

BURY COUNCIL
DEPARTMENT FOR BUSINESS, GROWTH AND INFRASTRUCTURE
PLANNING SERVICES



PLANNING CONTROL COMMITTEE

17 December 2024

SUPPLEMENTARY INFORMATION

**Item:01 Sheepgate Farm Cottage, Bradshaw Road, Walshaw, Tottington, Bury, BL8 3PL
Application No. 71251**

Two storey front extension; Render to front & side elevations

Extension of Time - Yes 20th December 2024

The National Planning Policy Framework was revised in response to the Proposed reforms to the National Planning Policy Framework and other changes to the Planning system consultation on 12 December 2024 and sets out the government's planning policies for England and how these are expected to be applied.

Paragraph 153 confirms when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 has been amended and now reads:

Development in the Green Belt is inappropriate unless one of the following exceptions applies:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
 - i. mineral extraction;
 - ii. engineering operations;
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
 - vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

The changes made within the NPPF does not amend the assessment made within the

Officer Report and the recommendation for Approval with Conditions remains.

Item:02 Land at Pyramid Park, Market Street, Bury, BL9 0BG Application No. 70903
Land remediation works, construction of vehicular access road and footway from Market Street with associated infrastructure and structural works

Extension of Time - Yes. Extended to 19/12/2024

Statutory/Non-Statutory Consultations

Highway Authority: Further to the previous confirmation that the proposal was acceptable, conditions relating to the provision of off-site highway improvement and protection works to Market Street and bridge, the submission and agreement of a Construction Traffic Management Plan and agreement of technical adoption details (should adoption be intended) are recommended, as set out below.

1. Notwithstanding the details indicated on the approved plans, no development shall commence on the access road, infrastructure or structural works unless and until full details of the following have been submitted on a topographical survey of the site and adjacent adopted highways to the Local Planning Authority:

- (1) An 'Approval In Principle' (AIP) for all proposed works in the vicinity of the existing Market Street Bridge structure, incorporating full structural, construction and drainage details, calculations, pedestrian protection measures and a detailed construction method statement;
- (2) Formation of the proposed site access alterations and pedestrian improvements on Market Street to a scope and specification to be agreed, incorporating revised junction radii tying into the existing adopted footway, tactile paved crossing point, demarcation of the limits of the adopted highway, and all associated highway and highway drainage remedial works;
- (3) Scheme of carriageway resurfacing works on Market Street in the vicinity of the revised junction to a scope and specification to be agreed;
- (4) Provision of new give-way markings at the revised junction in a position to be agreed and all required additional new markings and alterations to existing road markings.

The details subsequently approved shall be implemented to an agreed programme and to the satisfaction of the Local Planning Authority.

2. No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include:

- (1) Photographic dilapidation survey of the footways and carriageways leading to and abutting the site in the event that subsequent remedial works are required following construction of the development;
- (2) Access route for all construction vehicles to the site from the Key Route Network;
- (3) Access point/arrangements for construction traffic, taking into consideration the need to maintain safe pedestrian facilities on Market Street and all temporary works required to facilitate access for construction vehicles;
- (4) Hours of work for site preparation, delivery of materials and construction and number of vehicle movements;
- (5) Arrangements for the parking of vehicles for site operatives on land within the applicant's control, together with storage on site or on land within the applicant's control of construction materials;
- (6) Arrangements for the turning and manoeuvring of vehicles within the curtilage of

the site and/or measures to control/manage delivery vehicle manoeuvres including details of areas designated for the loading, unloading and storage of plant and materials;

(7) Details of the siting, height and maintenance of any security hoarding clear of the adopted footway on Market Street;

(8) The provision, where necessary, of temporary pedestrian facilities/protection measures on the adopted highway;

(9) A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access;

(10) Arrangements for the provision of wheel washing facilities for vehicles accessing/egressing the site;

(11) Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways as a result of the groundworks operations or carried on the wheels and chassis of any vehicles leaving the site and measures to control the emission of noise, dust and dirt during construction;

(12) A scheme for recycling/disposing of waste resulting from construction works.

The approved plan shall be adhered to throughout the construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period.

3. In the event that it is intended for the proposed access roads to be considered for adoption by the Council, notwithstanding the details indicated on the approved plans, no development on the access road, infrastructure or structural works shall commence unless and until full details of the following have been submitted on a topographical based survey of the site and adjacent adopted highways to the Local Planning Authority:

(1) An 'Approval In Principle' (AIP) for all proposed retaining structures and vehicle containment measures that abut/are sited in close proximity to the proposed adopted highway, incorporating full structural, construction and drainage details, calculations, pedestrian protection measures and a detailed construction method statement;

(2) Formation of the proposed access road (including any necessary land filling operations and method of compaction), incorporating minimum carriageway and footway widths to be agreed;

(3) Provision of long sections and cross sections at positions to be agreed through the proposed estate roads and turning head to ensure that adoptable gradients will not exceed 1 in 14 for the purposes of adoption and incorporating a maximum 1 in 20 plateau at each junction within the development and at the interface with the adopted highway;

(4) Revised turning head details (or replacement junction) in the position shown indicatively on the approved plans, following the undertaking of a swept path analysis of appropriate refuse collection/delivery vehicles;

(5) Demarcation of the limits of adoption at all relevant locations;

(6) Provision of visibility splays and forward visibility envelopes appropriate for a design speed of 20mph at all internal junctions and bends in accordance with the standards in Manual for Streets with no obstructions above the height of 0.6m within them;

(7) Proposed planting/surfacing details and management/maintenance arrangements for all landscaped areas abutting the proposed adopted highway.

The details subsequently approved shall be implemented to an agreed programme and to the written satisfaction of the Local Planning Authority.

ASSESSMENT

As noted in the Planning Control Committee meeting the National Planning Policy Framework (NPPF) is a material consideration in planning decisions. On 12 December 2024 (following the publication of the Planning Committee agenda pack), Government released a revised version of the NPPF, which replaces the previous December 2023 version.

Whilst the merits of the application to be considered by the Planning Control Committee were considered against the previous version of the NPPF (December 2023), it is important to note that there are no fundamental changes to the revised NPPF (December 2024) that would affect the recommendations set out in the reports.

Item No. 7 - Supplementary Information Tree Preservation Order Confirmation St Pauls Close, Radcliffe

Following notification of the committee meeting, the objector has submitted additional comments in relation to their initial objection.

- Agrees that the trees look pleasing from a distance and do provide a break between us and the lake. However, our property has to come first.
- Having read the comments, it needs noting that to my knowledge 14 trees are not at risk. Certainly, there are around 5 on our land. All we wish to do is be able to cut back weak or small branches and manage the risk without constantly asking for permission for what are likely to be minor pruning exercises on extraneous branches. There is definitely one tree which has two trunks which poses the highest risk to our property and although my proposed arborist is currently on holiday - he cancelled an appointment I'd made before you notified me of the committee meeting - I have been advised that it's likely the two trunked tree will be rotten in the middle leaving it susceptible to being weakened by weather which could cause significant damage to our home as it is the nearest tree to our conservatory.
- The trees continue to grow aggressively - this is a feature of Manchester poplars. They are soft wood and prone to shedding branches. The root spread implications are massive. There were more of them by the lake, but sadly in bad weather, some have historically already come down I believe.
- I wish I could feel heartened that your expert thinks the trees won't cause any issues. In light of their comments I would assume that if damage does ensue, we can call on the evidence of their professional opinion that no action on our part was necessary? I doubt they would agree! But if they can provide this undertaking that will give us a little comfort.
- We can deal with seeds leaves light etc. We've just paid £800 to have the moss removed from the roof. We would not have bought the land on which the trees sit, if at that time they had been the subject of TPOs.
- In summary our key objections are that it is costly and onerous to carry out regular basic management of the trees if we have to continually ask permission and pay for professional reports. Furthermore, two of the trees are visibly causing damage to flags and tarmac and one of these may well be rotten inside and as a minimum it is these, we request be omitted from the list of those currently in question.
- Important to state. Even if the two trees in question were removed as a last resort (with any necessary permission) it would not be to the detriment of the aesthetics of the area whatsoever.

- We want to keep the area natural and beautiful with healthy trees. And most crucially, also safe. I ask that all the above be taken into consideration when the committee is considering its decision.

Response –

The objector acknowledges that the trees are aesthetically pleasing in the treescape, but they are concerned about their property and the impact the trees have on them. They have also stated that all 14 trees are not at risk and around 5 trees in the group are located on land within their ownership. It is those trees which they would want to undertake maintenance works and possibly to fell two trees. It is understandable that there is a concern about their property, but it should also be noted that the tree owner would be permitted to remove deadwood from the canopy without the need to apply for consent and if a tree would be considered to be dangerous, the legislation permits the submission of a 5 day notice to have the tree removed. As stated in the main report, the TPO would not necessarily prevent works being done to the trees, it would simply ensure any work is carried out appropriately.

The objector has advised that if the trees had an existing TPO allocated to them, they would not have purchased the land and may wish to carry out some removal without intervention. Although this may be the case, it would not be a reason to refuse the current TPO allocation and does to a degree identify some risk to the treescape.

They have stated that they do not want to continually ask for permission to carry maintenance works on the trees, as well as paying for professional reports each time they require works to be done. In terms of tree works applications, the National regulations do not impose a fee charge for the processing of the application. There may be costs associated with drawing up tree reports and although this is a concern to the objector, it would not be a reason to refuse the TPO allocation to the group of trees in question. Moreover, it is likely to encourage greater consideration and maintenance regime for the trees.

They have advised that there are two trees which they feel need to be removed and they have requested that they should be omitted from the TPO allocation for them to remove the trees. They suggest that the removal of the two trees would not be detrimental to the aesthetics of the area. The removal of the two trees may be acceptable, but without a TPO allocation there would be a loss of two trees from within the group, and over time, without protection, all the trees could be removed, which would be significantly detrimental in terms of visual amenity in the area. The confirmation of a TPO would enable replacements to be planted which otherwise would not be a requirement. This would ensure that trees would continue to grow in the same area, which would retain the character of the existing treescape.

In conclusion most of the above comments have been addressed in the main body of the report and as previously stated the allocation of a TPO to the group of Manchester Poplar trees located on St Pauls Close, Radcliffe. The protection order would not prevent necessary works being carried out on the trees, including felling but it would ensure that any works would be carried out in the appropriate manner and replacement trees planted, if required.