

BURY COUNCIL
DEPARTMENT FOR BUSINESS, GROWTH AND INFRASTRUCTURE
PLANNING SERVICES

PLANNING CONTROL COMMITTEE

28 July 2020

SUPPLEMENTARY INFORMATION

Item:01 Land to the south of Moorbottom Road, Holcombe, Bury, BL8 4NS
Application No. 64786

Erection of agricultural storage building, retention of field shelter, pig arc and replacement gate & gate post

Publicity

Objection - 1 Lumb Carr Road, Holcombe

- The planning authority are required to take archaeology into account when determining planning applications. In this instance it is Greater Manchester Archaeological Advisory Service
- Animal husbandry regulations need to be met - adequate water supply, appropriate stock level for poor pasture.
- The applicant lives too remotely to breed animals.
- This application should be withdrawn and a field shelter, in a more appropriate, less unsightly position applied for.

Support - 39 Valley Mill Lane, Bury (x2)

- I am fully supportive of these changes that need to be made, to enable the animals to have shelter for winter and have dry food available and a safe loving environment.(just as humans hierarchy needs) .
- Having seen these animals they are well looked after and kept , and you can clearly see that it's not for profit but for the love , care and devotion of the animals , unlike a lot of places to be able to look out your window and see fields and animals I believe is a luxury not many have , we should embrace the gift we have been given of these wonderful animals and there surroundings.
- I think that this is a brilliant idea, I was pleased when I first saw the sheep and alpacas brought onto the land, and I totally support that as the seasons are changing a few instalments need to be made on the land to ensure the animals are kept safe and healthy during the colder months! I don't see how there could be any objection, the land owners keep to themselves and are pleasant, and do not use the animals for any personal gain and have them to truly look after them. Which I think is a wonderful thing, I don't see how anyone could object to ensuring animals have the correct facilities and care they need? Clearly the land owners are trying to do best by the animals which I can support!

Comments received from the agent in response to the objections received.

- Both the Applicants and I feel many of the representations received against this application have unduly influenced the planning committee by stating inaccurate information of the intentions of the Applicant. Quite a number of the objections the planning department have received don't relate to planning policy and are completely unfounded and untrue.
- For the avoidance of doubt, this will be a small private agricultural development comprising of a modest agricultural building. The Applicant's use of the land meets the definition of agriculture under Section 336 of the Town and Country Planning Act 1990 (grazing livestock). The agricultural building will solely be used for private housing of the Applicant's grazing livestock (sheep and alpacas) and their feed and bedding. The building will also provide secure storage of agricultural implements used to manage the agricultural land. It is as simple as that.
- Currently the Applicants have assembled various small temporary shelters on the land to house livestock (sheep when giving birth to lambs). Theses temporary buildings will be removed from the land if this application is approved.

- Many of the representations received alleged alternative uses such as a zoo, petting farm, residential property etc. These are completely unfounded and only serve to prejudice the determination of the application by the planning committee. It is a flaw in the planning system that members of the public can submit untrue and unfounded statements which potentially prejudice an application without any repercussions to them.
- The application site is located in the Green Belt and the Conversation area. Firstly, in Green Belt terms a building(s) for the purpose of agriculture is appropriate development (para 145 of the National Planning Policy Framework). Therefore, the development is appropriate development in the Green Belt. Secondly, policy EN2/2 (conversation area) doesn't prevent development in a conversation area it simply states that "Development within a Conservation Area will only be acceptable if it preserves or enhances the special character or appearance of the area". Through careful consultation with the planning officer and statutory consultees this development has been deemed not to have an adverse effect on the character or appearance of the conversation area by virtue of its size, appearance and design.
- It is important to note that the character and appearance of the application site is agriculture and this is an agricultural development modest in size therefore the purposed use of the building doesn't conflict with the use of the land.
- It has been insinuated by objectors that the building is enormous in size. I grew up a livestock farm in the Yorkshire Dale National Park (a conversation area itself) and worked in the agricultural industry for 15 years as a Chartered Surveyor and the proposed building of 12.19m x 6.09m (40ft x 20ft) is not a large agricultural building and appropriate to the need of the Applicant.
- Mr Swithenbank stated during the first planning committee meeting his desire that the land remained as agricultural land maintained by grazing. Any person with any agricultural knowledge or experience will tell you that livestock require shelter and a building to store their food in hence why agricultural buildings are an exception to development in the Green Belt - they are needed in rural areas which is often Green Belt. Without the provision of a building for shelter and protection from the elements, livestock (especially those giving birth to offspring) would be left out in the element (rain, snow extreme heat) without shelter and cause unnecessary suffering. I would suggest there are few if any livestock owners that don't have the provision of a building to keep their livestock safe and protected from extreme weather conditions.
- We are aware that almost any planning application in the vicinity of the application site receives strong objection from local residents and people from outside the area regardless of its nature. If you want the appearance of the landscape to remain as it is then agriculture plays a vital role and appropriate agricultural development to support the continue agricultural practices in the area must be supported.
- In summary:
 - This is an application for a modest agricultural building on agricultural land
 - Agricultural buildings are appropriate development in the Green Belt
 - The Applicant has worked with the planning department and agreed their suggestions in terms of siting, landscaping
 - The Planning department in recommending this application have carried out a thorough and robust assessment and found the proposal to comply with Green Belt and Conservation Policies
 - Many of the objections received are unfounded or don't relate to relevant Planning Policies
 - Any form of development has an impact on appearance and openness but that impact has been mitigate by accepting the suggestions made by the

- planning department
- If the committee decide against the recommendation of planning department it is likely a planning appeal will be lodged with a costs application.

Response to objections - all issues have been covered in the main report

Item:02 Asda Stores Ltd, Pilkington Way, Radcliffe, Manchester, M26 3DA
Application No. 64949
 Erection of drive thru coffee shop

Consultations

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

Publicity

29 letters have been received from the occupiers of 46 Dingle Close, 75 Church Street, 12 Butterworth Street, 155 Outwood Road, 10 Coronation Gardens, 27 Holly Grove, 26 New Road, 1 Osborne Close, 1 Devonshire Place, 11 Great Hall Close, 46 Bury Street, 5 Mulbery Close, 134 Outwood Road, 39 Venns Road, 20 Grindsbrook Road, 99 Ferngrove, 29 Unsworth Street, 19 Naseby Walk, 16 The Crescent, 133 Christie Lane, 5 Bridgemere Close, 29 Chestnut Fold, 49 Shire Gardens, 27, 30 Chapeltown Road, 29 Bury Road, which have raised the following issues:

- Concern about the likely increase in traffic within the Asda site, which has one access.
- An increase in littering. There is already a considerable amount of litter from take away food in the area.
- Concern about the number of fast food outlets within Radcliffe competing for the same business. Many of these outlets encourage unhealthy eating and we should be trying to reduce obesity.
- I support smaller independent local businesses that do something for the people in the community. Local coffee shops are so much more than a place to grab a coffee - locals meet here, older residents get a chance to see and speak to other people.
- There are enough coffee shops in Radcliffe.
- We should support the local businesses.
- The site is next to McDonalds, which already offers coffee at its drive thru
- We don't want a big chain to take the business and take people away from the town centre.
- As the council is looking at ways to develop and breathe life into the centre of Radcliffe this proposal will only serve to draw people to Asda and to the drive through.
- I see no benefit to this coffee shop. Listen to the people who use and care about the town.
- You shouldn't drink and drive - you will spill coffee and burn yourself.

Response to objectors

- The issue of competition is not a material planning consideration and cannot be taken into consideration.
- The issues relating to traffic have been addressed in the main report.

Item:03 Margaret Haes Riding Centre, Moor Road, Ramsbottom, Bury, BL8 4NX
Application No. 64955

Retention of welfare unit with associated landscaping to form welfare and security accommodation
(Temporary consent for 5 years)

Publicity

Objections

1 Lumb Carr Road

- The Planning Application should be withdrawn - due to breach of both Conservation and Green Belt principles - for which there is no balance of need.

Higher Barn Farm

- I object to the relocation of the shipping container. The relocation drawings shows a clear lack of respect and understanding of the staff, volunteer's and most disappointedly the disabled. Creating a narrow corridor to the entrance of the unit by moving the 40 ft container closer to the outdoor arena is far from suitable for the disabled and their carers and the massive volume of the unit relocated in the revised position would create yet another corridor running along side a steep banking, this area in particular would be very difficult for staff etc to keep a watchful on whilst working in the main areas . I would consider these to be VERY SPECIAL material considerations that will assist the viability and user experience of a charity dedicated to young and disabled riders.
- Surely common sense will prevail !

Response to objections - all issues have been covered in the main report.

Item:04 Land at Green Street, Bury, BL8 1TF Application No. 65293

Erection of 3 no. dwellings including associated parking and groundworks

Consultations

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

Conditions

Therefore, conditions 9 and 10 should be amended and condition 11 should be added in relation to a dilapidation survey:

9. The car parking indicated on approved plan reference RAD/2115/20/2/RevA shall be demarcated as indicated, surfaced in a material, or incorporate measures, that prevents the discharge of surface water onto the adopted highway and be 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 Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

10. 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 route for construction traffic from the highway network and restricted to a

- size of vehicle that can be accommodated on Green Street that serves the site;
- Hours of operation and number in relation to construction vehicle movements;
- Parking on site of operatives' and construction vehicles together with storage on site of construction materials, including any requisite phasing of the development to accommodate this.
- 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.

11. Notwithstanding the details shown indicatively on approved plan reference RAD/2115/20/2/RevA, the development hereby approved shall not be commenced unless and until a dilapidation survey of the footways and carriageways abutting the site have been submitted to the Local Planning Authority and the scope of the proposed highway works required as a result of the proposed development have been agreed on site with the Highway Authority. The works subsequently approved, incorporating the reconstruction of the Green Street footway abutting the site, the demarcation of the limits of the adopted highway and all associated highway remedial works required as a result of the proposed development and statutory undertakers connections to the dwellings, shall be implemented to a specification to be agreed and to the satisfaction of the Local Planning Authority prior to occupation of the development hereby approved.

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.

Item:05 Radcliffe Metrolink Car Park, Spring Lane, Radcliffe, Manchester, M26 2ST Application No. 65354

The erection of an additional deck and ramp to form a second floor to car park, providing an additional 115 no. spaces; landscaping scheme and lighting

The application is deferred to the September Planning Control Committee meeting.

Item:06 Land off Claybank Drive, (off Victoria Street), Tottington, Bury Application No. 65459

Variation of condition no. 2 (approved plans) of planning permission 63275 to amend house on Plot 1 (north) by raising roof eaves/ridge by 600mm, addition of pitched roof

dormer to front elevation, additional windows to attic space and removal of hipped end to roof on west elevation.

Nothing further to report.

Item:07 Whitefield Metrolink, Stanley Road, Whitefield, Manchester, M45 8AB

Application No. 65465

Reconfiguration of the bus turning head and the erection of an additional deck and ramp to form a second floor to car park, providing in total an additional 123 no. spaces; landscaping scheme and lightning

The application is deferred to the September Planning Control Committee meeting.

Item:08 Land adjacent to 23 Meadway, Bury, BL9 9TY Application No. 65469

Reserved matters for layout, scale, appearance and landscaping approval following grant of Outline approval ref. 61369 for 2 no. detached dwellings

Nothing further to report

Item:09 31 Brookfield Avenue, Radcliffe, Bolton, BL2 5QH Application No. 65569

Change of use from dwellinghouse (Class C3) to residential care home (Class C2) with additional parking.

Publicity

For the avoidance of any doubt, at the time of the publication of the committee report, the following representations had been received:

- 1 letter of support from the occupier of 70 Church Street;
- A petition objecting to the proposal from 6 signatories
- A total of 44 letters objecting to the scheme from the occupiers of 1, 7, 19, 21, 25, 27, 29, 33, 35 and 37 Brookfield Avenue, 17, 18, 26, 28, 31, 32, 33, 35, 37, 39 and 41 Newquay Avenue, 14, 16, 22, 24, 26, 69A, 75 and 82 Church Street, 26 Harley Avenue, 36 and 38 Broomfield Close, 2 and 4 Kingsbridge Avenue, 37 Moorside, 1 Barnsdale Close, 7 Metcalfe Terrace, 1 Churchill Avenue, 11 Deansgate, 1A Devon Drive, 1 Edgeworth Avenue, 6 Thurlestone Avenue, 16 Bradley Fold Road and Ainsworth Community Association.
- The occupier of No. 35 Brookfield Avenue has submitted a letter from his local MP, Christian Wakeford in support of his objection.

Following the publication of the committee report, 3 letters have been received from the occupiers of 35 Newquay Avenue, which have raised the following issues:

- I find it odd that Children's Services did not respond in relation to the Lowercroft Road facility and I think that there might be a conflict of interests should Children's Services be making use of the services provided by 4pureheart. Why would they respond to one and not the other, especially as staff are working from home currently?
- Children's Services go to some lengths to indicate that they have never used the provider and have no connection to them. This seems to be something of an overkill response given that the only public reference to a "potential conflict of interest" was one sentence made by myself. Again, I find myself contemplating; if this is their response, what was the question asked of them?
- It is clear that Children's Services have made no attempt to look into the

background of 4pureheart or the Ofsted reports. Children's Services and Bury Council may consider the response to be suitably diligent, but I do not, I find it pathetic.

- It appears in this instance that everyone is kicking the can down the street towards Ofsted and no one is prepared to look into the issues themselves as it is Ofsted that is accountable. What a gutless attitude. Especially after the death of Victoria Climbié 20 years ago exposed this and was supposed to be resolved.
- Personally, given the severity of the Ofsted reports I was surprised that the Bolton facility was allowed to continue operating. "Inadequate" is too small a word to describe their findings. Have you yourself read the Ofsted reports? Does this not concern you in the slightest?
- The information on the website with regard to the planning process is insufficient and lacking in transparency. I want full information regarding the meeting.
- I note that the number of constraints on the website has increased to 9. Attaching these at a later date may give the appearance that a level of due diligence has been undertaken. Are these policies available to the general public?
- What procedures/policies are in place for the LPA to verify and monitor that these constraints are being adhered to?
- How would this development be enforced? I cannot find any specific documents within the UDP that detail the requirements of the constraints.
- GM Police provided comments on how the facility can be protected from crime being committed against it. This does not reflect the concerns from residents and I wonder what question was put to them?
- Anything stated by the applicant is treated as fact, so I will paraphrase - From the response of GM Police it can be assumed that the perceived threat of crime and antisocial behaviour arises from only the residents of Ainsworth. This is an unfair stigmatisation of the marginalised elderly and infirm residents of the area. Just because they are elderly and infirm it does not automatically mean that they will perpetrate crimes against the care home.

Response to objectors

- The Local Planning Authority (LPA) has to assess the land use of the proposed use and its impacts upon the wider environment. The planning acts are clear that the planning system should not replicate conditions or controls of other legislation, but should trust the regulatory bodies to act. In this case, the Local Planning Authority is not kicking the can down the street, but allowing the appropriate bodies, Children's Services and Ofsted, to monitor and manage the facility in accordance with their rules and regulations. Should Ofsted, and/or the Local Authority Children's services, find a problem with the care home, it would take the necessary action which could, in extreme circumstances, include closing the home.
- Where relevant to the assessment of the planning application, the issues raised by the objectors have been addressed in the main report. Although there may be a high proportion of elderly people in the area, government guidance (paragraph 61 of the NPPF) suggests that a suitable mix of tenures and residents is preferable to concentrations of similar groups in a particular area. In addition to elderly people within the area, there are also families and single person households.
- Any conditions attached to the proposed development would be enforced by the Enforcement Section in accordance with the Enforcement Charter.
- Children's Services were consulted and invited to comment as a consultee and received the same letter/e-mail as any other consultee.
- The operation of a facility in Bolton is for Bolton Council and Ofsted to monitor and manage.

- All reports and plans are available on the website for scrutiny. The Council has been open and transparent about the application. The objector has received notice of the meeting.
- The constraints referred to are the relevant policies from the UDP, SPD and NPPF. These are all publicly available.
- GM Police were consulted with the same letter as any other consultee.
- Neither the applicant or the Local Planning Authority have suggested that the elderly (or any) residents of Ainsworth would perpetrate crimes against the care home.

Item:10 Land at rear of 27 Duckworth Road, Prestwich, Manchester, M25 9GF
Application No. 65589

Variation of condition 2 (approved plans) of planning permission 63374 to remove ash tree (T2)

Publicity

5 letters have been received from the occupiers of 26, 28, 112 Lowther Road and 6, 7, Lowther Close, which have raised the following issues:

- After speaking with a building surveyor, it seems that the removal of a row of holly trees in an embankment were removed between the properties of 26 Lowther Road and 27 Duckworth Road before the planning approval has led to subsidence at 26 Lowther Road.
- I wonder what further damage could happen if the extremely large ash tree with its established root system is removed.
- Such beautiful old trees should be protected.
- The removal of the tree is completely out of character with an area known for its greenery and diversity in trees and wildlife. Its removal would be detrimental to the area's aesthetics and character
- The tree has been in place for many years, where as residents come and go. It would be short sighted to approve this application and set a destructive precedent for others.
- God knows what damage it will cause to the adjoining properties. They have already severely damaged one house and from what I hear Bury Council is not interested in that damage. The worst council in Greater Manchester I think.
- I would question the environmental integrity of the Council if this needless and reckless application is approved.

Response to objectors

- The issues of how the proposed dwelling is constructed is a matter for the Building Regulations and is not a material planning consideration.
- The issue of how the property can be built safely is a matter for the Health and Safety Executive and is not a material planning consideration.
- The issues relating to the loss of the tree and the impact upon the character of the area have been addressed in the main report.
- Condition 11 requires a replacement tree to be planted in the front garden, which will contribute to the visual amenity of the area.