

BURY COUNCIL
DEPARTMENT FOR RESOURCES AND REGULATION
PLANNING SERVICES



PLANNING CONTROL COMMITTEE

31 July 2018

Addendum to main report following publication of NPPF

Since the publication of the Planning Control Committee Agenda and Reports for the meeting on 31st July, a revised National Planning Policy Framework (NPPF) was published by the Government on Tuesday 24th July 2018 which takes immediate effect as a material consideration. As a result, each report has been reviewed and revised to take into account the policies in the revised NPPF.

**Item:01 Land at Bury Road / York Street, Radcliffe, Manchester, M26 2WH
Application No. 60418**

Variation of conditions 20,27,28,29 & 35 of approved planning application 56744 relating to: 20&35- surface water drainage scheme, 27- samples of materials, 28- lifetime homes, 29- footpath and cycle route to vary the timing of submission for implementation

Change to the Statement to read:

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.

Conditions

In order to reflect the changes to the NPPF, conditions have been amended to ensure they refer to the correct section of the revised document.

The conditions can be found at Appendix 1 of this document.

Item:02 10 Vernon Road, Tottington, Bury, BL8 4DD Application No. 62132

Change of use from shop (Class A1) to cafe (Class A3); New shop front and installation of flue at rear

Change to the Statement to read:

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.

Item:03 15 Bridge Street, Ramsbottom, Bury, BL0 9WN Application No. 62607

Conversion of first floor and second floor roof space of former bank to 2 apartments, including first floor rear extension and roof terrace on front elevation and erection of bin store to Garden Street elevation

Principle

Amended to read:

The National Planning Policy Framework 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. There

is a particular emphasis, as in previous national planning guidance, to identify 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 with 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.

Design, layout and impact upon the conservation area

Amended to read:

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

Chapter 16 of the National Planning Policy Framework (NPPF) sets out the Government's planning policy position in relation to development involving heritage matters. Paras 189 to 202 set out how the significance of listed buildings and Conservation Areas must be considered in relation to development proposals including, but not limited to, the judgement of harm, significance, loss to heritage assets (Designated ones and non-designated ones).

Change to the Statement to read:

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.

Item:04 31 Quarlton Drive, Tottington, Bury, BL8 4JY Application No. 62715
Demolition of existing dwelling house and erection of replacement dwelling house with detached garage

Principle (Green Belt)

Following the publication of the NPPF on the 24th July 2018 proposals within the Green Belt need to be considered in relation to paragraph 145. Paragraph 145 states that:

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

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

Exception d) replicates bullet point 4 of paragraph 89 of the superseded NPPF which is assessed within the main committee report. As such, the assessments made in terms of the impact of the proposal on the Green Belt remain unchanged.

In this instance it is considered that the proposal would comply with NPPF paragraph 145, OL1/2 - New Buildings in the Green Belt, OL1/3 - Infilling in existing villages in the Green Belt and Supplementary Planning Document 8 - New Buildings and Associated Development in the Green Belt and would therefore not impact on the openness of the Green Belt.

Drainage

The National Planning Policy Guidance - Flood risk and coastal change has not been amended and the updated version dated the 6th March 2014 remains. As such details of surface water drainage will still have to be based on the hierarchy of drainage options in the NPPG.

Ecology

The committee report reads "Section 109 NPPF states that the planning system should contribute to and enhance the natural and local environment." Following the publication of the NPPF on the 24th July 2018 this should read "Paragraph 170 of the NPPF states that the planning system should contribute to and enhance the natural and local environment."

Neighbour Objections

The National Planning Policy Guidance - Flood risk and coastal change has not been amended and the updated version dated the 6th March 2014 remains. As such details of surface water drainage will still have to be based on the hierarchy of drainage options in the NPPG.

Change to the Statement to read:

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 Paragraphs 38 of the National Planning Policy Framework.

Conditions

In order to reflect the changes to the NPPF conditions have been amended to ensure they refer to the correct section.

Condition 5 amended to read:

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

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

Condition 7 amended to read:

If the demolition hereby approved does not commence before the 30th April 2019, the building will need to be reassessed for bat roosting potential and the finding supplied to and 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 Section 15 of the National Planning Policy Framework.

Condition 8 amended to read:

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 birds are present.

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.

Condition 10 amended to read:

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.

Condition 11 Amended to read:

Following the provisions of Condition 10 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.

Item:05 626 Manchester Road, Bury, BL9 9SU Application No. 62777

Removal/Variation of condition no. 4 (implementation of traffic regulation order) of planning permission 61687

Change to the Statement to read:

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 Paragraphs 38 of the National Planning Policy Framework.

**Item:06 Tottington Motor Co, Market Street, Tottington, Bury, BL8 3LS
Application No. 62780**

Variation of condition 2 (approved plans) of planning permission 60264 to revise the store building to provide an enclosed goods access, a basement and revisions to elevations; amendments to layout including forecourt levels, fuel pumps and car parking

Change to the Statement to read:

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

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

Conditions

In order to reflect the changes to the NPPF, conditions have been amended to ensure they refer to the correct section.

Condition 4 amended to read:

No development shall commence, other than clearance works, unless and until 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.

Condition 5 amended to read:

Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and

A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

Condition 6 amended to read:

Following the provisions of Condition 4 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved 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 alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

Condition 7 amended to read:

No development other than demolition and site clearance works, shall commence unless and until surface water drainage proposals have been submitted to and approved in writing by the Local Planning Authority. The scheme should be in accordance with the submitted Surface Water Sustainable Drainage Assessment and

must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed maintenance arrangements should also be provided. The approved scheme only shall be implemented prior to first occupation and thereafter maintained.

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

Condition 9 re-numbered and re-worded to read:

Condition 8 - Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution pursuant to Policy EN5/1 - New Development and Flood Risk and Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan and Section 14 of the National Planning Policy Framework.

Condition 10 re-numbered and re-worded to read:

Condition 9 - The development hereby approved shall be carried out in accordance with the Remediation Strategy Report, dated February 2017 approved as part of condition 10 of permission 60264 and the recommendations in the report shall be implemented prior to first occupation/use of the development.

Reason. To ensure the actual risk from shallow mine workings is properly assessed and mitigated to secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

Condition 11 re-numbered and re-worded to read:

Condition 10 - If works are to be carried out to trees between 1 March and 31 August inclusive in any year, a report assessing whether the trees contain nesting birds shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed within an agreed 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 National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

Conditions 12-24 re-numbered conditions 11-23 respectively.

Item:07 Land off Roach Bank Road, Bury, BL9 8RY Application No. 62835
External lighting scheme and baffling

Change to the Statement to read:

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 Paragraphs 38 of the National Planning Policy Framework.

Item:08 20 Hillstone Close, Tottington, Bury, BL8 4EZ Application No. 62860

First floor extension at rear, new rear dormer and balcony structure with glazed balustrade at rear; Pitched roof over existing integral garage at front

Change to the Statement to read:

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

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

Item:09 Kay Street Bridge, Summerseat, Ramsbottom, Bury, BL9 6BU Application No. 62867

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

Please see updated officer report, located at Appendix 2

Item:10 48 Parksway, Prestwich, Manchester, M25 0JB Application No. 62914

Erection of 1 no. dwellinghouse with basement and detached garage

Change to the Statement to read:

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.

Conditions

In order to reflect changes to the NPPF conditions have been amended to ensure they refer to the correct section.

Condition 9 amended to read:

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.

Condition 10 amended to read:

Following the provisions of Condition 9 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.

Condition 12 amended to read:

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

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