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AGENDA FOR

PLANNING CONTROL COMMITTEE



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To: All Members of Planning Control Committee

Dear Member/Colleague

Planning Control Committee

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

Date:	Tuesday, 30 May 2023
Place:	Council Chamber, Bury Town Hall
Time:	7.00 pm
Briefing Facilities:	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
Notes:	https://councilstream.com/burycouncil/3214

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 25TH APRIL 2023 *(Pages 3 - 6)*

Minutes of the meeting held on Tuesday the 25th April 2023 are attached.

4 PLANNING APPLICATIONS *(Pages 7 - 92)*

Reports attached.

5 DELEGATED DECISIONS *(Pages 93 - 104)*

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 105 - 106)*

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

7 URGENT BUSINESS

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

Minutes of: PLANNING CONTROL COMMITTEE

Date of Meeting: 25 April 2023

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

Public Attendance: 9 members of the public were present at the meeting.

PCC.1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by Councillor. S Thorpe.
Councillor N Boroda acted as a substitute representative for Councillor Thorpe.

PCC.2 DECLARATIONS OF INTEREST

All Councillors from different political parties sitting on the committee declared a personal interest in planning application 69298, 1 Rollesby Close, Bury as the applicant was a Councillor for Bury Council.

None had discussed the application with the applicant and all would remain in the meeting during this item.

Councillor Boroda added he was a Deputy Member on Cabinet alongside the applicant and Councillor Walsh commented that she sat on the same school governing body as the applicant.

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

Delegated decision:

That the Minutes of the meeting held on the 21st March 2023 be approved as a correct record and signed by the Chair.

PCC.4 PLANNING APPLICATIONS

A report from the Head of Development Management was submitted in relation to applications for planning permission.

There was supplementary information to add in respect of application numbers 69298 and 68884.

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

Delegated decisions:

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

1 Rollesby Close, Bury, BL8 1EW

First floor extension at side

2. That the Committee **Approve with Conditions** the following application in accordance with the reasons put forward by the Development Manager in the report, with amended condition 13 relating to the approval and implementation of sustainable drainage scheme (SUDS), additional condition requiring a scheme for management and maintenance of the SUDS. amended condition 17 to include standard native trees and an additional condition in relation to an EV charging scheme and subject to all other conditions included: -

Land between 2 Ferngrove House, Rochdale Old Road & Woodgate Hill Road, Bury, BL9 7LS

Erection of 5 no. new dwellings

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

Whitefield Police Station, Bury New Road, Whitefield, Manchester, M45 8QN

Siting of a single storey permanent Portakabin at rear to be used as a Tactical Taser Training Room; 2 no. car wash screens at rear

PCC.5 DELEGATED DECISIONS

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

Delegated decision:

That the report and appendices be noted.

PCC.6 PLANNING APPEALS

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

Delegated decision:

That the report and appendices be noted.

PCC.7 URGENT BUSINESS

No urgent business was reported.

COUNCILLOR G MCGILL
Chair

(Note: The meeting started at 7.00pm and ended at 8.44pm)

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Title	Planning Applications
To:	Planning Control Committee
On:	30 May 2023
By:	Development Manager
Status:	For Publication

Executive Summary

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

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

This report has the following implications

Township Forum/ Ward: Identified in each case.

Policy: Identified in each case.

Resources: Not generally applicable.

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

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

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

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

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

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

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

Development Manager

Background Documents

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

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

01	Township Forum - Ward:	Ramsbottom + Tottington - Tottington	App No.	67243
	Location:	Land off Brownhills Close / Bury Road, Tottington		
	Proposal:	Outline application with 'Access' for erection of up to 5 dwellings, and new/improved formal and informal community open space, replacement / improved footpath connections and wider greenspace enhancements		
	Recommendation:	Approve with Conditions	Site Visit:	N
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02	Township Forum - Ward:	North Manor	App No.	68815
	Location:	Land adjacent to 62 Springside Road, Bury, BL9 5JQ		
	Proposal:	Outline application for 12 no. dwellings including means of access (all other matters reserved for appearance, layout, scale and landscaping)		
	Recommendation:	Minded to Approve	Site Visit:	N
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03	Township Forum - Ward:	Bury East - Moorside	App No.	69452
	Location:	148 Walmersley Road, Bury, BL9 6LL		
	Proposal:	Change of use from dwelling (Class C3) to an 8 no. bedroom House in Multiple Occupation (HMO) (Sui Generis)		
	Recommendation:	Approve with Conditions	Site Visit:	N
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Ward: Ramsbottom + Tottington - Tottington

Item 01

Applicant: Barnaby Properties Ltd & Dial a Skip UK Ltd

Location: Land off Brownhills Close / Bury Road, Tottington

Proposal: Outline application with 'Access' for erection of up to 5 dwellings, and new/improved formal and informal community open space, replacement / improved footpath connections and wider greenspace enhancements

Application Ref: 67243/Outline Planning
Permission

Target Date: 22/09/2021

Recommendation: Approve with Conditions

Description

The application relates to swathe of land located to the rear of nos.331 and 333 Bury Road, between the properties on Royds Close and Cedar Fold which extends over to the eastern side of Brownhills Close adjacent to an expanse of woodland extending from the cycleway.

The old railway lines, known as 'The Lines' and countryside exists to the north of the application site. This area and the land beyond is allocated within the adopted Local Plan as a Site of Biological Importance (Policy EN6/1).

The application site is rugged unmanaged land that has been overtaken by the natural environment

The site is surrounded by residential development to the north, south and west. To the east of site lies undeveloped recreational land and there is an existing Ordinary Watercourse crossing the site from the western to the eastern boundary. This Ordinary Watercourse eventually outfalls into the Main River (Kirklees Brook) located further east.

Outline permission with the matter of Access is sought for:

- A total of up to 5 homes with associated garden curtilage, garages and parking.
- 4 of the houses would be accessed via Brownhills Close by extending its existing turning head eastwards to connect to a shared drive to serve those 4 units.
- A single house would accessed via Bury Road;
- An internal path to connect the two housing zones;
- The provision of a community orchard as shown on the revised masterplan.
- The provision of wildflower meadow as shown on the revised masterplan.
- The planting of 66 new trees and 145 linear metres of mixed native hedgerow.
- The improvement of the surface / gradient of the footpath that runs through the land and connects to the former railway line,
- Improved pedestrian access to connect with adjacent housing and the Kirklees Trail, designed to facilitate use by cyclists, those dependent on wheelchairs, and those with prams;
- Tree / woodland and ecological management measures; and
- Eradication of invasive species that is taking hold of parts of the land.

Access is proposed from two locations. One access proposed from the land between 331 and 333 Bury Road and the other access proposed from the eastern turning head on Brownhills Close.

The indicative Masterplan accompanying the application illustrates two parcels of land would be connected by pedestrian/ cycle paths linking the two parcels together. The

indicative proposals indicate that 4 properties could be located and accessed off Brownhills Close and 1 dwelling could be accessed off Bury Road.

The proposals were initially proposed for a scheme of up to 8 dwellings with the provision of a play area. The above proposals supersede the original submission.

The majority of the application site is located on land allocated within the adopted Unitary Development Plan as being in the river valley landscape (Policy OL5/2), as a Wildlife Corridor (Policy EN6/4) and as existing recreation provision in the countryside (Policy RT1/1). The site is also allocated as being within a Mineral Safeguarding Area.

Relevant Planning History

62967: Application to remove planning obligations under Section 106A of the Town and Country Planning Act 1990 of planning permission 33376 to complete the landscaping works, transfer land to the Council and pay a maintenance contribution. Refused, 22/08/2018

60800: Application to remove planning obligations under Section 106A of the Town and Country Planning Act 1990 of planning permission 33376 to complete the landscaping works, transfer land to the Council and pay a maintenance contribution. Withdrawn, 09/03/2017

57281: Outline application for erection of 4 no. detached dwelling. Withdrawn, 18/08/2014

39803: Approval of Reserved Matters - 16 dwellings. Approved with Conditions, 21/02/2003

35285: Outline application: Residential development on land off Bury Road and use of Land off Scobell Street as replacement allotments. Refused, 15/02/2000

33376: Residential Development - 79 Dwellings, Approved with Conditions and Planning Obligations securing remediation works, fence, maintenance contribution and the transfer of land, 21/04/1998.

This development included an area of Public Open Space, the area of which forms part of the application site.

34819: Outline application for residential development and formation of replacement allotments. Refused, 17/12/1998

Publicity

60 neighbouring properties were notified by means of a letter on 28 July 2021 at the time the application and site notices were posted on 4 August 2021. The following representations have been received:

A petition objecting to the proposals has been received containing 194 signatures. This has raised the following issues:

- Will encourage unsociable behaviour as the plans show a park, which would be used as a meeting point for youths and drugs
- Disturb wildlife - bats, insects, squirrels, flora and fauna. Bats are a protected species.
- Estate is already congested with cars and residents have problems parking in the area
- The owners of Rosewood and Brownhills Close purchased properties on the basis that the land would be used as open space and this is specified on the deeds
- A number of properties on Rosewood and Brownhills Close would lose privacy due to dwellings overlooking into gardens and windows.

52 letters of objection were received at the time of the first public consultation. The following issues raised are as follows:

- Object to any housing development on this land, it is OPOL 'Other Protected Open Land' where residential development is not indicated as an acceptable form of development

- We were assured when we purchased our house that this land would never be built on.
- Loss of habitat and impact upon wildlife
- Noise and mess from building contractors and impacts upon children's safety when playing.
- Loss of views over the wild meadow
- Increased traffic on the estate and main roads
- Limited parking already on Brownhills Close.
- Proposed play area is a big worry and would be hidden, encouraging anti-social behaviour.
- The playing area and park are unnecessary as Tottington has these facilities.
- The council and public services can't currently police or maintain existing recreational spaces, so why would you duplicate and add pressure to the system?
- The OPEN SPACE is an integral part of the Swallow Rise Development and is valued and utilised by the residents.
- The proposal will not solve the issue of affordable housing in this area.
- There is a protected tree in our garden and close to the fence line for the proposed development. Any excavation or disturbance would damage the tree
- Reduced access to my property if the Bury Road access is used. The proposed access would be too narrow at 2.8 metres.
- The proposed Bury Road access would not be wide enough to accommodate emergency/construction vehicles and would not comply with Building Regulations.
- Parking near Bury Road would be reduced and is heavily used by existing residents.
- A similar application was recommended for refusal on 7/7/14 by Traffic as access was substandard in terms of visibility, width and vertical alignment.
- No one in the area wants the new play area
- Given the decision made by Bury Council in only 2018 regarding recreational and amenity space at Brownhills Close, it is difficult to comprehend how this planning application has proceeded.
- Loss of privacy to my property and garden.
- Properties U3 and U4 would impact upon our privacy.
- The path along the rear fence will increase the risk of intruders.
- Additional noise due to play area
- Over development of the area
- Gardens that back onto the site already suffer with subsidence. The proposed dwellings would make this worse.
- Further bat surveys are required before a decision can be made on this application
- Impact on drainage.
- Tottington does not have the infrastructure to support any more housing. Local GPs, dentists, schools and roads are at capacity.
- A raised footpath must be provided on the access to Bury Road to protect pedestrians
- With 1250 dwellings proposed off Scobell Street, the last thing we need is more houses.
- No emergency route to adopted highway.
- Loss of Right of Way over the land used as public open space
- Diverting residents and visitors away from an established, popular, and well-loved Public Footpath is wrong.
- The Public have a Right of Way from Bury Road to the Kirklees Trail
- Impact upon air quality
- Ownership Rights - The occupiers of 28 Rosewood Avenue and 7 Brownhills Close assert they have ownership rights over a strip of land adjacent to their properties as they have mowed a strip of land along the gable of their properties for years.

Following a set of amendments being received, the neighbouring properties were notified of revised plans on 1 September 2021. 7 further letters were received, which raised the following issues:

- The revised plans do not change my initial comments or objections.
- Existing provision of children's parks is already very good
- The path from Brownhills Close to the Kirklees Trail is not hostile and is used.

- The supporting document has not changed my views on the application.
- A ridiculous application to place houses on a small piece of land.
- This area was always protected for the use of the residents of Tottington.

On receipt of amended plans relating to the access proposed from Bury Road between nos. 331 and 333 Bury Road. The neighbouring properties were re-notified recently by means of a letter on 2 March 2023 following receipt of amended plans. The application was advertised as a Departure to the Bury Unitary Development Plan by site notice on 16/03/2023 and press adverts on 16/3/23.

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

- Our objection still stands.
- The reduced number of dwellings will still have negative impacts on residents and the environment
- This land should be retained as public open space as was promised when we purchased our house.
- Brownfield sites should be prioritised over removing green space.
- The proposed community orchard would remove established woodland and replace it with an area that would attract anti-social behaviour
- How does this proposal comply with bio-diversity net gain, which comes into effect from November 2023?
- The access route from Bury Road next to the fencing is less than 3 metres and has already been acknowledged as too narrow for vehicles.
- Parking for local residents from Bury Road is already very restricted and the intention to limit that further is an outrageous suggestion and greeted with outrage from the local community.
- Object to the houses on Bury Road as these will point to the back of my house and would result in a loss of privacy.
- Loss of daylight, impacting upon energy costs.
- The amended application remains a bad idea in respect of land unsuited to development. The land has watercourses, steep inclines and access issues that would make construction difficult.
- There is no need for 4 bedroom dwellings in the area.
- Object to having a public footpath so close to my house boundary as this will cause problems with noise and also more of a security risk.
- Who will maintain the new orchard and how will anti-social behaviour be prevented?
- Access from the rear of 333-351 will remain hazardous if vehicular access is granted- it will create a "blind corner". The access is insufficient to allow emergency Vehicle access to the site
- Even though the plans have been updated and the development reduced, my initial objections still remain.
- The access from Bury Road remains an issue
- Lack of parking in the immediate area, which this proposal would exacerbate
- Concern over the increase in traffic
- Playgrounds will attract youths.
- Loss of wildlife
- Does a change of ownership override the original planning consent for the Swallow Rise development which clearly stated it must be retained as Public Open Space and was a major influence in many residents purchasing their properties.
- Should this development be passed and the amenity lost will residents be compensated.
- Loss of parking, which will impact on local businesses.
- Objections raised in the petition are still relevant.
- The proposals do not comply with Building Regulations and Fire Safety standards.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to conditions requiring details of land level changes proposed at the Brownhills Close and Bury Roads end of the site.

Environmental Health - Contaminated Land - No objections, subject to conditions requiring intrusive site investigation, remediation and verification.

GM Ecology Unit - No objections, subject to conditions requiring an updated Extended Phase I Habitat Survey and an updated Badger Survey and a Construction Environmental Management Plan, with a section relating to the protection of the watercourse, all being submitted at the Reserved Matters stage, and a condition securing the eradication of invasive species on the site and also requiring no works to trees and shrubs to be removed during the bird nesting period.

The Coal Authority - No objections, subject to including a standard informative on the decision notice.

Environment Agency - No objections, subject to conditions requiring remediation of the site, and verification that remediation (where necessary) has been undertaken.

Drainage Section - No comments or observations received.

Design for security - No comments or observations received.

United Utilities - No objections, subject to a condition requiring both surface and foul water drainage schemes to be submitted, approved and implemented, and also requiring the location of a public sewer that they advise crosses the site and its associated standoff distances, are considered at reserved matters stage.

Public Rights of Way Officer - No objections.

Waste Management - No comments or observations received.

GM Fire Service - Raise concerns that the access to the properties accessed from Bury Road are not accessible by the GM Fire Service.

GM Archaeological Advisory Service - The application has no archaeological implications.

Pre-start Conditions - Sent to agent on 16/08/2023 and the 18/05/2023. An update as to whether the Applicant/Agent has agreed with the recommended pre-commencement conditions will be updated at Committee.

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
H2/6	Garden and Backland Development
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8	Woodland and Trees
EN8/2	Woodland and Tree Planting
OL1/5	Mineral Extraction and Other Development in the Green Belt
RT1/1	Protection of Recreation Provision in the Urban Area

RT1/2	Improvement of Recreation Facilities
RT3/3	Access to the Countryside
RT3/4	Recreational Routes
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
HT6/1	Pedestrian and Cyclist Movement
HT6/2	Pedestrian/Vehicular Conflict
SPD1	Open Space, Sport and Recreation Provision
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework
EN6/1	Sites of Nature Conservation Interest SSSI's NNR's
EN6/4	Wildlife Links and Corridors
H2/3	Extensions and Alterations
MW1	Protection of Mineral Resources

Issues and Analysis

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

Procedural Issues

The occupiers of 28 Rosewood Avenue and 7 Brownhills Close contend they have ownership rights over the strip of land adjacent to their properties stating they have mowed a strip of land along the gable and boundary of their properties for years. Please see Photo 6 attached to this report for further information. This shows a strip of land along the boundaries of these residents that was mowed at the time of my site visit earlier this month.

Local residents question the legalities of building houses on the Public Open Space approved as part of application 33376 for the properties that exist on Brownhills Close, Rosewood Avenue and Royds Close.

Articles 13 and 14 of the Town & Country Planning (Development Management) Procedure Order 2015 imposes a requirement that all applications for planning permission must be accompanied by a certificate (sometimes called an 'article 13 certificate') confirming that either the applicant is the sole owner of the land to which the application relates or that the appropriate notice has been served on any person who is an owner of the land or a tenant.

Section 65(5) of the Town & Country Planning Act 1990 says that a local planning authority shall not "entertain" any application for planning permission where these requirements have not been satisfied.

An Ownership Certificate D accompanies the application. Certificate D is completed if the applicant does not know the names and addresses of any of the other owners of the land involved in the application. For certificates C and D the applicant also has to advertise in the local press the fact that he/she is making the application and does not know the names of the owner(s) of some or all of the land. The applicant must send a copy of the published notice with their application forms. The applicant advertised their proposals and intention to develop this parcel of land in the Bury Times on the 11 November 2021. According to the applicants agent no one responded to this Press Advert. Procedurally, the Council can therefore make a decision on this application.

Notwithstanding the above, the above-mentioned residents are advised that they should

seek independent legal advice regarding their claims over the strip of land as separate legislation to the planning system may legalise their use of the land in question.

Principle of Development

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 maintains the emphasis on identifying a rolling five year supply of deliverable housing land.

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

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

Therefore, in relation to the proposed development, 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.

Therefore, in this case the 'titled balance' applies, and planning permission should be granted unless the above points in Para. 11(d), i or ii apply.

Policy H1/2 of the UDP 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 parcel of land closest to Bury Road is closely located to the linear form of development that runs along the length of Bury Road in Tottington. The

The parcel of land at the end of the site nearest to Brownhills Close and Rosewood Avenue form part of the built up core of Tottington. Both sides of the site are therefore considered to form accessible locations for the creation of new houses.

Green Belt

A small area of land adjacent to the old railway line, The Lines, is located in the Green Belt, as defined by the UDP. The indicative layout drawing suggests that the land allocated as Green Belt would not be affected by the proposals with the exception of an improved

pedestrian route link. Ensuring any housing and their associated domestic curtilage would not encroach on to the adopted Green Belt would be ensured at Reserved Matters stage when considering the matter of Layout.

The footpath/ pedestrian route shown on the Masterplan, is not a definitive Public Right of Way, but the paths and tracks across this land are likely to have been used for at least 20 years could, if local residents and businesses could evidence that the routes through the site have been in continuous use over that timeframe, a formal PROW's application could be approved by the Highway Authority.

Principle of Development: Recreation

The application site is covered by policies relating to River Valleys (OL5/2), Wildlife Links and Corridors (EN6/4), Protection of Recreation Provision in the Urban Area (RT1/1) and Additional Provision for Recreation in the Countryside (RT3/2) in the adopted Bury Unitary Development Plan.

River Valley

Policy OL5/2 relates to development in River Valleys and 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. The only exceptions considered acceptable will be those where the development would not lead to the division of the open parts of the valleys into sections and it falls within the terms below:

"where the area is designated as Green Belt the established Green Belt policies will apply; or, where the area does not form part of the Green Belt, at least one of the following circumstances is met:

- that the development represents limited infilling to an established valley settlement or industrial area;
- that it is an extension to, or renewal of an existing industry, where the economic and employment factors are of overriding importance;
- that the development is required in association with an outdoor recreation or appropriate tourist facility;
- 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;
- any other development that would be appropriate in a Green Belt."

The site is considered to be in a sustainable location for housing, abutting the urban area and sitting outside the Green Belt. It is considered that OL5/2 is satisfied as the proposed development at this stage, shown indicatively, does not divide the valley into sections and instead offers increased public access to the Kirklees Trails. Furthermore, the proposed development would represent limited infilling of an area which is already established at the Bury Road end of the site and the development at the Brownhills Close end of the site would form rounding off development and development that would be sited adjacent to existing dwellings so, in special terms would relate well to the existing urban grain.

Wildlife Links and Corridors

The application site also forms part of a network of Wildlife Corridors as designated under UDP Policy EN6/4. Policy EN6/4 seeks to consolidate and strengthen these corridors and does not permit development which would adversely affect them. New development within or adjacent to corridors is only acceptable if it contributes to their effectiveness through well-designed landscaping.

The outline proposal includes areas of planting and corridor routes which could contribute to the value of the Kirklees Valley wildlife corridor if properly detailed. A condition is recommended to secure this.

Public Open Space (POS) and Recreation

Paragraph 98 of the Framework acknowledges Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and

well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change

An element of the application site (rear of Brownhills Close) was provided to serve the recreational needs of the residents of the existing adjoining development at Rosewood Avenue/Royds Close/Brownhills Close by application 33376 on the 21 April 1998. A plan of the extent of the POS approved by this application is appended to this report for Members information.

This land was not adopted by the Council as the developer did not create the POS up to adoptable standards. Since the time of that development, the development company has gone into liquidation. Notwithstanding the above, due to this development occurring after the adoption of the UDP, this area is not identified on the UDP Proposals Map. Notwithstanding this, the area in question is considered to be informal Public Open Space as such, it still requires consideration under UDP Policy RT1/1 and paragraph 99 of the Framework.

Policy RT1/1 states that development will not be allowed on recreation space unless it meets specific criteria.

Whilst similar, the approach in Policy RT1/1 has now been superseded by Paragraph 99(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:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements;
- 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;
- The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

The proposal would lead to the loss of some of the RT1/1 land (circa 0.16ha), however, the application also proposes to upgrade the remaining RT1/1 land through the creation of a more attractive, usable and accessible area of open space, upgraded paths connecting Bury Road and Brownhills Close with the Kirklees Valley and creation of a community orchard. The upgraded RT1/1 land and the new recreation provision will continue to provide recreational space for the residents of the existing residential development at Rosewood Avenue/Royds Close/Brownhills Close.

Taking the above into account, it is considered that the loss of part of the existing recreation space off Brownhills Close and the wider informal public open space would be replaced by better recreation provision in terms of both quantity and quality in accordance with paragraph 99(b) of the NPPF. If approved, the application should be conditioned to ensure that the recreation provision is provided to ensure there is no loss of recreation space for the existing residential development at Rosewood Avenue, Royds Close/Brownhills Close while construction is taking place. Such a condition is recommended.

Additional Provision for Recreation in the Countryside

Part of the application site is allocated for countryside recreation provision under UDP Policy RT3/2/4. Whilst residential development is proposed on part of this designation, the proposal does indicatively identify land for informal recreation and includes proposals to improve access from residential areas to the Kirklees Valley which accords with the general aims of Policy RT3/2/4.

To ensure the proper and permanent management of the proposed paths and open space, a detailed Open Space Improvement and Management Plan would be secured by planning condition and would to be submitted as part of any future reserved matters application for the matters of Landscaping and Layout.

To conclude; on balance, the outline proposal for residential development on this site for up to 5 dwellings is acceptable, given its accessible location, the contribution that the proposals would have to meeting local housing needs and the proposed provision of new and enhanced recreational facilities for existing surrounding residents to use as well as future occupiers of the site. This is subject to the submission of an Open Space Improvement and Management Plan outlined above that should include a requirement to ensure the recreation provision proposed for the application site and that at least 0.16 hectares of the land be completed prior to commencement of development to ensure suitable compensatory recreation provision is provided. The proposals are therefore considered to accord with the requirements of Policies RT/1 and RT3/2/4 of the UDP.

Access

Within the Development Management Procedure Order 2015 (as amended) the reserved matter of "access" means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made.

The indicative masterplan indicates that four dwellings could be accessed off the existing eastern turning head on Brownhills Close, with a single dwelling accessed off Bury Road, effectively forming two separate parcels that would be connected by formal pedestrian/cycle paths linking the two parcels of land together.

The Highway Authority is satisfied that occupation of up to a maximum of 5 dwellings would not cause severe harm to the highway network and its capacity and has raised no objections on this basis.

Proposed Access: Bury Road

Bury Road is subject to a 30mph speed limit, is street lit and has footways on both sides. The area between nos. 331 and 333 Bury Road is unlit.

This access for the development is proposed from Bury Road via the land between the gable ends of nos. 331, the former post office, now a Barbers Shop with flat above, and no. 333, a residential dwelling. This area of land is unmade and is used for incidental parking purposes for nearby residents and customers of the Barbers shop. Cars appear to park on a slight angle up to the gable of no. 331 with three cars parked perpendicular to the gable end of no. 333.

Surrounding residents have raised strong concerns over the loss of parking that would occur by approval of an access in this locality. The owners of the Barbers Shop have also raised objections that any loss of parking provision will cause harm to their business as they rely on the passing trade of customers, who need to park and who do not park when there are no spaces available in this area.

Paragraph 187 of the Framework states:

Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

The concerns of residents and the adjoining business have been carefully considered.

The Highway Authority considers that the informal historic parking arrangement between the

two terraces that exists does not meet today's highway safety standards and has sought to improve both pedestrian and vehicular safety from Bury Road over to the Kirklees Trail.

The Highway Authority has sought additional information relating to the access proposed from Bury Road in between nos. 331 and 333, during the course of the application and is satisfied with the amended parking layout shown on drawing no. J1215 Figure 1, which is to be paved, but left unmarked, and which would provide a designated pedestrian route, would lead to safer manoeuvrability for both existing cars and also pedestrian highway users. The pedestrian route would result in the loss of two/ three parking spaces which would no longer be able to park against the gable and boundary of no. 333 Bury Road. However, the Highway Authority consider that the current informal parking area as it stands is not safe for all users of the highway and the loss of these informal parking spaces would improve highway safety for all highway users. This weighs in favour of the proposal.

The Highway Authority also consider that the loss of the space for vehicles to park along the gable and boundary of no. 333 Bury Road would not result in conditions so harmful, or severe, to highway safety that a reason for refusal on this basis could not be justified.

Trees exist on the boundaries of the site along the proposed access route. A planning condition is recommended to ensure an Arboricultural Survey is undertaken to ensure mitigation of the trees and any necessary replacement planting is secured through reserved matters (landscaping).

Access: Brownhills Close

Brownhills Close is a cul-de-sac accessed from Rosewood Avenue. Rosewood Avenue is subject to a 20mph speed limit, is street lit, has footways on both sides and is traffic calmed with speed humps. The junction between Bury Road and Rosewood Avenue is controlled by a mini round about. Brownhill Close is subject to a 20mph speed limit and is street lit but has no footways. It is approximately 6m wide and is block paved.

The proposed access here is indicated on Drawing J1215 Figure 2. The submitted plan shows the eastern turning head being extended to accommodate 4 dwellings.

The Highway Authority is satisfied that this access would be safe and would not result in the significant displacement of cars from the turning head that could not be parked elsewhere in the vicinity.

Fire Safety

The Fire Service are of the opinion that given the proposed indicative site layout would create a cul-de-sac from Bury Road to Brownhills Close in excess of 250 metres in length with the single point of entry to the proposed development being unsatisfactory as any obstruction along the single access road could prevent emergency vehicles from entering the estate and restrict access to the dwelling, increasing attendance time and posing a risk to public life.

A site layout which is considered unacceptable on the grounds of accessibility for fire appliances may become acceptable if the buildings are equipped with sprinkler systems which are strongly recommended for buildings that are more than 250 meters from an access road. Residential sprinkler systems are therefore recommended by GMFRS for this development as they allow for a longer response time to emergency situations and may be deemed suitable to overcome the site deficiencies of the proposal.

In addition, GMF&RS advise the proposal should meet the recognised Approved Document requirements for Fire Service access:

- Vehicular access for a fire appliance to within 45m of all points within the dwellings
- The access road should be a minimum width of 4.5m and capable of carrying 12.5 tonnes
- If the access road is more than 20m long a turning circle, hammerhead, or other turning point for fire appliances will be required

- There should be a suitable fire hydrant within 165m of the furthest dwelling.

The Traffic Section has no objections, subject to the inclusion of conditions relating to construction traffic management plan, turning facilities and sprinklers being installed in the two development areas and securing details. The reserved matter of Layout would ensure that each dwelling would have sufficient off-road parking provision, and provision would be made to visitors of the site. Subject to the recommended planning conditions, the proposed development would be in accordance with the relevant sections of Policies EN1/2, H2/1, H2/2 and HT6/2 of the Bury Unitary Development Plan.

Public Right of Way

Objectors raise concerns over the public rights of way that are clearly evident on the site. The Council's Highways Public Right of Way (PRoW) Officer has confirmed that there are no designated PRoW across this land, however, the Officer acknowledges that the pedestrian routes through the site are clear and, indeed, on inspecting the site, a footpath stile exists linking the site to and from the Kirklees Trail.

NPPF, para. 100 states: "Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks."

The indicative Masterplan indicates a number of paths through the site linking Bury Road and Brownhills Close to the Kirklees Trail and the submission proposes improvements to the paths through the site to enable easier access for local residents which will allow less able-bodied people to experience the site and the Kirklees Trail. Conditions are recommended to secure the proposed pedestrian routes through the site. The proposals are therefore considered to meet the requirements of the Framework.

Both accesses

Due to the changes in land levels at both ends of the site it would be necessary to provide a safe access for all highway users, the Highway Authority have requested specific details be provided in respect of both accesses relating to any necessary level changes prior to any work commencing on site. This condition is duly recommended.

It is considered the submitted details relating to the access arrangements to the site would result in conditions that are in compliance with the Council's highway safety standards. Securing the improvement of the pedestrian routes through the site would be secured through the matter of Layout and by condition. The proposals are considered to result in benefits to the public, some of whom will currently be unable to access the site due to the ground conditions and the semi-rural nature of the application site.

To conclude, subject to the conditions recommended, the proposals accord with Policies H1/2, HT2/1, HT5/1 and HT6/2 of the adopted Local Plan and the NPPF.

Ground Conditions

The site is currently an area of informal public open space. Surrounding land uses include housing and open land. Previous land uses at the site have included landfilling and waste disposal activities, while in the surrounding area previous uses have included railway land and Leeman Hill Mill.

The site itself includes a former landfill site known as Bury Road, Tottington Landfill. This landfill site is a former gravel pit which was filled with industrial, bleach & dye works waste, between 1875 and 1977 and in 1977 hardcore waste was tipped on top. The fill material is thought to be up to 14m deep. The site is unlicensed and was operated by Roberts Waste Disposal. A previous limited investigation (carried out for development to the north of the landfill) identified blue material with high concentrations of cadmium, lead and lubricating oil located towards the northern boundary of the landfill.

A tributary of the Kirklees Brook flows beneath the site and is culverted in places. The

natural geology beneath the site comprises of glaciofluvial sand and gravel deposits and glacial till over the Old Lawrence Rock Secondary A aquifer. Significant depths of made ground are likely to be present on site.

The submitted desk study split the site into 3 distinct areas which were given different risk rating:

- Zone 1 - Green - located to south of Brownhills Close - this area was not part of the former landfill site and is likely to be the least contaminated part of the site. The indicative proposals is for up to 4 no. dwellings.
- Zone 2 - Amber - located north of Bury Road - likely to be the deepest part of landfill site but land is generally level. Based on historical maps it is likely that a tributary of the Kirklees Brook is culverted beneath this area. The proposal indicatively shows for 1 no. house and new community orchard.
- Zone 3 - Red - located to north of Cedar Fold - northern part of landfill site and includes steep vegetated slopes. Considered unsuitable for development - proposal for new footpaths only.

The applicant's consultant considered that the site poses a risk to future site users and the environment, and that intrusive investigations were required. This should assess the risks to human health from soil contamination and ground gas/vapours and to controlled waters including the underlying aquifer and surface waters on the site. Within the report it was recommended that the Environment Agency is consulted regarding potential risks to controlled waters and waste management issues. A survey for invasive species, such as Japanese Knotweed, was also required. These matters have been addressed by planning conditions that are recommended.

Due to the history of the site and proposed end uses, the Council required that a site investigation be undertaken before a decision on the application could be made. An initial site investigation therefore accompanies this application.

Based on the investigation to date, the applicant's consultant considers that there is a moderate risk to controlled waters. However, further investigation is proposed to confirm the contamination risk. The Council's Contaminated Land Officers also consider further intrusive site investigation works are required prior to commencement of development. This would be secured by planning condition.

In relation to ground gas, the submitted details found the risk to future site users from vapour is considered to be low.

Overall, the Council's Contaminated Land section is satisfied that sufficient information has been submitted to enable the Council to make a decision on this application, and subject to a planning condition requiring;

- i.) Further detailed site investigation and risk assessment report,
- ii.) Updated detailed Remediation Strategy and Validation Plan.
- iii.) Confirmation that the Environment Agency is satisfied with the controlled waters risk assessment and any proposed remedial actions.
- iv.) Japanese knotweed and invasive species survey and validation information to demonstrate the eradication action was successful.
- v.) After completion of site works, a verification report is required to validate that the work undertaken conforms to the remediation proposals received and agreed by Officers.

The Council's Environmental Health Officers and the Environment Agency have suggested planning conditions to ensure this information is submitted to and agreed in writing in conjunction with the Local Planning Authority. Subject to the inclusion of these conditions, that are included in the list of recommended planning conditions, the development should ensure that controlled waters, and that future occupiers of the development would not be harmed by these proposals.

Utilities, Drainage and Flood Risk

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

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

The application site is located in Flood Zone 1 which is identified as being an area which has the lowest risk of flooding.

The applicants have undertaken a review of the United Utilities (UU) sewer records and have identified multiple sewer networks to be present within the site boundary. These will need to be accounted for within any planning layout in the form of a no-build offset. A diversion in some cases may be possible subject to early discussion with UU. Where diversion is not practical then any proposed planning layout will need to allow for the required offset from the centreline of the sewer(s) on both sides. This information can be secured through the reserved matter of Layout and a condition securing this is therefore recommended.

A Drainage Strategy accompanies the application. Due to the relatively low flood risks identified, the principle focus of the submitted Drainage Strategy is on the sustainable management of surface water run-off to ensure no increased flood risk would result from the development.

There are three methods that have been reviewed for the management and discharge of surface water, in accordance with the sustainable drainage hierarchy. These may be applied individually or collectively to form a complete strategy and should be applied in the order of priority; discharge via infiltration, discharge to watercourse, discharge to public sewerage system.

Based on the ground conditions identified by the published online datasets, infiltration would not be considered a feasible option for managing surface water run-off generated by future development. To confirm the specific infiltration rates, as these can vary on a site-by-site basis, Soakaway Testing (to BRE365) may need to be commissioned in due course.

As infiltration is not likely to be feasible, the submitted assessment has also considered the alternative options for managing surface water run-off generated. The next method in the sustainable drainage hierarchy is discharge surface water run-off generated by the proposals to a nearby watercourse. The nearest watercourse is the Ordinary Watercourse, which flows within the wider site extent from the western to the eastern boundary. The Ordinary Watercourse is both open channel and culverted through the wider site and ultimately outfalls into Kirklees Brook less than 200m from the site.

The proposals for surface water management at the site is proposed to mimic the redevelopment situation where at all feasible and continue to discharge surface water run-off (at a restricted rate) to the Ordinary Watercourse network. Given that there would likely to be two distinct development areas within the wider site there will be a requirement to have two generate surface water systems serving each area.

Where levels and engineering constraints allow, the proposals propose to form new formal surface water connections to the Ordinary Watercourse network. Where there are further constraints and two new direct outfalls to the watercourse are not practical, then the proposals would seek to utilise the short lengths of existing public surface water sewers which currently cross the site and outfall to the watercourse for conveyance.

The applicants have held consultation with United Utilities and state they have confirmed they would consider split surface water connection into the public surface water sewer (300mm dia.) located within the site boundary at a rate not exceeding 5 l/s at each respective connection point, should a direction connection into the watercourse not be feasible.

Detailed design will need to refine the drainage strategy, based on any agreed sewer diversion works, design engineering constraints and final planning layouts. Given the existing ground levels a gravity solution is anticipated to be practical although this will again need to be confirmed following full review of design levels. This approach is considered to be reasonable by Officers. It is considered that suitable conditions would be sufficient to secure appropriate drainage of the site that would not result in flooding further downstream or in the locality.

United Utilities have raised no objection to the proposals in principle, subject to their suggested condition being imposed and the location of UU's assets and their associated standoff distances being taken into account under the reserved matter of Layout. This has been secured by the recommended planning conditions.

Subject to the recommended planning conditions, the proposals are considered to accord with the requirements of the NPPF in relation to flood risk and drainage and Policy EN5/1 of the Unitary Development Plan.

Impact upon surrounding area

UDP Policies EN1/1 and EN1/2 concern themselves with the effect of proposals on visual amenity and the design and impact on the surrounding area.

By its nature, the development would have an urbanising impact on this semi-natural landscape. However, subject to the sympathetic siting of proposals, and the landscaping and biodiversity mitigation and enhancement conditions recommended could ensure the impact of the proposed development is not only mitigated, the impact on biodiversity would be both mitigated and enhanced along with the public access and use of the land for recreational wellbeing purposes would be demonstrably improved, particularly from the Bury Road end of the site.

This matter will be fully considered under the reserved matters of appearance, layout and landscaping.

The indicative proposals indicate that the proposed level of development could be accommodated on the site without causing demonstrable harm to the site and surroundings. The proposal therefore accords with the requirements of policies EN1/1 and EN1/2 of the Unitary Development Plan.

Impact upon residential amenity

Policy H1/2 of the UDP states that the Council will have regard to various factors when assessing a proposal for residential development, including, amongst other things, the suitability of the site, with regard to amenity, of surrounding land uses. This includes the impact on residential amenity.

The application site has adjoining residents to three sides at the end of the site nearest Bury Road, and residents on two sides of the site at the end to be accessed from Brownhills Close.

The indicative Masterplan indicates that one dwelling could be sited between the rear of dwellings on Bury Road, Royds Close and Cedar Fold. One dwelling here, as shown indicatively, could be designed in such a way to cause minimal impact on the amenity of occupiers of these roads.

The Indicative Masterplan also illustrates that up to 4 dwellings could be accommodated on

the land accessed from Brownhills Close without causing undue harm to neighbouring occupiers.

The layout and appearance of all dwellings to ensure the amenity of neighbouring residents would not be unduly harmed, would be secured at reserved matters stage.

The proposals therefore comply with Policy H1/2 of the Bury Unitary Development Plan.

Trees

UDP Policy EN8 – Woodlands and Trees supports the retention of trees, woods, copses and hedgerows, natural regeneration, and new and replacement planting.

Trees protected by Tree Preservation Order (TPO) exist within the application site, and in close proximity to the boundaries of the application site on 3rd party land, and existing within the application site itself that will need to be taken account of when designing proposals and improvements to the existing rights of way across the site. Due to this, a planning condition is considered necessary to require the developer to submit a detailed Arboricultural Report and Arboricultural Method Statement (AMS) in accordance with BS5837:2012: Trees in relation to design, demolition and construction to be submitted to and approved in writing by the Local Planning Authority at reserved matters stage. Subject to the above-mentioned planning condition, the proposals would accord with Policy EN8 of the adopted Local Plan.

The trees on the site also have a biodiversity value and this will be considered as part of the reserved matters.

Biodiversity

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

The majority of the site is allocated within the adopted plan as a Wildlife Link and Corridor(s) (UDP Policy EN6/4).

The area of the site directly abutting the Kirklees Trail and its brook are allocated in the UDP as being within both a Grade A Site of Biological Importance, as the watercourse, known as the Kirklees Brook, is a Site of Biological Interest (SBI), under UDP Policy EN6/1. The area abutting Kirklees Brook is allocated within the UDP under UDP Policy EN6/2 as a Local Nature Reserve and Grade B and C Site of Biological Importance.

The application site as a whole therefore holds ecological value. The most ecologically valuable habitats are considered to be the woodland, continuous scrub, and the watercourse present on the site. These habitats provide cover from predation, a source of nectar and pollen for invertebrates, as well as foraging, commuting and overwintering opportunities. The grasslands if maintained long also provides some of these benefits. The woodland and scrub also offer nesting habitat for birds.

The proposed outline development seeks permission for the construction of residential units in the west and south of the site. This will cause the loss of semi-improved grassland and poor-semi-improved grassland.

The application is accompanied by a Phase 1 Habitat Survey for the application site, carried out by Rachel Hacking Ecology, dated August 2020 was submitted at the time of the application. Greater Manchester Ecology Unit (GMEU), have accepted the findings of this ecological report previously, the findings of which is considered by GMEU still valid. This recommendation has been made on this basis.

The ecological report is still considered to be valid given the Outline nature of these proposals with no layout being applied for. However due to both the application type and the report being already aged, updates will likely be required prior to development. A

condition is therefore recommended requiring an updated Extended Phase 1 habitat survey to be submitted and agreed as part of reserved matters.

Bats

No direct impacts on bats is likely. The indirect risk that could occur is if street lighting or other external lighting was directed towards the watercourse or woodland edge. The indicative masterplan shows a reduced impact to the site, with no likely impact on the Brook as the woodland is to be retained and the houses are indicated as backing on to the woodland thereby shielding the woodland edge from any street lights. This could be secured at reserved matters stage and therefore Officers are satisfied that the risk are very low and given this is an outline application no further information is required at this time. Conditions are recommended at this stage that requires details of the any proposed lighting, their positions and intensity and any necessary mitigation measures to be submitted to and approved in writing by the LPA prior to any above-ground works occurring on the site as well as the impact on biodiversity being reassessed through the reserved matters stage(s).

Badgers

It is suspected that badger forage on the site. No setts were however located.

It is an offence under the Protection of Badgers Act 1992 to interfere with a badger sett intentionally or recklessly, or to willfully kill, injure, ill-treat, take or possess a badger or attempt to do so. Under advice from GMEU it is recommend that as part of any reserved matters application an updated survey for badger setts is provided and reasonable avoidance measure provided to protect badgers from accidental harm during construction.

A condition requiring an updated survey of the site and adjacent land, that also looks for badger sets and to secure appropriate reasonable avoidance methods is recommended, to reduce the risk of harm to individual badgers during construction is therefore recommended.

Nesting Birds

The development is likely to result in the loss of bird nesting habitat.

All British birds, nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981 (as amended), as amended. It is recommended a condition is imposed to ensure that no works to trees or shrubs shall occur between the 1st March and 31st August in any year, unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA. An Informative advising the applicant of the requirements of the Wildlife & Countryside Act 1981 (as amended).

Invasive Species

Himalayan Balsam, Japanese Knotweed and Monbretia were identified on the site all listed under Schedule 9, Part 2 of the Wildlife & Countryside Act 1981 (as amended) as non-native plants. A condition is recommended requiring a Method Statement for the removal/ control of these invasive plants.

Protection of the Watercourse

There are risks during and post construction of negative impacts to the watercourse a tributary of the Kirklees Brook, flowing into the Local Nature Reserve. The indicative layout indicates that risks during construction would be very low with a significant buffer of vegetation retained between construction and the watercourse. Officers are satisfied that standard best practice during construction can prevent any impacts. As part of reserved matters, a Construction and Environmental Management Plan condition is recommended, which would include a section relating to the protection of the watercourse.

Post development, it is proposed to discharge surface water to the Brook. There is therefore, the potential for negative impacts from increased discharge levels, increased levels of sediment and various pollutants. As part of reserved matters, it is recommended

full details of the sustainable drainage measures proposed that demonstrate no negative impacts to biodiversity and water quality would occur. A condition is recommended that would secure this.

Contributing to and Enhancing the Natural Environment

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development would result in the loss of a relatively small area of semi-natural habitat, with significant areas retained that provide scope for mitigation. Accordingly, a condition is recommended securing a biodiversity mitigation and enhancement plan for loss of habitats and species interest.

Dealing with invasive species across the site.

This is currently unmanaged and is spreading across the site, and in all likelihood (unless it is arrested) will soon spread beyond the confines of the site. These invasive species are undermining the biodiversity value of the site. Some invasive species can also negatively affect properties. Landowners are responsible for controlling invasive species. The issue in this case is that the landowner ceased trading through liquidation and cannot be pursued. Hence no management of the land occurs or would until permission is approved for this development, at which point the land will fall into the ownership of the Applicant, who would then be responsible for managing the invasive species. A planning condition to control the invasive species on site is duly recommended.

To summarise, subject to the recommended planning conditions, issues relating to badger, bats, nesting birds, invasive species, protection of the Brook and the Kirklees Valley and ecological mitigation can be dealt with at reserved matters stage by requiring updated habitat assessments to be undertaken and that stage and via planning conditions at this outline stage. It is considered that subject to suitable mitigation, enhancements and net gain, the biodiversity value of the site can both be mitigated and enhanced. On this basis, the proposals would accord with the requirements of UDP Policies EN6/1, EN6/2 and EN6/4 of the UDP, the National Planning Policy Framework and the Wildlife and Countryside Act 1981 (as amended).

Air Quality

The site is not located within an Air Quality Management Area and Environmental Health has raised no objections to the scheme in terms of its impact on air quality.

Due to the scale of the development (up to 5 dwellings) it is considered unlikely that the development would create an increase of more than 500 AADT (annual average daily traffic). Therefore, in line with the EPUK Guidance, an air quality assessment is not required. However, Bury Council has been identified by DEFRA as an area requiring to significantly improve air quality. The required measures to do this are currently under discussion. However, to encourage the use of alternative fuels and reduce car emissions, it is considered a condition be attached requiring a scheme for the installation of electric vehicle charging points, within each parking area, be submitted to the LPA as part of the reserved matters application. Subject to this condition, it is considered the proposal complies with Policy EN71 of the Bury Unitary Development Plan.

Crime and Disorder

A couple of objections has raised in their objections concerns relating to crime and disorder. Both the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) set out guidance in creating safe and accessible communities, with the NPPF recommending that local planning authorities ensure their policies and decisions aim to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience.

The consideration of crime and disorder cannot be fully considered at this stage due to the Outline nature of these proposals, this would be considered at reserved matters stage, however secured at this outline stage. A condition is therefore recommended to secure a Crime Impact Assessment at Reserved Matters.

Mineral Safeguarding

The application site is positioned within an allocated Minerals Safeguarding Area for Surface Coal, Brickclay, Sandstone, Sand and Gravel.

Policy 8 of the joint Greater Manchester Combined Authority Minerals Plan states that all non-mineral development proposals within the Mineral Safeguarding Area should extract any viable mineral resources present in advance of construction.

Proposals for non-mineral development within the Mineral Safeguarding Areas that do not allow for the prior extraction of minerals will only be permitted where, amongst other things, it can be clearly demonstrated that it is not environmentally acceptable or economically viable to extract the mineral prior to non-mineral development taking place.

It is considered that in this case, the site is heavily constrained against minerals extraction taking place, by the narrow access to the site from Bury Road making it highly unlikely quarry wagons and drilling machines could safely enter and leave the site, and residential properties bordering the site and the Brownhills Close end of the site is unsuitable for mineral extraction, due to the access to the site being through the Brownhills Close, Rosewood Avenue and Royds Close residential developments. The site is also constrained on three sides by residential development. For these reasons, the proposals are acceptable in this regard, and thus accord with Policy 8 of the Greater Manchester Minerals Plan.

Response to objectors

Many of the concerns and objections received were issues that are considered to be material planning considerations. These have been addressed throughout the content of this report.

Response to objectors

- The issues relating to loss of public open space, trees, ecology, privacy, loss of light, highway safety, parking and the impact on local business have been addressed in the report above.
- The issues relating to the principle of developing on Other Protected Open Land (OPOL) have been addressed in the report.
- The issues raised relating to the impact on biodiversity/ wildlife have been addressed in the report.
- A play area was originally proposed but has been deleted from the scheme. This is stated in the Description Section of the report above.
- The proposed recreational enhancements (The Orchard and improvement to pedestrian routes) would be maintained by the developer/ any management company set up by the developer, and not by the Council. Planning conditions are recommended to secure this.
- The proposed development would not meet the threshold for affordable housing and as such, this is not a requirement of this application.
- Condition 30 requires the installation of electric vehicle charging points, which would reduce the impact upon air quality.
- The issue of land ownership is a private matter and is not a material planning consideration. As such, it cannot be taken into consideration. The Procedural Issues section of the report provides further information.
- The impact of noise during construction and the loss of views are not material planning considerations and cannot be taken into consideration.
- The issue of subsidence during construction would be covered by the Building Regulations and is not a material planning consideration.
- The impact upon drainage is addressed in this report and by condition 5 of this report
- Biodiversity Net Gain (BNG) is not yet mandatory, with the exception of paragraph 174d) of the Framework. This has been addressed by all of the suggested planning conditions (nos. 4, 6, 9, 13, and 17) including requiring an updated Phase 1 Habitat Survey to be submitted at first reserved matters stage (condition no. 6).

- Crime including Anti-social behaviour on the orchard has been addressed in the report and by planning condition no. 22
- Further bat surveys are required at submission of the first reserved matters. This has been secured by recommended condition no.6 requiring the first reserved matters application to be accompanied by a Phase 1 Habitat Survey.
- The Council has no evidence that Tottington does not have the infrastructure to support any more housing and the Borough of Bury is not meeting its required housing provision
- Rights of way over the land/ public open space have been addressed in the report
- Residents' compensation - The planning system offers no compensation.
- Constraints of the site - Officers recognise there are varying land levels and watercourses on the site. This has been addressed in the report and a number of planning conditions are recommended to address the issues raised.
- Proposals compliance with Building Regulations - Whilst this may be the case, the NPPF, at paragraph 188 advises that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of matters that are subject to separate legislation and regimes. Whether the proposal would comply with the requirements of Building Control, is therefore not a planning matter and is therefore this is not a consideration for Members in the consideration and determination of this planning application. The issue raised regarding fire safety is addressed on the report.

Planning Balance and Conclusions

The National Planning Policy Framework (NPPF) should be treated as a material planning consideration, and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. The Framework maintains the emphasis on identifying a rolling five-year supply of deliverable housing land. The latest monitoring indicates that the Council is unable to demonstrate a five-year supply of deliverable housing land. The presumption in favour of sustainable development therefore applies and the tilted balance in favour of the proposals, as required by NPPF, paragraph 11d), unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The site is considered to be in a sustainable location for housing, abutting the urban area and sitting outside the Green Belt. It is considered that OL5/2 is satisfied as the proposed development at this stage, shown indicatively, does not divide the valley into sections and instead offers increased public access to the Kirklees Trails.

Furthermore, the proposed development in principle would, at the Bury Road end of the site, represent limited infilling of an area between properties on Cedar Fold and Royds Close. At the Brownhills Close end of the site the indicative details would form rounding off development and development that would be sited adjacent to existing dwellings so would relate well to existing residential development. This weighs in favour of the proposed amount of development.

It is considered that the loss of part of the existing allocated recreation space/ informal Public Open Space off Brownhills Close would be replaced by better recreation provision in terms of both quantity and quality on the wider site, in accordance with the requirements of paragraph 99(b) of the NPPF. A condition is recommended to secure this. It is also evident that the recreational offer of this site would be enhanced by the proposed improvements to the paths and by the proposed community orchard. This again weighs in favour of approving the proposal.

The majority of the site is also unallocated/ informal Public Open Space and planning conditions are recommended to ensure that whilst two portions of the land are indicated for development, 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, by proposing improved footpath links and treating and eradicating the invasive species that

occupy large areas of this application site and land directly adjoining the site, shown within the submitted blue edge. This is also a positive aspect of the development.

The application site is covered by policies relating to River Valleys (OL5/2), Wildlife Links and Corridors (EN6/4), Protection of Recreation Provision in the Urban Area (RT1/1) and Additional Provision for Recreation in the Countryside (RT3/2) in the adopted Bury Unitary Development Plan. Provided satisfactory mitigation is achieved for biodiversity, secured by the recommended planning conditions, the proposal would not compromise the function of this swathe of land as a Wildlife Corridor abutting the Kirklees Brook Site of Biological Importance and Nature Reserve. Biodiversity would be mitigated and enhanced, in line with para. 174d) of the Framework. On this basis, the proposals would accord with the requirements of UDP Policies EN6/1, EN6/2 and EN6/4 of the UDP, the National Planning Policy Framework and the Wildlife and Countryside Act 1981 (as amended). Biodiversity enhancements and net-gains weigh heavily in favour of the proposals.

A number of trees within the application site, and within close proximity to the boundaries of the site are protected by Tree Preservation Order. A condition is recommended to secure an Arboricultural Report and Arboricultural Method Statement at first reserved matters stage to ensure all trees on the site are properly considered, managed and appropriate mitigation is secured through the first reserved matters submission. Any necessary replacement planting would also be secured at reserved matters stage. These outline proposals are therefore considered to accord with UDP Policy EN8. This weighs neutrally in the balance.

In terms of Utilities, Drainage and Flood Risk, the submitted Drainage Strategy indicates that residential development of the scale proposed would not increase the risk of flooding elsewhere or affect river flood defences. This again weighs neutrally in the planning balance.

In relation to the concerns over the loss of informal parking provision and the re-organisation of the area between nos. 331 and 333 Bury Road, by local residents and the Barber Shop are understood. Indeed, any harm to the operations of businesses does weigh against the proposal.

The Highway Authority is satisfied with the access proposals which include the proposed reorganisation of the informal parking area and advise that this would actually improve highway safety in this locality for all highway users. The Highway Authority is also satisfied that the proposals would not cause severe harm to highway safety. This matter weighs in favour of the proposals. All other material planning matters are considered to acceptable, subject to the recommended planning conditions.

Taking into account all of the above, it is clear that when weighing the positives against the harm, the positives demonstrable outweigh the harm identified. Paragraph 11d) of the Framework therefore considers these proposals to constitute sustainable development.

In view of all the above, the proposal complies with the relevant provisions of the development plan as a whole, and as such the proposal is considered to comply with the Development Plan when taken as a whole and there are no material considerations which outweigh this finding. Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the Framework it is considered that planning permission should be granted, subject to the recommended planning conditions.

Recommendation: Approve with Conditions

Conditions/ Reasons

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

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

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

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

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

3. This permission relates to the following plans:

Drawing no. YD2_BC_SP001: Site Location Plan
 Drawing no. J1215 access Fig. 1 [Bury Road]
 Drawing no. J1215 access Fig. 2 [Brownhills Close]
 YD2_BH_LP001 Rev. A: Illustrative Masterplan

Except as provided for by other conditions to this permission, any application for approval of reserved matters submitted pursuant to condition 3 of this permission shall accord with the outline permission insofar as it relates to the site and the maximum number of dwellings to no more than 5 in the locations indicated.

Reason: The application is granted in outline only in accordance with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015. Access has been applied for and any application for reserved matters must be in accordance with the parameters established as part of this permission

4. As part of the submission of the first reserved matters application, a detailed Arboricultural Report and Arboricultural Method Statement (AMS) in accordance with BS5837:2012 Trees in relation to design, demolition and construction shall be submitted to and approved in writing by the Local Planning Authority.

The AMS shall include full details of the following:

- a) Timing and phasing of Arboricultural works in relation to the approved development including those works identified in Section 4.2 'Direct Impacts' of the approved Arboricultural Report & Impact Assessment.
- b) Detailed tree felling and / or pruning specification in accordance with BS3998:2010 recommendations for Tree Works.
- c) Details of a tree protection scheme in accordance with BS5837:2012: which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site.
- d) Details of any construction works required within the root protection area as defined by BS5837:2012 regarding providing satisfactory mitigation, employing no-dig type construction methods with a porous final surface.
- e) Details of any changes in ground level, including existing and proposed

spot levels required within the root protection area as defined by BS5837:2012.

f) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the Arboricultural Method Statement.

Works shall be undertaken in strict accordance with the approved AMS. Thereafter all trees identified to be retained shall be protected in accordance with the approved AMS to ensure that:

- a. All tree felling and /or pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998:2010 (as amended) - Recommendations for Tree Works.
- b. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
- c. No fires should be lit within 6m of the furthest extent of the canopy of any tree or tree group to be retained as part of the approved scheme.
- d. Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.
- e. No development or other operations shall take place except in complete accordance with the approved protection scheme and Arboricultural Method Statement.

Reason: Details are required at reserved matters to ensure the continued well-being of the trees both within the site and within influencing distance of the site, in the interests of the amenity and environmental quality of the locality and biodiversity, in accordance with Policies EN8, EN8/1, EN6/1 and EN6/4 of the Unitary Development Plan.

5. As part of the submission of the first reserved matters application, 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, the potential for infiltration of surface water in accordance with BRE365;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations).
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) Incorporate mitigation measures to manage the risk of sewer

surcharge; and

- (v) Foul and surface water shall drain on separate systems within the site.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and no surface water shall discharge to the public sewer either directly or indirectly.

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

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

6. As part of first reserved matters an updated Extended Phase 1 Habitat Survey(s) shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In order to ensure adequate protection of existing landscape features of ecological value and to achieve appropriate landscape and biodiversity enhancements as part of the development in accordance with the requirements of Policies EN6/1, EN6/2 and EN6/4 of the Unitary Development Plan, the National Planning Policy Framework and the Wildlife and Countryside Act 1981 (as amended).

7. As part of first reserved matters an updated survey of the site and adjacent land where accessible for badger setts shall be provided and a reasonable avoidance method statement provided to reduce the risk of harm to individual badgers during construction also provided, supplied to and agreed in writing by the Local Planning Authority.

Reason: It is an offence Under the Protection of Badgers Act 1992 to intentionally or recklessly interfere with a badger sett and to take, injure or kill a badger.

8. As part of reserved matters, an Environmental Construction Method Statement (ECMS) setting out details of measures to protect the nature conservation interest of the site and the adjacent areas during construction has been submitted to and approved in writing by the Local Planning Authority. The ECMS shall include details of the following:

- (i) the siting, height and design of any protective barrier to be erected between the site and the adjacent land;
- (ii) any reasonable avoidance measures to limit the potential for harm to habitats and species associated with the land;
- (iii) measures to prevent local ground and surface water pollution; and
- (iv) A timetable for implementation

Development shall thereafter be carried out in strict accordance with the details and timetable contained within the duly approved ECMS.

Reason: In order to ensure that appropriate mitigation measures are put in place

to safeguard the nature conservation interest of the adjacent habitat during the construction period before any development takes place in accordance with the requirements of policies EN6/1 and EN6/4 of the Bury Unitary Development Plan, and the National Planning Policy Framework.

9. As part of the first reserved matters a biodiversity mitigation and enhancement plan shall be submitted to and approved in writing including:

- Habitat enhancement measures on the retained site;
- Landscaping within the developed site;
- Mitigation and enhancement of the site for nesting birds
- A 5 year management and maintenance plan

Development shall thereafter be carried out in strict accordance with the measures and timetable contained within the duly approved biodiversity mitigation and enhancement plan.

Reason: To ensure that appropriate measures are implemented as part of the development to mitigate the impact of operations during the construction, operational and decommissioning phases of development, to provide adequate compensation for any habitat loss arising as a result of the development, to ensure that the development does not adversely affect the favourable conservation status of protected species and to secure appropriate biodiversity enhancements as part of the development in accordance with the requirements of policies EN6/1 and EN6/4 of the Bury Unitary Development Plan and the National Planning Policy Framework.

10. As part of the first reserved matters, full details of the sustainable drainage measures proposed shall be submitted to and approved in writing to the Local Planning Authority which demonstrate that there would be no negative impact on biodiversity.

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Policy EN5/1 of the Unitary Development Plan and the National Planning Policy Framework.

11. Any application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels (including sections through the site) and proposed finished floor levels of the development (all relative to ground levels within the site and adjacent to site boundaries), notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out only in accordance with the details so approved.

Reason: To protect biodiversity, the appearance of the locality and in the interests of the amenities of local residents, in accordance with Policies EN2/2, H2/2, H2/2 and EN6/4 of the Bury Unitary Development Plan, the National Planning Policy Framework and the Planning Practice Guide.

12. Any application which seeks approval for the first reserved matter pursuant to condition 3 of this permission shall include a scheme for the provision and future maintenance of Public Open Space to be delivered on the site as part of the

development. The scheme shall include details of the size, siting, layout, design and maintenance arrangements for the improved Public Open Space, and the Community Orchard, and a timetable for its provision and future maintenance.

A minimum of at least 0.16 hectares land within the application site shall be improved prior to commencement of development.

The improved Public Open Space, including Community Orchard shall be provided and maintained in accordance with the details and timetable contained within the duly approved scheme, and shall be maintained as such thereafter for use as Public Open Space.

Reason: To ensure that the development provides satisfactory mitigation for the loss of Public Open Space approved by application no. 33756 makes a proportionate contribution towards the provision and future maintenance of public open space on the site in order to avoid a deficiency in the quantity and quality of recreational open space in the locality and to ensure that the impact of the development on existing recreational open space is adequately mitigated in accordance with the requirements of Policy RT1 of the Bury Unitary Development Plan and the National Planning Policy Framework.

13. Any application which seeks approval for the reserved matter of landscaping pursuant to condition 3 of this permission shall include a landscaping scheme for the site which contains details of:
- (i) any trees, hedgerows and any other vegetation on/overhanging the site to be retained;
 - (ii) compensatory planting to replace any trees or hedgerows to be removed;
 - (iii) the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (i) or (ii); and
 - (iv) the type, size, species, siting, planting distances and the programme of planting of hedges, trees, shrubs and of the community orchard and around the pathways being improved.

The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure suitable mitigation and strengthening of existing landscaping on the site in the interests of visual amenity, to secure adequate provision of private garden space for the dwellinghouses and in the interests of providing biodiversity mitigation, enhancement, and biodiversity net-gain in accordance with the requirements of policies EN1/1, EN1/2, EN6/1 and EN6/4 of the Bury Unitary Development Plan, and the National Planning Policy Framework.

14. Any application which seeks approval for the reserved matter of Layout pursuant to condition 3 of this permission shall include the following details:

- Provision of tracked turning facilities within the curtilage of both sites clear of proposed parking/driveways, hardstandings and refuse storage areas, in order to enable private vehicles to enter and leave each hardstanding area in a forward gear;
- Provision of bin storage arrangements within the curtilage of each dwelling in accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments'.
- Provision of parking facilities within the curtilage of each dwelling in accordance with the maximum standards in SPD 11 - Parking Standards in Bury and the National Design Guide.

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

Reason: In the interests of good design and the amenity of the amenity of future occupiers of the site to ensure each dwelling is accessible by all who will visit the development, in accordance with Policy EN1/2, H2/2 and HT/6 of the Bury Unitary Development Plan, SPD11 – Parking Standards, and the National Planning Policy Framework and National Design Guide.

15. Any application which seeks approval for the reserved matter of layout pursuant to condition 3 of this permission shall include a scheme for the provision of the pedestrian/cycle routes through to adjoining land which are shown on drawing no. YD2_BH_LP001 Rev. A: Illustrative Masterplan. The scheme shall include details of the siting, layout, design, construction (including surfacing materials) and drainage of each route, and a timetable for their provision. The pedestrian/cycle routes shall thereafter be constructed and made available for use in accordance with the details in the duly approved scheme and the timetable contained therein.

Reason: To ensure connectivity between adjoining sites for cyclists and pedestrians in the interests of promoting permeability and accessibility between sites and a holistic approach to development in accordance with the requirements of the National Planning Policy Framework.

16. Any application which seeks approval for the reserved matter of layout pursuant to condition 3 of this permission shall include the position and access easements of the public sewer and any other United Utilities assets.

Reason: In the interests of safeguarding this infrastructure which serves the surrounding residential estates and the needs of neighbouring occupiers.

17. ***Pre-Commencement Conditions***

No clearance of any vegetation in preparation for or during the course of development shall take place during the bird nesting season (March to August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird nesting season until a

methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with the requirements of Policy EN6/1 and EN6/4 of the Bury Unitary Development Plan, the provisions of the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.

18. 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.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority within agreed timescales before any of the buildings hereby approved are first occupied.

Reason. 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 11 - Conserving and enhancing the natural environment.

19. Notwithstanding the details shown on the approved plans, no development shall commence until full details submitted on a topographical based survey of the application site and adopted highways of the following highway aspects have been submitted to and approved in writing by the Local Planning Authority:

- Formation of the site access from Brownhills Close in the form of a new service strip crossing, incorporating the provision of the minimum access and shared driveway widths shown, demarcation of the limits of the adopted highway, shared driveway hardstanding in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway, 'bin waiting' area of a size and in a position to be agreed with Waste Management and all associated highway and highway drainage remedial works, all to a scope and specification to be agreed with the Highway Authority;
- Formation of the site access from Bury Road, incorporating the provision of a scheme of works on the adopted highway to extend the footway, provide a segregated pedestrian route to the site and formalise the site access/parking arrangements at the gable of No. 331

Bury Road, resurfacing of the unadopted side street and all associated road markings, a scheme of works including all necessary signage and road markings on the proposed site access and at the junction with the unadopted back street to implement the priority give-way arrangements proposed and reverse the priority at the junction with the unadopted back street, the minimum access/driveway widths shown, driveway hardstanding in a porous/permeable material, and/or measures to prevent the discharge of surface water onto the unadopted back street, 'bin waiting' area of a size and in a position to be agreed with Waste Management and all associated highway and highway drainage remedial works, all to a scope and specification to be agreed with the Highway Authority; and

- Formation and retention of the pedestrian accesses onto the Kirklees Trail and retention/improvement of pedestrian routes through the site.

No more than one dwelling shall be erected that seeks to utilise the Bury Road access, and no construction of that dwelling shall occur until the access improvements to the area of land between nos. 331 and 333 Bury Road have been implemented.

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

Reason: To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety.

20. No trees, unless indicated otherwise on plans submitted and approved as "reserved matters", shall be felled, lopped or topped before or during the construction period without the previous written consent of the Local Planning Authority.

Reason To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 and EN8/2 of the Bury Unitary Development Plan.

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

- Photographic dilapidation survey of the footways, carriageways and service strips leading to and abutting the site in the event that subsequent remedial works are required following construction of the development and as a result of statutory undertakers connections to the site;
- Access route for all vehicles to the site from the Key Route Network and all temporary works required to facilitate access for ground works/construction vehicles;
- If proposed, details of site hoarding/gate positions clear of the adopted turning head on Brownhills Close;
- The provision, where necessary, of all required temporary pedestrian facilities/protection measures;
- A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its accesses;
- Hours of operation, confirmation of delivery & construction vehicle

sizes that can be accommodated on the residential estate roads leading to the site and number of vehicle movements;

- Arrangements for the turning and manoeuvring of vehicles within the curtilage of each site and/or measures to control/manage delivery vehicle manoeuvres;
- Parking on site or on land within the applicant's control of operatives' and construction vehicles, together with storage on site of construction materials;
- Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted/unadopted highways as a result of the groundworks operations or carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

The approved plan shall be adhered to throughout the construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of construction materials. All highway remedial works identified as a result of the dilapidation survey shall be implemented to the written satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use.

Reason: To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, 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.

22. No development shall commence unless and until a scheme incorporating measures to minimise the risk of crime and meet the specific security needs of the application site and the development has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved measures for that dwelling have been installed which shall thereafter be retained for the lifetime of the development.

Reason: In pursuance of the Council's duty under Section 17 of the Crime and Disorder Act 1998 and in accordance with Policy EN1/5 of Bury Unitary Development Plan and the National Planning Policy Framework.

23. **Pre and Post Development**

No infiltration of surface water drainage into the ground where adverse concentrations of contamination are known or suspected to be present is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: For the future protection of the Water Environment from risks arising from land contamination, in accordance with Policy EN5/1 of the Bury Unitary Development Plan and the National Planning policy Framework.

24. Piling or any other foundation designs using penetrative methods shall not be

permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: For the future protection of the Water Environment from risks arising from land contamination, in accordance with Policy EN5/1 of the Bury Unitary Development Plan and the National Planning Policy Framework.

25. No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:
- (i) separate systems for the disposal of foul and surface water;
 - (ii) a detailed drainage strategy to demonstrate that the post-development surface water discharge rate to any soakaway, watercourse or sewer does not exceed the pre-development (greenfield) rate. The drainage strategy shall include details of the peak surface water runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 100 year (+30% climate change allowance) rainfall event, and shall demonstrate that the peak post-development runoff rate does not exceed the peak pre-development greenfield runoff rate for the same event;
 - (iii) details of any necessary flow attenuation measures, including the use of SUDS where appropriate;
 - (iv) details of the measures taken to prevent flooding and pollution of any receiving groundwater and/or surface waters (including watercourses) and any off-site works required to ensure adequate discharge of surface water without causing flooding or pollution (including refurbishment of existing culverts and headwalls or removal of unused culverts where applicable);
 - (v) flood water exceedance routes, both on and off site;
 - (vi) means of access for maintenance and easements (where applicable);
 - (vii) a timetable for implementation, including any phasing of works.

The duly approved scheme shall be implemented before any of the dwellings hereby approved are first occupied, or within any other timescale first agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Policy EN5/1 of the Bury Unitary Development Plan, the National Planning Framework and Planning Practice Guidance.

26. No above ground works shall take place until a phasing plan for the construction of the development has been submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include a programme of works for the provision of:-
- (i) Each of the proposed land uses within the site;
 - (ii) Any highway infrastructure associated with those uses and
 - (iii) The area of formal Public Open Space allocated as such under policy RT1/1 of the Bury Unitary Development Plan; and
 - (iv) The area(s) of recreational open space and any other areas of amenity open space shown to be improved.

The development shall thereafter be carried out in accordance with the duly
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approved phasing plan(s).

Reason: To ensure that any phased development of the site takes place in an appropriate order and within an acceptable timescale, to ensure adequate provision of infrastructure to serve each phase and because no such details were submitted as part of the application.

27. No above ground works shall take place until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, orientation and type of lights. No dwelling shall be occupied until the approved measures for that dwelling have been installed which shall thereafter be retained for the lifetime of the development.

Reason: To ensure that appropriate measures are implemented as part of the development to mitigate the impact of operations during the construction and occupation phases of development, to provide adequate mitigation, to ensure that the development does not adversely affect the favourable conservation status of protected species, In the interest of amenity and in pursuance of the Council's duty under Section 17 of the Crime and Disorder Act 1998 and in accordance with Policies EN1/1, EN1/2, EN1/5, EN6/1 and EN6/4 of the Bury Unitary Development Plan and the National Planning Policy Framework.

28. Following the provisions of Condition 18 of this planning permission, where land contamination remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: For the ongoing protection of the Water Environment from risks arising from land contamination and to secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to the National Planning Policy Framework.

29. **Prior to Occupation**

Prior to first occupation of the development hereby approved, a sprinkler/misting system to meet the requirements of BS 9251:2014 or other subsequent standard that meets the requirements of Greater Manchester Fire and Rescue Service and deemed suitable to overcome the site's emergency access deficiencies, shall be installed in the dwellings hereby approved and shall thereafter be maintained at all times.

Reason: In the interests of fire safety and to ensure the safe and satisfactory development of the site and for its future occupiers pursuant to Policies H1/2, H2/2 and EN1/2 of the Bury Unitary Development Plan and the National Planning Policy Framework.

30. **Post-Occupation**

Each dwelling hereby approved shall be provided with 1 electric vehicle (EV)

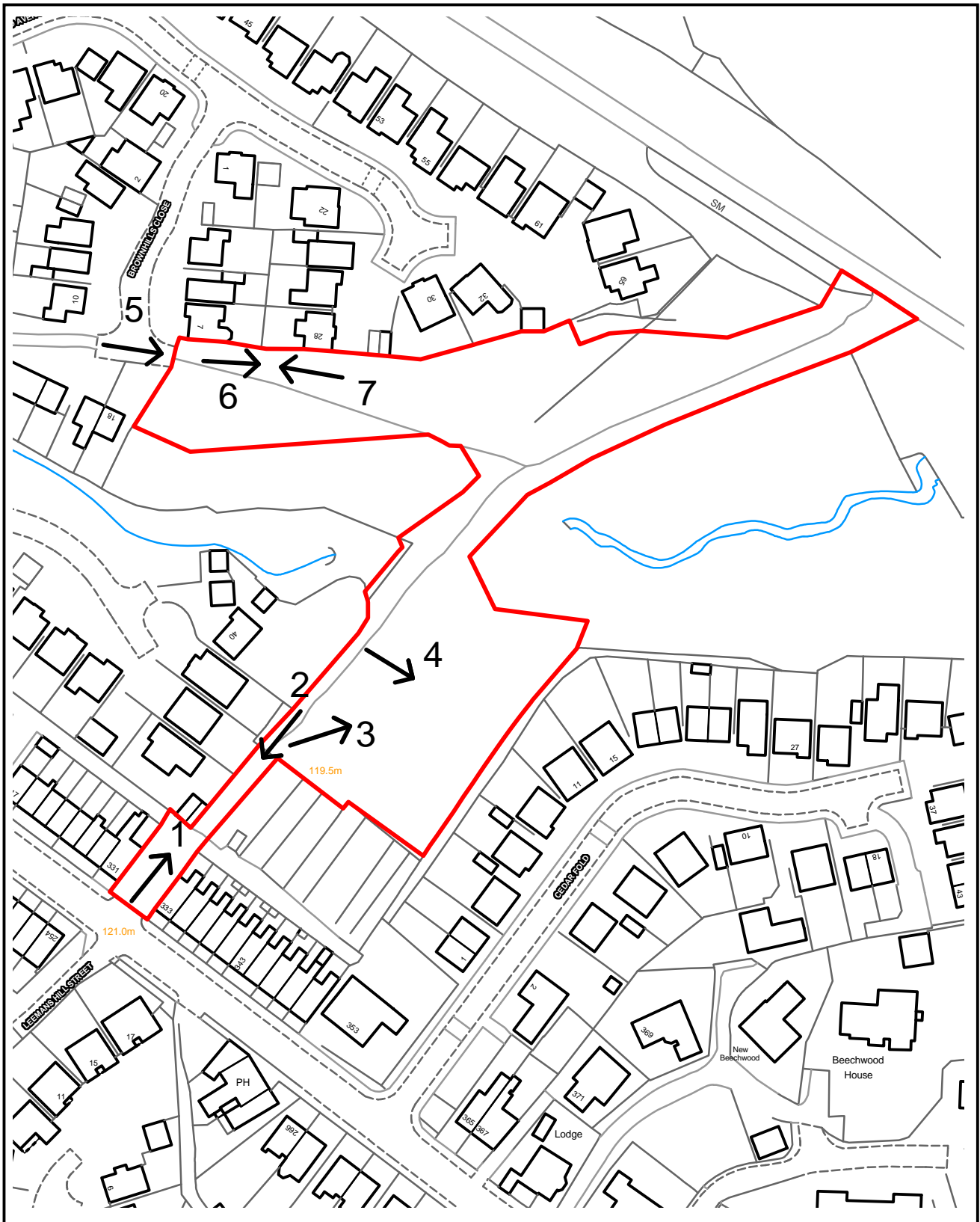
charge point (minimum 7kW*) prior to its occupation.

*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

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

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 67243

ADDRESS: Land off Brownhills Close / Bury Road
Tottington

Planning, Environmental and Regulatory Services

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Bury
COUNCIL

67243

Photo 1



Photo 2



67243

Photo 3



Photo 4



67243

Photo 5



Photo 6



67243

Photo 7

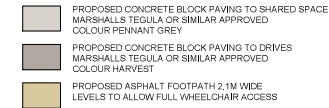




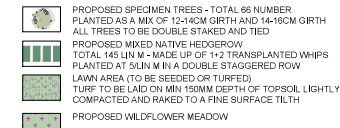
EXISTING SITE:



HARD LANDSCAPE:



SOFT LANDSCAPE:



BOUNDARY TREATMENTS:



SOFT LANDSCAPE SPECIFICATION NOTES:

- ALL PLANTING WORKS SHALL BE CARRIED OUT IN ACCORDANCE WITH BS 4043, BS 4428 AND BS 5837
- ALL PLANTING/TURF AREAS TO BE PREPARED BY REMOVING ANY DETRITUS/CONSTRUCTION MATERIALS AND STONE/ROCK/BRICK GREATER THAN 40MM DIAM. AREA SHALL BE CLEARED OF WEEDS USING A TRANSLOCATED HERBICIDE AND CULTIVATED TO A DEPTH OF 300MM. WHERE EXISTING SOIL IS POOR QUALITY TOPSOIL SHALL BE IMPORTED
- ALL PLANTS SUPPLIED SHALL COMPLY WITH BS 3336, PARTS 1 TO 10 AS RELEVANT, BS 4043 AND THE NATIONAL PLANT SPECIFICATION, PUBLISHED BY THE HORTICULTURAL TRADES ASSOCIATION.
- ALL LAWN AREAS TO BE CULTIVATED TO A DEPTH OF 150MM PRIOR TO LAYING OF TURF. IF THE EXISTING SOIL IS POOR QUALITY - TOPSOIL SHOULD BE IMPORTED.
- ALL SHRUB PLANTING AREAS TO RECEIVE A 50MM LAYER OF ORGANIC SOIL CONDITIONER (GRO CHAIR OR SIMILAR APPROVED) AND BE CULTIVATED TO A DEPTH OF 300MM PRIOR TO PLANTING.
- ALL IMPORTED TOPSOIL MUST COMPLY WITH BS 3882:2015
- ALL PLANTS ARE TO RECEIVE SLOW RELEASE FERTILISER TO THE PITS, SIDES OF PITS TO BE LOOSENEED PRIOR TO PLANTING.
- ALL PLANTS TO BE WELL WATERED IN AT PLANTING.
- ALL PLANTING AREAS TO BE MULCHED WITH 75MM TO 100MM DEPTH OF BARK CHIP.



Squareyard

Landscape Architecture • Urban Design • Masterplanning

Email - studio@yd2.co.uk
Web - www.yd2.co.uk
Tel - 07514 281 452

Address:
Suite 10 • Hardman Business Centre,
New Hall Way Road,
Roxescliffe

GENERAL NOTES:

- DO NOT SCALE FROM THIS DRAWING
- DIMENSIONS GOVERN
- ALL DIMENSIONS ARE IN MILLIMETERS UNLESS NOTED OTHERWISE ON THE DRAWINGS
- ALL DIMENSIONS SHALL BE VERIFIED ON SITE PRIOR TO ANY CONSTRUCTION
- YD2 SHALL BE NOTIFIED OF ANY DISCREPANCIES

DRAWING NOTES:

(-)	FIRST ISSUE - FOR OUTLINE PLANNING APPLICATION	AV	AV	13/07/2021
A	LAYOUT REVISED - HOUSING NUMBERS REDUCED	AV	AV	11/01/2023
REV	DESCRIPTION	DRAWN	CHECKED	DATE

PROJECT TITLE

**LAND OFF BROWNHILLS CLOSE
TOTTINGTON
BURY**

DRAWING TITLE

**SITE MASTERPLAN
ILLUSTRATIVE DEVELOPMENT LAYOUT**

SCALE @ A1

1:500

DATE

JULY 2021

PROJECT NUMBER
YD2_21_20

DRAWING NO.
YD2_BH_LP001

REVISION
A

No dig construction
No kerb upstands
block paving finish

4.8m width

76m inter
visibility



Bin waiting

1m wide tie in

26m single lane working section,
width varies between 4.5m and 3m
inbound to have priority over outbound

4.8m parking area
no space markings

grey area shows to be
reshaped and surfaced

1m wide edge strip demarked for safe zone

break between tarmac and block paving construction

1m wide tie in

1.5m wide path
pram and walker passing
solid white line and ped markngs
red surfacing

4.5m wide road


tactile paving

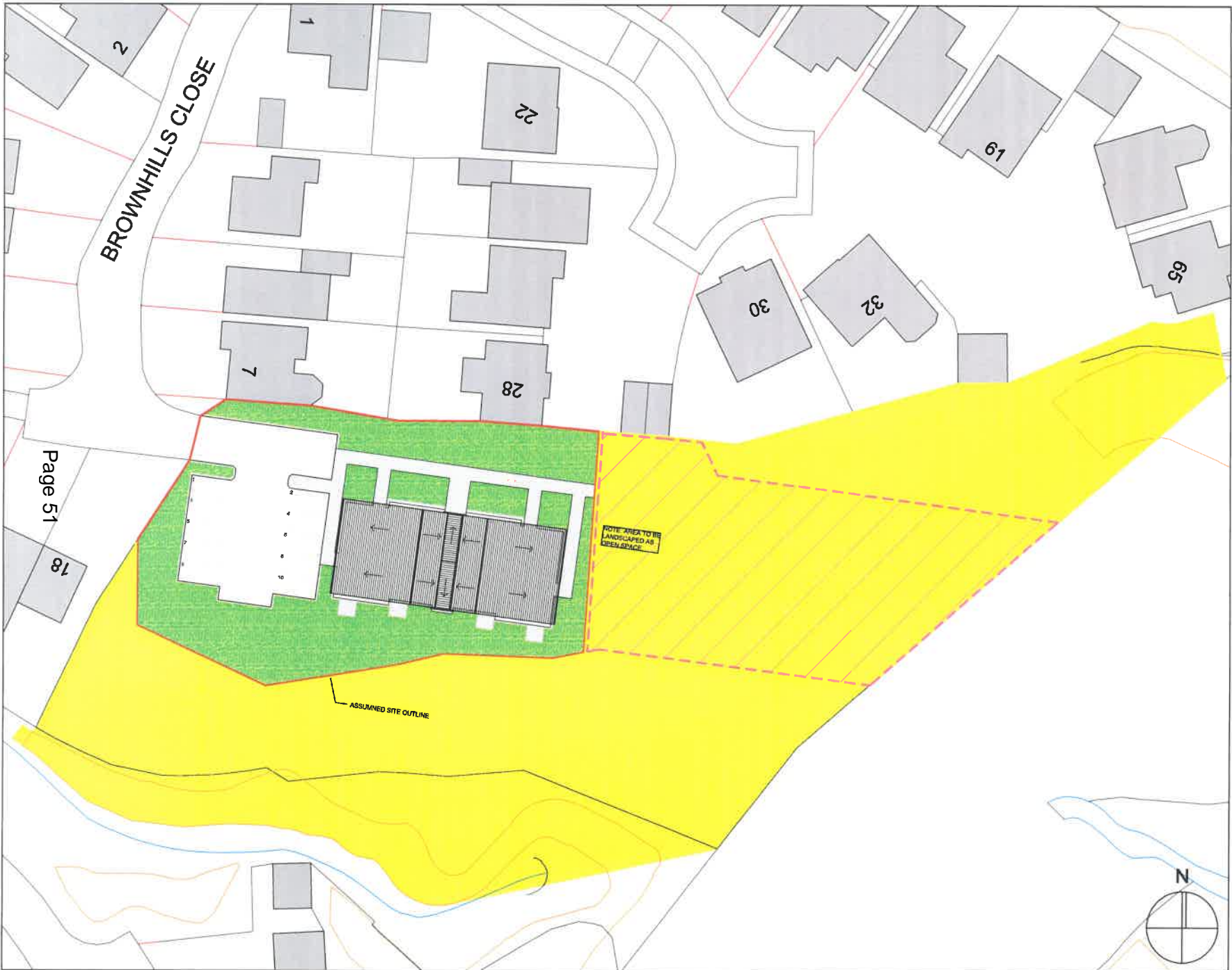
Client	Barnaby Properties Ltd and Dial-a-Skip UK Ltd	Drawn	AJC	Checked	AD	Approved	AD
Project	Brownhills development	Scale	A2 Plot 1:200	Date	29/7/2022	Rev	
Title	Access and layout arrangements	Drawing No.	J1215 access fig 1	File Name	X		
Purpose of Issue	<input type="checkbox"/> For Information <input checked="" type="checkbox"/> Preliminary						

REV	DATE	AMENDMENTS	DRAWN	CHK	APP

DTPC (Northwest)
The Studio, 3 Philips Road
Weir, Bacup
Lancashire
OL13 8RH

Tel 01706 872323
Email info@dtpcuk.com





- NOTE:
1. DO NOT SCALE OFF THIS DRAWING.
 2. ANY DISCREPANCIES TO BE REPORTED IMMEDIATELY TO THE ARCHITECT.
 3. ALL DIMENSIONS TO BE SITE CHECKED & VERIFIED BY THE CONTRACTOR PRIOR TO THE MANUFACTURE OR ORDER OF ANY MATERIALS OR GOODS.



Block Location Plan
1:1250

NOTE: RED LINE ASSUMED. SITE BOUNDARY DETERMINED FROM GOOGLE EARTH

KEY:



LAND TO BE DEVELOPED FOR NEW RESIDENTIAL SCHEME



EXISTING BUILDINGS



LAND TO BE LANDSCAPED



LAND TO BE RETAINED IN OWNERSHIP OF DAVID MCLEAN HOMES LIMITED (IN LIQUIDATION)

RevA	Number of existing spaces reduced to 10. Rev. Note added to drawing. Rev. open space	17.04.18	GB
RevB	Detail line added top drawing delineating potential extension of main access roadway across front of building to serve area to be landscaped as open space. Key amended to show service area. Area to be landscaped as open area highlighted.	18.04.18	GB
RevC	Key amended.	26.04.18	GB
RevD	Areas within site outlined as per instructed. Key amended accordingly.	30.04.18	GB
RevE	Areas amended accordingly.	30.04.18	LA1

SKETCH

BROWNHILLS CLOSE,
TOTTINGTON,
BURY,
BL8 3LF.

SITE PLAN
AS PROPOSED

SS	3857-222	E	Apr. 2018
1:200	1:200	1:1250 @ A1	

ABW architects Ltd.
architects building partnerships

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Ward: North Manor

Item 02

Applicant: Cornell Group

Location: Land adjacent to 62 Springside Road, Bury, BL9 5JQ

Proposal: Outline application for 12 no. dwellings including means of access (all other matters reserved for appearance, layout, scale and landscaping)

Application Ref: 68815/Outline Planning
Permission

Target Date: 22/11/2022

Recommendation: Minded to Approve

It is recommended that this application is Minded to Approve subject to the signing and completion of a Section 106 agreement to secure the future adoption of the site access and internal road to serve the development and to enter into a S38 Agreement to secure details of the highway works in accordance with Unitary Development Plan Policies H2/2 - The Layout of New Residential Development and HT 6/2 - Pedestrian/Vehicular Conflict.

The application has been advertised as a Departure from the Bury Unitary Development Plan.

Description

The application relates to a site located at the end of Springside Road. To the north and east is established residential development. Along the southern boundary of the site is a hedgerow and a road which leads to Bank Top Farm that carries a Bridleway (155 BUR), beyond which, to the south is open land designated as Green Belt, Special Landscape Area and River Valley. To the west is open land that is also designated as Green Belt, Special Landscape Area and River Valley.

The site comprises a piece of land which is 0.56 ha in area. The site is not in the Green Belt, but is designated as Other Protected Open Land (OPOL) under UDP Policy OL2. The site is split into two relatively similar size parcels of land by a road and Public Right of Way (160BUR) which runs directly through the site from Springside Road in a north westerly direction and connects to Springside Farm. It is understood that a culverted watercourse crosses the site in a west/easterly direction but this is not a United Utilities asset.

The applicant seeks outline permission for the erection of 12 dwellings. The means of access to the site would be included for approval and all other matters (appearance, landscaping, layout and scale) would be dealt with at the reserved matters stage.

Access to the site would be taken from Springside Road and highway works would include widening the road and providing pedestrian footways. Springside Road has an adopted status and currently provides a turning area next to the site access. As this turning facility is on adopted highway and would be affected due to the highway works at the site entrance, it is proposed to provide a turning area within the site. This will require the new site access and turning head to be of an adoptable status. This would be secured by a S106 Agreement.

Public Right of Way No.160BUR would continue through the site along the existing access with an alternative pedestrian route along the south and western boundary of the site provided.

Whilst not applied for at this stage, an indicative layout plan has been submitted which shows 12 dwellings in a linear formation arranged along either side of the access road with parking and gardens and a drainage compound to the western boundary.

The original submission proposed 13 dwellings. The scheme has since been revised to 12 dwellings as a result of accommodating highways requirements. .

Relevant Planning History

34570 - Outline - Residential development (13 dwellings) at Springside Road, Bury.
Refused - 28 October 1998.

Permission was refused as being contrary to Policies H1/2 and OL2/1, intensification of the use of the estate road without an adoptable emergency route and the application site excludes areas of land required to create a junction from the site to the adopted highway.

67116 - Application for planning in principle for 5 no. dwellings at land adjacent to 62 Springside Road, Bury. Refused - 20 August 2021

Reason for refusal - The proposed development for 5 No dwellings on a 0.56ha site would not make optimal use of the potential of the site contrary to policy set out in Chapter 11 and particularly paragraph 125 of the National Planning Policy Framework July 2021

Publicity

The neighbouring properties were notified by means of a letter on 26 August 2022.

Press notice published in the Bury Times on 1 September 2022.

Site notices posted on 31 August 2022.

1 letter in favour of the application has been received and has raised the following issues:

- Support - get them built.

87 letters of objection have been received, which have raised the following issues:

Land use

- Object to any housing development on this land, it is OPOL 'Other Protected Open Land' where residential development is not indicated as an acceptable form of development.
- Impacts on open land loss of undeveloped land between the existing urban area and the Green Belt
- Another example of urban sprawl
- Plenty of brownfield sites which should be utilised

Drainage

- The previous application for Planning in Principle to build 5 houses on the site showed a 3m easement to existing surface water drain, but this is not shown on the current application.
- Baffled that a 'Drainage Compound', essentially a Sewage Pumping Station, is proposed to sit on a beautiful Established Public Footpath that has offered a Community Visual Amenity for generations.
- Decision to put a septic tank behind a family home demonstrates lack of consideration of impacts on home owners and those on the state.
- Increase to flood risk which is already experienced in the area which is regularly waterlogged

Highways

- Springside Rd is a very busy road already and extra cars on here will hugely impact the existing traffic. The road simply can't take any more traffic. Any building on this site will seriously impact the area.
- There is also no infrastructure to support more houses, no school places, no doctors, dentists etc.

- A massive concern is Traffic Congestion,
- This proposed development is very similar and identical in numbers (13 houses) to that proposed by Barratt Housebuilders which was submitted way back in 1998 and was refused planning permission. One of the principle grounds for refusal was traffic congestion which was determined by the Council following a traffic survey and count.
- The existing Morris Homes Churchfields Housing Development and the Barratts Homes Waldmers Wood Housing Development are adding to an already extremely dangerous traffic situation, particularly in regards to child safety, air toxicity due to excessive car fumes, and gridlock preventing emergency services from accessing residential homes.
- This proposed development on Springside Road exasperates the situation.
- Traffic report for the application was completed in August - mid holiday season and when schools on holiday
- Safety of children going to and leaving school by knowingly increasing vehicle capacity and making a bad situation far worse for vehicles accessing and exiting at peak times.
- Farm vehicles add to bad road surfacing and traffic
- Loss of Right of Way over the land
- Impact on air quality
- No emergency route to an adopted highway

Re-routing of an Established Public Footpath

- Diverting residents and visitors away from an established, popular, and well-loved Public Footpath is wrong. The Burrs Country Circular Walk should not skirt the fencing of a housing estate, when it presently traverses a long, wide, open path with fields either side.
- The Public have a Right of Way. Springside Road Public Footpath was a blessing during the Coronavirus Pandemic, due to its wide path for Social Distancing.
- The existing Public Footpath has an iconic, full-panoramic view of Holcombe Hill and Peel Tower, this development ruins this Community Visual Amenity for residents and visitors.
- Rambling groups that bring the public to the Burrs Country Circular Walk state that this stretch of Springside Road is a particular highlight on the ramble.

Natural habitat

- There are deer, a lot of bats and many birds that live in this habitat which will be lost

Other matters

- The owner has no regard for locals or the council and has already erected a building that was not permitted by the council and has kept this up but hidden with hay bales and sheets for some years on his farm. I do not believe he would commit to proper sewerage and other important matters.
- In addition to the above, the proposed development is not in keeping with the open plan layout of the adjacent Oaklands estate, and the predominantly detached houses do not present themselves as 'affordable housing'
- Apparently an area is being treated for knotweed

Cllr Dean

- This land has recently been refused planning permission for five homes, which was after a previous application in 1998 that again was refused. The development would result in the loss of undeveloped land between existing urban area and the Green Belt where it is expected that the existing predominant use and character will remain for the most part undisturbed and where residential development is not indicated as an acceptable form of development. Clearly this has not changed.
- Contrary to policy OL2/1 - does not meet the prescribed exemptions
- Violates policy EN9 which states that the council will seek to protect, conserve and improve the landscape of quality of the Borough.- does nothing to retain the natural environment, nor does it encourage new tree planting or encourage this development to improve the area.
- provides no evidence of ecological compensation

- The 1998 rejection also listed “intensification of use of an existing congested estate road”. There has been nothing substantially changed since this development was refused in 1998 and therefore nothing to suggest that this application should not be rejected on the same grounds.
- This increase in traffic from both sides of the junction will have intolerable effects on road and public safety that have no easily rectifiable solution. There are serious concerns about the volume of traffic that will come from the Tetrosyl Development, not least more houses off Springside Road.
- The Transport Statement does not address the concerns
- Granting this would be in breach. HT2 states that schemes should improve the flow of traffic and improve road safety
- Greater risk of accidents
- The application for 13 homes creates no-less than 31 new parking spaces. Whilst creating parking spaces is of course desirable, it is clear the developer expects a further 31 cars will be using the dangerous junction and driving down the already congested road outside Springside Primary School
- Contravenes Policy EN1/1 as it would have a detrimental effect on public views of prominent or important buildings, especially those in areas of architectural or historic interest and the visual amenity both within, or viewed from, areas of environmental interest such as the Green Belt, Special Landscape Areas or the river valleys.
- Public views of Peel Tower and Holcombe Hill would be affected
- Note with some concern that Bury has recently submitted its local plan as part of the Greater Manchester Spatial Framework. Bury Council has then since requested the Planning Inspector consider amending the plan it put forward to remove large swathes of open land in Walshaw from its consideration due to finding viable land elsewhere. Given that this area of land in Walmersley was, rightly, not considered in either proposal to the Planning Inspector, it would seem eccentric of the Council to ask to remove open land in Walshaw from its Local Plan due to wanting to protect green spaces – in favour of brownfield sites it has identified – to then approve planning applications for homes on open land.
- Endorse all objections made by residents
- In summary, do not believe that this planning application should be approved. It opts to build on green open land which I, and many others, are wholly opposed to and goes against council policy of allowing development on green field land. I also do not believe the “special circumstances” test has been met given the level of development in the Walmersley area already.

James Daly

- Note that this application is on Protected Open Land. There have been two previous applications on this land, both of which were in part rejected due to contravention of Planning Policy OL2 and OL2/1.
- Bury Council have recently submitted their Local Plan as part of the GMSF/Places for Everyone submission. Since submitting the original plan to the Planning Inspector, Bury Council have submitted amendments to the plan, requesting the removal of open land in Walshaw and Elton as sufficient brownfield land could be found for homes to be built. In neither the first draft nor the subsequent amend requests, was Walmersley included in this. As such, I cannot see how Bury Council could approve this application on protected open land when it is suggesting to the Planning Inspector open land should be removed from their local plan.
- Impact this would have on traffic in the area. Given that the Walmers Wood development on the old Tetrosyl site is not yet complete, we cannot yet see the full impact of additional traffic at the junction at the bottom of Springside Road, however, we can see traffic steadily increasing.
- Traffic was further a reason why an original application to the site in 1998 was rejected
- the Transport Statement provided in the application documents states that three accidents have occurred at the junction between Walmersley Road and Springside Road - contrary to Policy HT4 and HT2
- There are many other material planning concerns that have been raised by residents

and associate myself with those completely. Cllr Dean, North Manor Councillor, has submitted a thorough objection with reference to specific Bury Council planning policies and I agree with his submission in its entirety.

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

The application was advertised as a Departure to the Bury Unitary Development Plan by site notice on 15/3/23 and press advert 16/3/23.

Three objections (one address) received 8/4/23

- Further to my previous objection I would also like to add there is no requirement to permanently move the public footpath. There is already a road going through the site. Movement of this footpath indicates this is to be a gated community and not an indication of social affordable housing.
- A previous report for planning to the land at the rear of Walmersley Parish Church identified that the junction of Springside Rd and Walmersley Rd is at capacity as per MP James Daly objection.
- This is prime farmland used for livestock identified as greenbelt (spatial framework) and an invisible line in a field is determining some of this field is not greenbelt when the field boundaries show it as one field.
- This area is already becoming over developed and consideration should be given to infrastructure. There is development at Tetrosyl, Seedfield, Walmersley Church (proposed) and also heavy development in adjoining counties. Edenfield is to see several hundred houses being built which will massively impact on traffic on Walmersley Road.
- Bury council should focus on developing true brown field sites (such as tetrosyl) before allowing building on prime farm land.
- Previous objection points stand.
- This new development does not consider the loss of light on the homes around. The houses will block the sun on all home at the back of the development.

Statutory/Non-Statutory Consultations

Traffic Section - No objections subject to conditions and agreement to enter into a S106 for the provision of an adopted highway.

Drainage Section - No response received.

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

Public Rights of Way Officer - No objection in principle. The existing PRoW route through the site will remain

GM Ecology Unit - No objections, subject to the inclusion of conditions relating to reasonable avoidance measures method statements for amphibians and hedgehogs, nesting birds, biodiversity net gain details at reserved matters stage.

United Utilities - No objection in principle. Details of a drainage strategy will be required at reserved matters stage.

GM Fire Service - The development should meet the requirements for fire service access. The Fire Service strongly supports the installation of domestic sprinkler systems

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

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN6/3	Features of Ecological Value

EN5/1	New Development and Flood Risk
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
OL2	Other Protected Open Land
OL2/1	Development on Other Protected Open Land
EN8	Woodland and Trees
RT3/4	Recreational Routes
HT2/4	Car Parking and New Development
HT4	New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD1	Open Space, Sport and Recreation Provision
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
H4/1	Affordable Housing
RT2/2	Recreation Provision in New Housing Development
SPD5	DC Policy Guidance Note 5: Affordable Housing

Issues and Analysis

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

Principle (Other Protected Open Land) - The site is located within land allocated as Other Protected Open Land (OPOL) and as such, Policy OL2/1 is relevant to this proposal.

Policy OL2/1 states that on all defined open land outside the urban area, but not within the Green Belt and/or river valleys, development will not be permitted for purposes other than:

- agriculture or forestry, or other uses appropriate to a rural area;
- outdoor recreational facilities, such as sports grounds, golf courses or country parks, together with ancillary buildings required in connection with these outdoor facilities;
- cemeteries and institutions standing in large grounds;
- development which is essential for the protection of an established source of employment or required in connection with a bona fide rural enterprise;
- essential public utilities infrastructure;
- mineral workings, provided that high environmental standards are maintained and that the site is well restored.

In essence, Policies OL2 and OL2/1 of the UDP seeks to retain OPOL and identifies a list of uses that are considered appropriate. However, housing development is not permitted by this policy. Section 38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 and Section 79(2) of the Town and Country Planning Act 1990 states that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. However, the NPPF represents up to date Government Planning Policy and must be taken into account in planning decisions. As a significant material planning consideration it requires Local Planning Authorities to meet housing needs and significantly boost the supply of housing and includes a presumption in favour of sustainable development.

In terms of housing supply, the Borough has a shortfall of housing sites to meet local needs determined through the Government's standard methodology and, as such, additional housing land is needed. OPOL sites can contribute towards meeting local housing needs and help to protect the Green Belt.

The residential element of the site is considered to be in a sustainable location, abutting the urban area and sits outside the Green Belt. Similar sites are being released across the country to help meet local housing needs and appeal decisions for similar land designations to OPOL tend to favour their release.

On balance, therefore, the principle of residential development on this OPOL site is considered to be acceptable given its sustainable location and the contribution that it would have to meeting local housing needs. The national requirement to significantly boost the supply of housing under the NPPF is a material consideration that would favour the release of this site in principle, subject to detail.

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 maintains the emphasis on identifying a rolling five year supply of deliverable housing land.

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

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

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

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

Therefore, in this case the 'titled balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

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

The site is in a sustainable location and there are residential properties to the north and east with open land to the south and west. The proposed development would not conflict with the surrounding land uses and would be located in a sustainable location with regard to public transport and services. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy H1/2 of the Bury Unitary Development

Plan.

Density and efficient use of land

The NPPF supports the efficient use of land, and in areas such as Bury where there is a shortage of land for meeting identified housing needs there is a clear need to make best use of the available sites to avoid the need to release additional Green Belt land.

In these circumstances, NPPF paragraph 125 states that local planning authorities should ensure development make optimal use of the potential of each site.

A previous application for 5 dwellings was refused on the basis that the development would not make optimal use of the available land.

This application seeks a density of 12 dwellings. It is considered that the number of houses and illustrative layout demonstrates an arrangement and scale reflective of the surrounding housing stock whilst respecting the character and the site's relationship with the Green Belt. The site is also constrained by the existing access road and PRoW which splits the land parcel.

In this respect, it is considered the proposed development would comply with the principles of paragraph 125 of the NPPF.

Design and layout

The site is split into two land parcels by the existing access road and PRoW which serves properties and farmsteads to the west of the site which will be retained and also used to e access to the site and serve the development. This constraint has therefore guided the layout and form of the development site to a significant degree.

In order to demonstrate that the site can accommodate 12 dwellings and that the development would make optimal use of the available land, an illustrative layout plan has been provided. This shows the houses would be positioned either side of the access road in a linear formation, with 4 dwellings and a drainage compound to the west and 8 dwellings on the northern side of the road which would maintain an active frontage along the access road.

The proposed dwellings are shown as detached types although these too are indicative only and the mix may change in a reserved matters application and the submission suggests that the proposed dwellings would be two storeys in height which would be appropriate in the locality. The larger units would be located on three corners of the site to create an active streetscape.

What the indicative layout does show is that 12 dwellings could be accommodated on the site which would provide acceptable levels of amenity space, bin storage facilities and driveway parking without either being too cramped or overly spacious.

Access to the site would continue from Springside Road. It is proposed to widen the internal route through the site as the road is used by agricultural traffic which access the farm/properties beyond the site to the north and the turning head at the end of the site would also enable cars or traffic to pull in should this be needed.

The existing PRoW (160 BUR) would continue to follow the same route through the site and would be unaffected by the arrangement of the proposed development. The applicant also intends to deliver a secondary additional pedestrian route through the site which would follow the south/western site boundary and meet the top of the access road.

It is therefore considered that the illustrative layout and number of houses proposed would make optimal use of the land available and would reflect the established urban grain of the surrounding residential development. Indicating detached 2 storey properties arranged along the road frontage would emulate the character and form of the wider surrounds and as such acceptable.

It is therefore considered that the proposed residential development would be appropriate

development and comply with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

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

There would be in excess of 7 metres from the rear elevation of the proposed dwellings to rear garden boundaries, which would comply with the aspect standards advised in SPD6 to directly facing boundaries of neighbouring properties.

Given the orientation and position of the proposed dwellings on the site there would be more than sufficient separation distances not to affect the houses closest to the site entrance.

Internally, aspect standards can be achieved between the new dwellings.

Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Highways issues

Access

This has been applied for as a detail of the outline application and plans have been submitted to show the access arrangements which are proposed to the entrance of the site. It is proposed to utilise the existing access to the site which would require works to the top off Springside Road, the widening of the existing PRoW access route through the site and the provision of pedestrian footways. The proposed site plan indicates that a small piece of land in the ownership of No. 62 Springside Road would be required. This property is included within the red edge site plan and there would be a requirement to impose conditions which would be considered necessary to make the development acceptable.

Springside Road is an adopted highway up to the point that it reaches the end house No 91, whereby it then changes to an unadopted single lane access to serve Bank Top Farm. The access through the site and beyond is also unadopted and carries the PRoW (160BUR)

Currently, the adopted highway provides turning facilities at the end of Springside Road for vehicles to turn around. This turning area would be needed to form the new access, and as such the ability for vehicles to turn round within the limits of the adopted highway would be affected.

Therefore the proposed scheme intends to provide a turning head within the development site. To ensure this would be deliverable, available and maintained for public access at all times, the internal road and turning head would need to be adopted and therefore designed to an adoptable standard.

The indicative site layout which has been provided demonstrates that in principle this could be achieved. The mechanism to ensure that the internal road would be delivered to an adoptable standard would need to be secured through a S106 legal agreement to which the applicant has agreed. This will require drawings identifying the highway works to be submitted and approved by the LPA prior to a Reserved Matters application in addition to securing the certainty of the applicant to enter into the Highways Agreement.

Given the proposed development would re-provide an adopted highway for vehicles to turn round and with the improvement works to the site entrance, the Highway Section have raised no objection in principle, subject to conditions and the completion of the S106 Agreement.

Public Rights of Way issues

Paragraph 100 of the NPPF states that 'planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better

facilities for users, for example by adding links to existing rights of way networks including National Trails’.

Policy RT3/4 states that in promoting access to the countryside, the Council will seek to establish a network of designated recreational routes to provide access, where appropriate, for pedestrians, cyclists and horse riders. These routes will be safeguarded and any development which would prejudice their establishment or use will not be permitted.

The proposed dwellings would be positioned either side of the access lane and PRoW through the site. The existing PRoW through the site would be widened to 6.75m as this access route would need to serve both the new residential development and Springside Farm and associated agricultural vehicles. The status of the PRoW would not be affected and would remain open and accessible.

The existing PROW across the site is currently part of a well-used recreational route with uninterrupted country views across to Holcombe Hill and Peel Tower. Objectors have raised the issue that the proposed development would blight open views of the countryside for ramblers, walkers and users of the PRoW route.

The development proposes to provide an additional pedestrian route which would run along the south western boundary and users would still be able to enjoy views across the open land whilst also giving users the option of avoiding any traffic along the road. The new route would link back into the existing PRoW at the top of the site.

The access lane and bridleway (155BUR) which continues from Springside Road to Bank Top Farm would not be affected by the development proposals.

The PROW Officer has raised no objections to the proposals for the existing PRoW through the site or the provision of a new route along the perimeter.

Therefore, the proposed development would be in accordance with Policies H2/2 - The Layout of New Residential Development, HT6/2 - Pedestrian/Vehicular Conflict and RT3/4 - Recreational Routes and the principles of the NPPF.

Traffic

Access considerations of previous planning permissions predate the current NPPF considerably and reflect the early days of the currently adopted development plan. Today's planning position is a very different landscape, the focus being on sustainable development and making best use of available, developable and deliverable sites (in policy terms) as possible in terms of optimal land use and density of development. Planning proposals must therefore now be considered against the requirements of the current NPPF especially where Local Planning Policies are out of date or not consistent with the NPPF.

Springside Road is served by a signalised junction to Walmersley Road and is one of the few residential streets in the Borough to be controlled in such a way. Traffic flows into and out the road are therefore already regulated and do not affect the Strategic Route Network.

There are times at school drop off and pick up when the traffic is at its heaviest and cars queue to exit from Springside Road but this is only for a short period during the day at term time. Residents who already live on the street would already leave and arrive at different times throughout the day and likely time that their trips are outside the school run times.

It is considered that the proposal for 12 dwellings, whilst adding to the numbers of vehicular demands using the street and junction would not be of such a sizeable degree to cause significant concerns. The vehicle movements associated with the development would operate similarly to existing residents, insofar as people work/live to very different routines, coming and going at various intervals and stages of the day and night.

The existing junction also has the capability of regulating future traffic movement such that

impacts on the current traffic flows would not be affected to a considerable or harmful extent on a daily basis.

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

In this instance, it is considered a development for 12 dwellings on a traffic regulated street would not noticeably add to the volume of traffic in the area and could not be sustainably argued that the development would severely impact on the current local highway network. Traffic is regulated at the controlled junction and traffic build up at this junction would not be of such significance to be detrimental to residents or visitors to the school.

The Highway section have raised no objection to the proposed development and as such the proposed development would comply with H2/2 and HT6/2 and the principles of the NPPF.

Parking

For matters of car parking provision for the development, the illustrative layout shows 2-3 parking spaces could be provided for each new dwelling which would be in line with SPD11.

Fire service - Greater Manchester Fire and Rescue Service (GMF&RS) have been consulted. The proposal should meet the requirements for Fire Service access -

- The Fire Service requires vehicular access for a fire appliance to within 45m of all points within the dwelling.
- The access road should be a minimum width of 4.5m and capable of carrying 12.5 tonnes. Additionally if the access road is more than 20m long a turning circle, hammerhead, or other turning point for fire appliances will be required.
- There should be a suitable fire hydrant within 165m of the furthest dwelling.
- The Fire Service strongly supports the installation of domestic sprinkler systems as a positive measure to protect persons. At a small cost occupants' can be given the reassurance of a high level of protection. All developers should positively consider the viability of installing domestic sprinkler systems. The access requirements for a dwelling fitted with an approved sprinkler system can deviate from the required standard detailed above, further consultation will be required.

As there would be no secondary access to the site and given the length of Springside Road it would be prudent and reasonable to require each dwelling be fitted with a sprinkler system which would be a condition of an approval.

As such the proposed development is considered to be acceptable.

Ecology

An ecological assessment has been submitted with the application. The main issues to consider are Great Crested Newts, other protected species, nesting birds, hedgehogs and biodiversity enhancement measures can be resolved via condition and or informative.

Great Crested Newts (GCN) - The report concluded that it is very unlikely that GCN are present on site. Whilst 1 pond is located within 250 metres, it is isolated and a previous survey also found no evidence of GCN present. The combination of distance, lack of habitat connectivity and generally poor terrestrial habitat on the site also indicate that it is unlikely that GCN are present. GM Ecology Unit agrees with the findings of the report and has no objections, subject to the inclusion of a condition relating to reasonable avoidance measures method statement for amphibians.

Other Protected Species - Whilst badgers and bats could forage across and over the site, it is extremely unlikely to be of significance for maintaining the favourable conservation status of either species. The report reasonably discounted all other species. GM Ecology Unit agrees with the findings of the report and has no objections to the proposed development. No further information or measures are required.

Nesting Birds - The site has limited bird nesting potential, the hedge along the southern boundary likely to be retained and the presence of a public footpath through the site likely to prevent ground nesting birds. It is not however completely clear if all the hedge is to be retained and the situation may change at reserved matters. Therefore as a precaution GMEU recommend a condition to restrict the removal of vegetation/trees/hedges.

Hedgehog and other small Mammal - The report notes that some low value habitat is present for species, such as hedgehog. In addition, the site may continue to regenerate by the time a reserved matters application is made. GM Ecology Unit has no objections, subject to the inclusion of a condition relating to reasonable avoidance measures method statement for hedgehog and other small mammals.

Contributing to and Enhancing the Natural Environment

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

GMEU are of the opinion that there would be a net loss of the natural environment on site and recommend a commitment at outline that full mitigation and compensation for loss of habitats. GMEU also recommended that a DEFRA metric be provided.

The applicant has supplied a Biodiversity Net Gain (BNG) design stage assessment and GMEU have been reconsulted on the findings. The proposals put forward in the report for ecological enhancement represent an 11% net gain, but this would likely be an 'at best' and questionably achievable. GMEU accept the baseline used in the report as a target for the reserved matters to achieve (plus 10% if necessary) rather than accept the current post development estimate and therefore recommend a condition that as part of the reserved matters application, a net gain plan be provided detailing in full, measures to protect and enhance retained habitat during construction works and the formation of new habitat to secure appropriate habitat compensation value.

The NPPG sets out that planning conditions should be used where development can be made to be acceptable which would otherwise be refused. Given the technical advice from GMEU it is lawful and reasonable to attach a condition.

GMEU are therefore satisfied that with conditions, the development would be acceptable and comply with EN6/3 and the principles of the NPPF.

Drainage - A Drainage Strategy and drainage plan were submitted at the time the application was made and was based on the original scheme for 13 dwellings. The indicative plan for the 13 dwellings showed a drainage compound located in the northern corner of the site to the north of the access road.

UU raised no objection to the proposed development and recommended a condition the development be carried out in accordance with the submitted drainage scheme and details.

The proposals have been subsequently revised for a development of 12 dwellings and the indicative plan now shows the drainage compound located on the opposite side of the access road between plot 4 and the western boundary. A revised drainage strategy and drainage plan have been provided to reflect the amended scheme.

Fundamentally, the drainage proposals have not changed, in that a drainage compound is to be provided for the development. That said, the application is outline only and the layout may change at reserved matters stage.

It is therefore considered reasonable to include a condition for the submission of a drainage strategy and scheme as part of a reserved matters application.

On a related matter, it is understood that a culvert runs across the site in a west/easterly direction. This is not a UU asset. The applicant would therefore be directed to discuss

building over the existing private surface water sewer with the Riparian owner who is responsible for the asset.

It is therefore considered that the proposed development would be acceptable and comply with Policy EN5/1 and the principles of the NPPF.

Planning obligations - As the application is in outline with the means of access to be determined at this stage, the exact housing type and mix of housing would be determined at the reserved matters application and it is not possible to ascertain the recreation contribution or which specific units would be affordable at this stage. A condition would be included on the decision notice to ensure that schemes to secure the recreation provision and affordable housing in accordance with relevant policy is submitted at reserved matters stage.

It may also be necessary to secure BNG off site but this need would be established in the submission of a reserved matters application.

Response to objectors

The applicant has provided a response to objections which have been raised as follows:

- Principal of development and Green Belt impact - The proposal would not result in the loss of Green Belt land. The site is identified as 'Other Protected Open Land' and in the context of a shortfall in the five year housing land supply for housing, and fact that the Policy is intrinsically linked to the supply of housing; the Policy is not NPPF compliant and holds no material weight in the consideration of this application. As such, the principal of 'sustainable development takes precedence as set out in the NPPF. The site forms a natural extension to the settlement of Walmersley, with strong linkages to existing services and infrastructure. As recognised by the planning history of the site - the site represents a sustainable location for much needed residential development across the Borough. The principal of development is therefore acceptable, subject to other detailed considerations.
- Number of proposed dwelling - Para 125 of the NPPF states decisions should ensure that developments make 'optimal use' of the potential of each site. Application 67116, which residents refer to was refused solely on the ground that the site failed to meet this requirement. The policy therefore provides strong support for maximising the development potential of the site, especially when located within a highly accessible and sustainable location. The delivery of 12 homes on this site is therefore considered policy compliant.
- Affordable Housing - The proposal seeks to deliver 1 dwelling, in accordance with the adopted planning policy framework. This would be conditioned given the outline nature of the application.
- Design and technical issues - The application indicatively shows 12 dwellings could be built on site served from a single new road. Each site will benefit from private gardens, bin store and parking in line with design requirements. Turning is provided for vehicles and new pumping station for drainage. External appearance and scale would be a reserved matter and would be considered at the appropriate time.
- Impact on highway network - The existing access through the site would serve the development, turning head provided and acceptable visibility standards. The Traffic section have raised no objection subject to securing access by a S106 agreement. Note that traffic is a major concern for residents. The submitted Transport Statement confirms the location and adjacent junction has no capacity issues for the development proposed. The traffic count data has applied growth rates which accounts for cumulated development in the locality. Not all trips would coincide with the school opening time Springside Road benefits from footways either side and there would be no evidence to suggest there would be a worsening of safety for pedestrians. The site is accessible to a range of services and facilities. It is concluded the development would not be of a scale to cause a severe adverse impact on traffic or highway safety.
- Flood risk and drainage - The site is located in flood zone 1 which is at low risk from flooding. New separate foul and surface water drainage systems would be installed. A

new pumping station would be deal with foul water and surface water drainage discharged to the existing system at a controlled rate. A condition for the submission of a SuDS has been included and United Utilities approval would be required.

- Impact on PRow and amenity of existing applicants - Impact on visual amenity and amenity of resident and ramblers has been raised as a key concern. Only a short section of the PRow would be affected. The development would not extinguish any rights of way. It would be largely retained along its existing route. An alternative additional footpath would be provided along the south/westerly boundary which would retain views of the open countryside and Peel Tower. This would provide additional routes for walkers.
- Loss of Ecological Value - A preliminary ecological appraisal has been undertaken which concludes the site has a 'very low' habitat value. A Biodiversity net Gain (BNG) confirms the development would lead to a net gain in area habitats and net loss in linear units and therefore off site mitigation would therefore be necessary for linear river units. A long term of management plan can be secured by a section 106 Agreement which would be part of a reserved matters application.
- Japanese knotweed - The ecological Survey did not identify any invasive species on site. At this time no further surveys would be required.
- Capacity of existing infrastructure - Concerns have been raised regarding availability of existing infrastructure (GP's local schools, public transport) especially in context of wider development proposals. The LPA have not identified any issue in this respect. A recreation contribution for a development of 12 dwellings would be required to which the applicant has agreed. This would come forward in a reserved matters application.
- Pollution - The site is not in an identified Air Quality Management Area. A condition has been accepted that the development would provided for an EV chargepoint for each residential unit.

Summary by applicant

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, policies contained in the UDP are time expired, and do not seek to meet current development need, especially for housing. Furthermore, in the absence of a 5- year housing land supply, Policy OL2/1 is 'out of date' and should be afforded no material weight in the decision-making process.

The density of development seeks to 'optimise' the use of the site for housing, as requested by Bury Council as part of the planning history of the site and recent pre-application discussions. The provision of 12 homes, including 1 affordable should hold significant weight in the determination of this application. Importantly, the layout has been influenced by the constraints of the site, with technical documents confirming that the site is deliverable.

Overall, it is considered the proposed development would represent a sustainable form of development and would be policy compliant.

Response to other objections

- The Fire Service have been consulted and state that the development should meet the requirements of the fire service for emergency access purposes. This would be included as an informative to the applicant
- United Utilities would need to agree and approve final drainage arrangements
- The development for 12 dwellings would be relatively small scale and would not put any significant pressure on local amenities.
- The previously refused planning application in 1998 for 13 dwellings is now considered irrelevant as it related to the application of outdated planning policies. In respect of this application, current planning policies in the NPPF apply, together with the consideration of the lack of housing supply in the Borough.
- All other issues have been covered in the above report or response by applicant above.

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

Reason. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004
2. Before the development is commenced, the applicant shall submit detailed plans and particulars to the Local Planning Authority, and obtain their approval under the Town and Country Planning Acts, of the following reserved matters; the layout, scale, appearance, and the landscaping of the site.

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

Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
4. Following the provisions of Condition 3 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

environment.

5. The development hereby approved shall provide 1 no EV chargepoint* per dwelling which shall thereafter be maintained.

*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 61851-1:2011 to be used (note this version is due to be replaced).

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

6. Notwithstanding the submitted Drainage Strategy, as part of a reserved matters application, surface water drainage proposals shall be submitted to and approved in writing by the Local Planning Authority. The scheme should be in accordance with the a 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. 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.

7. As part of a reserved matters application details relating to the existing boundary hedge and the proposed boundary treatment for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details only shall be implemented as part of the approved development and thereafter maintained.

Reason - To secure the satisfactory development of the site and in the interests of the visual amenities of the area pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

8. Prior to the commencement of the development, a biodiversity enhancement and management plan (BEMP) for the application site shall be submitted to and approved in writing by the Local Planning Authority. This shall include all of the landscaping and biodiversity net gain measures to achieve at least 1.25 BU within the development site as detailed within the approved application documents, including monitoring and long term management objectives. Once approved, the development shall be undertaken in accordance with the BEMP.

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

9. As part of reserved matters a reasonable avoidance measures method statement for amphibians shall be submitted to and approved in writing by the Local Planning Authority. The measures subsequently approved shall be implemented in accordance with an approved timetable.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and Section 11 of the National Planning Policy Framework.

10. No works to trees or shrubs or hedge shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
11. As part of reserved matters for layout and landscaping, a reasonable avoidance measure method statement for hedgehog and other mammals shall be submitted to and approved in writing by the Local Planning Authority. The measures subsequently approved shall be implemented in accordance with an approved timetable.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and Section 11 of the National Planning Policy Framework.
12. This decision relates to drawings - Location plan EAD_126_P_101 rev S3; Proposed access Road EAD_126_P_104.
Indicative plan only - Illustrative layout EAD_126_P_103 rev S5 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.
13. The development hereby approved shall include provision for affordable housing that would be sufficient to be in accordance with the chapter 5 - Delivering a sufficient supply of homes of the NPPF. The approved details shall be submitted as part of the first reserved matters application relating to the housing proposals within the site.
Reason. To ensure that the development would contribute to satisfying the need for affordable housing provision pursuant to the principles of the NPPF.
14. The development hereby approved shall include provision for recreation provision that would be sufficient to be in accordance with Bury Unitary Development Plan Policy RT2/2 - Recreation Provision In New Residential Development and the associated Development Control Policy Guidance Note 1 Recreational Provision in New Housing Development. The approved details shall be submitted as part of the first reserved matters application relating to the housing proposals within the site.
Reason - To ensure that the development would contribute to satisfying the need for recreation provision pursuant to Bury Unitary Development Plan Policy RT2/2 - Recreation Provision In New Residential Development and the associated Supplementary Planning Document 1 - Open Space, Sport and Recreation in New Housing Development.
15. Notwithstanding the details shown indicatively on approved plan references EAD_126_P_103 Revision S5 & EAD_126_P_104, no development shall commence on the adopted highway that affects the existing arrangements/turning facilities at the cul-de-sac end of Springside Road unless and until the replacement, adoptable turning facilities within the curtilage of the site have been implemented to the satisfaction of the Local Planning Authority and made available for public use.
Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted

highway, all in the interests of highway safety pursuant to Bury Unitary Development Plan Policies H1/2 - Further Housing Development, H2/2 - The Layout of New Residential Development and HT6/2 - Pedestrian/Vehicular Conflict.

16. Notwithstanding the details shown indicatively on approved plan references EAD_126_P_103 Revision S5 & EAD_126_P_104 and in the supporting technical information, full details of the following highway aspects shall be submitted on a topographical based survey of the site and adopted highways at first reserved matters application stage:
- Formation of the site access onto/continuation of Springside Road and proposed new estate road, incorporating the provision of the minimum carriageway and footway widths shown, all off site alterations to form the new bend in Springside Road with associated adequate levels of forward visibility appropriate for a design speed of 20mph with no obstructions above the height of 0.6m within the envelope, all alterations to existing/provision of new road markings, adequate arrangements at the interface with all adjacent accesses including Bridleway No. 155, Bury, tactile paved crossing point in a position to be agreed, adoptable turning head at the westerly end of the continuation of Springside Road/new estate road that can accommodate the manoeuvres of the Council's refuse collection vehicles, demarcation of the limits of the future adopted highway, adoptable surface water drainage scheme and all associated highway and highway drainage remedial works, road markings and signage, to a scope and specification to be agreed with the Highway Authority;
 - New footpath to run behind the proposed development, incorporating proposed future status and/or maintenance and surfacing materials;
 - Provision of off-highway replacement parking facilities for No. 62 Springside Road with a 5.0m (minimum) long hardstanding measured from the back of the new estate road footway;
 - Provision of minimum hardstandings of 5.5m at each dwelling measured from the highway/estate road boundary, incorporating porous/permeable driveway materials and/or measures to prevent the discharge of surface water onto the future adopted highway;
 - A scheme of 20mph traffic calming measures on the extended section of Springside Road to a scope and specification to be agreed, including details of proposed materials, road markings and signage and all associated off-site accommodation/enabling works as required;
 - Provision of a street lighting assessment to a scope and specification to be agreed (and, where necessary, a scheme of improvements) for the extended section of Springside Road and the junction with Bridleway No. 155, Bury;
 - Proposed phasing of construction of the development.

The highway works subsequently approved shall be implemented to an agreed programme.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to Bury Unitary Development Plan Policies H1/2 - Further Housing Development, H2/2 - The Layout of New Residential Development, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.

17. Prior to first occupation of the development hereby approved, a sprinkler/misting system to meet the requirements of BS 9251:2014 or other subsequent standard that meets the requirements of Greater Manchester Fire and Rescue Service and deemed suitable to overcome the site's emergency access deficiencies, shall be installed in the dwellings hereby approved and shall thereafter be maintained at all

times.

Reason. In the interests of fire safety and to ensure the safe and satisfactory development of the site and for its future occupiers pursuant to Bury Unitary Development Plan Policies H1/2 - Further Housing Development, H2/2 - The Layout of New Residential Development and EN1/2 - Townscape and Built Design.

18. Within the submission for layout as part of any reserved matters application, a residential travel plan strategy shall be submitted to and approved in writing by the Local Planning Authority. Before the development is commenced, a scheme for the provision of occupier travel plan measures shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of measures relating to walking, cycling, public transport and car parking. The scheme shall establish the developer and occupier travel plan objectives and targets and include an implementation programme. The approved scheme shall be implemented before the development is first occupied and retained thereafter.

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

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

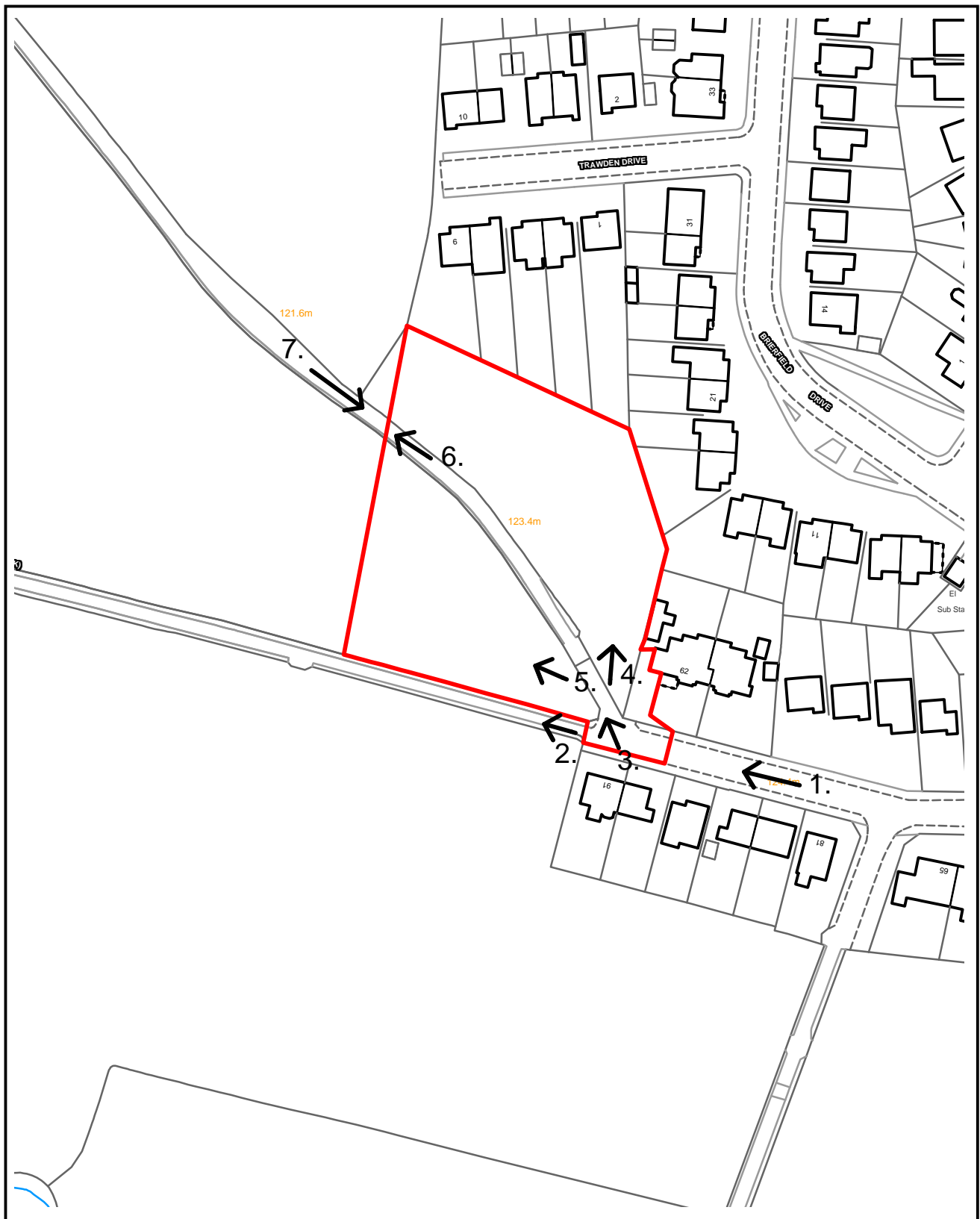
- Photographic dilapidation survey of the footways and carriageways leading to and abutting the site in the event that subsequent remedial works are required following construction of the development and as a result of statutory undertakers connections to the site;
- Access route for all vehicles to the site from the Key Route Network and all temporary works required to facilitate access for ground works/construction vehicles;
- If proposed, details of site hoarding/gate positions clear of required visibility splays onto Springside Road/Bridleway No. 155, Bury;
- The provision, where necessary, of all required temporary pedestrian facilities/protection measures, incorporating the potential temporary diversion of Public Footpath No. 160, Bury required to facilitate the construction of the proposed development;
- A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access onto Springside Road;
- Confirmation of hours of operation and number of vehicle movements taking into consideration school start finish times due to the proximity of the site to Springside County Primary School;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres;
- Parking on site or on land within the applicant's control of operatives' and construction vehicles, together with storage on site of construction materials;
- Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways as a result of the groundworks operations or carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

The approved plan shall be adhered to throughout the construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of construction materials. All highway remedial works identified as a result of the dilapidation survey shall be implemented prior to the development hereby approved being brought into use.

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent

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

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



PLANNING APPLICATION LOCATION PLAN

APP. NO 68815

ADDRESS: Land adjacent to 62 Springside Road,
Bury, BL9 5JQ

Planning, Environmental and Regulatory Services

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Bury
COUNCIL

68815

Photo 1



Photo 2



68815

Photo 3



Photo 4



68815

Photo 5



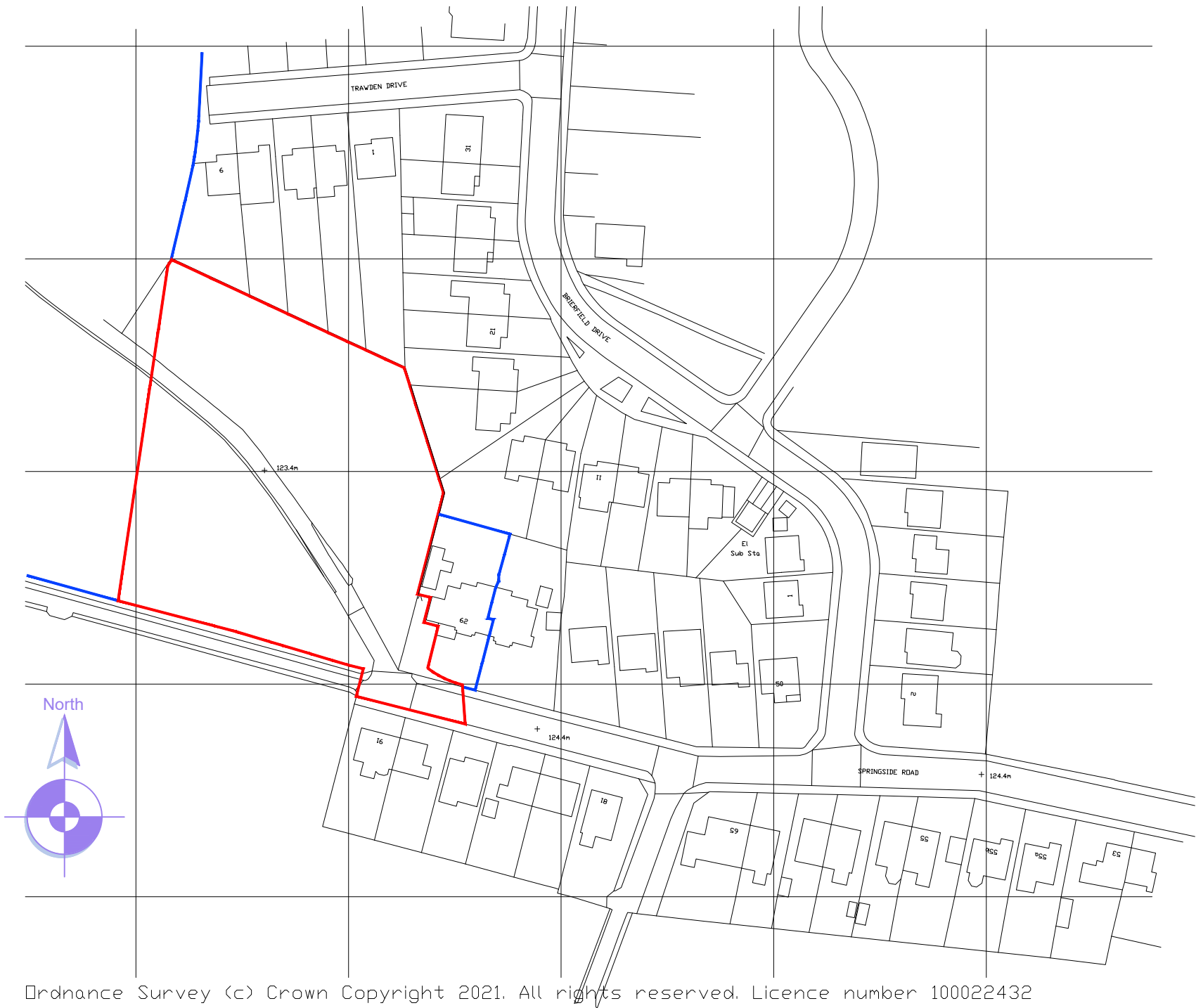
Photo 6



68815

Photo 7





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- Positions of existing services to be confirmed prior to proceeding

REVISION STATUS

S Information issued for feasibility or scheme design.
T Information issued for tender purposes only.
C Information issued for Construction.
NB: Only those drawings containing a C revision to be used for construction.

NOTES

S3	01.03.23	Red edge amended to suit altered road width
S2	13.02.23	Blue edge added
S1	28.10.22	Updated in line with Highways Engineer

REVISION	DATE	DESCRIPTION
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CLIENT

Cornell Group

PROJECT

Proposed Residential Development
Land off Springside Road

DRAWING TITLE

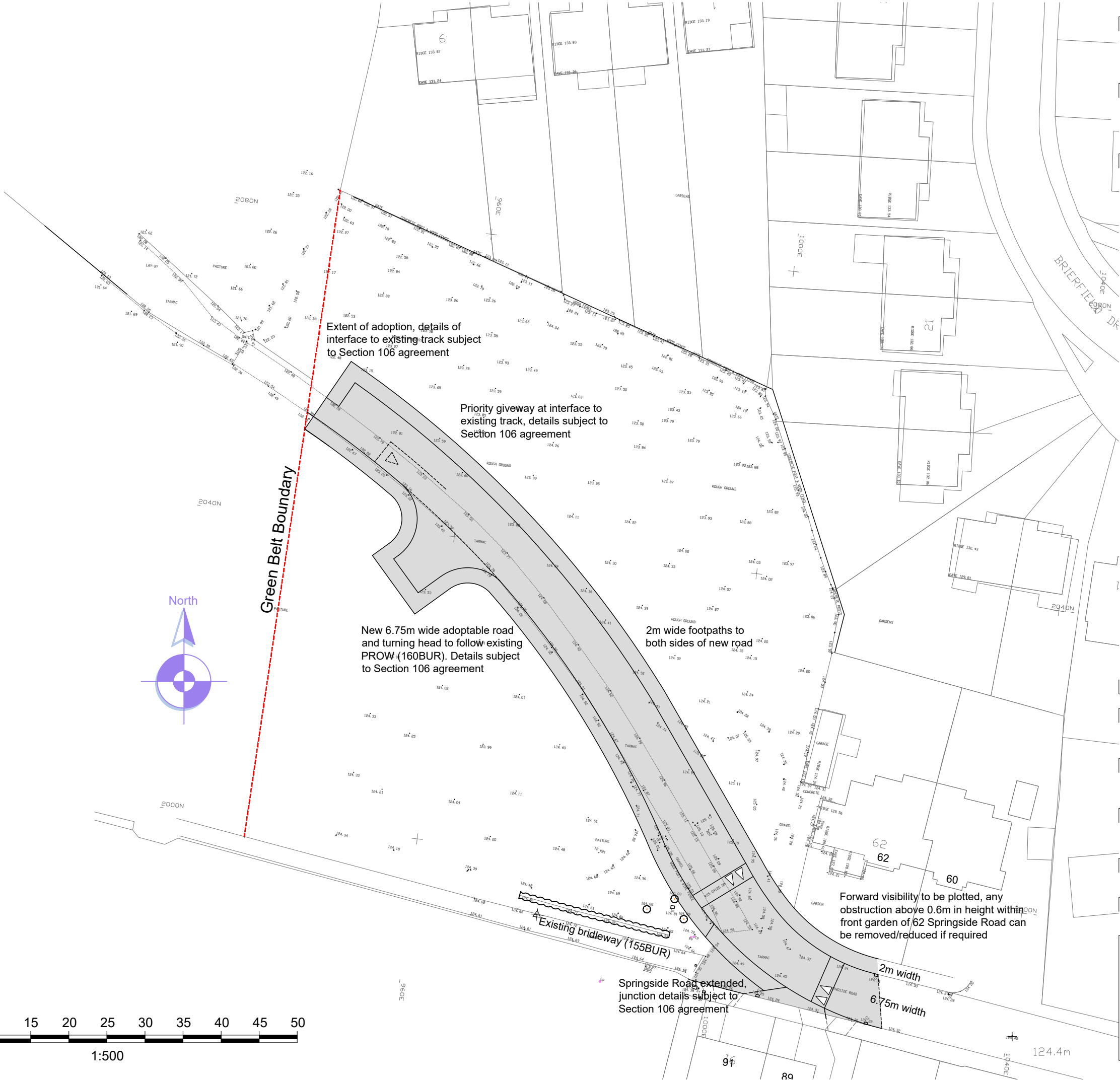
Location Plan

SCALE	DATE	DRAWN	CHECKED
1:1250@A3	Feb '21	PRH	PRH

DRG NO.	REVISION
EAD_126_P_101	S3

Evolve Architectural Design Ltd
2 St Matthews School House
Stanhill Lane
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E paul@evolvead.co.uk
www.evolvead.co.uk





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REVISION STATUS

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T Information issued for tender purposes only.
C Information issued for Construction.
NB: Only those drawings containing a C revision to be used for construction.

NOTES

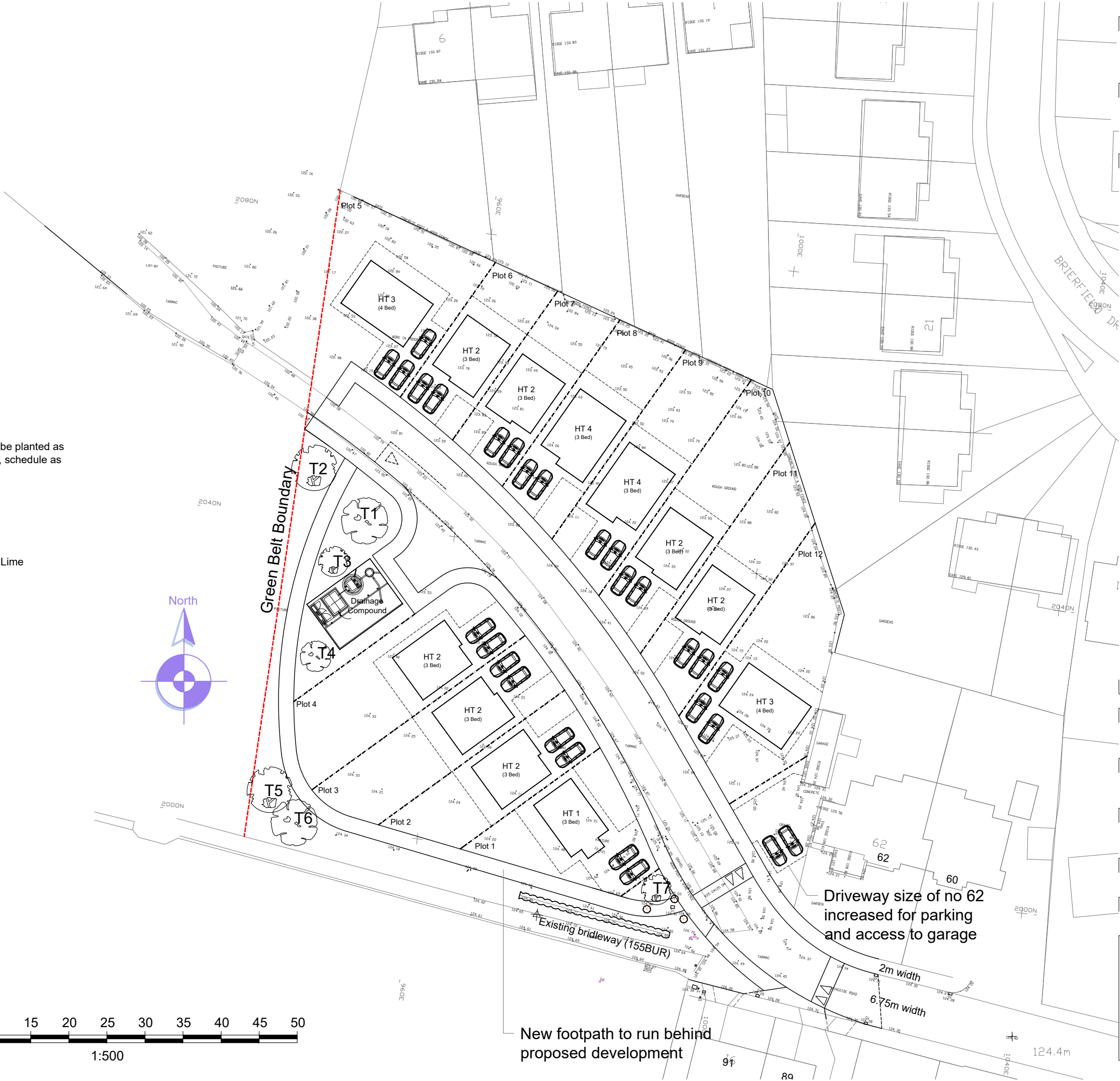
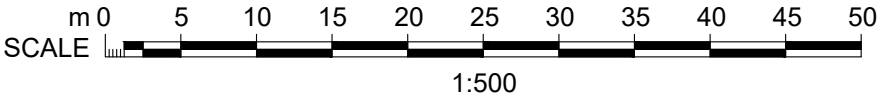
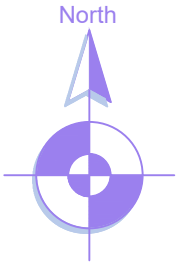
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CLIENT		
Cornell Group		
PROJECT		
Proposed Residential Development Land off Springside Road		
DRAWING TITLE		
Proposed Access Road		
SCALE	DATE	DRAWN
1:500@A3	Feb '21	PRH
CHECKED	REVISION	
PRH		
DRG NO.		
EAD_126_P_104		

Evolve Architectural Design Ltd
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All proposed trees to be planted as extra heavy standard, schedule as follows:

- T1 - Wild Cherry
- T2 - Wild Cherry
- T3 - Downy Birch
- T4 - Downy Birch
- T5 - Common Line
- T6 - Smalled Leaved Lime
- T7 - Silver Birch



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REVISION STATUS

S Information issued for feasibility or scheme design.
T Information issued for tender purposes only.
C Information issued for Construction.
NB: Only those drawings containing a C revision to be used for construction.

NOTES

S5	01.03.23	Road and indicative layout amended following comments from Highways/planning
S4	09.02.23	Trees added
S3	28.10.22	Road junction updated in line with Highways Engineer
S2	18.07.22	Road updated and parking amended
S1	30.06.22	Drainage compound added
REVISION	DATE	DESCRIPTION

CLIENT
Cornell Group

PROJECT
Proposed Residential Development
Land off Springside Road

DRAWING TITLE
Illustrative Layout

SCALE 1:500@A3	DATE Feb '21	DRAWN PRH	CHECKED PRH
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DRG NO. EAD_126_P_103	REVISION S5
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Driveway size of no 62 increased for parking and access to garage

New footpath to run behind proposed development

Ward: Bury East - Moorside

Item 03

Applicant: Mr Tahir Nasir

Location: 148 Walmersley Road, Bury, BL9 6LL

Proposal: Change of use from dwelling (Class C3) to an 8 no. bedroom House in Multiple Occupation (HMO) (Sui Generis)

Application Ref: 69452/Full

Target Date: 22/05/2023

Recommendation: Approve with Conditions

Description

The application site relates to a garden fronted traditional red brick terraced property on a row of similar styled properties located on the east side of Walmersley Road between Chesham Road to the North and St Mark's Square to the south. The site is located at the northern end of the row located closest to St Mark's Square.

The application site is currently used as a family dwellinghouse. It is three-storeys high and it has a basement.

Back Walmersley Road East, that runs along the back of these houses on Walmersley Road and it also runs at the back of the two-storey terraced houses on Hilton Street. Across Walmersley Road are mixed residential properties.

The application site has an enclosed rear yard area where refuse storage bins are currently stored.

The proposal is to change the use of the property from a single 6-bedroom dwellinghouse (Use Class C3) to an 8 bedroom House in Multiple Occupation (HMO) (Sui Generis use).

The proposed 8 bedrooms would be located on each floor of the property as follows:

Basement - 1 no. bedroom with en-suite

Ground floor - 1 no. bedroom with ensuite, a communal kitchen-diner, lounge, and home working areas.

First floor - 4 no. bedrooms with en suites

Second floor - 2 no. bedrooms with en suites.

The smallest bedroom would be 10sqm plus a 3sqm ensuite, with the largest bedrooms measuring 20sqm and 21sqm respectively. Secure covered cycle storage would be included within the existing rear single storey addition that has a garage door opening onto Back Walmersley Road East.

The rear yard area would accommodate bin storage. To facilitate this, the rear yard gate would need to be widened to 1.2 metres. No external alterations to the property is proposed to the property itself despite the application being accompanied by existing and proposed elevations.

The application was initially submitted as a 9 bedroom HMO, but in assessment of the proposal has been reduced to an 8 bedroom property during the course of the application. The amended proposals are therefore considered below.

Relevant Planning History

Publicity

Site Notices were erected at the front and rear of the property. 16 no. nearby residents have also been consulted by letter.

3 objections have been received to this public consultation which raise the following concerns:

- Increased noise levels and disturbances - increased number of occupants and from foot and vehicular traffic would adversely affect residential amenity and quality of life
- Impact on "stretched" public services
- No parking facilities available in the vicinity
- Disproportionate amount of HMO's on Walmersley Road, affecting the amenity of existing residents due to an increase in Anti Social Behavior in the locality occurring. The proposal would add to this issue that is harming the amenity of existing residents and detracting from this area.
- Adding another facility could cause additional strain on the local community and its resources.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to a condition

Environmental Health - Pollution Control - No objections

Planning Policy Manager - No comments or observations received

Greater Manchester Police - designforsecurity- No comments or observations received

Waste Management - No objections, subject to 4 x 1100 bins (2 x general rubbish + 2 x recycling (Plastic and Paper/ Cardboard)

Housing - Public Protection - Amendments required due to the number of occupants the kitchen will require 2 sinks and 2 cookers.

Adult Care Services - No comments or observations received.

Pre-start Conditions - Applicant/Agent has agreed with the necessary pre-start condition.

Unitary Development Plan and Policies

H2/4 Conversions

H2/2 The Layout of New Residential Development

HT2/4 Car Parking and New Development

SPD13 Conversion of Buildings to Houses in Multiple Occupation

Issues and Analysis

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

Principle of Development

The property is currently a dwellinghouse (Use Class C3) which would have a 'permitted development fallback' to form a 6 person HMO, under current regulations. The permitted development position indicates that the principle of a conversion to a HMO is acceptable.

The conversion of houses to HMO's can often make an important contribution to local housing stock. However, it is recognised that such conversions can put pressures on the amount of accommodation provided, put demands on parking and have an adverse effect on residential amenity and the character of an area.

The main issues with this proposal are what impact the clear intensification of the residential

use of the premises would have in planning terms and in relation to the suitability of the site and location, impacts on amenity, nature of the local environment, surrounding land uses and highway issues.

UDP Policy H2/4 - 'Conversions' specifically has regard to effects on amenity of neighbouring properties, general character of the area, amenity of occupants, effects from external changes on the street scene and car parking and servicing requirements.

These issues are discussed in more detail below.

Residential Amenity

The existing property fronts onto a very busy road and has residential properties on either side, to the rear and across the road to the front. The property directly attached to the application site is used as a HMO.

The existing property has 6 bedrooms with 3 bedrooms on each of the top two floors. The second floor would be reduced from three bedrooms to two. Three bedrooms would remain on the first floor with one bedroom proposed at the front of the property at ground floor level and one bedroom proposed within the Basement of the building. This proposed internal arrangement is unlikely to generate additional noise, disturbance and activity to cause serious harm to neighbour amenity. In terms of residential amenity, the proposal is therefore considered to be acceptable and thus complies with UDP Policy and guidance relating to HMO's.

Character of the Area and concentration of flats

Officers have obtained information from the Council's HMO Officer as to where existing licensed HMOs are located in relation to the existing application site. With the exception of the property attached to the application site, 146 Walmersley Road, there are no other HMOs in close proximity to the application site. It is therefore considered that this proposal would not cause an over concentration of HMO or flat/ apartment development in this location and thus the proposal is considered to accord with the relevant criteria within UDP Policy H2/4.

Visual Amenity and Streetscape

There would be no significant impact on the character and appearance of the building or streetscape. The property would still appear as a 3 storey brick terrace. The necessary level of refuse storage bins would be accommodated within the rear yard area so should not cause particular concern. The rear yard gate that is accessible from and on to the highway at the rear of the property is to be widened to enable the 1100 litre bins to be wheeled in and out of the site. Subject to a suitably worded planning condition being imposed, it can be ensured this widening of the rear yard gate is completed in a sympathetic manner.

In terms of visual amenity, the proposal is considered to be acceptable and complies with UDP Policy and guidance in relation to HMOs.

The amenity of future occupants

This proposed scheme, which has been amended to reduce the number of bedrooms from a 9- bed as originally proposed, to an 8-bed HMO, as proposed.

The application has been amended to provide a greater level of communal space in the property in the form of an enlarged kitchen area, lounge and dining areas and to provide a study/ working from home area. The amended kitchen and communal areas satisfies HMO licensing standards and each bedroom includes their own bathroom facilities. All bedrooms would also accord with the National Space Standards. Overall the internal layout of the development is considered to provide satisfactory living accommodation for future occupiers of the site.

Externally, there would be little change to the existing arrangements and facilities. Secure covered bike storage would be located within the former garage. Suitable bin storage

provision would be located to the rear of the yard area. There would be sufficient space left for drying clothes and incidental recreation/sitting out areas.

On balance, the revised layout with 8 units would provide good internal communal space and bedroom space which will result in well-designed living accommodation for future occupiers. The proposal is therefore considered to accord with the requirements set out in UDP Policy H2/4.

Highway Safety and Servicing

There is no specific car parking standards for HMO's in SPD11 Parking Standards in Bury. SPD 13 The Conversion of Buildings to Houses in Multiple Occupation gives some general advice. It states that parking and road safety issues will be important considerations when assessing a planning application and any proposal that is considered to have a detrimental impact on highway safety or harm to amenity will not be permitted.

HMO's are best located in sustainable areas well served by public transport and close to amenities, services and facilities, which can reduce the demand of parking. In this regard, the application site is in a highly accessible area on a main road and bus route into Bury Town Centre. The application site is situated approximately 550m to the north of the town centre. The Neighbourhood Centre on Walmersley Road which contains the Co-Op, a Florists, a Hairdressers, Strachens Chemist and a number of fast food establishments, is located approximately 75m north of the application site. The site is therefore in a highly accessible area.

With regard to the application site, there are parking restrictions along this part of Walmersley Road with double yellow lines running in front of the property. At the rear, there is a single width road where parking for some of the properties in the vicinity is mostly on-street with some off-street in rear yard areas.

There is no parking provision proposed at this site. Whilst it is generally recognised that car ownership tends to be lower for those who occupy HMOs compared to other households, it is clear that the proposed 8-bedroom HMO could have the potential to generate a greater demand for car parking than either the existing family dwelling or a 6-bed HMO 'permitted' under the current planning regulations. Whilst some residents of the HMO may not require access to a car, there is no means to secure this through the planning system and any cars associated with the use would have to park on nearby streets alongside other residents in the locality. The Highway Authority considers there are no highway safety reasons to resist these proposals given the accessible location of the site.

Given the location of the site in relation to both the Neighbourhood Centre and Bury Town Centre together with the cycle storage proposed, it is considered that it would be difficult to sustain a reason to refuse the proposal on traffic/parking grounds.

In terms of servicing the site, the Council's Waste Management Service has indicated that the level of occupancy would necessitate the need to provide 4 x 1100 litre refuse bins; 2 to be used for general rubbish and 2 to be used for the paper and plastic recycling service offered by the Council. The applicant has demonstrated that this level of refuse storage provision can be accommodated within the rear yard area, subject to the rear yard gate being widened. Given an adopted highway exists to the rear of the site, the Highway Authority has asked for a condition to be imposed requiring details of this, to ensure the adopted highway is not compromised by this element of the proposals. Such a condition is duly recommended, along with a condition requiring the necessary refuse storage provision to be provided.

Subject to the recommended planning conditions, the proposal would, on balance, be acceptable and would accord with UDP policies H2/4, HT2/4 and SPD13 with regard to HMO development.

Fallback Position

Under 'Permitted Development' dwellinghouses can change to a 6-bed HMO without needing planning permission. The critical issue is whether the two additional bedrooms would make a significantly material and detrimental impact on residential amenity and highway safety. In view of the above it is considered that the development would not cause demonstrable harm to either residential amenity or highway safety for the reasons outlined above.

Response to objections

Many of the points raised have been responded to within the main report. In relation to the character of the character and building, the building is in a good state of repair and presents itself appropriately to the street. In respect of the issues relating to lack of off-street parking provision, this has been explained within the Highway Safety and Servicing section of this report. In terms of the type of persons who would potentially occupy the building, this is not a planning consideration.

Conclusion

The property has permitted development rights to convert from a dwellinghouse to a 6 person HMO without planning permission. This is therefore the permitted fallback position and has been taken into account in assessing the appropriateness of the proposal.

The addition of two more occupants at the property would not result in conditions that would be demonstrably worse than the fallback position allowed under Permitted Development regulations given the sites location in close proximity of the Neighbourhood Centre on Walmersley Road and Bury Town Centre.

The property has been amended to provide greater communal areas within the property which will ensure that future occupants have a satisfactory level of amenity. The number of residents is also unlikely to cause amenity issues to the neighbouring property to the north of the site and those properties to the rear on Hilton Street. It has also been concluded that subject to its location and the widening of the rear yard gate not affecting the adopted highway of Back Walmersley Road East, which can be controlled by the recommended planning conditions, the proposal would not result in conditions detrimental to highway safety.

The amended scheme would also provide a satisfactory level of accommodation and amenity for future occupants of the development.

Taking account all of the above and subject to the recommended planning conditions, it is recommended the application be approved.

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

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

Recommendation: Approve with Conditions

Conditions/ Reasons

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

Reason: To comply with the requirements of section 91 of the Town and Country

Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This permission relates to the following plans:

Drawing no. PL-001 Rev. P2: Location Plan and As Existing Plans; and,
Drawing no. PL- 003 Rev. P4: As Proposed Plans, received 05 May 2023

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

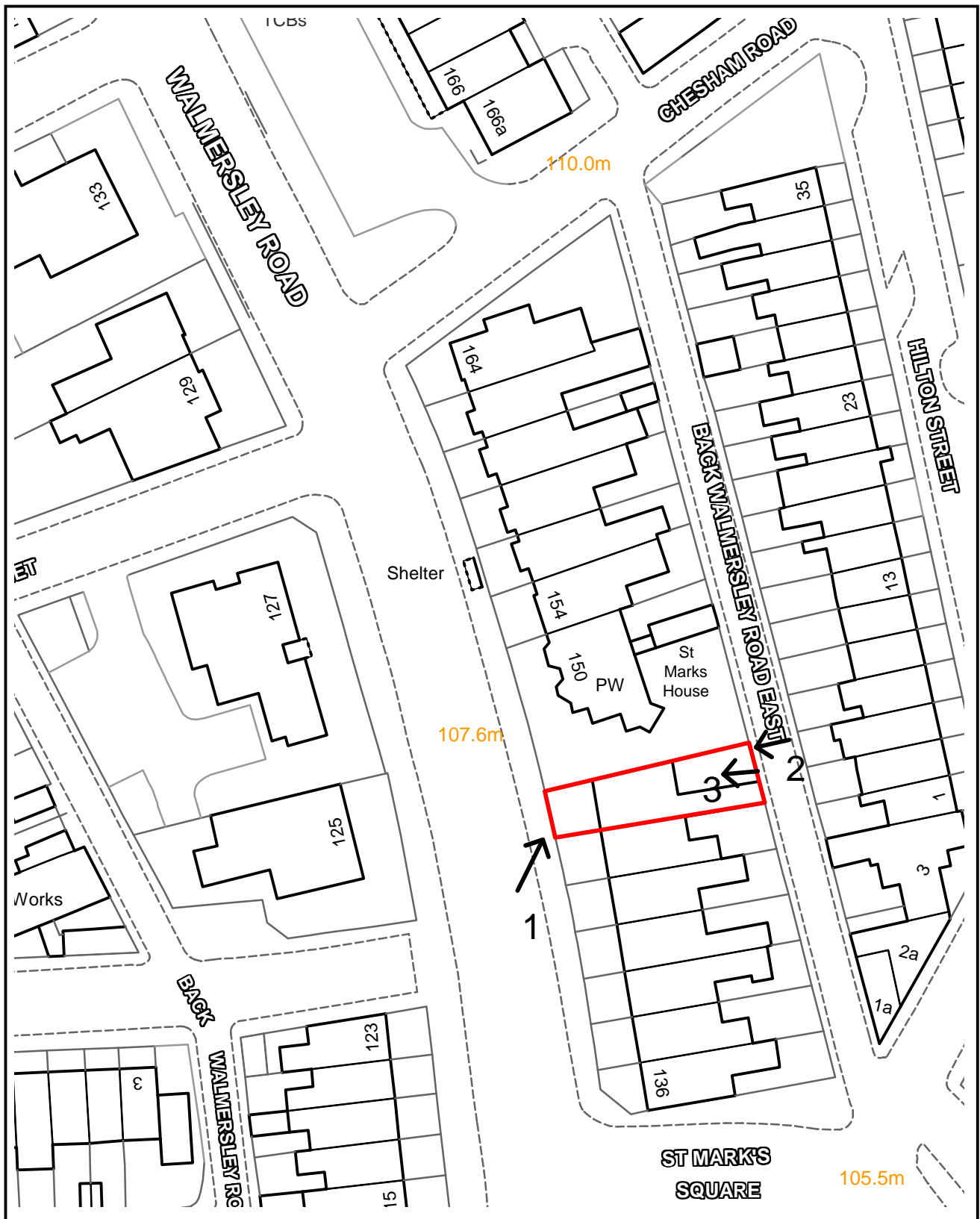
Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan and the National Planning Policy Framework.

3. The bin and cycle storage facilities and works to widen/replace the existing, inward opening gate to allow access for communal bins indicated on approved plan reference PL-003 Revision P4, incorporating any remedial works required to reinstate the adjacent footway to its condition prior to commencement of the development, shall be made available/implemented to the satisfaction of the Local Planning Authority prior to the use hereby approved commencing and maintained thereafter.

Reason: To ensure adequate provision for the storage and disposal of refuse within the curtilage of the site and storage of cycles, clear of the adopted highway and to maintain a safe condition of the highway.

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 69452

ADDRESS: 148 Walmersley Road, Bury, BL9 6LL



Bury
COUNCIL

Planning, Environmental and Regulatory Services

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69452

Photo 1



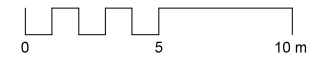
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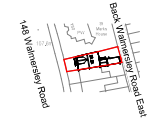
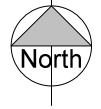


Photo 3





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1 Location Plan
1 : 1250

PT	27.03.23	BC	site plan added
PI	01.03.23	BC	first floor
Rev	Rev	Rev	Description
No	Date	No	

project
148 Walmersley Rd

location
148 Walmersley Road
Bury, BL9 6LL

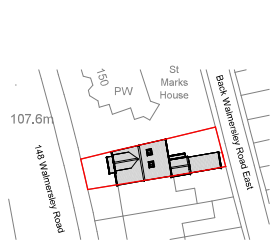
client
Tahir Nazir



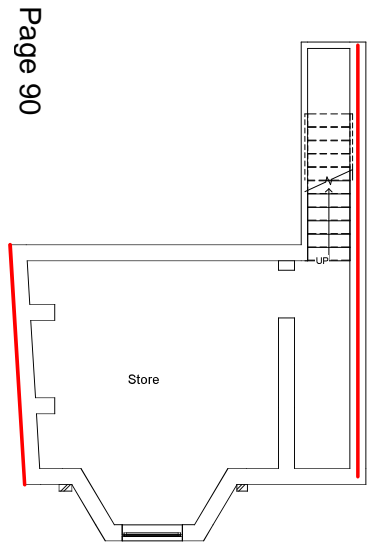
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Location Plan and As Existing Plans

dwg purpose
PRELIMINARY

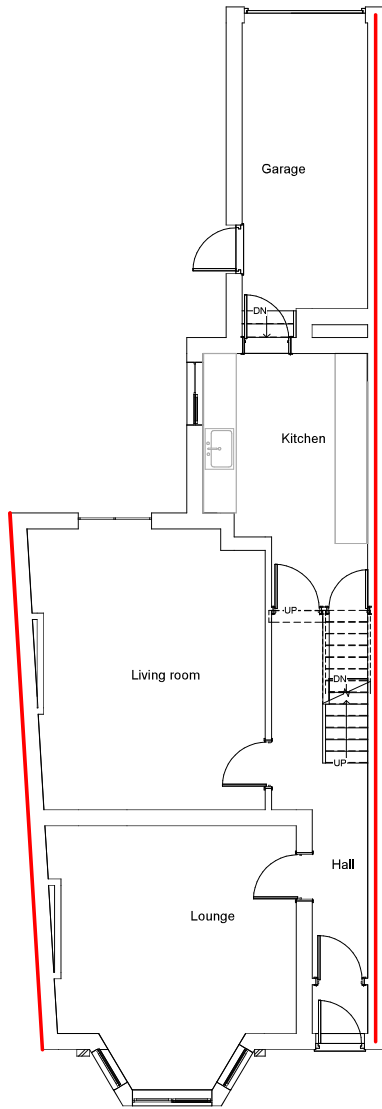
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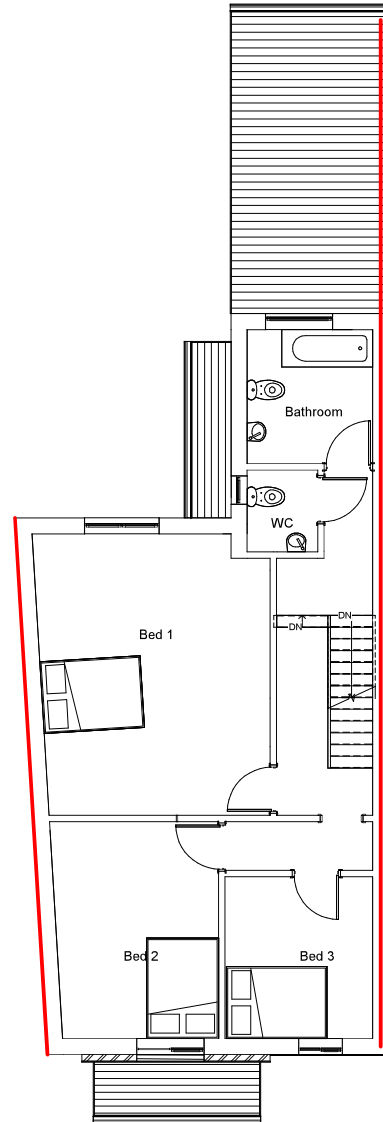
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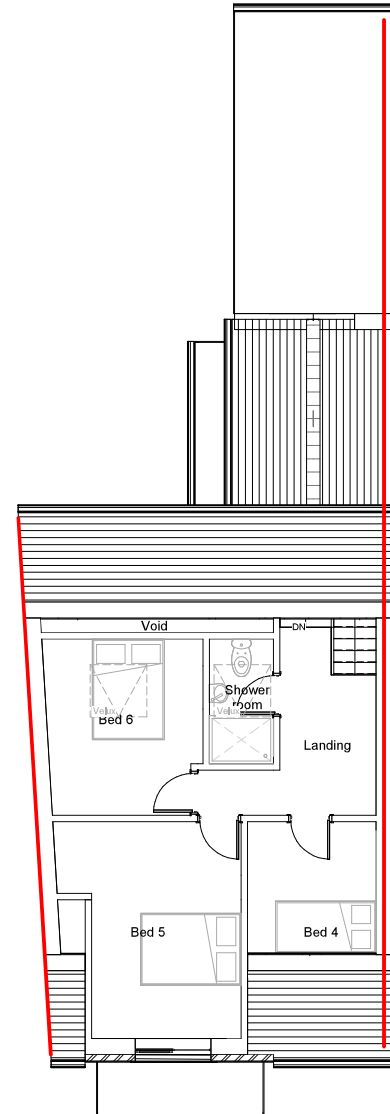
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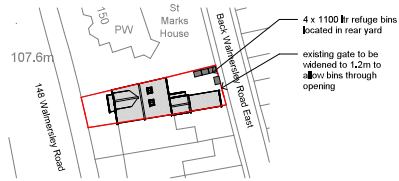
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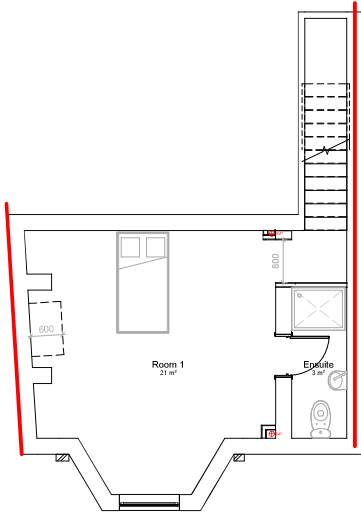
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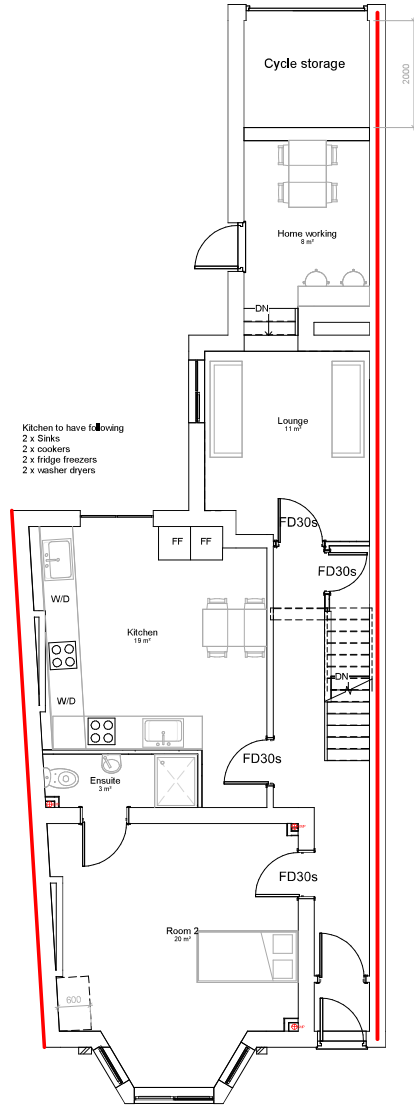
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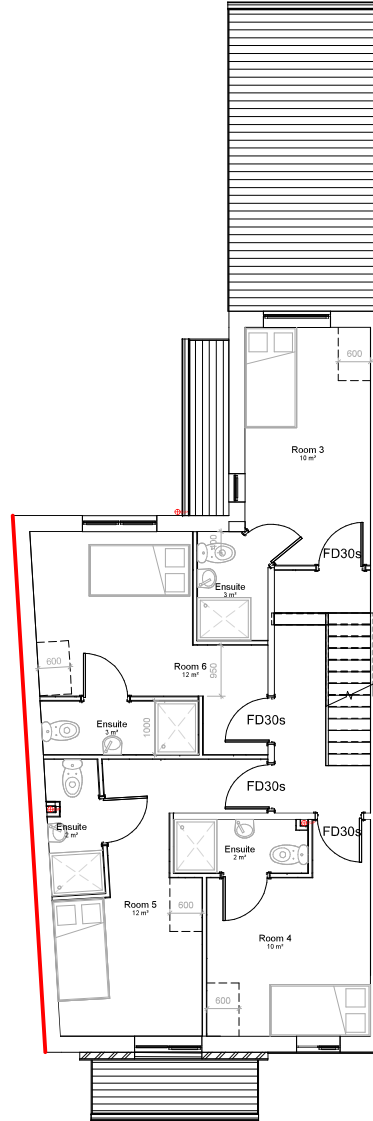
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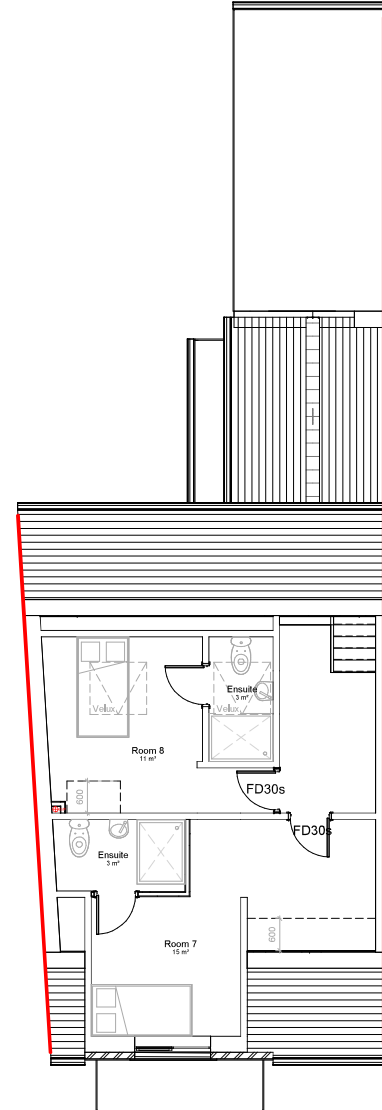
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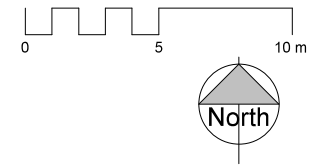
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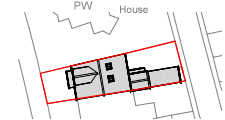
3 As Proposed 1st Floor
1: 50



5 As Proposed 2nd Floor
1: 50



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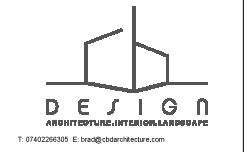


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1: 500

Rev No.	Rev Date	Rev By	Description
P5	05.05.23	BC	planning comments
P4	05.05.23	BC	planning comments
P3	05.05.23	BC	Kitchen layout added
P2	27.03.23	BC	site plan added
P1	01.03.23	BC	First Issue

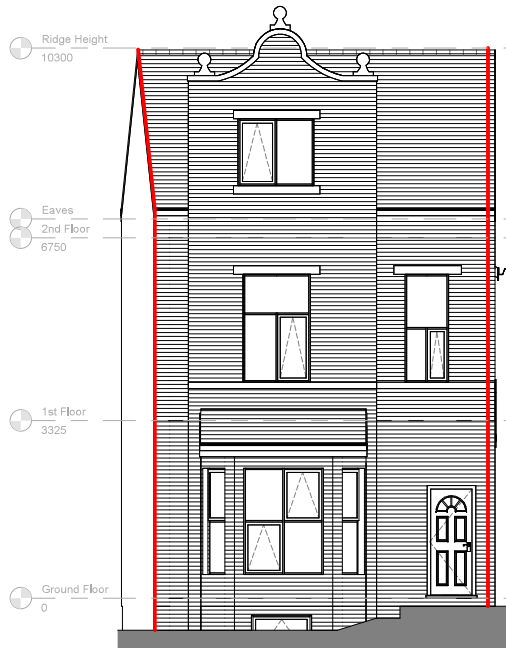
145 Walmersley Rd
Bury, BL9 6LL

Tahir Nazir

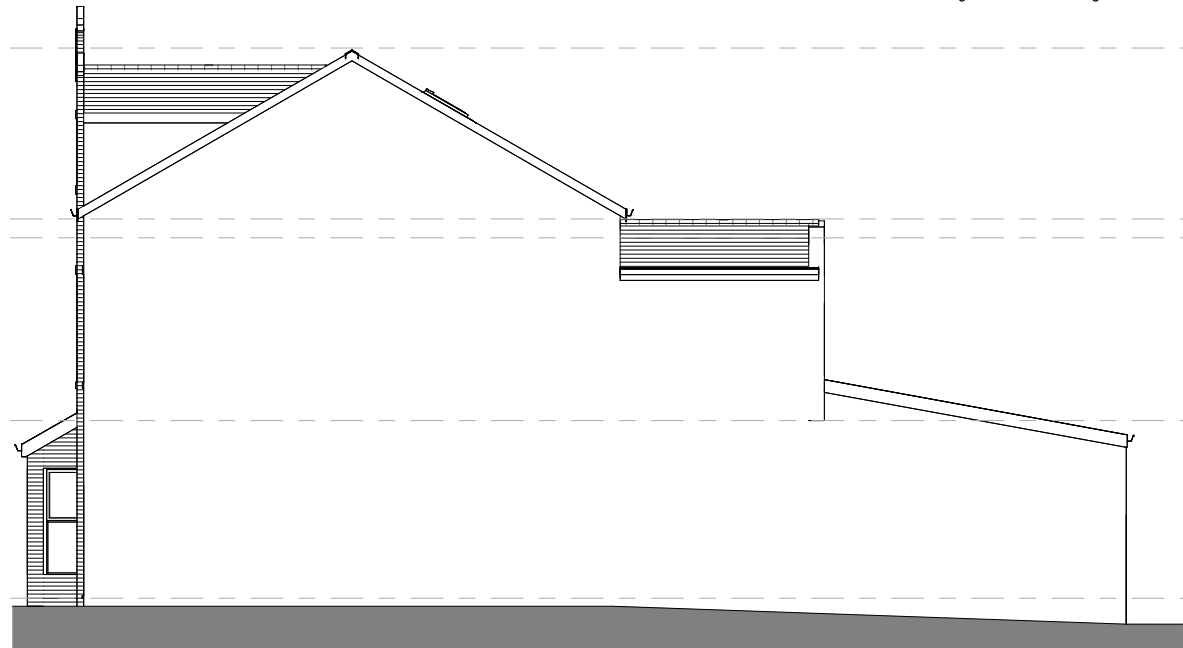


dwg purpose
As Proposed Plans

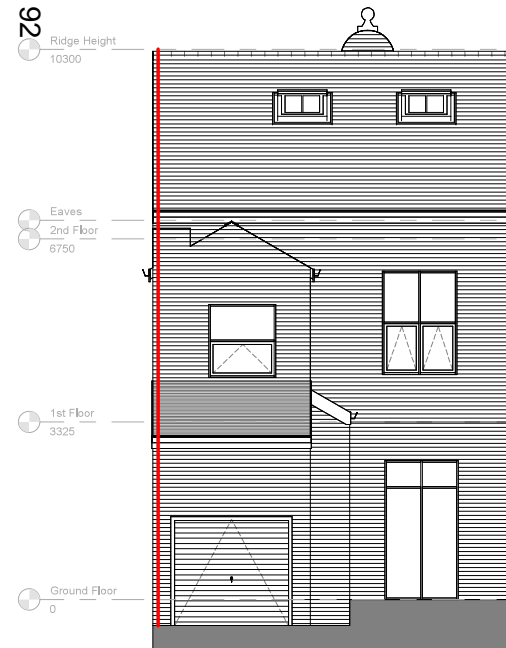
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22-096	PL-003	P5	
job number	drawing number	revision	



1 As Proposed Front Elevation
1 : 50



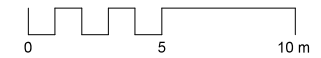
2 As Proposed RHS Elevation
1 : 50



3 As Proposed Rear Elevation
1 : 50



4 As Proposed LHS Elevation
1 : 50



NOTES
ALL DIMENSIONS AND LEVELS ARE TO BE CHECKED ON SITE.
ANY DISCREPANCIES ARE TO BE REPORTED TO THE PROJECT MANAGER BEFORE ANY WORK COMMENCES
THIS DRAWING SHALL NOT BE SCALED TO ASCERTAIN ANY DIMENSIONS WORK TO FIGURED DIMS ONLY
THIS DRAWING SHALL NOT BE REPRODUCED WITHOUT EXPRESS WRITTEN PERMISSION FROM Clarkes Bespoke Design LTD.

REPORT FOR NOTING

Agenda Item 5

Bury
COUNCIL

**Agenda
Item**

5

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	30 May 2023
SUBJECT:	DELEGATED DECISIONS
REPORT FROM:	HEAD OF DEVELOPMENT MANAGEMENT
CONTACT OFFICER:	DAVID MARNO
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	The report lists: Recent delegated planning decisions since the last PCC
OPTIONS & RECOMMENDED OPTION	The Committee is recommended to the note the report and appendices
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Executive Director of Resources to advise regarding risk management
Statement by Executive Director of Resources:	N/A
Equality/Diversity implications:	No
Considered by Monitoring Officer:	N/A
Wards Affected:	All listed
Scrutiny Interest:	N/A

TRACKING/PROCESS**DIRECTOR:**

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

1.0 BACKGROUND

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

2.0 CONCLUSION

That the item be noted.

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

David Marno, Head of Development Management
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Planning applications decided using Delegated Powers

Between 17/04/2023 and 21/05/2023



Ward: **Bury East**

Application No.: 69300 **App. Type:** LDCP 24/04/2023 Lawful Development
Location: 86 Castle Hill Road, Bury, BL9 7RW
Proposal: Lawful development certificate for proposed rear dormer

Application No.: 69370 **App. Type:** FUL 09/05/2023 Approve with Conditions
Location: 17 Rowan Drive, Bury, BL9 7QP
Proposal: Single storey rear extension

Application No.: 69472 **App. Type:** FUL 11/05/2023 Approve with Conditions
Location: Castle Leisure Centre, Bolton Street, Bury, BL9 0EZ
Proposal: Installation of 2 no. replacement boiler flues

Application No.: 69480 **App. Type:** P3JPA 17/05/2023 Prior Approval Not required
Location: 5 Crompton Street, Bury, BL9 0AD
Proposal: Prior approval for proposed change of use from Class E to 16 no. apartments (Class C3)

Ward: **Bury East - Moorside**

Application No.: 68797 **App. Type:** FUL 20/04/2023 Approve with Conditions
Location: Windacre Farm, Mather Road, Walmersley, BL9 6RB
Proposal: 1no. Detached dwelling

Application No.: 69416 **App. Type:** FUL 26/04/2023 Approve with Conditions
Location: 60 West Drive, Bury, BL9 5DW
Proposal: Dormer at side

Application No.: 69497 **App. Type:** FUL 03/05/2023 Approve with Conditions
Location: 6 Wheatfield Close, Bury, BL9 6XD
Proposal: Single storey rear extension

Application No.: 69524 **App. Type:** FUL 19/05/2023 Approve with Conditions
Location: 7 Wheatfield Close, Bury, BL9 6XD
Proposal: Two storey side/rear extension; Single storey rear extension; Render to external elevations

Ward: **Bury East - Redvales**

Application No.: 69424 **App. Type:** FUL 03/05/2023 Approve with Conditions
Location: 10 Rhiwlas Drive, Bury, BL9 9DD
Proposal: Single storey front porch extension and single storey extensions at side / rear

Application No.: 69462 **App. Type:** FUL 03/05/2023 Approve with Conditions
Location: 9 Somerset Drive, Bury, BL9 9DG
Proposal: Replacement of conservatory with single storey rear extension

Application No.: 69479 **App. Type:** FUL 16/05/2023 Refused
Location: 2 Orchid Drive, Bury, BL9 9EL
Proposal: Front porch; Two storey side extension; Single storey rear extension

Application No.: 69487 **App. Type:** FUL 05/05/2023 Approve with Conditions
Location: 649 Whitefield Road, Bury, BL9 9PR
Proposal: Single storey rear extension

Ward: **Bury West - Elton**

Application No.: 68982 **App. Type:** FUL 18/04/2023 Approve with Conditions
Location: 65 Bankhouse Road, Bury, BL8 1DY
Proposal: First floor side extension

Application No.: 69537 **App. Type:** FUL 16/05/2023 Approve with Conditions
Location: 44 Farm Crescent, Radcliffe, M26 4LX
Proposal: Single storey extension at rear

Ward: **Bury West - West**

Application No.: 69379 **App. Type:** LDCP 19/04/2023 Lawful Development
Location: 83 Newington Drive, Bury, BL8 2DZ
Proposal: Lawful development certificate for proposed extension of a rear dormer following the demolition of the existing dormer

Application No.: 69405 **App. Type:** FUL 05/05/2023 Approve with Conditions
Location: 73-75 Ainsworth Road, Bury, BL8 2PY
Proposal: Dormer at rear and conversion of loft space to 1 no. flat

Application No.: 69457 **App. Type:** FUL 03/05/2023 Approve with Conditions
Location: 77 Haig Road, Bury, BL8 2LG
Proposal: Two storey side extension with front, rear, side dormers; Single storey rear extension; Single storey front extension, including front porch; Additional window to front elevation; Extension to existing vehicular access

Ward: **North Manor**

Application No.: 69126 **App. Type:** FUL 21/04/2023 Approve with Conditions
Location: Claremont, Hollymount Lane, Tottington, Bury, BL8 4HP
Proposal: Erection of detached garden room and detached garage

Application No.: 69354 **App. Type:** LDCE 03/05/2023 Lawful Development
Location: 20 Longsight Road, Ramsbottom, Bury, BL0 9TD
Proposal: Lawful development certificate for existing first floor extension projecting 3m from existing building line

Application No.: 69364 **App. Type:** FUL 20/04/2023 Approve with Conditions
Location: 12 Greenheys Crescent, Tottington, Bury, BL8 4QD
Proposal: Single storey wrap around extension

Application No.: 69408 **App. Type:** FUL 05/05/2023 Approve with Conditions
Location: 853 Walmersley Road, Bury, BL9 5LE
Proposal: Two storey side extension; Single storey rear extension

Application No.: 69449 **App. Type:** FUL 05/05/2023 Approve with Conditions
Location: 20 Longsight Road, Ramsbottom, Bury, BL0 9TD
Proposal: Variation of condition no. 2 (approved plans) of p/p 69043 to change the colour of the render to off white, colour of the window to clay and timber detailing to bay windows; introduction of 2 no. first floor side windows; amendments to existing front first floor bay window; retention of existing chimney; introduction of ground floor side window in rear extension; amendments to the first floor rear window arrangements.

Ward: **Prestwich - Holyrood**

Application No.: 69307 **App. Type:** FUL 19/04/2023 Approve with Conditions
Location: 15 Sandgate Road, Whitefield, Manchester, M45 6WG
Proposal: Single storey extensions at side and rear with decking at rear and glass balustrades; erection of gate at side and external alterations including new window to first floor rear elevation and increase in size of first floor window to side elevation

Application No.: 69376 **App. Type:** FUL 17/04/2023 Approve with Conditions
Location: 4 Lynton Drive, Prestwich, Manchester, M25 2QS
Proposal: Single storey rear extension

Application No.: 69490 **App. Type:** P3CPA 16/05/2023 Prior Approval Not Required
Location: Sports Pavilion, Heys Road, Prestwich, M25 1BZ
Proposal: Prior approval for the installation of solar equipment - Installation of a solar PV system comprising of 28 PV modules to the clubhouse roof

Ward: **Prestwich - Sedgley**

Application No.: 69284 **App. Type:** FUL 05/05/2023 Refused
Location: 51 Sheepfoot Lane, Prestwich, Manchester, M25 0DN
Proposal: Raised garden level at rear with stepped access and retaining boundary wall

Application No.: 69324 **App. Type:** LDCP 03/05/2023 Lawful Development
Location: 9 East Meade, Prestwich, Manchester, M25 0JJ
Proposal: Lawful development certificate for proposed change of use from four-bedroom house (Class C3) to residential children's home for two children with up to two staff working on a rota basis (Class C2)

Application No.: 69393 **App. Type:** LDCP 18/04/2023 Refused
Location: 271 Middleton Road, Manchester, M8 4LX
Proposal: Lawful development certificate for proposed erection of outbuilding for use as gym and storage areas

Application No.: 69468 **App. Type:** FUL 09/05/2023 Approve with Conditions
Location: 24 Richmond Avenue, Prestwich, Manchester, M25 0LZ
Proposal: Loft conversion with dormers at front and rear

Application No.: 69478 **App. Type:** FUL 03/05/2023 Approve with Conditions
Location: 12 Queens Drive, Prestwich, Manchester, M25 0HQ
Proposal: Single storey extension at side/rear with external stairs at rear

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

Application No.: 68945 **App. Type:** LDCE 24/04/2023 Lawful Development
Location: 418A Bury New Road, Prestwich, Manchester, M25 1BD
Proposal: Lawful development certificate for existing use - Retail shop & 6 Studio apartments

Application No.: 69091 **App. Type:** TEL 21/04/2023 Prior Approval Required and Granted
Location: Land at Butterstile playing fields (between 47-53 Venwood Road & 206-212 Butterstile Lane), Venwood Road, Prestwich, Manchester, M25 9UF
Proposal: Prior approval for proposed installation of a 20m Monopole with 6no. Antennas; 1no. GPS module, 2no. Transmission Dishes and 3no. Remote Radio Units (RRUs); 1no. meter cabinet, 3no. equipment cabinets at the base and ancillary development including 1.8m high palisade fencing

Application No.: 69381 **App. Type:** FUL 28/04/2023 Refused
Location: Land off Flashfields, Prestwich, M25 9XW
Proposal: Erection of 2 no. detached dwellings

Application No.: 69414 **App. Type:** GPDE 24/04/2023 Prior Approval Not Required - Extension
Location: 10 Swarbrick Drive, Prestwich, Manchester, M25 9TD
Proposal: Prior approval for proposed single storey rear extension

Application No.: 69438 **App. Type:** LDCP 05/05/2023 Lawful Development
Location: 10 Byron Avenue, Prestwich, Manchester, M25 9LT
Proposal: Lawful development certificate for proposed single storey side extension

Application No.: 69448 **App. Type:** FUL 19/05/2023 Approve with Conditions
Location: 149 Butterstile Lane, Prestwich, Manchester, M25 9UW
Proposal: Garage conversion; Single storey front extension and porch

Application No.: 69460 **App. Type:** FUL 05/05/2023 Approve with Conditions
Location: 27 Pinfold Drive, Prestwich, M25 3EQ
Proposal: Two storey side extension; Single storey rear extension.

Application No.: 69465 **App. Type:** FUL 03/05/2023 Approve with Conditions
Location: 19 St Marys Road, Prestwich, Manchester, M25 1AQ
Proposal: Removal of existing roof covering to pitched roof slopes and fixing of new roof tiles to pitched roof slopes (following grant of planning permission 67633 for hip to gable roof extension and rear dormer extension to accommodate loft conversion)

Application No.: 69477 **App. Type:** FUL 03/05/2023 Approve with Conditions
Location: 15 Hamilton Close, Prestwich, Manchester, M25 9JS
Proposal: Single storey rear extension

Application No.: 69488 **App. Type:** FUL 16/05/2023 Approve with Conditions
Location: 2 Kershaw Avenue, Prestwich, Manchester, M25 9YT
Proposal: Hip to gable roof conversion with rear dormer.

Ward: **Radcliffe - East**

Application No.: 69403 **App. Type:** FUL 03/05/2023 Approve with Conditions
Location: 8 Hardys Drive, Radcliffe, Manchester, M26 2TL
Proposal: Single storey front extension to include garage conversion

Application No.: 69404 **App. Type:** FUL 24/04/2023 Approve with Conditions
Location: 11 Morris Street, Radcliffe, Manchester, M26 2HF
Proposal: Two storey side/rear extension; Single storey rear extension

Application No.: 69432 **App. Type:** FUL 05/05/2023 Approve with Conditions
Location: 102 Ainsworth Road, Radcliffe, Manchester, M26 4ED
Proposal: Demolition of garage and erection of replacement detached garage to rear of property

Ward: **Radcliffe - North and Ainsworth**

Application No.: 68988 **App. Type:** FUL 20/04/2023 Approve with Conditions
Location: Land adjacent to Sunnybank, Arthur Lane, Ainsworth, Bury, BL2 5PN
Proposal: Change of use and conversion of existing stable building with single storey rear extension to form an office/home gym.

Application No.: 69201 **App. Type:** FUL 18/04/2023 Approve with Conditions
Location: 43 Broomfield Close, Ainsworth, Bolton, BL2 5QY
Proposal: First floor extension at side

Application No.: 69215 **App. Type:** FUL 26/04/2023 Refused
Location: Land adjacent to 78 Countess Lane, Radcliffe, Manchester, M26 3NH
Proposal: Erection of 1 no. dwelling

Application No.: 69412 **App. Type:** FUL 24/04/2023 Approve with Conditions
Location: 28 Sumner Avenue, Ainsworth, Radcliffe, Bolton, BL2 5RQ
Proposal: First floor balcony at side with glass balustrade

Application No.: 69435 **App. Type:** FUL 18/04/2023 Approve with Conditions
Location: 22 Thompson Avenue, Ainsworth, Bolton, BL2 5RJ
Proposal: Front porch extension

Application No.: 69436 **App. Type:** PMBPA 03/05/2023 Prior Approval Required and Granted
Location: Barrack Fold Farm, Arthur Lane, Radcliffe, Bolton, BL2 5PU
Proposal: Prior approval for the change of use from agricultural building to dwellinghouse

Application No.: 69450 **App. Type:** FUL 05/05/2023 Approve with Conditions
Location: 187 Bury New Road, Radcliffe, Bolton, BL2 6QQ
Proposal: Single storey extension at rear

Ward: **Radcliffe - West**

Application No.: 69241 **App. Type:** P3JPA 25/04/2023 Prior Approval Required and Granted
Location: 127 Blackburn Street, Radcliffe, Manchester, M26 3WQ
Proposal: Prior approval for proposed change of use from Day Nursery (Class E) to 6 no. flats (Class C3)

Application No.: 69453 **App. Type:** FUL 26/04/2023 Approve with Conditions
Location: 1 Rayleigh Close, Radcliffe, Manchester, M26 1RL
Proposal: Two storey rear extension

Application No.: 69470 **App. Type:** FUL 11/05/2023 Approve with Conditions
Location: Asda Stores Ltd, Pilkington Way, Radcliffe, Manchester, M26 3DA
Proposal: Installation of height restrictor barrier and bollards to car park

Ward: **Ramsbottom + Tottington - Tottington**

Application No.: 69372 **App. Type:** FUL 05/05/2023 Approve with Conditions
Location: 29 Chestnut Avenue, Tottington, Bury, BL8 3EE
Proposal: Part single/Part two storey extension at rear and First floor extension at side

Application No.: 69384 **App. Type:** LDCP 12/05/2023 Refused
Location: Lynton, Watling Street, Tottington, Bury, BL8 3QW
Proposal: Lawful development certificate for proposed garage conversion

Application No.: 69395 **App. Type:** FUL 18/04/2023 Approve with Conditions
Location: 577 Walshaw Road, Bury, BL8 3AF
Proposal: Single storey side and rear extensions

Application No.: 69399 **App. Type:** FUL 21/04/2023 Approve with Conditions
Location: 3 Turton Chase, Tottington, Bury, BL8 4FZ
Proposal: Single storey side extension

Application No.: 69446 **App. Type:** FUL 26/04/2023 Approve with Conditions
Location: 141 Cotswold Crescent, Bury, BL8 1QL
Proposal: Loft conversion with side dormer, rear first floor window with juliette balcony and alteration to first floor window; Front porch

Application No.: 69516 **App. Type:** FUL 09/05/2023 Approve with Conditions
Location: 18 Deacons Crescent, Tottington, Bury, BL8 3DW
Proposal: Replacement of existing conservatory with single storey rear extension

Ward: Ramsbottom and Tottington - Ramsbottom

Application No.: 69301 **App. Type:** FUL 21/04/2023 Approve with Conditions
Location: Christ Church Meeting Hall, Great Eaves Road, Ramsbottom, Bury, BL0 0PX
Proposal: Retention of storage container and cabin to car park at rear for use as community food bank/storage

Application No.: 69389 **App. Type:** FUL 18/04/2023 Approve with Conditions
Location: Land off Dorothy Street, Ramsbottom, Bury, BL0 9QJ
Proposal: Variation of condition no.2 (approved plans) of planning permission 57515 and associated non-material amendment 67537: Revised house type design

Application No.: 69406 **App. Type:** AG 18/04/2023 Prior Approval Required and Refused
Location: Sheep Hey Farm, Whalley Road, Shuttleworth, Ramsbottom, Bury, BL0 0ND
Proposal: Prior approval for proposed agricultural building

Application No.: 69494 **App. Type:** LDCP 17/05/2023 Lawful Development
Location: 55 Garnett Street, Ramsbottom, Bury, BL0 9JN
Proposal: Lawful development certificate for proposed rear dormer extension to attic and single storey rear extension

Ward: Whitefield + Unsworth - Besses

Application No.: 69073 **App. Type:** FUL 18/04/2023 Approve with Conditions
Location: 22 Naden Walk, Whitefield, Manchester, M45 8NW
Proposal: Single storey side extension

Application No.: 69353 **App. Type:** FUL 20/04/2023 Approve with Conditions
Location: 52 Oak Lane, Whitefield, Manchester, M45 8ET
Proposal: Single storey extension at side and rear; Front porch and Single storey outbuilding in rear garden

Application No.: 69482 **App. Type:** GPDE 28/04/2023 Prior Approval Not Required - Extension
Location: 33 Dalton Avenue, Whitefield, Manchester, M45 6DF
Proposal: Prior approval for proposed single storey rear extension

Application No.: 69493 **App. Type:** FUL 03/05/2023 Approve with Conditions
Location: 108 Thatch Leach Lane, Whitefield, Manchester, M45 6FW
Proposal: Single storey rear extension

Application No.: 69506 **App. Type:** FUL 05/05/2023 Approve with Conditions
Location: 45 Hindburn Close, Whitefield, Manchester, M45 8JQ
Proposal: Single storey front extension and single storey rear extension

Ward: Whitefield + Unsworth - Pilkington Park

Application No.: 69368 **App. Type:** GPDE 18/04/2023 Prior Approval Required Refused - Ext
Location: 21 Philips Drive, Whitefield, Manchester, M45 7PY
Proposal: Application for prior approval of a proposed enlargement of a dwellinghouse by construction of additional storeys - Proposed additional storey to create a three storey house (maximum height 9.11 metres)

Application No.: 69409 **App. Type:** FUL 21/04/2023 Approve with Conditions
Location: 114 Radcliffe New Road, Radcliffe, Manchester, M45 7WQ
Proposal: Single storey rear extension

Application No.: 69431 **App. Type:** FUL 26/04/2023 Approve with Conditions
Location: 46 Marle Croft, Whitefield, Manchester, M45 7NB
Proposal: Two storey extensions at side and rear; Single storey front extension; Front porch

Application No.: 69437 **App. Type:** FUL 03/05/2023 Refused
Location: 1 Park Hill Drive, Whitefield, Manchester, M45 7PD
Proposal: Erection of wall and fencing to side boundaries

Application No.: 69443 **App. Type:** FUL 26/04/2023 Approve with Conditions
Location: 8 Leyburn Close, Whitefield, Manchester, M45 7UE
Proposal: Variation of condition 2 (approved plans) of planning permission 68040 - The existing garage door is to be replaced with masonry infill including door and window opening, and the dormers would be increased in size.

Application No.: 69501 **App. Type:** TEL 11/05/2023 Prior Approval Required and Refused
Location: Sedgley Park RUFC, Philips Park Road, Prestwich, Bury, M45 7GH
Proposal: Prior approval for the proposed telecommunications installation of a new sharable 30m lattice mast, with 6 no. antenna and 2 no. transmission dishes (collocated with an existing mast to the south of the site); 7no.equipment cabinets; 2.4m high perimeter fence and ancillary development.

Ward: **Whitefield + Unsworth - Unsworth**

Application No.: 69169 **App. Type:** LDPC 18/04/2023 Lawful Development
Location: 3 Sandown Road, Bury, BL9 8HN
Proposal: Lawful development certificate for proposed use of a (C3a) dwelling for a children's home for a maximum of three children with three carers of whom two sleep overnight working on a rota basis (C2)

Application No.: 69288 **App. Type:** FUL 18/04/2023 Approve with Conditions
Location: 15 South Close, Bury, BL9 8EL
Proposal: Single storey side/rear extension

Application No.: 69334 **App. Type:** FUL 18/04/2023 Approve with Conditions
Location: Unsworth Primary School, Blackley Close, Bury, BL9 8LY
Proposal: Single storey extension for sensory and speech therapy room

Application No.: 69394 **App. Type:** LDPC 28/04/2023 Lawful Development
Location: 5 Allendale Drive, Bury, BL9 8EJ
Proposal: Lawful development certificate for proposed loft conversion with dormer to domestic dwelling

Application No.: 69429 **App. Type:** GPDE 18/04/2023 Prior Approval Not Required - Extension
Location: 400 Bury New Road, Whitefield, Manchester, M45 7SX
Proposal: Prior approval for proposed single storey rear extension

Application No.: 69442 **App. Type:** FUL 05/05/2023 Approve with Conditions
Location: 12 Meadway, Bury, BL9 9TY
Proposal: Single storey front extension

Application No.: 69502 **App. Type:** LDPC 19/05/2023 Lawful Development
Location: 36 Thurston Close, Bury, BL9 8NW
Proposal: Lawful development certificate for proposed single storey rear elevation extension including internal alterations and improvements

Total Number of Applications Decided: 81

REPORT FOR NOTING

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	30 May 2023
SUBJECT:	PLANNING APPEALS
REPORT FROM:	HEAD OF DEVELOPMENT MANAGEMENT
CONTACT OFFICER:	DAVID MARNO
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	Planning & Enforcement Appeals: None
OPTIONS & RECOMMENDED OPTION	The Committee is recommended to the note the report and appendices
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Executive Director of Resources to advise regarding risk management
Statement by Executive Director of Resources:	N/A
Equality/Diversity implications:	No
Considered by Monitoring Officer:	N/A
Wards Affected:	All listed

Scrutiny Interest:	N/A
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TRACKING/PROCESS

DIRECTOR:

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

1.0 BACKGROUND

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

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

2.0 CONCLUSION

That the item be noted.

List of Background Papers:-

Contact Details:-

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