

<b>Title</b>	<b>Planning Applications</b>
<b>To:</b>	<b>Planning Control Committee</b>
<b>On:</b>	<b>30 July 2019</b>
<b>By:</b>	<b>Development Manager</b>
<b>Status:</b>	<b>For Publication</b>

### **Executive Summary**

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

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

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

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

**Policy:** Identified in each case.

**Resources:** Not generally applicable.

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

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

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

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

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

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

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

## **Development Manager**

### **Background Documents**

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

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

<b>01</b>	<b>Township Forum - Ward:</b>	Radcliffe - East	<b>App No.</b>	63917
	<b>Location:</b>	Site of former British Legion Club, 50 Water Street, Radcliffe, Manchester, M26 4DF		
	<b>Proposal:</b>	Demolition of existing buildings and erection of block of 19 no. apartments with associated external works, landscaping and car parking		
	<b>Recommendation:</b>	Approve with Conditions	<b>Site Visit:</b>	N

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<b>02</b>	<b>Township Forum - Ward:</b>	Bury West - Elton	<b>App No.</b>	64128
	<b>Location:</b>	Site of Andrew Textile Industries Ltd, Walshaw Road, Bury, BL8 1LF		
	<b>Proposal:</b>	Outline application for demolition of all existing buildings and erection of up to 108 no. dwellings with new vehicle and pedestrian access, landscaping and associated works and details of access (matters of layout, scale, appearance and landscaping are reserved)		
	<b>Recommendation:</b>	Approve with Conditions	<b>Site Visit:</b>	Y

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**Ward:** Radcliffe - East

**Item** 01

**Applicant:** Mangrove Estates Ltd

**Location:** Site of former British Legion Club, 50 Water Street, Radcliffe, Manchester, M26 4DF

**Proposal:** Demolition of existing buildings and erection of block of 19 no. apartments with associated external works, landscaping and car parking

**Application Ref:** 63917/Full

**Target Date:** 28/08/2019

**Recommendation:** Approve with Conditions

### **Description**

The application site contained the British Legion Club building, which has been demolished some time ago. The site is currently vacant and is located 0.5 kilometres to the north of Radcliffe Town Centre. The site is flat and the land to the north is at a higher level (approx 2 metres). The site is accessed from Water Street via an unadopted access that also serves the adjacent properties.

There are residential properties to the north and north east of the site and there is a three storey nursing home to the east. There are two storey offices to the west and Water Street forms the boundary to the south with apartments beyond.

Outline planning permission was granted in April 2017 for 19 apartments with a mix of 1 and 2 bed units in a single building. The proposed building would be three storeys in height adjacent to the offices on the west side, rising to 4 storeys near the nursing home on the east side. The proposed building would be constructed from brickwork and render with a concrete tile roof. The site would be accessed from Water Street and a car park of 26 spaces would be sited to the east and to the north of the proposed building.

The proposed development involves the erection of a single building containing 19 apartments, with a mix of 1 and 3 bed units. The proposed building would be three storeys in height adjacent to the offices on the west side, rising to four storeys near the nursing home on the east side. The proposed building would be constructed from red and beige brickwork with a flat roof. The site would be accessed from Water Street and a car park of 26 spaces would be sited to the east and the north of the proposed building.

### **Relevant Planning History**

59375 - Outline - demolition of existing building and erection of 1no. building containing 19 no. apartments with associated car parking and amenity space - Approve with Conditions 25/04/2017

Adjacent site

56621 - New entrance porch, landscaping, parking and external alterations at Rose Court Nursing Home, 44 - 48 Water Street, Radcliffe. Approved with conditions - 27 September 2013.

57091 - Non material amendment following grant of planning permission 56621 for relocation of existing bin storage arrangement, 1.8 metre close boarded timber fencing to perimeter of parking area with gates and alterations to arrangement of car parking spaces at Rose Court Nursing Home, 44 - 48 Water Street, Radcliffe. Approved with conditions - 7 February 2014.

### **Publicity**

The neighbouring properties were notified by means of a letter on 29 May 2019 and a press notice was published in the Bury Times on 6 June 2019. Site notices were posted on 10

June 2019.

6 letters of support have been received from the occupiers of 1 Radcliffe Moor Road, 90 Water Street, 132, 145 Turks Road, 3 Kenilworth Close, which have raised the following issues:

- As a long standing resident of Radcliffe, who has passed the site for over 60 years, it is pleasing to see an application has been put forward for much needed housing and investment in the area.
- This is a great idea, which will provide much needed affordable housing in the area.
- It will be good to see a lovely property in Radcliffe.
- It is in a good location for the metro and bus services.
- As a local business man and investor, the scheme has my full support and it will address the lack of affordable housing in Radcliffe.

3 letters have been received from the occupiers of HC Southgate House, Twinwall Ltd and the Manchester, Bolton & Bury Canal Society, which have raised the following issues:

- On behalf of the owners of Rose Court care home, we object as the proposed development is in close proximity to the care home and will affect the privacy of its residents.
- The proposed development is 4 storeys high and a greater height than the care home. Views from the home area important for residents and the proposal would affect this.
- If the development is allowed to go ahead, this may lead to a reduction in resident fees and the financial viability of the home.
- The car parking provision is not sufficient and will lead to visitors parking on the care home car park. Impact upon emergency services access to the property.
- The Manchester, Bury & Bolton Canal Society do not object to the proposal providing the canal would not be disturbed by these works.
- Could the Community Levy be applied to this development?
- The nursing home will be adversely affected by this development as deliveries will not longer be able to turn vehicles around once they have entered the site.
- This was highlighted during a visit when a vehicle turned down the road in error and had to turn around. If the proposed pavements had been in place, the manoeuvre would have been impossible.
- The proposed development includes altering the publicly maintained highway over which we have enjoyed vehicular access since 1965.
- A pavement will be installed at the access to the car park, which would remove a passing place for vehicles accessing the area. Photographs have been submitted to illustrate this.
- Where the adopted highway ends, the road becomes very narrow and prevents two way traffic. This road is utilised by hgvs.
- The lack of parking spaces results in visitors to the nursing home park on and adjacent to the narrow highway causing problems.
- If the development is to go ahead, the road should be widened.
- The developer has installed temporary fencing over part of the roadway over which all parties on the adjoining sites have enjoyed a right of way in excess of 20 years and will result in a legal challenge.
- The proposed development does not comply with Design Bulletin 32 - Residential Road and Footpath Standards.
- There is a surface water drain at the entrance to the site and it is difficult to see how this can be accommodated.
- Has the developer obtained permission from the land owner of the roadway?

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

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

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

**Drainage Section** - No response.

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

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

**Waste Management** - No response.

**Environment Agency** - No response.

**Design for security** - No response.

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

**The Coal Authority** - No objections.

**GM Ecology Unit** - No objections, subject to the inclusion of conditions relating to nesting birds and landscaping and an informative relating to bats.

**Canal & River Trust** - No comments.

**Performance & Housing Strategy** - No response.

**Pre-start Conditions** - Awaiting confirmation from the agent that pre-commencement conditions are acceptable.

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

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/2	Townscape and Built Design
EN5/1	New Development and Flood Risk
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
RT2/2	Recreation Provision in New Housing Development
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD1	Open Space, Sport and Recreation Provision
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

### **Issues and Analysis**

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

**Principle (Residential)** - 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.

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

The site would be located within the urban area and there are commercial properties, a care home and residential properties nearby. As such, the proposed development would not conflict with the surrounding land uses and would be in a sustainable location with good access to public transport and services. The site contained a building and is previously developed land. As such, the proposed development would be acceptable in principle and would be in accordance with Policy H1/2 of the Bury Unitary Development Plan and the NPPF.

**Design and layout** - The proposed building would be a mix of three and four storeys in height. The proposed building would be three storeys adjacent to the 2 storey offices on the west side, stepping up to four storeys on the east side, closer to the 3 storey nursing home. The proposed building would be constructed from red and beige brickwork with a parapet to screen the flat roof and the materials would match the existing buildings in the locality.

There is a outline consent for this site, which is still extant and the previously approved elevation plan is included. This permission included a 3 - 4 storey building, which would be 0.8 metres higher than the proposed building. The footprint and siting of the building would be the same.

The use of materials, juliet balconies, recessed areas and canopies would add visual interest to the elevations. It is considered that the proposed building would add interest to the streetscene and would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

The level of private amenity space would be acceptable and the proposed bin store in the south west corner would be large enough to accommodate the required level of bins. The proposed site plan indicates that the brick wall along the frontage would be retained, which is welcomed. The remainder of the boundary treatments would be the subject of a condition. Therefore, the proposed development would be in accordance with Policies EN1/2, H2//1 and H2/2 of the Bury Unitary Development Plan.

**Impact upon residential amenity** - SPD 6 provides guidance on aspect standards for residential properties and would be relevant in this case. The aspect standards states that there should be a minimum of 20 metres between directly facing habitable room windows and 13 metres between a habitable room window and a two storey blank wall. For each additional storey in height, 3 metres should be added to the separation distance, i.e. there should be 23 metres between directly facing habitable room windows and a three storey gable.

There would be 24.6 metres between the proposed development and the gable of No. 2 Knowles Street, which would be in excess of the 19 metres required.

There would be a minimum of 54.2 metres between the proposed development and the residential flats on the opposite side of Water Street, which is in excess of the 26 metres required.

There would be 37.5 metres between the gable of the proposed building and Rose Court nursing home, which would be in excess of the 19 metres required.

There would be 41.1 metres between the proposed development and the rear elevation of the existing dwellings on Robertson Street. This would be well in excess of the 26 metre aspect standard required.

Therefore, the proposed development would comply with the aspect standards set out in SPD 6 and would not have an adverse impact upon the residential amenity of the neighbouring properties.

**Ecology** - The proposed development would involve the demolition of the garage colony to the north of the site. A bat survey was undertaken and confirmed that the garages have negligible bat roosting potential. As such, there are no objections to their demolition. GM Ecology UNit have no objections to the proposed development, subject to the inclusion of conditions relating to nesting birds and a landscape plan and an informative relating to bats. Therefore, the proposed development would not have an adverse impact upon a protected species and would be in accordance with Policies EN6 and EN6/3 of the Bury Unitary Development Plan and the NPPF.

**Highways issues** - The site would be accessed from Water Street via the existing unadopted access and the proposed access into the car park would be relocated some 4 metres to the east. The proposed works would allow a footpath with appropriate levels of visibility to be provided. The Traffic Section has no objections subject to the inclusion of conditions relating to access improvements, turning facilities, construction traffic management plan and car parking. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies EN1/2, H2/1, H2/2 and HT of the Bury Unitary Development Plan.

**Parking** - SPD11 states that the maximum number of parking spaces is 1 space per 1 bed dwelling and 1.5 spaces per 2 bed dwelling in a high access area. This equates to 26.5 spaces.

The proposed development would provide 26 spaces, including 2 disabled parking bays, which would comply with the maximum parking provision. Therefore, the proposed development would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

**Planning obligations** - The scheme as proposed would normally include a commuted sum contribution of £29,677.05 for recreation as required by SPD1 and 2 affordable units.

The proposed development would provide 19 affordable units, which is in excess of the 2 required. The proposed development would be part funded by Homes England and all units would be available for affordable rent.

The applicant has submitted a viability appraisal where a case has been presented that any commuted sum would render the development unviable. The viability appraisal has been assessed and accepted and it is recommended that the commuted sum for recreation should be waived on this occasion. It should be noted that this recommendation should not set a precedent and all future applications should be assessed on their own merits. On this basis, a condition has been included to personalise the permission to the applicant.

However, the scheme will deliver 100% much needed affordable housing in the Borough which is a clear benefit of the proposal. The affordable housing provision would be secured through a condition.

### **Response to objectors**

- The issues relating to access, traffic, car parking and privacy have been addressed in the report above.
- The proposed development would be located on the same footprint as the previously approved scheme and would be 0.8 metres lower.
- The loss of view and the financial viability of the adjacent businesses are not material



- planning considerations and cannot be taken into consideration.
- The canal would not be affected by the proposed development.

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

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

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 4367/101 A, 4367/120 A, 4367/110 A and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
3. Details/Samples of the (materials/bricks) to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials/bricks shall be used for the construction of the development.  
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity.
4. No development shall commence unless and until:-
  - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
  - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
  - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
5. Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each

stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

6. Prior to the commencement of the development hereby approved, a scheme for the provision of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the building hereby approved.

Reason. In accordance with paragraph 35 and 124 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.

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

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

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

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

9. 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.

10. 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
11. Notwithstanding the details indicated on approved plan reference 4367/101 Revision A, no development shall commence unless and until full details of revised southerly/easterly boundary details to ensure that visibility splays/forward visibility envelope in accordance with the standards in Manual for Streets for a design speed of 20mph can be provided at the junction of the site access with Water Street/the unadopted access road have been submitted to and approved in writing by the Local Planning Authority. The details subsequently approved shall be implemented prior to occupation of the proposed development/before the amended site access is brought into use.  
Reason. To ensure good highway design and 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  
Policy HT6/2 - Pedestrian/Vehicular Conflict
12. No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local Planning Authority and shall confirm/provide the following:
- Access point for demolition/construction traffic from the adopted highway;
  - Hours of operation and number of vehicle movements;
  - A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access;
  - Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site, including any requisite phasing of the development to accommodate this;
  - Parking on site of operatives' and demolition/construction vehicles together with storage on site of demolition/construction materials, including any requisite phasing of the development to accommodate this;
  - Proposed site hoarding/gate positions, including the provision, where necessary, of temporary pedestrian facilities/protection measures on the adopted highway and unadopted access road;
  - Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

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

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

13. The development hereby approved shall not be first occupied unless and until the proposed pedestrian and vehicular access improvements on Water Street/the unadopted access road indicated on approved plan reference 4367/101 Revision

A and all associated highway remedial works have been implemented to an agreed specification with the Local Planning Authority.

Reason. To ensure good highway design and maintain the integrity of the adopted highway, in the interests of highway 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

Policy HT6/2 - Pedestrian/Vehicular Conflict

14. The turning facilities indicated on approved plan reference 4367/101 Revision A shall be provided before the development is first occupied 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.

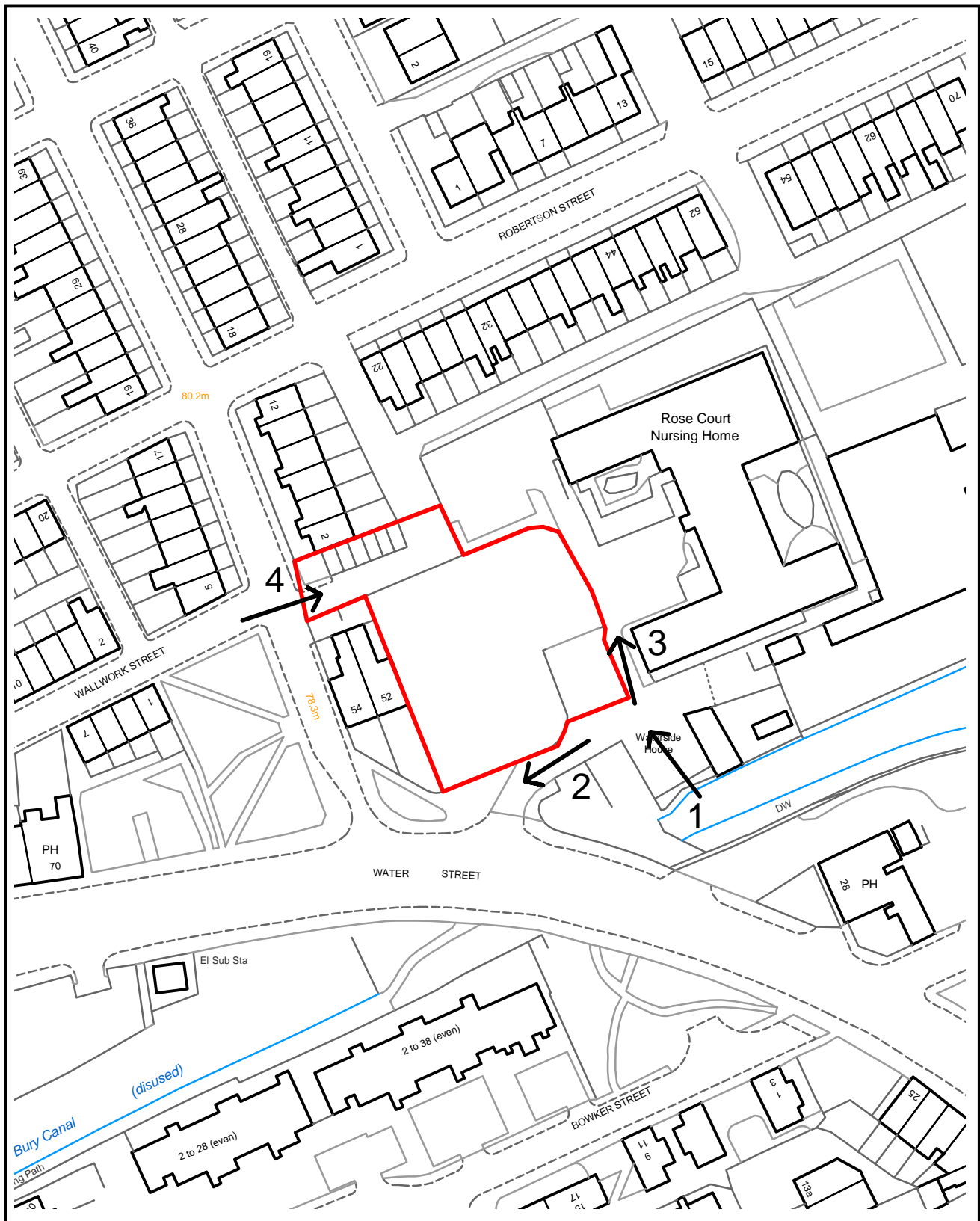
15. The car parking indicated on approved plan reference 4367/101 Revision A shall be surfaced, demarcated and made available for use prior to the development hereby approved being occupied and thereafter maintained at all times.

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

16. The development hereby approved shall only be developed by or on behalf of the applicant as an affordable housing scheme and each and every residential dwelling constructed as part of the scheme shall subsequently be occupied only and at all times as affordable housing, as defined in Supplementary Planning Document 5 - Affordable Housing Provision in New Residential Developments.  
Reason - The proposed development has been granted given the particular circumstances of the applicant following a funding package from the Homes England which provides an opportunity to promote increased affordable housing, but as a result a recreational contribution pursuant to Supplementary Planning Document 1 (Open Space, Sport and Recreation Provision in New Housing Development) will not be provided. This condition is thereby to ensure that in order to make the development acceptable in planning terms, as a result of not making a recreational contribution the whole development shall instead contribute to satisfying the need for affordable housing provision.

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

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

**APP. NO 63917**

**ADDRESS: 50 Water Street  
Radcliffe**

**Planning, Environmental and Regulatory Services**

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**Bury**  
COUNCIL



63917

Photo 1



Photo 2





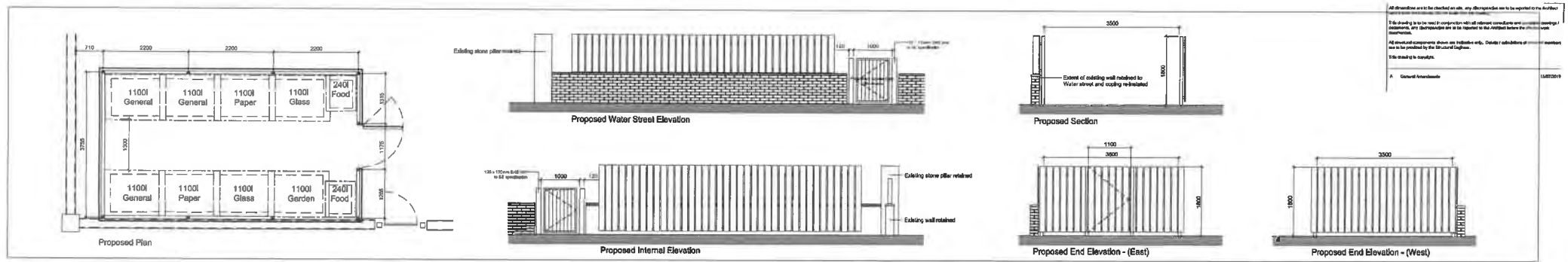
63917

Photo 3

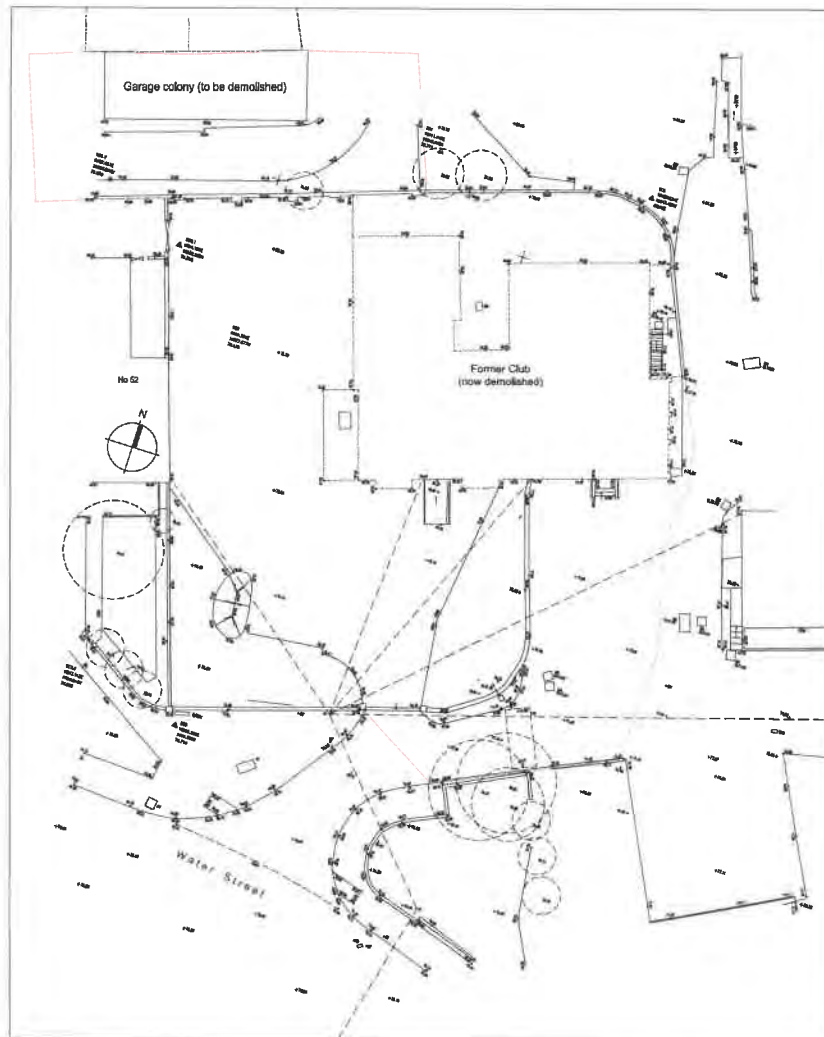


Photo 4





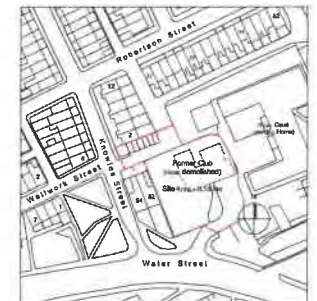
Bin Store Proposals -1:50



Existing Site Plan -1:200



Proposed Site Plan -1:200



Location Plan - 1:1250

**GA** Grays  
Architecture  
Limited

Tel : 0161 548 7263  
email: info@graysarchitects.com

Blackwood House (N)  
Groundwood Business Centre  
Macclesfield, M24 4DT

Client:

Mangrove Estates Ltd

Project:

50 Water Street, Radcliffe, M26 4DF

Drawing Title:

Existing & Proposed Site Plan / location plan /  
Bin Store Details

Scale:

1:50 / 1:200 / 1:1250  
@ A1

Date:  
January 2019

Drawing No:

4387/101

Revision:

A

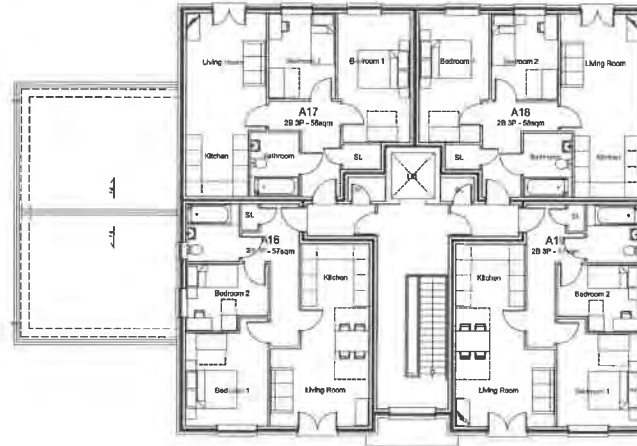


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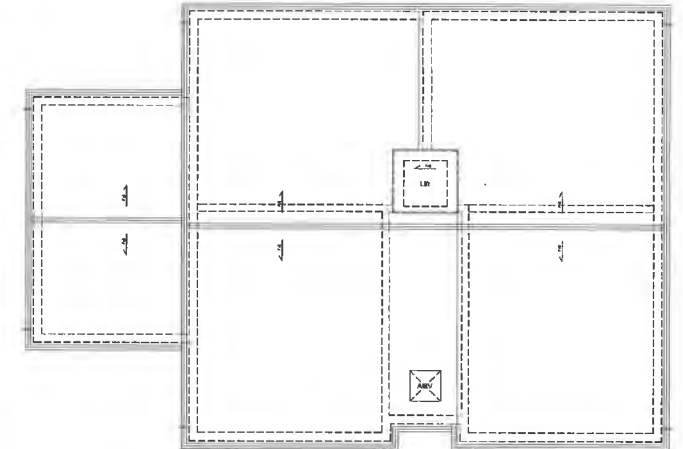
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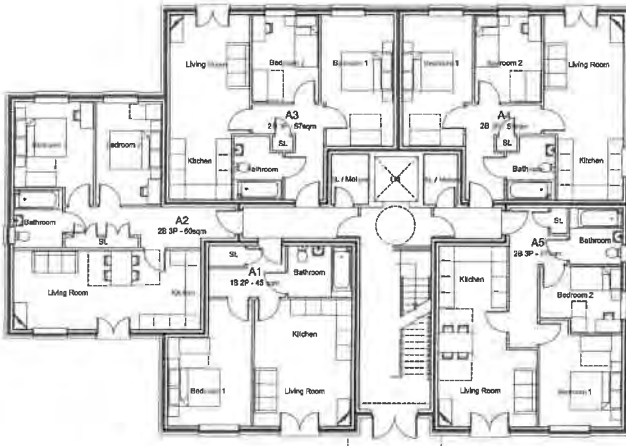
First Floor Plan



Third Floor Plan



Roof Floor Plan



Ground Floor Plan



Second Floor Plan

**GA** Grays  
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Client:  
Mangrove Estates Ltd

Project:  
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Drawing Title:  
Proposed Plans

Scale: 1:100 @ A1 Date: November 2018

Drawing No: 4367/110 Revision: A

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A General Arrangement 13/11/2018



West Elevation



Main (South) Elevation



Main (South) Elevation



East Elevation

**GA** Grays  
Architecture  
Limited

1st Floor 1:100 @ A1  
Architect: Mangrove Estates Ltd

Architect: Mangrove Estates Ltd  
Structural: Mangrove Estates Ltd  
13/11/2018

Client:  
Mangrove Estates Ltd

Project:  
50 Water Street, Radcliffe, M26 4DF

Drawing Title:  
Proposed Elevations

Scale:  
1:100 @ A1

Date:  
November 2018

Drawing No:  
43677120

Revision:  
A

**Ward:** Bury West - Elton

Item 02

**Applicant:** Andrew Industries Ltd

**Location:** Site of Andrew Textile Industries Ltd, Walshaw Road, Bury, BL8 1LF

**Proposal:** Outline application for demolition of all existing buildings and erection of up to 108 no. dwellings with new vehicle and pedestrian access, landscaping and associated works and details of access (matters of layout, scale, appearance and landscaping are reserved)

**Application Ref:** 64128/Outline Planning  
Permission

**Target Date:** 30/07/2019

**Recommendation:** Approve with Conditions

### **Description**

The application site measures 2.6 hectares and contains a large factory building of 8,000 square metres. The building is located on the eastern half of the site and was in use until 31 March 2019. The building is constructed from red brick and is single storey on the whole.

The western part of the site is allocated as employment land in the Bury UDP. It comprises an unmanaged habitat of grassland scrub mosaic, woodland and heath habitats. None of the trees in this area are subject to a Tree Preservation Order.

The whole site is accessed from Walshaw Road via 2 accesses, which leads to a car park. There is a bridleway along the southern boundary of the site.

There are residential properties to all boundaries with Leigh Lane forming the boundary to the south. On the opposite side of Walshaw Road, there are school playing fields to the northeast.

The applicant seeks outline permission for the demolition of the existing building and the erection of up to 108 dwellings. The means of access to the site would be included and all other matters (appearance, landscaping, layout and scale) would be dealt with at the reserved matters stage. The internal road layout would be addressed at the same time as the layout of the site.

Access to the site would be taken from Walshaw Road via a new access, which would be located centrally and in a similar position to the existing access.

The applicant is seeking to utilise vacant building credit to off set the amount of affordable housing to be provided.

### **Relevant Planning History**

36157 - Factory extension (Class B2) at Andrew Textile Industries, Walshaw Road, Bury. Approved with conditions - 21 March 2000.

36980 - Factory extension (Class B2) (Revised scheme) at Andrew Textile Industries, Walshaw Road, Bury. Approved with conditions - 18 October 2000

### **Surrounding area**

55312 - Residential development comprising of 111 dwellings, access and associated works at Former Elton Cop Dye Works, Walshaw Road, Bury. Approved with conditions - 26 February 2013.

58284 - Non material amendment following grant of planning permission 55312 for conversion of integral garages to living accommodation at Former Elton Cop Dye Works, Walshaw Road, Bury. Approved - 14 January 2015

58285 - Substitution of house types to plots 74, 75, 78, 90 and repositioning of plots 76, 77, 88 and 89 (retrospective) at Former Elton Cop Dye Works, Walshaw Road, Bury. Approved with conditions - 12 February 2015.

### **Publicity**

The neighbouring properties were notified by means of a letter on 7 May 2019 and a press notice was published in the Bury Times on 16 May 2019. Site notices were posted on 15 May 2019.

10 letters have been received from the occupiers of 5 Bourton Chase, 59 Elton Fold Chase, 228, 240 Walshaw Road, 13, 21, 25 Cotswold Crescent, 33 Moreton Drive, 6 Hamilton Close, Rochdale & Bury Bridleways Association, which has raised the following issues:

- During the past 38 years, Andrews have never shown any signs of maintaining the site. Now they want to destroy it to add another 108 houses to an already overdeveloped area.
- The proposal will lead to a loss of natural wildlife.
- The proposal would certainly add to the horrendous situation at peak times.
- We have problems with parking and we live opposite the site.
- This is a blind bend and there have been many accidents - some reported to the police and some not.
- The adjacent Elton Cop site was overdeveloped resulting in cars parking on pavements during evenings and weekends.
- Larger gardens should be provided to help with surface water drainage.
- The proposal will result in a loss of privacy and overlooking.
- Any increase in traffic will compound the situation further.
- The woodland is of local importance - presence of bats should be independently checked.
- The proposal is based upon making money.
- Why can't the developers build on the factory site only?
- The loss of habitat will be an ecological disaster
- I want assurances that the demolition will be undertaken carefully. My fence is fixed to the factory building at the rear.
- There is a culvert in my garden, which comes from underneath the factory. There is a problem with flooding in my rear garden and for the foundations of the adjacent properties.
- Agree that the brownfield site should be developed. The area covered by trees has never been built upon and cannot be called brownfield land.
- The removal of trees would conflict with the Council's policies.
- Trees are important in combating climate change.
- The land is a habitat for trees, plants and animals.
- Areas of the topographical survey are labelled as very dense undergrowth. There are large mature trees in these areas
- I am concerned about the intended biodiversity off-setting. This would be a convenient way of removing one habitat with no firm commitment to replace it anywhere else.
- I have seen many bats use the old buildings and trees for roosting.
- A bridleway is included in the site area and there is a public right of way to the south.
- This bridleway is open for use by pedestrians, equestrian traffic and cyclists. No measures should be put into place that would prevent use.

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

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

**Traffic Section** - No objections in principle. Further comments to be reported in the

Supplementary Report.

**Drainage Section** - No response.

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

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

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

**Public Rights of Way Officer** - No objections in principle. Further comments to be reported in the Supplementary Report

**Waste Management** - No response.

**Environment Agency** - No objections, subject to the inclusion of conditions relating to contaminated land.

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

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

**GM Ecology Unit** - No objections, subject to the inclusion of conditions relating to bats, invasive species, birds and mitigation for loss of on-site biodiversity and an informative relating to nesting birds.

**GM Archaeological Advisory Service** - No objections.

**Transport for Greater Manchester** - No objections, subject to the inclusion of a condition relating to a travel plan.

**Pre-start Conditions** - Awaiting confirmation from the agent that pre-commencement conditions are acceptable.

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

EC1/3	Land Suitable for Business (B1)
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN3/1	Impact of Development on Archaeological Sites
EN3/2	Development Affecting Archaeological Sites
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8	Woodland and Trees
EN8/2	Woodland and Tree Planting
RT2/2	Recreation Provision in New Housing Development
RT3/4	Recreational Routes
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD1	Open Space, Sport and Recreation Provision
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

### **Issues and Analysis**

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are

considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

**Principle (Employment)** - The application site is currently in use for employment purposes and the remainder of the site is allocated for employment use. As the proposal would involve the loss of this use, the acceptability of the principle of the proposed change if use needs to be considered against Policies EC1/3 and EC2/2 of the UDP and the accompanying SPD14.

Policy EC1/3 states that the site has been identified as suitable for business (B1), office uses and hotel/conference facilities. Development for other business and industrial uses (Class B2) will only be permitted in exceptional circumstances and in accordance with other policies of the plan.

Under Policy EC2/2, the Council will seek to retain the employment use of such sites unless it can be clearly demonstrated that the land and premises are no longer suited, in land use terms, to continued employment use.

The building and adjacent site were assessed as part of the Employment Land Review in 2013 and both were found to be unsuitable for continued employment use. Whilst this would not prevent the continued use of the site for employment purposes, the site could be used for alternative uses - i.e. housing. As such, the redevelopment of the site for housing would not conflict with Policy EC2/2 of the Bury Unitary Development Plan.

**Principle (Residential)** - 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.

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 for the proposed development is located within the urban area and there are residential dwellings to all boundaries. As such, the proposed development would not conflict with the surrounding land uses. Appropriate infrastructure would be available. The site contains an industrial building and hardstandings and would be previously developed land. As such, the proposed development would be acceptable in principle and would be in accordance with Policy H1/2 of the Bury Unitary Development Plan and the NPPF.

**Vacant Building Credit/Affordable Housing** - On 28 November 2014 a Written Ministerial Statement (the WMS) introduced into national policy the concept of Vacant Building Credit (VBC). This is the concept that where there is redevelopment of a vacant building then a proportionate discount should be made to the affordable housing requirement. This discount

should be based on the existing gross floor space of the vacant building.

On 30 April 2019, an application for outline planning permission was put in for the site for the demolition of the existing building, and the construction of up to 108 dwellings.

In support of the application, the proposals confirm that the building on the site had been vacated on 31 March 2019, approximately a month beforehand and that the reason for the vacancy was that the occupier had decided not to renew its lease due to the age and condition of the building not being suitable for its business needs going forward. The Local Planning Authority has sought Counsel advice on the matter of VBC.

For information, the council is also working on a draft Supplementary Planning Document (SPD) in relation to Affordable Housing 'Policy Guidance Note 5 - Affordable Housing Provision in New Residential Developments' with its intention to address wider matters of Affordable Housing but has a section on VBC. However, this is in draft and has no material weight in the consideration of VBC until it has gone through formal consultation and becomes adopted policy. However, it is important that any local policy must be in accordance with National policy and direction in its applicability and application.

Legal Principles - The implementation of the WMS is found in paragraph 63 of the National Planning Policy Framework ('NPPF'):

To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount (28)."

The (28) refers to footnote 28 which sets out "Equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned."

Further guidance to Vacant Building Credit is provided in the Planning Policy Guidance on Planning Obligations ('the NPPG') at paragraphs 26 - 28. At paragraph 26 under 'What is the Vacant Building Credit' it sets out:

"National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace."

Paragraph 27 provides guidance on the calculation of the credit using floorspace.

Paragraph 28 provides some clarification as to which vacant buildings the credit will apply to under the heading: Does the vacant building credit apply to any vacant building being brought back into use? The vacant building credit applies where the building has not been abandoned.

Case law has held that, in deciding whether a use has been abandoned, account should be taken of all relevant circumstances, such as:

- the condition of the property
- the period of non-use
- whether there is an intervening use; and
- any evidence regarding the owner's intention

Each case is a matter for the collecting authority to judge.

The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy:

- whether the building has been made vacant for the sole purposes of re-development
- whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development

This is the only national policy and guidance that is provided on VBC. There is no definition provided in the NPPF or the PPG or in case law as to how a 'vacant building' should be defined.

SPDs are important planning tools for the determination of planning proposals. These can be challenged but nevertheless are important material considerations in planning decisions. Bury does not yet have a SPD in relation to the application of VBC. Therefore the only policy direction to apply sits within the wording of the current NPPG, which has not, in its application, been subject to specific challenge and there are no legal cases to rely upon.

Overall as was made clear in West Berkshire District Council VBC is not a blanket statutory requirement but instead a national policy, which is to be applied by LPAs within the wider application of the s.38 (6) balance (decisions must be made in accordance with the development plan unless there are any other material considerations that indicate otherwise). As there has been no clear legal guidance on the interpretation and application of the VBC Policy this allows for flexibility as long as a local authority can show that its application is in line with national policy, in line with a lawful interpretation, and would not be irrational.

The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy. However that intention needs to be viewed in the overall wording of the VBC Policy.

The wording of the VBC Policy is clear that this is not a blank cheque that applies to all brownfield development. As paragraph 28 of the PPG makes clear when considering whether to give a Vacant Building Credit, "In doing so, it may be appropriate for authorities to consider whether the building has been made vacant for the sole purposes of re-development". Together these elements suggest that to correctly apply the policy there must be some criteria for accessing whether a building is vacant due to justifiable reasons or whether it has tactically been made vacant to allow for re-development.

This in fact makes sense in light of the intention of the VBC Policy. The requirement of an incentivisation is for brownfield development that might not otherwise come forward. It is not to give developers a benefit for development that would come forward regardless. That is the purpose of the 're-development' consideration in the PPG. It is arguable that with the extremely short period of vacancy on this it is not genuinely vacant and has not been made so solely for re-development.

It is also the case that there is no legal definition of 'vacant building' within the NPPF, PPG or wider planning legislation. Therefore there is no legal guidance about whether a vacant building is one that has been left vacant for a day, a month or a year.

In consideration of this analysis, taking the view that the building has simply been vacated for the purpose of development is arguably in line with the intention of the policy and therefore to have a criterion requiring the building to be left vacant for a certain period of time before it benefits from a Vacant Benefit Credit is also reasonable provided that any period of consideration is justified and rational.

Regulation 40 of the Community Infrastructure Levy Regulations 2010 ('the 2010 Regs') sets the test for determining whether an existing building is "in-use" for the purposes of paying a CIL charge. If a building is "in-use", then the floorspace of the in-use area can be deducted from the overall floorspace to calculate CIL liability (in a method similar to the VBC Policy). Reg 40 (11) sets out the definition of an "in-use" building thus "contains a part that



has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development;"

While the term 'vacant' is not used in the 2010 Regs it is interestingly used in the PPG on the Community Infrastructure Levy at paragraph 3: "The following do not pay the levy... vacant buildings brought back into the same use (see regulation 40 as amended by the 2014 Regulations).

Adopted UDP policy EC2/2 and the associated SPD14 seeks active marketing for 12 months before being considered appropriate to be developed for alternative uses. As a planning judgement therefore, In order to apply for the Vacant Building Credit (VBC), a VBC Statement must be submitted alongside a planning application. This should include Evidence that any referenced building has not been vacated solely for the purposes of development and the onus will be on the applicant to demonstrate this. The factors the Council will take into account would include

- The reasons why the previous occupier vacated the building; and
- Evidence that the site has been actively marketed for continuation of the existing or alternative use at realistic values for at least 12 months.

This is again a requirement that is not expressly mentioned in VBC Policy. However it can be justified with reflect of existing adopted local plan policy.

In short the intention of the VBC Policy is to incentivise brownfield development. However it is equally the case that there must be a way in which local planning authorities can assess whether a property is genuinely vacant or has been left vacant for redevelopment.

The requirement to have 12 months active marketing is a justifiable criterion for a LPA to apply in consideration of VBC. It is a way to ensure that only genuine vacant buildings would get the benefit of the VBC. Or in other words it is only the brownfield development that needs incentivising that will get the incentive.

This is also important because of the wider picture. As set out in West Berkshire District Council on VBC Policy (and in general to policy in Suffolk Coastal) local authorities need to apply this policy in the context with the wider local and national policies per s.38 (6). The Council have a local policy H4/1 which gives emphasis to the need for affordable housing. The NPPF para 62 does the same.

Overall therefore, the LPA considers that the building is not a genuine vacant building within the terms of the policy incentive as set out within the NPPG, in that it has only recently become vacant. As such, the application fails to demonstrate that the building has not been vacated other than for the purpose of redevelopment and not otherwise used or marketed for a reasonable time, which the Council's SPD and EC 2/2 policy might expect.

Therefore, as the case for VBC is not supported, the proposed development would need to provide the full affordable housing provision of 27 units and this would be secured by a condition.

**Design and layout** - The indicative layout has been designed to ensure that the proposed development would be outward facing. The proposed development would represent a density of 40 dwellings per hectare, which would be acceptable and would respond to the density and character of the locality. There would be a mix of properties from terraced properties to larger detached properties and the proposed dwellings would be two storeys in height, which would be appropriate in the locality. The larger units would be located on corners and would be used to animate public space and reduce visible blank elevations to create a active streetscape. Trees would be retained along the northern and western boundaries and there would be an acceptable level of amenity space for the proposed dwellings.

Therefore, the proposed development would be an appropriate feature in the streetscene and would be in accordance with Policies EN1/2, H2/1, H2/2 and EC6/1 of the Bury Unitary Development Plan.

**Heritage** - The application site partly coincides with the Historic Environment Record (HER) for Premier Mills, which was a mill dating from the 1900s. The proposed development site would impact upon a block of land that may contain remains of allotments and more certainly, the mid twentieth century buildings associated with Premier Mills. GM Archaeological Advisory Service has confirmed that none of the remains are of national or regional significance and on that basis, would recommend that no archaeological requirement is placed upon the proposed development.

**Impact upon residential amenity** - SPD6 provides guidance on aspect standards between residential properties and as such, would be relevant in this case. The aspect standards states that there should be a minimum of 20 metres between directly facing habitable windows and 13 metres between a habitable room window and a two storey blank wall.

The proposed development would need to maintain the required aspect standards between the existing and proposed dwellings - a minimum of 20 metres between directly facing properties and a minimum of 13 metres between the rear elevation and a blank gable elevation of a property. This would be a consideration for the reserved matters applications but the plans indicate achievability.

**Trees** - Tree survey identified 21 individual trees, 5 groups of trees and 2 woodland areas. The arboricultural impact assessment confirms that 10 low value trees and 2 low value groups of trees would be removed along with the removal of 2 moderate value trees and partial removal of medium value groups of trees.

The proposed removals are required to accommodate the new access, landscaping to the northern boundary, internal roads and the new properties across the site. In addition, the area of mature woodland to the west, south and north western corner of the site would be retained to provide a screen to the existing properties and maintain the amenity value of the site.

It should be noted that the proposed site plan is illustrative and more removals may be required once the detailed layout is known. However, the landscaping scheme has not been set and additional tree planting in gardens, areas of open space and along the road sides would be provided.

Therefore, the proposed development would not have a significant adverse impact upon the character of the surrounding area.

**Ecology** - The ecological appraisal indicates that much of the site contains scrub/grassland mosaic, lowland heath and wet semi-natural broad leaved woodland habitats on the site and around 1.6 hectares of semi-natural habitats would be lost with off-site compensation proposed as mitigation for this loss as part of the concept of biodiversity net gain.

The biodiversity net gain concept is supported within the NPPF which states that Local Planning Authorities should apply the following principles to applications:

- if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

As such, biodiversity net gain concept expects a development proposal to contribute by looking to avoid, mitigate or compensate for biodiversity harm that may occur as a result of

the development. Biodiversity net gain will provide coherent ecological networks that are more resilient to current and future pressures.

DEFRA have published a calculation, which can be used to assess the ecological importance of the site. The agent has undertaken this calculation and there would be a loss of 15.5 biodiversity units. In addition to the habitat losses, there would be an associated loss of habitat for nesting birds.

The applicant has proposed off-site compensation for the habitat losses. This approach is acceptable in this case as the site is relatively small and landlocked. Any on-site habitat retention or creation would be unlikely to be successful due to the small scale, the need for it to be of a very high value, the isolation from other semi-natural habitats and the likely human disturbance from residents. GM Ecology Unit has identified that there are opportunities in the Kirklees Valley and recommends a condition that a detailed proposal is submitted with the reserved matters application and a condition relating to an on site bird nesting plan

Therefore, the proposed development would result in biodiversity net gain and would be acceptable.

**Bats** - The bat survey has confirmed that the buildings have low roosting potential. An emergence survey was carried out and no evidence of bats emerging was recorded. As the application is outline and best practice regards such surveys to be valid for 18 months, GM Ecology Unit have proposed a condition requiring a further survey to be submitted as part of reserved matters.

**Protected species** - The report has confirmed that the site has very low to negligible potential for any other protected species such as badger, great crested newt, reptile and water voles. As such, no further assessment is required.

**Nesting birds** - A significant area of potential bird nesting habitat would be lost as a result of the development. The buildings also provide potential for nesting birds such as feral pigeon, house sparrow and starling. GM Ecology Unit have recommended a condition relating to nesting birds

**Invasive species** - Himalayan Balsam, variegated yellow archangel and rhododendron were recorded on site and GM Ecology Unit have recommended a condition to deal with this.

Overall, the proposed development would not cause harm to protected species and would result in biodiversity net gain. As such, the proposal would be in accordance with Policies EN6 and EN6/3 of the Bury Unitary Development Plan and the NPPF.

**Highways issues** - A Transport Assessment was submitted with the application and states that the proposed development would result in a less than 5% traffic increase at all the junctions under consideration. Transport for GM have no objections, subject to the inclusion of a condition relating to a travel plan. Therefore, the proposed development would not result in a material increase in traffic on the local highway.

The proposed development would be accessed from a single access point from Walshaw Road. The existing vehicular access would be widened to a width of 5.5 metres, footways of 3 metres in width would be provided to both sides. An acceptable level of visibility would be provided at the junction and the junction radii would measure 10 metres. All of these measures would represent an improvement on the current junction. The Traffic Section has no objections in principle to the proposed development and further comments will be reported in the Supplementary Report.

Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

**Public right of way issues** - There is a bridleway along the southern boundary of the site (143BUR). The proposed development would increase footfall along this route and as such, the applicant has agreed to improve the surfacing. This will be secured by a condition and the final wording of this condition will be reported in the Supplementary Report. Therefore, the proposed development would not cause harm to the bridleway and would be in accordance with Policy RT3/4 of the Bury Unitary Development Plan.

**Statement of community involvement** - A statement of community involvement has been submitted with the application. The consultation process included 1603 local properties, businesses, local schools and Councillors. A public consultation event was held on 28 March 2019 and display boards were available for people to view. Feedback forms were provided and 39 were completed. A free post address, e-mail address and telephone number were provided for further feedback after the event and a further 14 enquiries/responses were received. The concerns raised included transport, ecology, drainage, air quality, construction, impact on facilities and brownfield land.

**Planning obligations** - As the application is in outline with the means of access to be determined at this stage, it is not possible to ascertain the exact number and mix of housing, which will be determined at the reserved matters stage under 'layout'. As such, 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.

#### **Response to objectors**

- The issues relating to ecology, traffic, parking, privacy, overlooking, biodiversity net gain and the use of the bridleway have been addressed in the main report.
- A condition has been proposed in relation to surface water drainage.

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

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

**Recommendation:** Approve with Conditions

#### **Conditions/ Reasons**

1. 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. This decision relates to drawings numbered 1932-VW-002-06-Red Line S1 P01, 1932-VW-004-00-Topo-Survey S1 P01, 2313-F01 A, 1932-VW-002-06-Masterplan S1 P01 (indicative) 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.

4. No development shall commence unless and until:-

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

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

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

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

6. No development shall commence unless and until:-

- A intrusive site investigation report to assess the actual/potential coal mining risks shall be submitted to and approved in writing by the Local Planning Authority;
- Where actual/potential coal mining 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, coal mining and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

7. Prior to the commencement of the development hereby approved, a scheme for the provision of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be

implemented prior to occupation of the building hereby approved.

Reason. In accordance with paragraph 35 and 124 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.

8. 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.
9. Foul and surface wate shall be drained on separate systems.  
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.
10. As part of the reserved matters application, an updated bat assessment shall be submitted to and approved in writing by the Local Planning Authority. Any required mitigation measures shall be fully implemented prior to the commencement of the demolition works and remain in situ on the site for an agreed period of time.  
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.
11. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance.  
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
12. No development shall commence until full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonica Japonica*, *Rouse Decraene*, *Polygonum Cuspidatum*) and Himalayan Balsam (*Impatiens Glandulifera*) is submitted to and approved in writing by the Local Planning Authority. The approved management plan shall include a timetable for implementation. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority.  
Reason. The scheme does not provide full details of the actual extent of Japanese Knotweed and Himalayan Balsam in the interest of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 11 -

Conserving and enhancing the natural environment.

13. As part of the first reserved matters application, a detailed proposal to compensate for the loss of on-site biodiversity will be submitted to and approved in writing by the Local Planning Authority. The off-set mitigation proposal shall include:

- Full details of the off-set requirement resulting from the loss of habitats on the development site utilising the defra off-set matrix version 2 or equivalent;
- Identification of a receptor site;
- Habitat enhancement and creation proposals on the receptor site;
- Full details of the off-set benefits from the habitat enhancement and creation proposals utilising the defra off-set matrices version 2 or equivalent that demonstrate a minimum of 5% net gain;
- A management and monitoring plan for a period of 25 years.

The approved scheme shall be implemented in full in accordance with an agreed timetable.

Reason. No details have been submitted and to ensure the development provides a net gain for biodiversity 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.

14. As part of reserved matters a bird box scheme will be provided to and agreed in writing by the LPA targeting local and national priority species such as house sparrow, starling, swift and house martin as well as generalist nest boxes to benefit a wider range of species

Reason.

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

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

16. In the event of the development comprising 10 units and a combined floorspace of more than 1000 square metres or 11 units or more (regardless of floorspace), the development authorised by this permission shall not begin unless and until the Local Planning Authority has approved in writing a scheme to secure recreation provision, which shall include a mechanism for delivery, in accordance with policy RT2/2 – Recreation Provision in New Housing Development and its associated SPD1 – Open Space, Sport and Recreation Provision in New Housing development. The scheme shall be submitted as part of the reserved matters application and the recreation provision shall be delivered in full accordance with the approved details.

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.

17. The development authorised by this permission shall not begin unless and until the Local Planning Authority has approved in writing a scheme to secure 25% Affordable Housing provision. The scheme for affordable housing shall include a mechanism for delivery, in accordance with policy H4/1 – Affordable Housing and its associated SPG5 – Affordable Housing Provision in New Residential Developments. The scheme shall be submitted as part of the reserved matters

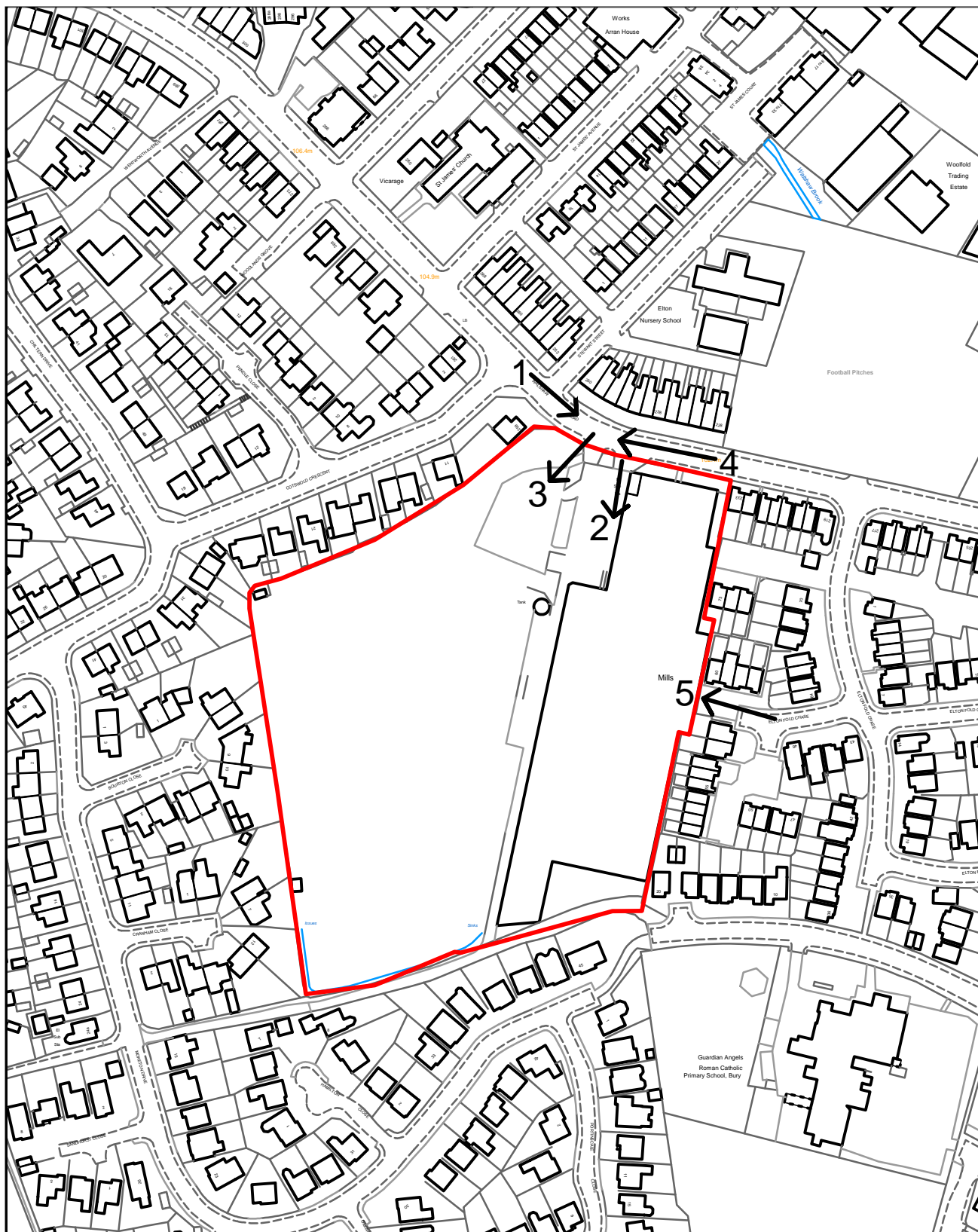
application and the affordable housing provision shall be delivered in full accordance with the approved details.

Reason. To ensure that the development would contribute to satisfying the need for affordable housing provision pursuant to Bury Unitary Development Plan Policy H4/1 - Affordable Housing and the associated Development Control Policy Guidance Note 5 - Affordable Housing Provision In New Residential Developments.

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



# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

**APP. NO 64128**

**ADDRESS: Site of Andrew Textile Industries Ltd  
Walshaw Road**

**Planning, Environmental and Regulatory Services**

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**Bury**  
COUNCIL

64218

Photo 1



Photo 2





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Photo 3



Photo 4

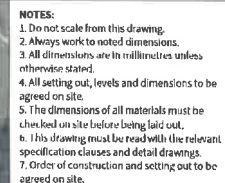


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Photo 5







## KEY

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Project Land at Walshaw Road, Bury

Org Title Illustrative Masterplan  
A3 Landscape

Created on	Created by	Approved by
12.04.19	BW	AB

Scale	Size	Status
1:1000	A3	For Information

Org No.	Suitability	Review
1932-VW-002-06-Masterplan	S1	P01





NORTH SOUTH AERIAL VIEW




## NOTES

THIS IS NOT A CONSTRUCTION DRAWING AND IS FOR INDICATIVE PURPOSES ONLY. THE DRAWING WILL BE SUBJECT TO CHANGE FOLLOWING LOCAL AUTHORITY REVIEW AND CONFIRMATION OF PUBLIC HIGHWAY AND THIRD PARTY LAND BOUNDARIES.

— DENOTES NEW KERBS



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REV	DETAILS		DRAWN	CHECKED	DATE
CLIENT:					
GERALD EVE					
PROJECT:					
LYDALL, WALSHAW ROAD, BURY					
DRAWING TITLE:					
SITE ACCESS ARRANGEMENT					
SCALES:					
1:500 @ A3					
DRAWN:		SM	CHECKED:	TR	DATE: JUNE 19
Croft Transport Planning & Design Hill Quays 9 Jordan Street Manchester M15 4PY  Email: <a href="mailto:info@crofts.co.uk">info@crofts.co.uk</a> Tel: 0161 667 3746 Web: <a href="http://www.crofts.co.uk">www.crofts.co.uk</a>					
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