 1:2500

Notes

1. Reproduced from the Ordnance Survey Map. With permission of the Crown Copyright Ordnance Survey, License no. AC0000849896.
2. All dimensions in Metres and all levels in metres Above Ordnance Datum Newlyn.
3. Do not scale from this drawing.
4. Any anomalies on this drawing should be brought to the attention of Egniol Consulting Ltd.
5. Key.

- Land under the control of the Applicant
- Application Site

A	Updated Site Boundary Updated Ownership Boundary	LE	GR	GS	12.07.23
Rev	Modification	By	Chk	App	Date



Egniol Consulting Limited  
Unit 7, Llys Onnen, Ffordd y Llyn  
Parc Menai, Bangor,  
LL57 4DF  
Telephone: 01248 355996  
Email: info@egniol.com

Valencia Waste  
Management Ltd

Pilsworth Landfill Site

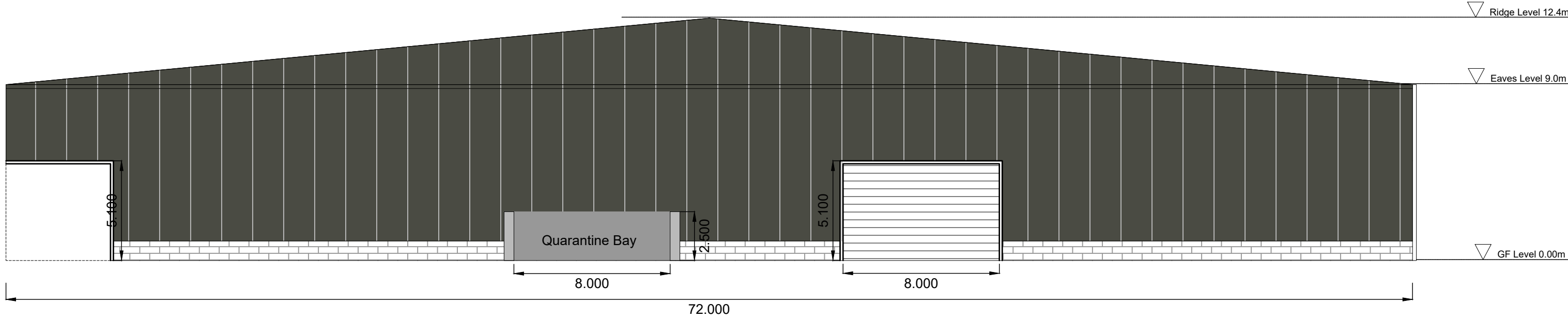
Proposed MRF Locaton

Drawn by	Checked by	Approved by
LE	GOJR	RK
Date	Date	Date
18.01.2023	18.01.2023	17.08.2023
Status		Scale @ A1
		AS SHOWN

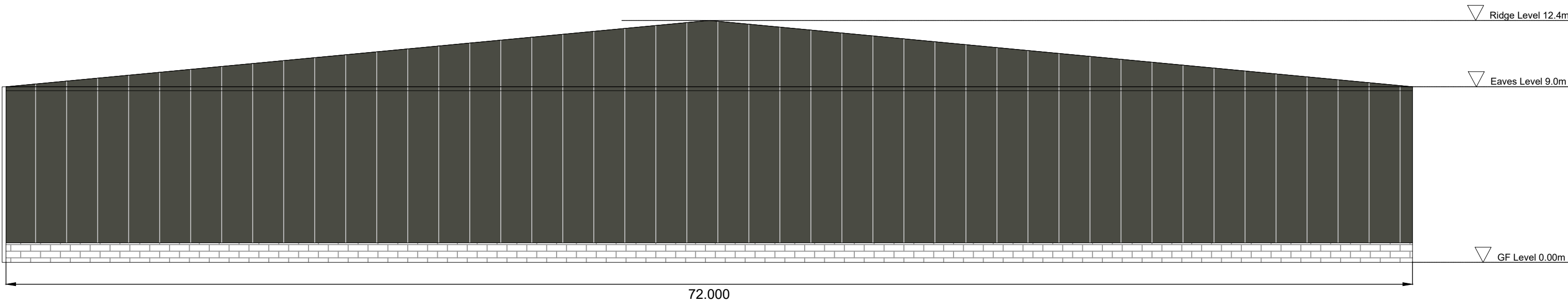
Drawing Number	Revision
ECL.9595.D01.002	-

CAD File Ref: P-19595 Pilsworth South MRF Design & Planning EACAD & BIM Drawings Current Working Drawings ECL 9595.D01.002.dwg

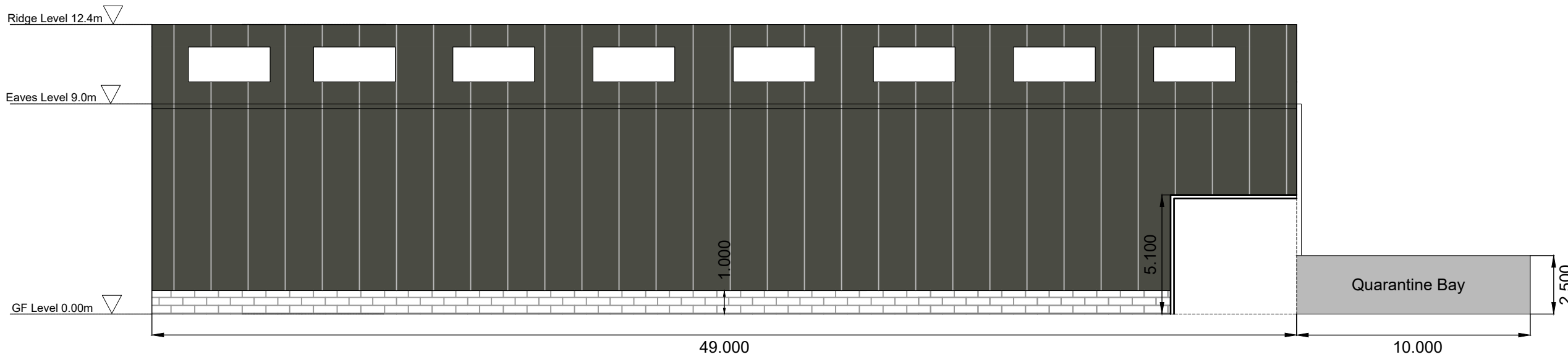




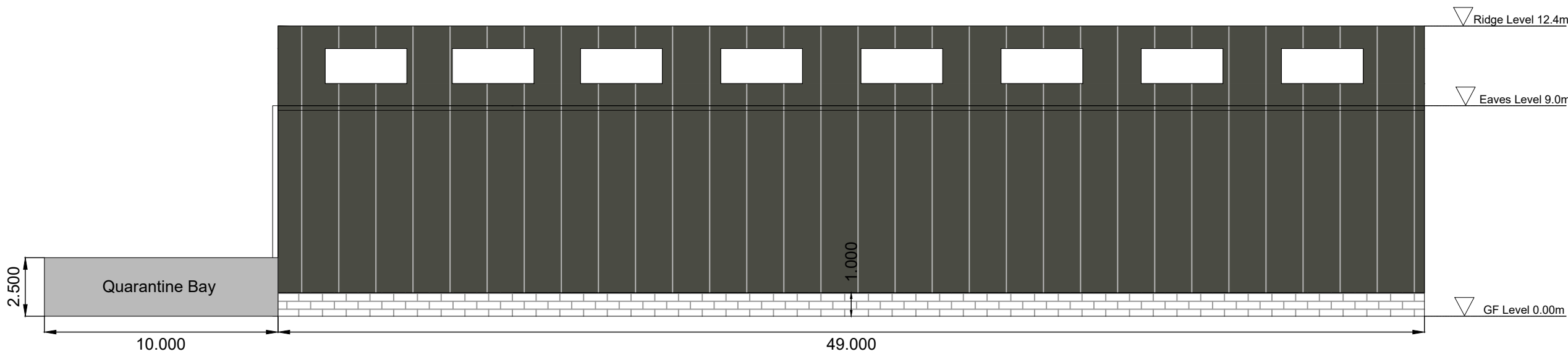
South Elevation - Rear Elevation  
Scale 1:200



North Elevation - Front Elevation  
Scale 1:200



West Elevation - Side Elevation  
Scale 1:200



East Elevation - Side Elevation  
Scale 1:200

Notes

1. Survey information provided by Valencia Waste Management Ltd.
2. All levels in metres Above Ordnance Datum Newlyn.
3. Do not scale from this drawing.
4. Any anomalies on this drawing should be brought to the attention of Egniol Consulting Ltd.
5. MRF Building Paint Code 'B512B29'.

A	Updated Building Colour	LE	GR	GR	12.07.23
Rev	Modification	By	Chk	App	Date



Egniol Consulting Limited  
Unit 7, Llys Onnen, Ffordd y Llyn  
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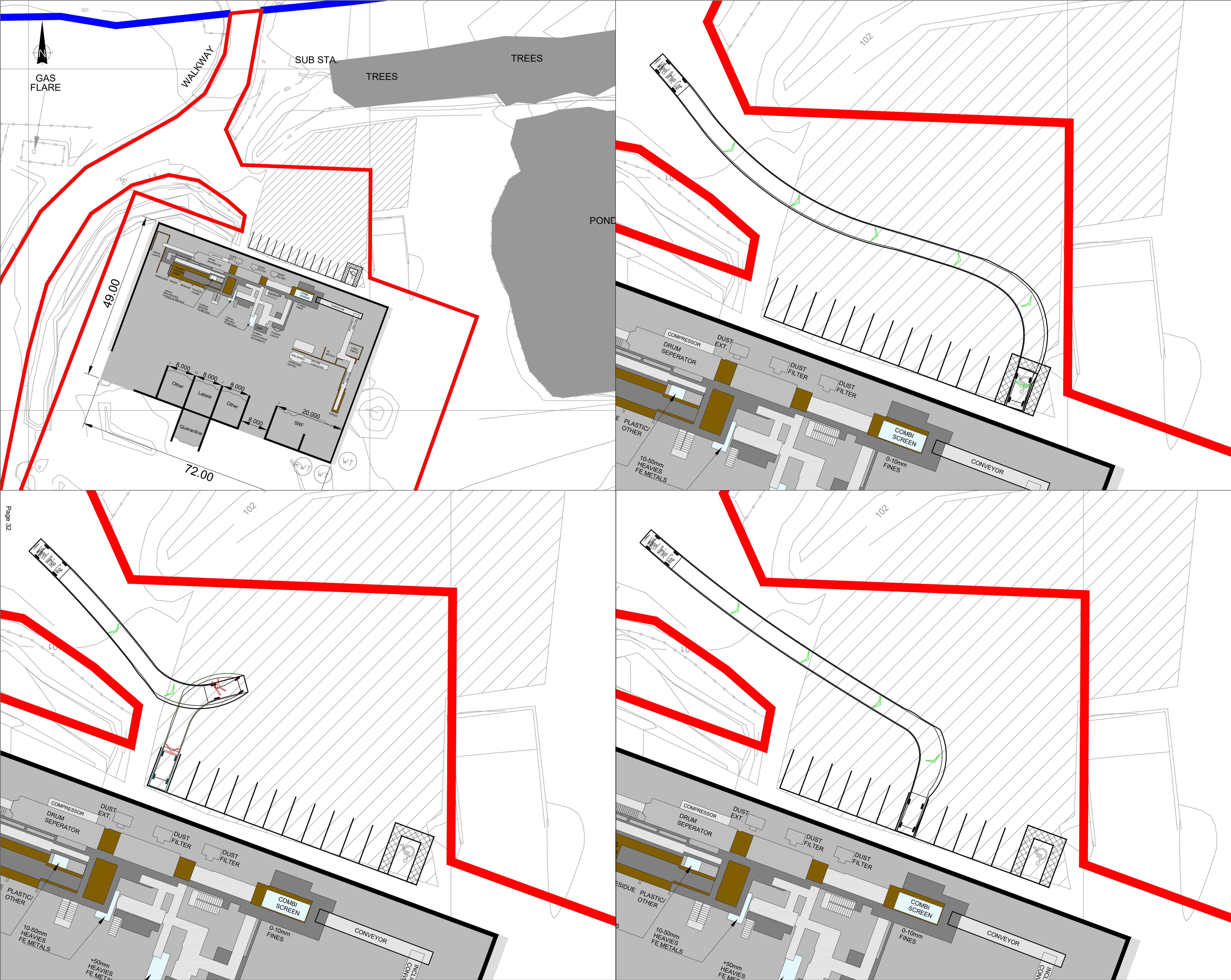
Valencia Waste  
Management Ltd

Pilsworth Landfill Site

Building Elevations

Drawn by	Checked by	Approved by
LE	GOJR	NR
Date	Date	Date
23.01.2023	23.01.2023	26.01.2023
Status	Scale @ A1	
DRAFT		1:200
Drawing Number		Revision
ECL.9595.D01.004		A





Page 32

- Notes
1. Survey information provided by Valencia Waste Management Ltd
  2. All dimensions in Metres and all levels in metres Above Ordnance Datum Newlyn.
  3. Do not scale from this drawing.
  4. Any anomalies on this drawing should be brought to the attention of Egniol Consulting Ltd.
  5. Key.

- Land under the control of the Applicant
- Application Site
- 1.2m Width Pedestrian Access.
- Concrete Hardstanding.
- Indicative Parking Space - 4.8m x 2.4m  
1x Disabled Parking Space included.

A	Updated Site Boundary Updated Ownership Boundary	LE	GR	GS	12.07.23
Rev	Modification	By	Chk	App	Date



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Valencia Waste  
Management Ltd

Pilsworth Landfill Site

### Proposed Parking Plan Layout

Drawn by	Checked by	Approved by
LE	GOJR	RK
Date	Date	Date
16.08.2023	16.08.2023	16.08.2023
Status	Scale @ A1	
<b>DRAFT</b>		1:250
Drawing Number	Revision	
ECL.9595.D01.007	-	

CAD File P:\9595 Pilsworth South MRF Design & Planning\EA\CAD & BIM Drawings\Current Working Drawings\ECL.9595.D01.007.dwg © EGNOL CONSULTING LIMITED



**Ward:** Radcliffe - West

**Item** 02

**Applicant:** Bury Council

**Location:** Millwood Primary Special School, School Street, Radcliffe, Manchester, M26 3BW

**Proposal:** Erection of an extension to contain classrooms, multi- purpose hall and support areas; Landscaping works to include dedicated play areas, railings and external pagoda and additional car parking on the existing school site.

**Application Ref:** 70195/Full

**Target Date:** 22/01/2024

**Recommendation:** Approve with Conditions

**This application is presented to Planning Control Committee as the applicant is Bury Council and 1 objection has been received.**

### **Description**

The application site contains a school, which serves 171 pupils with special educational needs from the ages of 2 - 11. The school opened in 2012 and contains a central teaching hub, three teaching wings and a hydrotherapy pool. The building is single storey and is set back from the boundary with School Street. The school is constructed from cladding and a composite panel standing seam roof. To the north of the school building is a multi use games area (MUGA) and a play area. There are also individual play spaces associated with each classroom wing.

The school is accessed from School Street and there is a car park with 115 spaces, including 8 accessible spaces and minibuss drop off areas.

There is vacant land to the east, which has planning consent for 91 dwellings and there is a builders yard to the north. There are residential properties and a industrial/storage yard to the south. The Manchester, Bolton and Bury Canal forms the boundary to the west with industrial buildings beyond.

### Proposed development

The proposed development involves the extension (1379 square metres) to the school building and the extension to the existing car park.

The proposed extension would be located to the west of the main school building and would contain 7 classrooms, a multi-purpose hall and other ancillary accommodation. The proposed extension would provide a maximum of 70 places at the school and staffing numbers would increase by 35.

The proposed extension of the car park would provide 22 new parking spaces and would be located to the west of the existing car park. The car park would be accessed from 2 disabled parking bays, which would be re-provided within the car park extension. A minibuss drop off area would be provided, but this would result in a loss of spaces. Overall, the level of parking would be increased by 19 spaces.

Pedestrian and vehicular access would remain as existing and would be taken from School Street. Cycle stands and a minibuss drop off/pick off would be provided between the proposed car park and the main school building.

### **Relevant Planning History**

45673 - Outline application - Residential development including associated infrastructure and open space at Radcliffe High School, Abden Street, Radcliffe. Approved with conditions - 13 September 2007.

52038 - Full planning for construction of a new primary school for children with special educational needs together with the construction of associated parking and external play areas;

Outline proposals to develop the remaining high school site for housing at Radcliffe High School, School Street, Radcliffe. Approved with conditions - 16 February 2010.

53401 - Application for non-material amendment following grant of planning permission 52038 to provide:

1. An enclosed garage area
2. Amended canopy design
3. Addition of a door at Millwood SEN School, School Street, Radcliffe. Approved - 4 March 2011.

53879 - Non-material amendment following grant of planning permission 52038:

1. Addition of 2M wide gates within fence lines to the grassed play areas to rear of school to allow for cutting equipment.
2. Addition of turning area for transit sized vehicle near the muga pitch at end of access driveway.
3. 1.2M high steel grating fence to play rear substituted with 1.2M bow top fencing.
4. Timber cog roll fencing to outdoor classroom area substituted with 1.2M bow top fencing.
5. Addition of timber gate between service yard and outside room 105 play area.
6. Revision to the triangle of land to the east of the classroom 94-100 playgrounds; land incorporated into the play area as tarmac and fence realigned; fence type along eastern edge of classroom playgrounds from room 105 up to the muga pitch changed to 2.4M perimeter fence type and direct gated access to woodland walk omitted at Millwood SEN School, School Street, Radcliffe. Approved - 1 July 2011.

63145 - Construction of 2 no. new classroom areas with ancillary accommodation at Millwood Primary Special School, School Street, Radcliffe. Approved with conditions - 4 October 2018.

02883/E - Provision of a new classroom block and additional car parking at Millwood Primary Special School, School Street, Radcliffe. Enquiry completed - 5 October 2023.

### Adjacent site

69233 - Residential development to erect 90 dwellings with associated parking and landscaping at site of the former Riverside High School, School Street, Radcliffe. Approved with conditions - 24 November 2023.

### **Publicity**

The neighbouring properties were notified by means of a letter on 26 October 2023 and a press notice was published in the Bury Times on 2 November 2023. Site notices were posted on

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

- Proposal would provide much needed school spaces for the local community.

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

- Constant traffic at the school as it is with all the building work which is forever going on.

- You can only get onto the estate from 1 way, traffic is already congested at the best of times.
- All the workers park outside houses blocking half the path. They start work building at ridiculous times 7am sometimes including weekends.

The neighbouring properties have been notified of revised plans on 30 November 2023.

Any representations received will be reported in the Supplementary Report.

The objector has been notified of the Planning Control Committee meeting.

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

**Traffic Section** - No objections, subject to the inclusion of conditions relating to access improvements, turning facilities and car parking.

**Drainage Section** - No response.

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

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

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

**GM Ecology Unit** - No objections, subject to the inclusion of conditions relating to protection of the canal & SBI and nesting birds.

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

**Canal & River Trust** - No objections, subject to the inclusion of a condition relating to a Construction Environment Management Plan (CEMP) and external lighting.

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

**GM Fire Service** - No response.

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

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

EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/4	Street Furniture
EN1/5	Crime Prevention
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8	Woodland and Trees
EN8/2	Woodland and Tree Planting
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
CF1/1	Location of New Community Facilities
CF2	Education Land and Buildings
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

## Issues and Analysis

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

**Principle - 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 in relation 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 proposal includes an extension to contain classrooms, multi- purpose hall and support areas coupled with landscaping works to include dedicated play areas, railings and external pagoda and additional car parking on the existing Millwood School site on School Street in Radcliffe. Millwood School is designated as a community special school for children with very complex medical needs and the proposal for the extension to the existing school is designed to meet a growing demand for placements at the school.

The proposal would result in additional provision and new and improved facilities for the school. Therefore, the proposed development would be in accordance with Policies CF1/1 and CF2 of the Bury Unitary Development Plan.

**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.

Given the advanced stage in the preparation of PfE, it is already 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 PfE (as proposed to be modified).

Policy JP-P5 - Education, Skills and Knowledge states that "Significant enhancements in



education, skills and knowledge to benefit existing and new residents will be promoted" through "enabling the delivery of new and improved accessible facilities for all ages, such as early years, schools, further and higher education".

As such, the proposal is in conformity with PfE Policy JP-P5.

**Design and layout** - The proposed development would involve a single storey extension to the western boundary of the existing building. The proposed extension would contain 7 classrooms and a multi purpose hall. Given the location of the proposed extension and the fact that it is single storey, the proposed development would not overwhelm the original building and would be appropriate in terms of design and scale.

The proposed extension would be of a modern design with large areas of glazing and a pitched roof and would match the design of the existing school. The proposed extension would be constructed from cladding and a composite panel standing seam roof, which would match the existing building. As such, the proposed development would not be a prominent feature in the streetscene and would be in accordance with Policies EN1/2 and CF1/1 of the Bury Unitary Development Plan.

The proposed car park extension would be located adjacent to School Street and would be accessed from two disabled parking bays within the existing car park. The proposed car park has been amended since pre-application discussions, which would have removed 6-7 trees. The current proposal would result in the loss of 2 trees and the retention of 6 trees along the frontage with School Street. Whilst 2 trees would be removed, this would not have a significant adverse impact upon the character of the area. The trees would be replaced elsewhere in the site. As such, the proposed development would not impact upon the character of the area and would be in accordance with Policies EN1/2 and CF1/1 of the Bury Unitary Development Plan.

**Impact upon residential amenity** - SPD 6 provides guidance on aspect standards between residential properties. Whilst the proposed development is not a residential property, it does provide a yardstick of appropriate interfaces between the proposed development and residential properties.

The nearest residential properties would be some 60 metres away from the proposed extension. As such, the proposed development would not have an adverse impact upon the amenity of the neighbouring properties.

The proposed extension would be located opposite the industrial/storage area to the south of School Street and there would be 28 metres between the proposed single storey extension and the storage area. This would be sufficient to prevent any overlooking issues.

The canal forms the western boundary with the school with open land beyond. There would be over 24 metres between the proposed extension and the canal, which would be sufficient and would not prevent any development from taking place.

Therefore, the proposed development would not have an adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policy EN1/2 and CF1/1 of the Bury Unitary Development Plan.

**Ecology** - The main ecological issue is that the development will result in a loss of biodiversity at the site level.

**Bats** - The mature trees proposed for removal were assessed for bat roosting potential and no evidence of bat roosting features was identified. GM Ecology Unit have no reason to

doubt the findings of the report.

The biodiversity report also notes that external lighting could negatively impact on the retained trees and canal. An isolux plan has been provided that demonstrates that lux levels will be at a level that are very unlikely to adversely effect bats or any other nocturnal wildlife. GM Ecology Unit states that no further information or measures are required.

Other Protected Species - Previous surveys on the wider site have failed to find any evidence of protected species, with the new proposal restricted to a small area of amenity grassland. GM Ecology Unit are satisfied that all other protected species can be reasonably discounted.

Nesting Birds - Trees would be removed on site, which would impact upon potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. GM Ecology Unit have no objections, subject to the inclusion of an condition relating to nesting birds.

Manchester-Bolton & Bury Canal SBI - GM Ecology Unit are aware of the comments from the Canal and River Trust and agree with their recommendations, which would also protect the ecological value of the SBI.

Contributing to and Enhancing the Natural Environment & Biodiversity Net Gain

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in the loss of a small area of low ecological value grassland, some small recently planted trees and 2 mature trees that were retained as part of the previous development. The latter are the most significant features of ecological value and with regards to wildlife, the only likely adverse effect is upon nesting birds.

It is not clear from the application, what mitigation measures would be provided, but the agent has confirmed that the trees would be replaced a 1 to 1 basis. GM Ecology Unit has no objections, subject to the inclusion of a condition relating to a biodiversity mitigation and enhancement plan, which shall include mitigation for the loss of bird nesting habitat through replanting and the provision of bird boxes on mature retained trees.

Therefore, the proposed development would not cause harm to a protected species and would be in accordance with Policies EN6, EN6/3 and EN8/2 of the Bury Unitary Development Plan and the NPPF.

**Trees** - The layout of the proposed car park has been amended since the pre-application enquiry. Originally the proposed car park would have resulted in the removal of 6 mature trees along the frontage. The proposed car park has been amended and would be accessed from 2 disabled parking bays within the existing car park, which has reduced the number of trees to be removed to 2. The remaining 6 trees along the frontage would be retained. As such, the proposed development would not have a significant adverse impact upon the character of the area and would be in accordance with Policies EN1/2, CF1/1 and EN8 of the Bury Unitary Development Plan.

The proposed extension would result in the removal of 8 significantly smaller trees, which are located within the footprint of the proposed extension. The applicant has agreed to replace the trees on a like for like basis. Given that the trees on the perimeter of the site would be retained and the trees replaced, the proposed development would not have an adverse impact upon the character of the area. Therefore, the proposed development would be in accordance with Policies EN1/2, CF1/1 and EN8 of the Bury Unitary Development Plan.

**Highways issues** - The proposed car park extension would be accessed from the main access point, which forms a junction with School Street. There would be acceptable levels of visibility. The proposed development would provide an additional minibus drop off area and an additional 20 spaces and 2 accessible parking spaces. The Traffic Section has no objections to the proposed development. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies EN1/2 and CF1/1 of the Bury Unitary Development Plan.

**Parking** - SPD11 states that the maximum parking standards for a school is 1.5 spaces per classroom, which equates to 10.5 spaces.

Paragraph 6.38 of the SPD states that where facilities are specifically proposed for people who are disabled, such as dedicated schools, this is likely to justify a higher provision of disabled parking and facilities than those specified in table 2.

The proposed development would provide 22 spaces, which includes 2 disabled spaces, which would be lost to create the access. However, the net gain would be 19 spaces due to the provision of a minibus drop off area. The school operates with a higher ratio of staff to pupils than a mainstream school and the proposed development would require an additional 35 staff (full time equivalent). As such, the higher level of parking would be required. The application site is in a sustainable location and is within walking distance of the bus station and Metrolink station in the town centre. Given the circumstances outlined above, the level of parking would be appropriate in this instance. Therefore, the proposed development would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

#### **Response to objectors**

- Construction traffic is temporary and otherwise controlled through the Environment Protection Act. Construction traffic is not a material planning consideration and cannot be taken into consideration.
- The issue of parking and traffic have been addressed in the report above.

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

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

**Recommendation:** Approve with Conditions

#### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 2128.32.1201 P3, 2128.32.1202 P3,

2128.32.1203 P3, 2128.32.1204 P3, 2128.32.1205 P4, 2128.32.1206 P3, 2128.32.1301 P6, 2128.32.1302 P4, 2128.32.1401 P2, 2128.32.1402 P4, 2128.32.1501 P5, 2128.32.1502 P2, 2128.32.171 P3, 2128.32.172 P3, WIL RDG XX 00 DR E 90100 P01, MIL RDG XX 00 DR E 90100 P02, A plan of tree constraints, Tree protection plan 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. No development shall commence unless and until:-

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

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

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

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

5. Prior to occupation, electric vehicle charging points for 20% of the proposed parking spaces shall be provided and available for use. The electric vehicle charge points shall be 7KW as a minimum

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 pursuant to Policy EN7/1 - Air Quality of the Bury Unitary Development Plan.

6. No development shall commence unless and until any remediation works and/or mitigation measures to address the shallow mine workings, as may be necessary, have been implemented on site in full in order to ensure that the site is 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 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.

7. 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 and approved in writing by the Local Planning Authority. 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 the recorded mine entry.

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.

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

- Photographic dilapidation survey of the footways and carriageways leading to and abutting the site in the event that subsequent remedial works are required following construction of the development;
- Access route for all construction vehicles to the site from the Key Route Network, including the need to prohibit the use of the residential estate roads to the north of the site;
- Access point/arrangements for construction traffic from School Street, taking into consideration the need to maintain safe pedestrian/vehicular access to Millwood School, and all temporary works required to facilitate access for construction vehicles;
- If proposed, details of site hoarding/gate positions, taking into consideration the need to maintain safe pedestrian access on the adopted highway and to the school;
- 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 onto/along School Street;
- Confirmation of hours of operation and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres;
- Parking on site or on land within the applicant's control of operatives' and construction vehicles, retention of existing school parking and mini- bus drop of facilities together with facilities for the storage on site of construction materials;

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

Reason. Information not submitted at application stage. To mitigate the impact of

the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

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

Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Policy CF1/1 - Location of New Community Facilities and Policy EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan.

10. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the satisfaction of the Local Planning Authority before the development hereby approved is brought into use and thereafter maintained at all times.

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

11. No development shall commence unless and until surface water drainage proposals have been submitted to and approved in writing by the Local Planning Authority. The scheme should be in accordance with the submitted Surface Water Sustainable Drainage Assessment and must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed maintenance arrangements should also be provided. The approved scheme only shall be implemented prior to first occupation and thereafter maintained.

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

12. No development shall commence unless or until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- a plan showing the areas of storage of plant, fuel, chemicals and materials used in constructing the development;
- Include the steps to be taken to prevent the discharge of silt-laden run-off, construction site drainage, materials or dust or any accidental spillages entering the waterway;
- details of the environmental pollution incident emergency response.
- details of the location of temporary stockpiles and the covering of these;
- details of wheel washing facilities and containment measures;
- include measures to locate, clear, remediate and permanently seal any

existing drains or culverts within the application site that may discharge to the canal.

- details specifying how the waterway corridor and its users would be protected during the works and include any details of proposed protective fencing/netting to be erected to safeguard the waterway infrastructure during site clearance/construction.

The approved CEMP shall be in place prior to works commencing and for the duration of the works.

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

13. A landscaping scheme shall be submitted to, and approved by the Local Planning Authority prior to the commencement of the development. The contents of the plan should include 12 replacement native trees and shrub planting and the provision of bat bricks/tubes within the new development and bat and bird boxes. The approved scheme shall thereafter be implemented not later than 12 months from the date the building(s) is first occupied or within the first available tree planting season,; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.

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

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

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

15. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance.

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

16. Prior to the commencement of development, a biodiversity mitigation and enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. The content of the plan should include elements to mitigate for loss of trees and bird nesting habitat. The approved plan will be implemented in accordance with the approved details.

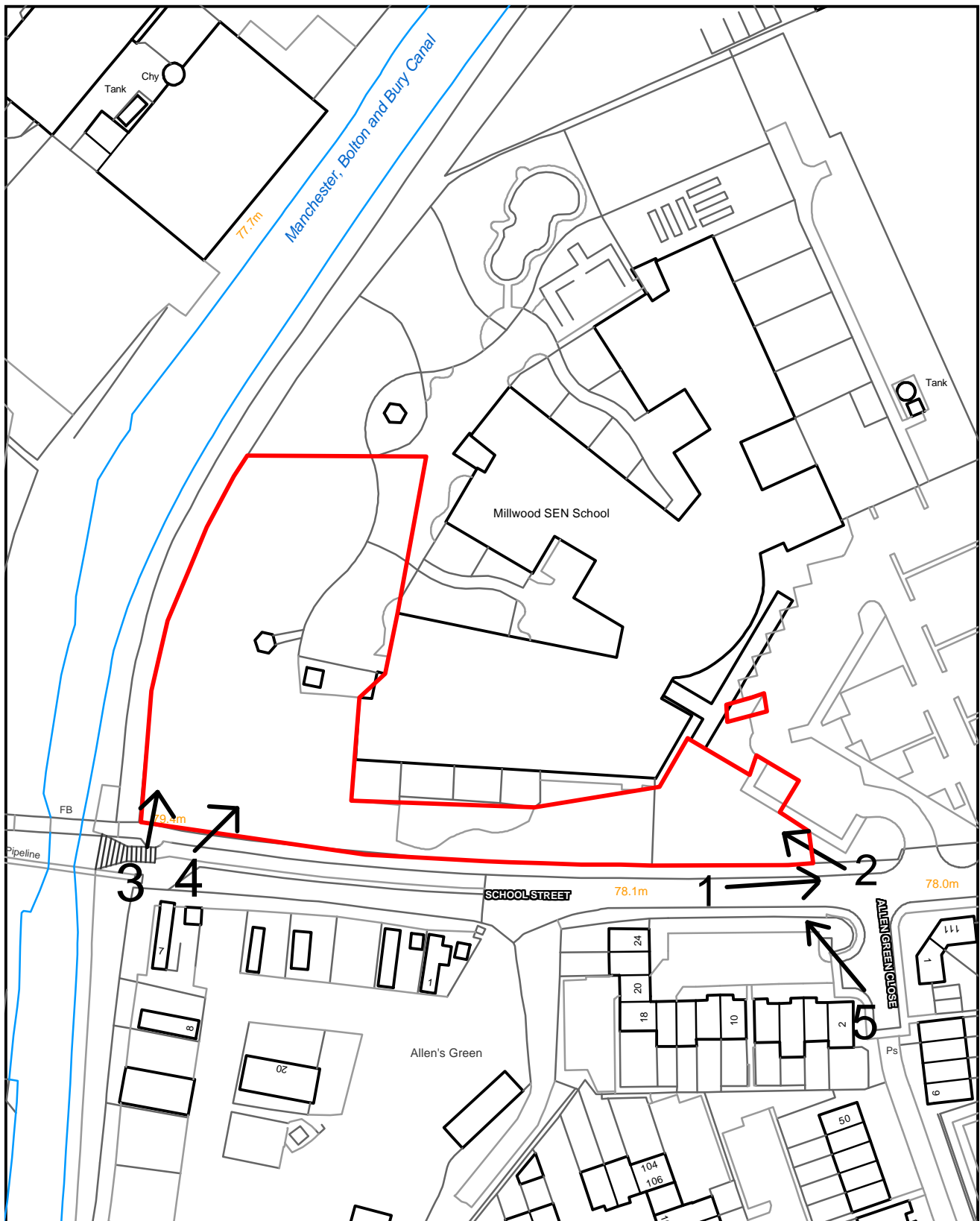
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies H2/2 - The Layout of New Residential

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.

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



# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

APP. NO 70195

ADDRESS: Millwood Primary Special  
School, School Street

Planning, Environmental and Regulatory Services

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**Bury**  
Council



70195

Photo 1



Photo 2





70195

Photo 3



Photo 4





70195

Photo 5













**FLOOR AREAS**

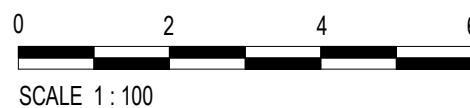
NETT INTERNAL FLOOR AREA:	1312.85m <sup>2</sup>
GROSS INTERNAL FLOOR AREA:	1379.08m <sup>2</sup>
GROSS EXTERNAL AREA:	1458.85m <sup>2</sup>

**FLOOR AREAS**

NETT INTERNAL FLOOR AREA:	1312.85m <sup>2</sup>
GROSS INTERNAL FLOOR AREA:	1379.08m <sup>2</sup>
GROSS EXTERNAL AREA:	1458.85m <sup>2</sup>



ROOM AREA SCHEDULE		
ROOM NUMBER	ROOM NAME	AREA
G31	ACC. WC	3.30 m <sup>2</sup>
G32	CIRC	48.38 m <sup>2</sup>
G33	CL	3.30 m <sup>2</sup>
G34	ST	2.73 m <sup>2</sup>
G35	CLASSROOM 3	62.18 m <sup>2</sup>
G36	ACC. WC	3.30 m <sup>2</sup>
G37	HYGIENE	19.80 m <sup>2</sup>
G38	FOOD PREP	6.20 m <sup>2</sup>
G39	GROUP / SAFE	7.78 m <sup>2</sup>
G40	ST	2.73 m <sup>2</sup>
G41	CIRC	70.16 m <sup>2</sup>
G42	CLASSROOM 5	62.33 m <sup>2</sup>
G43	ACC. WC	3.30 m <sup>2</sup>
G44	HYGIENE	11.49 m <sup>2</sup>
G45	FOOD PREP	6.20 m <sup>2</sup>
G46	GROUP / SAFE	7.78 m <sup>2</sup>
G47	CLASSROOM 6	62.33 m <sup>2</sup>
G48	GROUP / SAFE	7.78 m <sup>2</sup>
G49	FOOD PREP	6.20 m <sup>2</sup>
G50	HYGIENE	19.80 m <sup>2</sup>
G51	ACC. WC	3.30 m <sup>2</sup>
G52	ST	2.73 m <sup>2</sup>
G53	CLASSROOM 7	62.33 m <sup>2</sup>
G54	ACC. WC	3.30 m <sup>2</sup>
G55	FOOD PREP	6.20 m <sup>2</sup>
G56	GROUP / SAFE	7.78 m <sup>2</sup>
G57	CLASSROOM 4	62.33 m <sup>2</sup>
G58	ACC. WC	3.30 m <sup>2</sup>
G59	FOOD PREP	6.20 m <sup>2</sup>
G60	GROUP / SAFE	7.78 m <sup>2</sup>

1314.43 m<sup>2</sup>


**Architects**  
**Consulting Engineers**  
**Quantity Surveyors**

**Bradshaw Gass & Hope LLP**

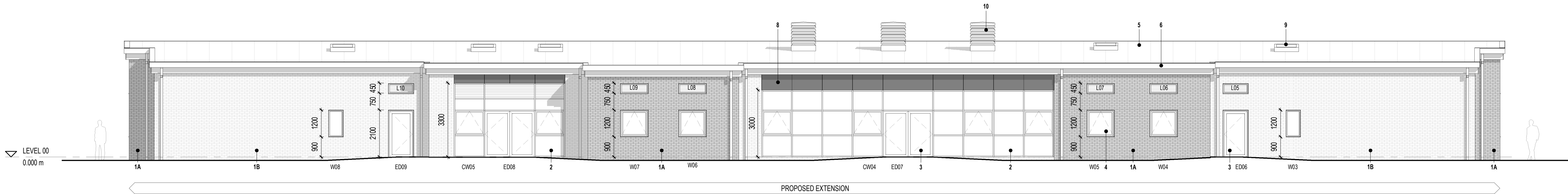
client  
ISG CONSTRUCTION LTD

project  
MILLWOOD SCHOOL NEW  
CLASSROOM BLOCK

drawing

PROPOSED FLOOR PLAN

drawn by	ST	date	AUG 2023
checked by	AR	date	OCT 2023
scale	1 : 100		A1
dwg no	2128.32.1301		rev P6



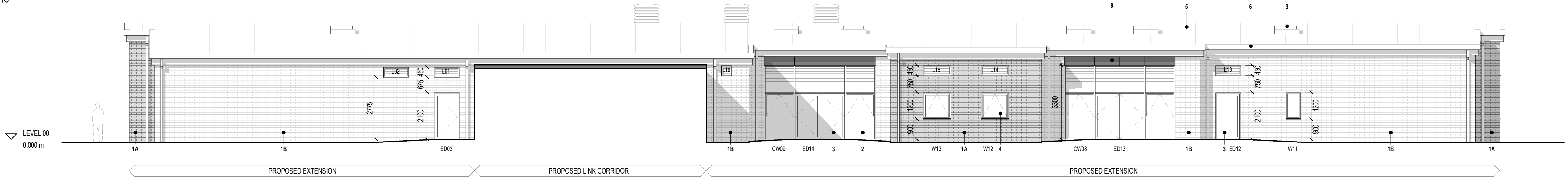
PROPOSED WEST FACING ELEVATION

1 : 100



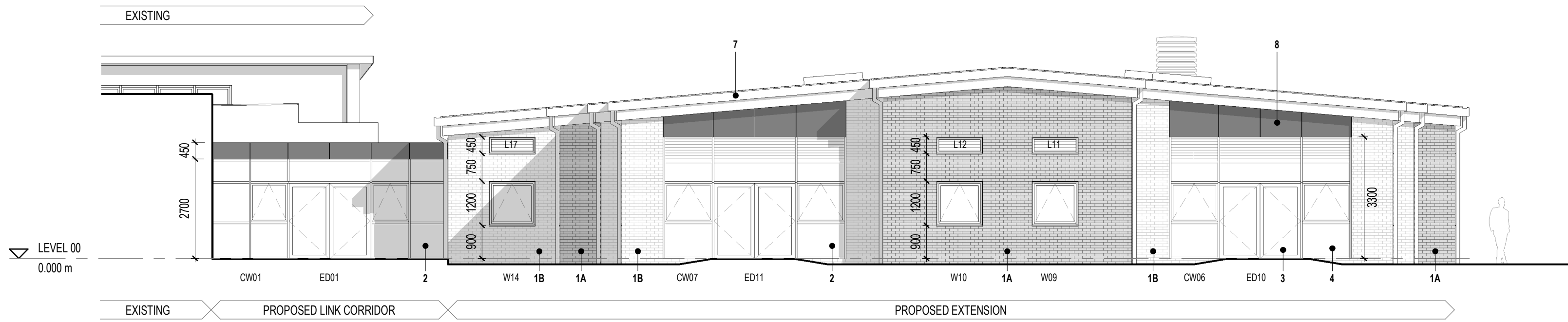
PROPOSED SOUTH FACING ELEVATION

1 : 100



PROPOSED EAST FACING ELEVATION

1 : 100



PROPOSED NORTH FACING ELEVATION

1 : 100

ELEVATION MATERIAL LEGEND

REF	DESCRIPTION	PRODUCT REF / COLOUR
1A	BRICKWORK TYPE A	TBA
1B	BRICKWORK TYPE B	TBA
2	COLOUR COATED ALUMINIUM FRAMED / DOUBLE GLAZED CURTAIN WALLING	TBA
3	COLOUR COATED ALUMINIUM FRAMED / DOUBLE GLAZED DOORS	TBA
4	COLOUR COATED ALUMINIUM FRAMED / DOUBLE GLAZED WINDOWS	TBA
5	COLOUR COATED PROFILED METAL ROOF SYSTEM	TBA
6	COLOUR COATED PRESSED METAL GUTTERS	TBA
7	COLOUR COATED PRESSED METAL FASCIAS & VERGES	TBA
8	CLADDING	TBA
9	SUNPIPE / SKYLIGHT	TBA
10	WINDCATCHER WITH INTEGRAL SUN PIPE	TBA

PLANNING

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The originator shall have no responsibility for any liability, loss, cost, damage or expense arising from or relating to any use of this document other than for its intended purpose on this project.

This drawing shall be read in conjunction with all other relevant drawings, specifications and associated documentation. Any discrepancies, errors or omissions are to be reported to the originator before proceeding with work.

All dimensions are to be checked on site by the contractor prior to proceeding with any work.

Hazard Identification			
ref	hazard		date

P5	ROOFLIGHT ADDED TO STAFF ROOM G25	AC	08.11.23
P4	SMALL WINDOWS ADDED TO CORNER CLASSROOMS LOUVRES ADDED	AC	31.10.23
P3	PLANNING ISSUE	AR	09.10.23
P2	SECOND ISSUE	AR	04.10.23
P1	FIRST ISSUE	AR	03.10.23
ref	revision	by	date

B

G

&

H

Architects  
Consulting Engineers  
Quantity Surveyors

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Bradshaw Gass & Hope LLP

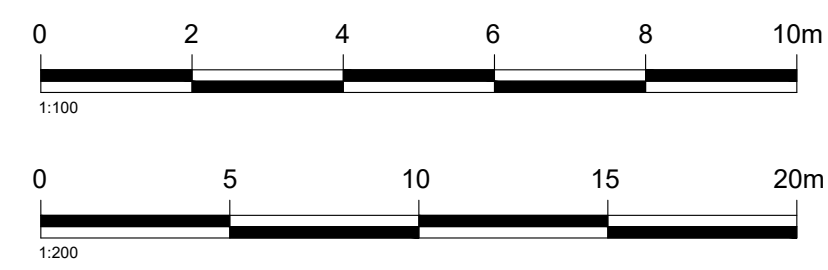
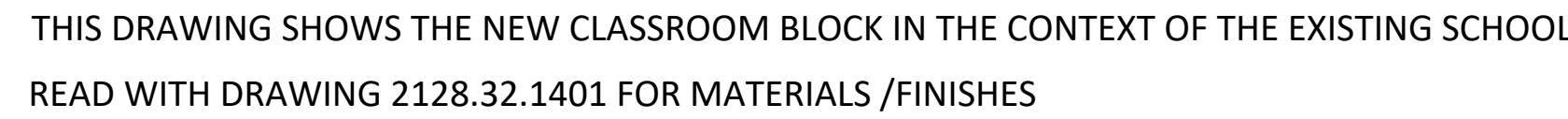
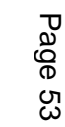
client  
ISG CONSTRUCTION LTD

project  
MILLWOOD SCHOOL NEW  
CLASSROOM BLOCK

drawing  
PROPOSED ELEVATIONS

drawn by	ST	date	AUG 2023
checked by	AR	date	OCT 2023
scale	1 : 100	rev	A1
dwg no	2128.32.1401	rev	P5





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**Ward:** Radcliffe - North and Ainsworth

**Item** 03

**Applicant:** Mr Karl Rawstron

**Location:** Land between 18 & 24 Bradley Fold Road, Radcliffe, Bolton, BL2 5QD

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

**Application Ref:** 68667/Full

**Target Date:** 26/12/2022

**Recommendation:** Approve with Conditions

### **Description**

The application site is a vacant cleared site and was last in use as a garage colony. The garages were demolished in 2018. Access to the site is via an unadopted unmade road, which leads to the rear of the terraced row on Bradley Fold Road, beyond which is a Grade II listed church and its grounds. The application site is adjacent to, but not within the Ainsworth Conservation Area.

There are residential properties to the north, south and east of the site. The Grade II listed church and associated graveyard are located to the west.

The proposed development involves the erection of a detached dwelling on the land between Nos 18 and 24 Bradley Fold Road. The proposed dwelling would be two storeys in height and would be constructed from brick with concrete roof tiles. The proposed development would be accessed from an unadopted access to the south of the proposed dwelling with parking for 1 vehicle at the rear.

### **Relevant Planning History**

59997 - Outline - 1 no detached dwelling with details of access, layout and scale at garage site at land between 18 & 24 Bradley Fold Road, Ainsworth. Approved with conditions - 27 July 2016.

62431 - Prior notification of proposed demolition of garage block at garage site at land between 18 & 24 Bradley Fold Road, Ainsworth. Prior approval required and granted - 13 March 2018

### **Publicity**

The neighbouring properties were notified by means of a letter on 3 November 2022 and a press notice was published in the Bury Times on 10 November 2022. Site notices were posted on 14 November 2022.

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

- Bradley Fold is a busy road with parking issues on Fridays and Saturdays due to the nearby pub and Italian restaurant. This land is used as unofficial parking and particularly for commercial vehicles. These vehicles would need to use the street, marking the parking issue worse
- Access to the two parking spaces would be extremely difficult and potentially dangerous due to increased parking on street and the continued problem with speeding vehicles.
- The building works would cause disruption to a congested area for a considerable period of time.
- The property does not appear to be in keeping with the visual appearance of the rest of

the street or the nature of property. The majority of properties are red Accrington brick and slate, however although the drawing say "red brick", it is to be rendered in white render. Being in a conservation area, consideration should be given to this.

- The proposal has 2 parking spaces however a four bed house is likely to result in more than two vehicles being associated with the property. There is already an issue with street parking on Bradley Fold Road in the vicinity of this proposal in the evening, and currently about 5 or 6 cars use this land for parking in an evening. I accept that this land is not designated parking however, my point is that, the vehicles currently using this land will have to park back on the street and if there is an additional property adding to the issue with occupants and/or visitors cars, the parking situation will become untenable.
- Following our recent committee meeting, I have asked to raise our concerns about this development. We do support the provision of a new dwelling on this site, but are concerned about the limited gap between this and No 18, which will make any maintenance work near impossible on either building.
- We would also note that the access for church maintenance/grave digger is also limited, so the boundary fence may also be a problem.
- I am the Vicar of Christ Church Ainsworth. The Church has a right of way from Bradley Fold Road to the rear gate of our churchyard. This is along the unmade access road that runs through the parcel of land, alongside the site of the proposed development.
- The churchyard is still in use as a burial site, so unimpeded access to the churchyard via the rear gate is required by visitors to the churchyard, particularly the bereaved visiting graves, gravediggers, who need to bring small mechanical diggers and other plant onto site to prepare for burials and monumental masons, who need to erect headstones.
- Environmental Services also require access to empty the Churchyard refuse bins.
- In view of the forgoing, we require access along this route to be kept free from impediment throughout the development of the proposed detached dwelling. I should be grateful if this could be made a condition of planning permission.

The neighbouring properties were notified of revised plans on 7 July 2023.

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

- The properties on Bradley Fold Road next to this land require access to the rear of our properties. This is along the unmade access road that runs alongside the site of the proposed development.
- Bradley Fold Road is a very busy road and has very little room for cars to be parked. Adding another property will only impede this already problematic issue the residents face themselves when pub goers park outside our houses.
- Another dwelling will cause overcrowding of the site.
- I have seen comments related to the issue of parking, but note that the application includes the facility for off-road parking.
- I know that residents are affected by custom at the local pub and restaurant with visitors parking on the road. Would a suitable alternative be to introduce resident-only parking in that area?
- The site has for a long time been an eyesore, and the development of a new property would be an improvement and obviously cater for the need for additional housing in the area.
- This piece of land has been fenced off and the hardstanding removed. Everyone now has to park on Bradley Fold Road
- Loss of an open space.
- Access to the church yard.
- A stupid place to build a house as it will cause chaos.

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

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

**Traffic Section** - Comments to be reported in the Supplementary Report.

**Drainage Section** - No response.

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

**Waste Management** - No response.

**Conservation Officer** - No objections in principle. Further comments to be reported in the Supplementary Report.

**United Utilities** - No objections, subject to inclusion of informatives relating to drainage.

**GM Ecology Unit** - No objections, subject to the inclusion of condition relating to a bat/bird box.

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

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

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN2	Conservation and Listed Buildings
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN2/3	Listed Buildings
EN5/1	New Development and Flood Risk
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/5	Waste Water Management
OL1/2	New Buildings in the Green Belt
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
NPPF	National Planning Policy Framework

### **Issues and Analysis**

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

**Principle - Green Belt** - Paragraphs 147 and 148 state that inappropriate development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances (VSC). Planning Authorities should ensure that substantial weight is given to any harm in the Green Belt. VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

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

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

Policy OL1/2 states that the construction of new buildings in the Green Belt is inappropriate development unless -

- for agriculture and forestry,
- essential facilities for outdoor sports and recreation,
- limited extension, alteration or replacement dwelling provided it would not result in disproportionate additions over and above the size of the original dwelling or not materially larger than the one it is to replace;
- limited infilling in existing villages as set out under Policy OL1/3.

Policy OL1/3 states in all named villages which lie within the Green Belt, limited infill development may be permitted, provided it is in scale with the village and would not adversely affect the character of surroundings.

A Green Belt statement was submitted with the application, which identifies the site is located in the Green Belt and that outline consent has been granted several years ago. The Green Belt statement does not justify why this site is an exception in the Green Belt. However, based on the planning history, this site would be considered as an infill plot within a named village. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policies OL1/2 and OL1/3 of the Bury Unitary Development Plan and the NPPF.

**Principle - Housing** - 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.

However, the application site is located in the Green Belt and the tilted balance does not apply.

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

The site is located within the urban boundary and there are residential properties to the north, south and east and the church and associated graveyard to the west. The proposed development would not conflict with the surrounding land uses and would be located in a sustainable location with regard to public transport and services. The site contained garages until their demolition and as such, would be a brownfield site. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy H1/2 of the Bury Unitary Development Plan.

**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.

**Heritage, design and layout** - The application site is located outside of, but adjacent to the Conservation Area. As such, it is necessary to consider the proposal in terms of the Town and Country Planning Listed Building and Conservation Act. In this regard proposals should either preserve or enhance the Conservation Area and in terms of policy consideration National Planning Policy Framework paragraphs 189-202 and Policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control of the Unitary Development Plan.

The site contained garages, which have been demolished a number of years ago. The site has been cleared, leaving a hardstanding. As such, the application site would have a negative impact upon the character and setting of the Conservation Area.

The proposed development would provide a detached dwelling, which would be two storeys in height. The eaves and ridge height of the proposed dwelling would match the height of the adjacent terraced row of dwellings that are located within the Conservation Area, which would be acceptable. The proposed dwelling has greatly simplified its appearance from the original submission to a much simpler form such that the main elevations would be of a similar design to the adjacent terraced dwellings. The proposed dwelling would be constructed from red brick and concrete tiles. Whilst brick would match the adjacent properties, it is considered that slates should be used, given that the proposed development is located adjacent to the Conservation Area. This would be secured by a condition. As such, the proposed development would not be a prominent feature in the streetscene and would make a positive contribution to the character and setting of the Conservation Area. Therefore, the proposed development would be in accordance with Policies H2/1, H2/2, EN1/2, EN2/1 and EN2/2 of the Bury Unitary Development Plan and the NPPF.

**Impact upon surrounding area** - The proposed dwelling would have a rear garden, which would provide an acceptable level of private amenity space for a 3 bed dwelling. There would be space for bin storage at the side of the dwelling.

The proposed boundary treatment would be a brick boundary wall along the front, side and rear of varying heights from 0.75 metres to 1.5 metres in height. The proposed development would be appropriate in terms of the impact upon the Conservation Area. A 1 metre high timber fence would be provided adjacent to the parking space, which would be acceptable.

Therefore, the proposed development would be in accordance with Policies H2/1, H2/2, EN1/2, EN2/1 and EN2/2 of the Bury Unitary Development Plan.

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

There would be 8.5 metres from the proposed dwelling to the rear boundary, which would be in excess of the 7 metre aspect standard required.

There would be 16 metres between the proposed dwelling and the properties on the opposite side of Bradley Fold Road. This relationship would be the same as the existing relationship between the existing terraced row of properties on the street. As such, the proposed development would be no worse than the existing relationships between dwellings and would not have a significant adverse impact upon the amenity of the neighbouring properties.

There would be non-habitable windows (landing and bathroom) in the gable elevations and as such, would not have an adverse impact upon the amenity of the neighbouring residents.



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

**Ecology** - The main ecological issues relate to bats, nesting birds and landscaping.

Bats - A bat assessment has been submitted and a further report was submitted during the application process. The surveys confirm that the hanging tiles on the adjacent property have negligible potential for bats. GM Ecology Unit have no objections to the proposal.

Nesting birds - There is a low risk of species, such as a house sparrow nesting under the eaves of the adjacent property. GM Ecology Unit has no objections, subject to the inclusion of an informative relating to nesting birds.

Contributing to and enhancing the natural environment - Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. There would be no loss of vegetated habitat as a result of the development as the site contains a hardstanding. However, GM Ecology Unit recommend that a bat/bird box is included within the development as mitigation/enhancement.

Therefore, the proposed development would not have an adverse impact upon a protected species and would be in accordance with Policies EN6 and EN6/3 of the Bury Unitary Development Plan and the NPPF.

**Highways issues** - The proposed development would be accessed from an unadopted access to the south of the proposed dwelling with parking for 1 vehicle at the rear. The existing access would be 5.5 metres in width, which would be wide enough for 2 vehicles to pass and there would be acceptable levels of visibility at the junction with Bradley Fold Road. A parking space would be provided at the rear of the site and the fencing to the west would be lowered to 1 metre in height to ensure visibility would be maintained with the access track that runs along the rear of Nos 2 - 18 Bradley Fold Road. Pedestrian access would be taken from the footpath on Bradley Fold Road and the bins would be stored at the side of the proposed dwelling. The scheme comprising a single dwelling would not generate any noticeable uplift in traffic generation in response to comments of the busy nature of this particular highway. The Traffic Section has no objections in principle and further comments will be reported in the Supplementary Report.

**Parking** - SPD11 states that the maximum number of parking spaces for a 3 bedroom dwelling would be 2 spaces.

The proposed development would provide 1 space at the rear of the site. The proposed development is located within walking distance of Ainsworth village, where there is good access to public transport. Therefore, the level of parking provision would be acceptable in this instance and would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD 11.

### **Response to objectors**

- The issues relating to design, impact upon the conservation area, layout and parking have been addressed in the report above.
- Revised plans were submitted, which has reduced the size of the proposed dwelling to 3 bedrooms.
- The proposed development would provide parking for the proposed dwelling and the proposed layout has been amended to ensure that the parking is accessible.
- The impact of building works and the issues of maintenance are not a material planning consideration and cannot be taken into consideration.

- The access to the churchyard would be a private matter. However, the proposed development would not impede access to the grave yard or the unmade access road that runs along the back of the properties on Bradley Fold Road.

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

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

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered Location plan, P01C, P02B, P03A, P04E, P05C 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. Notwithstanding the described materials within the application, details/samples of the (materials/bricks) to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials/bricks shall be used for the construction of the development.  
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity.
4. No development shall commence unless and until:-
  - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
  - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
  - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework

Section 15 - Conserving and enhancing the natural environment.

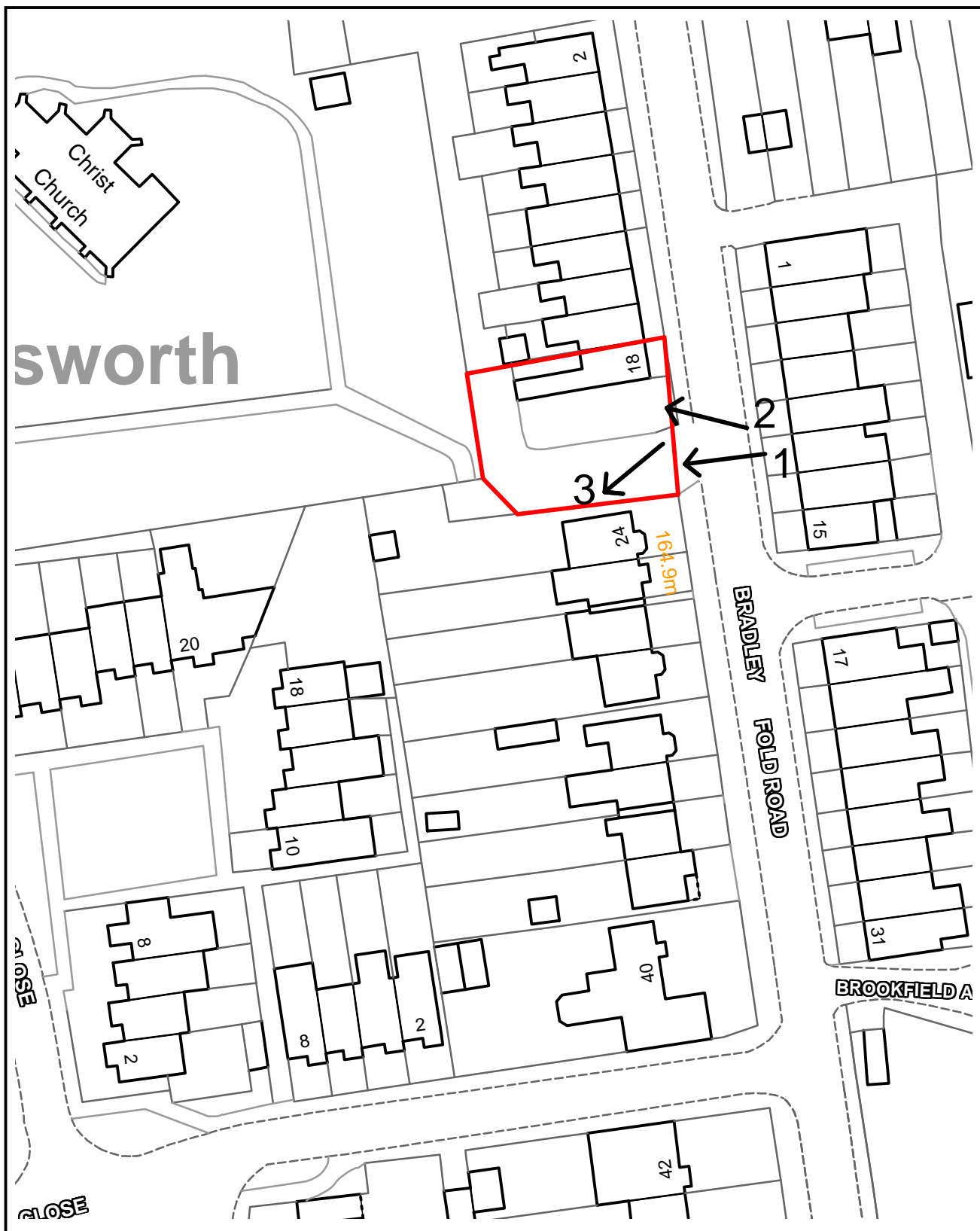
5. Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
6. Bat and bird boxes shall be installed in the dwelling hereby approved prior to first occupation.  
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and Section 11 of the National Planning Policy Framework.
7. No development shall commence unless and until surface water drainage proposals have been submitted to and approved in writing by the Local Planning Authority. The scheme should be in accordance with the submitted Surface Water Sustainable Drainage Assessment and must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed maintenance arrangements should also be provided. The approved scheme only shall be implemented prior to first occupation and thereafter maintained.  
Reason. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.
8. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the dwelling hereby approved being brought into use.  
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
9. No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local Planning Authority and shall confirm/provide the following:
  - Hours of operation and number of vehicle movements;
  - Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
  - Parking on site of operatives' and demolition/construction vehicles together with storage on site of demolition/construction materials;

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

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

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

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



## PLANNING APPLICATION LOCATION PLAN

APP. NO 68667

ADDRESS: Land between 18 & 24  
Bradley Fold Road Radcliffe

Planning, Environmental and Regulatory Services

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**Bury**  
COUNCIL



68667

Photo 1



Photo 2

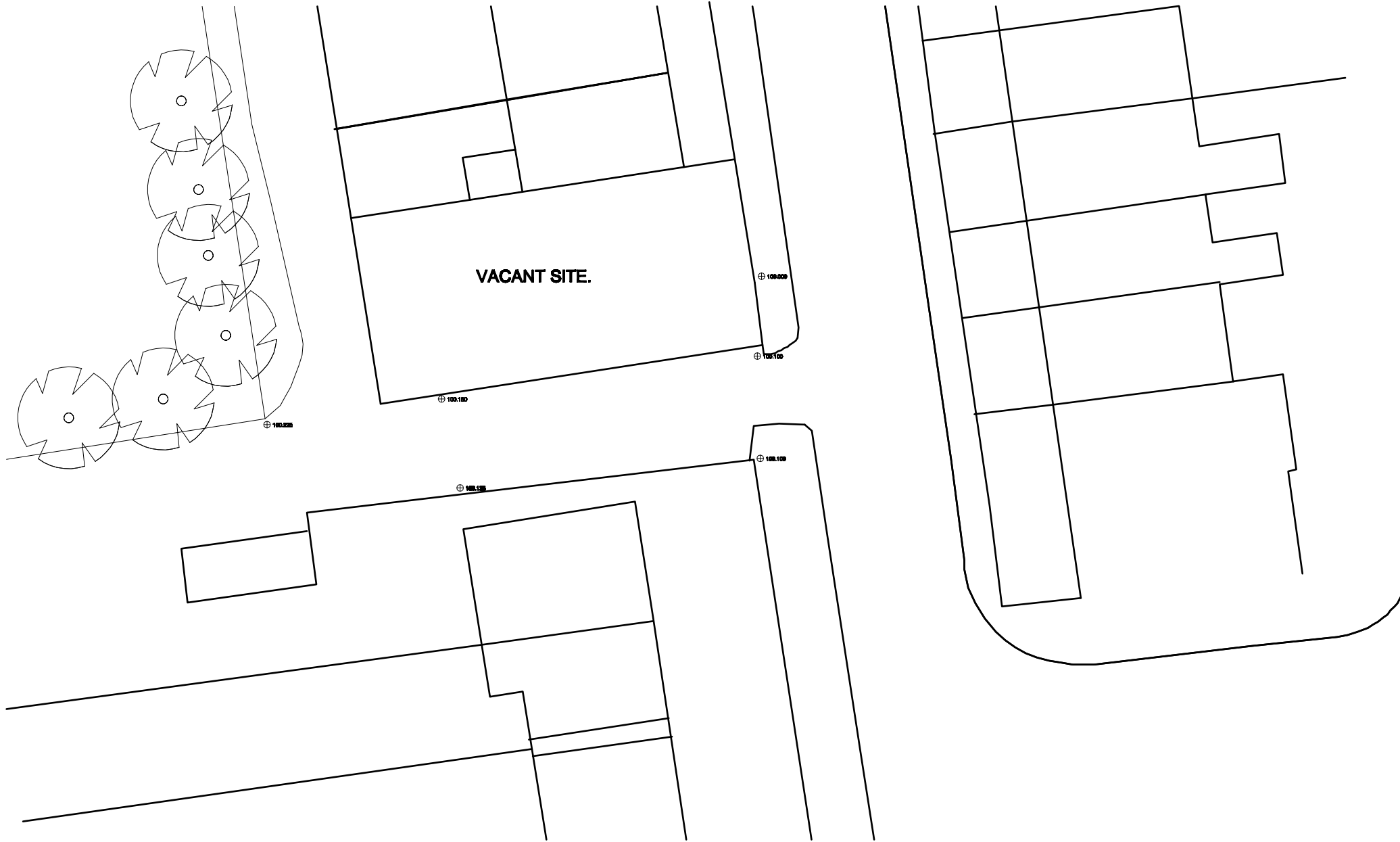




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Photo 3

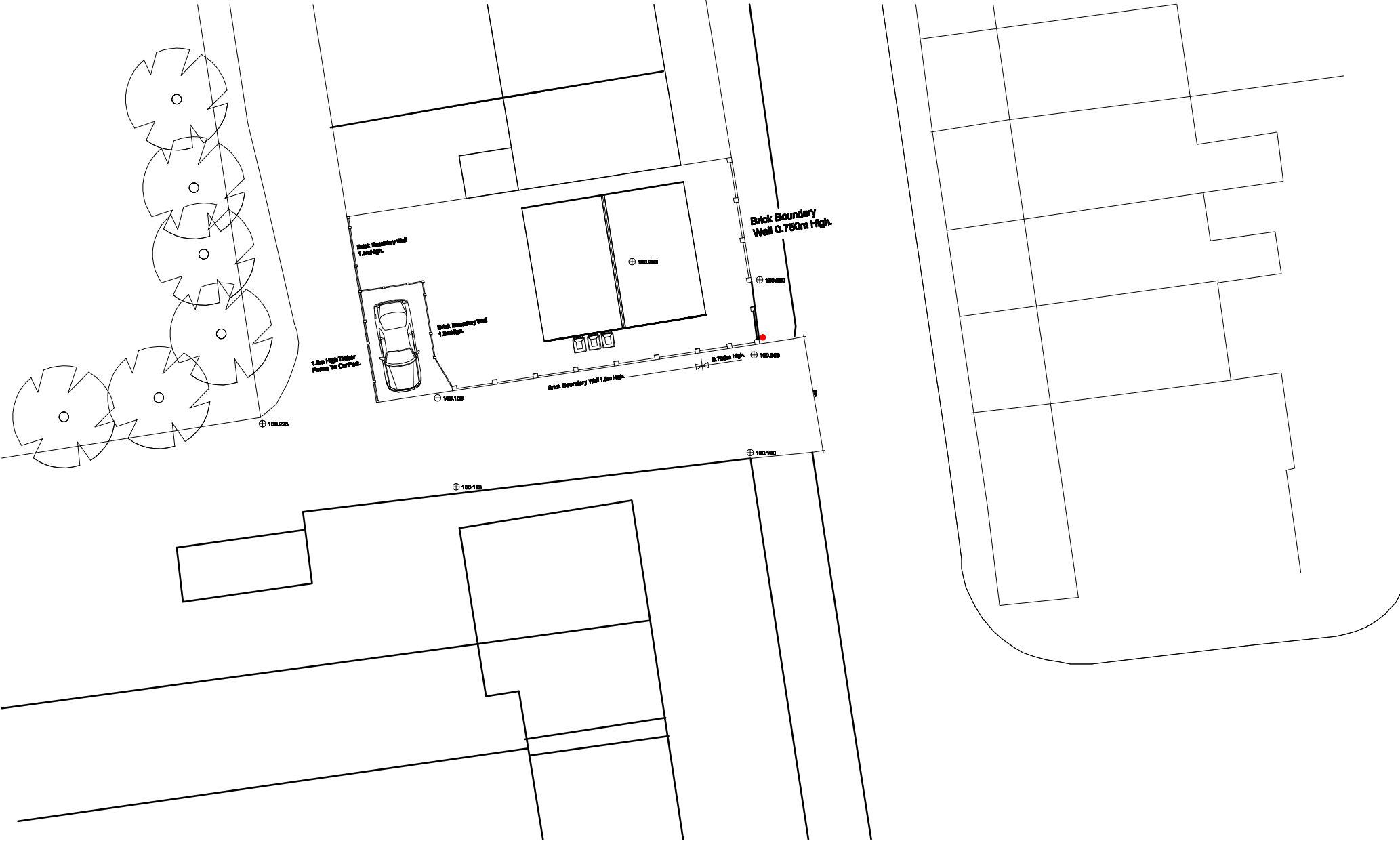




EXISTING SITE PLAN.

<b>Revision</b> A - Levels Added. - 22nd September 2022.	<b>Title :</b> PROPOSED NEW DWELLING.	<b>Project :</b> LAND BETWEEN 18 - 24 BRADLEY FOLD ROAD, AINSWORTH, BURY.	<b>MTC Designs</b> 31 Exford Drive Bolton BL2 6TB T: 01204 418714 M: 0770028814  Scale: 1:250 @ A3 Date: June 2022.  Drawing No: <b>P03A</b>
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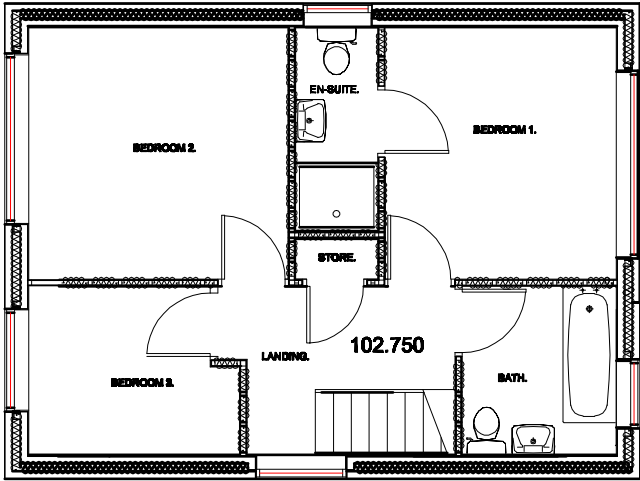
PROPOSED SITE PLAN.

Revision	A - Levels Added. - 22nd September 2022.
	B - Amended For Planning. - 10th June 2023.
	C - Boundary Wall Amended. - 6th July 2023.
	D - Front Boundary Wall Added. - 27th July 2023.
	E - Boundary Wall At Rear Amended. - 7th December 2023.

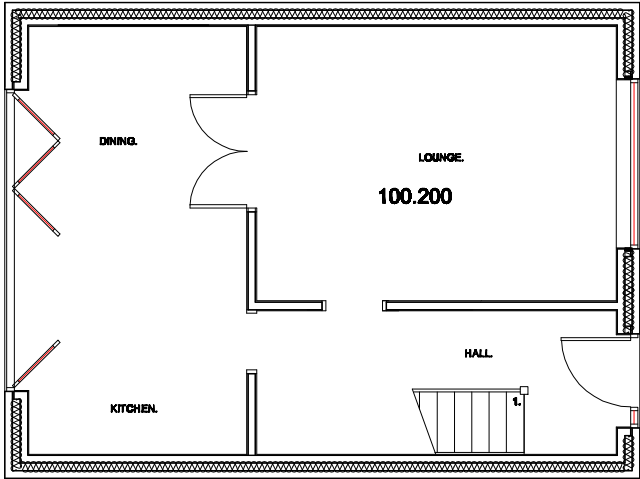
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PROPOSED NEW DWELLING.

Project :  
LAND BETWEEN 18 - 24  
BRADLEY FOLD ROAD,  
AINSWORTH,  
BURY.

MTC Designs 31 Exford Drive Bolton BL2 6TB  
T: 01204 418714 M: 07708028514  
Scale: 1.250 @ A3  
Date: June 2022.  
Drawing No: P04E



PROPOSED FIRST FLOOR PLAN.



PROPOSED GROUND FLOOR PLAN.

**Revision** A - Floor Levels Added. - 29th October 2022.  
B - Amended For Planning. - 10th June 2023.

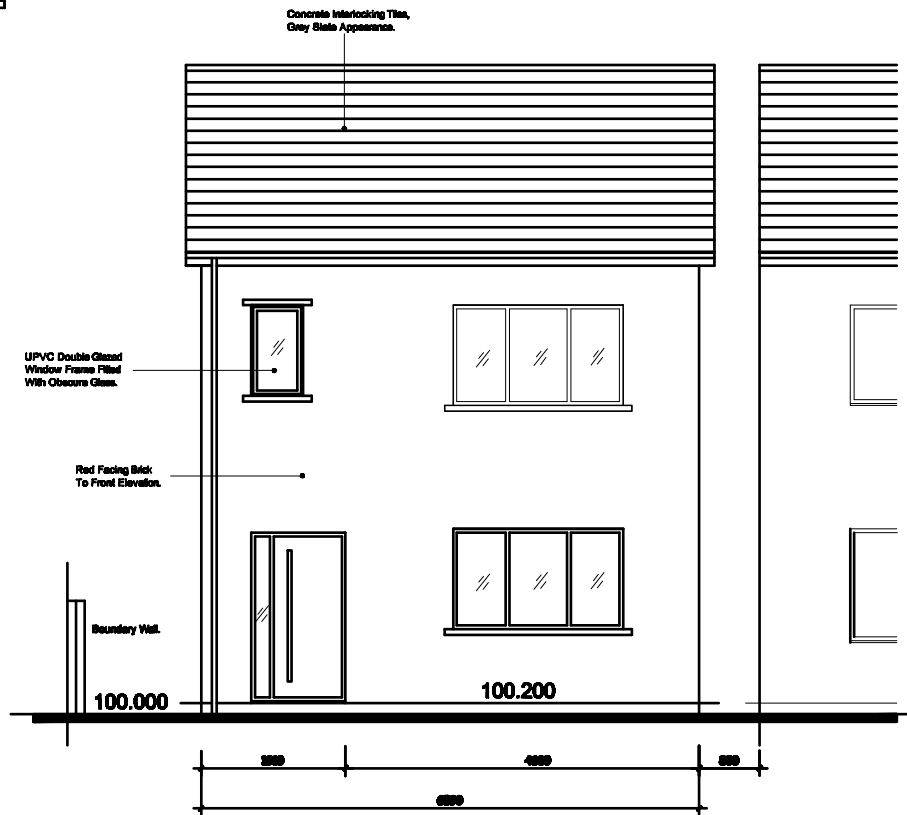
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**PROPOSED NEW DWELLING.**

**Project :**  
LAND BETWEEN 18 - 24  
BRADLEY FOLD ROAD,  
AINSWORTH,  
BURY.  
BL2 5QD

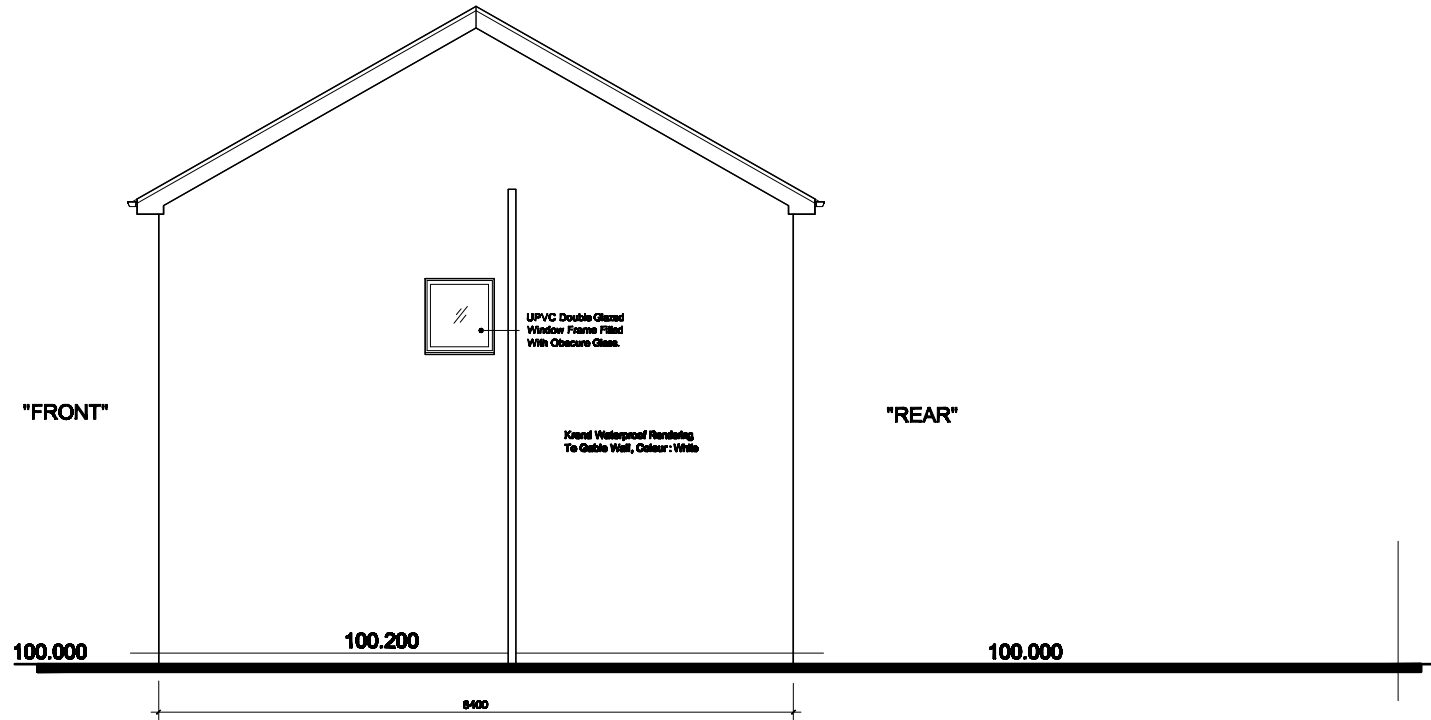
**MTC Designs**  
31 Exford Drive Bolton BL2 6TB  
T: 01204 418714 M: 0770028914  
Email: michael@mtdesigns.co.uk

Scale 1:100 @ A3  
Date: July 2022.

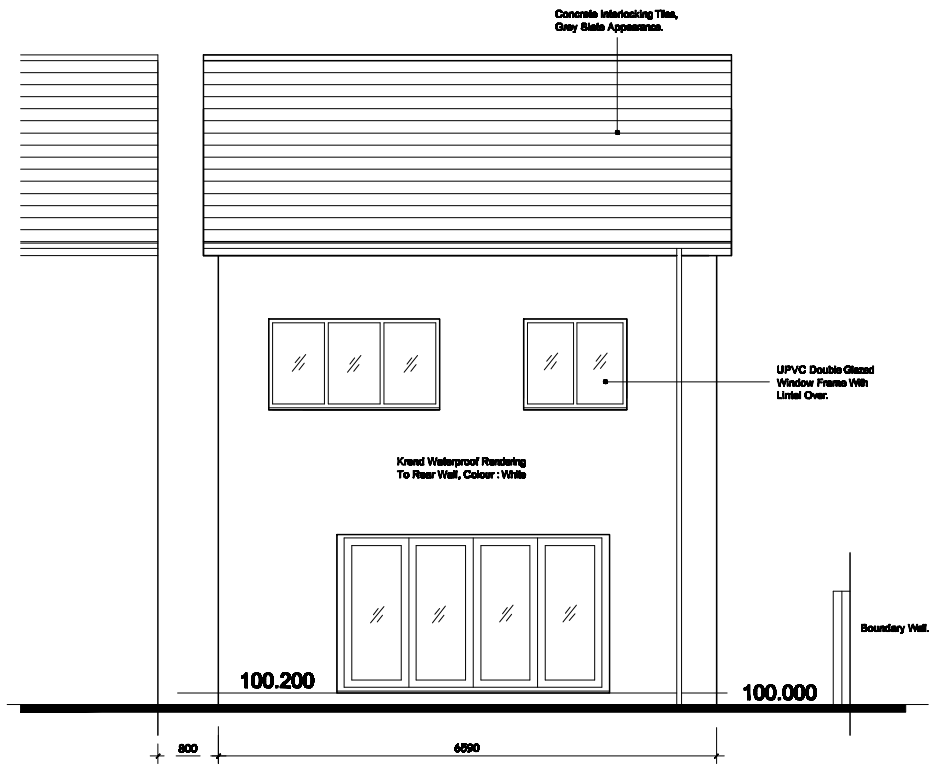
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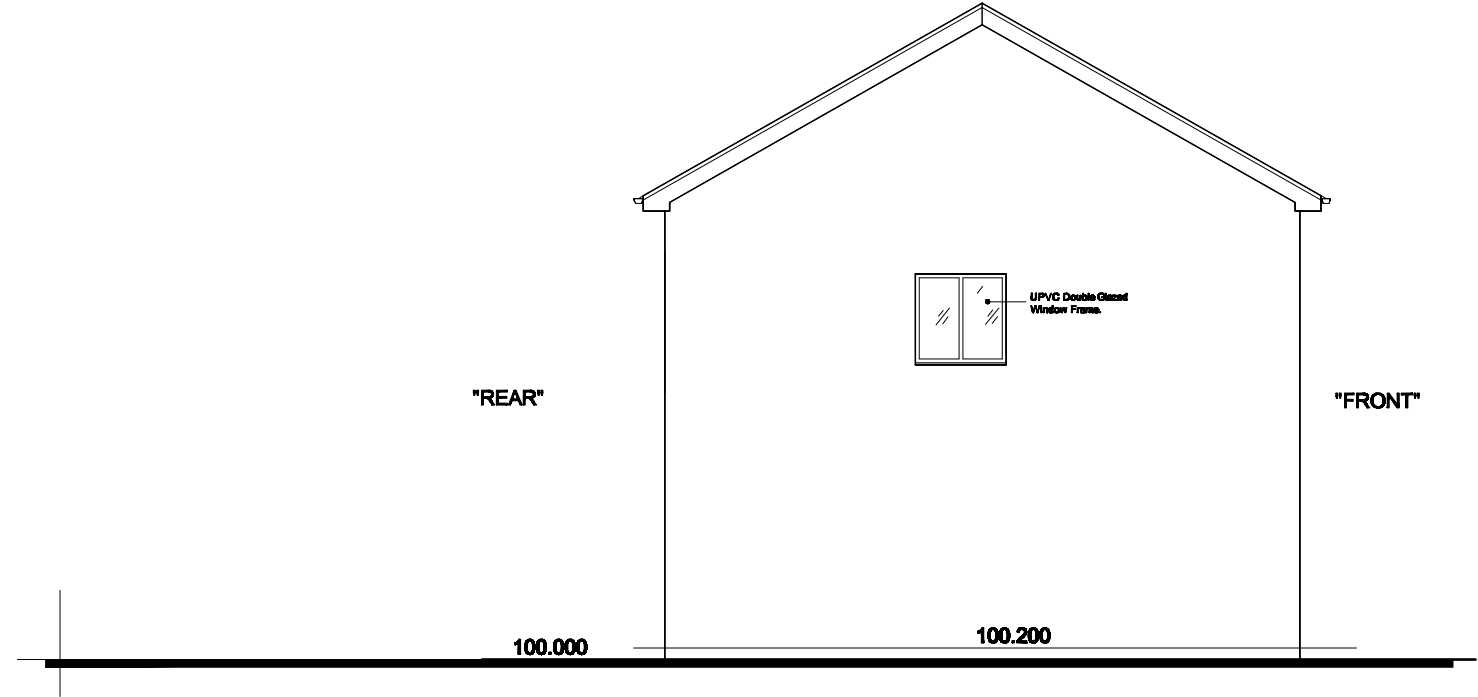
PROPOSED FRONT ELEVATION.



PROPOSED SIDE ELEVATION.

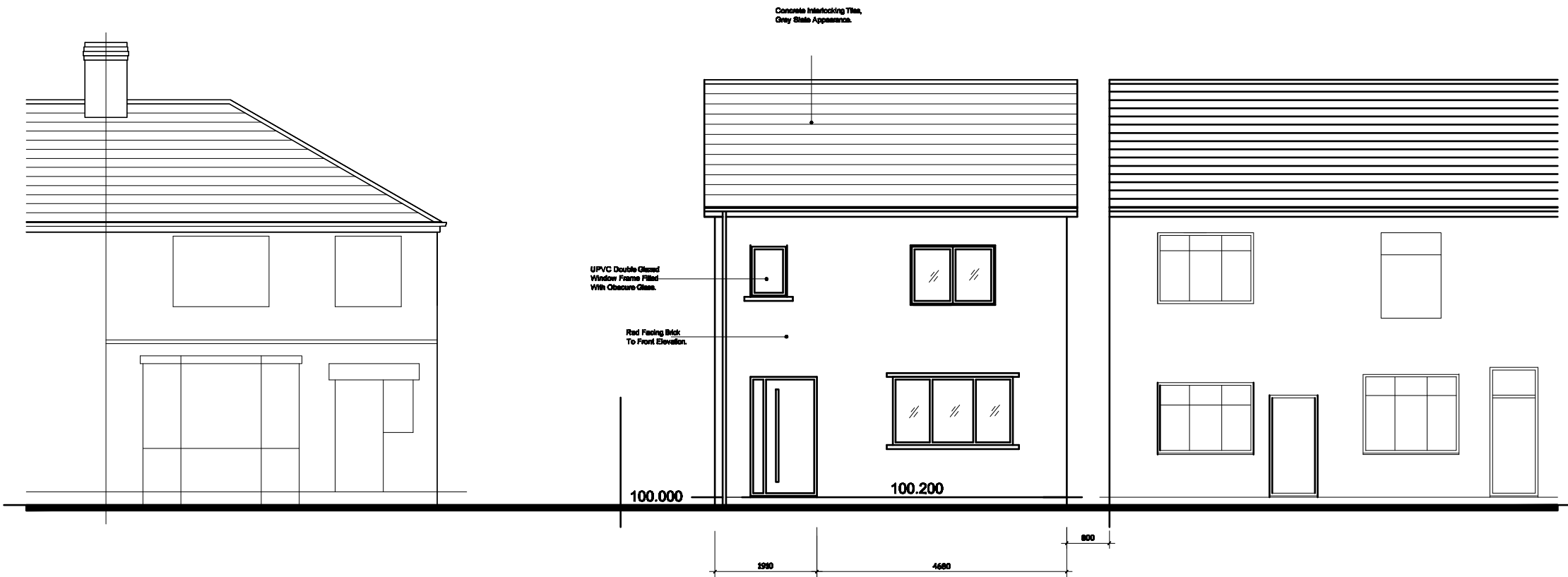


PROPOSED REAR ELEVATION.

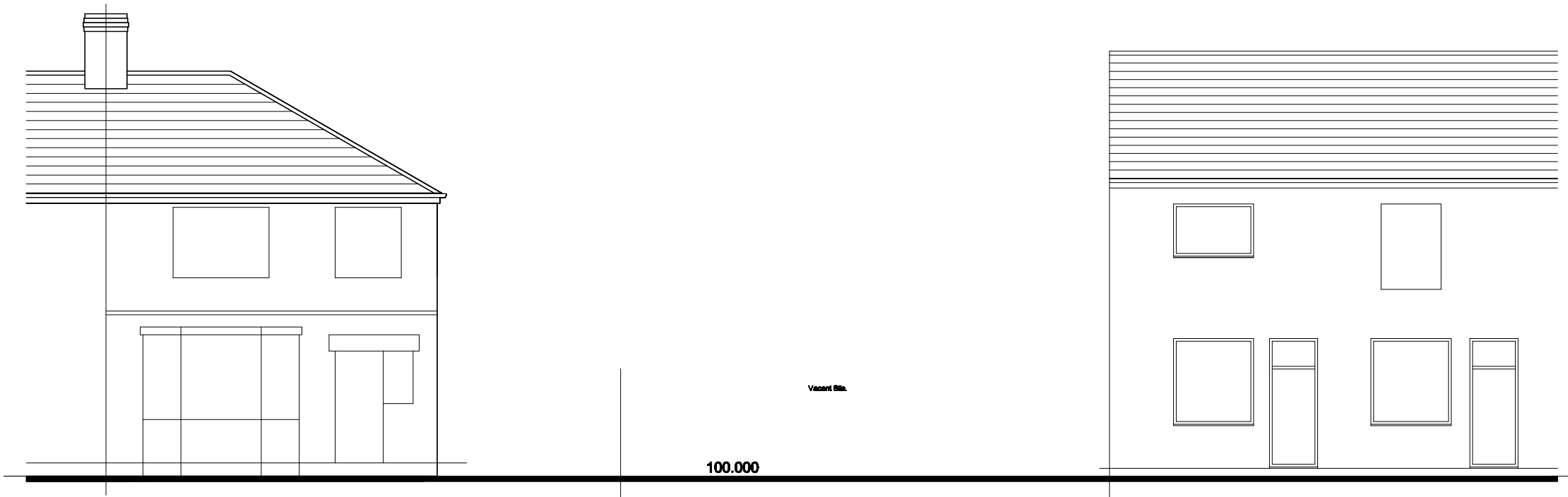


PROPOSED SIDE ELEVATION.

<b>Revision</b> A - Levels Added. - 29th October 2022. B - Amended For Planning. - 10th June 2023. C - Boundary Wall Amended. - 6th July 2023.	<b>Title :</b> PROPOSED NEW DWELLING.	<b>Project :</b> LAND BETWEEN 18 - 24 BRADLEY FOLD ROAD, AINSWORTH, BURY.	<b>MTC Designs</b> 31 Exford Drive Bolton BL2 6TB T: 01204 418714 M: 0776628814 Email: michael@mtd.co.uk Scale 1:100 @ A3 Date: June 2022. Drawing No: P01C
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PROPOSED STREETSCENE.



EXISTING STREETSCENE.

Revision A - Levels Added. - 29th October 2022.  
B - Amended For Planning. - 10th June 2023.  
C - Boundary Wall Amended. - 6th July 2023.

Title :  
PROPOSED NEW DWELLING.

Project :  
LAND BETWEEN 18 - 24  
BRADLEY FOLD ROAD,  
AINSWORTH,  
BURY.

MTC Designs  
31 Exford Drive Bolton BL2 6TB  
T: 01204 416714 M: 0770028814  
Email: michael@mtcd.co.uk  
Scale 1:100 @ A3  
Date: June 2022.

Drawing No: P05C



# REPORT FOR NOTING

<b>DECISION OF:</b>	<b>PLANNING CONTROL COMMITTEE</b>
<b>DATE:</b>	<b>19 December 2023</b>
<b>SUBJECT:</b>	<b>DELEGATED DECISIONS</b>
<b>REPORT FROM:</b>	<b>HEAD OF DEVELOPMENT MANAGEMENT</b>
<b>CONTACT OFFICER:</b>	<b>DAVID MARNO</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	The report lists: Recent delegated planning decisions since the last PCC
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	The Committee is recommended to the note the report and appendices
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? Yes
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	Executive Director of Resources to advise regarding risk management
<b>Statement by Executive Director of Resources:</b>	N/A
<b>Equality/Diversity implications:</b>	No
<b>Considered by Monitoring Officer:</b>	N/A
<b>Wards Affected:</b>	All listed
<b>Scrutiny Interest:</b>	N/A

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

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

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**1.0 BACKGROUND**

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

**2.0 CONCLUSION**

That the item be noted.

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

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

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## Planning applications decided using Delegated Powers Between 13/11/2023 and 10/12/2023



Ward: **Bury East**

**Application No.:** 69513      **App. Type:** FUL      07/12/2023      Approve with Conditions

**Location:** Fairfield General Hospital, Rochdale Old Road, Bury, BL9 7TD

**Proposal:** Erection of a new single storey ED modular unit extension

**Application No.:** 70066      **App. Type:** FUL      17/11/2023      Approve with Conditions

**Location:** 21 Wilson Street, Pimhole, Bury, BL9 7EF

**Proposal:** Single storey rear and side extensions

**Application No.:** 70121      **App. Type:** GPDE      13/11/2023      Prior Approval Not Required - Extension

**Location:** 37 East Street, Bury, BL9 0RX

**Proposal:** Prior approval for proposed single storey rear extension

**Application No.:** 70165      **App. Type:** FUL      01/12/2023      Approve with Conditions

**Location:** 23 Ormrod Street, Pimhole, Bury, BL9 7HF

**Proposal:** Single storey rear extension with flat roof and 2 no. windows above and addition of first floor window to the front elevation

**Application No.:** 70171      **App. Type:** GPDE      23/11/2023      Prior Approval Not Required - Extension

**Location:** 22 Wilson Street, Pimhole, Bury, BL9 7EF

**Proposal:** Single Storey Rear Extension

Ward: **Bury East - Moorside**

**Application No.:** 69086      **App. Type:** FUL      15/11/2023      Approve with Conditions

**Location:** Salisbury Conservative Club, Badger Street, Bury, BL9 6AD

**Proposal:** Change of use from club to sweet manufacturing unit (Class E(g)(iii) Industrial processes) with extraction system

**Application No.:** 69899      **App. Type:** FUL      24/11/2023      Refused

**Location:** Land adjacent to 26 Wheatfield Close, Bury, BL9 6XD

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

**Application No.:** 70024      **App. Type:** FUL      13/11/2023      Approve with Conditions

**Location:** 11 Southfield Avenue, Bury, BL9 5HS

**Proposal:** Single storey extension at rear

<b>Application No.:</b>	70033	<b>App. Type:</b>	FUL	17/11/2023	Approve with Conditions
<b>Location:</b>	Topping Mill, Topping Street, Bury, BL9 6DR				
<b>Proposal:</b>	Variation of condition 2 (approved plans) of planning permission 65525 (Change of use of former industrial premises (Class B2) into 15 no. residential apartments (Class C3)) - Amend roof to mansard with flat centre section; 2no. windows on rear elevation to be replaced with sash windows and minor internal layout changes				

<b>Application No.:</b>	70141	<b>App. Type:</b>	FUL	24/11/2023	Approve with Conditions
<b>Location:</b>	48 Lowes Road, Bury, BL9 6PJ				
<b>Proposal:</b>	First floor rear/side extension				

Ward: **Bury East - Redvales**

<b>Application No.:</b>	70210	<b>App. Type:</b>	FUL	01/12/2023	Approve with Conditions
<b>Location:</b>	14 Derwent Drive, Bury, BL9 9LS				
<b>Proposal:</b>	Demolition of existing single storey side extension and replace with single storey side/rear extension				

Ward: **Bury West - Elton**

<b>Application No.:</b>	69837	<b>App. Type:</b>	FUL	07/12/2023	Approve with Conditions
<b>Location:</b>	Unit 2, The Workshops, Hulme Street, Bury, BL8 1AN				
<b>Proposal:</b>	Change of use from light industrial storage (Class B2) to dog day care centre with formation of outside exercise area (Sui Generis)				

<b>Application No.:</b>	70095	<b>App. Type:</b>	FUL	15/11/2023	Approve with Conditions
<b>Location:</b>	257 Brandlesholme Road, Bury, BL8 1DH				
<b>Proposal:</b>	Single storey rear extension				

<b>Application No.:</b>	70098	<b>App. Type:</b>	FUL	17/11/2023	Approve with Conditions
<b>Location:</b>	8 Garside Hey Road, Bury, BL8 1HZ				
<b>Proposal:</b>	Single storey rear extension				

<b>Application No.:</b>	70120	<b>App. Type:</b>	FUL	20/11/2023	Refused
<b>Location:</b>	Storage unit to the rear of 2C Green Street, Bury, BL8 1TF				
<b>Proposal:</b>	Change of use from storage unit to 1 no. dwelling (Use Class C3)				

<b>Application No.:</b>	70217	<b>App. Type:</b>	FUL	01/12/2023	Approve with Conditions
<b>Location:</b>	12 Wroxham Close, Bury, BL8 1EN				
<b>Proposal:</b>	Two storey rear extension and single storey extension at side/rear				

Ward: **Bury West - West**



<b>Application No.:</b>	70059	<b>App. Type:</b>	FUL	17/11/2023	Approve with Conditions
<b>Location:</b>	2 Wadebridge Drive, Bury, BL8 2NN				
<b>Proposal:</b>	Single storey extension at rear; repositioning of boundary wall and formation of additional car parking space at side and removal of ground floor window at side and replacement with new larger window				
<b>Application No.:</b>	70134	<b>App. Type:</b>	FUL	17/11/2023	Approve with Conditions
<b>Location:</b>	517 Bolton Road, Bury, BL8 2DJ				
<b>Proposal:</b>	Single storey rear/side extension				
<b>Application No.:</b>	70144	<b>App. Type:</b>	FUL	05/12/2023	Approve with Conditions
<b>Location:</b>	9 Hambleton Close, Bury, BL8 2JP				
<b>Proposal:</b>	Single storey extensions at front, side and rear and external alterations				
<b>Application No.:</b>	70221	<b>App. Type:</b>	FUL	05/12/2023	Approve with Conditions
<b>Location:</b>	16 Rose Grove, Bury, BL8 2UJ				
<b>Proposal:</b>	Replace existing conservatory with single storey rear extension and conversion of attached garage into living accommodation				
<b>Ward:</b>	North Manor				
<b>Application No.:</b>	69816	<b>App. Type:</b>	FUL	14/11/2023	Approve with Conditions
<b>Location:</b>	26 Westgate Avenue, Ramsbottom, Bury, BL0 9SS				
<b>Proposal:</b>	Two storey side extension				
<b>Application No.:</b>	69885	<b>App. Type:</b>	FUL	01/12/2023	Approve with Conditions
<b>Location:</b>	270 Bolton Road, Tottington, Bury, BL8 4JN				
<b>Proposal:</b>	Single storey rear extension and loft conversion with rear dormer				
<b>Application No.:</b>	69952	<b>App. Type:</b>	FUL	07/12/2023	Approve with Conditions
<b>Location:</b>	Holhouse Farm, Holhouse Lane, Tottington, Bury, BL8 4HD				
<b>Proposal:</b>	Erection of an agricultural building				
<b>Application No.:</b>	70010	<b>App. Type:</b>	FUL	08/12/2023	Approve with Conditions
<b>Location:</b>	13 Wood Road Lane, Summerseat, Bury, BL9 5QA				
<b>Proposal:</b>	Single storey extension at side/front				
<b>Application No.:</b>	70021	<b>App. Type:</b>	FUL	29/11/2023	Refused
<b>Location:</b>	2 Cliff Avenue, Summerseat, Ramsbottom, Bury, BL9 5NT				
<b>Proposal:</b>	Demolition of existing dwelling and erection of a replacement dwelling and four no. dwellings together with car parking, landscaping and associated works.				
<b>Application No.:</b>	70056	<b>App. Type:</b>	FUL	17/11/2023	Refused
<b>Location:</b>	313 Holcombe Road, Tottington, Bury, BL8 4BB				

<b>Proposal:</b>	Change of use of land at side to extend residential curtilage together with extension of existing yard area to the side and erection of 1.8 metre high boundary fence; Single storey extension at side				
<b>Application No.:</b>	70116	<b>App. Type:</b>	LDCP	21/11/2023	Lawful Development
<b>Location:</b>	218 Holcombe Road, Tottington, Bury, BL8 4BQ				
<b>Proposal:</b>	Lawful Development Certificate for proposed single storey rear extension				
<b>Application No.:</b>	70158	<b>App. Type:</b>	FUL	24/11/2023	Approve with Conditions
<b>Location:</b>	6 Riverside Drive, Summerseat, Ramsbottom, Bury, BL9 5QX				
<b>Proposal:</b>	Demolish existing rear extension and replace with single storey rear extension				
<b>Application No.:</b>	70192	<b>App. Type:</b>	FUL	24/11/2023	Approve with Conditions
<b>Location:</b>	23 Aviemore Close, Ramsbottom, Bury, BL0 9WA				
<b>Proposal:</b>	Single storey rear extension				
<b>Ward:</b>	Prestwich - Holyrood				
<b>Application No.:</b>	69367	<b>App. Type:</b>	FUL	04/12/2023	Approve with Conditions
<b>Location:</b>	117 Heywood Old Road, Middleton, Manchester, M24 4QL				
<b>Proposal:</b>	Loft conversion with dormer extension and juliet balcony at rear				
<b>Application No.:</b>	70100	<b>App. Type:</b>	FUL	24/11/2023	Approve with Conditions
<b>Location:</b>	42 Sandgate Road, Whitefield, Manchester, M45 6WG				
<b>Proposal:</b>	First floor/two storey side extension				
<b>Application No.:</b>	70132	<b>App. Type:</b>	FUL	01/12/2023	Approve with Conditions
<b>Location:</b>	141 Heywood Road, Prestwich, Manchester, M25 1LF				
<b>Proposal:</b>	Two storey rear extension with juliette balcony				
<b>Application No.:</b>	70133	<b>App. Type:</b>	FUL	29/11/2023	Approve with Conditions
<b>Location:</b>	16 St Austells Drive, Prestwich, Manchester, M25 1LX				
<b>Proposal:</b>	Single Storey Rear/Side Extension; Front canopy				
<b>Application No.:</b>	70169	<b>App. Type:</b>	FUL	28/11/2023	Approve with Conditions
<b>Location:</b>	29 Oaklands Drive, Prestwich, Manchester, M25 1LJ				
<b>Proposal:</b>	Two storey side extension; Single storey rear extension				
<b>Application No.:</b>	70174	<b>App. Type:</b>	GPDE	17/11/2023	Prior Approval Required & Granted - Ex
<b>Location:</b>	11 Newlands Drive, Prestwich, Manchester, M25 3BU				
<b>Proposal:</b>	Prior approval for proposed single storey rear extension				

<b>Application No.:</b>	70196	<b>App. Type:</b>	FUL	01/12/2023	Approve with Conditions
<b>Location:</b>	68 Cuckoo Lane, Prestwich, Manchester, M25 2TD				
<b>Proposal:</b>	First floor side extension; Single storey rear extension; Loft conversion with rear dormer				
<b>Ward:</b>	<b>Prestwich - Sedgley</b>				

<b>Application No.:</b>	69355	<b>App. Type:</b>	FUL	07/12/2023	Approve with Conditions
<b>Location:</b>	St Monicas RC High School, Bury Old Road, Prestwich, Manchester, M25 1JH				
<b>Proposal:</b>	Single storey front extension				

<b>Application No.:</b>	69961	<b>App. Type:</b>	FUL	28/11/2023	Approve with Conditions
<b>Location:</b>	105 Kings Road, Prestwich, Manchester, M25 0JS				
<b>Proposal:</b>	Front porch; single storey / two storey extension at side and two storey extension at rear				

<b>Application No.:</b>	69976	<b>App. Type:</b>	FUL	13/11/2023	Refused
<b>Location:</b>	56 Windsor Road, Prestwich, Manchester, M25 0DE				
<b>Proposal:</b>	Loft conversion with rear dormer extension; Two storey extension at side; Addition of first floor window to side elevation; Two storey extension at rear with amendment to balcony; New cladding to front elevation; Installation of 2 ventilation mechanical intake extract units to side elevation				

<b>Application No.:</b>	70081	<b>App. Type:</b>	FUL	15/11/2023	Approve with Conditions
<b>Location:</b>	62 Park Road, Prestwich, Manchester, M25 0FA				
<b>Proposal:</b>	Two storey side and rear extension; single storey rear extension; loft conversion with rear dormer				

<b>Application No.:</b>	70126	<b>App. Type:</b>	LBC	20/11/2023	Approve with Conditions
<b>Location:</b>	3 The Stables, Scholes Lane, Prestwich, Manchester, M25 0NH				
<b>Proposal:</b>	Listed building consent for replacement of 3 no. non-original windows on the first floor of the south elevation with like for like timber framed slimline double-glazed windows				

<b>Application No.:</b>	70139	<b>App. Type:</b>	FUL	23/11/2023	Approve with Conditions
<b>Location:</b>	23 Castle Hill Road, Prestwich, Manchester, M25 0FR				
<b>Proposal:</b>	Single storey rear extension				

<b>Application No.:</b>	70232	<b>App. Type:</b>	FUL	08/12/2023	Approve with Conditions
<b>Location:</b>	69 Bishops Road, Prestwich, Manchester, M25 0AS				
<b>Proposal:</b>	Single storey extension and decking at rear; installation of external door to left hand side elevation and removal of rear door				

<b>Ward:</b>	<b>Prestwich - St Mary's</b>				
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<b>Application No.:</b>	69889	<b>App. Type:</b>	FUL	01/12/2023	Approve with Conditions
<b>Location:</b>	463 Bury New Road, Prestwich, Manchester, M25 1AD				
<b>Proposal:</b>	Remove all fascia signage, marketing and ATM and infill with matching brickwork				

<b>Application No.:</b>	70054	<b>App. Type:</b>	FUL	15/11/2023	Approve with Conditions
<b>Location:</b>	53 Shrewsbury Road, Prestwich, Manchester, M25 9GQ				
<b>Proposal:</b>	Dormer extensions at front and rear to replace existing dormers; decking at front; new front boundary wall and steps to front entrance and external alterations				
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<b>Application No.:</b>	70101	<b>App. Type:</b>	FUL	14/11/2023	Approve with Conditions
<b>Location:</b>	8 Shirehills, Prestwich, Manchester, M25 9QB				
<b>Proposal:</b>	Single storey rear extension and first floor side extension				

<b>Application No.:</b>	70131	<b>App. Type:</b>	FUL	20/11/2023	Approve with Conditions
<b>Location:</b>	425 Bury New Road, Prestwich, Manchester, M25 1AF				
<b>Proposal:</b>	Variation of condition no. 5 following approval of planning permission 67437 - Extend opening hours from Friday 09:00-22:00 hrs (as approved) to Friday 09:00-23:00 hrs (extended)				

<b>Application No.:</b>	70137	<b>App. Type:</b>	FUL	17/11/2023	Approve with Conditions
<b>Location:</b>	6 Clough Court, Prestwich, Manchester, M25 3BR				
<b>Proposal:</b>	Single storey rear extension				

<b>Application No.:</b>	70179	<b>App. Type:</b>	FUL	08/12/2023	Approve with Conditions
<b>Location:</b>	57 Hilton Lane, Prestwich, Manchester, M25 9SA				
<b>Proposal:</b>	Single storey extension at side/rear				

Ward:   **Radcliffe - East**

<b>Application No.:</b>	69797	<b>App. Type:</b>	ADV	01/12/2023	Approve with Conditions
<b>Location:</b>	10-14 Ainsworth Road, Radcliffe, Manchester, M26 4EA				
<b>Proposal:</b>	1 No. externally illuminated fascia sign, 1 no. non-illuminated projecting sign and window graphics				

<b>Application No.:</b>	70153	<b>App. Type:</b>	FUL	04/12/2023	Approve with Conditions
<b>Location:</b>	39 Shetland Way, Radcliffe, Manchester, M26 4UH				
<b>Proposal:</b>	Two storey side extension				

Ward:   **Radcliffe - North and Ainsworth**

<b>Application No.:</b>	69803	<b>App. Type:</b>	LBC	22/11/2023	Approve with Conditions
<b>Location:</b>	Barrack Fold Farm, Knowsley Road, Ainsworth, Bolton, BL2 5PU				
<b>Proposal:</b>	Listed building consent for conversion of existing barn to 4 no. dwellings and replacement of existing stables with 1 no. dwelling				

<b>Application No.:</b>	69812	<b>App. Type:</b>	FUL	22/11/2023	Approve with Conditions
<b>Location:</b>	Barrack Fold Farm, Knowsley Road, Ainsworth, Bolton, BL2 5PU				
<b>Proposal:</b>	Conversion of existing barn to 4 no. dwellings and replacement of existing stables with 1 no. dwelling				



Application No.:

70163

App. Type:

AG

04/12/2023

Prior Approval Required and Refused

Location:

Land south of former Ainsworth Nursing Home, Ainsworth, Radcliffe, Bolton, BL2 5PX

Proposal:

Prior approval for proposed agricultural building

Ward: Radcliffe - West

Application No.:

69857

App. Type:

FUL

13/11/2023

Approve with Conditions

Location:

91 Ringley Road West, Radcliffe, Manchester, M26 1DW

Proposal:

Single storey extensions at front and rear

Application No.:

70057

App. Type:

FUL

22/11/2023

Approve with Conditions

Location:

1 Woodgreen Drive, Radcliffe, Manchester, M26 1BF

Proposal:

Change of use of existing garage at side of residential property (Class C3(a)) to hairdressing business (Class E) to include raising of roof height and replacing garage door with window and render

Application No.:

70197

App. Type:

AG

17/11/2023

Refused

Location:

Scotson Fold Farm, Scotson Fold, Radcliffe, Manchester, M26 3SQ

Proposal:

Prior approval for proposed agricultural building

Application No.:

70219

App. Type:

GPDE

01/12/2023

Prior Approval Not Required - Extension

Location:

7 Ashurst Grove, Radcliffe, Manchester, M26 1UL

Proposal:

Prior approval for single storey rear extension

Ward: Ramsbottom + Tottington - Tottington

Application No.:

69063

App. Type:

FUL

29/11/2023

Refused

Location:

12 Owlerbarrow Road, Bury, BL8 1RD

Proposal:

Erection of dwelling in rear garden with shared access including all associated works; Garage extension and porch to existing house

Application No.:

70128

App. Type:

FUL

29/11/2023

Approve with Conditions

Location:

2 Hilltop Drive, Tottington, Bury, BL8 3HN

Proposal:

Single storey rear extension

Application No.:

70130

App. Type:

FUL

23/11/2023

Approve with Conditions

Location:

134 Bury Road, Tottington, Bury, BL8 3ET

Proposal:

Two/single storey extension at side

Application No.:

70151

App. Type:

FUL

24/11/2023

Approve with Conditions

Location:

15 Walshaw Walk, Tottington, Bury, BL8 3JS

Proposal:

Two storey side extension; Single storey front & rear extensions

Ward: Ramsbottom and Tottington - Ramsbottom

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08/12/2023

<b>Application No.:</b>	69946	<b>App. Type:</b>	LDCP	29/11/2023	Lawful Development
<b>Location:</b>	7 Salmsbury Hall Close, Ramsbottom, Bury, BL0 9FG				
<b>Proposal:</b>	Lawful development certificate for proposed replacement of an existing polycarbonate roof with a new monopitch, insulated tiled roof to an existing conservatory (constructed more than 4 years ago), including replacement of existing uPVC windows with some brickwork panels and enlargement of an existing glazed door arrangement to include bi-folding doors. All materials to match existing to the house including concrete tiles to proposed roof.				

<b>Application No.:</b>	69950	<b>App. Type:</b>	FUL	13/11/2023	Approve with Conditions
<b>Location:</b>	23 Bury New Road, Ramsbottom, Bury, BL0 0AR				
<b>Proposal:</b>	Erection of 2 no. single storey extensions at rear; external alterations including removal of 2 no. side windows and installation of 2 new windows and patio door; installation of ground floor window to side elevation and widening of driveway				

<b>Application No.:</b>	70042	<b>App. Type:</b>	FUL	14/11/2023	Approve with Conditions
<b>Location:</b>	4 Est Bank Road, Ramsbottom, Bury, BL0 9RA				
<b>Proposal:</b>	Two storey side extension; Alterations to parking provision at front				

<b>Application No.:</b>	70096	<b>App. Type:</b>	FUL	07/12/2023	Approve with Conditions
<b>Location:</b>	161 Bolton Street, Ramsbottom, Bury, BL0 9JD				
<b>Proposal:</b>	Single storey rear/side extension				

<b>Application No.:</b>	70205	<b>App. Type:</b>	LDCP	27/11/2023	Lawful Development
<b>Location:</b>	9 Dalton Close, Ramsbottom, Bury, BL0 9SG				
<b>Proposal:</b>	Lawful development certificate for proposed single storey rear extension				

<b>Ward:</b>	<b>Whitefield + Unsworth - Besses</b>				
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<b>Application No.:</b>	70117	<b>App. Type:</b>	FUL	07/12/2023	Approve with Conditions
<b>Location:</b>	39 Thatch Leach Lane, Whitefield, Manchester, M45 6EN				
<b>Proposal:</b>	Two storey side/rear extension; Single storey front extension				

<b>Application No.:</b>	70166	<b>App. Type:</b>	FUL	24/11/2023	Approve with Conditions
<b>Location:</b>	24 Stanway Road, Whitefield, Manchester, M45 8EG				
<b>Proposal:</b>	Single storey / two storey extension at side; external alterations including change from rear ground floor window to door and window				

<b>Ward:</b>	<b>Whitefield + Unsworth - Pilkington Park</b>				
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<b>Application No.:</b>	69871	<b>App. Type:</b>	FUL	22/11/2023	Refused
<b>Location:</b>	33 Wingate Drive, Whitefield, Manchester, M45 7GX				
<b>Proposal:</b>	Raising of roof ridge height with loft conversion and rear dormer				

<b>Application No.:</b>	70014	<b>App. Type:</b>	FUL	15/11/2023	Approve with Conditions
<b>Location:</b>	50 Dales Lane, Whitefield, Manchester, M45 7NN				
<b>Proposal:</b>	Loft conversion with rear dormer, the erection of outbuilding at rear and the extension to existing vehicular access along with internal and external alterations				
<b>Application No.:</b>	70089	<b>App. Type:</b>	LDCP	13/11/2023	Lawful Development
<b>Location:</b>	2 Brierley Avenue, Whitefield, Manchester, M45 7RD				
<b>Proposal:</b>	Lawful development certificate for proposed single storey rear extension				
<b>Application No.:</b>	70125	<b>App. Type:</b>	LDCP	24/11/2023	Lawful Development
<b>Location:</b>	141 Higher Lane, Whitefield, Manchester, M45 7WH				
<b>Proposal:</b>	Lawful development certificate for proposed single storey infill extension between garage and side of dwelling				
<b>Application No.:</b>	70155	<b>App. Type:</b>	FUL	24/11/2023	Approve with Conditions
<b>Location:</b>	305 Stand Lane, Radcliffe, Manchester, M26 1JA				
<b>Proposal:</b>	Single storey extension to rear, new roof to part of existing rear single storey and formation of terrace and steps to rear garden.				
<b>Application No.:</b>	70173	<b>App. Type:</b>	FUL	01/12/2023	Approve with Conditions
<b>Location:</b>	8 The Fairways, Whitefield, Manchester, M45 7BN				
<b>Proposal:</b>	Single storey rear extension				

Ward:   **Whitefield + Unsworth - Unsworth**

<b>Application No.:</b>	69684	<b>App. Type:</b>	OUT	17/11/2023	Refused
<b>Location:</b>	Land at rear of 31-45 Ajax Drive, Bury, BL9 8EF				
<b>Proposal:</b>	Outline application for 1 no. dwelling with access along existing driveway of 45 Ajax Drive (appearance, landscaping, layout & scale matters reserved)				
<b>Application No.:</b>	69848	<b>App. Type:</b>	FUL	20/11/2023	Approve with Conditions
<b>Location:</b>	84 Croft Lane, Bury, BL9 8BX				
<b>Proposal:</b>	Single and two storey side extension				
<b>Application No.:</b>	70007	<b>App. Type:</b>	FUL	17/11/2023	Approve with Conditions
<b>Location:</b>	250 Sunny Bank Road, Bury, BL9 8LA				
<b>Proposal:</b>	Single storey extension at side/rear; Extension of existing driveway/parking at front				
<b>Application No.:</b>	70063	<b>App. Type:</b>	FUL	14/11/2023	Approve with Conditions
<b>Location:</b>	17 Croft Lane, Bury, BL9 8BU				
<b>Proposal:</b>	Loft conversion with rear dormer; Installation of window to first floor front elevation				
<b>Application No.:</b>	70094	<b>App. Type:</b>	FUL	28/11/2023	Approve with Conditions
<b>Location:</b>	5 Bloomfield Drive, Bury, BL9 8JX				
<b>Proposal:</b>	Single storey rear extension; Two storey/single storey front extension; Alterations to existing first floor rear windows				

<b>Application No.:</b>	70103	<b>App. Type:</b>	FUL	17/11/2023	Approve with Conditions
<b>Location:</b>	66 Hathaway Road, Bury, BL9 8EG				
<b>Proposal:</b>	Two storey rear extension with Juliette balcony; Single storey side extension; Outbuilding to the rear				
<b>Application No.:</b>	70140	<b>App. Type:</b>	TEL	28/11/2023	Prior Approval Required and Granted
<b>Location:</b>	Unsworth Cricket And Tennis Club Ltd, Pole Lane, Bury, BL9 8QL				
<b>Proposal:</b>	Prior approval for proposed installation of a 25.0m lattice mast with an existing compound approximately 36m to the south of the site. The development will include a base station, 2.4m high palisade fencing, 6no. operator cabinets, 1 no. electrical metre cabinet, no.2 dishes, 6no. antennas and ancillary development thereto				
<b>Application No.:</b>	70150	<b>App. Type:</b>	FUL	23/11/2023	Refused
<b>Location:</b>	118 Sunny Bank Road, Bury, BL9 8LJ				
<b>Proposal:</b>	Two storey/single storey front extension; Garage conversion				

**Total Number of Applications Decided:** 83

# REPORT FOR NOTING

<b>DECISION OF:</b>	<b>PLANNING CONTROL COMMITTEE</b>
<b>DATE:</b>	<b>19 December 2023</b>
<b>SUBJECT:</b>	<b>PLANNING APPEALS</b>
<b>REPORT FROM:</b>	<b>HEAD OF DEVELOPMENT MANAGEMENT</b>
<b>CONTACT OFFICER:</b>	<b>DAVID MARNO</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	<p>Planning Appeals:</p> <ul style="list-style-type: none"> <li>- Lodged</li> <li>- Determined</li> </ul> <p>Enforcement Appeals</p> <ul style="list-style-type: none"> <li>- Lodged</li> <li>- Determined</li> </ul>
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	The Committee is recommended to the note the report and appendices
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? Yes
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	Executive Director of Resources to advise regarding risk management
<b>Statement by Executive Director of Resources:</b>	N/A
<b>Equality/Diversity implications:</b>	No
<b>Considered by Monitoring Officer:</b>	N/A



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

**TRACKING/PROCESS**

**DIRECTOR:**

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

**1.0 BACKGROUND**

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

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

**2.0 CONCLUSION**

That the item be noted.

**List of Background Papers:-**

**Contact Details:-**

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<p align="center"><b>Planning Appeals Decided between 13/11/2023 and 10/12/2023</b></p>
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<p><b>Application No.:</b> 68799/FUL</p> <p><b>Decision level:</b> DEL</p> <p><b>Recommended Decision:</b> Refuse</p> <p><b>Applicant:</b> M/s Shabana Begum</p> <p><b>Location:</b> The Gatehouse, Woodhill Road, Bury, BL8 1BN</p> <p><b>Proposal:</b> Partial demolition and replacement of 1 no. dwelling</p>	<p><b>Appeal Decision:</b> Dismissed</p> <p><b>Date:</b> 05/12/2023</p> <p><b>Appeal type:</b> Written Representations</p>
<p><b>Application No.:</b> 69244/FUL</p> <p><b>Decision level:</b> DEL</p> <p><b>Recommended Decision:</b> Refuse</p> <p><b>Applicant:</b> Cassel Fletcher Property Management Ltd</p> <p><b>Location:</b> 424 Bury Old Road, Prestwich, Manchester, M25 1PR</p> <p><b>Proposal:</b> Second floor extension at rear to form 1 no. flat and roof extension</p>	<p><b>Appeal Decision:</b> Dismissed</p> <p><b>Date:</b> 28/11/2023</p> <p><b>Appeal type:</b> Written Representations</p>
<p><b>Application No.:</b> 69310/FUL</p> <p><b>Decision level:</b> DEL</p> <p><b>Recommended Decision:</b> Refuse</p> <p><b>Applicant:</b> Mr Ewan Perry</p> <p><b>Location:</b> 7 Crosfield Avenue, Summerseat, Ramsbottom, Bury, BL9 5NX</p> <p><b>Proposal:</b> Two storey side extension and external alterations including zinc cladding to first floor and roof, render to the ground floor and part of the existing front elevation</p>	<p><b>Appeal Decision:</b> Dismissed</p> <p><b>Date:</b> 22/11/2023</p> <p><b>Appeal type:</b> Written Representations</p>



## Appeal Decision

Site visit made on 14 November 2023

**by Hannah Ellison BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5 December 2023**

**Appeal Ref: APP/T4210/W/23/3323153**

**The Gatehouse, Woodhill Road, Bury BL8 1BN**

- 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 Shabana Begum against the decision of Bury Metropolitan Borough Council.
- The application Ref 68799, dated 18 August 2022, was refused by notice dated 5 December 2022.
- The development proposed is the partial demolition and replacement of existing dwelling.

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. With this appeal the appellant submitted a range of additional plans. In considering whether to accept them, I have had regard to the tests in the Holburn Studios Ltd<sup>1</sup> judgment, which is more recent than that of Wheatcroft<sup>2</sup>.
3. The plans referred to as 'amended' propose various amendments to the appeal scheme such that, collectively, they result in a substantial difference to the development proposed and the lack of consultation in respect of these plans would result in procedural unfairness to those who were entitled to be consulted.
4. With regards to the additional plans referred to as 'corrected', I note that they address various minor omissions and inaccuracies from the originally submitted plans and which the Council raised concern with. They do not seek to evolve the appeal scheme to such an extent that to consider them would prejudice other parties. I have proceeded with my appeal decision accordingly.
5. I shall address the additional information submitted by the appellant in respect of coal mining below.

### Main Issues

6. The main issues are:
  - (i) the effect of the proposal on the character and appearance of the area;
  - (ii) the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to outlook and privacy;

<sup>1</sup> Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

<sup>2</sup> Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

- (iii) whether satisfactory living conditions would be provided for future occupiers, with particular regard to external space; and
- (iv) the risk posed by past coal mining activity.

## **Reasons**

### *Character and appearance*

7. The appeal property is a large, two storey detached dwelling. It does not share design or layout characteristics of surrounding properties, which are predominantly modest semi-detached and terraced dwellings set within smaller plots. I acknowledge that the existing dwelling is not of any particular architectural merit and could respectively be described as tired. It is nevertheless not harmful to the street scene and, whilst large, is visually commensurate with its plot.
8. Whilst the proposal would seek to utilise and continue the unique arrangement of the existing built form at the appeal site, it would, however, result in a dwelling of substantial bulk and massing. It would cover a very considerable portion of the plot such that it would appear cramped within it, despite the very generous size of the site. The proposal would significantly limit the extent of views into and through the site, such that the existing sense of space would be noticeably eroded when viewed from public vantage points.
9. Further, a simple approach to fenestration detailing has been adopted. It would not be so striking or innovative so as to render the proposal a successful contemporary design, but rather the resultant dwelling would be bland and uninspiring, which lacks identity. The facades lack movement which, together with the limited variety and interest in the arrangement of windows and doors, results in poor articulation, interest and distinctiveness. The proposed balcony, by virtue of its excessive size and forward positioning, would be a prominent and unattractive feature which does not make a positive contribution to the design.
10. All of these features together result in a bold, obtrusive and visually unattractive dwelling which lacks enduring attractiveness and beauty. I do not agree that the proposed alterations would be discreetly located to the rear of the site. The sheer dominance and poor design of the dwelling would be readily apparent and thus it would not be a delight to passers-by.
11. I note the appellant would be willing to accept a landscaping condition. Be that as it may, I am not convinced that the introduction of trees and/or shrubbery would be sufficient to screen the proposed development. Moreover, landscaping would fail to overcome the poor quality of design of the proposed dwelling itself and is not an acceptable justification for it.
12. Taking all the above into consideration, the proposal would harm the character and appearance of the area. It would therefore conflict with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan (August 1997) (the UDP) which collectively aims for developments of good quality which respect and make a positive contribution to the character, quality and townscape of the area.

*Living conditions of neighbouring occupiers*

13. As noted above, the plans which were submitted with this appeal, and which I have taken into consideration, made very slight amendments to the cill heights of the high-level windows to the side. As a result, the proposed development would not result in overlooking to 113 and 115 Canterbury Drive. Additionally, the corrected plans indicate that the rooflights would not provide opportunities for overlooking.
14. Further, the remaining rear and side facing habitable rooms, whilst close to the boundary, reflect the existing arrangement and relationship with adjoining land. There are also no residential properties to the rear and northern side of the appeal site. Taking these factors together, I consider that the proposal would not result in a loss of privacy.
15. The proposed development would however come within very close proximity to the south west boundary of the appeal site. I acknowledge that the separation distance between the proposed side elevation, the boundary and elevations of Nos 113 and 115 and 89 Woodhill Road may adhere to the guidance set out in the Alterations and Extensions to Residential Properties, Supplementary Planning Document 6 (March 2004). Nevertheless, this is guidance and other factors can influence the effect on neighbours including the specific context of the site and the proposed development.
16. The side elevation of the proposed dwelling would be two storeys in height with additional massing from the pitched roof. It would be within very close proximity to the side boundary and would run a very significant stretch of it. As such, neighbouring occupiers would have very little visual relief from the proposed development, and it would be unduly dominant when seen from their habitable rooms and gardens.
17. Consequently, the proposed development would harm the living conditions of neighbouring occupiers by virtue of its overbearing effect on outlook on Nos 113, 115 and 89. Therefore, it fails to comply with Policies H2/1 and H2/2 of the UDP which, in respect of this main issue, seek to ensure developments make a positive contribution to the area and provide a good quality residential environment, taking into consideration the impact on residential amenity.
18. Policy EN1/2 is referenced within the Council's decision notice in respect of this main issue however it does not appear to be of direct relevance.

*Living conditions of future occupiers*

19. I note the Council's concerns regarding the reduction of external garden space as a result of the proposed development. However, the appeal site is of a very generous size. Notwithstanding the substantial size of the proposed dwelling and the resultant harmful visual effects this would create, and even taking into consideration the likely high number of future occupiers, there remains a good amount of space to the front for everyday requirements.
20. Whilst in many instances the space to the front of a dwelling is not private, this would not occur in this case due to the size of the site and the ability to attach conditions in the event that planning permission were to be granted, which could ensure that privacy would be maintained.



21. Therefore, the proposed development would provide satisfactory living conditions for future occupiers with regard to external space. It therefore accords with the collective aims of Policies H2/1 and H2/2 of the UDP of ensuring that developments demonstrate acceptable standards of layout. Again, Policy EN1/2 does not appear to be relevant to this main issue.

### *Coal mining*

22. The appeal site falls within the defined Development High Risk Area thus consideration is to be given to the coal mining features and hazards within and around the appeal site. The necessary information was not provided at the time of the planning application.
23. With this appeal however, the appellant submitted evidence in the form of a Desk Based Coal Mining Risk Assessment and Shallow Mining Site Investigation Works report. Whilst I note the Council's concerns with the submission of these documents, they do not seek to evolve the appeal scheme but rather respond to the reason for refusal. Through the appeal timetable the Council would have had ample opportunity to comment on the contents of the documents thus it would not be prejudiced by me taking them into account.
24. Additionally, the evidence before me indicates that a further planning application concerning the appeal site has subsequently been refused by the Council following the submission of this appeal. It seems that that application reflects the appeal development and the aforementioned reports submitted with this appeal also supported that application. I note that the Council did not attach a reason for refusal in respect of this main issue for that most recent planning application on the appeal site.
25. I have been provided with the Coal Authority's recent response to that further planning application. It concurs with the recommendations of the assessment, namely that coal mining legacy potentially poses a risk to the proposed development and that remediation works should be undertaken prior to development in order to ensure the safety and stability of the site. Subject to the imposition of recommended conditions, the Coal Authority confirms that it has no objection.
26. Taking all of the above together, I consider that the risk of past coal mining activity has been fully considered and that, subject to conditions in the event that the appeal were to be allowed, the risk could be mitigated against. For this reason, the proposal complies with Policy EN7 of the UDP.

### **Other Matters**

27. I acknowledge the previous planning application<sup>3</sup> in which permission was sought for a very similar proposal to this appeal, however the Council did not raise any concerns with regard to its effect on character and appearance. Indeed, I note the Council's comments within the officer report in this respect. Be that as it may, this is not a matter for me to address within the context of this appeal, which I have determined on its own merits.
28. The proposed development seeks to provide a large dwelling capable of accommodating three generations of the appellants family, which it is suggested is typical of their traditional, cultural values. With this in mind, I

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<sup>3</sup> Council ref: 67701

have had due regard to the three aims of the Public Sector Equality Duty (the PSED) set out in s149 of the Equality Act 2010.

29. These are: the need to eliminate discrimination, harassment and victimisation; advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it; and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Protected characteristics include a person's race and religion or belief.
30. I fully appreciate the appellant's family living circumstances and their religious observance and the contribution which the appeal proposal could make. Nevertheless, I am not convinced that the appeal development is the only option available to the appellant to meet these personal circumstances and needs. As noted, the appeal site is of a very generous size such that alternative configurations and design of the dwelling is likely to be possible which achieves similar necessary requirements for the appellant without resulting in the harm I have identified above.
31. As such, there is little specific evidence that refusal of planning permission would conflict with the aims of the PSED. Therefore, while I have had appropriate regard to the family situation, it carries only modest weight and thus the dismissal of the appeal is a proportionate means of achieving the legitimate aim of protecting the character and appearance of the area and the living conditions of neighbouring occupiers.

## **Conclusion**

32. The proposal conflicts with the development plan as a whole and there are no other considerations of sufficient weight which indicate a decision should be made other than in accordance with it. Therefore, the appeal should not succeed.

*H Ellison*

INSPECTOR

# Appeal Decision

Site visit made on 14 November 2023

**by Hannah Ellison BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28<sup>th</sup> November 2023**

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**Appeal Ref: APP/T4210/W/23/3319506**

**Auldbank House, 424 Bury Old Road, Bury, Prestwich M25 1PR**

- 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 Noah Fletcher against the decision of Bury Metropolitan Borough Council.
  - The application Ref 69244, dated 12 January 2023, was refused by notice dated 9 March 2023.
  - The development proposed is second floor extension at rear to form 1 no. flat, and roof extension.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. For the avoidance of doubt, I have used the description of development included in the Council's decision notice in the banner heading above as this is the most succinct and accurate description.

## Main Issue

3. The effect of the proposal on the character and appearance of the area.

## Reasons

4. This appeal concerns a two storey, end of terrace building located in a short commercial parade situated on a main thoroughfare in the district. There is an existing large two storey extension, with flat roof, to the rear of the property which is readily apparent in the street scene.
5. Whilst the proposal would include a pitched roof, the resultant additional massing through this and the further storey proposed, would totally overwhelm the host building. It would be a top heavy and dominant addition which would have an overly bulky appearance. Further, the prominent side elevation would appear as a blank three storey façade which lacks interest and detailing.
6. By virtue of its poor design and the substantial height of this part of the building, the proposal would be a very incongruous intrusion to the host building and would be unduly prominent in the streetscape.
7. Accordingly, the proposal would harm the character and appearance of the area and thus conflicts with Policies EN1/2, EN1/7 and H2/3 of the Bury Unitary Development Plan (August 1997). Together, these policies aim for developments which have a high standard of design and which do not have an unacceptable adverse effect on the character and townscape of the locality.

## **Conclusion**

8. The proposal would provide an additional dwelling which makes a contribution to local housing supply and would result in economic benefits during construction and on occupation. However, due to the scale of the proposal these benefits would be very limited.
9. Accordingly, the proposal conflicts with the development plan as a whole and there are no other considerations of sufficient weight which indicate that a decision should be made other than in accordance with it. Therefore, the appeal should be dismissed.

*H Ellison*

INSPECTOR



## Appeal Decision

Site visit made on 31 October 2023

**by C Rafferty LLB (Hons), Solicitor**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 November 2023**

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**Appeal Ref: APP/T4210/D/23/3323378**

**7 Crosfield Avenue, Bury, Ramsbottom BL9 5NX**

- 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 Ewan Perry against the decision of the Council of the Metropolitan Borough of Bury.
  - The application Ref 69310, dated 2 February 2023, was refused by notice dated 4 April 2023.
  - The development proposed is a double storey side extension.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issues is the effect of the proposed development on the character and appearance of the host dwelling and surrounding area.

### Reasons

3. The site is a detached bungalow with accommodation in the roof on the eastern side of Crosfield Avenue. The area is residential, with a variety of dwelling types on the street. However, those on the eastern side share a level of consistency in that, despite additions and alterations, first floor development is largely set back. This allows the front gabled features present in this group of properties to remain prominent and readily appreciated. In addition, there remains a somewhat shared similarity in the external materials present along the street, providing a sense of visual consistency in this regard.
4. The proposal is a two storey side extension at the property in addition to external alterations, including zinc cladding to the first floor and roof and render to the ground floor and part of the existing front elevation. It would inevitably alter the current proportions of the property and result in additional bulk at the site. While this would be constructed largely within the existing footprint of the dwelling and would not increase the height beyond the existing ridge it would nevertheless be a sizeable addition that would fail to respect or reflect the character and proportions of the dwelling.
5. While the ground floor front gabled projection of the property would be retained, the additional built form at first floor, flush along the current footprint, would overwhelm this level of the property. It would reduce the visual prominence of the upper gable and result in the property appearing out of place within the immediate group of dwellings where this prominence has largely been retained. The property would appear top heavy and imbalanced.



While it would be set back in the site, which has a wider frontage than others in the street, the overall dimensions of the site remain modest. As such, the proposal would read as a cramped and contrived form of development.

6. In addition, certain external elements would result in the property appearing incongruous both at the site and within the wider context. The zinc cladding, while limited to parts of the upper levels and interrupted by glazing, would fail to reflect the predominant external materials of the street. It would dilute the consistency in external materials in the immediate vicinity and, when taken together with the first floor-wrap around window, would provide an overtly modern external design that would not successfully integrate in Crosfield Avenue, appearing visually jarring in context.
7. For the reasons given, the proposal would have a significant adverse effect on the character and appearance of the dwelling and the area. It would fail to comply with Policy H2/3 of the Bury Unitary Development Plan (1997) and Supplementary Planning Document 6 Alterations and Extensions to Residential Properties (2004, updated 2010) insofar as they seek to ensure house extensions and alterations are sympathetic with the original building and surrounding area.

### **Other Matters**

8. The appellant has referred to examples in Crosfield Avenue and the wider area of properties with contrasting external materials. While this is noted, it remains that the precise use of zinc cladding in this instance would appear out of place. In any event, each proposal is decided on its own site-specific circumstances and reference to development elsewhere carries little weight.
9. The proposal would provide an additional bedroom, ensuite and family bathroom with a kitchen-diner, utility room and two reception rooms, providing additional living accommodation and contributing to the housing mix of the area. It would also address the current poor insulation of the property, with the zinc cladding and roof tiles being sustainable and durable. These benefits of the proposal are noted. However, given the overall limited contribution made in these regards, even when taken with the limited weight given above to the presence of surrounding development, this would not outweigh the harm identified to character and appearance.

### **Conclusion**

10. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

*C Rafferty*

INSPECTOR

# REPORT FOR INFORMATION

Agenda Item 7

**Bury**  
COUNCIL

**Agenda  
Item**

**7**

<b>DECISION OF:</b>	<b>PLANNING CONTROL COMMITTEE</b>
<b>DATE:</b>	<b>December 2023</b>
<b>SUBJECT:</b>	<b>PLANNING ENFORCEMENT</b>
<b>REPORT FROM:</b>	<b>HEAD OF DEVELOPMENT MANAGEMENT</b>
<b>CONTACT OFFICER:</b>	<b>DAVID MARNO – HEAD OF DEVELOPMENT MANAGEMENT</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL (NON KEY DECISION) COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	This Report provides statistical information on Enforcement activity between 1 <sup>st</sup> January 2023 to 1st December 2023
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	The Committee is recommended to note the Report
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? No
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	Executive Director of Resources to advise regarding risk management N/A
<b>Statement by Executive Director of Resources:</b>	N/A
<b>Equality/Diversity implications:</b>	No (see paragraph below)
<b>Considered by Monitoring Officer:</b>	Yes Comments

<b>Wards Affected:</b>	ALL
<b>Scrutiny Interest:</b>	N/A

## TRACKING/PROCESS

## DIRECTOR:

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

## 1.0 BACKGROUND

This report presents a brief analysis of Enforcement performance and activity for the period between 1st January 2023 and 1st Dec 2023 and includes table 1 (below) showing a statistical analysis of performance over that period.

## 1.2 Development without planning permission

Constituents often express concern about development taking place without the appropriate planning permission.

Carrying out development without planning permission is generally not a criminal offence (unless in relation to making changes to listed buildings and advertisements, which operate under separate regimes). Failure to comply with an enforcement notice, however, is a criminal offence. An enforcement notice is a notice requiring compliance with planning consent. If the notice is upheld, the penalty for failure to comply is a fine of up to £20,000 on summary conviction or an unlimited fine on indictment.

## 1.3 Enforcement action

Enforcement action is discretionary and local planning authorities are told to act in a proportionate way in responding to suspected breaches of planning control. The National Planning Policy Framework states that enforcement can be important for maintaining public confidence in the planning system, but enforcement action is discretionary and must be proportionate. Detailed information about planning enforcement powers is given in the online Planning Practice Guidance on ensuring effective enforcement. For example, a local planning authority may decide not to take enforcement action if it believes that a development would have been granted planning permission.

There are often complaints about lack of enforcement action. Such complaints may be taken to the Local Government and Social Care Ombudsman (LGSCO),

although this step can only be taken once the local planning authority's own complaints procedures have been completed. More information about this process is available from the [LGSCO website](#).

- 1.4** All Enforcement Notices served and Actions taken are considered against the provisions of the Human Rights Act 1998. In taking account of whether to serve an Enforcement Notice or take Action, which is a discretionary power afforded to Councils under the Town and Country Planning Act 1990 (as amended), consideration is taken as to whether the individual's rights are affected and whether it is expedient to serve such a Notice or take Action against the individual.

Any Enforcement Notice served is considered as to whether it is expedient to do so in accordance with the Council's adopted Unitary Development Plan, National Planning Policy Framework and National Planning Policy Guidance.

Table 1 provides a detailed breakdown of the number and type of notice issued and other actions such as prosecutions during the quarter period. It also includes a performance standard in terms of the speed of the responses to initial site visits having been carried out.

*Table 1*

	<b>Period 01/01/23 to 01/12/23</b>
Number of Complaints received	<b>458</b>
% where initial site visit within 10 working days	<b>88.50%</b> (average time to visit 5 working days)
Number of complaints resulting in a breach of Planning Control	<b>246</b>
Number of Enforcement Notices served	<b>9</b>
Number of Stop Notices served	<b>0</b>
Number of Breach of Condition Notices served	<b>0</b>
Number of Section 215 Untidy land/building Notices served	<b>2</b>
Number of Temporary Stop Notices served	<b>2</b>
Number of Planning Contravention Notices served	<b>0</b>
Number of Injunctions served	<b>0</b>
Number of Prosecutions made	<b>1 pending</b>
Number of Prosecutions referred to Legal for Prosecution	<b>0</b>
Number of Formal Cautions issued / Interviews Under Caution	<b>0</b>
Number of Works in Default actions taken	<b>0</b>
Number of High Hedges Remedial/Tree Replacement Notices served	<b>0</b>
<b>Total Number of Notices/Actions</b>	<b>15</b>

- 1.5 Of the above Notices/Actions 4 have made appeals to the Planning Inspectorate (PINS) and we are awaiting the adjudications from PINS. 5 notices are current and have yet to reach a conclusion, in terms of time to comply. The remainder have been concluded in that there has been compliance with the relevant Notice or Action.
- 1.6 In 2021 there were a total of 5 Notices/Actions and in 2022 there were 6. All but one of these were complied with. One went to Court but was settled prior to a formal hearing. This year's figures may be seen as high when compared with previous years. Generally speaking, negotiations with 'transgressors' have resulted in alterations or applications being made.

When looking at neighbouring authorities the department for Levelling Up, Housing and Communities statistics show the number of Notices/Actions as;

Bolton	12
Bury	15
Manchester	34
Oldham	9
Rochdale	5
Salford	0
Stockport	54
Tameside	5
Trafford	24
Wigan	2

## **2.0 CURRENT STAFFING LEVELS AND WORKING ARRANGEMENTS**

- 2.1 The Enforcement Team currently comprises of a Senior Planning Enforcement Officer and a Planning Enforcement Officer, who are employed full time. The Officers deal with complaint cases on a Borough wide basis, in accordance with the Council's Customer Charter for the Planning Enforcement Service.



### **3.0 WORKLOAD/COMPLAINT CASES RECEIVED AND TRENDS IDENTIFIED**

- 3.1 Table 1 above sets out statistical information for the period 1st January 2023 to the 1st December 2023.

We have received 458 'complaints' between the above dates which compares with 414 in 2021 and 416 for 2022, for the same time periods. The types of complaint are categorised in table form below.

- 3.2 It should be noted that complaints that have been logged towards the end of the month are still being investigated as we are awaiting responses from owners.

Where a site visit is required, we are currently visiting sites within 10 working days.

It should be noted that there are still delays in some areas following the Covid pandemic. Courts, Planning Inspectorate and Land Registry to name three, can have an impact on the conclusion of investigations or actions.

We still have a number of pending notices. Negotiations with the planning department have been undertaken and are awaiting information that can allow the planning matters to be discharged. We continue to monitor these cases.

### **4.0 Complaints Categorisation**

- 4.1 The 458 complaints we have received between January 1<sup>st</sup> 2023 to the 1<sup>st</sup> of December 2023 can be largely categorised as follows (The previous year is within the brackets);

Untidy land –	53 (43)
Outbuildings –	103 (87)
Breach of Conditions –	82 (76)
Fences/Decking –	46 (38)
Not built in Accordance with approved Plans	47 (51)
Trees –	12 (24)
Business –	66 (52)
Change of Use –	49 (32)

## **5.0 FORMAL NOTICES SERVED/ACTIONS TAKEN**

- 5.1 As previously stated, we have a number of Notices that are held in abeyance due to applications being made to the Planning department that are being currently being considered.

## **6.0 Enforcement Appeal Decisions**

There are, currently, 4no Enforcement Appeal Decisions that are being considered by the Planning Inspectorate

These are;

- a) Enforcement Notice to demolish a house which has been wrongly sited (forward of the approved building line) and also a further storey added. The Planning Department would not support this.
- b) Enforcement Notice on a property which was not built to the approved plans. Effectively, the owners have added another storey to the building and have also added a balcony. The Planning Department would not support this.
- c) Enforcement Notice relating to extensive decking. This could not be supported by the Planning Department due to the area covered and the height.
- d) Enforcement Notice relating to the removal of buildings erected on land within a Conservation Area.

## **7.0 CONCLUSION**

- 7.1 The majority of cases logged in the past 11 months have generally been dealt with via negotiation and applications being submitted to the Development Management Team. Others, when looked into, have complied with Permitted Development Rights and there has been no further action. There are three or four cases currently that may require more formal action. Action on those cases where notices have been issued and held in abeyance, will be dependent on planning application outcomes.
- 7.2 The need to thoroughly investigate complaints, draft and issue the formal notices, monitor existing enforcement notices served for compliance, prepare appeal statements is continuing to have a significant impact on the workload of the Enforcement Team, however, this is the nature of the work.
- 7.3 The service provided is primarily a reactive one in that we respond to complaints received from members of the public. It is recognised that the workload levels are such that the Enforcement Charter reply times are not being hit in some minor cases but where significant breaches arise, these are dealt with well within the Charter reply times.

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