

# Public Document Pack

## AGENDA FOR

## PLANNING CONTROL COMMITTEE



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

**To: All Members of Planning Control Committee**

**Councillors :** 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, 23 January 2024
<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/3208">https://councilstream.com/burycouncil/3208</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 19TH DECEMBER 2023** *(Pages 3 - 6)*

Minutes of the meeting held on Tuesday the 19<sup>th</sup> December 2023 are attached.

### **4 PLANNING APPLICATIONS** *(Pages 7 - 74)*

Reports attached.

### **5 DELEGATED DECISIONS** *(Pages 75 - 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 - 94)*

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

### **7 SECTION 106 OBLIGATIONS** *(Pages 95 - 136)*

A report from the Head of Development Management outlining the contributions made by S106 obligations between the 1<sup>st</sup> April 2022 and the 31<sup>st</sup> March 2023 is attached and summarises agreements that are outstanding.

### **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:** 19 December 2023

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

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

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**PCC.1 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted by Councillors D Duncalfe, U Farooq and D Quinn.

Councillors D Berry, G McGill and D Green acted as substitute representatives for Councillors Duncalfe, Farooq and Quinn.

**PCC.2 DECLARATIONS OF INTEREST**

There were no declarations of interest made at the meeting.

**PCC.3 MINUTES OF THE MEETING HELD ON THE 21ST NOVEMBER 2023**

**Delegated decision:**

That the Minutes of the meeting held on the 21<sup>st</sup> November 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 69956, 70195 and 68667.

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

**Delegated decisions:**

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

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

Erection and operation of a Material Recycling Facility and associated works

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 with a renumbered condition 17 for EV charging and amended condition 13 to include Swift bricks, and subject to all other conditions included:-

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

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

3. That the Committee **Approve with Conditions** the following application in accordance with the reasons put forward by the Development Manager in the report and any supplementary information submitted with an amended condition 6 to include Swift bricks, and subject to all other conditions included:

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

Erection of 1 no. dwelling

**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 PLANNING ENFORCEMENT**

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

**Delegated decision:**

That the report be noted.

**PCC.8 URGENT BUSINESS**

No urgent business was reported.



**COUNCILLOR S THORPE**  
**Chair**

**(Note: The meeting started at 7.00pm and ended at 8.17pm)**

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<b>Title</b>	<b>Planning Applications</b>
<b>To:</b>	<b>Planning Control Committee</b>
<b>On:</b>	<b>23 January 2024</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> North Manor	<b>App No.</b> 69326
	<b>Location:</b> Site of former Waterside, Kay Street, Summerseat, Bury, BL9 5PE	
	<b>Proposal:</b> Erection of single building containing 16 no.dwellings and associated car parking; Creation of an upgraded vehicular access off Kay Street	
	<b>Recommendation:</b> Minded to Approve	<b>Site Visit:</b> N
<hr/>		
<b>02</b>	<b>Township Forum - Ward:</b> Ramsbottom and Tottington - Ramsbottom	<b>App No.</b> 70200
	<b>Location:</b> Top Park playing fields, Bolton Road West, Ramsbottom, Bury, BL0 9NU	
	<b>Proposal:</b> Creation of 3G Artificial Grass Pitch (AGP) with perimeter fencing, new macadam hardstanding areas, floodlights, storage container, car park with associated lighting and landscaping, single storey extension to an existing pavilion	
	<b>Recommendation:</b> Approve with Conditions	<b>Site Visit:</b> N
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**Ward:** North Manor

**Item** 01

**Applicant:** Opulwood Developments Ltd

**Location:** Site of former Waterside, Kay Street, Summerseat, Bury, BL9 5PE

**Proposal:** Erection of single building containing 16 no.dwellings and associated car parking;  
Creation of an upgraded vehicular access off Kay Street

**Application Ref:** 69326/Full

**Target Date:** 08/05/2023

**Recommendation:** Minded to Approve

### **Description**

The site was last in use as a car park to the former Waterside public house, which was demolished shortly after the boxing day floods. The site was used to store materials and has since been cleared. The site is located within the Green Belt and the Brooksbottoms Conservation Area. The site is accessed from the existing access from Kay Street.

The River Irwell forms the boundary to the north and there are residential properties to the south and west (opposite Kay Street). There is a commercial building and a block of residential apartments to the north on the opposite bank of the River. Both of these buildings are Grade II listed.

Planning consent was granted (63630) for the erection of a single building containing 16 apartments, which would be located on the former car park. The approved scheme comprised a 4 storey building and would be constructed from stone with a zinc clad top floor. The site would be accessed from Kay Street and 28 parking spaces would be provided. This consent has lapsed.

The proposed development comprises the erection of a single building containing 16 apartments, similarly 4 storeys in height and would be constructed from stone with a zinc clad top floor. The site would be accessed from Kay Street and 30 spaces would be provided, which includes 2 accessible parking spaces.

The main difference between the approved scheme and the proposed scheme is that the height of the building would increase by 0.375 metres on each floor to meet the National Design Guide and Building Regulations.

### **Relevant Planning History**

63630 - Erection of single building containing 16 no. dwellings and associated car parking; Creation of an upgraded vehicular access from Kay Street at land off Kay Street, Summerseat. Approved with conditions - 9 October 2019

68459 - Variation of condition 2 (approved drawings) following approval of planning permission 63630 - Revision to site plan to accord with approved landscape drawing, Revision to elevations to increase floor to floor heights and lift overrun and Revisions to plans to accord with elevations at Waterside, Kay Street, Summerseat. Withdrawn - 6 February 2023.

69913 - Erection of 5 dwellings with associated road and landscaping and an upgraded vehicular entrance from Kay Street at site of former Waterside, Kay Street, Summerseat. Received - 11 August 2023.

### Adjacent site

62867 - Widening works on the upstream side of Kay Street Bridge, Summerseat, to provide a segregated single carriageway and pedestrian footway (Bridge Extension) at Kay Street

bridge, Summerseat. Approved with conditions - 31 July 2018.

### **Publicity**

110 neighbouring properties were notified by means of a letter on 9 February 2023 and a press notice was published in the Bury Times on 16 February 2023. Site notices were posted on 2 March 2023.

10 letters were received, which have raised the following issues:

- Object as the development is totally out of keeping with the conservation area.
- The development is more in keeping with Manchester city centre than this sensitive historic area.
- All the buildings are Victorian and built from stone within the Conservation Area. The properties are mill cottages and The Spinnings - an exceptional listed 1876 Victorian cotton mill. The proposed development should be made/faced with stone at the minimum so it complements the Conservation Area.
- The height and look of the apartment block is totally incongruous with its surroundings.
- Traffic is already a problem in the immediate vicinity with an increased volume of cars travelling through Summerseat.
- The narrow lands and one way bridge are not suitable for the increased volume of traffic that the development would cause - in construction and from occupants.
- Surprised that a flat roofed building could be considered appropriate in this setting.
- There are already queues from Bass Lane to Cliff Avenue in the morning and evening.
- The roads are in disrepair.
- There are delays all the time when using the bridge without adding another entrance/exit to it.
- Environmental impact due to increase in traffic and therefore, pollution.
- The village is used as a cut through for Greenmount, Tottington, Hawkshaw and Ramsbottom to get to the motorway.
- Possible flood risk and impact to the wider village - it has flooded before.
- Another 30 cars plus visitors will have an enormous impact on the village.
- Visitors to the development will have nowhere to park.
- The proposal will affect our view from the rear of the house, which will affect property prices.
- Summerseat is being overdeveloped so builders can attract high prices for the property they build.
- The proposed building has the potential to block out light as it is 4 storeys in height.
- Impact upon the existing drainage system, which is Victorian and flood risk
- The application states 32 parking spaces, but I can only see 28 on the plans. Two spaces per dwelling should be a minimum.
- How much light pollution would affect my house and garden from the flats and lighting for the car park.
- Who would be responsible for the retaining wall at the back of the gardens?
- Spaces 31 and 32 appear to block the access to the bins.
- Would like to see a reduction in the number of flats.
- The Brooksbottom Conservation Area appraisal points out that the area around the Spinnings and the two bridges is "very much part of the character of the village" and all the buildings/bridges are stone built. The bridge that was repaired following flood damage was constructed from stone. The developer should not be allowed to build from concrete blocks.
- If this building is passed in its current form, the Council would be in breach of its statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 as the proposed development does not preserve or enhance the character of the area.

The neighbouring properties and any objectors were notified of revised plans on 20 December 2023.

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

- Additional 32 cars will increase emissions, pressure on poorly maintained roads and



danger to pedestrians.

- Parking in the village can't accommodate visitors.
- Roads in the village are unsuitable for heavy construction traffic.
- Building design is unsympathetic to the area.
- Materials and window styles are thoughtless and low budget in appearance.
- Properties on Hill Street would have a considerable obstructed view and would be overlooked.
- Insufficient provision to support wildlife.
- There is no need for a hole to be cut in the bridge for residents access to the riverside walkway.
- Removal of bicycle storage does not promote a green transport incentive.
- For community cohesion, a riverside walk should be accessible for all.
- Concerned about the increase in traffic, especially if no provision to widen the roads, in particular Bass Lane, which is brought to a standstill in mornings and evenings.
- From the plans, I am unable to see how vehicle access has been improved other than a wider entrance.
- Concern about loss of light to the houses on Kay Street and Hill Street.
- This planning permission per se is confusing, as the previous plans focused on the building of 4/5 houses, which to my knowledge have been advertised on Rightmove.

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

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

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

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

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

**Conservation Officer** - No objections, subject to the inclusion of conditions relating to natural stone, landscaping and street furniture.

**Waste Management** - Need to consider how large eurobins would be emptied without damaging cars.

**GM Ecology Unit** - Comments to be reported in the Supplementary Report.

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

**Designforsecurity** - No response received.

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

**Pre-start Conditions** - Applicant/Agent [Not relevant/has/has not] agreed with 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
EN1/3	Landscaping Provision
EN1/4	Street Furniture
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	Conservation of the Natural Environment
EN6/1	Sites of Nature Conservation Interest SSSI's NNR's
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8/2	Woodland and Tree Planting
EN9/1	Special Landscape Areas
OL1/2	New Buildings in the Green Belt
OL1/3	Infilling in Existing Villages in the Green Belt
OL5/2	Development in River Valleys
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD11	Parking Standards in Bury
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD1	Open Space, Sport and Recreation Provision
RT2/2	Recreation Provision in New Housing Development
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), the adopted Bury Unitary Development Plan (UDP) and the Places for Everyone Joint Development Plan (PfE), 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** - NPPF Chapter 13 - Protecting Green Belt Land and OL policies of the UDP set out the national and local considerations of development within the Green Belt. UDP Policies are largely consistent with the NPPF and therefore hold significant weight. The policies of the NPPF hold substantial weight in terms of the consideration of development within the Green Belt, not least as these policies are more up to date than the UDP.

Para 152 considers that inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 154 states that the construction of new buildings in the Green Belt should be regarded as inappropriate unless it meets the following exceptions:

- 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.

Para 155 states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

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

Paragraph 153 of the NPPF states that when considering an application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Policy OL1/2 states that the construction of new buildings within the Green Belt will be inappropriate development unless it is for agriculture, forestry, essential facilities for outdoor recreation, limited extensions of existing dwellings and for other uses of land which do not conflict with the purposes of including land in it. Proposals for buildings, which do not fall into one of the above categories are inappropriate development and will only be permitted in special circumstances.

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

The application site is located within Summerseat village, which is named village for the purposes of Policy OL1/3 and the site is a vacant brownfield plot with built development to three boundaries (north, south and west) and the land to the east rises steeply, creating a physical barrier. As such, the proposed development would be considered to be an infill plot in accordance with Policy OL1/3 and bullet point e) of paragraph 154 of the NPPF.

Limited Infilling - The term 'limited infilling' is not specifically defined within the NPPF but would generally refer to gaps of land that may be capable of development without prejudicing Green Belt objectives. It may include forms of development other than frontage infilling, as long as the development would be in keeping with the village's character maintaining openness.

The agent has cited examples in the north west region, where applications for 23 dwellings has been found to qualify as 'limited infilling' in the Green Belt. This entails assessing each proposal on its merits and in relation to its surroundings.

Principle - Residential - 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 states that unless they have an adopted plan that is less than five years old that identified a five year supply of specific deliverable sites at the time of conclusion of the examination, then local planning authorities should identify and update annually a supply of specific developable sites to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing in certain circumstances set

out in NPPF paragraph 226.

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 deliverable land 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 four or five year supply of deliverable housing land when assessed against the Local Housing Need calculated using the standard method set out in Government guidance. However, the joint Places for Everyone Plan is at a very advanced stage and is considered to have significant weight in decision making. Using the targets and sites in PfE the Council is able to demonstrate a 5 year supply, 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 would be located within the named village and there are residential properties on both sides of the river. As such, the proposed development would not conflict with the surrounding land uses. The site was previously used as a car park and public house and as such, is 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 and the NPPF and brownfield site in the Green Belt.

Layout and impact upon surrounding area - The siting, scale and design of the proposed building has been carefully considered in relation to the physical constraints of the site, the wider Conservation Area and pre-existing built form.

The footprint of the building would be 410 square metres, which would be significantly less than a typical housing development (on the site). The proposed building would be located some 22 metres from the site frontage to ensure that the wider views of the Spinnings building would not be obscured. The proposed site plan indicates that the proposed building would sit comfortably within the plot with a sizeable landscaped curtilage to the east and the

landscaped car park to the west equally visible from wider public views.

The proposed building would be four storeys and 13.1 metres in height. As such, the proposed building would be 6.5 metres lower than the Spinnings building and would be only 5 metres higher than a standard 2 storey dwelling. As such, the proposed development is considered to be low density in built form terms and would not introduce an imposing building into the area.

The proposed development would be set back from the site access, would be relatively low profile and would maintain existing and create public views of the adjacent Listed Building and landscape. As such, the proposed building has been designed to minimise the impact upon the landscape and setting and maintain wider views of the valley from the public arena.

Given the location of the site within the context of the streetscape and the village, the size of the plot, the scale of the proposed development, it is considered that the proposed development would constitute limited infill development in line with the principles of bullet point e) of paragraph 154 of the NPPF and UDP Policy OL1/3.

**Places for Everyone** - 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 concluding in July 2023. The examination of the plan is on-going.

Whilst PfE cannot be given full weight until it is adopted, its advanced stage of preparation means that it is now considered reasonable that the Plan (as proposed to be modified) should be given weight in the decision-making process in line with paragraph 48 of the National Planning Policy Framework. Consequently, the principle of this application has been considered against the Plan (as proposed to be modified) and reference to policies and proposals are outlined below where these are considered relevant.

Policy JP-H3 (Type, Size and Design of New Housing) states that development should incorporate a range of dwelling types and sizes. It states that residential developments should provide an appropriate mix of dwelling types and sizes reflecting local plan policies, and having regard to guidance and relevant local evidence.

Policy JP-G3 (River Valleys and Waterways) seeks to retain the open character of river valleys avoiding fragmentation, avoiding prominent developments on valley edges, and reducing flood risk. Ensure that development relates positively to nearby rivers and other waterways, taking advantage of opportunities to integrate green infrastructure through:

- a. High quality frontages to the water; and
- b. Public realm frontages alongside the water for both recreation use and maintenance access.

The proposed development would involve works to the wall and riverside, which were damaged during the flood event in 2015. The proposed works would result in an improvement to the setting adjacent to the River Irwell. Therefore, the proposed development is considered to be in accordance with Policy GP-G3.

Policy JP-G10 (The Green Belt) seeks to protect land designated as Green Belt and re-states the five purposes of Green Belt land. It also states that the beneficial use of the green belt will be enhanced where this can be achieved without harm to its openness, permanence or ability to serve its five purposes.

As such, the position with regard to both national and local policy is unchanged.

**Design and layout** - The proposed four storey building proposes that the top floor would be

smaller in terms of footprint from the rest of the building and set back from all sides creating an upper penthouse. The plans have been amended during the course of the application and the proposed building would be constructed from stone with the top floor being zinc cladding. The use of stone would match the surrounding buildings and local context whilst the use of zinc would represent a clear modern, sympathetic addition. This is considered to be appropriate.

The proposed openings would be located at regular intervals and the rhythm of the openings would have a similar appearance to a mill, which given the industrial heritage is appropriate. The use of materials, floor to ceiling windows, cills, recessed areas and the recessed top floor would add visual and a modern interest to the elevations. Therefore, the proposed development would not be an inappropriate feature in the streetscene.

An area of amenity space would be provided to the rear of the site, which would provide a suitable level of private amenity space for users of the development. The proposed bin store would be internal to the main building and would be located adjacent to the car park. It would be large enough to accommodate the refuse bins. One of the parking spaces has been removed to ensure that the large eurobins could be emptied without damaging cars, is accessible and has therefore, addressed the concerns from Waste Management.

The existing riverside wall and metal railings would be cleared of self-seeded foliage and made good. New metal railings to match the existing railings would be installed between the existing railings and the wall adjacent to the bridge parapet. As such, the proposed boundary treatments would not be an inappropriate or prominent feature in the streetscene and would be sympathetic with the existing features. Therefore, the proposed development would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

**Heritage issues** - Sections 66 and 72 of the Town & Country Planning (Listed Buildings & Conservation Areas Act) 1990 imposes a statutory duty upon the Local Planning Authority (LPA) to recognise, positively manage and ensure the preservation or enhancement of Listed Buildings and Conservation Areas.

The NPPF sets out the Government's planning policies and one of the core planning principles states that planning should 'conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.'

Paragraph 203 of the NPPF states that when determining applications, local planning authorities should take account of;

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

Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The application site is located in the Brooksbottoms Conservation Area and the two buildings (The Spinnings and the Gatehouse) on the opposite side of the River Irwell are

Grade II listed and physically separate from the site. As such, the impact upon the Listed Building and Conservation Area would carry significant weight.

The application site was last used as the car park for the former Waterside building, which was demolished in December 2015 following significant structural failure. Since the Waterside was demolished the site has remained vacant and is surfaced in poor quality tarmac which stems from its previous use as a car park. There is a stone abutment wall adjacent to the river, where the Waterside sat above, which is in a poor condition and is a remnant of a collapsed structure. As such, the site presently makes a negative contribution to the character and appearance of the conservation area.

Existing character - Brooksbottoms Conservation Area lies on the River Irwell by the mouth of Gollinrod Gorge and has two distinct character areas - a mixture of late 18th, 19th and 20th century stone & brick houses and education and ecclesiastical buildings on a thoroughfare (known as Rowlands) and a development of the cotton industry from the late 18th and early 19th century and consists of larger industrial buildings, rows of small terraces and structures associated with the railway (Brooksbottom). The application site forms part of the Brooksbottoms area, which reflects the harsher character of the Industrial Revolution and is dominated by the four storey Brooksbottom Mill (now The Spinnings). The mill is surrounded by small terraces of workers housing and the railway viaduct. There is a visual harmony from the use of a limited palette of natural building materials, largely locally derived stone with stone or slate roofs.

Brooksbottoms Mill forms an important part of the conservation area and consisted of The Spinnings, which is located on the northern bank of the River Irwell along with the office (now known as the Gatehouse) and two storey canteen block (the Former Waterside public house). All three buildings were Grade II listed buildings, although the Waterside building was demolished in December 2015 following the flooding.

The Spinnings Building is a substantial four storey high Listed Building and consists of 19 bays across the front elevation, topped with a parapet which hides a shallow double-pile and hipped roofs. The key attributes of the Mill are its architectural interest, particularly the south and west elevations, historic interest and group value with the Hoyles Manchester Building. The mill building was converted to residential apartments and the associated weaving sheds, spinning section and chimney were demolished at this time. Following the demolition of the Waterside pub, new views have opened up along Kay Street of the Spinnings building. The Mill is bordered on the south side by the River Irwell which has thick tree growth along both banks to the east in the Gollinrod Gorge.

#### Impact of proposed development upon significance

CONSERVATION AREA - The apartment building has been set as far east on the site as possible to ensure that the newly-opened up views of The Spinnings from Kay Street remain open. The parking has been set along the southern boundary and on the west side, will be bordered with a stone wall by the road and will be landscaped with new planting. There would be a stone-paved riverside walkway along the north side to allow views along the river. Trees to the south-west and south-east would be retained and would provide screening from Hill Street. The river wall, damaged when the pub collapsed and during the subsequent demolition work, would be repaired/reinstated.

The apartment building would be four storeys in height and around ten parking bays in width, although the arrangement of windows is different across the long north and south elevations, which would be acceptable. Whilst the proposed building would be 0.375 metre higher than the building that was previously approved, its overall height and massing would be less than that of the historic Mill (The Spinnings). It has been designed in a simple contemporary style and would be built in coursed stone with ashlar features, to reflect local building materials, with a dark-grey matt zinc for the upper floor and roof. The rhythm of the fenestration reflects the regular groups of windows of the south elevation of the facing mill building. The entrances are on the south side, which would make the side active, and the north side windows provide passive surveillance.

The lift shaft has been reduced in size by just under a third and has been set further back into the building footprint. Given the levels, the proposed lift shaft would not be visible from the opposite bank of the River Irwell (Waterside Road) and only the top section would be visible from Kay Street at a distance. This would have a minor intrusion on the form, but given how the shaft protrusion has been amended, this element now would not be obtrusive in any way to the design or surrounding area.

**LISTED BUILDING** - Again, the proposed building would be located on the opposite side of the river and as far east as possible to avoid impacting upon the view and setting north eastwards from Kay Street towards the listed buildings. The proposed building is 4 storeys in height, although the top floor is smaller in footprint and set back appearing visually subservient. The listed buildings were historically set within a complex of large industrial buildings on the north side of the river. The proposed development would be lower than the listed building with a smaller footprint and the top floor would be constructed in a dark coloured material to help it recede from the longer range views. The proposed building has been designed in a simple palette of materials, which are sympathetic and not challenging to the listed buildings and the surrounding area.

The separation of the site from the buildings opposite would be maintained by the river and thus not challenging in form, position or upon the listed building's curtilage. As such, the impact of the proposal on the setting of the listed buildings is considered to be neutral and would preserve the setting of the listed building.

**Conclusion** - The current condition of the application site impacts negatively on the character and appearance of both the Conservation Area and the listed buildings. The Conservation Officer has no objections, subject to the inclusion of conditions relating to natural stone, landscaping and street furniture. The proposed development would preserve the recently created public views of the listed buildings and would bring the vacant brownfield land back into beneficial use. The proposed development would preserve and enhance the character of the Conservation Area and would be appropriate in terms of scale, materials and design. The proposed development would preserve the setting of the listed buildings. Therefore, the proposed development would be in accordance with Policies EN1/2, EN2, EN2/1, EN2/2 and EN2/3 of the Bury Unitary Development Plan and the NPPF.

**Impact upon residential amenity** - SPD6 provides guidance on aspect standards between residential properties and new development and as such, is useful to consider in this case.

The aspect standards states that there should be a minimum of 20 metres between directly facing habitable windows and 13 metres between a habitable room window and a two storey blank wall. If there is an additional storey in height or difference in levels of 2.5 metres, a further 3 metres should be added to the aspect standard.

The existing dwellings on Hill Street are at a higher level than the application site. There would be a minimum of 27.4 metres between the proposed development and the dwellings on Hill Street and 34.2 metres between the proposed development and the dwellings on Kay Street. Both of these distances would be in excess of the 26 metre aspect standard.

There would be 29.8 metres between the proposed development and the gatehouse building and 40.1 metres between the proposed building and The Spinnings. Both of these distances would be in excess of the 26 metre aspect standard.

The proposed development is considered to follow the villages historic form in the context of layout. Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties.

**Trees** - The proposed site plan indicates that 11 trees and 1 group of trees would be removed as part of the proposed development. All of the trees to be removed are category



C or U and as such, are of low quality. Trees would be retained in the south west corner of the site near the entrance and in the south east corner of the site. In addition, 7 further trees would be planted as part of a landscaping scheme, which would be conditioned. As such, the proposed development would not be detrimental to the character of the area and would be in accordance with Policies EN8 and EN8/2 of the Bury Unitary Development Plan.

**Ecology** - An ecological report was submitted as part of the application, but was undertaken some time ago. However, the site is primarily tarmac, with likely changes limited to natural succession. The applicant has provided an updated ecological assessment and comments are awaited from GM Ecology Unit. The comments will be reported in the Supplementary Report.

**Flood risk** - The application site is in flood zone 2 and the primary source of flooding would be from the River Irwell immediately adjacent.

The proposed residential dwellings would be classed as more vulnerable, which are considered to be appropriate development as defined by the flood risk vulnerability classification of the technical guidance to the NPPF.

A sequential test has been undertaken and Summerseat, Greenmount and Holcombe Brook were searched for suitable alternative sites. Five sites were assessed, but these were not considered to be reasonably available for reasons including green belt, flood risk, and their availability or lack of. As such, there is not another site, which could reasonably provide a similar scale of development in a lower flood zone.

The Flood Risk Assessment (FRA) states that the site would not experience flooding during the 1 in 100 year flood event, the 1 in 100 year plus 30% climate change event and the 1 in 100 year plus 35% climate change flood event. The extreme 1 in 1000 year flood event would flood the lowest part of the site to a maximum depth of 0.14 m.

The proposed finished floor level for the proposed building should be set at 109.22m AOD. This would be 0.94 metres above the 1 in 100 year plus 35% climate change flood level and 0.48metres above the 1 in 100 year plus 70% climate change flood level.

The access route into and out of the site would be located in flood zone 1 and as such, would remain dry during a 1 in 100 year flood event and in the extreme 1 in 1000 year flood event.

The Environment Agency has no objections to the proposed development subject to conditions relating to finished floor levels and a method statement for the removal of invasive species.

Therefore, the proposed development would be acceptable and would be in accordance with Policy EN5/1 of the Bury Unitary Development Plan and the NPPF.

**Highways issues** - The proposed development would utilise the same access point that served the car park. The proposed plans indicate that appropriate levels of intervisibility can be achieved and turning facilities would be provided.

Since the previous application for residential development was approved, the works to the adjacent bridge, which include the provision of a footpath and boundary wall have been completed. The proposed development would leave a gap between the existing boundary wall and the proposed boundary wall, which would serve as a pedestrian access to the site and the riverside walkway.

Amended plans are to be submitted to show the junction arrangements and the position of a segregated footway and further comments will be reported in the Supplementary Report. Therefore, the proposed development would be in accordance with Policies H2/1, H2/2, EN1/2 and HT6/2 of the Bury Unitary Development Plan.

**Parking** - SPD11 states that the maximum number of parking spaces is 2 spaces per 1 bed and 2.5 spaces per 2 bed dwellings as the site is located in a low access area. This equates to 38.5 spaces.

The proposed development would provide 31 spaces and bicycle storage for 4 bicycles. This would equate to 1 space per unit and 15 spaces for visitors. Whilst the site is located within a low access area, the village is served by a bus service, which operates on an hourly basis. Taking these provisions and the car parking spaces provided, it is considered that the level of car parking would be acceptable in this case. Therefore, the proposal would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

**Planning obligations** - A contribution for recreation provision would be required of £24,991.20 in accordance with Policy RT2/2 of the Bury Unitary Development Plan and SPD1 and 2 affordable units would be provided in accordance with the NPPF. These provisions would be secured through a section 106 agreement.

**Conclusion** - Overall, the site represents a brownfield site within the Green Belt, which is located within a Conservation Area and in proximity to Listed Buildings.

The redevelopment of a brownfield site is encouraged in the NPPF with the checks and balances of ensuring that there is no harm on openness as a result of development. It is considered that this development would, as infill, not cause harm on openness by reason of scale, siting and positioning.

The development would provide and contribute to much needed housing supply in the borough.

In considering the heritage issues, the current appearance and contribution of the site is considered to be partly neutral (cleared area) and negative in terms of the river wall. The Conservation Area, Listed Buildings and setting are considered to hold significant weight in the consideration of development. However, the carefully considered form, scale, positioning and assimilation of the proposed development in the existing context is appropriate, and would preserve the character of the Conservation Area and the setting of the Listed Buildings.

The layout, scale and form of the proposed development is appropriate to the character of this village and would be suitably serviced in terms of amenity space, car parking and access. Flood risk has been appropriately considered and there are no objections from the Environment Agency. Ecology and landscape equally would not be impacted upon negatively.

Given the above, it is considered that the scheme would be appropriate.

### **Response to objectors**

- The issues relating to traffic, parking, design, height, the impact upon the conservation area and listed buildings, the impact upon residential amenity, trees, drainage, flood risk and Green Belt have been addressed in the main report.
  - The plans contain sufficient detail for an application of this nature.
  - The proposed development would be constructed from stone with a zinc clad roof, which would match and as appropriate complement the existing properties in the village.
  - The issue of whether the building of this height and mass can be constructed on this site would be a matter for Building Regulations and is not relevant for planning.
  - The Council has to assess the scheme submitted, which is for a block of apartments. The policy position has not changed with regard to the fact that a similar development had been granted on this site previously.
  - The application is determined on whether the development proposals are acceptable and not who the applicant is, or their actions.
  - Environmental Health - Air Quality Team have no objections to the scheme in relation to
- Page 22

pollution, subject to the inclusion of a condition relating to EV charging points, which would reduce pollution from vehicles.

- The loss of view and impact upon property prices are not a material planning considerations and cannot be taken into account.
- Space 32 has been deleted to ensure access for the bins to be emptied/assessed.
- Revised plans are expected to show that the gate in the wall has been relocated to the south of the existing wall.
- Storage for 4 bikes would be provided adjacent to the site entrance.
- Sites can have multiple planning permissions. However, no decision has been made on application 69913, which is for 5 dwellings.

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

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

**Recommendation:** Minded to Approve

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered ..... and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
3. A sample panel of stonework, including natural stone and ashlar, and mortar, demonstrating the colour, texture, face bond and pointing, not less than 1 sq.m in size, shall be erected on site for inspection, and approval in writing, by the Local Planning Authority prior to the commencement of the development. Samples of the roofing materials (zinc cladding), window frame size and colour and rainwater goods, shall also be made available for inspection on site. Thereafter the development shall be constructed in the approved materials and manner of construction.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to the following Policies of the Bury Unitary Development Plan:  
Policies EN1/2 - Townscape and Built Design  
Policy EN2/1 - Character of Conservation Areas  
Policy EN2/2 - Conservation Area Control  
Policy EN2/3 - Listed Buildings.
4. No development shall commence unless and until:-
  - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
  - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be

submitted to, and approved in writing by the Local Planning Authority;

- Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

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

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

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

6. Prior to occupation, the electric vehicle charging points shown on plan 2492.2.12 Rev C shall be installed and made available for use. EV chargepoints shall be 7kW\* as a minimum.

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

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

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 development hereby approved shall be carried out in accordance with the Flood Risk Assessment Addendum, dated 24/04/2023.

Reason. To reduce the impact of flooding on the proposed development and future occupants pursuant to Policy EN5/1 - New Development and Flood Risk of the Bury Unitary Development Plan and Section 14 of the National Planning Policy Framework.

9. The development hereby approved shall be carried out in accordance with the details approved under condition 8 of permission 63630.  
Reason. To ensure the treatment and removal of Japanese Knotweed and Himalayan Balsam in the interest of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
10. All trees shown to be retained on site on plan reference 2492.2.23 Rev B, 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.
11. No development shall commence unless or until, a lighting plan for the external lighting has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:
  - Show how and where external lighting will be installed and through appropriate lighting contour plans demonstrated clearly that any impacts on bats and otters using the River Irwell will be negligible;
  - Specify frequency and duration of use.

All external lighting shall be installed in accordance with agreed specifications and locations set out in the strategy.

Reason. No details of the external lighting has been provided and to ensure 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.
12. The development hereby approved shall be carried out in accordance with the details approved under condition 11 of permission 63630.  
Reason. No information has been submitted and to ensure that no harm is caused to the River Irwell 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.
13. Notwithstanding the submitted scheme, an updated landscaping scheme, including a scheme for replacement trees, shall be submitted to, and approved by the Local Planning Authority prior to the commencement of the development. The contents of the plan should include native tree and shrub planting and the provision of bat bricks/tubes within the new development and bat and bird boxes. The approved scheme shall thereafter be implemented not later than 12 months from the date the building(s) is first occupied or within the first available tree planting season,; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.  
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.
14. Subject to the provisions of the condition 16, the car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the development hereby approved being occupied and thereafter maintained at all

times.

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

15. The refuse storage facilities indicated on the approved plans shall be implemented and made available for use prior to the development hereby approved becoming first occupied and shall thereafter remain available for use at all times.

Reason. In order to ensure that the development would maintain appropriate facilities for the storage of domestic waste, including recycling containers, in the interests of amenity and pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EN1/2 - Townscape and Built Design

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development.

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

- Dilapidation survey, to a scope to be agreed, of the footways and carriageways abutting the site in the event that subsequent remedial works are required following construction of the development;
- Hours of operation and number of vehicle movements in relation to deliveries;
- A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site, including any requisite phasing of the development to accommodate this;
- Parking on site of operatives' and construction vehicles together with storage on site of demolition/construction materials, including any requisite phasing of the development to accommodate this;
- Proposed site hoarding/gate positions if required, located clear of required visibility splays, including the provision, where necessary, of temporary pedestrian facilities/protection measures on the adopted highway;
- 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 periods and the measures shall be retained and facilities used for the intended purpose for the duration of both periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of construction materials.

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

17. Notwithstanding the details indicated on approved plan reference 18-518-11-Revision C, no development shall commence unless and until full details of the following have been submitted on a topographical survey of the site and adjacent adopted highways to the Local Planning Authority:

- Formation of the proposed site access onto Kay Street incorporating the

provision of visibility splays in accordance with Manual for Streets, a segregated footway from Kay Street to the 'entrance hall' of the residential development and associated highway remedial works and alterations to the car park layout;

- Following the revision of the car park layout, a scheme of allocation of the proposed parking spaces for individual dwellings and visitors, ensuring that any spaces affected by the easement required to be maintained from Kay Street through the site to the Kay Street Bridge structure will not affect parking spaces allocated to individual dwellings;
- Rebuilding of the river wall, incorporating a minimum parapet height of 1.1m adjacent to the riverside walkway;

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

Reason. Details have not been provided and to ensure good highway design, maintain the integrity of the adopted highway and ensure the intervisibility of the users of the site and the adjacent highways in the interests of highway safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design.

18. The turning facilities indicated on approved plan reference 18-518-11-Revision C shall be provided before the development is brought into use and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times

Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/2 - The Layout of New Residential Development

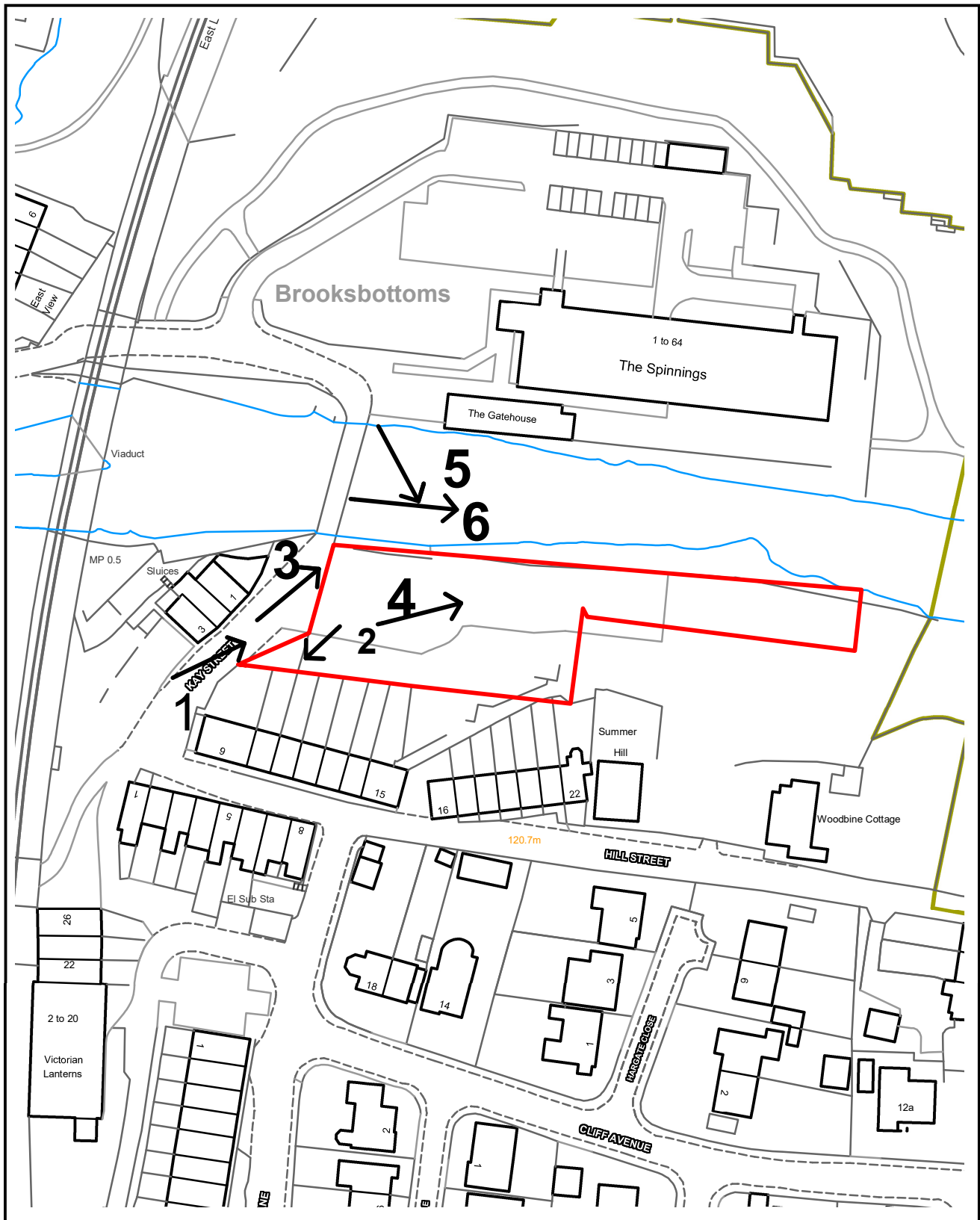
Policy EN1/2 - Townscape and Built Design.

19. Notwithstanding the submitted plans, no development shall commence unless or until a scheme for the provision of cycle parking has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation of the dwellings hereby approved.

Reason. To ensure adequate off street parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan and SPD 11 - Parking Standards in Bury.

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

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

**APP. NO 69326**

**ADDRESS: Site of former Waterside Kay**



**Bury**  
Council

**Planning, Environmental and Regulatory Services**

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69326

Photo 1



Photo 2





69326

Photo 3



Photo 4





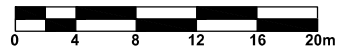
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Photo 5



Photo 6





2492.2.02 REV A

Opulwood Developments

Existing Site Plan

Waterside Apartment, Kay St, Summerseat

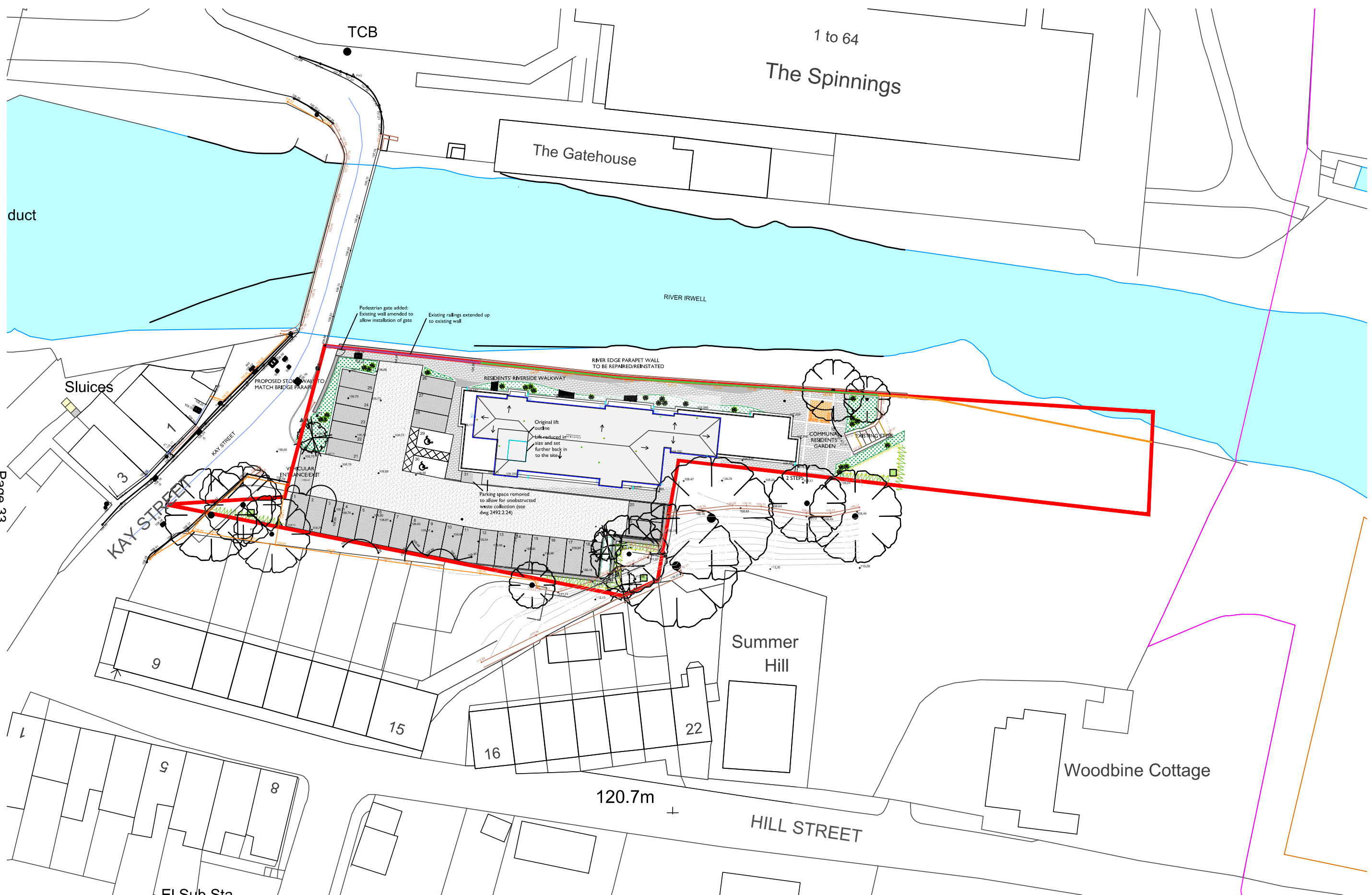
REVISION	AMENDMENTS	DATE	CHKD
A	Existing wall to bridge shown	03-05-23	IS

1:500 @ A3

HATTRELL LLP

Suite E, Kings Court, Railway Street, ALTRINCHAM, CHESHIRE, WA14 3RD.  
TELEPHONE 0161 820 4307  
e-mail: design@hattrrellarchitects.com / www.hattrrellarchitects.com





2492.2.03 REV B

Opulwood Developments

Proposed Site Plan

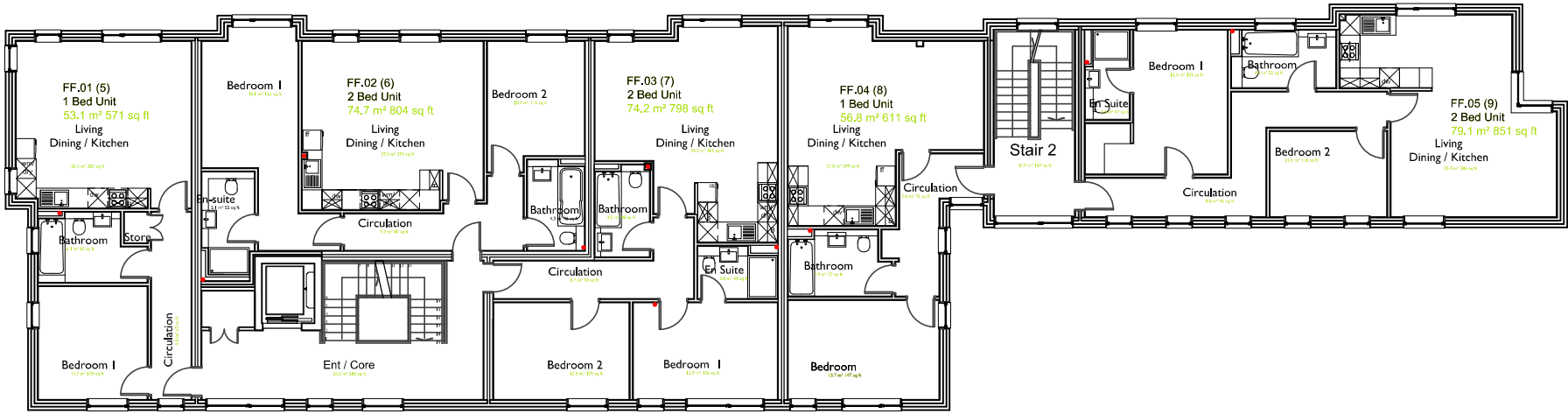
Waterside Apartment, Kay St, Summerseat

REVISION	AMENDMENTS	DATE	CHKD
A	Existing wall to bridge shown	03-05-23	JS
B	Addition of pedestrian gate and footpath, removal of parking space and lift reconfiguration.	30-11-23	JS

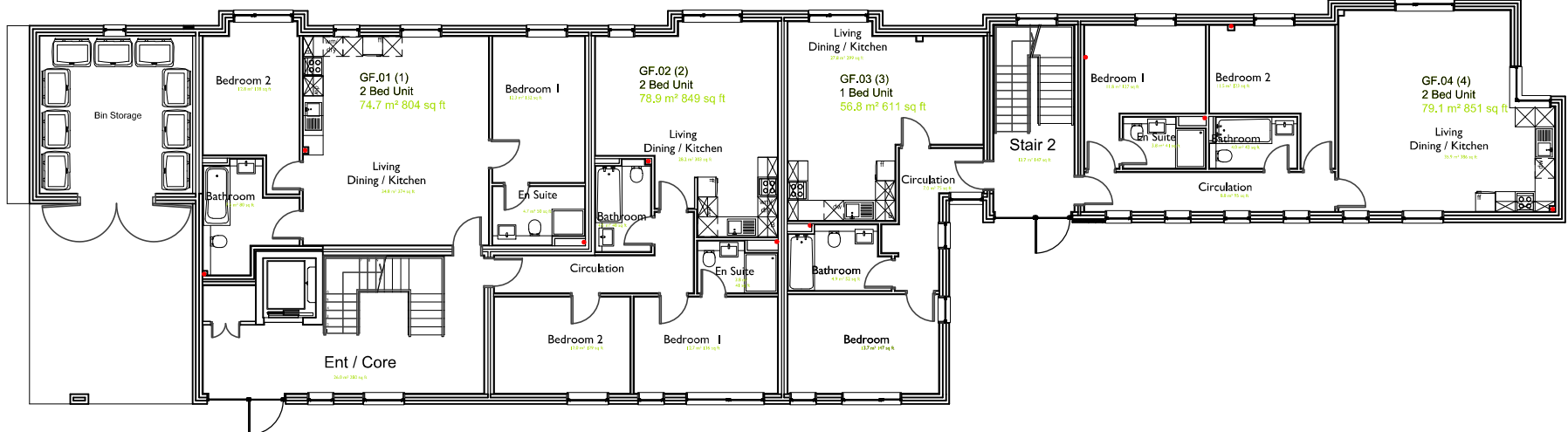
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HATTRELL LLP

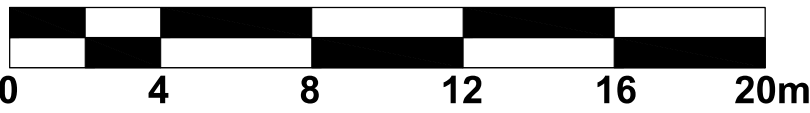
Suite E, Kings Court, Railway Street, ALTRINCHAM, CHESHIRE WA14 2RD  
TELEPHONE 0161 820 4207  
e-mail: design@hattrellarchitects.com / www.hattrellarchitects.com



First Floor



Ground Floor

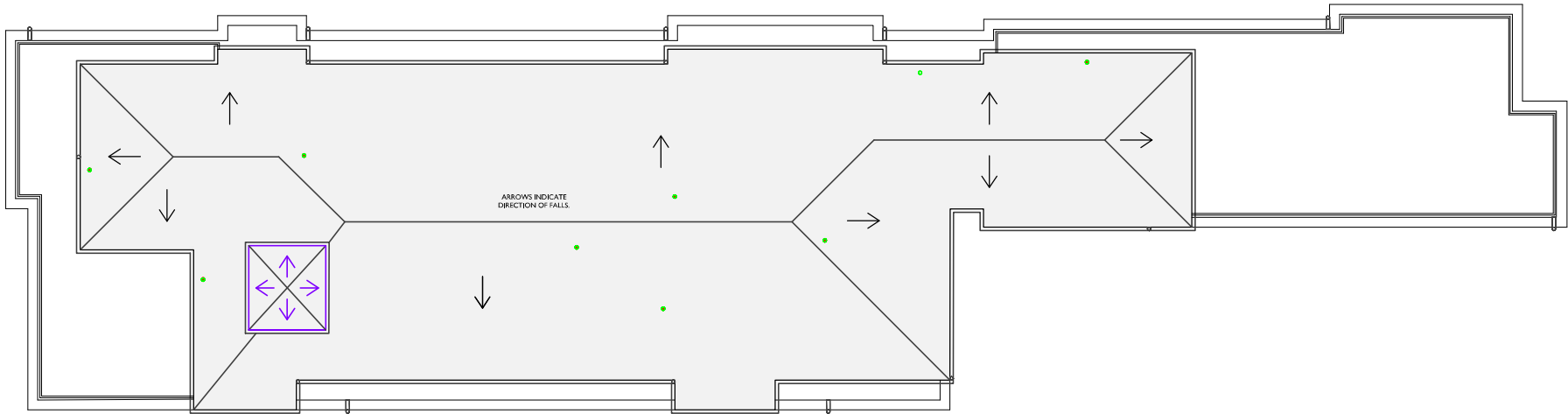


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Proposed Ground & First Floor Plans

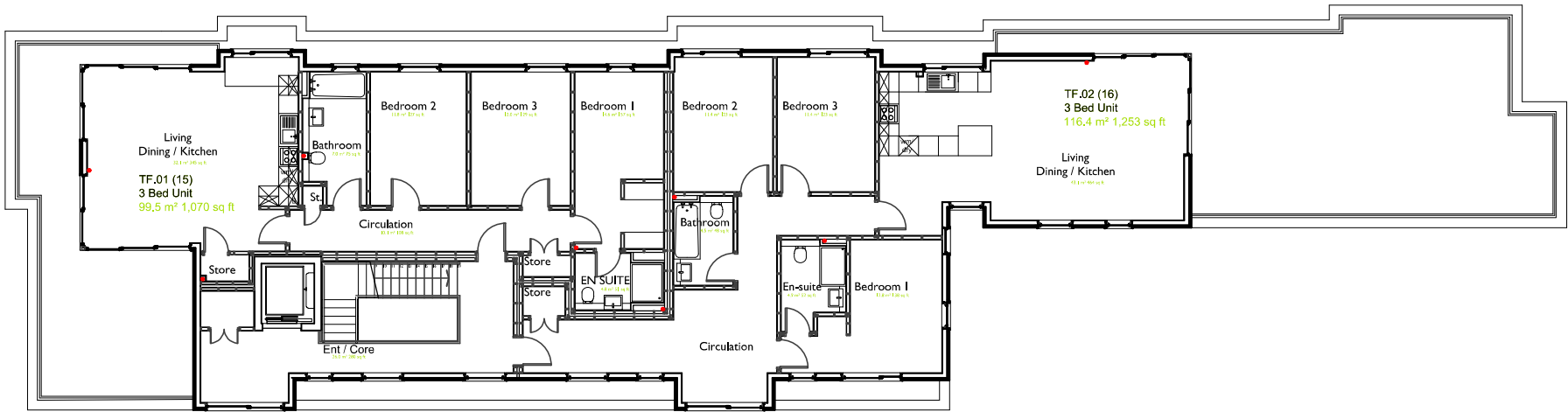
REVISION	AMENDMENTS	DATE	CHKD
A	Bin storage doors amended	30/11/23	IS

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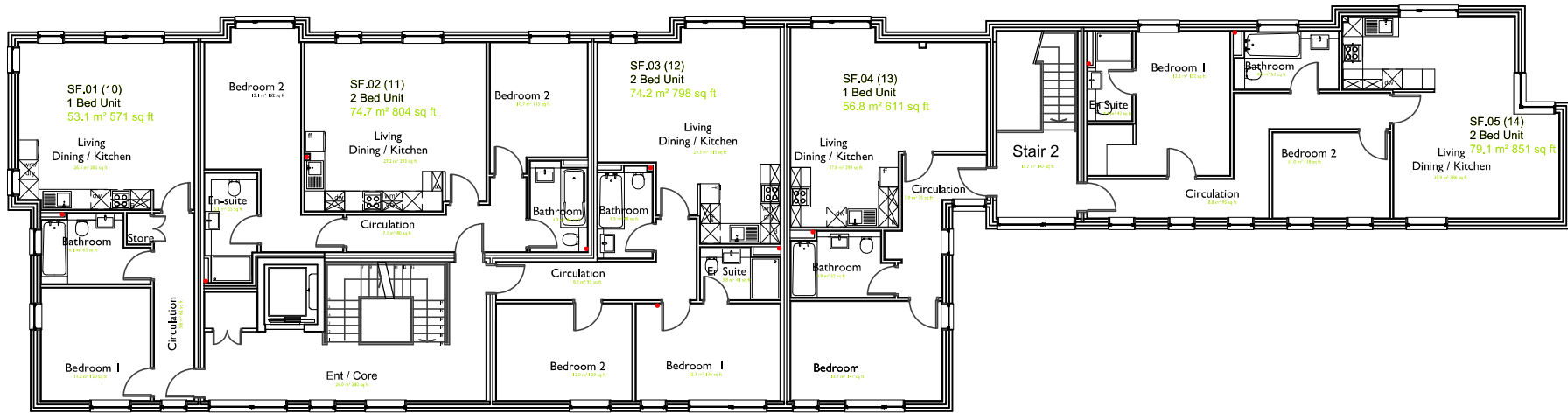


REVISION	AMENDMENTS	DATE	CHKD
A	Lift overrun reduced in size and set further in to the site.	30/11/23	JS

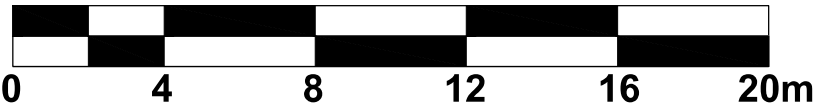
Roof Plan



Third Floor

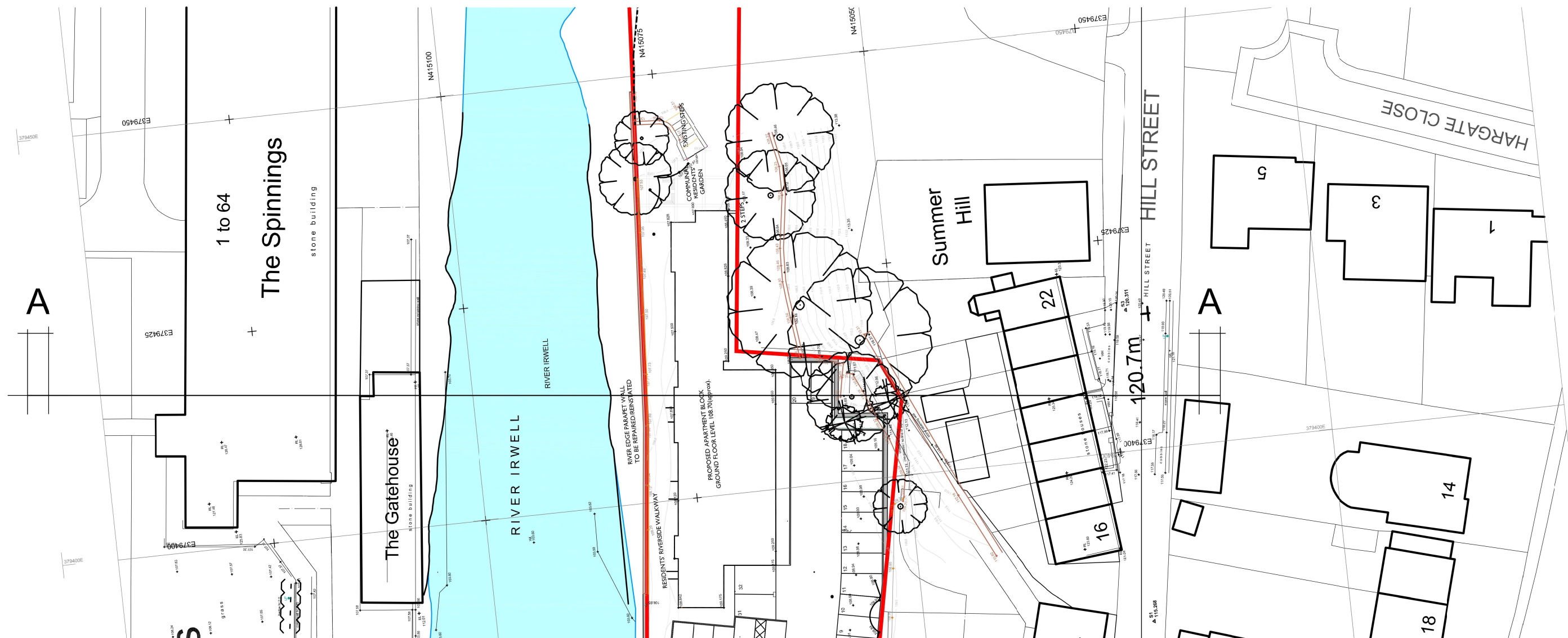
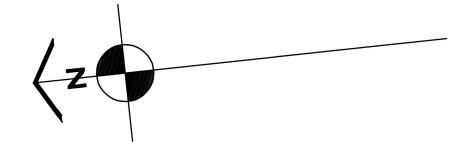
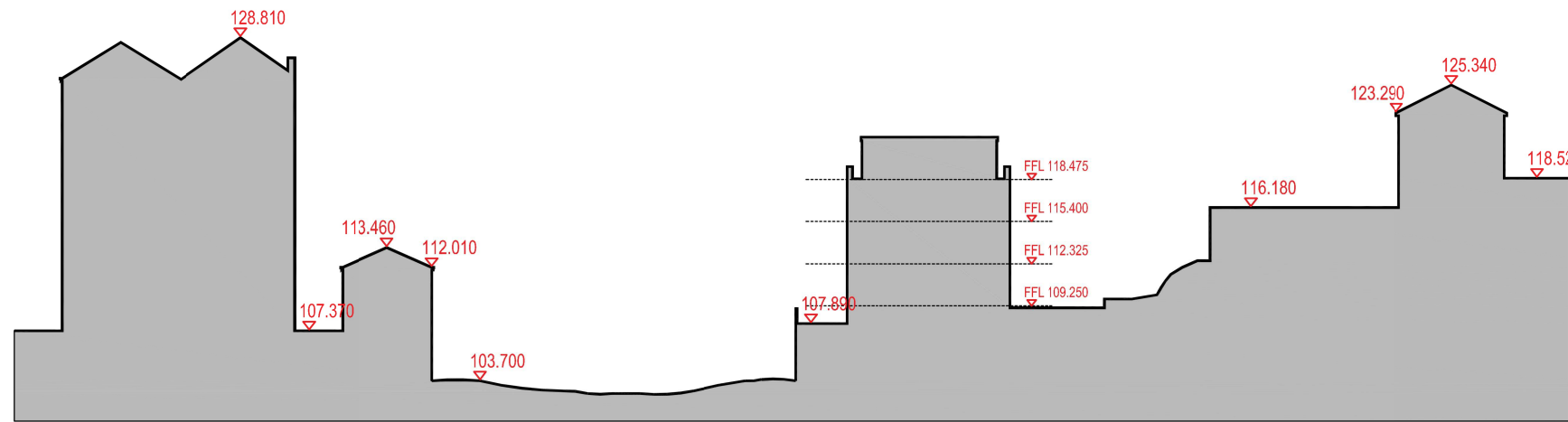


Second Floor









REVISION	AMENDMENTS	DATE	CHKD
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**Ward:** Ramsbottom and Tottington -  
Ramsbottom

**Item** 02

**Applicant:** Bury Council

**Location:** Top Park playing fields, Bolton Road West, Ramsbottom, Bury, BL0 9NU

**Proposal:** Creation of 3G Artificial Grass Pitch (AGP) with perimeter fencing, new macadam hardstanding areas, floodlights, storage container, car park with associated lighting and landscaping, single storey extension to an existing pavilion

**Application Ref:** 70200/Full

**Target Date:** 23/01/2024

**Recommendation:** Approve with Conditions

### **Description**

The site relates to a playing field and sports facility, known as Top Park Playing Fields which is designated as Protected Recreation Provision in the Urban Area under UDP Policy RT1/1.

The playing fields are predominantly surrounded by residential properties, with the existing car park and pavilion fronting Bolton Road West. Access to the site and car park is gained from Bolton Road West.

The site of the proposed development is utilised by Ramsbottom United JFC and is part of a larger grass playing field area maintained to a basic standard, with two pitches marked out primarily for football. The site is also used for casual recreation and informal activities by the wider community and includes an open access MUGA and a children's play area.

Planning permission is sought for the following:

- Creation of a 91m x 55m 3G Artificial Grass Pitch (AGP).
- 4.5metre high perimeter fencing around the proposed AGP.
- Recesses are proposed to the perimeter of the AGP to accommodate space for goal storage, as well as a spectator hardstanding which runs along the north-west length of the AGP.
- Installation 6no. 15m floodlights for the AGP.
- Installation of a 2.4m x 6.1m storage container to the north-west length of the AGP adjacent to the spectator hardstanding
- Extension to the existing car park to provide 24no. additional spaces, 2 No. EV spaces and 2 No. disabled spaces.
- 5no. 6m lighting columns associated with the existing and proposed car park.
- Amendments to the existing entrance from Bolton Road West to widen the entrance, introduce a 1 metre wide tarmac footpath and introduce new tactile paving on the footpath that fronts the site.
- Single storey extension to the south of the existing pavilion that projects approximately 4.83 metres

### **Relevant Planning History**

54705 - Single storey extension; Erection of 2 no. storage containers; 2.4m high timber fence enclosure - Approve with Conditions 23/02/2012

### **Publicity**

80 Neighbour letters sent on 03/11/2023 and an additional 26 neighbour letters sent on 20/11/2023

Site notice - 10/11/2023

3 objections in relation to:

- Traffic management and parking - weekends are already manic when matches are on at the park.
- Imagine in an attempt to recoup cost they will be actively encouraging footfall during the week and this will impact on parking on surrounding streets.
- How would you ensure that the 3G pitch will not become vandalised?
- Extending the building and car park would mean building on land that is unstable due to potential pockets of methane (due to previously being a landfill site)
- There are already 3G pitches at Woodhey high school- they would benefit from the income raised by Rammy renting them.
- A skate park/bike ramps would be more popular.
- Noise - current noise from the park and pitches is significant and increase in vehicles and footfall 7 days a week, for some 14 hours a day.
- Proposed hours of use would mean obtrusive noise for extended hours for those closest to the facility including late into the evening and way beyond the time the traffic noise on Bolton Road West has reduced.
- 15m floodlights are likely to be overbearing and out of character with the surroundings as well as creating obtrusive light for extended hours.
- Widening the access will make it easier for travellers to enter car park and single leaf vehicular gate is inadequate.

2 comments in relation to:

- visitor drivers are not respectful of adjacent streets. Would help greatly if the entrance to a nearby cul-de-sac was signposted showing it as a dead end or stating that it does not lead to Top Park.

125 representations of support in relation to:

- Parent of a child and fully support the proposed 3G pitch.
- Pitch frequently floods.
- Substandard facilities which are waterlogged, covered with litter and dog poo with games frequently called off and cancelled.
- Since September, they have had 13 fixtures scheduled, half of which were called off due to waterlogged grass pitches.
- Facilities like this are vital to junior development.
- Playing on wet heavy grass pitches is an awful experience and they can't develop skills
- Not enough 3G pitches locally.
- Alternative pitches are oversubscribed and costly to parents and matches have to be called off as there isn't capacity.
- The club have provided facilities for the community and will no doubt continue to do so.
- Should promote sports and health in our young people to prevent health inequalities, child obesity and to help with mental health.
- Will promote discipline and social interactions
- Benefits to children both socially but also behavioural from having access to sport all year round is key.
- It will deter travellers as the pitch will be in use.
- Our town is severely lacking safe, modern spaces for our children to engage in sporting activities.
- Currently, the Children of the UK are classed as the most obese in Europe. Lack of activity is driving this number up.
- This new and exciting development would be hugely beneficial for the whole of Ramsbottom, and especially children who have suffered and lost so much in recent years.
- Major boost for grass roots football.
- Our children are the future of Ramsbottom and this development will make them feel like valued members of the community.

- Additional parking will relieve local roads on match days.
- There is ample space for both pitches and space around the perimeter for dog walkers and runners to fairly share the area.
- It's the local authority's duty to ensure facilities are available all year round, the club have achieved funding already, therefore it will not burden the tax payer.
- Such a facility will also attract visitors and sports enthusiasts to our area, potentially boosting local businesses and contributing to the vibrancy of Ramsbottom.
- Would you consider the construction of a new skate park there? Since the skate park was removed at Ramsbottom swimming baths, it has become a real challenge to keep up this hobby locally.
- The development of houses within the area is forever increasing but no investment has been put into new play areas for children.
- These pitches can be rented out to local teams, clubs, and organizations, generating revenue for the area's sports facilities. This income can contribute to the maintenance and improvement of the facilities.

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

**Traffic Section** - no objection subject to conditions in relation to the submission of a construction traffic management plan, implementation of the alterations and pedestrian improvements at the access, and implementation of the car parking.

**Drainage Section** - any response will be reported in the supplementary agenda.

**Environmental Health - Contaminated Land** - no objections subject to conditions in relation to the submission of a contaminated land preliminary risk assessment, site investigation, detailed risk assessment, remediation strategy and site verification report and implementation of EV charging points.

**Environmental Health - Pollution Control** - confirmed no comments to make.

**Public Rights of Way Officer** - any response will be reported in the supplementary agenda.

**United Utilities (Water and waste)** - the plans are not acceptable to United Utilities. This is because we have not seen robust evidence that the drainage hierarchy has been thoroughly investigated and the proposals are not in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems. As such a pre-commencement SuDs drainage scheme condition is proposed.

**The Coal Authority**- Do not object to this application

**Greater Manchester Ecology Unit** - The main ecological issue is mitigation for the loss of moderate area of low ecological value grassland. No other significant ecological issues were identified.

**Sport England** - No objection subject to conditions in relation to the implementation of the pitch, a construction traffic management plan, provision of replacement facilities, the implementation of a community use agreement, and a management maintenance scheme.

**Pre-start Conditions** - Awaiting confirmation that agent has agreed to conditions.

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

RT1	Existing Provision for Recreation in the Urban Area
RT1/1	Protection of Recreation Provision in the Urban Area
RT1/2	Improvement of Recreation Facilities
RT2	New Provision for Recreation in the Urban Area
RT3/5	Noisy Sport
OL5/2	Development in River Valleys

EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
EN8/2	Woodland and Tree Planting
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
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, 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.

### **Principle (Recreation)**

The application site forms part of a wider site (Top Park Playing Fields) which is designated as Protected Recreation in the Urban Area RT1/1.

RT1/1 - Protection of Recreation Provision in the Urban Area seeks to safeguard the provision of recreation land within the urban area and development will not be allowed where it would result in the loss of outdoor public or private recreation facilities including parks and gardens unless it meets specific criteria.

RT1/2 - Improvement of Recreation Facilities states that the Council will give favourable consideration to proposals for the appropriate improvement of existing recreational land and facilities in the Borough. The improvement of existing recreation facilities will allow greater use to be made of them and thus enable a larger demand to be satisfied.

RT2 - New Provision for Recreation on the Urban Area states that the Council will encourage the provision of additional land and facilities for recreation in the urban area.

RT3/5 - Noisy Sports -confirms development proposals involving the use of land or buildings for recreational pursuits which generate noise or nuisance will not be allowed, unless it can be demonstrated that the following criteria are satisfied:

- the use would not have an unacceptable detrimental effect on the environment of the site surrounding area or endanger people or property;
- the use would not have an unacceptable detrimental effect on the amenity of surrounding areas, particularly residential areas;
- the use would not have an unacceptable detrimental effect on the users of adjacent sites;
- any increased traffic flows would not have a significant detrimental effect on the surrounding area;
- where appropriate, adequate car parking can be provided.

Whilst similar, the approach in Policy RT1/1 has now been superseded by Paragraph 103 (b) of the NPPF which states that "existing open space, sports and recreational buildings

and land, including playing fields, should not be built on unless:

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

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

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

### Pitch

The main area of playing field consists of 2.69ha of mainly natural turf playing field, together with a small MUGA and has been marked out consistently for two/three football pitches over the years including. Sport England's own database indicates that the site contains: 2 adult football pitches, 1 youth football pitch and 2 rounders pitches.

The Bury Playing Pitch Strategy (2019) states that the facility at Top Park currently suffers from subsidence as a result of poor quality drainage and is overplayed because of the high demand for its use. As such, there is currently a limited amount of time to maintain the grass pitch as a result of it being used all year.

The strategy demonstrates that there is a need and demand for the proposed 3G pitch development at Top Park. Ramsbottom is highlighted as a priority area for a 3G pitch due to a shortfall of 2no. pitches within the north of the Borough.

The proposed AGP development (including storage container, sports lighting and fencing) is for a sports facility. The entire site has also been identified as the location for 2 rounders pitches, although the proposal has not shown where these will be provided within the site and they have not been referred to in the submitted information. This is discussed further below.

The proposal would result in the loss of approximately 612sqm of playing field land. This would reduce the overall flexibility of the site to provide these in the future. The scheme's benefits therefore need to be shown to clearly outweigh the loss of the playing field and the wider use of the remaining playing field.

The submission documentation indicates that the 3G pitch will allow the club to offer a wider community use. The proposed AGP would include storage and sports lighting. The associated improvement to the changing facilities would enhance this provision. The applicant, and public representations confirm that both pitches currently drain poorly, the proposed 3G pitch would therefore offer alternative playing surface for matches and would alleviate over-play on the retained pitch. The 3G pitch would in part, meet the current demand for this pitch type in Bury and in the north in particular.

Sport England have considered the proposal under Exception 5 of its Playing Fields Policy which states "The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field."

The interactive mapping and reporting tool for community sport development provided by Sport England, known as Active Power Places indicates a rounders provision at the site however there is no evidence that this has been set out. Bury Council's Playing Pitch and

Outdoor Sports Strategy (PPOSS) does not identify this site as a rounders facility. On this basis, Sport England have confirmed that they are satisfied that the proposal will not unduly compromise rounders as a sport in this area.

Sport England consider that the proposal for the AGP/sports lighting/storage container/perimeter fencing meets the requirements of Exception 5 of that Policy as it has been demonstrated that the benefits of the proposal would outweigh the loss of natural turf playing field and meets the test of c) of paragraph 103 of the NPPF.

Therefore, the creation of a new 3G pitch and associated infrastructure would be of sufficient benefit to outweigh the harm resulting from the loss of the playing field and therefore would be in accordance with local and national policy.

#### Car park

The project has been developed to ensure the proposed additional car parking does not interfere with the use of the sports pitches. Sport England have considered the proposed car parking in relation to Exception 3 of their Playing Field Policy which states:

The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch;
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or
- prejudice the use of any remaining areas of playing field on the site.

Sport England consider that the location of the car park in relation to the playing fields would comply with Exception 3. There is no reason to disagree with this finding.

#### Pavilion extension

The proposed extension to the pavilion building takes place on land which is away from the main natural turf playing field and does not impact any pitch sports. The area to be developed is currently occupied by a shipping container. The extension would provide additional communal changing facilities/showers and toilets. As such as above, Sport England have considered this proposal in relation to Exception 3 of the Playing Field Policy and consider that it complies. There is no reason to disagree with this finding.

The improvement of existing recreation facilities would allow greater use to be made of them and thus enable a larger demand to be satisfied. It is therefore considered that the proposed pitch, car park extension and pavilion extension comply with local and national policy and is acceptable in principle subject to the considerations set out below.

#### **Principle (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-P7: Sport and Recreation and Policy JP-G6: Urban Green Space are applicable to this proposal. The former states that recreation facilities should be located and designed in relation to housing so as to ensure that they are accessible but also minimise the potential for complaints due to disturbance to residential amenity from recreational activity. The latter states that existing urban open space will be protected and enhanced, and that development should be designed to support the positive use of nearby green spaces, such as by offering a high-quality setting, providing natural surveillance, and facilitating easy access by walking and cycling.

Floodlighting Design Details and a Noise Impact Assessment has been undertaken which demonstrate that the lighting will meet FA recommendations and that the noise impact does not require mitigation.

Policy JP-G3: River Valleys and Waterways reiterates the requirements of UDP Policy OL5/2, expecting decisions to avoid the fragmentation of river valleys which is dealt with below.

Therefore, the principle of the proposal is considered to be in accordance with policies JP-P7, JP-G3, and JP-G6 of PfE.

### **Principle (River Valley)**

The site is also designated as River Valley under UDP policy OL5/2. This policy states that, within the River Valleys, new buildings or the change of use of existing buildings or the change of use of land will not be permitted. Exceptions to this are whether the development would not lead to the division of open parts of the valleys into sections and it falls into exceptional criteria as follows:

- a) where the area is designated as Green Belt the established Green Belt policies will apply; or
- b) where the area does not form part of the Green Belt, at least one of the following circumstances is met:
  - i. that the development represents limited infilling to an established valley settlement or industrial area;
  - ii. that it is an extension to, or renewal of an existing industry, where the economic and employment factors are of overriding importance;
  - iii. that the development is required in association with an outdoor recreation or appropriate tourist facility;
  - iv. that the development is limited and will form part of, and be essential to, the maintenance of the provision and improvement of public services and utilities;
  - v. any other development that would be appropriate in a Green Belt.

The development would not lead to the division of open parts of the valley into sections, and it would meet exception criteria b) iii) as it is required to improve the quality of changing room provision and incorporate toilet facilities at a designated recreation site. Therefore, the proposal is considered to be in accordance with policy OL5/2.

### **Visual amenity**

UDP Policy EN1/1 - Visual Amenity confirms that development will not be permitted where proposals would have a detrimental impact 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. Policy EN1/2 - Townscape and Built Design seeks to ensure that any proposals would not have an adverse impact on the character and townscape of an area.

The existing grass pitch would be replaced by a 3G artificial pitch, and would be surrounded by 4.5 metre ball stop fencing. A shipping container would be located adjacent to the pitch for storage of equipment. 6no. 15m high galvanised steel lighting columns are proposed around the edge of the pitch, 3no. to each side and external to the pitch perimeter fence

line.

The proposed mesh fencing is a type commonly used around recreation sites. It provides a secure boundary whilst allowing a high level of visibility through. Similarly the pitch floodlighting is of a scale that is common around recreation sites. The green colour of the proposed shipping container would see it blend appropriately with the surroundings.

The proposed 24no. space car park extension would extend to the south east of the existing car park into an area of soft landscaping occupied by a bench and trees and part of the existing play area. The fencing for the existing play area would be realigned to accommodate the proposed car park. The car park would be located to the rear of the existing hardstanding/car park. Any views of the proposed extended car park would be in connection with this existing area of hardstanding. It is considered that the extension of the hardstanding in this location would not adversely impact on the visual amenity of the location.

The scheme also proposes lighting to the existing, and proposed car parking areas through the provision of 5no. 6 metre masts. These masts would be positioned to along the perimeter of existing and proposed car park and would be visible from Bolton Road West. The scale of these masts would not dissimilar to street lighting poles and as such it is considered these additions would not have a detrimental impact on the character of the area.

The proposed extension to the pavilion building would be a single storey pitched gable roof addition that extends approximately 4.8metres, matching the scale and design of the existing building. The proposed door is considered to be suitably aligned and the use of matching materials is appropriate. The proposed addition would occupy an area of land currently occupied by 2no. shipping containers, with 1 no. shipping container being removed as part of the proposal. As such would improve the visual amenity of the area when viewed from Bolton Road West.

Given the above it is considered that the proposal would not have an adverse impact on the visual amenity of the locality and as such would comply with UDP Policies EN1/1 and EN1/2.

### **Residential Amenity**

UDP Policy EN1/2 - Townscape and Built Design seeks to ensure that the proposals for development are considered in relation to their relationship to the surrounding area, and the use of lighting. This is further supported by UDP Policy EN7 - Pollution Control that seek to control environmental nuisance and minimise pollution levels, and UDP Policy EN7/2 - Noise Pollution that restricts development that would lead to an unacceptable noise nuisance to nearby occupiers and/or amenity users.

The existing pitch (excluding run off areas) is located approximately 30 metres from the rear gardens of the properties on Bolton Road West, 60 metres from the rear gardens of the properties on Lansdowne Close and 60 metres from the rear/side gardens of the properties on Maybury Close.

The proposed new pitch surface would be located in a similar location to the existing pitch in relation to the above residential properties. The largest marked pitch would be located approximately 28 metres from the rear of the properties on Bolton Road West, with the run off area and located approximately 24 metres from these boundaries. The largest marked pitch would be located approximately 59 metres from the rear of the properties on Lansdowne Close, with the run off area and located approximately 56 metres from these boundaries. The largest marked pitch would be located approximately 62 metres from the side of the properties on Maybury Close, with the run off area and located approximately 59 metres from these boundaries.

The proposed car park extension would extend the car park near to the boundary of 109

Bolton Road West, the garden of which is located 15 metres from the proposed car park extension and is separated by hardstanding, soft landscaping and trees. The existing car park already extends along the extent of their garden in any event.

The siting of the proposed pitch and car park extension, in relation to the existing facilities at the site is therefore considered to be acceptable.

The AGP and car park extension however have been designed to facilitate better use of the area during bad weather conditions, low lighting etc and therefore it is likely that there would be an increase of noise created above the existing use. The introduction of new lighting around the car park and the pitch also needs to be considered.

### Noise

The proposed opening hours of the pitch are as follows:

- Monday to Friday: 08:00 – 22:00 hours
- Saturdays, Sundays and Bank Holidays: 09:00 – 21:00 hours, with activities on site typically finishing by 17:00 hours.

The most significant noise from the pitch would be from players shouting and whistles during a match. A noise impact assessment has been undertaken with 4 noise sensitive receptors at residential properties that bound the site. The modelling submitted with the application concludes that the residual noise level from the pitch indicates that no significant long-term effects upon the nearest noise sensitive receptors would result from the noise associated with the use of the pitch as such no mitigation has been proposed.

The most significant noise sources associated with the car park are vehicle movements and door/boot closing. Guidance and modelling has been used in relation to noise emissions from the car park, and assumptions have been made with at worst case hour, all car parking spaces being used. These calculations have been based on one car movement (arrival and departure) per parking space in an hour. The Noise Impact Assessment concludes that noise impacts from the car parking facilities comply with the most sensitive criteria proposed for the majority of nearby noise sensitive receptors.

The pavilion would continue its existing use, with changing rooms and a space for parents to socialise when children are training. Given the existing noise levels it is not anticipated that the noise from the pavilion extension will have an adverse impact on the nearby residential properties.

The Environmental Health team have been consulted as part of the application, which includes the above mentioned noise impact assessment and have raised no objections to the proposal. Given the current use of the site, its layout and proposed siting of facilities it is considered that the AGP, car park and extension would not significantly add to the noise and associated activity beyond that which could already exist.

### Floodlighting

The planning application seeks permission to use and operate the pitch floodlighting as needed between the hours set out above. The Design and Access Statement confirms that the lighting will be fitted with timers to turn them off at the end of the hours set out.

This light level is an FA recommendation and a Football Foundation requirement.

The height of the columns and the alignment of the lamps has been set in a plane as close as possible parallel with the playing surface. Supporting documentation states that this would significantly reduce glare and allows light to be focussed directly onto the playing area. It is anticipated that this would keep light spill to a minimum.

A plan has been submitted to show the proposed floodlighting horizontal spill from both the proposed pitch lighting, and the proposed car parking lighting confirming the extent of source intensity in relation to the neighbouring residential properties. This plan indicates

that horizontal spill will be confined to land under the applicant's control. These computer-generated calculations show that horizontal light levels will be less than 5 lux at around 20m from the AGP perimeter fence and zero at the nearest residential boundaries.

The proposed pitch floodlights would be fitted with backlight control reflectors (BLC) that would reduce the amount of light distributed rearward, towards the residential properties that bound the site. The Design and Access Statement also confirms that a timer would be fitted that would shut the lights off at curfew time. A low level courtesy light would be attached to the column nearest to the exit of the AGP (column M3) which would be timed to stay on for 10 minutes to allow players to exit the site safely. These details have been conditioned.

As above, the Environmental Health team have been consulted as part of the application, and have raised no objections to the proposed lighting scheme. It is considered that the proposed 15m high floodlight system would be the most viable option to satisfy the Football Association Technical Requirements for the proposed AGP whilst considering the setting within a residential area.

#### Extension

The proposed pavilion extension extends towards side elevation and garden of No. 159 Bolton Road West. The proposed extension is located approximately 9.4 metres from the shared boundary with this property and as such no residential amenity issues in terms of overbearing. No windows or doors are proposed facing towards this property.

Given the considerations set out above it is considered the proposed development would not have a significantly harmful impact on residential amenity. As such, the proposal would be acceptable and comply with the NPPF and UDP Policies EN1/2, EN7, EN7/2 and RT3/5.

#### **Ecology**

UDP Policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological value seek to retain, protect and enhance the natural environment and seeks to retain features of ecological or wildlife value. Paragraph 180 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. UDP Policy EN8/2 - Woodland and Tree Planting.

#### Bats

The buildings and trees on the site were assessed for bat roosting potential. All were assessed as having negligible roosting potential. As individual bats can on occasion turn up in unexpected locations an informative is recommended in relation to what to do if a bat is found during demolition works.

The belt of trees around the site was assessed as having moderate value for bat foraging. The proposed floodlighting could adversely effect the foraging value of the site. However, the main period of use would be October to March, when bats are less active/hibernating and would be turned off at 10pm ie only negatively impact the foraging period for part of the night. An isolux plan has been provided that indicates the illumination levels at the woodland edge will be around 5 lux, which would have minimal adverse effects on most bat species. Greater Manchester Ecology Unit (GMEU) have therefore confirmed they are satisfied that for the combination of reasons above the floodlighting is very unlikely to have an adverse effect on local bat populations however the proposed lighting and timing of the lighting should be conditioned.

#### Birds

Only limited bird activity was identified on the site. No trees or shrubs appear to be removed however, disturbance during the extension of the clubhouse is possible. An informative is therefore proposed in relation to nesting birds and the Wildlife and Countryside Act 1981.

#### Other wildlife

The consultant noted that there is a risk of species such as hedgehog and badger crossing

the site during construction and coming to harm through entrapment in trenches etc. Whilst accepting this is theoretically correct, the scale and nature of the development is such that there would be minimal deep excavation and the level of risk very low. GMEU have therefore proposed an informative in relation to the Wild Mammal (Protection) Act 1996.

#### Invasive species

Himalayan Balsam is listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended) and was recorded as abundant in the woodland around the sports pitches. Whilst no work should be occurring in these areas, seed from balsam disperses several meters from the plants and is therefore likely to be present around the edges of the playing field and could be transported off-site during the construction phase. A condition is therefore proposed for a biosecurity management strategy.

#### Contributing to and Enhancing the Natural Environment & Biodiversity Net Gain

The development would result in the loss of low ecological value grassland to hardstanding and an artificial pitch. New tree planting is proposed within the wider site as mitigation. There appear to be no adverse effects on wildlife. A biodiversity baseline has been provided. This refers however to a wider area than is actually lost, which GMEU estimate is approximately 0.8 ha of grassland, which would equate to a loss of 1.6 biodiversity units.

24 native trees are proposed as mitigation. GMEU would regard these as resulting in other broadleaved woodland after 30 years as tightly planted and adjacent to the existing woodland. This would generate approximately 0.24 biodiversity units. GMEU would recommend instead that the proposed 24 heavy standards are planted as landscape trees around the boundary of the site set back from the woodland, so as to result in individual trees. These would generate over 2 biodiversity units if all trees achieved a girth of 30cm after 27 years.

A recommendation has therefore been made by GMEU to amend the landscape proposals to include 24 individual heavy standard trees. This can be secured via a landscaping scheme condition and would result in a net gain on site complying with the policies set out above.

It is considered, subject to the conditions and informatives referenced that the proposal would therefore comply with UDP Policies EN6, EN6/3, EN8/2 and Paragraph 180 of the NPPF.

#### **Trees**

As set out above there are trees that surround the site, and a tree survey plan has been submitted that considers that the majority of the trees around the boundary of the site are grade B (moderate) to grade C (low) in quality. 2 no. trees have also been identified through this report for removal due as they are dead.

A tree constraints plan has also been submitted that indicates the root protection areas (RPA) of these trees as well as a tree protection plan that indicates areas of ground protection and protective fencing required to ensure that the trees are protected. These plans would be secured via condition to ensure that no trees would be lost or damaged throughout construction.

#### **Access and Parking**

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

Due to the proposed increased use of the site, the proposal includes an improved access to the site from Bolton Road West. The proposal seeks to widen the access road to 5.6 metres which would allow two-way traffic and will also see the south-west kerb splay relocated. The existing footpaths on Bolton Road West would be resurfaced, with tactile paving introduced

at the improved junction.

A new separate pedestrian access into the park would be created alongside the widened vehicular access. New gates and the relocation of existing barriers are also included on the drawings submitted with the application.

No objections to the amended access arrangements have been made by the Traffic Section subject to conditions which have been attached.

In terms of parking standards UDP Policy HT2/4 requires all applications for development to make adequate provision for their car parking and servicing requirements. Supplementary Planning Document 11 provides parking standards for developments.

There are no set standards for parking associated with recreation provision set out within SPD 11 and these are determined on individual merits of planning application.

The submitted site plan shows 46 retained spaces, 24 new spaces, 2 no. EV charge points and 2no. disabled spaces. Cycle parking with 6no. Sheffield hoops to provide parking for 12no. cycles is also shown. This would provide 74 spaces. at the site.

The Design and Access statement confirms that on training days the likely maximum occupancy at any one hour during a weekday evening would be 70 - 80. They estimate that on an assumption of a 2:1 ratio of car users to participants parking requirements of 35-40 spaces will be needed. This need has been increased to include changeover times between hourly sessions. It is therefore considered that the proposed 74 spaces would be sufficient to serve the site.

### **Drainage**

EN5/1- New Development and Flood Risk and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF confirm that the Local Planning Authority will not permit new development where such development would be at risk of flooding or increase the risk of flooding elsewhere. UDP Policies EN7/3 - Water Pollution and EN7/5 - Waste Water Management seek to protect the Borough's water quality and limit surface water pollution.

The applicant, and representations received confirm that drainage at the site is an issue and leads to the existing pitch being unusable during the football season.

In terms of drainage any proposal should include a surface water scheme that must be based on the hierarchy of drainage options in the National Planning Practice Guidance and include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. It must be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). Details of proposed maintenance arrangements should also be provided.

Whilst a Flood Risk Assessment, Design and Access Statement and Drainage Strategy have been submitted United Utilities have confirmed that they have not seen robust evidence that the drainage hierarchy has been thoroughly investigated. As such a condition has been proposed that requires the submission of a sustainable water drainage scheme and a foul water drainage scheme prior to the commencement of development.

### **Response to representations**

It is considered that the material planning considerations have been covered within the main body of the report.

Only the proposal scheme can be considered, and any additional works outside of the red edge or outside of the description of development would be outside of the scope of this planning application.

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

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

**Recommendation:** Approve with Conditions

**Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered:  
205-087-1000, 205-087-1001, 205-087-1002, 205-087-1003, 205-087-1004, 205-087-1005, 205-087-1006, 205-087-1007, 205-087-1008, 205-087-1009, 205-087-1011 HLS5035 - Setting Out, HLS5035 - Proposed Floodlighting Horizontal Spill, 1624-001, 1624-002, 1624 -003 A, CC894500, HL250 15M RL C/W 2no LED.

Supporting Documents:

P2416\_20231019\_AGP, Top Park, Bury - Transport Assessment  
Top Park, Bury Noise impact assessment 11164.1  
Top Park lighting Project Overview dated 29-09-2023  
Preliminary Ecological Appraisal (PEA) dated September 2023  
Design and Access Statement  
Consultants Coal Mining Report - 51003377392001  
Ground Investigation Report October 2023  
Floodlight FL 11 Brochure  
Floodlight product description

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 proposed extension 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.

6. Prior to the development being brought into use the applicant shall provide electric vehicle (EV) charging points for 20% of the proposed parking spaces. EV chargepoints shall be 7kW\* as a minimum. Photographic evidence of the installation of the agreed electric vehicle charge points shall be submitted.

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

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

7. 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). In the event of surface water discharging to the public combined sewer, the rate of discharge shall be restricted to 6 l/s;
- (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

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 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 Artificial Grass Pitch hereby approved shall only be available for use between the hours of 08:00 to 22:00 hrs (Monday to Saturday) and 09:00 to 21:00 hrs (Sundays and Bank Holidays).  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EN1/2 - Townscape and Built Design, EN7/2 - Noise Pollution and RT3/5 - Noisy sports.
9. Prior to the first use of the AGP floodlights hereby approved, and with the exception of the amenity light to allow safe egress, each lighting column the floodlighting system shall be fitted with control switches and a time clock that recognises BST to automatically switch the floodlights off no later than 22.00 hours (Monday to Saturday) and 21:00 hours (Sunday and Bank Holidays). The floodlights shall remain switched off in accordance with the hours approved in Condition 8 of the development hereby approved. Satisfaction of this condition will include any requirement for amenity lighting for a period of 10 minutes on column M3 (as shown on drawing HLS5035 - Proposed Floodlighting Horizontal Spill) following closure of the pitch.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation and in order to ensure that no harm is caused to a Protected Species pursuant to policies EN1/2 - Townscape and Built Design, EN7 - Pollution Control, EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
10. Prior to the first use of the floodlights hereby approved, the AGP luminaires LED cells shall be fitted with Back Light Control. The Back Light Control shall thereafter be maintained in situ.  
Reason. In the interests of residential amenity pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, EN7 - Pollution.
11. Prior to any earthworks a biosecurity management strategy for Himalayan Balsam should be supplied to and agreed in writing to the Local Planning Authority. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the Local Planning Authority.  
Reason. The scheme does not provide full details of the actual extent Himalayan Balsam in the interest of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
12. Notwithstanding the details shown on the approved landscaping plan 205-087-1011 24 heavy standard trees shall be planted as landscape trees around the boundary of the site set back from the woodland. The landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date of occupation. Any trees removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.  
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan..
13. Use of the artificial grass pitch shall not commence until:  
(a) certification that the Artificial Grass Pitch hereby permitted has met the FIFA Quality accreditation or equivalent International Artificial Turf Standard (IATS); and  
(b) confirmation that the facility has been registered on the Football Foundation's

Register of Football Turf Pitches; have been submitted to and approved in writing by the Local Planning Authority.

Reason. To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Development Plan Policies RT1/1 - Protection of Recreation Provision in the Urban Area, RT1/2 - Improvement of Recreation Facilities and RT2 - New Provision for Recreation on the Urban Area.

14. No development shall commence until a scheme to ensure either:
  - (a) the continuity of the existing sports use of/on the playing fields/sports facilities shown edged blue on Drawing No. 205-087-1001; or
  - (b) the provision of replacement facilities during construction works has been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The scheme must set out details of the size, location, type and make-up of the facilities or replacement facilities (as appropriate) together with arrangements for access. The scheme must include a timetable for the provision of the facilities or replacement facilities (as appropriate). The approved scheme shall be implemented and complied with in full throughout the carrying out of the development.

Reason. To protect playing fields/sports facilities from damage, loss or availability of use during the construction of the development and to accord with Development Plan Policies RT1/1 - Protection of Recreation Provision in the Urban Area, RT1/2 - Improvement of Recreation Facilities and RT2 - New Provision for Recreation on the Urban Area.
15. Use of the development shall not commence until a community use scheme prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved scheme has been provided to the Local Planning Authority. The scheme shall apply to the use of the 3G pitch, natural turf youth pitch, pavilion facilities and car park and include details of pricing policy, hours of use, access by users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved scheme.

Reason. To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policies RT1/1 - Protection of Recreation Provision in the Urban Area, RT1/2 - Improvement of Recreation Facilities and RT2 - New Provision for Recreation on the Urban Area.
16. Before the 3G pitch is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. This will include measures to ensure the replacement of the Artificial Grass Pitch within 10 years or an alternative timescale as agreed in writing with the FA. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the 3G pitch.

Reason. To ensure that a new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Development Plan Policies RT1/1 - Protection of Recreation Provision in the Urban Area, RT1/2 - Improvement of Recreation Facilities and RT2 - New Provision for Recreation on the Urban Area.
17. 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:
  1. Photographic dilapidation survey of the footways and carriageways in the vicinity of the site access in the event that subsequent remedial works are required following construction of the development and as a result of statutory

- undertakers connections to the site;
- 2. Access point for construction traffic from Bolton Road West and all temporary works required to facilitate access for ground works/construction vehicles;
- 3. The provision, where necessary, of temporary pedestrian facilities/protection measures to maintain access for users of the playing fields;
- 4. A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access onto Bolton Road West;
- 5. Confirmation of hours of operation and number of vehicle movements;
- 6. Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres;
- 7. Parking on site or on land within the applicant's control of operatives' and construction vehicles, together with storage on site of construction materials;
- 8. Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways as a result of the groundworks operations or carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.
- 9. Details of the works/contractors' compound (including any buildings, moveable structures, works, plant, machinery, access and provision for the storage of vehicles, equipment and/or materials); and
- 10. A scheme for the removal of the works/contractors' compound and the restoration of the land on which it is situated are submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The works/contractors' compound shall not be provided and used on the site other than in accordance with the approved details and shall be removed and the land on which it is situated restored in accordance with the approved details before occupation of the development hereby approved.

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 protect playing fields/sports facilities from damage, loss or availability of use and to accord , 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 RT1/1 - Protection of Recreation Provision in the Urban Area, RT1/2 - Improvement of Recreation Facilities and RT2 - New Provision for Recreation on the Urban Area. EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

- 18. The alterations and pedestrian improvements at the existing site access onto Bolton Road West indicated on the approved plans shall be implemented to the satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use.

Reason. To maintain the integrity of the adopted highway, mitigate the impact of the construction traffic generated by the proposed development on the adjacent highway, ensure adequate off-street car parking provision and materials storage arrangements for the duration of the construction period and ensure 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.

- 19. 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.

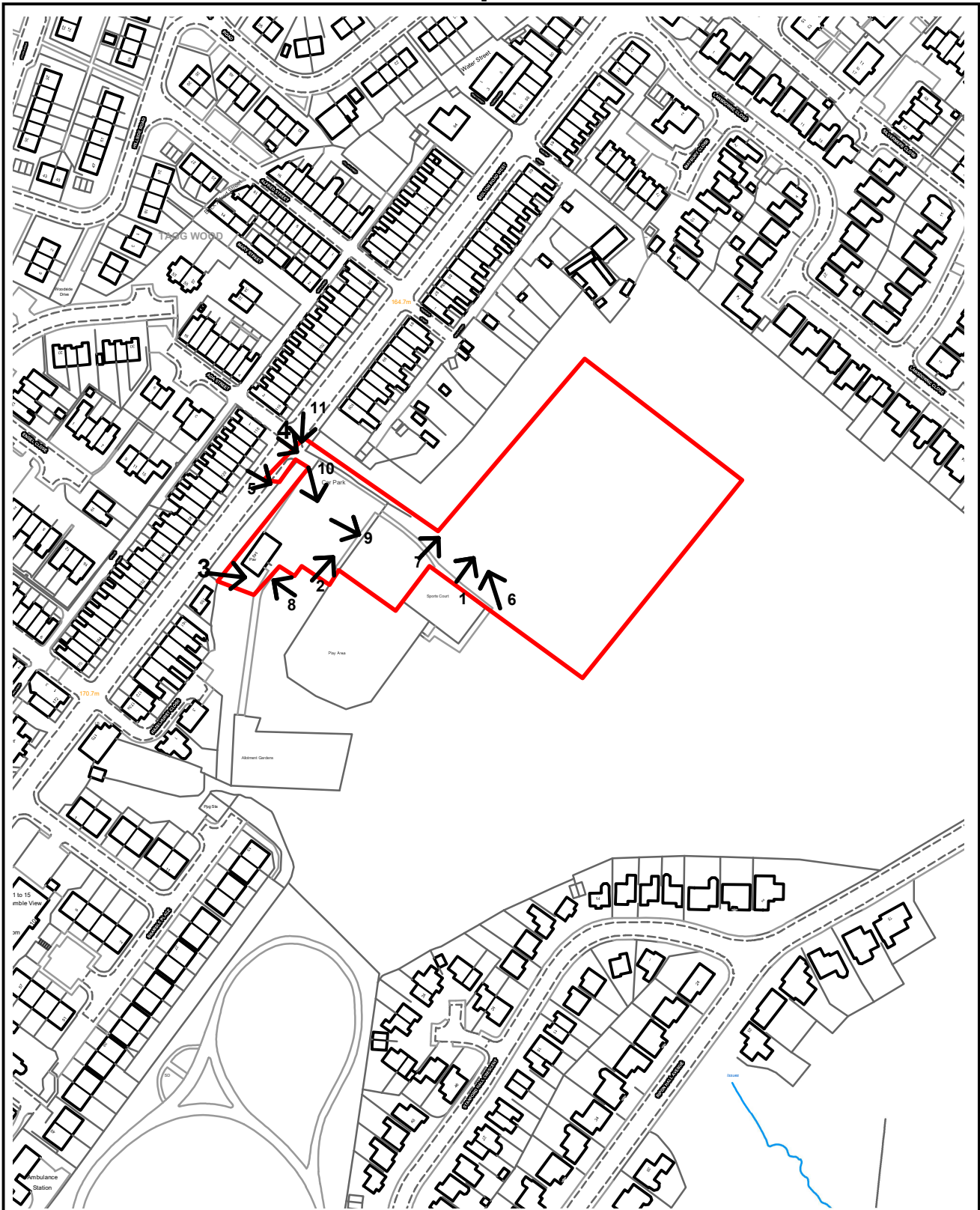
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

20. All trees to be retained on site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction" and in accordance with the approved Tree Protection Plan 1624-003 Revision A. 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.

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

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

**APP. NO 70200**

**ADDRESS: Top Park playing fields Bolton**



**Bury**  
Council

**Planning, Environmental and Regulatory Services**

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70200

Photo 1



Photo 2





70200

Photo 3



Photo 4





70200

Photo 5



Photo 6





70200

Photo 7



Photo 8





70200

Photo 9



Photo 10

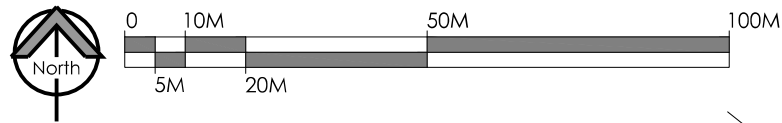


70200

Photo 11







Station	Easting	Northing	Level
STW1	378596.924	418080.690	164.887
STW2	378576.160	418027.215	166.881
STW3	378605.438	418077.753	165.117
STW4	378660.163	418089.358	163.718

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Dwg. Purpose **Planning**

No.

Revision / Issue

Date

Project

Proposed AGP and Pavilion Extension  
Top Park, Bolton Road West  
Ramsbottom, Bury  
BL0 9PE

Client

Bury Council

Dwg. Title

Site Location Plan



Churchill House, Mill Hill, Pontefract, West Yorkshire,  
WF8 4HY t: 01977 797258 e: [mail@stevewells-associates.com](mailto:mail@stevewells-associates.com)

Dwg. No.

205-087-1001

Rev.

Scale

1:1250 @ A3

Date

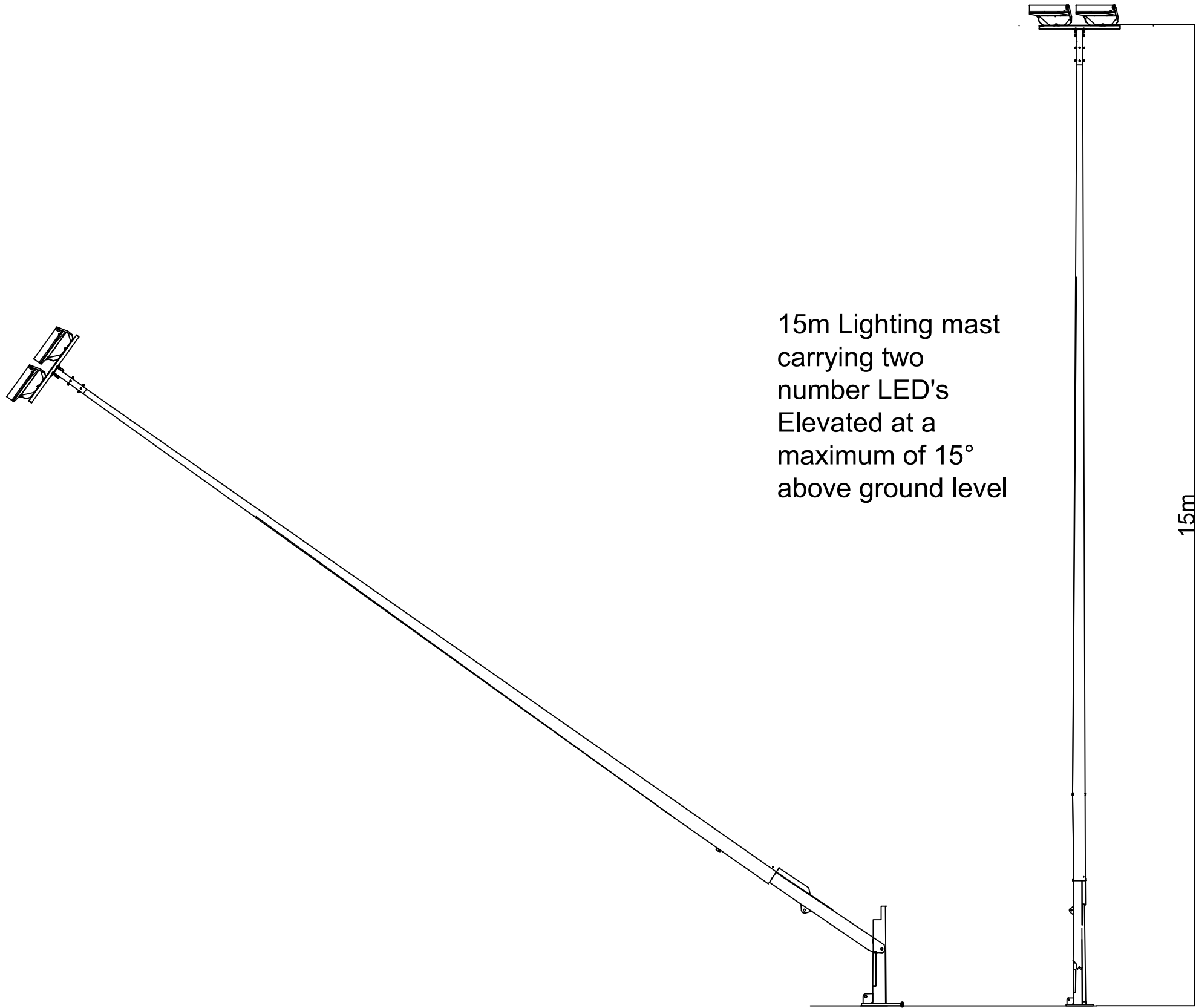
August 2021

Drawn by

GSB

Checked

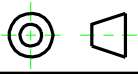
DKW



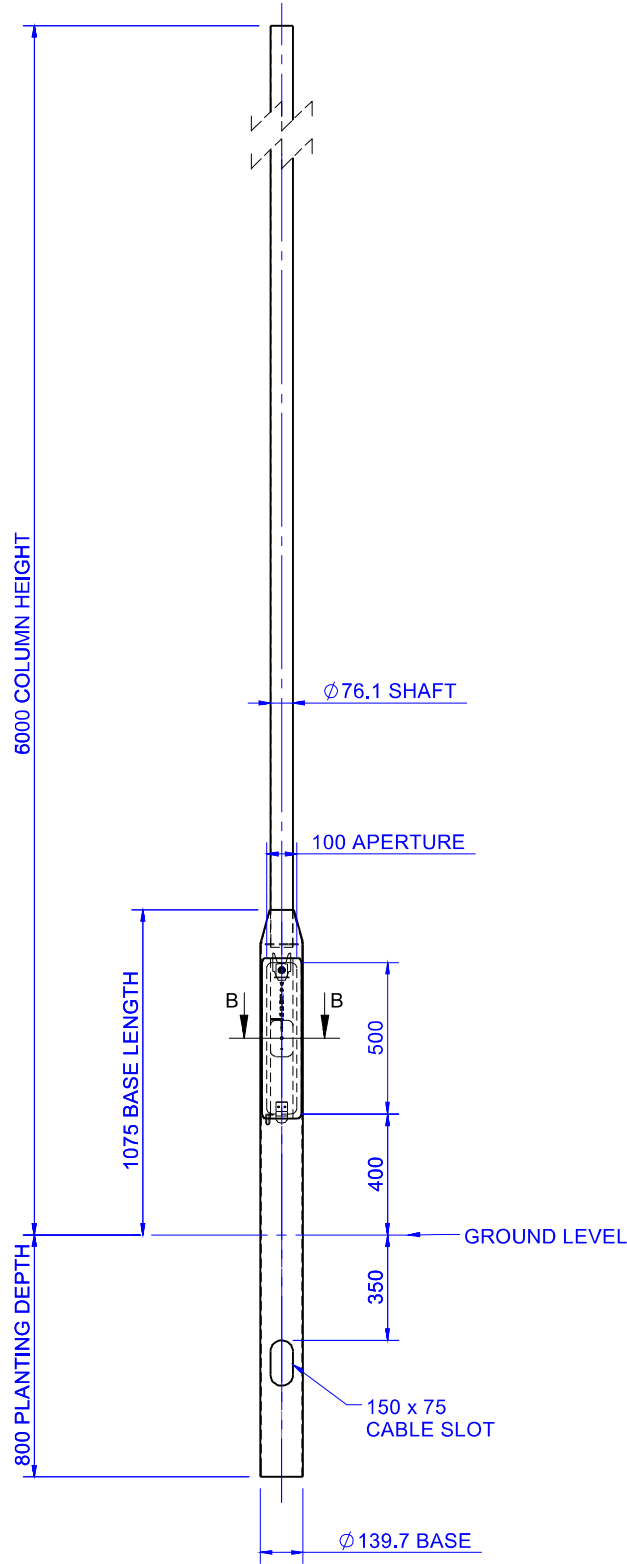
Notes  
ALL DIMENSIONS SHOWN IN METERS



Project HL250 R&L Column Drawing  2 x LED Mounted	
www.halliday-lighting.co.uk	
Drawing Title HL250 15M RL C/W 2no LED	
Drawn By (print) JS	Date 11/05/21
Project No STD DWG	Scale NTS
12m RL WITH 2 FLOODS	Status Proposal

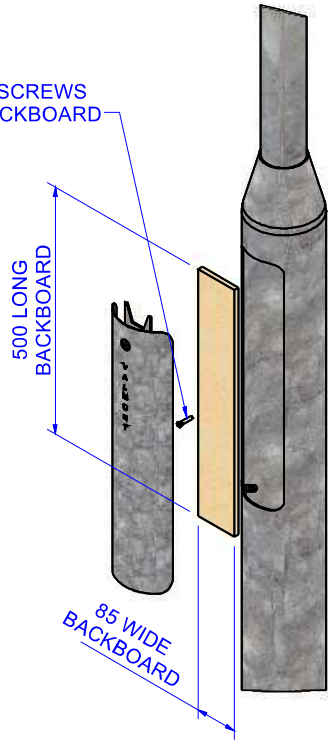


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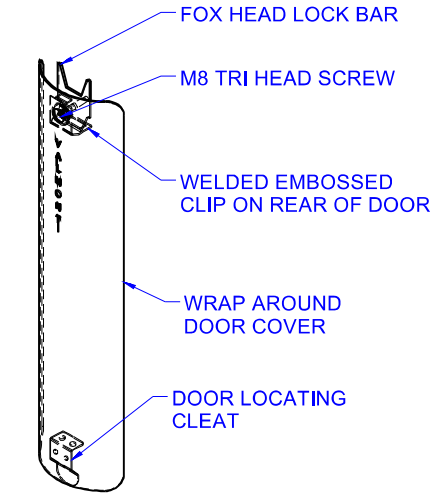


ELEVATION ON COLUMN  
SCALE 1:25

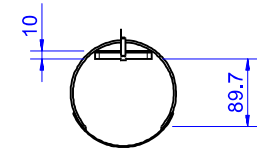
M6 SELF TAPPING SCREWS  
FOR SECURING BACKBOARD



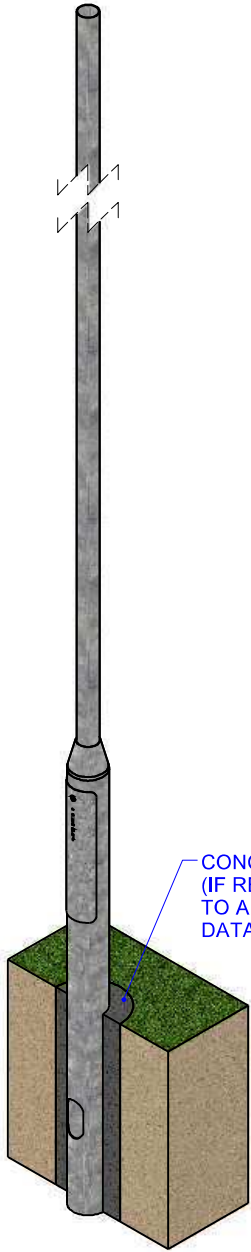
EXPLODED VIEW ON  
DOOR EQUIPMENT



DOOR DETAIL




SECTION B-B  
BASE COMPARTMENT  
SCALE 1 : 10



ISOMETRIC

CONCRETE SURROUND  
(IF REQUIRED) REFER  
TO APPENDIX 13/2  
DATASHEET.

00	ISSUED FOR INFORMATION/APPROVAL			TC	JH	07/08/18
REV.	DESCRIPTION			BY	CHK	DATE
MATERIAL: TO BS EN40:5			FINISH: GALVANISED TO BS EN 1461		WEIGHT: 39 kg	
TITLE: 6M METRO PLANTED ROOT COLUMN					SCALE: NTS	
					Sht. 1 of 1	
DRAWN: BS8888 TOL: BS EN 40.2		NAME	DATE	<div>valmont  STAINTON</div> <div>TS17 9LT TEL No. 01642 766242 FAX No. 01642 765509</div>		
COPYRIGHT		DRAWN	TC			07/08/18
THIS DRAWING IS THE PROPERTY OF VALMONT STAINTON AND MUST NOT BE USED OR PRODUCED WITHOUT VALMONT'S WRITTEN CONSENT		CHK'D/ APP'D	JH	07/08/18	DRG. No. CC8975 Rev. 00	
		COPYRIGHT (C) DESIGN RIGHT (DR) 1991				



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Dwg. Purpose **Planning**

No.	Revision / Issue	Date
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Project  
**Proposed AGP and Pavilion Extension**  
**Top Park, Bolton Road West**  
**Ramsbottom, Bury**  
**BL0 9PE**

Client  
**Bury Council**  
  
Dwg. Title  
**Existing Site Plan**



**STEVE WELLS**  
**ASSOCIATES**  
*making sport happen*

Churchill House, Mill Hill, Pontefract, West Yorkshire,  
WF8 4HY t : 01977 797258 e : [mail@stevewells-associates.com](mailto:mail@stevewells-associates.com)

Dwg. No. <b>205-087-1002</b>		Rev.
Scale <b>1:1000 @ A3</b>	Date <b>August 2021</b>	
Drawn by <b>GSB</b>	Checked <b>DKW</b>	





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			Proposed AGP and Pavilion Extension		Bury Council	
			Top Park, Bolton Road West		Dwg. Title	
			Ramsbottom, Bury		Existing Site Plan	
Dwg. Purpose <b>Planning</b>			BL0 9PE			
No.	Revision / Issue		Date			

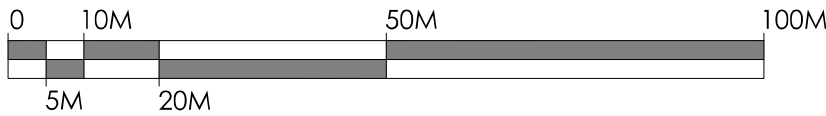


**STEVE WELLS**  
**ASSOCIATES**  
*making sport happen*

Churchill House, Mill Hill, Pontefract, West Yorkshire,  
WF8 4HY t : 01977 797258 e : [mail@stevewells-associates.com](mailto:mail@stevewells-associates.com)

Dwg. No.		Rev.
205-087-1003		
Scale	Date	
1:500 @ A3	August 2021	
Drawn by	Checked	
GSB	DKW	





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Dwg. Purpose **Planning**

No.	Revision / Issue	Date
-----	------------------	------

Project  
**Proposed AGP and Pavilion Extension**  
**Top Park, Bolton Road West**  
**Ramsbottom, Bury**  
**BL0 9PE**

Client  
**Bury Council**  
  
Dwg. Title  
**Proposed Site Plan**

**STEVE WELLS**  
**ASSOCIATES**  
*making sport happen*

Churchill House, Mill Hill, Pontefract, West Yorkshire,  
WF8 4HY t: 01977 797258 e: [mail@stevewells-associates.com](mailto:mail@stevewells-associates.com)

Dwg. No. <div>205-087-1005</div>		Rev. <div></div>
Scale <div>1:1000 @ A3</div>	Date <div>August 2023</div>	
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Dwg. Purpose **Planning**

No.	Revision / Issue	Date
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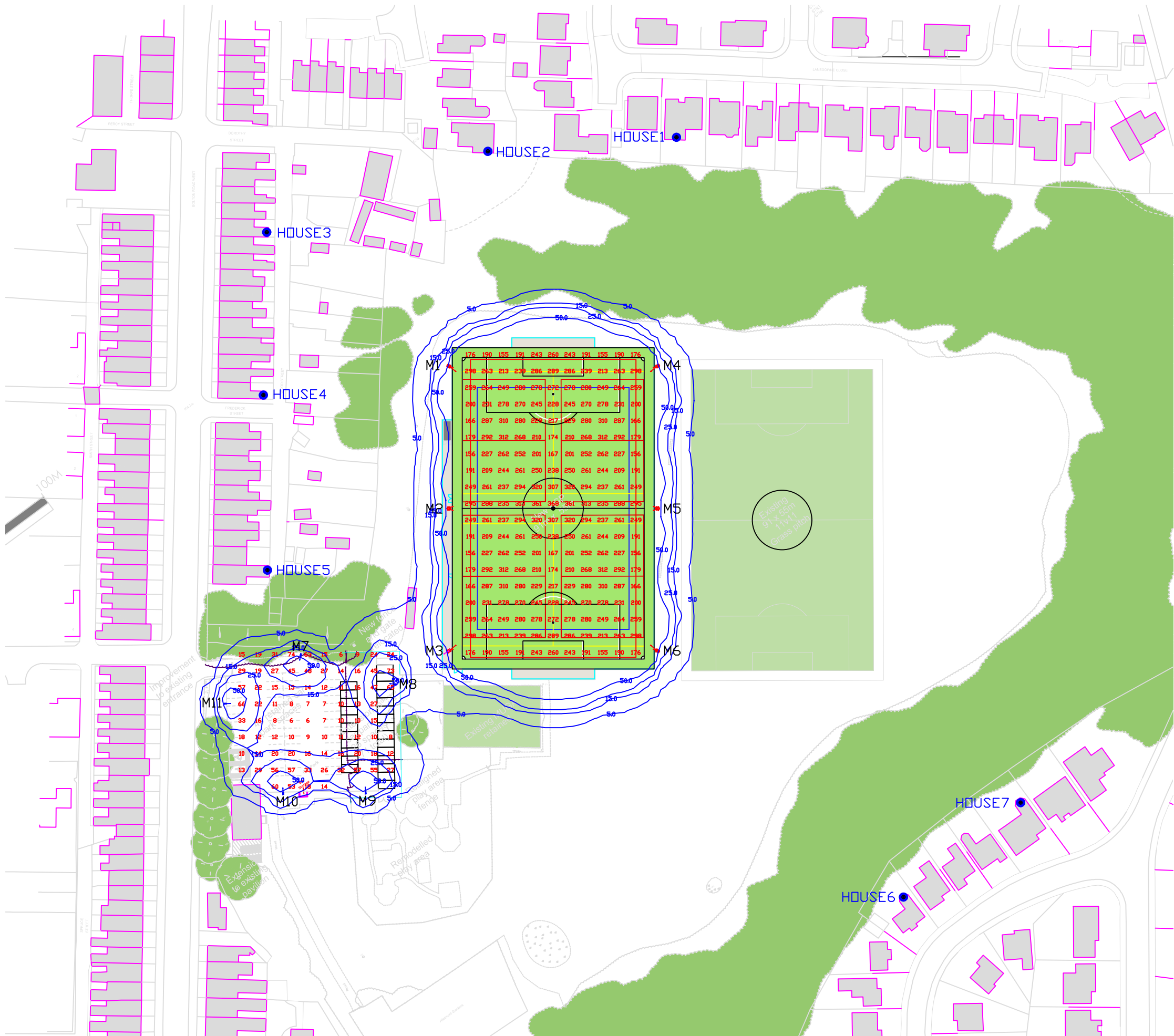
Project  
**Proposed AGP and Pavilion Extension**  
**Top Park, Bolton Road West**  
**Ramsbottom, Bury**  
**BL0 9PE**

Client  
**Bury Council**  
  
Dwg. Title  
**Proposed Site Plan**

 **STEVE WELLS**  
**ASSOCIATES**  
*making sport happen*  
  
Churchill House, Mill Hill, Pontefract, West Yorkshire,  
WF8 4HY t : 01977 797258 e : [mail@stevewells-associates.com](mailto:mail@stevewells-associates.com)

Dwg. No. <b>205-087-1006</b>	Rev. 
Scale <b>1:500 @ A3</b>	Date <b>August 2023</b>
Drawn by <b>GSB</b>	Checked <b>DKW</b>





**Notes**

**Floodlighting Equipment**  
6 x 15m Masts (M1-M6)  
5 x 6m Masts (M7-M11)  
Each carrying the following Floodlights :-  
M1, M2 & M4-M6  
...2 x Siteco FL11-3 Blade-PL33T BLC M3  
...2 x Siteco FL11-3 Blade-PL33T BLC Mounted at 10m:  
...1 x Siteco SL11 4000K Amenity LED M7-M11  
...1 x Siteco SL21 Mini LED 4,000K

**Siteco LED - 5,000K CRI 70**

**PITCH**

**Illuminance Levels**

**Initial -**

(100hrs) E.i.ave = 246Lux

**Maintained -**

(50,000hrs) E.i.ave = 221Lux

**Uniformity**

Emin/Eave = 0.63

**CAR PARK**

**Illuminance Levels**

**Initial -**

(100hrs) E.i.ave = 24Lux

**Maintained -**

(50,000hrs) E.i.ave = 22Lux

**Uniformity**

Emin/Eave = 0.24

Grid values in Lux(initial).  
Grid interval = 5m.  
Contour values in Lux (initial).  
Contours: 5, 15, 25, 50 Lux.

**Maintenance Factor = 0.90**

(Based on a cleaning interval of 2 years)

**Source Intensity Calcs (Candelas):**

House1: 1778cd

House2: 2069cd

House3: 965cd

House4: 3501cd

House5: 2803cd

House6: 889cd

House7: 907cd

EST. 1962  
**HALLIDAY**  
LIGHTING

[www.halliday-lighting.co.uk](http://www.halliday-lighting.co.uk)

Project  
Top Park, Bury

Drawing Title  
Proposed Floodlighting  
Horizontal Spill

Drawn By (print)  
DS

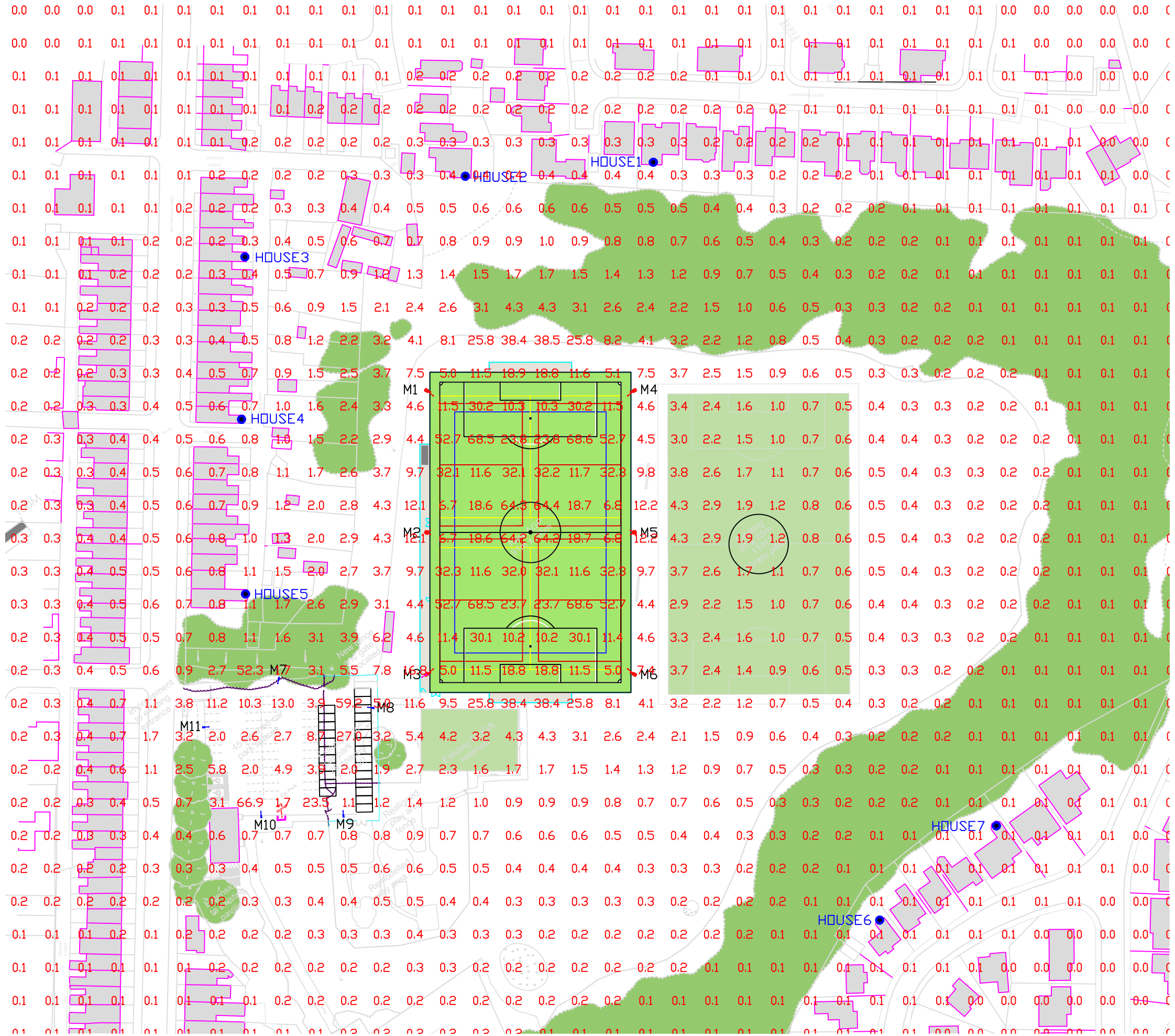
Date  
29/09/2023

Project No  
5035

Scale  
NTS

Drawing No  
HLS5035

Status  
Proposal



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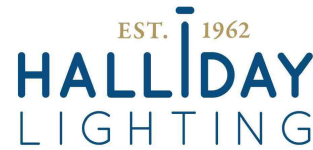
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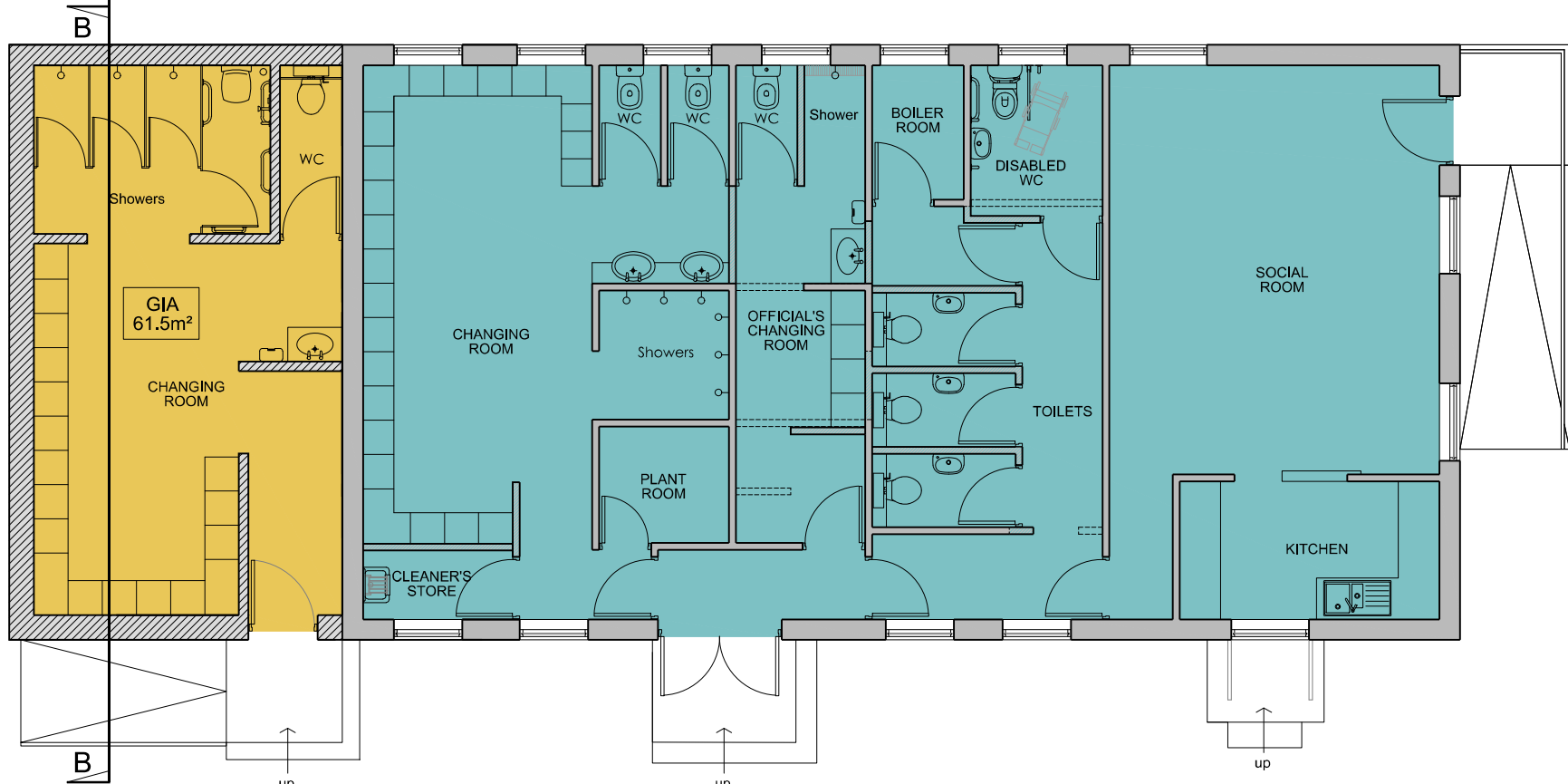


[www.halliday-lighting.co.uk](http://www.halliday-lighting.co.uk)

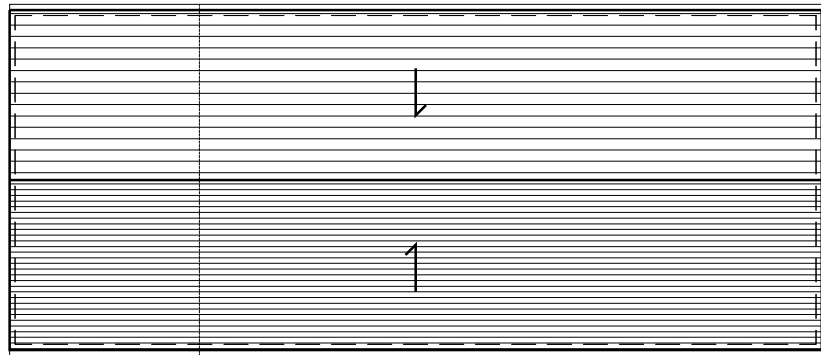
Project  
Top Park, Bury

Drawing Title  
Proposed Floodlighting  
Vertical Spill at 3M

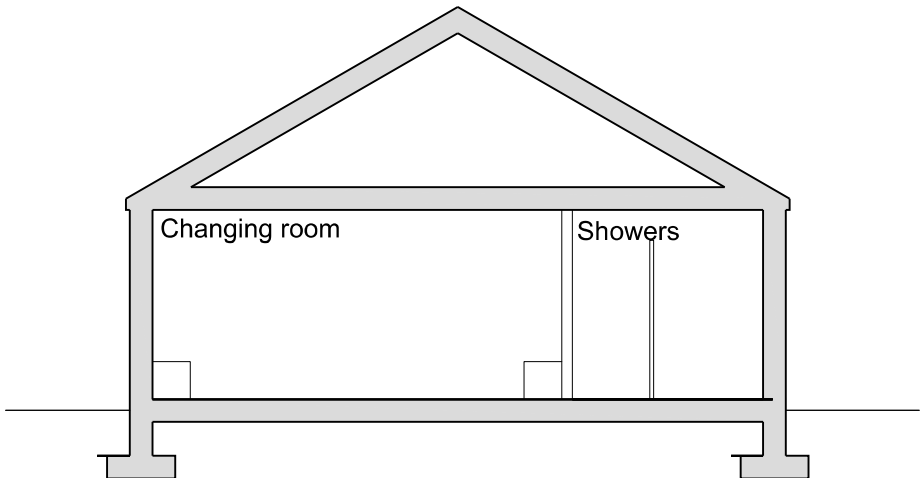
Drawn By (print) DS	Date 29/09/2023
Project No 5035	Scale NTS
Drawing No HLS5035	Status Proposal



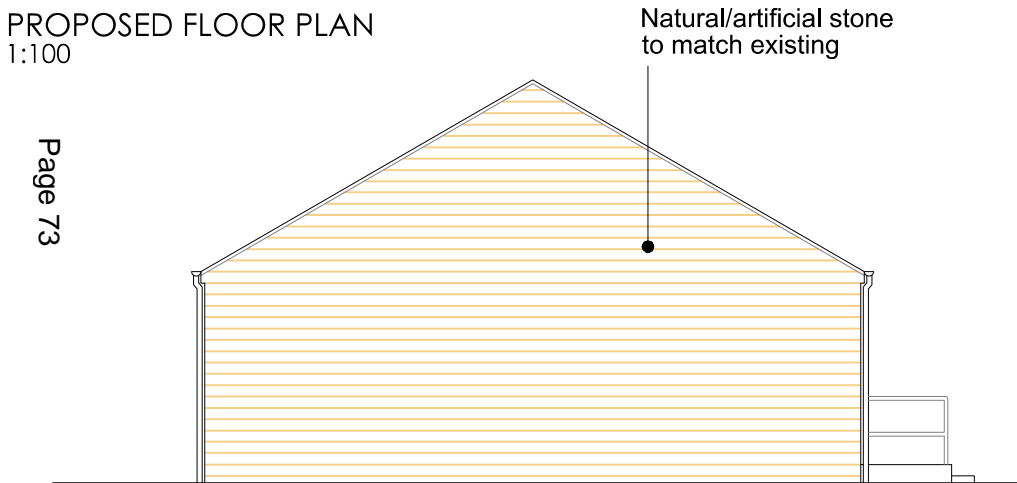
PROPOSED FLOOR PLAN  
1:100



PROPOSED ROOF PLAN  
1:200



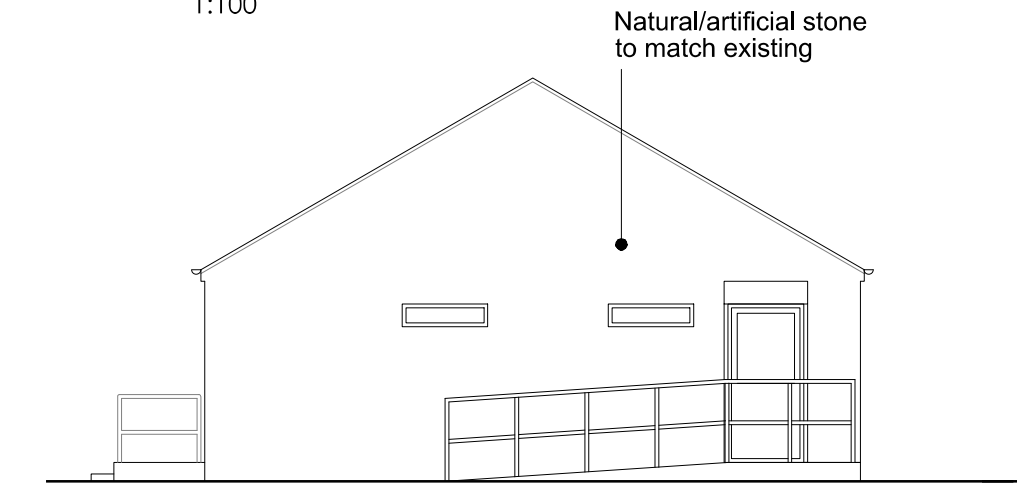
PROPOSED SECTION B-B  
1:100



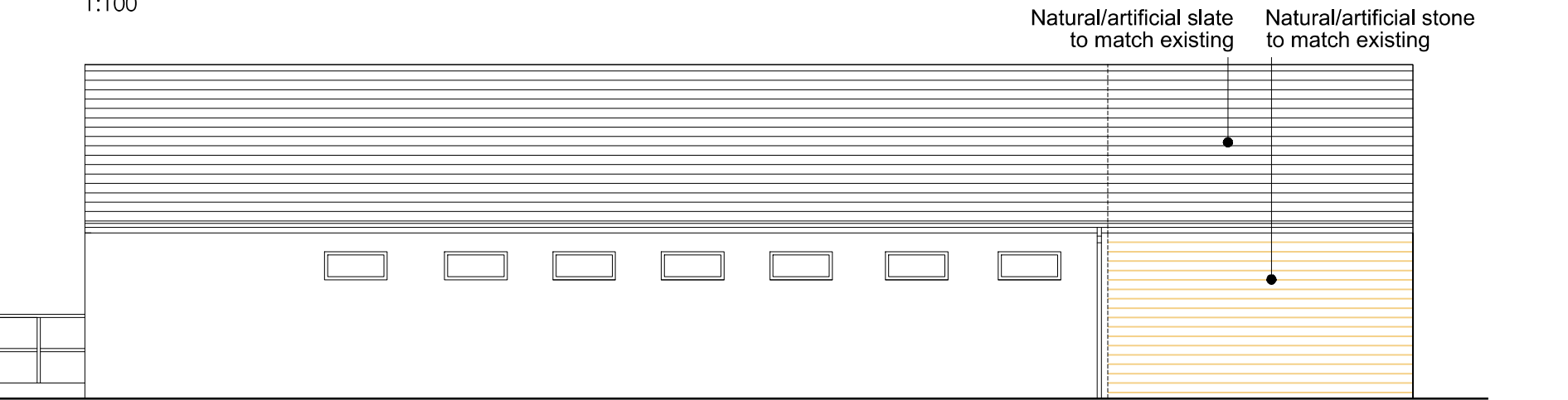
PROPOSED SOUTH-WEST ELEVATION  
1:100



PROPOSED SOUTH-EAST ELEVATION  
1:100



PROPOSED NORTH-EAST ELEVATION  
1:100



PROPOSED NORTH-WEST ELEVATION  
1:100

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# REPORT FOR NOTING

<b>DECISION OF:</b>	<b>PLANNING CONTROL COMMITTEE</b>
<b>DATE:</b>	<b>23 January 2024</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

**Tel: 0161 253 5291**

**Email: [d.marno@bury.gov.uk](mailto:d.marno@bury.gov.uk)**



## Planning applications decided using Delegated Powers Between 11/12/2023 and 14/01/2024



### Ward: Bury East

---

**Application No.:** 70202      **App. Type:** FUL      09/01/2024      Refused  
**Location:** Performance House, Heywood Street, Bury, BL9 7DZ  
**Proposal:** Change of use of part of car showroom (Sui Generis) to retail (Class E(a)) and office (Class E(g)(i)), single storey extension and external alterations

---

**Application No.:** 70234      **App. Type:** FUL      14/12/2023      Approve with Conditions  
**Location:** 84 Spring Street, Bury, BL9 0RW  
**Proposal:** First floor/single storey rear extension; Loft conversion with rear dormer

### Ward: Bury East - Moorside

---

**Application No.:** 69815      **App. Type:** FUL      19/12/2023      Refused  
**Location:** 1-7 Taylor Street, Bury, BL9 6DT  
**Proposal:** Change of use from existing offices (Class B1(a) to: 3 No. flats and 2 no. retail units (Class E) to ground floor, 4 no. flats to first floor and 3 no. flats to second floor; 7 Bedroom (single occupancy) house in multiple occupation (HMO) (Sui Generis) to first/second floors; Conversion of roof space with dormers at front and rear to form second floor; External alterations including new windows/doors and shop front/entrances

---

**Application No.:** 70187      **App. Type:** FUL      13/12/2023      Refused  
**Location:** 193 Walmersley Road, Bury, BL9 5DF  
**Proposal:** Change of use from residential dwelling(Class C3) to 9 bedroom (single occupancy) house in multiple occupation (HMO) (Sui Generis), loft conversion with front/rear dormers, enlargement of existing basement lightwell and external works

---

**Application No.:** 70191      **App. Type:** FUL      12/12/2023      Refused  
**Location:** 42 Walmersley Road, Bury, BL9 6DP  
**Proposal:** Change of use of ground floor from taxi booking office to hot food takeaway (Sui Generis) with installation of extraction flue and external staircase at rear.

---

**Application No.:** 70242      **App. Type:** ADV      08/01/2024      Approve with Conditions  
**Location:** Link House, 35 Walmersley Road, Bury, BL9 5AE  
**Proposal:** 2 no. illuminated internal fascia flex box signs; 3 no. illuminated internal sets of built up letters; 5 no. external painted stencils directly to building; 4 no. external window vinyls

### Ward: Bury East - Redvales

---

**Application No.:** 70088      **App. Type:** FUL      13/12/2023      Approve with Conditions  
**Location:** 38 Keswick Drive, Bury, BL9 9LT  
**Proposal:** Single storey side/rear extension

<b>Application No.:</b>	70109	<b>App. Type:</b>	FUL	14/12/2023	Approve with Conditions
<b>Location:</b>	Land off James Street & Alfred Street, Bury				
<b>Proposal:</b>	Construction of a new CSO compound, constituting a permanent vehicular access from James Street and boundary fencing (relating to future new outfall to the River Roch)				

<b>Application No.:</b>	70178	<b>App. Type:</b>	FUL	14/12/2023	Approve with Conditions
<b>Location:</b>	27 Knowsley Street, Bury, BL9 0ST				
<b>Proposal:</b>	Change of use from existing office to 8 bed (single occupancy) HMO (Sui Generis), with 4 no. velux rooflights installed to roof and erection of 1.8m high boundary fence and gated access to rear				

<b>Application No.:</b>	70279	<b>App. Type:</b>	FUL	08/01/2024	Approve with Conditions
<b>Location:</b>	2 Orchid Drive, Bury, BL9 9EL				
<b>Proposal:</b>	Front porch; Single storey side/rear extension				

<b>Application No.:</b>	70282	<b>App. Type:</b>	FUL	10/01/2024	Approve with Conditions
<b>Location:</b>	226 Market Street, Bury, BL9 9AB				
<b>Proposal:</b>	Single storey rear/side extension; Front porch; Detached outbuilding				

Ward:
**Bury West - Elton**

<b>Application No.:</b>	70078	<b>App. Type:</b>	FUL	19/12/2023	Approve with Conditions
<b>Location:</b>	Woodbank County Primary School, Brandlesholme Road, Bury, BL8 1AX				
<b>Proposal:</b>	Provision of a new SEN classroom unit				

<b>Application No.:</b>	70262	<b>App. Type:</b>	FUL	05/01/2024	Approve with Conditions
<b>Location:</b>	1 Bramley Drive, Bury, BL8 1JL				
<b>Proposal:</b>	Loft conversion with rear dormer and hip to gable roof extension				

<b>Application No.:</b>	70289	<b>App. Type:</b>	FUL	10/01/2024	Approve with Conditions
<b>Location:</b>	18 Trimingham Drive, Bury, BL8 1HB				
<b>Proposal:</b>	Single storey extension at rear; external alterations including addition of windows; alterations to existing first floor window at rear; removal of ground floor window to side elevation and partial render to elevations				

<b>Application No.:</b>	70297	<b>App. Type:</b>	FUL	12/01/2024	Approve with Conditions
<b>Location:</b>	40 Cockey Moor Road, Bury, BL8 2HB				
<b>Proposal:</b>	Single storey rear extension with new flat roof at side/rear				

Ward:
**Bury West - West**

<b>Application No.:</b>	69920	<b>App. Type:</b>	FUL	03/01/2024	Approve with Conditions
<b>Location:</b>	562 Bolton Road, Bury, BL8 2DU				
<b>Proposal:</b>	Single storey extension at side/rear				

Ward: North Manor

<b>Application No.:</b>	70118	<b>App. Type:</b>	FUL	10/01/2024	Approve with Conditions
<b>Location:</b>	4 Garden Street, Summerseat, Bury, BL9 5PQ				
<b>Proposal:</b>	Single storey rear extension				
<b>Application No.:</b>	70119	<b>App. Type:</b>	FUL	22/12/2023	Approve with Conditions
<b>Location:</b>	Barn adjacent The Byre, Redisher Lane, Ramsbottom, Bury, BL8 4HX				
<b>Proposal:</b>	Redevelopment for 1 no. dwelling and associated garden and parking				
<b>Application No.:</b>	70186	<b>App. Type:</b>	FUL	20/12/2023	Approve with Conditions
<b>Location:</b>	120 Railway Street, Summerseat, Ramsbottom, Bury, BL9 5QD				
<b>Proposal:</b>	Build up walls of existing single storey rear extension with replacement flat roof with glass lantern and alterations to windows/doors with new window opening to side elevation				
<b>Application No.:</b>	70194	<b>App. Type:</b>	FUL	14/12/2023	Approve with Conditions
<b>Location:</b>	40 Kendal Road West, Ramsbottom, Bury, BL0 9SY				
<b>Proposal:</b>	Two storey side extension; Single storey rear extension				
<b>Application No.:</b>	70212	<b>App. Type:</b>	FUL	11/12/2023	Approve with Conditions
<b>Location:</b>	9 Kendal Road, Ramsbottom, Bury, BL0 9SP				
<b>Proposal:</b>	Hip to gable loft conversion with rear dormer				
<b>Application No.:</b>	70246	<b>App. Type:</b>	FUL	21/12/2023	Approve with Conditions
<b>Location:</b>	14 Higher Summerseat, Summerseat, Ramsbottom, Bury, BL0 9UG				
<b>Proposal:</b>	Single storey extension at rear, first floor Juliet balcony at rear and changes to existing door and window frame colour				
<b>Application No.:</b>	70252	<b>App. Type:</b>	FUL	04/01/2024	Approve with Conditions
<b>Location:</b>	Windacre Works, Mather Road, Bury, BL9 6RB				
<b>Proposal:</b>	Variation of condition no. 12 of planning permission 66958 (final part of condition):- existing wording "the approved works shall be implemented to the satisfaction of the Local Planning Authority before the development is first occupied." Proposed wording :-"The approved works shall be implemented to the satisfaction of the Local Planning Authority before the occupation of the final (fourth) dwelling, or, in the event that the approved development as a whole is not completed by 31st January 2026, by that date (whichever is the sooner of those dates)"				
<b>Application No.:</b>	70264	<b>App. Type:</b>	GPDE	20/12/2023	Prior Approval Not Required - Extension
<b>Location:</b>	Forest Cottage, Wood Road Lane, Summerseat, Bury, BL9 5PZ				
<b>Proposal:</b>	Prior approval for proposed single storey rear extension				

Ward: Prestwich - Holyrood

<b>Application No.:</b>	69413	<b>App. Type:</b>	FUL	21/12/2023	Approve with Conditions
<b>Location:</b>	Land off Poppythorn Lane, Heys Road, Prestwich, M25 1JY				
<b>Proposal:</b>	Variation of condition nos.2 (approved plans), 5 (materials), 15 (car parking) and 22 (turning facilities) of planning permission ref. 67431:				

<b>Application No.:</b>	69923	<b>App. Type:</b>	FUL	13/12/2023	Refused
<b>Location:</b>	73A Simister Lane, Prestwich, Manchester, M25 2SU				
<b>Proposal:</b>	First floor side extension; garage conversion to habitable space; raise roof ridge height, loft conversion with rear dormers; front porch; electric gate on front boundary and elevational changes to existing facade/windows				
<b>Application No.:</b>	70104	<b>App. Type:</b>	FUL	11/12/2023	Approve with Conditions
<b>Location:</b>	9 Chatsworth Avenue, Prestwich, Manchester, M25 1LZ				
<b>Proposal:</b>	Construction of replacement dwelling with new footway crossing				
<b>Application No.:</b>	70238	<b>App. Type:</b>	FUL	14/12/2023	Approve with Conditions
<b>Location:</b>	526 Bury Old Road, Prestwich, Manchester, M25 3DF				
<b>Proposal:</b>	Demolish existing conservatory and replace with single storey side extension				
<b>Application No.:</b>	70243	<b>App. Type:</b>	FUL	21/12/2023	Approve with Conditions
<b>Location:</b>	21 Farm Lane, Prestwich, Manchester, M25 2RX				
<b>Proposal:</b>	Demolish existing conservatory and replace with single storey rear extension; Single storey side extension				
<b>Application No.:</b>	70249	<b>App. Type:</b>	FUL	03/01/2024	Approve with Conditions
<b>Location:</b>	95 Polefield Hall Road, Prestwich, Manchester, M25 2WW				
<b>Proposal:</b>	Two storey side extension and entrance canopy/porch at front				
<b>Application No.:</b>	70273	<b>App. Type:</b>	FUL	10/01/2024	Approve with Conditions
<b>Location:</b>	43 Holyrood Road, Prestwich, Manchester, M25 1PE				
<b>Proposal:</b>	Single storey side extension				
<b>Application No.:</b>	70274	<b>App. Type:</b>	FUL	10/01/2024	Approve with Conditions
<b>Location:</b>	11 Newlands Drive, Prestwich, Manchester, M25 3BU				
<b>Proposal:</b>	New front porch; Single storey extensions at side and rear				
<b>Ward:</b>	<b>Prestwich - Sedgley</b>				
<b>Application No.:</b>	70112	<b>App. Type:</b>	FUL	08/01/2024	Approve with Conditions
<b>Location:</b>	14 Princess Avenue, Prestwich, Manchester, M25 0LG				
<b>Proposal:</b>	Loft conversion with front and rear dormers				
<b>Application No.:</b>	70113	<b>App. Type:</b>	LBC	11/12/2023	Approve with Conditions
<b>Location:</b>	1 The Stables, Scholes Lane, Prestwich, Manchester, M25 0NH				
<b>Proposal:</b>	Listed building consent to replace the remaining 7 existing, non original, mock sash windows. 5 of which are on the front elevation; two on the ground floor and three on the first floor and 2 windows on the rear elevation; one on the ground floor and one on the first floor.				

<b>Application No.:</b>	70208	<b>App. Type:</b>	FUL	08/01/2024	Approve with Conditions
<b>Location:</b>	5 Parkway, Prestwich, Manchester, M25 0JE				
<b>Proposal:</b>	Single storey extension at side/rear; conversion of garage to habitable space and replacement of garage door with bay window				
<b>Application No.:</b>	70211	<b>App. Type:</b>	FUL	11/12/2023	Approve with Conditions
<b>Location:</b>	63 Park Road, Prestwich, Manchester, M25 0EA				
<b>Proposal:</b>	Single storey rear extension				
<b>Application No.:</b>	70223	<b>App. Type:</b>	FUL	19/12/2023	Approve with Conditions
<b>Location:</b>	35 Downham Crescent, Prestwich, Manchester, M25 0EH				
<b>Proposal:</b>	First floor side/front extension and Part single/part two storey rear extension				
<b>Application No.:</b>	70225	<b>App. Type:</b>	LDCP	19/12/2023	Lawful Development
<b>Location:</b>	47 Russell Street, Prestwich, Manchester, M25 1GU				
<b>Proposal:</b>	Lawful development certificate for proposed dormer to provide roof extension to existing loft bedroom				
<b>Application No.:</b>	70230	<b>App. Type:</b>	FUL	22/12/2023	Approve with Conditions
<b>Location:</b>	2 Harrogate Avenue, Prestwich, Manchester, M25 0LT				
<b>Proposal:</b>	First floor rear extension and Front porch				

Ward:   **Prestwich - St Mary's**

<b>Application No.:</b>	70157	<b>App. Type:</b>	FUL	19/12/2023	Approve with Conditions
<b>Location:</b>	2A Stanley Avenue South, Prestwich, Manchester, M25 3AU				
<b>Proposal:</b>	Roof extension with loft conversion along with font and rear dormer				
<b>Application No.:</b>	70201	<b>App. Type:</b>	FUL	19/12/2023	Approve with Conditions
<b>Location:</b>	15 The Downs, Prestwich, Manchester, M25 9RB				
<b>Proposal:</b>	Dormers at front/rear, new rooflight to existing single storey side extension and alterations to rear elevation; Levelling at rear to form parking space				

Ward:   **Radcliffe - East**

<b>Application No.:</b>	66519	<b>App. Type:</b>	FUL	19/12/2023	Refused
<b>Location:</b>	Land fronting Orkney Close & 77 Bury Road, Radcliffe, Manchester, M26 2WR				
<b>Proposal:</b>	Erection of care home facility				
<b>Application No.:</b>	70028	<b>App. Type:</b>	FUL	20/12/2023	Approve with Conditions
<b>Location:</b>	44-48 Stand Lane and 4-6 New Street, Radcliffe, Manchester, M26 1LJ				
<b>Proposal:</b>	Demolition of former Wellington Pub 48 Stand Lane, 44-46 Stand Lane and 4-6 New Street (retrospective)				

<b>Application No.:</b>	70146	<b>App. Type:</b>	FUL	08/01/2024	Approve with Conditions
<b>Location:</b>	2 Meadowside Close, Radcliffe, Manchester, M26 4JR				
<b>Proposal:</b>	Variation of condition 2 of planning permission 67463 (Two storey front extension; Two storey front/side extension; Single storey rear extension; Loft conversion with 3 dormers; Raising ridge height) - Inclusion of balcony at rear, Alteration to front extension and windows				
<b>Application No.:</b>	70183	<b>App. Type:</b>	FUL	20/12/2023	Approve with Conditions
<b>Location:</b>	9 Deansgate, Radcliffe, Manchester, M26 2SH				
<b>Proposal:</b>	Change of use of first floor from office to 1 no. self-contained flat with installation of external staircase and new access door at rear				
<b>Application No.:</b>	70257	<b>App. Type:</b>	FUL	10/01/2024	Approve with Conditions
<b>Location:</b>	9 Hardys Drive, Radcliffe, M26 2TL				
<b>Proposal:</b>	Single storey side and rear extension				
<b>Application No.:</b>	70268	<b>App. Type:</b>	P3JPA	22/12/2023	Prior Approval Not Required
<b>Location:</b>	22 Blackburn Street, Radcliffe, Manchester, M26 1NQ				
<b>Proposal:</b>	Prior approval for proposed change of use of first floor from commercial (Class E) to 1no. flat residential (Class C3)				
<b>Ward:</b>	Radcliffe - North and Ainsworth				
<b>Application No.:</b>	70227	<b>App. Type:</b>	FUL	08/01/2024	Approve with Conditions
<b>Location:</b>	7 Arthur Lane, Ainsworth, Bolton, BL2 5PW				
<b>Proposal:</b>	Demolish existing conservatory and replace with single storey rear extension				
<b>Application No.:</b>	70280	<b>App. Type:</b>	FUL	10/01/2024	Approve with Conditions
<b>Location:</b>	12 Brookside Walk, Radcliffe, Manchester, M26 4JT				
<b>Proposal:</b>	Erection of steel framed balcony with glazed balustade at rear and additon of composite cladding to rear elevation				
<b>Ward:</b>	Radcliffe - West				
<b>Application No.:</b>	69590	<b>App. Type:</b>	FUL	19/12/2023	Refused
<b>Location:</b>	Land bounded by Bolton Road, Harper Fold Road & Canute Street, Radcliffe, Manchester, M26 3BX				
<b>Proposal:</b>	Erection of building comprising of 3 no. commercial units (Class E) at ground floor with 2 no. flats at first floor (Class C3) with associated car parking and external works				
<b>Application No.:</b>	69794	<b>App. Type:</b>	FUL	11/12/2023	Refused
<b>Location:</b>	5 Keats Crescent, Radcliffe, Manchester, M26 3GT				
<b>Proposal:</b>	Change of use from residential dwelling (Class C3) to 10 bedroom (single occupancy) house in multiple occupation (HMO) (Sui Generis)				
<b>Application No.:</b>	70189	<b>App. Type:</b>	FUL	22/12/2023	Refused
<b>Location:</b>	1 Pitt Street, Radcliffe, Manchester, M26 3TF				
<b>Proposal:</b>	Balcony on top of existing rear single storey extension with obscure glazed balustrade				



<b>Application No.:</b>	70216	<b>App. Type:</b>	FUL	11/12/2023	Approve with Conditions
<b>Location:</b>	7 Ashurst Grove, Radcliffe, Manchester, M26 1UL				
<b>Proposal:</b>	Single storey rear extension				
<b>Ward:</b>	<b>Ramsbottom + Tottington - Tottington</b>				

<b>Application No.:</b>	69195	<b>App. Type:</b>	FUL	11/12/2023	Approve with Conditions
<b>Location:</b>	Whitehead Gardens, Chapel Street, Tottington, BL8 4AL				
<b>Proposal:</b>	Refurbishment of gardens including upgrading drainage and footpaths; New pedestrian ramp access; Rebuild stage area; Creation of terraces along the bank of the stream and Tree works across the site				

<b>Application No.:</b>	70152	<b>App. Type:</b>	FUL	13/12/2023	Approve with Conditions
<b>Location:</b>	Four Acre Cottage, Harwood Road, Tottington, Bury, BL8 3PT				
<b>Proposal:</b>	Two storey/single storey rear extension; Detached garage				

<b>Application No.:</b>	70228	<b>App. Type:</b>	FUL	08/01/2024	Approve with Conditions
<b>Location:</b>	6 Sharples Drive, Bury, BL8 3AP				
<b>Proposal:</b>	Single storey extension at rear and external alterations including removal of side door and alterations to first floor rear window to include an obscure glazed window				

<b>Application No.:</b>	70313	<b>App. Type:</b>	FUL	10/01/2024	Approve with Conditions
<b>Location:</b>	18 First Avenue, Tottington, Bury, BL8 3JA				
<b>Proposal:</b>	Single Storey Side Extension				

<b>Ward:</b>	<b>Ramsbottom and Tottington - Ramsbottom</b>				
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<b>Application No.:</b>	69371	<b>App. Type:</b>	FUL	14/12/2023	Approve with Conditions
<b>Location:</b>	40 Bury New Road, Ramsbottom, Bury, BL0 0BY				
<b>Proposal:</b>	Variation of condition no. 2 (approved plans) of planning permission 66939 (for single storey extension at rear, two storey side extension incorporating garage and first floor side extension): Removal of first floor side/rear extensions; Change position of rear balcony; Additional first floor extensions at front and side and alterations to windows and doors.				

<b>Application No.:</b>	70193	<b>App. Type:</b>	FUL	21/12/2023	Approve with Conditions
<b>Location:</b>	Woodhey Bungalow, Woodhey Road, Ramsbottom, Bury, BL0 9RD				
<b>Proposal:</b>	Demolition of existing bungalow and erection of 1 no. two storey dwelling				

<b>Application No.:</b>	70229	<b>App. Type:</b>	FUL	22/12/2023	Refused
<b>Location:</b>	Saw Mills, off Spring Street, Ramsbottom, Bury, BL0 9JQ				
<b>Proposal:</b>	Change of house type application for 68578 to remove dormers, increase the eaves heights to all house types, increase the width of the porches and internal alterations				

<b>Application No.:</b>	70287	<b>App. Type:</b>	FUL	10/01/2024	Approve with Conditions
<b>Location:</b>	The Byre, 4 Hey House Mews, Holcombe Old Road, Ramsbottom, Bury, BL0 4QS				
<b>Proposal:</b>	Single storey rear extension to replace existing conservatory; Single storey annexe following removal of part of garage/store				

Ward:   **Whitefield + Unsworth - Besses**

<b>Application No.:</b>	70172	<b>App. Type:</b>	FUL	20/12/2023	Refused
<b>Location:</b>	15 Windsor Avenue, Whitefield, Manchester, M45 6AZ				
<b>Proposal:</b>	Two storey rear extension				

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

<b>Application No.:</b>	70162	<b>App. Type:</b>	FUL	21/12/2023	Refused
<b>Location:</b>	231 Bury New Road, Whitefield, Manchester, M45 8QP				
<b>Proposal:</b>	Erection of flat roofed porch canopy to side entrance and 1.8 metre high fencing				

<b>Application No.:</b>	70180	<b>App. Type:</b>	FUL	20/12/2023	Approve with Conditions
<b>Location:</b>	23 Parkstone Avenue, Whitefield, Manchester, M45 7GF				
<b>Proposal:</b>	Two/single storey rear extension				

<b>Application No.:</b>	70185	<b>App. Type:</b>	FUL	19/12/2023	Approve with Conditions
<b>Location:</b>	7 Spring Grove, Radcliffe, Manchester, M45 7RT				
<b>Proposal:</b>	Single storey rear extension with steps to garden level				

<b>Application No.:</b>	70215	<b>App. Type:</b>	FUL	12/01/2024	Approve with Conditions
<b>Location:</b>	61 Wingate Drive, Whitefield, Manchester, M45 7GX				
<b>Proposal:</b>	Erection of detached outbuilding at rear for use as living accommodation ancillary to the existing dwelling				

<b>Application No.:</b>	70220	<b>App. Type:</b>	FUL	21/12/2023	Approve with Conditions
<b>Location:</b>	29 Ferndale Avenue, Whitefield, Manchester, M45 7GP				
<b>Proposal:</b>	Part single, part two storey extension at side, additional front dormer and external alterations				

Ward:   **Whitefield + Unsworth - Unsworth**

<b>Application No.:</b>	70170	<b>App. Type:</b>	FUL	19/12/2023	Approve with Conditions
<b>Location:</b>	37 Mather Avenue, Whitefield, Manchester, M45 8NU				
<b>Proposal:</b>	Single story rear extension				

**Total Number of Applications Decided:**       **68**

# REPORT FOR NOTING

<b>DECISION OF:</b>	<b>PLANNING CONTROL COMMITTEE</b>
<b>DATE:</b>	<b>23 January 2024</b>
<b>SUBJECT:</b>	<b>PLANNING APPEALS</b>
<b>REPORT FROM:</b>	<b>HEAD OF DEVELOPMENT MANAGEMENT</b>
<b>CONTACT OFFICER:</b>	<b>DAVID MARNO</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	<p>Planning Appeals:</p> <ul style="list-style-type: none"> <li>- Lodged</li> <li>- Determined</li> </ul> <p>Enforcement Appeals</p> <ul style="list-style-type: none"> <li>- Lodged</li> <li>- Determined</li> </ul>
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	The Committee is recommended to the note the report and appendices
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? Yes
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	Executive Director of Resources to advise regarding risk management
<b>Statement by Executive Director of Resources:</b>	N/A
<b>Equality/Diversity implications:</b>	No
<b>Considered by Monitoring Officer:</b>	N/A

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

### TRACKING/PROCESS

### DIRECTOR:

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

### 1.0 BACKGROUND

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

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

### 2.0 CONCLUSION

That the item be noted.

### List of Background Papers:-

#### Contact Details:-

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

**Tel: 0161 253 5291**

**Email: [d.marno@bury.gov.uk](mailto:d.marno@bury.gov.uk)**

**Planning Appeals Lodged  
between 11/12/2023 and 14/01/2024**



**Application No.:** 69392/FUL

**Decision level:** DEL

**Recommended Decision:** Refuse

**Applicant:** Mr Stewart Sivvery

**Location** Further Davises Farm, Mather Road, Bury, BL9 6TJ

**Appeal lodged:** 08/01/2024

**Appeal Type:**

**Proposal** Change of use of a building to additional living accommodation; Two storey side extension and Single storey front extension; external alterations including alterations to windows / doors and removal of 2 no. windows

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**Application No.:** 69882/FUL

**Decision level:** DEL

**Recommended Decision:** Refuse

**Applicant:** Mr Craig Timbrell

**Location** 46 Oak Lane, Whitefield, Manchester, M45 8ET

**Appeal lodged:** 20/12/2023

**Appeal Type:**

**Proposal** Hip to gable roof extension at side and loft conversion with rear dormer

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**Total Number of Appeals Lodged: 2**

**Planning Appeals Decided  
between 11/12/2023 and 14/01/2024**



**Application No.:** 69132/FUL

**Decision level:** DEL

**Recommended Decision:** Refuse

**Applicant:** Emerald Property Capital Ltd

**Location:** 104 Ainsworth Road, Bury, BL8 2RS

**Proposal:** Change of use from existing 6 no. bedroom house in multiple occupation (HMO - Class C4) to 7 no. bedroom (7 person) house in multiple occupation (HMO - Sui Generis)

---

**Appeal Decision:** Dismissed

**Date:** 08/01/2024

**Appeal type:**





# Appeal Decision

Site visit made on 18 December 2023

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

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

**Decision date: 8<sup>th</sup> January 2024**

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**Appeal Ref: APP/T4210/W/23/3324587**

**104 Ainsworth Road, Bury BL8 2RS**

- 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 Ciaroni, Emerald Property Capital Limited, against the decision of Bury Metropolitan Borough Council.
  - The application Ref 69132, dated 29 November 2022, was refused by notice dated 15 March 2023.
  - The development proposed is the conversion of existing 6 bed C4 HMO to 7 bed Sui Generis HMO.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The Government published on 19 December 2023 a revised version of the National Planning Policy Framework (the Framework). Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the main issue of this case are largely unchanged. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework from the parties, and that no party would be disadvantaged by such a course of action.

## Main Issue

3. Whether satisfactory living conditions would be provided for occupiers of the host property, with particular regard to the provision of indoor and outdoor space.

## Reasons

4. This appeal concerns a mid-terraced property which, at the time of my site visit, was in use as a 6 bedroom house in multiple occupation (HMO).
5. I note the Council's concerns regarding the loss of communal internal space at the property as a result of the appeal proposal. It seems to me that, whilst the proposal would not result from the loss of a communal room as the room with which this appeal is concerned is currently used as storage, it would nevertheless result in an overall reduction in internal communal space available within the property by virtue of the proposed intensified occupation.
6. With the exception of the bathroom on the second floor, the existing kitchen/dining room would be the only communal room provided in the property. I acknowledge that this room provides all necessary facilities for day to day living and meets the Council's licensing requirements. Nevertheless,

there is no further living room or other space which residents could spend time and relax in.

7. The appellant asserts that not all of the rooms in the appeal property are occupied on a full-time basis and that occupiers of HMOs are unlikely to prepare food and eat together at the same time, thus this communal room would never be at full capacity at any one time. There is no conclusive evidence to support the suggestion that occupiers would cook and dine at varying times and, moreover, it is important that I consider a worst-case scenario.
8. Should seven persons be using this space at one time, either to cook, eat or relax, it would feel very cramped, with space around the table restricted and additional options for seating away from the table very limited. The proposed occupancy level would significantly restrict the functionality of this communal room, to the detriment of the living conditions of occupiers.
9. In terms of the private outdoor space provided at the property, this is predominantly located at the rear and comprises an enclosed yard. Whilst it is a somewhat narrow strip, I nevertheless observed that outdoor seating could be provided as well as areas to dry clothes.
10. There is also a generously sized and secure garage/outbuilding which provides adequate space for bicycle stands and the storing of bins. As such, the external space would be sufficient to meet the domestic needs of seven occupiers.
11. Whilst the appeal property has been finished to a high standard, and even if it is well managed, this does not overcome the harm resulting from the lack of suitable internal communal living space for occupiers.
12. Accordingly, the proposal would fail to provide satisfactory living conditions for occupiers of the appeal property and thus would conflict with Policies H2/1 and H2/4 of the Bury Unitary Development Plan (1997) (the UDP). Together, these policies aim to ensure that developments consider the impact on residential amenity.
13. The Development Control Policy Guidance Note 13: Conversion of Buildings to Houses in Multiple Occupation (May 2007) sets out general guidance for HMO's and notes that this type of conversion should provide an acceptable standard of accommodation for occupants. The proposal would fail to do so for the reasons given above.
14. Policies H1/2 and H2/2 of the UDP are referred to in the Council's decision notice however they do not appear to be of direct relevance to the main issue in this case.

### **Other Matter**

15. Within its officer report the Council noted that the proposed additional bedroom would have limited, if any, outlook given the positioning of the rooflight. I observed this at the time of my site visit. However, this concern was not reflected in the reason for refusal or the Council's statement of case. Nonetheless, even if I had considered this matter as part of this appeal, it would not have altered my overall conclusion.

## **Conclusion**

16. The proposal would provide an additional bedroom in an HMO and it is suggested that there is a need and demand for this type of accommodation in the locality. I afford this benefit limited weight due to the small scale of the proposed development.
17. The proposal would fail to provide satisfactory living conditions for occupiers, harm which leads to conflict with the development plan as a whole. There are no material considerations which indicate a decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

*H Ellison*

INSPECTOR

## **The Ombudsman's final decision**

Summary: We will not investigate this complaint about how the Council dealt with a breach of planning control. This is because we are unlikely to find fault and the complainant has not suffered any significant injustice.

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## **The complaint**

1. Ms X has complained about how the Council dealt with a breach of planning control. She says the Council has failed to take any action in relation to the breach and there have been delays. Ms X also complains the enforcement officers did not properly communicate with her or keep her up to date. Ms X says she has been caused significant stress by the matter and her property is overlooked by the development.

## **The Ombudsman's role and powers**

2. We investigate complaints about 'maladministration' and 'service failure', which we call 'fault'. We must also consider whether any fault has had an adverse impact on the person making the complaint, which we call 'injustice'. We provide a free service, but must use public money carefully. We do not start or continue an investigation if we decide:
  - there is not enough evidence of fault to justify investigating, or
  - any injustice is not significant enough to justify our involvement.

(Local Government Act 1974, section 24A(6), as amended, section 34(B))

## **How I considered this complaint**

3. I considered information provided by Ms X and the Ombudsman's Assessment Code.

## **My assessment**

4. Planning authorities can take enforcement action where there has been a breach of planning control. A breach of planning control includes circumstances where someone has built a development without permission. It is for the council to decide if there has been a breach of planning control and if it is expedient to take further action.

- 
5. In this case, the Council granted Ms X's neighbour planning permission to extend their home. Once the development was completed, Ms X contacted the Council as she was concerned her neighbour had not built the extension in line with the approved plans or complied with the planning conditions.
  6. The Council looked into Ms X's concerns and the enforcement officer agreed there had been a breach of planning control. The Council decided it would not be expedient to take enforcement action in relation to the decking built by Ms X's neighbour due to the degree of the breach and the existing screening in place. Ms X may disagree, but the Council was entitled to use its professional judgement in this regard.
  7. The Council did accept that further action was required in relation to the remaining breaches. It invited Ms X's neighbour to either submit a retrospective application or to make changes to ensure the development complied with the plans originally approved.
  8. Ms X's neighbours submitted a retrospective application, and the Council has since granted permission for the changes to the development. I understand Ms X says the Council should take formal action against her neighbour. But councils do not need to take enforcement action just because there has been a breach of planning control and it is not unusual for a retrospective application to be submitted to regularise a development. Ms X had the opportunity to comment on the proposal and I am satisfied the Council properly considered her comments and assessed the acceptability of the changes to the plans before granting permission for the development.
  9. Ms X has complained about the Council's enforcement investigation and said there were long delays and officers failed to properly communicate with her or keep her up to date. The Council has already apologised for the communication issues, and I do not consider Ms X has suffered any significant injustice because of any delays with the Council's enforcement investigation as it ultimately decided the changes to the plans were acceptable.

## **Final decision**

10. We will not investigate Ms X's complaint because we are unlikely to find fault by the Council. Ms X has also not suffered any significant injustice because of how the Council dealt with her concerns about the planning breach.

## **Investigator's decision on behalf of the Ombudsman**

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REPORT FOR INFORMATION



Agenda	7
item	

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	23 <sup>rd</sup> JANUARY 2024
SUBJECT:	SECTION 106 OBLIGATIONS
REPORT FROM:	DEVELOPMENT MANAGER
CONTACT OFFICER:	SOPHIE BLEASDALE
TYPE OF DECISION:	COUNCIL <i>OR</i> EXECUTIVE (NON KEY DECISION)
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	THE REPORT OUTLINES THE CONTRIBUTIONS MADE BY S106 OBLIGATIONS BETWEEN 1 APRIL

	<b>2022 AND 31 MARCH 2023 AND SUMMARISES AGREEMENTS THAT ARE OUTSTANDING.</b>
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	<b>TO NOTE THE REPORT</b>
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework?                      Yes
<b>Statement by the S151 Officer:</b>  <b>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>	n/a
<b>Wards Affected:</b>	All
<b>Scrutiny Interest:</b>	NO

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TRACKING/PROCESS

DIRECTOR:

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

1.0 BACKGROUND

- 1.1

Section 106 (s106) Agreements are legal contracts between the Local Planning Authority and the developer / landowner which include obligations that are essential to allow the granting of planning permission in certain circumstances. These obligations are then secured as a land charge on any successive land owner of the application site, should the site be sold on and developed by someone other than the applicant.
- 1.2

The details of the obligations are controlled by statute and must pass the following three tests if they are to be considered when determining an application for planning permission:

  - a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.
- 1.3

Obligations often involve the payment of financial contributions, for example recreation contributions, compensation for the loss of employment land and contributions towards ecological enhancements. On receipt by the Council, these

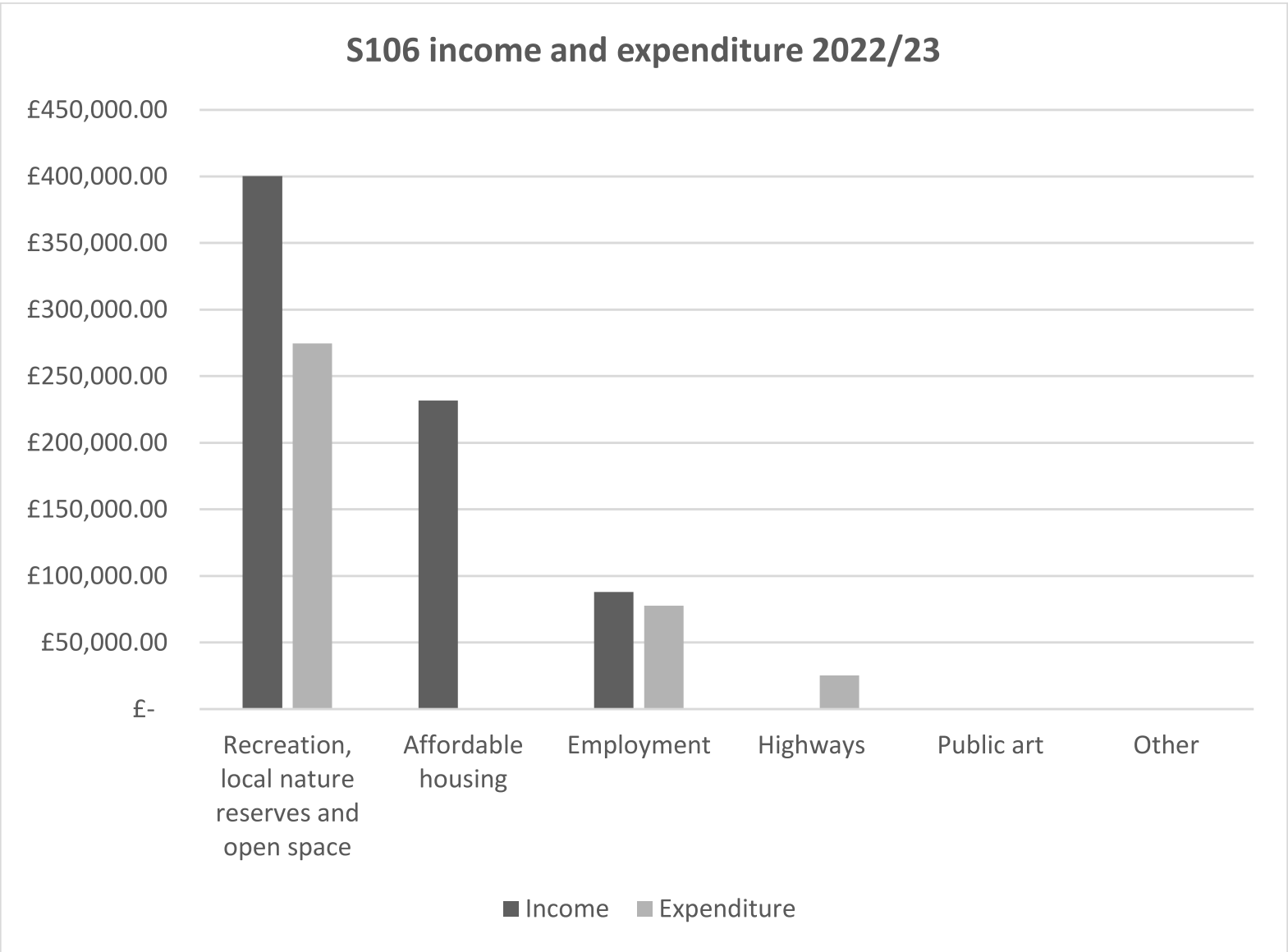
contributions are effectively held on trust, to be spent in accordance with the terms of the s106 Agreement.

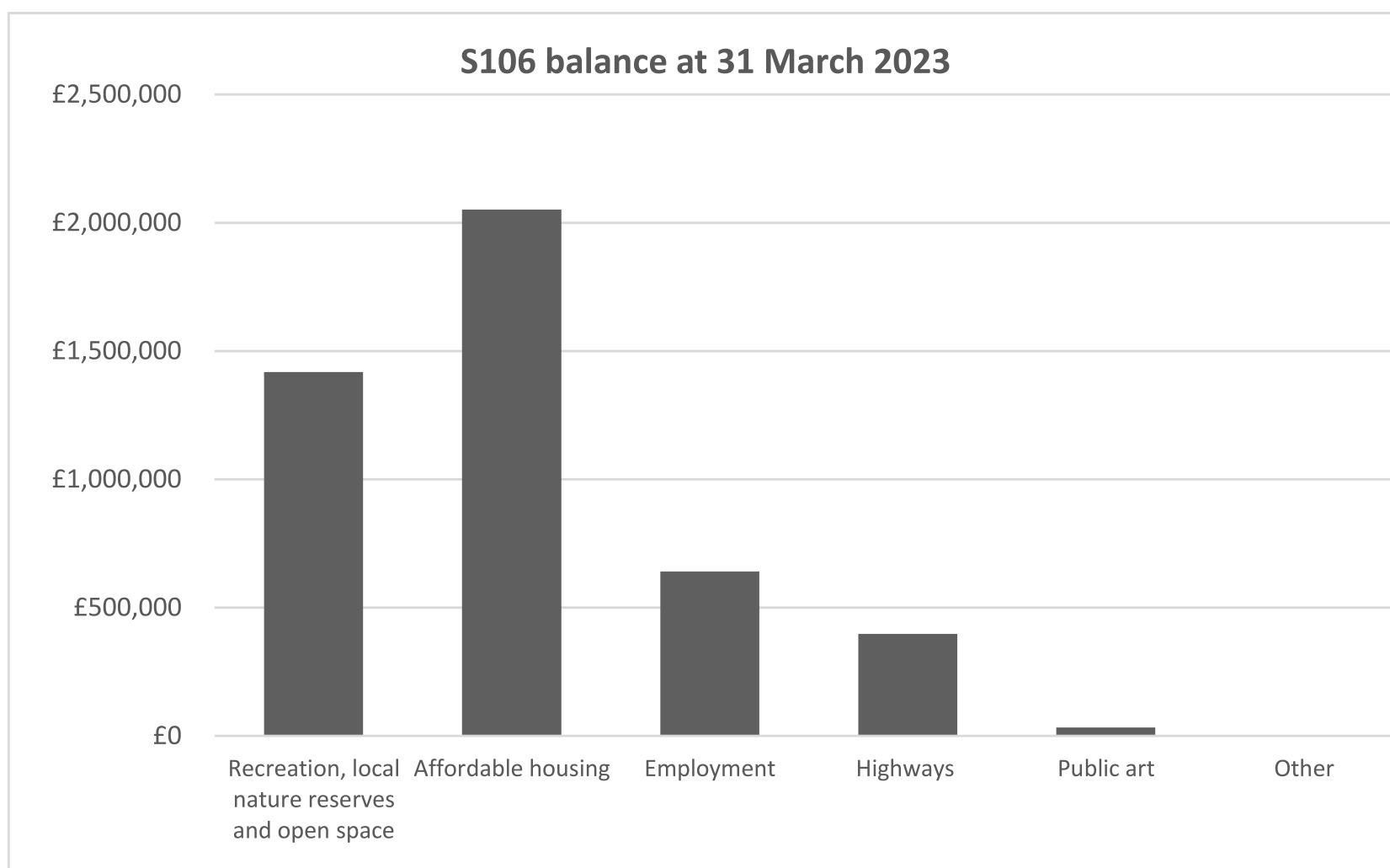
- 1.4 Section 106 Agreements may also include non-financial obligations such as provision of on-site affordable housing, access paths or the transfer of land.
- 1.5 The Infrastructure Funding Statement appended to this report outlines the contributions provided by S106 obligations in the 12 months from 1 April 2022 to 31 March 2023 and identifies those Agreements where obligations are outstanding and those where triggers have not yet been reached.

**2.0 2022/23 SUMMARY**

2.0 Over the twelve-month period from 1 April 2022 to 31 March 2023, Section 106 agreements have resulted in £377,758.28 of investment into the Borough, provision of 18 on-site affordable homes and £719,901.14 of income to the Council. As of 31st March 2023, the Council had around £4,541,933.93 of unspent S106 contributions, the majority of which has been allocated to specific projects but may take time to deliver and for expenditure to be drawn down. Nevertheless, opportunities to appropriately allocate and spend outstanding s106 contributions are under constant review with the intention that benefits are delivered as soon as possible.

2.1 It is important to note that a time lag between receipt and expenditure of contributions is to be expected, as in some cases funds have to be allocated to specific projects, and some contributions are for the long term maintenance of land that has been or is awaiting transfer to the Council.





2.2 Table 1 below summarises income and expenditure in the twelve months from 1 April 2022 to 31 March 2023, and unspent contributions as at 31st March 2023.

**Table 1: S106 Income, Expenditure and Balance<sup>1</sup>**

Expenditure type	Contributions received 1 April 2022 to 31 March 2023	Total amount spent 1 April 2022 to 31 March 2023	Total value of unspent contributions as at 31 March 2023
Recreation, local nature reserves and open space	£400,215.76	£274,584.11	£1,418,363.19
Affordable housing	£231,685.38	£0.00	£2,051,850.55
Employment	£88,000.00	£77,774.00	£640,308.53
Highways	£0.00	£25,400.17	£398,013.20
Public art	£0.00	£0.00	£33,398.46
<b>TOTAL</b>	<b>£719,901.14</b>	<b>£377,758.28</b>	<b>£4,541,933.93</b>

<sup>1</sup> Please note that the figures in the table represent a snap shot in time and may not be entirely consistent with previous reports as expenditure from S106 contributions is confirmed at financial year end and interest is added to the balance. Income figures are based on the twelve month period from 1 April 2022 and 31 March 2023, and total balances are as at 31 March 2023.

### **3.0 SCHEMES PROVIDED AND OBLIGATIONS COMPLIED WITH**

- 3.1 The appended Infrastructure Funding Statement (IFS) provides a breakdown of the s106 income, spend and unspent monies by each type of s106 contribution. A detailed list of schemes provided as a result of financial contributions is attached to the IFS report at Appendix A, together with a list of contributions received and obligations complied with between 1 April 2022 and 31 March 2023 at Appendix B.

### **4.0 OUTSTANDING OBLIGATIONS**

- 4.1 A list of all outstanding obligations is attached to the IFS at Appendix D. These are divided into those where triggers have been reached (Appendix D – Part 1), identifying the actions that are being taken to recover overdue contributions and non-financial obligations; and those where triggers have not yet been reached, for example because development has not started or insufficient dwellings have been completed (Appendix C – Part 2).

### **5.0 SECTION 106 AGREEMENTS NOT YET TRIGGERED**

- 5.1 Appendix C Part 2 provides details of development sites where S106 obligations have been negotiated as part of the planning approval process, but the triggers have not yet been reached. We will continue to monitor these developments to ensure that we secure the payments / provisions as and when they are required by the S106 agreement. Further details are available in the Infrastructure Funding Statement in chapter seven.

### **6.0 OBLIGATIONS WHERE TRIGGERS HAVE BEEN REACHED**

- 6.1 6 developments have been identified as having outstanding obligations that are now due and are being pursued by the Council. Of these, five require financial contributions, totalling £268,385.75. The outstanding contributions and on-site provisions are pursued initially by contacting the parties involved and, where necessary, debt recovery proceedings have been instructed. Further details are available in the Infrastructure Funding Statement in chapter seven.

### **7.0 CONCLUSION**

- 7.1 The proactive approach to ensuring S106 obligations are complied with has resulted in success in recovering outstanding contributions, and enabled prompt identification when triggers have been reached on new developments. This approach will continue, and should ensure that developers deliver their obligations. Where necessary and appropriate, legal action will be taken to ensure compliance with S106 obligations.



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### **List of Background Papers:-**

Infrastructure Funding Statement 2022/23

Appendix A – Schemes provided via Section 106 commuted sums

Appendix B – Obligations complied with 1 April 2022 – 31 March 2023

Appendix C – Outstanding obligations

### **Contact Officer**

Sophie Bleasdale  
Planning Officer  
Strategic Planning and Infrastructure  
Business, Growth and Infrastructure  
Tel: 0161 253 7391  
Email: [s.bleasdale@bury.gov.uk](mailto:s.bleasdale@bury.gov.uk)

# Infrastructure Funding Statement

2022/2023

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# 1. Introduction

- 1.1 This report provides a summary of the financial contributions which the Council has secured through Section 106 (S106) from new developments for recreation, affordable housing, off-site infrastructure works, ecological enhancement and employment land.
- 1.2 In summary, the report provides:
- An overview of S106 agreements;
  - The Council's internal process relating to S106 contributions;
  - The S106 contributions paid to the Council in the 2022/23 monitoring period;
  - S106 contributions estimated for future years; and
  - Projects delivered in the Borough via S106 agreements in the 2022/23 monitoring year.
- 1.3 The information included in the report will be updated annually and published on the Council's website. This will ensure that the most up to date information on the amount of developer contributions received from new development in addition to on where these monies have been spent is readily available to members of the public and other interested parties.
- 1.4 It is important to note that a time lag between receipt and expenditure of contributions is to be expected, as funds have to be allocated to specific schemes (for contributions from S106 Agreements signed prior to 6 April 2015), and in some cases contributions are for the long-term maintenance of land that has been or is awaiting transfer to the Council. However, the data reported within this document is the most robust available at the time of publication.

## Headline summary

- 1.5 £719,901.14 was received through planning obligations (whenever agreed) in 2022/2023.
- 1.6 Of money received through planning obligations, £377,758.28 was spent in 2022/2023:
- Recreation: £274,584.11
  - Employment Land Development Fund (ELDF): £77,774.00
  - Highways: £25,400.17
  - Total expenditure: £377,758.28

# 2. Section 106 Agreements

- 2.1 S106 agreements are legal contracts between the Local Planning Authority and the developer/landowners which include obligations that are essential to allow the granting of planning permission in certain circumstances.

- 2.2 For example, new residential developments place additional pressure on existing social, physical and economic infrastructure in the surrounding area. Planning obligations aim to balance this extra pressure with improvements to the surrounding area to ensure that a development makes a positive contribution to the local area.
- 2.3 The obligations may be provided by the developers “in kind” – that is, where the developer builds or provides directly the matters necessary to fulfil the obligation. This might be to build a certain number of affordable homes on-site, or ecological enhancement, for example.
- 2.4 Alternatively, planning obligations can be met in the form of financial payments to the Council to provide off-site infrastructure works, contributions towards providing affordable housing elsewhere in the Borough, compensation for the loss of employment land, recreation contributions and contributions towards ecological enhancements. In some cases, it can be a combination of both on-site provision and off-site financial contributions.
- 2.5 S106 Agreements may also include non-financial obligations such as provision of on-site affordable housing, access paths or the transfer of land.
- 2.6 Where an obligation involves the payment of financial contributions, on receipt by the Council, these contributions are effectively held on trust, and the Council are legally bound to spend these monies in accordance with the terms of the s106 Agreement. These obligations are then secured as a land charge on any successive land owner of the application site, should the site be sold on and developed by someone other than the applicant.
- 2.7 Regulations state that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is: The details of the obligations are controlled by statute and must pass the following three tests if they are to be considered when determining an application for planning permission:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and
  - Fairly and reasonably related in scale and kind to the development
- 2.8 The Council cannot ask for contributions via section 106 planning obligations in certain circumstances:

*“Planning obligations for affordable housing should only be sought for residential developments that are major developments...For residential development, major development is defined in the National Planning Policy Framework as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000 square metres or more, or a site of 1 hectare or more...Planning obligations*

*should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home.”<sup>1</sup>*

### **3. Bury Council’s Process for Requesting S106 Contributions**

- 3.1 Where it is determined that on-site infrastructure and/or affordable housing required by policy is not appropriate, the Council will request from developers a financial contribution to meet these needs outside of the development site through a s106 obligation.
- 3.2 The financial contribution required for off-site recreation provision is calculated using Supplementary Planning Document 1 – Open Space, Sport and Recreation Provision in New Housing Development.
- 3.3 Supplementary Planning Document 5 – Affordable Housing Provision in New Residential Development sets the tariff for off-site affordable housing contributions and Supplementary Planning Document 14 – Employment Land and Premises provides guidance on when employment land contributions are required. These documents can be accessed on the Council’s website at:  
<https://www.bury.gov.uk/10740>
- 3.4 Contributions towards required highway works as a result of new development is agreed on a case-by-case basis, evidenced by an assessment of the impact the development will have on the local highways and mitigation works required to minimise this impact.
- 3.5 Once a S106 has been signed, it is an obligation, but it will only be realised if the planning permission is implemented and reaches the trigger point for payment such as commencement or prior to occupation. When the planning permission is granted, the S106 obligation is registered as a land charge which stays with the land, obligating any future owners until the terms are met.
- 3.6 Planning Officers, developers and the Council’s legal department work together to instruct new S106 agreements, requesting payments from the developer through to the spending of these monies by designated Council officers. Figure 1 shows this process in more detail.
- 3.7 Any commuted sums received by the Council but not spent within the timeframes set out in the S106 agreement will be identified during annual monitoring and will be refunded in accordance with the details set out in the specific agreement.

### **4. Monitoring Fees**

- 4.1 The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 now allow Local Authorities to charge a monitoring fee through S106 obligations to cover the cost of the monitoring and reporting on delivery that S106

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<sup>1</sup> Planning Practice Guidance 2019 Paragraph 023 ‘Planning Obligations’  
<https://www.gov.uk/guidance/planning-obligations>

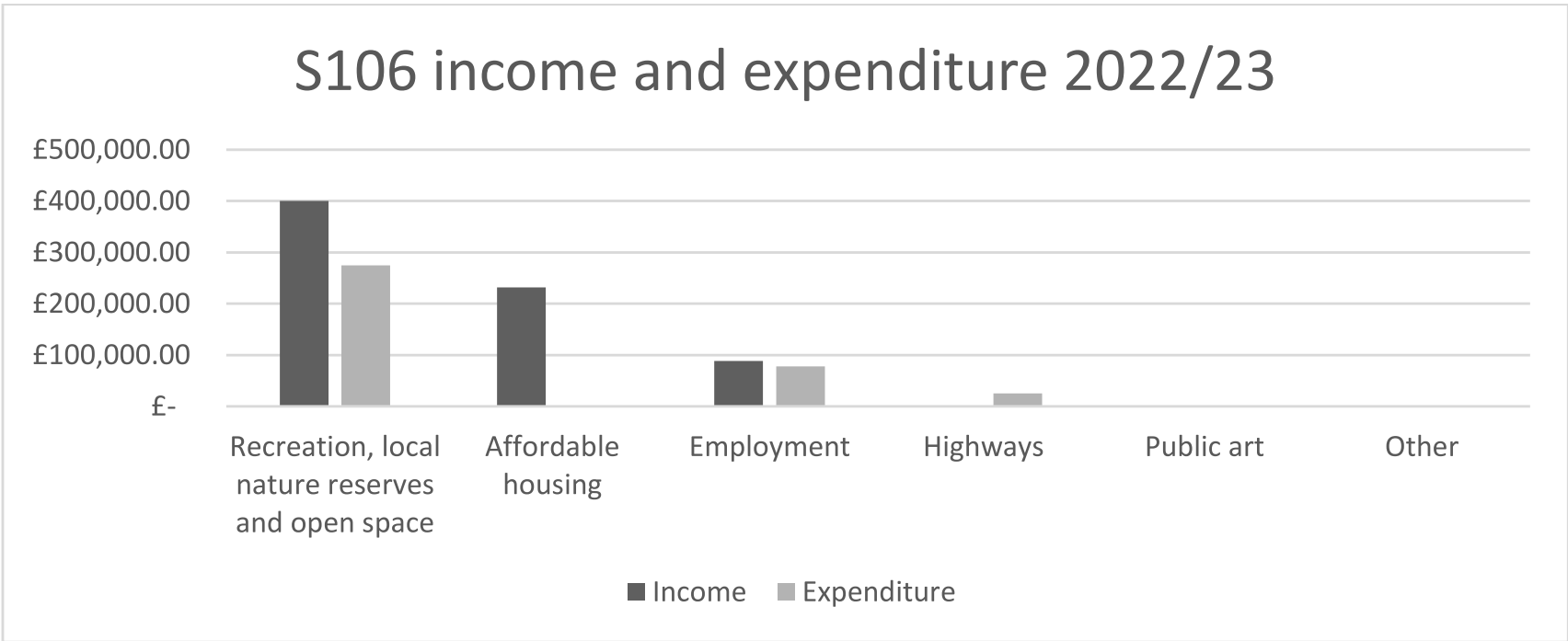


obligation as described above. Monitoring fees can be used to monitor and report on any type of planning application, for the time of that obligation. However, monitoring fees should not be sought retrospectively for historic agreements.

- 4.2 The regulations allow monitoring fees to be either a fixed percentage of the total value of the S106 agreement or individual obligation; or could be a fixed monetary amount per agreement obligation; or Authorities may decide to set fees using other methods. However, in all cases, monitoring fees must be proportionate and reasonable and reflect the actual cost of monitoring.
- 4.3 Authorities must report on monitoring fees in their Infrastructure Funding Statements.
- 4.4 In Bury the monitoring fee was set at £550 per obligation, which is considered to be proportionate and will contribute to the Council’s reasonable costs of monitoring each obligation. This fee came into effect from the 18<sup>th</sup> October 2019.
- 4.5 Between 1<sup>st</sup> April 2022 and 31<sup>st</sup> March 2023, £2,140 of monitoring fees have been received through S106 obligations to cover the cost of the monitoring and reporting on delivery.

**5. 2022/23 S106 Contributions Summary**

- 5.1 Over the twelve-month period from 1 April 2022 to 31 March 2023, Section 106 agreements have resulted in £377,758.28 of investment into the Borough, provision of 18 on-site affordable homes and £719,901.14 of income to the Council. As of 31st March 2023, the Council had around £4,541,933.93 of unspent S106 contributions, the majority of which has been allocated to specific projects but may take time to deliver and for expenditure to be drawn down.
- 5.2 It is important to note that a time lag between receipt and expenditure of contributions is to be expected, as funds have to be allocated to specific schemes (for contributions from S106 agreements signed prior to 6 April 2015), and in some cases contributions are for the long term maintenance of land that has been or is awaiting transfer to the Council.



5.3 Table 1 below summarises income and expenditure in the twelve months from 1 April 2022 to 31 March 2023, and unspent contributions as at 31<sup>st</sup> March 2023. This is broken down into more detail in Appendix C.

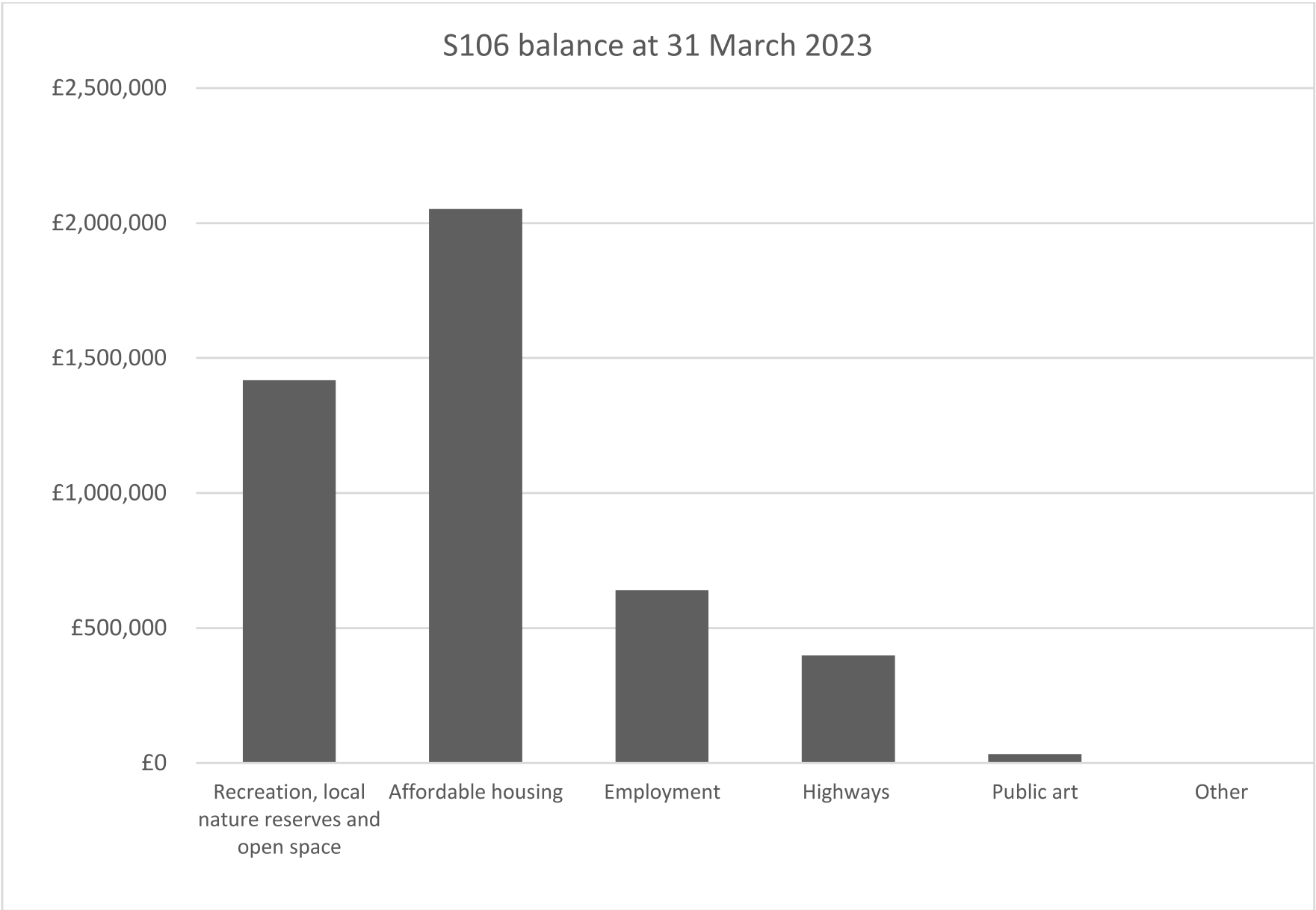


Table 1: S106 Income, Expenditure and Balance

Expenditure type	Contributions received 1 April 2022 to 31 March 2023	Total amount spent 1 April 2022 to 31 March 2023	Total value of unspent contributions as at 31 March 2023
Recreation, local nature reserves and open space	£400,215.76	£274,584.11	£1,418,363.19
Affordable housing	£231,685.38	£0.00	£2,051,850.55
Employment	£88,000.00	£77,774.00	£640,308.53
Highways	£0.00	£25,400.17	£398,013.20
Public art	£0.00	£0.00	£33,398.46
TOTAL	£719,901.14	£377,758.28	£4,541,933.93

6. Schemes Provided and Obligations Complied With

6.1 This section of the report summarises Section 106 Agreements by type of obligation. A detailed list of schemes provided as a result of financial contributions is attached to this report at Appendix A, together with a list of contributions received and obligations complied with between 1 April 2022 and 31 March 2023 at Appendix B.

## Recreation

6.2 In 2022/2023 £400,215.76 was received in recreation contributions.

6.3 During the same period, £274,584.11 of recreation contributions was spent. This has gone towards improvements at a number of sites including:

- Imp to Infrastructure at Close Park Green Flag Park Phase 1
- Imp to infrastructure at Burrs Country Park Phase 1
- Imp to infrastructure at Starmount Reservoir and Blackshaw Brook Phase 1
- O/C Radcliffe Paper Mill - POS Maintenance
- O/C Kirkless Valley Maintenance
- O/C Woodhill Road Play Area Improvement
- O/C Purbeck Drive
- O/C Prestwich Clough Improvements
- Springwater Park & Sailors Brow access Improvements - phase 1
- Prestwich Clough Infrastructure
- Woodbank Garden Improvements
- Improvements at Taylor Street
- Refurbishment of Clarence Park PA Phase 1
- Young Street PA Improvements
- Snape Street PA H&S Improvements
- Clarence Park Improvements
- Improvements to play equipment, furniture, infrastructure and landscaping at St Marys Park - Phase 1
- Improvements to landscaping at Gardener Mount Recreation Ground
- Improvements to landscaping at Gardener Mount Play Area - Phase 1
- Improvements to paths, access and landscaping to raise the quality standard at Barnfield Park - Phase 1
- Improvements to play equipment and surfacing at Sedgley Park Play Area
- Burrs Country Park – Infrastructure, access and river improvements to benefit people and wildlife and to support the Burrs Strategy
- Whitehead Park – work to raise the standard of the park, including infrastructure and environmental improvements to support Green Flag
- Improvements to Limefield Park
- Improvements to landscape areas in Clarence Park
- Burrs Improvements Supporting Volunteers Phase 11
- Allens Bowling Green

- 6.4 In terms of future spending, funding has also been allocated to a number of projects across the Borough, including works to play areas, ball zones, tennis courts, outdoor gyms, bowling greens and park improvements. The priority is to ensure that S106 recreation contributions are allocated within the area where the development takes place.
- 6.5 All unspent recreation contributions received up to 31<sup>st</sup> March 2023 have been committed to specific projects, with the exception of contributions paid upfront that can't be committed until commencement of development.

## **Affordable Housing**

- 6.6 Section 106 Agreements have also required developers to make provision on site for affordable housing. In 2022/23, 18 affordable properties were completed on site as a result of planning policy. In addition, some of the previously completed properties have been subsequently re-sold, re-let or are under offer, to households on the Affordable Housing Scheme.
- 6.7 The Planning Agreements allow the affordable housing units to be sold on the open market in certain circumstances, subject to 25% of the sale proceeds being given to the Council to spend on affordable housing elsewhere. No properties were sold in this way between 1 April 2021 and 31 March 2022.
- 6.8 In total up to 31 March 2023, £231,685.38 in commuted sum payments has been received for affordable housing and £2,051,850.55 is committed. The remaining uncommitted contributions will be spent in accordance with the Bury Housing Strategy. Spending affordable housing contributions will be agreed by an officer group comprising of representatives from Planning and Housing Strategy, taking into account views of Portfolio holders, and must be in accordance with the terms of each Section 106 Agreement.
- 6.9 In August 2012, Cabinet agreed to spend £617,000 of monies received to bring empty properties back into use as affordable housing in the Radcliffe area, as a pilot exercise working with registered providers. However, funding for the Radcliffe pilot was subsequently secured from the HCA, who have also committed to further funding to increase the number of empty properties to be brought back into use in Radcliffe. As a result, in September 2014, Cabinet agreed to approve the use of the £617,000 commuted sums in other townships across the Borough, providing the reallocation of resources does not detrimentally affect the outcomes of the Radcliffe pilot. This work will help reduce the number of long term empty properties and provide additional affordable housing. £502,108 has been spent up to 31 March 2023, bringing 11 empty properties back into use as affordable housing.
- 6.10 In June 2021 the Council approved the use of a further £1m of affordable housing S106 contributions to bring additional empty properties back into use. This will have multiple benefits of removing the blight of empty properties, bringing them back into use to provide affordable homes.
- 6.11 In July 2017, Cabinet approval was given to commit £250,000 of S106 affordable housing contributions to support the residential development of the site of the former Radcliffe Times building for affordable housing. £98,751.98 of this was

spent in 2021/22, so the full £250,000 has now been spent and the project has been completed.

- 6.12 The Council is exploring opportunities to accelerate the use of the committed empty properties sums and use the remaining uncommitted affordable housing contributions to support and accelerate the delivery of additional affordable housing.

## **Employment Land Development Fund**

- 6.13 As at 31 March 2023, the total unspent balance of the Employment Land Development Fund (ELDF) was £640,308.53. £142,551.81 of this has been allocated to various projects but is yet to be spent.
- 6.14 The remaining £497,756.72 is unallocated and unspent but work is continually on-going to identify specific opportunities in accordance with the approved ELDF Framework for Spending.
- 6.15 During 2022/23, £77,774.00 from the ELDF was spent on the following:
- To support a temporary post with responsibility for providing a planning input into the progression and delivery of current and emerging employment sites in Bury,
  - To support a new temporary post to assist with data management and GIS in relation to the delivery of economic development in the borough; and
  - The Bury Economic Strategy.

## **Highways**

- 6.16 There were no highways contributions received in 2022/23.
- 6.17 In 2022/23, £25,400.75 was spent on highways projects.
- 6.18 The remaining highways contributions for 2022/23 is £398,013.20 is allocated to projects such as:
- An additional lane at the slip road of junction 3 on the M66;
  - Improvements to Pedestrian connectivity; and
  - Measures to mitigate the impact of the development on the local highway network comprising CCTV, SCOOT revalidation, extra SCOOT loops and amendment of signal staging at the Harvard Road Signals.
  - toucan crossing for pedestrians and cycle users in the vicinity of Market Street/Trinity Way.

## **Public Art**

- 6.19 Following the publication of Government guidance which advised that planning obligations should not be sought if they are not considered necessary to make a development acceptable in planning terms, financial contributions for public art are not currently being sought for new planning applications.



6.20 There was no s106 spend on the provision of public art projects in 2022/23.

## **7. Outstanding Obligations**

7.1 A list of all outstanding obligations is attached to this report at Appendix D. These are divided into those where triggers have been reached (Appendix D Part 1), identifying the actions that are being taken to recover overdue contributions and non-financial obligations; and those where triggers have not yet been reached, for example, because development has not started or insufficient dwellings have been completed (Appendix D Part 2).

### **Outstanding S106 Obligations where triggers have been reached**

7.2 Six developments have been identified as having outstanding obligations which are now due and are being pursued by the Council. Of these, 5 require financial contribution, totalling £268,385.75.

7.3 The outstanding contributions are pursued initially by contacting the parties involved and, where necessary, debt recovery proceedings are instructed. However, this can be a lengthy process.

### **Section 106 Agreements not yet triggered**

7.4 Appendix C Part 2 provides details of development sites where S106 obligations have been negotiated as part of the planning approval process but the triggers have not yet been reached, for example because development has not yet commenced or insufficient dwellings have been completed. Recently lapsed or superseded permissions are included on the list for information, but these obligations will not be triggered. The terms of each S106 Agreement will specify how commuted sums can be spent. It is important to note that these developments may not all proceed as planned and there is, therefore, no guarantee that these funds will ever be received.

7.5 The Council will continue to monitor these developments to ensure that payments and provisions are secured as and when they are required by the S106 Agreement.

## **8. The Community Infrastructure Levy**

8.1 In April 2015, the Community Infrastructure Levy (CIL) Regulations imposed restrictions on pooling S106 contributions. Local Authorities were not able to fund specific projects or type of infrastructure by pooling contributions from 5 or more separate S106 agreements. Collecting generic 'recreation' or 'employment' contributions was also no longer permitted. The Council was required to identify within a S106 Agreement exactly what project the contribution would be spent on.

8.2 These regulations have since been amended and came into force on the 1 September 2019. The amendments removed the restrictions on pooling S106 contributions.



- 8.3 However, the Council still continues to identify projects up front when the S106 agreement is signed in order to monitor S106 funds and ensure the contributions are spent on the most appropriate schemes. For recreation contributions, potential project ideas are based on the Green Space Strategy, the Play Strategy, local priorities and opportunities for maximising the money by attracting external funding. Ward councillors are consulted by email and feedback from them informs the final list of schemes.
- 8.4 Non-financial S106 obligations, such as on-site provision of footpaths and transfers of land are unaffected, and maintenance contributions are tied to specific areas of land.

## **9. Conclusion**

- 9.1 The proactive approach to ensuring S106 obligations are complied with has resulted in success in recovering outstanding contributions, and enabled prompt identification when triggers have been reached on new developments. This approach will continue and should ensure that developers deliver their obligations. Where necessary and appropriate, legal action will be taken to ensure compliance with S106 obligations.

## Appendix A – Schemes Provided Via S106 Commuted Sums

Type of Contribution	Scheme Provided/Location	Money Spent 1 <sup>st</sup> April 2022-31 <sup>st</sup> March 2023
Recreation	Imp to Infrastructure at Close Park Green Flag Park Phase 1	£49.00
Recreation	Imp to infrastructure at Burrs Country Park Phase 1	£17.70
Recreation	Imp to infrastructure at Starmount Reservoir and Blackshaw Brook Phase 1	£1,659.52
Recreation	O/C Radcliffe Paper Mill - POS Maintenance	£869.00
Recreation	O/C Kirkless Valley Maintenance	£9,919.75
Recreation	O/C Woodhill Road Play Area Improvement	£13,200.00
Recreation	O/C Purbeck Drive	£10,000.00
Recreation	O/C Prestwich Clough Improvements	£5,000.00
Recreation	Springwater Park & Sailors Brow access Improvements - phase 1	£2,990.00
Recreation	Prestwich Clough Infrastructure	£6,000.00
Recreation	Woodbank Garden Improvements	£785.00
Recreation	Improvements at Taylor Street	£4,500.00
Recreation	Refurbishment of Clarence Park PA Phase 1	£2,657.00
Recreation	Young Street PA Improvements	£15,697.00
Recreation	Snape Street PA H&S Improvements	£3,769.00
Recreation	Clarence Park Improvements	£2,683.50
Recreation	Improvements to play equipment, furniture, infrastructure and landscaping at St Marys Park - Phase 1	£11,291.00
Recreation	Improvements to landscaping at Gardener Mount Recreation Ground	£3,000.00
Recreation	Improvements to landscaping at Gardener Mount Play Area - Phase 1	£22,000.00
Recreation	Improvements to paths, access and landscaping to raise the quality standard at Barnfield Park - Phase 1	£50,000.00

Recreation	Improvements to play equipment and surfacing at Sedgley Park Play Area	£35,000.00
Recreation	Burrs Country Park – Infrastructure, access and river improvements to benefit people and wildlife and to support the Burrs Strategy	£11,280.46
Recreation	Whitehead Park – work to raise the standard of the park, including infrastructure and environmental improvements to support Green Flag	£3,703.00
Recreation	Improvements to Limefield Park	£4,970.00
Recreation	Improvements to landscape areas in Clarence Park	£8,530.00
Recreation	Burrs Improvements Supporting Volunteers Phase 11	£9,069.02
Recreation	Allens Bowling Green	£35,944.16
Highways	Chamberhall development - highways works	£25,400.17
Employment	Senior Planning Officer (ELDF)	£38,452.00
Employment	Bury Economic Strategy	£26,022.00
Employment	Assistant Data Management / GIS Officer	£13,300.00

\*\*The Community Infrastructure Levy Regulations imposed new regulations on s106 contributions which came into effect from 6 April 2015.

## Appendix B – Obligations complied with (1 April 2022 – 31 March 2023)

Application	Site	Description	Obligation complied with
66389	Former site of Andrew Textile Industries Ltd, Walshaw Road, Bury, BL8 1LF	Recreation contribution	£275,888.74 recreation contribution and £79,000 ecological contribution received 12/04/2022
61117	Bleaklow Mill, Bolton Road, BL8 4LL	Recreation contribution Employment contribution	£33,186.56 recreation contribution and £10,000.00 employment contribution received 22/04/2022
63533	Bevis Green Works, Mill Road, Bury, BL9 6RE	Employment contribution	£78,000 received 22/04/2022
N/A	76 Stonemere Drive, Radcliffe M26 1QX	Affordable housing contribution	Payment in lieu of affordable housing resale requirements. £28,750 received 27/05/2022
N/A	29 Blossom Walk, Bury BL9 6GF	Affordable housing contribution	Payment in lieu of affordable housing resale requirements. £32,000 received 08/08/2022
N/A	17 Oaks Close, Prestwich M25 3ER	Affordable housing contribution	Payment in lieu of affordable housing resale requirements. £94,625 received 26/09/2022
N/A	53 Stonemere Drive, Radcliffe M26 1QY	Affordable housing contribution	Payment in lieu of affordable housing resale requirements. £30,000 received 09/03/2023

Contributions received after 1 April 2023 are not included in the total values received or unspent in Table 1 of the main report, to simplify the collation of data from the Council's financial systems.

### Contributions received after 1 April 2023

Application	Site	Description	Obligation complied with
N/A	34 Parkside Mew	Affordable housing contribution	Payment in lieu of affordable housing resale requirements. £35,875 received 21/04/2023
62081	Woodhill Farm, Spring Street, Ramsbottom, Bury, BL0 0DS	Recreation Contribution	£46,808.64 recreation contribution received on 21/07/2023
69680	Land off Nuttall Lane, Ramsbottom, Bury, BL0 9LD	Biodiversity Mitigation Contribution	£33,000 Biodiversity Mitigation Contribution received on 30/10/2023

## Appendix C – S106 income, expenditure and unspent balance

Expenditure type	Contributions received 1 April 2022 to 31 March 2023	Total amount spent 1 April 2022 to 31 March 2023	Total value of unspent contributions as at 31 March 2023	Comments
Recreation enhancement	£400,215.76	£274,584.11	£955,143.16	All allocated with the exception of contribution paid upfront that can't be allocated until commencement of development.
Recreation maintenance	£0.00	£0.00	£162,637.72	All allocated to maintenance of transferred land. The balance includes interest earned in 2022-2023.
Recreation – Strategic Planning projects	£0.00	£0.00	£95,000.00	Includes a £70,000 contribution towards Moss Shaw section of the Bolton Bury railway path and £25,000 Olives Brook Link contribution.
Local Nature Reserves	0	£0.00	£65,057.39	
Roch Valley Greenway maintenance fund & repair and maintenance of govt	0	0	£140,524.92	Transfer of land completed 15/6/16.
Affordable Housing	£231,685.38	£0	£2,051,850.55	

Expenditure type	Contributions received 1 April 2022 to 31 March 2023	Total amount spent 1 April 2022 to 31 March 2023	Total value of unspent contributions as at 31 March 2023	Comments
Employment Land Development Fund	£88,000.00	£77,774.00	£640,308.53	Funding for the Bury Economic Strategy, a Senior Planning Officer on a fixed term contract. Spend on the Bury Economic Strategy and spend on assistant data management/GIS officer.
Highways	£0.00	£25,400.17	£398,013.20	Allocated to following projects: <ul style="list-style-type: none"> <li>• £25,000 traffic calming</li> <li>• £10,000 bridleway 37 improvement</li> <li>• £95,000 traffic mitigation contribution</li> <li>• £24,000 pedestrian connectivity contribution</li> <li>• £229,413.37 additional slip lane at Junction 3 of M66</li> <li>• £40,000 traffic mitigation contribution</li> </ul>
Public art	£0.00	£0.00	£33,398.46	No spend in 2022/23
<b>TOTAL</b>	£719,901.14	£377,758.28	£4,541,933.93	

Please note that the figures in the table above represent a snap-shot in time and may not be entirely consistent with previous reports as expenditure from S106 contributions is confirmed at financial year end and interest is added to the balance. Income figures are based on the twelve-month period from 1 April 2022 and 31 March 2023, and total balances are as at 31 March 2023.



Appendix D – Outstanding obligations

Part 1: S106 obligations where triggers have been reached

Application	Site	Description	Outstanding Obligations	Action
50058 50948	Former Albert Inn, Ribble Drive, Whitefield	Erection of 6 retail units with 15 flats above, associated access, parking, servicing and landscaping.	On-site affordable housing – 3 dwellings	Development completed but sold to one owner so recreation payment has not been triggered.  Legal action is on-going
50775 54550 58359	Former Thrush Hotel, Thrush Drive, Bury, BL9 6JD	14 no. dwellings with associated car parking and landscaping.	£13,674.08 recreation payment due in 3 phases, upon 1st occupation of each block.	Completed – contribution now due. Non-compliance letters sent. Legal action on-going.
58918	Land adjacent to 15 Prestfield Road, Whitefield, Manchester, M45 6BD	Erection of 33 no. apartments in 2,3 & 4 storey blocks with associated parking and a detached dwelling.	8 affordable housing units on site.	Development completed. Affordable housing obligation not complied with. £50,000 paid 3/10/17; £50,000 paid 20/11/17; £163,413.72 remains outstanding. Legal action is on-going to seek to recover the outstanding financial contribution in lieu of on-site affordable housing provision.
62237	Prestwich Golf Club, Hilton Lane, Prestwich, Manchester, M25 9XB	Residential development of part of golf course comprising 17 no. dwellings with new access from Kersal Road; Extension and reconfiguration of golf course to provide replacement facility.	£49,107.30 recreation contribution due prior to commencement of the residential development	<del>Under construction</del> <u>Development completed</u> - Contribution now due  Non-compliance letter sent.

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Application	Site	Description	Outstanding Obligations	Action
60762 65415	Victoria Mill, High Street, Walshaw	Extension and conversion of existing mill to residential use to provide 15 no. apartments and ancillary use A1 unit with 18 new and 3 relocated car parking spaces	£23,429.25 recreation contribution due prior to or upon commencement.  Projects: Improvements to the play area at Town Meadow Park, Tottington (Phase 1); Refurbishment of the tennis courts at Town Meadow Park, Tottington (Phase 1); Improvements to the infrastructure at lodges in Kirklees Valley (Phase 1).	Under Construction. Recreation contribution due.  Non-compliance letter sent.
63376 Page 120	The Old School, 1 Walker Street, Radcliffe, M26 1FH	Conversion of antiques centre/dwelling to 13 no. residential apartments	1 affordable housing unit.  £18,734.40 recreation contribution due prior to or upon commencement.  Project: Refurbishment of equipment and surfacing at the play area in Hollinhurst Playing Fields.	Under Construction. Recreation contribution due.  Non-compliance letter sent.

Application	Site	Description	Outstanding Obligations	Action
59715 66115 65133	Redisher Works, Holcombe Old Road	Demolition of existing buildings and erection of 22 no. Dwellings including works to culverted watercourse. 65133 brought up the total number of dwellings on the whole scheme from 22 to 23 homes.	£64,261.88 recreation contribution payable in instalments.  1 <sup>st</sup> instalment of £32,130.94 due upon commencement; 65133 requires an additional recreation contribution of £2,925.54 due on Commencement. 2 <sup>nd</sup> instalment of £32,130.94 on 1st occupation  Projects: Improvements to public right of way and footpath at Redisher Woods (phase 1)); Improvements to steps and infrastructure at Pot Green Woodland (phase 1); Improvements to infrastructure at Bolton Road West Playing Fields (phase 1)	Amended s106 in January 2021 for application 65133.  Site under construction as of April 2021. 1 <sup>st</sup> instalment due.

## Part 2: S106 obligations not yet triggered

Application	Site	Description	Requirements	Current Status
45274	Former P J Power Site, Millett Street, Bury, BL9 0JA	Demolition of offices & services yard; erection of 21 apartments in four storey block & new office accommodation within three storey block	£7,548.24 recreation payment due upon 1 <sup>st</sup> occupation.	Material start made. Recreation payment has not been triggered.
50058 50948	Former Albert Inn, Ribble Drive, Whitefield	Erection of 6 retail units with 15 flats above, associated access, parking, servicing and landscaping.	£6,176.40 recreation contribution due upon the sale of the sale of the 3 <sup>rd</sup> market unit. On-site affordable housing – 3 dwellings	Development completed but sold to one owner so recreation payment has not been triggered
47200	Townside Fields, Bury	Mixed use development	Layout and maintain footpaths and to use best endeavours to provide Metrolink crossing.	Development commenced. Endeavours to provide Metrolink crossing continue.
58810	Land at Spen Moor, Bury and Bolton Road, Radcliffe, Manchester, M26 4JY	Reserved Matters for appearance, landscaping, layout and scale following grant of Outline planning permission 55003 for residential development of 191 dwellings, creation of ecological enhancement ponds and access off Bury and Bolton Road	48 affordable housing units. £475,070.93 recreation contribution payable in instalments. On site public open space. Permission for the Council to construct a public access track, with the Owner to ensure that public access is maintained.	Development Completed. All financial contributions complied with. Ongoing affordable housing obligations.

Application	Site	Description	Requirements	Current Status
58521	Former Red Bridge Inn, Bury Old Road, Ainsworth, Bolton, BL2 5PJ	Refurbishment and conversion/change of use of vacant public house to form 2 no. cottages and 8 no. apartments and erection of block of 10 no. apartments	<p>£30,120.06 recreation contribution payable in instalments.</p> <p>1<sup>st</sup> instalment of £15,060.03 due upon commencement; 2<sup>nd</sup> instalment of £15,060.03 due on occupation of the 10<sup>th</sup> unit.</p> <p>Project: Improvement to the Bradley Fold Play Area (Phase 1).</p>	<p>Under construction.</p> <p>£15,060.03 recreation contribution paid 12/4/16.</p> <p>2<sup>nd</sup> instalment not yet triggered.</p>
56744 63361 65847	Land at Bury Road/York Street, Radcliffe, Manchester, M26 2WH	Hybrid full planning application for the erection of 153 no. dwellings together with associated works inc laying out public open space, remediate, raise levels, emergency access, development platform for future commercial devt. Outline for B1/B2 B8 7435m2	<p>On site recreation provision. 15 affordable housing units on site plus overage clause.</p> <p>Employment development or ELDF contribution.</p>	<p>Material start made, Recreation payment has not been triggered.</p> <p>Revised application 68368 received in April 2022.</p>
59809/ 60750/ 62599	Paradise Mill, John Street, Bury, BL9 0NH	Demolition of existing buildings and formation of public pay and display car park including resurfacing works and boundary treatments (temporary period of 3 years).	Potential £144,000 employment contribution - given the applicant's longer-term ambitions for the site, they have entered into a deferred overage planning obligation. The obligation specifies that if the site was to subsequently come forward for a higher value use, such as residential and/or retail, there would be a requirement to make a one-off financial contribution to off-set the loss of the employment land and premises.	<p>Completed.</p> <p>S106 requirement has not been triggered.</p>

Application	Site	Description	Requirements	Current Status
59375 63917 65205	Site of former British Legion Club, Water Street, Radcliffe, M26 4DF	Outline - Demolition of existing building and erection of 1 no. Building containing 19 apartments with associated car parking and amenity space.	<p>59375: £29,677.05 recreation contribution due prior to or upon commencement.</p> <p>Projects: Improvements to Manchester, Bolton and Bury Canal including removal of invasive species and debris and levelling of towpath east of Water Street (Phase 1); Improvements to footpath and accessibility towards the canal bridge at Banana Path, Improvements to drainage paths and raising the height of plots at Osborne Walk Allotments (Phase 1); and Improvements to track surfacing at Cams Lane running track (Phase 1).</p> <p>63917: 100% affordable housing</p>	Full planning application 63917 is 100% affordable housing. Completed April 2022. There is an ongoing affordable housing obligation.



Application	Site	Description	Requirements	Current Status
61117	Bleaklow Mill, Bolton Road, Tottington, BL8 4LL	Demolition of the existing vacant industrial building and the erection of 24 dwellings (20 three bed and 4 bed) with public open space, parking and associated access.	<p>£66,373.12 recreation contribution due in instalments:  £33,186.56 due prior to or upon occupation of the 10<sup>th</sup> unit.  £33,186.56 due prior to or upon occupation of the 20<sup>th</sup> unit.</p> <p>Projects:  Improvements to play equipment at Old Kays Park Play Area (Phase1);  Refurbishment of play equipment and surfacing at Hawkshaw Recreation Ground Play Area (Phase 1);  Relocation of playground site and upgrade of play equipment of play equipment at Greenmount Recreation Ground Play Area.</p> <p>£20,000 employment contribution due in instalments:  £10,000 due prior to or upon occupation of the 10<sup>th</sup> unit.  £10,000 due prior to or upon occupation of the 20<sup>th</sup> unit.</p> <p>Project:  Work to support the identification and delivery of sites for future employment development.</p>	<p>Under construction.  £8,8881.72 street lighting contribution to be used towards the installation of three street lights on Bolton Road, Hawkshaw (paid 10/03/2020)  First instalment of recreation contribution paid 22/04/2022.  Second half due prior to or upon occupation of 20<sup>th</sup> unit.  £10,000.00 employment contribution paid 22/04/2022.</p>

Application	Site	Description	Requirements	Current Status
62081 64656	Woodhill Farm, Spring Street, Ramsbottom, Bury, BL0 0DS	Demolition of existing farm buildings and erection of 16 no. dwellings and associated new infrastructure, including construction of new access road.	<p>£46,808.64 recreation contribution due prior to occupation of the 8<sup>th</sup> dwelling.</p> <p>Projects: Improvements to infrastructure and accessibility at Nuttall Park (Phase 1); Improvements to the appearance of the Town Centre open space at Factory Street garden including tree works and clearance (Phase 1); Improvements to Irwell Sculpture Trail (section between Ramsbottom and Stubbins) and surrounding public footpaths to offer improved access on the trail including drainage, surfacing and signage (Phase 1); Improvements to infrastructure at Kay Brow Lodge and Garden; Improvements to landscaping and environmental quality including tree works and creation of habitats at Bolton Road West Playing Fields.</p>	<p>Under Construction.</p> <p>Recreation Payment received in July 2023.</p>
62129	Former car park of Masons Arms, Walmersley Old Road, Bury, BL9 6RU	Erection of 1 no. dwelling.	The obligation requires that the ground floor of the Masons Arms public house be converted into 2 flats (pursuant to planning permission 61787) before any development can take place on the car park site.	Under Construction.

Application	Site	Description	Requirements	Current Status
62220	The Elizabethan, Ribble Drive, Whitefield	Demolition of public house and erection of 15 no. dwellings	100% affordable housing.	Completed April 2021. Ongoing affordable housing obligation.
62765	The Plough, 51 Rainsough Brow, Prestwich, M25 6XW	Demolition of existing public house and erection of 15 no. apartments with basement parking and rear amenity area.	1 affordable housing unit.  £23,429.25 recreation contribution due prior to or on commencement of the development.  Projects: Improvements to access, sight lines and safety of users at Drinkwater Park through removal of shrubs and trees: Improvements to paths, access and landscaping to raise the quality standard at Barnfield Park (Phase 1)	Pub demolished. Development not commenced however material start made in April 2022.
61217	Ainsworth Mill, Bury New Road, Radcliffe	HYBRID APPLICATION – FULL APP – COU of Phase 1 land (B2/B8) to Place of Worship (D1) OUTLINE APP – Partial demolition of mill and outbuildings retaining no less than 2,000sq.m for B2/B8 and provision of car parking, servicing, landscaping & infrastructure.	The S106 requires that Phase 1 (full app) only be carried out in conjunction with the use of the building under Phase 1 as a place of worship and ancillary uses and secure the parking and servicing areas shown on the plan are delivered for this phase. Phase 2 (outline) is to be brought forward with details of access, servicing and parking provision to be carried out with Phase 2 only.	Phase 1 in progress.

Application	Site	Description	Requirements	Current Status
63534	Site of former Park Hotel, Lowther Road, Prestwich, Manchester, M25 9GP	Residential development comprising 7 no. 2 storey houses, 12 apartments, 21 parking spaces and associated amenity spaces.	100% affordable housing.  £9,000 recreation contribution  Project: The completion fencing to improve and upgrade tennis court facilities at St Mary's Park, Prestwich.	£9,000 recreation contribution - received 18/7/2019.  Complete as of April 2022. Ongoing affordable housing contribution.
63429	Parkgates, Sedgley Park Road, Prestwich, Manchester, M25 0JW	Creation of one additional floor of office space to an existing building.	£7,500 monitoring contribution;  £12,500 parking scheme contribution.  Both due prior to or upon commencement.	Not commenced. Permission expired.
63003	85 Bury Old Road, Whitefield, Manchester, M45 7AY	Erection of new four storey office building (B1) and new four storey building comprising 11 no. residential apartments (C3) together with dedicated parking.	1 affordable housing unit.  £17,181.45 recreation contribution due prior to or upon commencement.  Projects: Drainage improvement works to upgrade accessibility across the site at Thatch Leach Open Space; Improvements to equipment, surfacing and fencing at Victoria Besses Play Area (Phase 1).	Not commenced. Permission expired.

Application	Site	Description	Requirements	Current Status
60370 63617	Land to the west of Manchester Road, Ramsbottom, Bury, BL0 0BZ	35 no. dwellings	9 affordable housing units  On-site recreation provision (specification for recreation land) is to be submitted for approval prior to commencement with the recreation land being completed and available to the public prior to first occupation.	On-site open space approved with reserved matters application. Development complete Ongoing affordable housing obligation.
63054	Former Texaco Garage, Bury Old Road, Prestwich, Manchester, M25 0EY	Demolition of existing structures and erection of an A1 retail unit and synagogue with associated car parking, landscaping and access arrangements and addition of basement for use as storage and plant space.	£5000 monitoring contribution; £10,000 parking scheme contribution to be paid prior to or upon commencement.  Vehicles above 8m in length are prohibited from entering the site. Prior to commencement, signage is to be agreed with the Council and erected at the entrance to the site regarding the restriction on prohibited vehicles.	Not commenced.  Pre-commencement conditions discharged.
63462	Land at Chapel Road (adjacent to Sycamore Cottage), Prestwich,	Erection of 3 dwellings	£9,723.98 recreation contribution.  Project: Improvements to play equipment and surfacing at Kersal Road Plan Area.	Not commenced. Permission expired.

Application	Site	Description	Requirements	Current Status
63630	Land off Kay Street, Summerseat	Erection of a single building containing 16 no. dwellings and associated car parking. Creation of an upgraded vehicular access from Kay Street	2 affordable housing units.  £24,991.20 recreation contribution prior to or upon commencement.  Project: Improvements to surfacing and equipment at Waterside Play Area.	Not commenced. Permission expired.
63002	Land adjacent to 41 Station Close, Radcliffe, Manchester, M26 4GW	Erection of 14 no dwellings and associated access road.	1 affordable housing unit.  £40,957.56 recreation contribution prior to or upon commencement.  Project: Refurbishment of equipment and infrastructure at Snape Street Play Area (prior to commencement); Refurbishment of equipment at Young Street Play Area (prior to occupation of the 5 <sup>th</sup> unit).  Cycleway	Not commenced. Permission expired.
61474, 64462	Land at Kersal Vale Road, Prestwich, Salford, M7 3NT	Approval of RM of layout, scale, landscaping and appearance for outline app 61474 for the construction of 109 no residential dwellings together with associated public open space, landscaping, sub & pumping stations and highways infrastructure.	44 affordable housing units  On-site recreation provision  Provision of a public access track	Under construction 57 completions in 2021/22. 51 completions in 2022/23.



Application	Site	Description	Requirements	Current Status
63324	Land at Mountheath Industrial Estate, George Street, Prestwich	Approval of reserved matters - erection of 124 no dwellings including details of appearance, scale, landscaping and layout pursuant to planning permission 62127	18 affordable housing units.  £354,425.84 recreation contribution due prior to or upon commencement.	Under construction. Recreation contribution received 04/08/2021. 15 completions in 2021/22. 47 completions in 2022/23.
63533	Bevis Green Works, Mill Road, Bury, BL9 6RE	Residential development comprising 268 no dwellings (Class C3) with associated access, car parking, landscaping and open space.	33 affordable housing units;  On-site recreation land to be completed and thereafter maintained;  £156,000 employment contribution, half payable upon commencement and half upon occupation of 50% of the dwellings.	Under Construction. May 2021 - site clearance work in progress First instalment of employment contribution received in April 2022.
63992	Land between 60 and Unit 6 Millett Street, Bury, BL9 0JA	Erection of a building to contain 36 no. apartments with associated external works, car parking and landscaping	100% affordable housing.	Completed in April 2022. Ongoing affordable housing obligation.
64093	Former Magistrates Court, Tenters Street, Bury, BL9 0HX	Conversion of the existing building to 39 no. apartments and erection of 10 no. townhouses with associated landscaping works	The Owner is required to submit a Viability Appraisal to establish whether any affordable housing/recreation contribution is payable. This is due within three months of completion of 75% of the dwellings. An hourly fee is payable to cover the Council's costs of reviewing the Viability Appraisal.	Not commenced.

Application	Site	Description	Requirements	Current Status
64640	Land at Brandlesholme Road	Residential development comprising of 52 no. dwellings, associated means of access and landscaping	On-site recreation; 4 self build plots, 12 affordable units	Not commenced.
65327	Land at George Street, Prestwich, Manchester, M25 9WS	Erection of a synagogue (Class D2) and offices (B1) together with associated vehicular access and car parking.	A car park monitoring contribution of £7,500 and a parking scheme contribution of £12,500 are due upon commencement.	Not commenced.
65664	Old Hall, Lower Chesham	Residential development for 3 no. dwellings with associated access, car parking and landscaping works to allow cross-funding renovation and repair of Lower Chesham Hall	The development be carried out in strict accordance with a Phased Link Development Management Programme to secure renovation and repair works to the Listed Building. Listed Building Consent must be granted and a Phased Link Development Management Programme must be approved before the commencement of development.	Not commenced.
65379 66074	Lord Clive Pub, 92 Mersey Drive, Whitefield, Manchester, M45 8LF	Demolition of existing building and construction of a three storey block of apartments consisting of 27 no. units	100% affordable housing	Completed April 2022. Ongoing affordable housing obligation.

Application	Site	Description	Requirements	Current Status
65525	Topping Mill, Topping Street, Bury, BL9 6DR	Change of use of former industrial premises (Class B2) into 15 no. residential apartments (Class C3)	£23,429.25 recreation contribution	Not commenced.
66090	Woolfield House, Wash Lane, Bury, BL9 6BJ	Change of use into 9no. one bed apartments and 2no. two bed apartments	The Agreement requires an affordable housing contribution payable prior to or upon occupation of the sixth unit. The contribution will be 20% of the open market value of Unit 11 to be evidenced by a RICS valuation.	Not commenced.
67546	Land at Morris Street, Radcliffe, Manchester, M26 2HF	Construction of 25no. dwellings with associated access, landscaping and ancillary works. Variation of conditions 2 (approved plans) and 4 (materials) and removal of condition 3 (affordable housing) which will be replaced by a legal agreement.	100% affordable housing.	Under construction.
67431	Land off Poppythorn Lane, Prestwich	Residential development of 6 apartments and 12 duplexes	The agreement requires a recreation contribution of £24,991.20 payable on the commencement of the development and two affordable housing units to be sold at a 20% discount.	Not commenced.

Application	Site	Description	Requirements	Current Status
67109	Land off Kirkman Street, Bury (Land east of the Bungalow, 2 Kirkman Street. Bury BL9 8DX)	Proposed new residential development for 9 no. dwellings with associated infrastructure	<p>An Ecological Contribution of £6,000.</p> <p>The provision of a Residents Parking Area prior to any works commencing - other than works to level the site.</p> <p>A maintenance plan for the area is required for approval prior to commencement.</p>	Not commenced.



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