

BURY COUNCIL
DEPARTMENT FOR RESOURCES AND REGULATION
PLANNING SERVICES

PLANNING CONTROL COMMITTEE

25 July 2017

SUPPLEMENTARY INFORMATION

Item:01 Higher Spen Moor, Bury and Bolton Road, Radcliffe, Manchester, M26 4LB Application No. 60992

Upgrading of existing access track road leading to and along Higher Spen Moor including minor landscaping works and improvements to the access mouth

Previously approved residential scheme 58810

The layout plan for the 'Tudor Grange' residential scheme is attached. The existing access route for properties at Lower and Middle Spen Moor is along the line of the PROW 15sa, running NW - SE. The proposed route for Lower Spen Moor would be along the line of PROW 12sa and the cycle track running SW-NE.

Amended Condition

The wording for condition 7 shall read:

Prior to any earthworks or site clearance taking place, a scheme of reasonable avoidance measures (RAMs), contained within a method statement relating to the protection of amphibians, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures only shall be implemented before the commencement of operations and the approved measures shall remain in place for the approved duration contained within the approved RAMs statement.

Reason. In order to protect amphibians pursuant to the NPPF and UDP Policy EN6/4 Features of Ecological Value.

Representations

The address 121 Bury and Bolton Road was omitted from the list of objectors in the committee report. However, the representations were reported.

Since the initial committee report, further objections have been received from 3 Buller Mews, 22 Brookthorpe Road, 84 Haig Road, 8 Warton Close, 9 Walshaw Lane, Woos Nab Farm and 20 Andrew Close, 109 Bury & Bolton Road.

The objections raised are generally covered in the main report but specific reference has been made to the fact that, being a private road, there would not be a specific speed limit along the new route and this would add to public safety concerns.

Item:02 Land between 8 & 9 Radelan Grove, Radcliffe, Manchester, M26 3NG Application No. 61085

Erection of detached bungalow

Nothing further to report.

Item:03 Land between 4 & 5 Radelan Grove, Radcliffe, Manchester, M26 3NG Application No. 61086

Erection of detached bungalow

Nothing further to report.

Item:04 Bleaklow Mill, Bolton Road, Tottington, Bury, BL8 4LL Application No. 61117

Demolition of the existing vacant industrial building and the erection of 24 dwellings (20 three bed and 4 four bed) with public open space, parking and associated access

Viability

For brevity, in addition to the main published report, the Local Planning Authority is required to assess the viability and therefore the deliverability of developments.

Paragraph 173 of the National Planning Policy Framework sets out the following:

Ensuring viability and deliverability

Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

Conditions

Condition 8 amended to read:

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:

- Hours of operation and number of vehicle movements in relation to traffic movements and peak time traffic flows;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
- Parking on site of operatives' and construction vehicles together with storage on site of construction materials.

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.

Reason. Information has not been 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, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H4 - New Development and HT6/2 - Pedestrian/Vehicular Conflict.

Item:05 Car park to the north of 129 Croft Lane, Bury, BL9 8QH Application No. 61135

Outline application for the construction of 7 no. dwellings

Additional information

Although there are parking restrictions in the form of double yellow lines along the road in front of the site, there is a short stretch, just to the north of the site, without restrictions. After consulting with Transport for Greater Manchester (TfGM) it is considered that extending the restrictions along the road may be required, should this become a problem. It would be appropriate to include provision for this to be included in the S106 legal agreement. Therefore the wording of the recommendation is as follows:

The application is Minded to Approve subject to the completion of a S106 agreement relating to the provision and maintenance of a 6 space car park associated with the adjacent business and residence at No.129 Croft Lane and, if required, provision of road markings on Croft Lane/Pilsworth Road.

Consultation

Traffic - No objection subject to conditions.

Additional Conditions

9. The visibility splays indicated on approved plans shall be implemented before the site accesses are brought into use and subsequently maintained free of obstruction above the height of 0.6m.

Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety pursuant to Bury Unitary Development Plan Policies H2/2 - The Layout of New Residential Development and HT6/2 - Pedestrian/Vehicular Conflict.

10. 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:

- Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations;
- Hours of operation and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
- Parking on site or on land within the applicant's control of operatives' and construction vehicles together with storage on site of construction materials.

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.

Reason. No details have been submitted and 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, in the interests of highway safety pursuant to the NPPF and UDP Policies HT4 New Development.

11. The car parking for the residential scheme indicated on the approved plans shall

be surfaced, demarcated and made available for use prior to the residential development hereby approved being brought into use and thereafter maintained available for use at all times.

Reason. To ensure adequate off-street car parking provision in the interests of road safety pursuant to UDP Policy HT2/4 Car Parking and New Development pursuant to the NPPF and UDP Policy H2/2 The Layout of New Residential Development, HT2/4 Car Parking and New Development and HT4 New Development.

12. The turning facilities indicated on the approved plans shall be provided before the development is brought into use and shall subsequently be maintained free of obstruction at all times.

Reason. To minimise the standing and turning movements of vehicles on the shared access road and the highway, in the interests of road safety pursuant to the NPPF and UDP Policy H2/2 The Layout of New Residential Development and HT4 New Development.

Item:06 Higher Tops Barn, Moor Road, Ramsbottom, Bury, BL8 4NU Application No. 61363

Change of use of agricultural land to horse manege

Publicity

Further objection received from Higher Tops Barn with the following comments:

- After reading your report with recommendations to pass this application, we make one last attempt to sway your conscience and appeal to Committee to reject this application;
- Your response on page 117 stating there is no open enforcement order is fact - the truth is the lane was never removed;
- Only the top tarmac surface was removed and there remains 2-3 feet of hardcore sub-structure and membrane left in place. This is not a track 'naturally created by constant use' as you call it. The removal of the track was never enforced correctly. It would not be permissible under permitted development rights. The yard and gates that also failed to get retrospective planning still remain. Therefore condition 5 is a farce. You are choosing to ignore the vehicular access from Helmshore Road.
- You have pointed out rights of access are not planning matters - but we questioned that planning has a duty or responsibility to consider whether the proposed access was suitable and sufficient for the proposed development - eg access to a new housing estate.
- As proof of point about the access issues experienced, photographs submitted to show the disruption caused via unlawful access via the pedestrian gate, unlawful parking on private land for a small kitchen extension being put in by the applicant. it blocks other road users such as emergency services, mountain rescue, national trust and other farmers and this is only the start/preparation work;
- Expand and scale this to what is required for the development of a manege, and access would not be suitable for the types and number of vehicles needed;
- Planning has a duty to assess whether the access the applicant is proposing adequate - the answer is no!;
- The private side of this has now escalated to both police and solicitors - please do not add to the existing problems; you are partly responsible for the issues we have on site;
- The stables application was passed without consideration for access, leading to issues of rights of way and water followed by numerous planning issues with the lane;
- You failed to enforce the removal of the lane, yard and gates - several

applications in different guises have tried to keep the lane under different agricultural disguises;

- You passed application ref 58146 putting pressure on us to allow the applicant to create more issues and now you are about to pass another application without adequate access and create more problems for yourselves not just us - when Moor Road is blocked next time it will be coming back to your planning officers and the tax payers money to enforce;
- Please reject this application or tie up the start of this development up to the agreement of the access onto Moor Road and not the pedestrian gate so there would be lawful access and a yard to park in, deliver to and work from during the development.

Applicant's response to objector -

- In a letter dated 16th June 2017, the applicant has stated that there is an approved application for an entrance off Moor Road into the site, however, so far Mr and Mrs Baron have not agreed to a right of way being established. If the neighbours could agree to the right of way, the letter states that a lot of their emotional upset would pass. If they wanted the approved entrance re positioned, the applicant would give it some consideration.

Response to other objections raised -

- The 'access track' referred to by the objector does not form part of this planning application. However, as they have stated that it is a formal and 'properly made up road' this has been passed on to the Council's Enforcement Section to investigate.
- In terms of all the other issues raised by the objector, these have been covered in the Officer Report.
- A plan has been received to show the proposed access route from the stables to the manege. This demonstrates that the access would be entirely within the curtilage of the applicant and would not require access via any part of the neighbouring property.

Item:07 Ramsbottom Service Station, Stubbins Lane, Ramsbottom, Bury, BL0 OPU Application No. 61364

Redevelopment of existing petrol station including demolition of shop, car wash and industrial building and erection of a retail unit (Class A1) and drive thru coffee shop (Class A1), new car parking, site access and associated works

The application is to Approve with Conditions. This recommendation was omitted from the published report.

Consultations

Traffic Section - No objections, subject to the inclusion of conditions relating to car parking and a delivery management plan.

Publicity

1 letter has been received from the occupiers of 31 Stubbins Lane, which has raised the following issues:

- Object to this planning 100%.
- It will increase disturbance through noise - people coming and going, car radio noise, noise from conversations.
- We suffer continual traffic noise whilst using the existing petrol station.
- Many young drivers meet and congregate at the petrol station i nevenings and rev

- their engines and blast out car radios until the police move them on.
- The proposed parking area will become a meeting point for these young people and the noise pollution will increase dramatically.

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

Issues and Analysis

Principle (Retail) - The application site is currently used as a petrol filling station with a retail shop of 181 square metres. The proposed retail unit would be 481 square metres in size and would be 300 square metres larger than the previous retail unit and 190 square metres for the proposed coffee shop. Therefore, the proposed retail unit and the proposed coffee shop needs to be fully assessed against the policies of the UDP and NPPF. The site lies 300 metres from the northern boundary of Ramsbottom town centre and for the purposes of the retail element of the proposal, should be regarded as an edge-of-centre location.

Paragraph 24 of the NPPF states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses (including retail) that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

The applicant has provided a statement with regard to the sequential test in paragraph 24 of the NPPF. The proposed development relates to a proposed retail unit and a drive thru coffee shop. The proposed drive thru coffee shop forms part of a roadside facility and fulfills a different role to a coffee shop within the town centre. The applicant argues that the main customer base for the drive thru+ coffee shop would be passing motorists who would not drive into the town centre to purchase coffee as part of their commute and would more than likely already be visiting the existing petrol filling station.

This approach was acknowledged by an Inspector in an appeal decision in January 2017 for a site near Brackley. The inspector concluded that a drive thru roadside facility "by definition is unlikely to be in a town centre" and continued, "Given that the purpose of this developmebnt is to provide roadside facilities for motorists, which by definition is unlikely to be in a town centre, I consider the sequential test to be of little relevance to this appeal and this was confirmed by the Council at the hearing."

As such, the proposed development should not be subject to a sequential test, as its function is different to that of town centre shops and the proposal would not undermine the vitality and viability of the town centre. The proposed development would be located on a highly accessible site, which is well connected to the town centre. Therefore, the proposed development would be in accordance with Policy S4/4 of the Bury Unitary Development Plan and the NPPF.

The applicant has provided a Crime Impact Statement within the Planning and Design and Access Statement, which states that the site boundaries would only allow access/egress to Stubbins Lane and the site would incorporate good, consistent and well designed lighting. As such, the proposed measures would be acceptable and would be in accordance with Policy EN1/5 of the Bury Unitary Development Plan.

Response to objectors

The issues relating to noise are dealt with in the main report and the issues relating to the potential for crime have been addressed above.

Conditions

Therefore, conditions 8 and 13 should be amended in relation to deliveries and condition 14 should be added in relation to car parking:

8. A landscape management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The landscaping plan should include elements to mitigate for loss of trees, shrubs and bird nesting habitat. The approved plan shall be implemented not later than 12 months from the date the building(s) is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EN1/2 - Townscape and Built Design

EN8/2 – Woodland and Tree Planting

Policy EN6/3 - Features of ecological value.

13. Deliveries to the site shall only take place from 06.00 until 20.00 for the coffee shop and from 08.00 to 20.00 for the retail unit and petrol deliveries.

The deliveries shall be co-ordinated in accordance with a management plan, which must be submitted to and approved in writing by the Local Planning Authority prior to the buildings being first brought into use.

Reason. In the interests of residential amenity pursuant to Policy S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations of the Bury Unitary Development Plan.

14. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the buildings hereby approved being first brought into use.

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

Item:08 Flat above 45 Bridge Street, Ramsbottom, Bury, BL0 9AD Application No. 61502

Change of use from dwelling (Class C3) (flat above ground floor cafe) to a sewing and crafts teaching centre (Class D1): Change upvc window frame at front to traditional white sash style

Nothing further to report

Item:09 13 Brandlesholme Road, Tottington, Bury, BL8 4DR Application No. 61530

Change of use from shop (Class A1) to cafe (Class A3); New shop front and formation of outside seating area at front

Additional Information

The applicant has agreed to erect a suitable screen along the existing boundary wall that would help reduce the visual impact of the outdoor seating area from the adjoining neighbour - in accordance with condition 5.

Item:10 Birchen Bower Farm, Harwood Road, Tottington, Bury, BL8 3PT

Application No. 61563

Replacement garage/workshop/stable/tackroom and alterations to windows and doors; Two storey extension at front and change use of the attached barn to residential accommodation

Objectors have been notified of the Planning Control Committee meeting.

Nothing further to report.

Item:11 Site of former Fishpool County Infant School, Parkhills Road, Bury, BL9 9AP Application No. 61572

Change of house type for plots 3,4,5,6,7,8 from previously approved planning application 58866

Consultations

Traffic Section - No objections.

Publicity

1 letter has been received from the occupiers of 62 Devon Street, which has raised the following issues:

- No reservations concerning the planning application.
- However, when the school was knocked down residents received a letter stating that the walls would be the subject of a preservation order.

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

Response to objectors

The wall surrounding the site is not subject to a preservation order. However, the previously approved plans indicate that the wall would be retained with gates installed for access to the proposed dwellings.

Item:12 Glenshiel, 232 Hilton Lane, Prestwich, Manchester, M25 9FX Application No. 61584

Demolition of existing bungalow and erection of 3 no. dwellings

Consultation

Traffic Section - No objections, subject to the inclusion of conditions relating to visibility splays, turning head, car parking and the retaining wall.

Publicity

The neighbouring properties were notified of the revised plans by letter on 17 July 2017.

There has been no response.

Conditions

Therefore, conditions 10 - 12 should be added in relation to visibility splays, turning head, car parking and the retaining wall:

10. Prior to the development commencing, details of the visibility splay at the access of the proposed development to Butterstile Close shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the dwellings being first occupied and shall subsequently be maintained free of obstruction above the height of 0.6m

Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EN1/2 - Townscape and Built Design

Policy H2/1 - The Form of New Residential Development

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

11. The turning facilities indicated on the approved plans shall be provided before the development is brought into use and shall subsequently be maintained free of obstruction at all times.

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

Policy EN1/2 - Townscape and Built Design

Policy H2/1 - The Form of New Residential Development

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

12. No development shall commence unless or until a structural survey of the retaining wall and any repairs required has been undertaken and submitted to and approved in writing by the Local Planning Authority. The approved scheme of repairs shall be implemented in full prior to the occupation of any of the dwellings hereby approved.

Reason. No information on the structural integrity of the wall has been provided and to ensure the stability of the wall in the interests of the safety of pedestrians and road users pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EN1/2 - Townscape and Built Design

Policy H2/1 - The Form of New Residential Development

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

Item:13 Land adjacent to 5 Stanley Road, Radcliffe, Manchester, M26 4HG
Application No. 61613

Erection of 1 no. dwelling

Nothing further to report.



REVISIONS	
MM/DD/YY	REMARKS
1 14/05/2016	Full Planning
2 13/01/2017	Alterations after Pre-App Meeting on 13/1/2017
3 30/01/2017	Reduction in size from 750 sqm to 600 sqm after pre application
4 19/01/2017	Marking of access, fencing and increased landscaping
5 24/07/2017	Plan showing route from stables to manege as per officer request

Drawings by DF Rural Management
 The Innovation Centre
 Daresbury
 Cheshire

Scale 1:250 @ A3

Higher Tops Barn, Proposed Horse Paddock Surface

Plan showing route from stables to manege