

BURY COUNCIL
DEPARTMENT FOR BUSINESS, GROWTH AND INFRASTRUCTURE
PLANNING SERVICES

PLANNING CONTROL COMMITTEE

26 September 2024

SUPPLEMENTARY INFORMATION

Item:1 Geoffrey Kershaw Centre, Deal Street, Bury, BL9 7PZ Application No. 71084

Temporary (4 years) modular extension of an existing Pupil Referral Unit to form 3 additional classrooms with ancillary facilities; relocation of fencing and bin store to segregate parking and formation of pupil play areas and safe access into the school for pupils, parents and visitors

Extension of Time - No

Condition 1 has been amended to read as follows:

1. Permission is hereby granted for a limited period only, namely for a period expiring on 26 September 2028, and the building, works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued at the end of the said period and the land reinstated to its former condition.

Reason. The development is of a temporary nature only.

Item:2 Former Bury Police Office HQ, Irwell Street, Bury, BL9 0HE Application No. 70565

Hybrid application comprising Full application for specialist care home (Class C2) with associated parking, landscaping and infrastructure and Outline application for care home (Class C2) with all matters reserved.

Extension of Time - Yes 1st October 2024

Recommendation: Approve with Conditions

Following publication of the agenda Greater Manchester Ecology Unit have confirmed that the legal agreement to secure significant on site gain is not required prior to decision, but does need to be entered into prior to the discharge of the statutory Biodiversity Net Gain Condition. As there are no other legal obligations required for this site the application recommendation has been amended to Approve with Conditions.

Conditions

United Utilities have confirmed that they are happy with the drainage strategies proposed for the full and outline permissions, including the surface water drainage. As such condition 18 has been amended to:

The drainage for the development hereby approved, shall be carried out in accordance with the principles set out in the submitted Foul & Surface Water Drainage Design Drawing 23389-DCE-XX-XX-D-C-101 Rev P03 which was prepared by DUDLEYS. For the avoidance of doubt surface water on site 1 must drain at the restricted rate of 3.0 l/s. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason. To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding. To promote sustainable development and reduce flood risk pursuant to Development Plan Policies JP-S4 - Flood Risk and the Water Environment, 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.

And condition 37 has been amended to:

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) in accordance with the principles set out within the submitted Foul and Surface Water Drainage Design Drawing 23389-DCE-XX-XX-D-C-102 Rev P02. This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. For the avoidance of doubt surface water on site 2 must drain at the restricted rate of 2.4 l/s. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason. 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.

To allow remediation and groundworks to commence on site 1 condition 17 has been amended to:

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 prior to the commencement of above groundworks of the development. 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 EN1/2 - Townscape and Built Design.

To allow BNG to be satisfied in phases the following conditions 10, 11 and 12 have been amended.

10. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:

1. a non-technical summary;
2. the roles and responsibilities of the people or organisation(s) delivering the HMMP;
3. the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
4. the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
5. the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

has been submitted to, and approved in writing by, the local planning authority. This condition can be satisfied in phases.

Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Places for Everyone Joint Development Plan Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

11. The development hereby approved shall not be occupied unless and until:

1. the habitat creation and enhancement works set out in the approved HMMP have been completed; and
2. a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. This condition can be satisfied in phases.

Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Places for Everyone Joint Development Plan Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

12. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP. This condition can be satisfied in phases.

Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Places for Everyone Joint Development Plan Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

Item:3 **Land off Fletcher Fold Road, Bury, BL9 9RX Application No. 70805**
Erection of 4 no. bungalows and a block of 39 no. apartments for the over 55s including communal facilities, landscaping and car parking provision

Extension of Time - Yes 1st October 2024

Following publication of the agenda Greater Manchester Ecology Unit have confirmed that the legal agreement to secure significant on site gain is not required prior to decision, but does need to be entered into prior to the discharge of the statutory Biodiversity Net Gain Condition. The Affordable Housing however will still be secured with a legal agreement and therefore the recommendation remains Minded to Approve.

Tree Preservation Order

Tree Preservation Order No. 364 was sealed on the 20th September 2024 and takes effect immediately on a provisional basis.

It will continue in force on a provisional basis for a further six months or until the Council makes a decision on whether the Order should be confirmed.

Notice has been served on the owners of the site, and a site notice was posted at the entrance to the site on the 20th September 2024 with details on how to make representations. Any representations must be received by the 23rd October 2024.

Item:4 **Fairfield General Hospital, Rochdale Old Road, Bury, BL9 7TD**
Application No. 70979
Installation of temporary car park

Extension of Time - Yes 1st October 2024

Publicity

1no. further representation received in relation to:

- Notice to attend committee is not adequate.
- No explanation has been given as to why the number of trees has been increased, the type of trees proposed, or any evaluation of how the additional trees will provide a benefit.
- Noise and light pollution has not been considered.
- No consideration has been given to the concerns of local residents.

Response to representation:

In accordance with the requirements of the Local Government Act 1972, five clear working days' notice to the public of the time and place of Planning Control Committee was given. Letters were also sent to those people who made representations.

The 24.no trees proposed have been addressed within the main body of the committee report and via conditions.

Noise and light pollution have been addressed within the main body of the committee report.

Plans and additional information were submitted through the application process, following comments made by local residents.

Statutory/Non-Statutory Consultations

Traffic Section and Public Rights of Way - Confirmation that they do not wish to restrict the granting of planning permission.

Amenity

Typo - UDP Policy Ha/2 should read UDP Policy H3/2.

Access and Parking

Typo - Policies JP-Cc and JP-Cc should read PfE Policies JP-C5 and JP-C6.

In relation to the provision for disabled car parking within the proposed car park. The applicant considers that as the car park is temporary in nature, the surface proposed is not conducive to the introduction of disabled car parking spaces for safe access and egress purposes. The applicant has also highlighted that the proposed car park is for staff only and that any staff with disabilities which would require a disabled parking space, would not park in this area. Their needs would have been covered in an alternative location with better access to the main hospital buildings.

There is existing disabled car parking available on the wider site and the Hospital Trust have confirmed that they are in the process of identifying a further 8 suitably positioned disabled spaces which offer better and safer access to the main entrances.

Conditions

For clarity that the proposal shall only be implemented for a temporary period condition 1 has been amended to:

Permission is hereby granted for a limited period only, namely for a period expiring 5 years from the date of this decision notice, and the works and use comprising the

development for which permission is hereby granted are required to be respectively removed and discontinued at the end of the said period and the land reinstated to its former condition.

Reason. In view of the temporary nature of the development and in order to retain control over its continued use having regard to the particular nature of the site and surroundings pursuant to The National Planning Policy Framework.

Item:5 Brookhouse Farm, 218 Holcombe Road, Tottington, Bury, BL8 4BQ

Application No. 70666

Demolition of existing garages/stables and erection of 1 no. dwelling (renewal of extant planning permission 66444)

Extension of Time - Yes 27/9/24

Conditions

In relation to the conditions in the Appeal Decision Notice for the previously approved application reference 66444, the Planning Inspector stated that the Planning Practice Guidance makes it clear that conditions to restrict permitted development rights should only be used in exceptional circumstances and whilst considering that a condition to control certain of these rights on the approved dwelling was necessary to protect the openness of the Green Belt, considered the removal of such rights on the existing house was not justified. As such and for consistency with the Inspectors decision, condition 17 has been amended to read:

Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, as subsequently amended, no development shall be carried out within the terms of Classes A to E of Part 1 of Schedule 2 of the Order, at the dwelling hereby approved.

Reason. The applicant justified the new dwelling on the basis of the removal of the existing buildings. As such, to appropriately control the size and scale of any buildings within the curtilage of the listed building and site within the Green Belt the condition would ensure that future inappropriate alterations and extensions do not occur to negate the Very Special Circumstances put forward pursuant to UDP Policies H2/1 - The Form of New Residential Development, EN2/3 - Listed Buildings, OL1/2 - New Buildings in the Green Belt and para 149 c) of the NPPF.

In addition, the Inspector was also not persuaded that a condition requiring a Construction Traffic Management Plan (CTMP) was necessary and as such was not included as a condition in the appeal decision notice.

For consistency and in line with the Inspector's decision, condition 22 requiring a CTMP has been removed.

Condition 23 amended to read:

The Biodiversity Gain Plan shall be submitted prior to commencement of development shall include:

- information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- the pre-development biodiversity value of the onsite habitat;
- the post-development biodiversity value of the onsite habitat, including an amended Biodiversity Net Gain Metric Calculation that ensure that the loss of 0.4 units should be replaced with the same broad habitat or with a more higher distinctive habitat.;
- any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;

- any biodiversity credits purchased for the development; and
- any such other matters as the Secretary of State may by regulations specify.

Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy JP-G8 - A Net Enhancement of Biodiversity and Geodiversity of the Places for People Joint Development Plan Document.

The conditions have been re-numbered accordingly.