

## **DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Helen Leach    | <b>Date of report:</b> 19/01/2024 | <b>Ref:</b> 70288/NON          |
| <b>Registration:</b> 04/12/2023 | <b>LDfC:</b>                      | <b>Expiry Date:</b> 01/01/2024 |
| <b>Site Visit:</b> 14/12/2023   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b>              | <b>Con Area:</b> N/A              | <b>Adv Type:</b> NONE          |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> MADW        |

**Proposal:** Non-material amendment following approval of planning permission 63533 for minor adjustments to the fencelines and managed areas to the rear of plots 167-173, 223, 224, 218-208, 202-192, the plot positions of plots 258-266

**Location:** Bevis Green Works, Mill Road, Walmersley, Bury, BL9 6RE

### **Description**

The application site lies approximately 1.5km north of Bury town centre and lies between Walmersley Old Road and the M66 motorway. The site generally slopes down from north to south with changes in levels more notably located within the south eastern sector of the site. The site was originally used as a mill with buildings in the south eastern part of the site dating from the early part of the 20th Century, which are mostly stone and brick built, with light roofing. Within the site, the land comprises a series of plateaus, hard standings and buildings of varying ages. To the north of the site are older stone buildings with north lights and elsewhere, the buildings comprise portal and brick structures, many of which are not used. The buildings vary from two to three storeys in height taking advantage of the changes in levels across the site. There is a separate two storey stone building used for offices and there are more modern larger storage type buildings of 20-30 years old located within the site. At the main entrance to the site is a modern office building used as a technical centre with car parking nearby.

The site comprises 10.44ha site in area and is an allocated EGA under Policy EC2/1 and incorporates a former Headquarters building, Research and Development facility and manufacturing and warehousing functions (some functions are still operating). The site lies predominantly on the edge of a residential area with Green Belt to the north and a lodge to the east with an area of protected TPO trees immediately to the east of the lodge. To the east of the site is open countryside, with the M66 motorway beyond.

The main access into the site is taken from two points, one serving the offices directly off Walmersley Old Road, and a second access, for the transportation of products, from Mill Road.

Planning consent was granted in February 2020 for the demolition of the buildings on site and the erection of 268 dwellings. The area to the north of the site in the Green Belt would be used for recreational space and would be accessed from within the site. The proposed development would be accessed from Walmersley Old Road with the proposed apartments accessed from Mill Road.

The applicant seeks a non material amendment for the following works:

- Minor adjustments to the location of fencelines and managed areas at the rear of plots 167-173, 223, 224, 218-208, 202-192;
- the amendment to the position of the plots for plots 258-266
- Materials amended to palette 04 for plots 93 - 94, 96 - 98, 100, 103 - 105, 112 - 120, 126, 128 - 131;

- All rainwater goods, front door and garage door to change colour from white to black;
- Hard landscaping plan, building storey heights plan, refuse strategy plan and boundary treatments layout plan amended to reflect the minor adjustments to the fencelines.

### **Relevant Planning History**

53762 - Outline residential development at Bevis Green (275 dwellings) with associated access, car parking, landscaping, and recreational open space shown illustratively at Bevis Green Works (Tetrosyl), Mill Road, Bury. Approved with conditions - 30 January 2012.

63533 - Residential development comprising 268 no. dwellings (Class C3) with associated access, car parking, landscaping and open space at Bevis Green Works, Mill Road, Bury. Approved with conditions - 6 February 2020.

### **Publicity**

None required.

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

None required.

**Pre-start Conditions** - Not relevant.

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

|        |                                                            |
|--------|------------------------------------------------------------|
| EC2/1  | Employment Generating Areas                                |
| EN1/2  | Townscape and Built Design                                 |
| 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                                         |
| EN1/1  | Visual Amenity                                             |
| EN1/2  | Townscape and Built Design                                 |
| EN1/3  | Landscaping Provision                                      |
| EN1/5  | Crime Prevention                                           |
| EN2    | Conservation and Listed Buildings                          |
| EN5/1  | New Development and Flood Risk                             |
| EN6/3  | Features of Ecological Value                               |
| EN6/4  | Wildlife Links and Corridors                               |
| EN7/1  | Atmospheric Pollution                                      |
| EN8    | Woodland and Trees                                         |
| OL1/5  | Mineral Extraction and Other Development in the Green Belt |
| RT2/2  | Recreation Provision in New Housing Development            |
| RT3/3  | Access to the Countryside                                  |
| HT2/4  | Car Parking and New Development                            |
| HT2/10 | Development Affecting Trunk Roads                          |
| HT5/1  | Access For Those with Special Needs                        |
| HT6/1  | Pedestrian and Cyclist Movement                            |
| HT6/2  | Pedestrian/Vehicular Conflict                              |
| HT6/3  | Cycle Routes                                               |
| SPD5   | DC Policy Guidance Note 5: Affordable Housing              |
| SPD1   | Open Space, Sport and Recreation Provision                 |
| SPD2   | DC Policy Guidance Note 2: Wildlife Links & Corridors      |
| SPD3   | DC Policy Guidance Note 3: Planning Out Crime              |
| SPD11  | Parking Standards in Bury                                  |
| SPD12  | Travel Plans in Bury                                       |
| SPD14  | Employment Land and Premises                               |
| SPD16  | Design and Layout of New Development 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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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.

**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, it is 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 material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

**Design and layout** - The previously approved plan indicates that an embankment would be provided and this is no longer needed. As such, the gardens for the plots numbered above can be lengthened.

There would be no objections to the change in materials to palette 04, which includes a red brick, smooth blue detail brick and black rainwater goods, door and garage door for the plots listed above.

The proposed changes would not have a significant effect upon the character and appearance of the development and would be in accordance with Policy EN1/2 of the Bury Unitary Development Plan.

The proposed development involves relocating the position of plots 251 - 253, 258 - 266 by creating two terraces of 3 dwellings, a pair of semi-detached dwellings and a detached dwelling. The proposed amendment to the location of the dwellings would be acceptable. The proposed site plan has been amended to remove a change of house type, which would not be non-material. As such, the remaining plans are not approved with regard to plots 258 - 266.

**Highways issues** - The proposed amendments would not affect the parking spaces, visibility splays or turning areas. As such, the proposed development would not have a detrimental impact upon highway safety and would be in accordance with Policy EN1/2 of the Bury Unitary Development Plan.

**Recommendation:** Approve

**Conditions and Reasons:**

- 1 The proposed amendments would not impact adversely upon the appearance of the site or the residential amenity of the nearby properties. As such, the proposed development would not be unduly prominent in the locality. The proposed amendments would not have a detrimental impact upon highway safety and would still be in accordance with the overall principles in terms of the approved application 68738 and the Policies against which this was approved. As such, the application is a non-material amendment.

|                     |             |                         |             |
|---------------------|-------------|-------------------------|-------------|
| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
| HL - 19/01/2024     |             |                         |             |