

**Town & Country Planning Act 1990
Section 78 Planning Appeal**

Written Statement of Bury Council

APPEAL REF APP/T4210/W/22/3302543

LA REF No: 65844

Location: Former Mondi Mill/Holcombe Mill, Bridge Street, Ramsbottom

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1. Appeal References

- 1.1 Planning Inspectorate reference: APP/T4210/W/22/3302543
- 1.2 Local Authority reference: 65844

2. Site and Location

- 2.1 The site relates comprises a former paper mill close to the town centre of Ramsbottom, which was cleared of all but 3 buildings and the chimney in 2012. Within the site, the chimney and 3 buildings retained are located in the Ramsbottom Conservation Area, with the remainder of site being outside the Conservation Area.
- 2.2 Existing buildings within the site are two storeys in height and constructed from stone with slate roof and the chimney is constructed from red brick. Due to health and safety concerns, the upper 15 metres of the chimney was removed in 2015 to make it safe.
- 2.3 The site contains a large concrete hardstanding and there is a culvert that runs north to south through the site. The land to the south is grassed with two large bunds.
- 2.4 There are two vehicular accesses onto Bridge Street from the main part of the site. There is an access road, which leads to a car park associated with the site and continues to the football and cricket clubs, the second is gated and unused.
- 2.5 Peel Brow/Bridge Street forms the boundary to the north with public open space and the River Irwell beyond. The ELR is located to the west with a car park and supermarkets and the town centre beyond. The Cricket club and football club are located to the south of the site. To the east is the River Irwell, a wooded area and residential properties beyond. The land to the east slopes steeply and is much higher than the application site.

3. Description of the Proposal

- 3.1 The proposed development involves the:
 - erection of 73 dwellings including the retention and conversion of 2 existing buildings to residential use;
 - the retention of the chimney;
 - the demolition of a derelict building;
 - engineering operations to create a development platform;
 - associated works including parking, landscaping, drainage

The proposed development would provide a mix of apartments, terraced, semi-detached and detached dwellings, which would be two and three

storeys in height. The proposed dwellings would be constructed from reconstituted stone and render with a tile roof.

Public open space would be provided on site in 2 areas - next to the River Irwell and adjacent to the main access road and existing buildings.

The proposed development would be accessed from the existing road adjacent to the East Lancashire Railway (ELR) with a secondary emergency access from Bridge Street/Peel Brow.

4. Reasons for Refusal

- 4.1 The matter was presented to and considered by the Council's Planning Control Committee (PCC) at their meeting of 31/5/22, having carried out a site visit earlier that day. The Committee resolved to refuse the application for two reasons.

1 The proposal would be an intensification of the use of a site, which would be detrimental to road safety and maintaining the free flow of traffic. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:

Policy HT4 - New Development

Policy H2/2 - The Layout of New Residential Development

2 Notwithstanding the provisions of the development and associated mitigation, the proposed development is located in flood zone 3, which has flooded in 2015 and would lead to increased flooding in the vicinity of the site from surface water and the combined sewer network. The proposed development would conflict with Policy EN5/1 - New Development and Flood Risk of the Bury Unitary Development Plan and Section 14 of the National Planning Policy Framework.

The decision notice was issued on 7/6/22.

5. Policies

- 5.1 The Officer report presented to and considered by the Council's PCC is contained within Appendix 1. All of the relevant planning policies both locally and Nationally are set out therein.
- 5.2 The Council's current development Plan is the Unitary Development Plan (UDP) dated August 1997. The Council is presently sitting in with the Examination in Public of the latest iteration of development plan, 'Places for Everyone' which is a Joint Development Plan covering 9 of the districts of Greater Manchester.
- 5.3 Given the above, the UDP policies are saved policies. Where any inconsistencies may occur due to the age of the UDP with National Policy, these inconsistencies are set out within the officer reports and in the absence of up to date local policy, the National position holds significant weight.

6. The Council's Case

- 6.1 It is to be noted that the Council's Planning Control Committee resolved to refuse the application in contradiction to the officer recommendation. The Council's Constitution required the decision on the application to be made by the Council's PCC due to the number of objections received and the fact it was a major application. The PCC is therefore the decision-maker and it was entitled to weigh this material consideration differently, apply local knowledge of the area and reach a different planning judgment. Planning committees can, and often do, make a decision which is different from the officer recommendation.
- 6.2 The development proposed was refused for two principal reasons as set out in 4.1 above.

Reason 1

- 6.3 Reason 1 was a highways reason for refusal and stated:

The proposal would be an intensification of the use of a site, which would be detrimental to road safety and maintaining the free flow of traffic. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:

Policy HT4 - New Development

Policy H2/2 - The Layout of New Residential Development

- 6.4 PCC members are well versed in local issues and are aware that Ramsbottom town centre has established challenges with traffic congestion and a high volume of vehicles (as identified in the Ramsbottom Town Centre Plan). The modelling undertaken shows that the A56 Manchester Road / Bury New Road junction would be exceeded in a "no development" scenario and would be exacerbated by the proposed development. It is clear from the wording of Reason 1 and the PCC debate that members did give consideration to MOVA but were not satisfied that it would adequately mitigate for the additional traffic resulting from 73 dwellings on an existing congested road network and that large residential developments should instead be located towards locations where the existing highway network is able to accommodate the traffic generated.
- 6.5 A Transport Assessment was submitted with the application, which had been assessed on behalf of the Local highway Authority (LHA) by Transport for Greater Manchester (TfGM – Responsible for the signalization of junctions throughout the whole of Greater Manchester). In their response dated 14/10/2020, they advised that *"The junction of Bury New Road and Manchester Road was modelled and the proposed development would increase traffic levels, which would exceed the practical capacity of the junction. This would worsen with the addition of the development traffic. TfGM recommended that the developer consider a contribution for the implementation of Microprocessor Optimised Vehicle Actuation (MOVA) to increase capacity and efficiency at the junction"*

- 6.6 The applicant's own Transport Assessment (TA) compiled by SCP set out to analyse the development's traffic implications to the local area and was done in August 2020. The report sets out its methodology and analysis of PICADY, Linsig, MOSA and MOVA, ratio flows, exceedances, movements and all other standard methodologies carried out to assess transport implications.
- 6.6 The submitted TRA at para 8.14 states *"Having regard to the analysis presented above, the proposed development will not have a material impact on the operation of the local highway network and no off-site highway mitigation measures, including any contribution for MOVA as requested by TfGM, are required. In addition, with reference to paragraph 109 of the NPPF the impact of the proposed development cannot therefore be considered severe."*
- 6.7 Residents objections submitted on the application set out many areas of concern including the difficulties that are experienced within the immediate area and Ramsbottom town centre in terms of traffic movements and this is further evidenced in the Ramsbottom Town Centre Plan March 2022¹. Page 17 references the issues with the town centre and includes statements confirming *"congested highways often conflicting with pedestrian movement"*; *"...Bury New Road and Bridge Street which acts as a critical link for vehicle movement and for residents and businesses in the town. This often creates congestion in the town...."*. Page 24 *"Traffic congestion in the town centre – with such a high volume of vehicles – detracts from its sense of place and identity"*
- 6.8 TfGM advised that the moneytised cost of delay at the junction arising as a result of the development (based upon Linsig modelling and Webtag guidance) is £8000. This demonstrates high levels of usage.
- 6.9 The above issues shows that the PCC Members had sufficient and reasonable grounds by which to understand that there is doubt in terms of impacts arising from the development when published visionary documentation, resident representations, the officer report TfGM and the applicant's own transport consultants were all proffering different and conflicting opinions. The underlying concerns that traffic is a problem within Ramsbottom and whether the simplified commuted sum would resolve matters is therefore difficult for any professional to confirm.
- 6.10 The Committee Members are not qualified in either Planning or Highway matters but do rely upon the officer report for them to make decisions. The report does spell out problems associated with the town and whether to weight their decision on approval or refusal on traffic grounds can be finely balanced.
- 6.11 It would be neither correct nor fair to say that the PCC had no evidence to arrive at a contrary view to the recommendation, there clearly was.

¹ [Ramsbottom Town Centre Plan March 2022](#)

- 6.12 It is also clear from the officer report that the recommendation was to Minded to approve subject to amongst other matters, a s106 commuted sum for £110,000 is required for the implementation of MOVA at the junction, which would increase capacity and efficiency of the junction. Following the analysis of the Viability Assessment, the applicant has agreed to pay this contribution and as such, the proposed development would be acceptable.
- 6.13 This must clearly be seen in and amongst the wider issues that are set out in the vision for the town document, resident representations and the localised highway improvements proposed. It is noted that the junction to be improved is the Bury New Road/Manchester Road junction which is some 850m to the east when the main impacts upon existing residents, visitors and town centre users are some 200m to the west. The proposals and the commuted sum requirements are there to satisfy the points raised by TfGM and principally centre upon the installation of restrictions at the public interface of the development with a small portion on the MOVA installation at Bury New Road/Manchester Road junction.
- 6.14 As such, it is reasonable for the PCC to have set out their concerns that the proposals would be an intensification of the use of a site, which would be detrimental to road safety and maintaining the free flow of traffic.

Reason 2

- 6.15 Reason 2 was set out as *"Notwithstanding the provisions of the development and associated mitigation, the proposed development is located in flood zone 3, which has flooded in 2015 and would lead to increased flooding in the vicinity of the site from surface water and the combined sewer network. The proposed development would conflict with Policy EN5/1 - New Development and Flood Risk of the Bury Unitary Development Plan and Section 14 of the National Planning Policy Framework."*
- 6.16 Planning Committee members expressed concern that any increase in flood risk, no matter how small was unacceptable when building in an area which has previously experienced significant flooding on numerous occasions historically. Major flooding has affected Crow Lane and particularly Kenyon Street areas in the past, both of which are impacted by sewer capacity issues in combination with surface water run-off. A lack of detailed understanding of the sewer network and its interaction with surface water flows to the river means that the applicant has not adequately addressed what impacts additional flows to the river and sewer system will have on the surrounding area.
- 6.17 Although technically addressing the flood risk to the site itself, within the red edge, efforts were also made by council officers to ensure no increase in risk and preferably some reduction could be achieved for the wider area, including adjacent areas outside the red edge. This could only be achieved

with any surety by providing mitigation measures outside the red edge, which the applicant was unwilling to consider.

- 6.18 United Utilities are obliged to accept foul flows from new developments and predicted 15m³ of additional flooding due to these additional flows. The developer has pointed to mitigation provided by provision of 44m³ of on site attenuation of surface water flows, which the model suggests is more than is required and would therefore reduce overall risk. This attenuation, however, will only directly impact river levels and would be spread over a considerable surface area as the river expands. The areas of concern are isolated from the river by flood relief walls so the impact of the additional attenuation is negligible, whereas the additional 15m³ of foul flooding may have a direct impact. The applicant has argued that United Utilities must deal with the sewer network and are obliged to provide capacity. Although this is true, it is highly unlikely that, even in the medium term, they would prioritise providing network improvements until there is empirical evidence of the impact of development. Members are obliged to consider the potential overall impact of the development, not just within the boundaries of the site itself, so felt there was insufficient understanding to discount the additional risk.
- 6.19 Although it is accepted that the modelling of the surface water and river, including climate change does not show any significant increase in flooding, there were lingering concerns amongst members that there was not sufficient understanding of the increased risk due to the complex interactions with the wider network. The 44m³ of attenuation provided would make a very minimal difference to the river level, so would have little or no impact on the level at which overflows from Kenyon Street are restricted from entering the river. Hence, there is no guarantee that the whole additional 15m³ would not directly affect a single area, such as Kenyon Street. At this location, highway drainage overflows to the river, but when river levels are high and the outfall becomes redundant these additional flows divert to the combined sewer network.
- 6.20 Additionally, the mitigation is heavily reliant on below ground attenuation, which would require private maintenance and could be at risk of blockage, which would either reduce or negate any mitigation it provides. In such circumstances, the increased flooding would be significant. During extreme flood events, many below ground systems are subject to blockage. During Boxing Day flooding in 2015, the strength of river flows was sufficient to move many very large objects including containers, vehicles and structures as well as the usual vegetation and detritus. The risk of blockage in such circumstances is high and would render the additional attenuation redundant.
- 6.21 On this basis the PCC had reasonable grounds due to these significant complexities to arrive at a different position to the recommendation. The professional officers and consultees retained some doubts given the extensive issues and therefore the Committee felt justified in refusing the application.

7. Comments on the Appellant's Grounds of Appeal

- 7.1 The respective policies identified by the appellant's statement are agreed.
- 7.2 The site is substantially cleared site and currently devoid of any current active uses. The appellant's statement at 5.4 confirms that the site has been marketed (as of 2012 where the site had been cleared at that point of most structures) and has been advertised for alternative uses for a period of more than 10 years. It is therefore arguable that the site's existing land use has been abandoned.
- 7.3 Within the Lichfield Statement of Case at 5.11, the commentary states *"Footnote 8 of paragraph 11 states that applying the presumption in favour of sustainable development also includes situations where, for applications involving the provision of housing, the LPA cannot demonstrate a five-year supply of deliverable housing sites."*

It is confirmed that there is no objection to the point of housing need and supply. Key point is sustainable development. Again there is no argument that the central location of the site is sustainable and that there are many alternative means of access to the site. However the first reason for refusal related to intensification of the use of the site which would be detrimental to road safety and maintaining the free flow of traffic." The appellant's highway consultant confirms that the uplift was marginal as a result of the development and did not warrant any signalling improvements anywhere. However, the assessment provided by the consultant does not identify nor provide any commentary upon the backlog of traffic and movements that are evidenced by local residents representations and the Council's own town centre plan a few metres to the west of the site entrance at the junction of Kay Brow, Bridge Street which clearly confirms that there is an *existing* problem. As such, the proposals were felt to be deficient by the PCC and they therefore felt that the scheme at this point should not be supported.

- 7.4 Para 11 of the NPPF confirms *"approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."* Had there been no doubt that there were no traffic problems associated with Ramsbottom, the scale of the scheme would not have warranted a transport assessment. Local criteria sets the threshold at 80 units for dwellings. Notwithstanding, as stated earlier there are local concerns that do highlight traffic problems within the town centre. One could reasonably take the view that the submission of the TA by the appellant seeks to make sure. However, there are still deficiencies that the appellant chose to embrace at application stage by

submitting one regardless, which the appellant's transport consultant did not agree with the response provided by the Local Highway Authority under advice from TfGM. As such it is reasonable that a decision maker could have gone in a different direction to the recommendation. As such, there was a demonstrable issue in relation to traffic in this area.

7.5 The appellant's statement at 5.30 quotes the East Lancashire Railway (ELR) as an hourly rail service. It is not. It is in fact a heritage railway run by enthusiasts. It is not a rail link but a visitor attraction. Its frequency therefore is not locally or Nationally set and is sporadic at best. It cannot therefore be regarded as a rail network connection to the wider region.

7.6 The appeal Transport by SCP at 4.23 states "*JCT, the developers of LINSIG software, have confirmed that it is not possible to accurately model the benefits of introducing MOVA.*" If there was no requirement for any MOVA development, as the highway consultant considered and based upon the system developer's statement, it cannot be definite that MOVA would resolve problems. Given the limited intentions by the commuted sum, which presently is narrowly focussed without its application to other junctions, the PCC consideration that existing traffic problems would be exacerbated within the heart of the town centre is a reasonable concern. Clearly, the specialist have a difference of opinion.

7.7 The NPPG confirms² *What type of behaviour may give rise to a substantive award against a local planning authority?*

Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this include [amongst others]:

- *failure to produce evidence to substantiate each reason for refusal on appeal*

The appellant's Transport consultant misquotes this guidance a number of times in their appeal statement. The consultant says "*...technical evidence to support their decision.*"

Evidence is not defined and there is no prescriptive requirement that it be technical evidence. Nationally most PCC Members are members of the public where there is no expectation for them to be qualified in the subject matter hence the submission of an officer report and training around planning decision making.

7.8 In this instance, there were many sources of commentary on highway issues including work that has been undertaken by the Council. Whilst the

² [Appeals - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/appeals)

latter may be professionally done, at a particular committee meeting, it is unreasonable to expect a contrary decision to be made instantaneously with technical evidence immediately provided. Instead, the PCC had the benefit of statutory consultee responses and contrary views from the appellant's transport specialist upon the degree and location of highway problems within Ramsbottom to permit them to make a decision. Not following the officer recommendation was not a reckless decision but is evidenced already by pre-existing documentation and submitted information with the application and responses contained therein.

8 Conclusion

- 8.3 In consideration of the above matters, it is respectfully requested that the appeal Inspector considers the Council's case as set out above.
- 8.4 In accordance with the legal requirements as set out within the Council's constitution, the PCC had reasonable and sustainable grounds upon which to hold a difference in opinion contrary to officer advice as there were reasonable grounds of doubt and that the appeal be dismissed.

9 Suggested conditions and informatives in the event the appeal is allowed

- 9.3 Should the Inspector be minded to allow the appeal, it is respectfully requested that the appellant be required to enter into a s106 Planning Obligation with the Council that incorporates the provisions set out within the Officer report within Appendix 1.
- 9.4 Should the Inspector be minded to allow the appeal, it is respectfully requested that the development incorporates the conditions set out within Appendix 2.

Appendix 1

**Officer report considered by the Council's Planning Control Committee
and the associated supplementary Agenda extract**

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 01

Applicant: Eccleston Homes Limited

Location: Former Mondi/Holcombe Mill, Bridge Street, Ramsbottom, Bury, BL0 0BS

Proposal: Erection of 73 no. dwellings including the retention and conversion of 2 existing buildings to residential use (5 no. units), the retention of a chimney and the demolition of a derelict building, together with engineering operations to create a development platform and associated parking, landscaping, drainage, the layout of internal estate roads and footways and other associated works

Application Ref: 65844/Full

Target Date: 17/12/2020

Recommendation: Minded to Approve

The Development Manager has requested a site visit.

Description

The site comprises a former paper mill close to the town centre of Ramsbottom, which was cleared of all but 3 buildings and the chimney in 2012. Within the site, the chimney and 3 buildings retained are located in the Ramsbottom Conservation Area, with the remainder of site being outside the Conservation Area.

Existing buildings within the site are two storeys in height and constructed from stone with slate roof and the chimney is constructed from red brick. Due to health and safety concerns, the upper 15 metres of the chimney was removed in 2015 to make it safe.

The site contains a large concrete hardstanding and there is a culvert that runs north to south through the site. The land to the south is grassed with two large bunds.

There are two vehicular accesses onto Bridge Street from the main part of the site. There is an access road, which leads to a car park associated with the site and continues to the football and cricket clubs, the second is gated and unused.

Peel Brow/Bridge Street forms the boundary to the north with public open space and the River Irwell beyond. The ELR is located to the west with a car park and supermarkets and the town centre beyond. The Cricket club and football club are located to the south of the site. To the east is the River Irwell, a wooded area and residential properties beyond. The land to the east slopes steeply and is much higher than the application site.

Proposed development

The proposed development involves the:

- erection of 73 dwellings including the retention and conversion of 2 existing buildings to residential use;
- the retention of the chimney;
- the demolition of a derelict building;
- engineering operations to create a development platform;
- associated works including parking, landscaping, drainage

The proposed development would provide a mix of apartments, terraced, semi-detached and detached dwellings, which would be two and three storeys in height. The proposed dwellings would be constructed from reconstituted stone and render with a tile roof.

Public open space would be provided on site in 2 areas - next to the River Irwell and adjacent to the main access road and existing buildings.

The proposed development would be accessed from the existing road adjacent to the East Lancashire Railway (ELR) with a secondary emergency access from Bridge Street/Peel Brow.

Relevant Planning History

Pre-application enquiries

02214/E - Redevelopment of site to include 2322 m2 (approx) A1 food store, 64 no. residential units ranging from 3/4 bed terrace and detached houses to 2 bed cottages and 58 no. retirement units/apartments at Mondri Mill, Ramsbottom. Response issued - 28 November 2018
Redevelopment of the site for 83 dwellings at Mondri Mill, Ramsbottom. Response issued - 28 January 2020

Planning applications

43908 - Temporary siting of 2 cabins for use as offices at Mondri Paper Mill, Holcombe Mill, Peel Bridge, Ramsbottom. Approved with conditions - 2 March 2005

44183 - Single storey extension adjoining existing offices opposite car park. New reception, kitchen and toilets at Mondri Paper Mill, Holcombe Mill, Peel Bridge, Ramsbottom. Approved with conditions - 13 April 2005

54265 - Demolition of buildings Nos 2 - 11, 13 & 14 at Holcombe Mill, Peel Bridge, Ramsbottom. Approved with conditions - 16 January 2012.

54266 - Conservation area consent for demolition of all buildings at Holcombe Mill, Peel Bridge, Ramsbottom. Withdrawn - 9 December 2011.

58287 - Demolition of the top 15 metres of the former Mondri Mill chimney at former Mondri Mill site, Bridge Street, Ramsbottom. Approved with conditions - 17 March 2015.

65217 - Erection of 83 no. dwellings, retention of chimney & 2 no. existing buildings (designated for commercial use) and demolition of derelict building at Former Mondri Mill/Holcombe Mill, Bridge Street, Ramsbottom. Withdrawn - 6 May 2020.

Publicity

The neighbouring properties were notified by means of a letter on 22 September 2020 and a press notice was published in the Bury Times on 1 October 2020. Site notices were posted on 7 October 2020.

2 letters of support have been received, which have raised the following issues:

- Fantastic news. The current site is a blot on the landscape. The land is wasted and becoming dangerous.
- The proposal will bring much needed investment, families and spending into Ramsbottom at a time when the economy is in dire straits.
- This is a change for the better and will provide much needed homes for people.
- Brilliant - a company working to rid Ramsbottom of an eyesore.

22 letters of objection, which have raised the following issues:

- Object. The Council said in 2015 that they would never build on flood plains again. This site is located in the flood plain.

- Under normal circumstances (pre-lockdown) Bury New Road is very congested at rush hour as this is one of a few accesses into and out of Ramsbottom. Adding another 72 homes will make this situation worse.
- Will additional funding be provided for schools, doctors or leisure facilities?
- Object on traffic grounds as there are hundreds of cars and hgvs using the road already. The water in my washing up bowl ripples due to the traffic and cannot be doing the structure of the road any good.
- A strong desire was expressed at a public meeting to see the site developed as a mixed use development with new affordable homes, commercial space and parking. The sole residential development conflicts with Policy EC2/1 of the UDP.
- There is a serious lack of affordable housing in Ramsbottom and the lack of any on this site conflicts with Policy H4/1 of the UDP. The viability report provides no evidence for the estimated costs of developing the site and could make a profit of £3,853,157 if affordable housing was provided.
- The proposed development should invest in improvements to community infrastructure such as a path along the river connecting this new housing to Nuttall Park. No mitigation of the highways issues is proposed.
- It is disappointing that the developer did not engage with the community before the statutory consultation by Bury Council.
- It is irresponsible to build on a flood plain unless the Council plans to build flood defences.
- Ramsbottom does not have the infrastructure to support the traffic generated by this development.
- The site is a flood plain and putting houses on it will increase the speed in which water passes to the River Irwell and will send large volumes of water downstream.
- There are a number of rare species of bird that live along the riverbank, which would impact upon ecology.
- There are already 2-3 new housing developments in Ramsbottom. Another is not needed.
- Just leave Ramsbottom alone and if the site is to be developed, turn it into something that will benefit the town, not destroy it.
- If anyone approves of this development they must be either shareholders, or getting their pockets lined by the company in question.
- After so many previous objections why are Bury council allowing this proposal again?
- Listen to the wishes of the electorate you swore to serve, (yes you are our public servants, we are not your chattel or proles to subjugate) and hang your heads in shame!
- The developer should be required to reinstate the defunct riverside path to provide access for walkers/cyclists along the river to Nuttall Park.
- The application has been submitted during a regional lockdown and there has not been a town consultation. The public cannot gain access to the site to inspect it as it is closed off.
- The proposed development is located on a flood plain and the site sits at a low level. Flood water rises up from drains/sewers as well as from the river when the banks overflow. If the proposed development can be stopped from flooding, it will pass water downstream which will impact on Summerseat.
- Will the occupiers of these houses be told that they are on a flood plain? Will they be able to get insurance?
- It is the public who have to pay when homes and areas are flooded the remedial work is tax payer funded and frankly tax payers are fed up with having to bankroll developers and planning departments who waive plans through without proper analysis or thought re: flood plains.
- We build the smallest houses per square foot in Europe. This planned housing estate will be made up of 72 small houses/dwellings packed densely into a small area. There

are likely to be more than 300 people living on this planned housing estate plus their visitors all located in an already busy and crowded town centre. Where is the public health report of the impact of this densely populated housing estate on an already busy town centre and the health of its existing population?

- What does the developer intend to do about the pollution levels associated with this housing estate?
- Ramsbottom does not have a police station, bank and the GP and dental practices are unable to absorb the 300 new patients from this development. There are insufficient places within schools. This must be addressed by the developer.
- There should be a limit on the number of houses that a developer can build in an area. Large parts of Ramsbottom are designated a conservation area. We are being over run by this developer and its small identikit mock tudor housing. The buildings and materials being used are not in line with existing housing materials the planned dwellings are cramped, tall and narrow. Render and artificial slates are not in keeping with a conservation area.
- Current utilities do not have capacity currently.
- Conduct of the Planning Officer/Planning Department - Site Visit and Ramsbottom Visit by the Planning Officer from Bury Council during a Lock Down. Why is Bury MBC entertaining for a second time an application from this developer for a major housing estate in a small town during a region wide lockdown ?
- The proposal would have a negative impact upon the ELR, football and cricket clubs and tourist events in the town and this site would be better used as parking to support these events.
- The proposed design is not in keeping with the conservation area.
- The proposal represents a lost opportunity. The choice of design and materials is incongruous, being off the peg, utility, 'mock tudor' style of houses built in a mixture of reconstituted stone and rendered breeze block. A generic and unimaginative design, appropriate for suburbia but is not fit for a 19th century conservation area.
- If the talks about a metrolink extension to Rawtenstall succeed, where would everyone park? The mondi site would be a good place for a car park.
- Why can't the site be compulsory purchased?

The neighbouring properties and objectors were notified of revised plans on 18 February 2021.

3 letters of support have been received, which have raised the following issues:

- I support this application as the site is a blot on the landscape as you come into Ramsbottom.
- People are obsessed with traffic. The proposal will lead to 72 families who will be able to walk to shops and restaurants in Ramsbottom and will bring a nice feel to the town.
- Support this development. If more housing is needed, it makes sense to construct it on brownfield sites.
- Additional housing will bring more revenue into Ramsbottom and assist the centre in continuing to succeed.

17 letters have been received, which have raised the following issues:

- Strongly object as the transport infrastructure in Ramsbottom cannot support the additional houses.
- Disappointing to see that the developer continues to refuse to accept their obligation for Section 106 contributions or provide affordable housing.
- The comments submitted previously still apply.
- Objection based on flood risk.

- The principle access to the site should be as far away from Bridge Street level crossing as possible to prevent vehicles queuing over it
- Houses at the southern end of the site must be discouraged from planting high hedges against the railway boundary as this would obstruct the sighting of danger signals to train crew and staff.
- The developer must ensure that no drainage from hard areas can be directed towards the railway
- The Environment Agency's comments confirm that the development is on a flood plain, which poses a danger of harm to residents of the development and emergency services personnel. There is only one road in and out of this proposed development which will flood and hinder residents being evacuated and endanger emergency services personnel. It is stated that it might be better to leave residents cut off in their flooded homes. This remains the position. There is no emergency plan.
- There are bats in 2 of the buildings to be converted, which are legally protected. The proposed conversion of the buildings would result in offences being committed.
- There are otters and kingfishers in close proximity to the site, which are protected. A development of this site could recklessly disturb the protected species in breach of the law.
- The River Irwell will be harmed by pollution of debris, dust and rubbish.
- There are large scale invasive species on site and the report confirms it is not possible to eradicate it given its scale.
- No surface water drainage scheme has been submitted. All of the hardstanding on the development will cause greater flooding.
- Up to 160 extra cars plus their visitors will cause greater pollution and congestion
- The site should be converted to a community use.
- It is confirmed that there is to be no S.106 contribution or affordable housing. No reasoning or costings are supplied for this facile bald assertion by the developer so yet again existing local people are expected to fund increased infrastructure, the need for more school places, GP services, better roads, social care, refuse collection, street lighting etc. This is frankly appalling.
- lack of interest in the character of Ramsbottom continues to be displayed.
- The riverside walk has not been included
- Clarity required on who would be maintaining the public open space after tree establishment. Is a commuted sum to be paid to the Local Planning Authority? Also, will the riverside public open space be open for use by the people of Ramsbottom?
- The materials do not respect and enhance the setting of the historic and listed structures. The materials used should be stone and slate.
- Disappointed with the revised plans as not one of our issues has been addressed.
- No information has been submitted on how buildings A and B would be preserved or how the chimney would be retained.
- Flooding has occurred in Stubbins and Ramsbottom in 2012 and 2015 with river levels in Stubbins peaking at 2.78 metres with flooding possible above 1.3 metres. Flooding has occurred in Ramsbottom in 2017, 2020 and 2021.
- Concerned about the exit route and the velocity of any flood water on the evacuation route.
- No assessment of the impact of the additional traffic on the level crossing during the operation of the ELR and on event days or a commuter service between Bury and Rawtenstall.
- Can the local authority place a moratorium on developments of this scale in the town centre until the consultation for the proposed town centre plan has been completed?

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

Statutory/Non-Statutory Consultations

Traffic Section - Emergency access to be clarified and highway response reported in the Supplementary Agenda

Drainage Section - No objections subject to implementation in accordance with the submitted Drainage Assessment, Final Report, v1.3, January 2022 and associated plans and confirmation of detailed arrangements for future maintenance, including details of any management company appointed

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

Environmental Health - Pollution Control - No response.

Conservation Officer - No objections, subject to a condition relating to materials.

Waste Management - No response.

Transport for GM - No objections, subject to a contribution of £110,000 towards implementation of the MOVA.

Environment Agency - No objections, subject to the inclusion of conditions relating to finished floor levels.

Designforsecurity - No response.

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

GM Ecology Unit - No objections, subject to the inclusion of conditions relating to bats, otters, nesting birds, invasive species and method statement and informatives relating to kingfishers.

GM Archaeological Advisory Service - No objections, subject to the inclusion of conditions relating to archaeology.

Historic England - No comments.

GM Fire Service - No objections, subject to the provision of an emergency access.

Pre-start Conditions - Awaiting confirmation the agent agrees to the pre-commencement conditions.

Unitary Development Plan and Policies

EC1/1	Land for Business (B1) (B2) (B8)
EC2/1	Employment Generating Areas
EC3/1	Measures to Improve Industrial Areas
EC6/1	New Business, Industrial and Commercial
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
H4/2	Special Needs Housing
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN1/7	Throughroutes and Gateways
EN1/8	Shop Fronts
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN2/3	Listed Buildings
EN3/1	Impact of Development on Archaeological Sites
EN3/2	Development Affecting Archaeological Sites
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment

EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8	Woodland and Trees
EN8/2	Woodland and Tree Planting
OL5/2	Development in River Valleys
RT1/1	Protection of Recreation Provision in the Urban Area
RT2/2	Recreation Provision in New Housing Development
RT3/2	Additional Provision for Recreation in the Countryside
RT4/6	East Lancashire Railway
HT2/4	Car Parking and New Development
HT2/5	Public Car Parks
HT4	New Development
HT5/1	Access For Those with Special Needs
HT6/1	Pedestrian and Cyclist Movement
HT6/2	Pedestrian/Vehicular Conflict
TC2/2	Mixed Use Development
TC2/3	Vacant and Cleared Sites
Area	Railway Street/Bridge Street/Peel Brow
RM5	
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
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
SPD14	Employment Land and Premises
SPD16	Design and Layout of New Development in Bury
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guide

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) - Part of the application site is specifically allocated for employment use under Policy EC1/1 of the adopted Bury Unitary Development Plan (UDP) and the majority is designated as an Employment Generating Area under UDP Policy EC2/1. This allocation and designation was largely reflective of the fact that the former Holcombe Mill site was fully operational and an established employment use at that time.

However, since the closure of the mill in December 2008, the site has remained vacant and has undergone a programme of demolition that has subsequently presented a significant development opportunity on the edge of Ramsbottom town centre.

Policy EC1/1 states that the land is allocated for business (B1), general industrial (B2) and warehousing uses (B8). Development for other business and industrial uses will only be permitted in exceptional circumstances and in accordance with other Policies and proposals of the plan.

Policy EC2/1 states that the Council will only allow development for the uses specified. In the case of the Ramsbottom EGA (EC2/1/1), the acceptable uses are identified as being business (B1), general industrial (B2), warehousing (B8) and leisure and tourism uses. Other uses will only be allowed where they constitute limited development or where they would not substantially detract from the area's value as an EGA.

Paragraph 120 of the NPPF states that planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

- a) they should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and
- b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

Paragraph 121 of the NPPF states that local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and
- b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

Through UDP Policies EC1/1 and EC2/1, the application site is effectively considered suitable for business, industrial, warehousing and leisure and tourism uses. The proposed development differs from the previous application in that it is solely for residential use and there is no commercial development. Residential is not one of the uses considered suitable for the site in principle under either UDP Policies EC1/1 or EC2/1.

However, Policy EC1/1 states that other uses will only be permitted in exceptional circumstances and, in this respect, it is considered appropriate to consider the circumstances of the site and, in particular, that it has remained vacant and unused since 2008 in a prominent location close to the heart of Ramsbottom town centre.

Similarly, UDP Policy EC2/1 states that alternative uses will only be permitted where they would constitute limited development or where they would not substantially detract from the area's value as an EGA. Whilst the loss of a significant part of the EGA to residential cannot be considered to constitute limited development, it is necessary to consider whether the proposal would substantially detract from the area's value for generating employment. In this respect, it is relevant to consider the fact that the site has not generated any employment or economic output for 14 years.

As stated above, paragraph 120 of the NPPF specifies that where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area. The applicant has submitted a report on the Employment Potential and Economic Viability of the site and this has concluded that the site was unlikely to ever be reoccupied for employment purposes due to the following site constraints:

- Difficult access for HGV's from the M66 motorway
- Access via residential roads
- Proximity to the River Irwell
- Lack of viability.

It is accepted that this is a reasonable conclusion to draw from the assessment of the site and that there is no reasonable prospect of the site being reused for employment purposes.

In light of the above, it is considered that there are exceptional circumstances to justify residential development on the land allocated under UDP Policy EC1/1 and that, in the context of UDP Policy EC2/1, the loss of the site to residential would not substantially detract from the area's value as an EGA.

As such, the loss of the employment use of the site to residential is considered to be acceptable in principle.

Principle (Housing) - 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. In addition to this, past under delivery of housing has resulted in Bury having a 'low' housing delivery test result. 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 is located within the urban area and there are a mix of uses, including residential and commercial in the locality. As such, the proposed development would not conflict with the surrounding land uses and would be in a sustainable location with regard to services and public transport. Therefore, the proposed development would be in accordance with Policy H1/2 of the Bury Unitary Development Plan.

Heritage/impact upon the conservation area - As set out above, part of the application site falls within the Ramsbottom Conservation Area (a Designated Heritage Asset).

Sections 66 and 72 of the Town & Country Planning (Listed Buildings & Conservation Areas Act) 1990 imposes a statutory duty upon the Local Planning Authority (LPA) to recognise, positively manage and ensure the preservation or enhancement of Listed Buildings and Conservation Areas.

Chapter 16 of the National Planning Policy Framework (NPPF) sets out the Government's planning policy position in relation to development involving heritage matters. Paras 194 to 208 set out how the significance of Conservation Areas must be considered in relation to development proposals including, but not limited to, the judgement of harm, significance, loss to heritage assets (Designated ones and non-designated ones).

UDP Policies EN2/1 and EN2/2 seek to protect the character of conservation areas and to ensure that proposals preserve or enhance the character of such sensitive buildings and areas. In applying the tests of the policy to proposals, nature of the development, materials, relationships between visual qualities and the surrounding areas et al form part of the assessment process to ensure a high, conservation approach is adopted that is designed to preserve or enhance.

The site is partly located within the chimney is located within the Ramsbottom Conservation area and includes a chimney, office building and engineering building. The chimney would once have been one of many within the town, but the others have since been demolished. The chimney is one of two left in the immediate area and it has been identified in the Ramsbottom Conservation Area Appraisal as a 'significant building that makes a positive contribution to the character of the Conservation Area.'

The plans originally submitted with this application did not address the concerns raised during the previously withdrawn application (65217). The concerns from the previous application related to the impact on the character, appearance and setting of the Ramsbottom Conservation Area by the design, size, mass, scale, palette and materials of the proposed house types. The proposed house types appeared to be off the peg designs, which have been repeated at other sites.

Revised plans have been submitted with regard to the layout, design, mass, scale and materials for the proposed house types. The proposed dwellings would be constructed from natural stone, which would be appropriate to the conservation area. The proposed house types within and along the boundary with the Conservation Area would be smaller terraced plots. The proposed house types are significantly different from the originally submitted house types and would provide reconstituted stone built houses with a simple design that would respect the character of the historic built form of the setting of the Conservation Area.

The majority of the application site is located outside of the Conservation Area and the key consideration is the appearance of the materials in relation to the existing buildings on site. Given that the majority of the site is outside of the Conservation Area, the viability constraints and the use of the material across the whole site, the use of reconstituted stone is considered to be acceptable, subject to conditional control. As such, the proposed development would preserve the character of the Conservation Area.

The site as it currently exists represents a negative feature on and within the setting of the Conservation Area and the proposed development would remove this negative feature. As such, the proposed development would cause no harm to, or loss of significance to the Conservation Area and would enhance the character of it and its setting. The Conservation Officer has no objections, subject to the inclusion of a condition relating to the external materials, including stone, roof covering and door design.

Paragraph 203 of the National Planning Policy Framework (NPPF) says the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The site has largely lost its industrial legibility and understanding. The proposed retention and conversion to residential use of buildings A and B, commonly accepted as being A – the mills’ administrative offices and B – an engineering workshop is welcomed. The proposed changes to the external appearance of building A are minimal and would retain its important architectural features, which together with its evidential value as a factory office would retain the remaining legibility of the site of its former industrial use. Building B is less significant and has been much altered and as such the proposed alterations in order to adapt the building to a residential use are also acceptable. Both buildings A and B have been weighed in the balance of paragraph 203 of the NPPF. It must be stressed the proposed adaptations are only acceptable with the proviso that in building A no window or door openings are moved, removed, blocked up or altered in any way and no architectural features such as lintels, string courses, hoods and ashlar are removed or altered. The Conservation Officer has no objections, subject to the inclusion of conditions relating to the details of new window and door openings for buildings A and B.

Conclusion - The revised proposed layout, house types, design and materials of the development for the reasons given would be acceptable with regard to views in and out of the conservation area. The proposal would comply with inter alia paragraph 206 of the NPPF:

“Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably”.

Together with the conversion of buildings A and B and the demolition of Building C the proposal would enhance the character and appearance of the conservation area and its setting as required by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and accord with the aims of Policy 4 of the Conservation Area Appraisal and Management Plan. The proposal would comply with paragraphs 197, 199, 200, 201, 202, 203, 206, 207 of the NPPF and Policies EN2/1 and EN2/2 of the Bury Unitary Development Plan.

Design and layout - The proposed development would provide a mix of apartments, terraced, semi-detached and detached dwellings. The proposed dwellings would be predominantly two storeys in height and 8 of the proposed dwellings would be two storeys with living accommodation in the roofspace. The proposed apartment blocks would be four storeys in height. There is a mix of two storey, two storeys with converted roofspace and the storey properties in the locality and as such, the proposed development would not be a prominent feature in terms of height.

There would be two rows of terraced properties across the frontage to Bridge Street, which would be located either side of the converted buildings. As such, the proposed development would respect the character of the conservation area by providing a high density development, which is one of its characteristics.

The use of headers, cills, pike details, porches and canopies would add visual interest to the elevations. As such, the proposed development would not be a prominent feature in the locality.

All of the proposed dwellings would have a side or rear garden, which would provide a suitable level of amenity space. There would be space within the gardens for bin storage and the proposed boundary treatments of timber fencing, railings and brick walls would be acceptable. As such, the proposed development would preserve the character of the conservation area and would not be a prominent feature in the streetscene. Therefore, the proposed development would be in accordance with Policies EN1/2, H2/1, H2/2, EN2/1 and EN2/2 of the Bury Unitary Development Plan.

Impact upon residential amenity - SPD6 provides guidance on aspect standards between residential properties and as such, would be relevant to 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.

All of the relationships between the proposed dwellings within the site would comply with the aspect standards. The proposed dwellings would be set at least 10 metres from the boundary of the site and would not impact upon the neighbouring properties. Therefore, the proposed would not have an adverse impact upon residential amenity and would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Flood risk/drainage - The application site is a former mill site which has partially been cleared and is largely situated within flood zone 3.

There is historical evidence that the site has flooded, namely in the recent Storm Eva and Storm Clara flood events experienced in 2015 and 2020.

A Flood Risk Assessment (FRA) was submitted with the application and further information has been provided over the course of the application. The proposed development would involve the creation of a development platform for the proposed dwellings to ensure that the finished floor levels for the dwellings would be set above the flood levels. The Environment Agency have considered the FRA, which has assessed the predominant fluvial flood risk to the site and proposed measures to mitigate the risks. The FRA identifies that there is some risk associated with access/egress from the site during a design event or more extreme events. The applicant has proposed management of these risks via a Flood Plan.

The Environment Agency has no objections to the proposed development, subject to the inclusion of conditions relating to finished floor levels.

The Emergency Planning team have been consulted on the Flood Plan and their comments are awaited. These will be reported in the Supplementary Report.

The issue of surface water drainage has been considered and further information submitted during the course of the application. The applicant has agreed to increase the size of the pipes within the site, which allows for the greater retention of water within the site. As a larger volume of water would be retained within the site, the proposed development would not increase the risk of flooding from surface water drainage. The Drainage Section has no objections, subject to the inclusion of a condition relating to Drainage Assessment and United Utilities has no objections, subject to the inclusion of conditions relating to foul and surface water drainage.

Therefore, the proposed development would not increase flood risk to the site or increase flood risk downstream. The proposed development would not impact adversely upon the foul and surface water drainage. Therefore, the proposed development would comply with Policies EN5/1 and EN7/5 of the Bury Unitary Development Plan.

Ecology - An Ecology report was submitted with the application and the main issues to be considered in relation to ecology are bats, otters, nesting birds, invasive species, protection of the river Irwell and contributing to the natural environment.

Bats - A bat survey, including emergence and re-entry surveys was submitted with the application. The bat surveys identified small common pipistrelle roosts in both buildings proposed for conversion but no roosts were located in the building to be demolished or the chimney. As such, a license would be required from Natural England in addition for the conversion of the retained buildings. Given the low numbers of common pipistrelle utilising the building, GM Ecology Unit accepts that this could be mitigated and it likely that a licence would be issued by Natural England. GM Ecology Unit has no objections, subject to the inclusion of a condition relating to bats.

Otter - The ecological survey found no evidence of otters on the site and GM Ecology Unit have no reason to doubt the findings of the report. However, as otters are known to be present in the River Irwell and they have territories covering tens of kilometres, it is likely that otters may pass the site on occasion. As such, GM Ecology Unit have no objections, subject to the inclusion of a condition relating to otters.

Other Protected Species - Other protected species have been discounted and GM Ecology Unit agree with this approach. However, Kingfisher were recorded on the River Irwell and whilst nesting on site is extremely unlikely, an informative relating to Kingfisher has been recommended by GM Ecology Unit.

Nesting Bird - The site is becoming colonised by dense scrub and there is bird nesting habitat on site. GM Ecology Unit has no objections, subject to the inclusion of a condition relating to nesting birds.

Invasive Species - Japanese knotweed, Himalayan balsam and Cotoneaster spa are present on the site and an updated invasive species method statement was submitted during the course of the application. GM Ecology Unit has no objections, subject to the inclusion of a condition relating to invasive species.

Protection of the River Irwell - An assessment of the potential impacts on the river has now been provided. This has identified the likely risks and provided evidence that post development surface water drainage will have less impact on the river than the current drainage. Thereby, the proposed development would have a positive impact on the ecological potential of the river. The proposed public open space/flood alleviation scheme along the river would also have a positive impact. GM Ecology Unit are satisfied that negative impacts can be avoided and have no objections, subject to the inclusion of a condition relating to a construction environmental management plan.

Contributing to and Enhancing the Natural Environment - Section 174 of the NPPF 2019 states that the planning policies and decisions should contribute to and enhance the natural and local environment. Large parts of the site are hard standing, though colonisation by scrub is occurring, with losses of higher value habitat restricted to the woodland and scrub along the tributary watercourse and some mature trees along the river.

Habitat creation is proposed along the river, which is the best location for such mitigation to occur, with open space along the tributary watercourse and large areas of hardstanding would be replaced with garden landscape. Detailed planting proposals have been provided and native planting would be provided along the river which is welcomed. GM Ecology Unit has no objections, subject to the inclusion of a condition relating to landscaping.

Conclusion - With the recommended conditions in place, the proposed development would not cause harm to protected species or the River Irwell. Therefore, the proposed development would be in accordance with Policies EN6 and EN6/3 of the Bury Unitary Development Plan.

Noise - A noise and vibration impact assessment was submitted to assess the impact of road traffic noise, noise from the nearby sports facilities and noise associated with the operation of the East Lancashire Railway.

The report assessed the noise generated from the nearby sports clubs and found the impact upon the occupiers of the proposed residential development was negligible.

The report assessed the noise generated from traffic and states that there would be exceedances in the garden areas to plots 8 and 21, which would be resolved by a 1.8 metre high fence between the garden and Bridge Street. The proposed development would provide standard thermal double glazing which would be sufficient to meet the required noise levels for the occupiers of the proposed dwellings. However, if windows were open for ventilation, it would not comply and as such, a forced ventilation scheme would be required for habitable rooms - see below for specific plot numbers.

The East Lancashire Railway operates between Heywood and Rawtenstall, which includes a stop at Ramsbottom. The railway line and station are located to the west of the site. The noise report states that the installation of 2.4 metre tall barriers would reduce the noise levels to an acceptable level. In addition, a forced ventilation scheme would be required for habitable rooms.

Across the site, the following would be required to reduce the impact from noise to an acceptable level:

- Barriers:
 - 1.8m barrier is required around the garden area attached to plots 8 and 21;
 - 2.4m barriers are required on the western boundaries of plots 2 to 7 and 43 to 51;
 - 2.4m barriers are required on the southern boundaries of plots 7 and 51.
- Alternate/forced ventilation:
 - Plots 1 to 4
 - Plots 8 to 28
 - Plots 30, 31 and 34;
 - Buildings A and B; and
 - All habitable rooms overlooking the railway - Plots 2-7 and 43-67.

The proposed boundary treatment plan confirms that all the required barriers would be provided and these would be timber acoustic fencing, which would be acceptable.

In conclusion, the proposed development would not have a significant adverse impact upon the amenity of the occupiers of the proposed dwellings, subject to the inclusion of conditions. Therefore, the proposed development would be in accordance with Policy EN7/2 of the Bury Unitary Development Plan.

Highways issues - A Transport Assessment was submitted with the application, which has been assessed by Transport for Greater Manchester (TfGM). The junction of Bury New Road and Manchester Road was modelled and the proposed development would increase traffic levels, which would exceed the capacity of the junction. As such, a contribution of £110,000 is required for the implementation of MOVA at the junction, which would increase capacity and efficiency of the junction. Following the analysis of the Viability Assessment, the applicant has agreed to pay this contribution and as such, the proposed development would be acceptable.

The proposed development would be accessed from the existing access road, which runs along the western boundary. This access road was previously in use by the paper mill and is also used by the football club and cricket club. Appropriate levels of visibility would be provided. There are two existing accesses onto Bridge Street. One would be closed and the second would be narrowed and only used as the emergency access. The closure and reduction in the use of these two accesses is welcomed.

Further comments from the Traffic Section will be reported in the Supplementary Report.

Parking - SPD11 states that the maximum parking standards for the proposed development are:

- 1 space per 1 bed dwelling;
- 1.5 spaces per 2 bed dwelling;
- 2 spaces per 3 bed dwelling;
- 3 spaces per 4 bed dwelling.

This equates to 159 spaces.

The proposed development would provide 138 spaces and 26 garages. The proposed development is located within walking distance of the town centre and as such, is located in a sustainable location. As such, the level of parking provided would be acceptable. Therefore, the proposed development would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan.

Planning obligations/viability - A viability assessment (VA) was submitted with the application and has been independently assessed. The report identifies that there are a number of abnormal costs associated with developing this brownfield site, including remediation, works to the chimney, piled foundations, gas membranes, acoustic fencing, works to the culvert and regrading the land.

The applicant's VA and the independent assessment concluded that the redevelopment of the site would not be viable if the full 25% (18 units) policy compliant level of affordable housing were required in addition to the highways contribution. Following negotiations with the developer, the proposed development would provide:

- Affordable housing - 10 affordable units would be provided, to be sold at a 25% discount on open market value.
- Recreation provision - A scheme for the ongoing management of the on-site recreation provision.
- Highways contribution - £110,000 towards the installation of MOVA

The NPPF requirement to deliver 25% of the affordable homes as First Homes would be applicable to this development, however due to the advanced stage of negotiations when the requirement came into force coupled with the confirmed viability issues, this requirement has not been applied in this case. The level of affordable housing is considered to be the maximum achievable while maintaining a viable development and as such, the proposed

development would be in accordance with Policy H4/1 of the Bury Unitary Development Plan.

Response to objectors

- The site is located within flood zone 3 and the issues relating to flood risk have been addressed in the main report. The Environment Agency, Drainage Section and UNITED Utilities have no objections to the proposed development, subject to the inclusion of conditions.
- The issues relating to highway safety have been addressed in the main report.
- The issues relating to design, heritage and impact upon the Conservation Area have been addressed in the report above.
- The applicant submitted a viability report, which has been independently assessed and 10 affordable units will be provided. There is no policy requirement to provide funding for school or doctors. The proposed development would provide amenity space on site.
- The issues relating to ecology, invasive species and protected species have been addressed in the report above.
- The Local Planning Authority must determine all applications submitted to it and cannot refuse to determine an application, even during a lockdown.
- The Local Planning Authority must determine an application submitted in accordance with the Development Plan unless material considerations indicate otherwise. The development plan includes the Unitary Development Plan and the NPPF. The town centre masterplan does not hold any weight with regard to the decision making process and is not a material consideration.

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: Minded to Approve

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 101, RAMS-TOPO-001, RAMS-TOPO-002, 102 J, 103 F, 105 A, 105, 105-1, 106, 501, 501-1, 502, 502-1 A, P.1202.19.11, AP-P-01-1, AP-P-02, ENG-02, CF-P-01-1, FM-P-01-2, WN-P-01-2, AR-P-02, HA-P-01-1, HT-P-01-2, CL+-P-01, SG-P-01-1, TG-P-01-1, STD-WD-030, F02, F02-1, F04-1, F05 E, F05-1 E, F06 B, F09, FO12, FO14 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. No above ground construction works shall commence until 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. 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. The conversion of buildings B1 and B2 shall not commence unless or until the following has been submitted to and approved in writing by the Local Planning Authority:
 - A license issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development go ahead: or
 - A statement in writing from the relevant licensing body to the effect that it does not consider that the specified development will require a licenseReason. 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 11 of the National Planning Policy Framework.
7. No earthworks shall commence unless or until a resurvey for otter has been carried out and a reasonable avoidance measures method statement for otters has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall thereafter be carried out in accordance with the approved details only.

Reason. The scheme does not provide full details and 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 11 of the National Planning Policy Framework.

8. 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.

9. The eradication and/or control and/or avoidance measures for Himalayan balsam, Japanese knotweed and *Cotoneaster* spp should be carried out in accordance with the recommendation of the Invasive Species Method Statement prepared by Ascerta reference P.1202. The approved method statement shall be adhered to and implemented.

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.

10. No development, site clearance, earth moving shall take place or material or machinery brought on site until a method statement to protect the River Irwell from accidental spillages, dust and debris has been submitted to and approved in writing by the Local Planning Authority. All measures will be implemented and maintained for the duration of the construction period in accordance with the approved details.

Reason. The scheme does not provide full details of the protection measures and in order to ensure that no harm is caused to the River Irwell pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and Section 11 of the National Planning Policy Framework.

11. The landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building(s) is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan..

12. Prior to the commencement of demolition or development groundworks the applicant or their agents or successors in title shall secure the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) prepared by the appointed archaeological contractor and submitted to and approved in writing by the Local Planning Authority. The WSI shall cover the following:

1. A phased programme and methodology of archaeological fieldwork to include:

- i. archaeological building survey (HE Level 1)
 - ii. targeted archaeological evaluation trenching
 - iii. informed by ii) above, targeted open area excavation and recording (subject to a separate WSI)
2. A programme for post fieldwork assessment to include production of a final report on the significance of the below-ground archaeological interest.
3. Deposition of the final report with the Greater Manchester Historic Environment Record.
4. Dissemination of the results of the archaeological investigations commensurate with their significance.
5. Provision for archive deposition of the report and records of the site investigation.
6. Nomination of a competent person or persons

Reason. Information not submitted at application stage. To make a record of buildings and features of archaeological interest pursuant to policies EN3/1 – Impact of Development on Archaeological Sites, EN3/2 – Development Affecting Archaeological Sites and EN3/3 – Ancient Monuments of the Bury Unitary Development Plan.

13. The surface water drainage proposals shall be implemented in accordance with the submitted Flood Risk Assessment and Drainage Assessment, Final Report, v1.3, January 2022. The approved scheme only shall be implemented prior to first occupation and thereafter maintained.

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.

14. 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 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.

15. No development shall commence unless or until, details of the proposed ground and floor levels have been submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall show compliance with the requirements of the approved FRA (ref: Weetwood Final Report v1.2 dated August 2020), be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason. The scheme does not contain full details of the floor levels and to ensure that there are no detrimental impacts to flood storage or flood flow route and to reduce the risk of flooding to the proposed development and future users pursuant to Policy EN5/1 of the Bury Unitary Development Plan and the National Planning Policy Framework.

16. The respective plots (plots 1 - 28, 30, 31, 34, 43 - 67, Buildings A and B) shall not be occupied unless or until the measures specified in the Noise and Vibration Impact Assessment have been implemented and made available for use.

Reason. To protect the residential amenity of the future occupiers of the dwellings hereby approved pursuant to Policy EN7/2 - Noise Pollution of the Bury Unitary Development Plan.

17. Notwithstanding the details indicated on the approved plans, no development shall commence, except demolition and site clearance, unless and until full details of the following, to a scope and specification to be agreed, have been submitted on a topographical survey of the site and adjacent adopted highways to the Local Planning Authority:

- Reconstruction of the site access onto Bridge Street incorporating the provision of tactile paved pedestrian crossing points within the limits of the adopted highway;
- Reconstruction of the southerly footway on Bridge Street abutting the site, incorporating the identification of, and agreement to, the limits and demarcation of the adopted highway including realignment where appropriate, reinstatement of all redundant accesses to full height kerb levels, provision of a minimum footway width of 2.0m with 1 in 40 falls to the carriageway, edgings with a 50mm upstand and all boundary treatment alterations adjacent to the back of the footway along the northerly site boundary and in front of Plots 9 - 1312, with any foundations required for the replacement walls/fencing designed to not encroach under the adopted highway;
- Provision of a street lighting assessment of the junction of the site access with Bridge Street (in addition to the and proposed private internal estate roads), and, if required as a result of the assessment, subsequent scheme of improvements on the existing adopted highway;
- Formation of the proposed Emergency Access to the site adjacent to Plot 13 to a width and specification to be agreed with Greater Manchester Fire and Rescue Service, incorporating adequate strengthening of the footway, levels and vertical alignment to ensure that the size, type and weight of a fully laden fire appliance can be accommodated at this point on the Highway Network in order to access the site;
- In association with the above, a scheme of bollards to a specification to be agreed with Greater Manchester Fire and Rescue Service and at appropriate centres located clear of the adopted highway, to ensure that there shall be no direct means of non-emergency vehicular access between the site and Bridge Street;
- Formation of the proposed pedestrian access to the site adjacent to Plot 9, incorporating the provision of pedestrian guardrailling of a length and type to be agreed, adequate footway width and levels at this access point and all associated accommodation works;
- A scheme of road markings to introduce 'Keep Clear' and give way markings at the junction with Bridge Street, in addition to the provision of appropriate white lining within the private development itself;
- Review of the Traffic Regulation Orders in the vicinity of the site to a scope to be agreed to cover whether any additional parking restrictions require introducing, as well as ensuring adequate parking restrictions remain in place, and are refreshed accordingly;
- Review of the bus stops in the vicinity of the site with a view to upgrading/improving any bus stops (as necessary). Should this review, undertaken in consultation with TfGM, determine that improvements are required, the application should include proposals for the upgrade of the bus stops, in accordance with 'Transport for Greater Manchester's Design Guidelines for Bus Stops';

- All associated highway redial/accommodation works to accommodate the required highway works.

The highway works subsequently approved shall be implemented to an agreed programme and to the written satisfaction of the Local Planning Authority before each phase of the development subsequently agreed is first occupied.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway pursuant to the following Policies of the Bury Unitary Development Plan:
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
Policy EN1/2 - Townscape and Built Design

18. 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:

- Photographic dilapidation survey of the footways and carriageways abutting the site in the event that subsequent remedial works are required following construction of the development/boundary treatment alterations and as a result of any statutory undertakers connections to the new dwelling;
- Access point for demolition/construction traffic from the adopted highway;
- Site hoardings (if proposed) clear of the adopted highway;
- Hours of operation and number of vehicle movements;
- A scheme of appropriate warning/construction traffic signage in the vicinity of the site and its access;
- Parking on site (or on land under the applicant's control) 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;
- 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 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.

19. No development shall commence unless and until a Travel Plan has been submitted to and agreed in writing with the Local Planning Authority/TfGM and shall confirm/provide the following:

- A range of measures promoting a choice of transport mode, and a clear monitoring regime with agreed targets;

- A travel plan budget and resources for the implementation and day to day management of travel plan measures;
- Appropriate management structures;
- Detailed time frames for the delivery;
- Handover arrangements for the travel plan or its components when the developer's responsibility ceases;
- Targets and monitoring arrangements.

The approved plan shall be implemented within 6 months of occupation of the first dwelling and the measures and facilities proposed implemented to the satisfaction of the Local Planning Authority.

Reason. A travel plan has not been provided and to deliver sustainable transport objectives pursuant to Policy HT4 - New Development of the Bury Unitary Development Plan.

20. No development shall be commenced, except demolition and site clearance, unless and until details of the proposed arrangements for future management and maintenance of the proposed estate roads within the development have been submitted to and approved by the Local Planning Authority. The estate roads shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

Reason. To ensure that the unadopted estate road serving the development is maintained to an acceptable standard in the interest of residential/highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway pursuant to the following Policies of the Bury Unitary Development Plan:
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
Policy EN1/2 - Townscape and Built Design

21. The visibility splays indicated on the approved plans shall be implemented to the written satisfaction of the Local Planning Authority before the new site access is brought into use and subsequently maintained free of obstruction above the height of 0.6m.

Reason. To 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 H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
Policy EN1/2 - Townscape and Built Design

22. The private access roads, replacement parking facilities and turning facilities indicated on the approved plans shall be provided before the dwellings are first occupied and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.

Reason. To ensure good highway design and minimise the standing and turning movements of vehicles on the highway and unadopted access road, in the interests of road safety pursuant to the following Policies of the Bury Unitary Development Plan:
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built

23. The car parking indicated on the approved plans 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.
24. A minimum hardstanding of 5.5m measured between the highway/private estate road boundary and any proposed garage doors shall be provided and thereafter maintained.
Reason To enable a vehicle to stand clear of the highway whilst the garage doors are opened and to allow adequate space to maintain a vehicle clear of the highway in the interests of road safety pursuant to to the following Policies of the Bury Unitary Development Plan:
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
Policy EN1/2 - Townscape and Built Design
25. Where dwellings are constructed without a garage, a minimum hardstanding of 5.0m measured from the highway/private estate road boundary shall be provided within the curtilage of each dwelling and thereafter maintained.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to the following Policies of the Bury Unitary Development Plan:
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
Policy EN1/2 - Townscape and Built Design.
26. Secure cycle storage facilities shall be provided within the curtilage of each dwelling and thereafter maintained.
Reason. To ensure the provision of adequate in-curtilage cycle storage facilities and in order to deliver sustainable transport objectives pursuant to the following Policies of the Bury Unitary Development Plan:
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
Policy EN1/2 - Townscape and Built Design

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

Supplementary Agenda

BURY COUNCIL

DEPARTMENT FOR BUSINESS, GROWTH AND INFRASTRUCTURE

PLANNING SERVICES



PLANNING CONTROL COMMITTEE

31 May 2022

SUPPLEMENTARY INFORMATION

Item:01 Former Mondi/Holcombe Mill, Bridge Street, Ramsbottom, Bury, BL0 0BS
Application No. 65844

Erection of 73 no. dwellings including the retention and conversion of 2 existing buildings to residential use (5 no. units), the retention of a chimney and the demolition of a derelict building, together with engineering operations to create a development platform and associated parking, landscaping, drainage, the layout of internal estate roads and footways and other associated works

Publicity

31 letters have been received, which have raised the following issues:

- How can over 70 dwellings be of benefit to Ramsbottom? Is it the goal of Bury Council to gridlock the town.
- Every time this raises its head, it gets objections. Do something that will benefit the area and visitors.
- Object due to the increase in traffic, which will only add to pollution.
- The materials will not be in keeping with the area
- The houses will not be affordable to young residents of the town
- The flood defence proposals will not work and cause further flooding.
- There is limited car parking in the town and this will add to the problem.
- The site should be purchased using the Levelling up fund and developed as a recreational, and entertainment site with car parking.
- Any residential area will cause massive issues to the infrastructure of Ramsbottom.
- There are a number of rare species of bird that live along the riverbank, including Kingfishers.
- The developer has not taken into consideration the local area or its residents.
- There are already 2-3 housing developments in Ramsbottom and another one is not needed.
- The houses do not enhance the conservation area - they diminish it.
- How does this fit into the Ramsbottom town centre plan, which had alternative uses for this land?
- Too many houses with massive implications for overstretched infrastructure
- I'm sure no one who had their say on the Ramsbottom Town Plan suggested increasing congestion by building poorly built mock Tudor houses in a town that has no relevance to Tudor architecture.
- Dormers are objected to and permissions declined because they contradict the area's buildings so surely such a carbuncle will not be allowed.
- The town is desperate for more parking and the land should be used for this.
- The space would be better used as car parking and a community space.
- The council need to dig deep and find some creativity with this. The town plan identifies the Mondi site as an area that could be used for parking so it sounds like we need some funding to buy it or compulsory purchase if possible.
- The mock Tudor style of buildings proposed is not in keeping with the stone buildings in the Ramsbottom conservation area. This development is the entrance to Ramsbottom for many visitors and should reflect its proud heritage.
- The development only has one entrance and exit road which is very close to the level crossing at Ramsbottom station. This area already suffers from traffic congestion during rush hour and the extra houses in this area would contribute to making this situation worse.
- This land should also include extra parking for Ramsbottom visitors.
- This development is totally out of character of a charming stone built Pennine village. Permitting this would run contra to Conservation mandate, requiring benefit or enhancement, and the Council's own duty of care.

- This site, given its central location next to the station and close to shops and businesses should complement the existing buildings in the area and provide further amenities for local residents.
- This development is the biggest in many generations in Ramsbottom. Yet there has not been a public town consultation. Why not?
- This planning application is being rushed through in a very short time period. A handful of local residents were informed on 20 May 2022 with the Planning Meeting taking place on Tuesday 31 May 2022. This looks and feels like an ambush
- This planned development will be situated on an established flood plain next to the River Irwell in the centre of Ramsbottom. This site as well as the land on the other side of the road from the planned development flood on a regular basis. Most notably there was significant flooding in February 2020 and on Boxing Day 2015 when the area including homes and businesses were devastated by flooding. Notably the River Irwell is not even on the site plan. Why is this ?
- This site sits at a low level. Flood water runs off the hills and rises up from drains/sewers as well as from the river when the banks overflow. Flooding will only get worse as climate change progresses.
- In 2016 at a public meeting in Radcliffe following the devastating floods in the Borough on Boxing Day 2015, the then CEO Mr Owen and the then Leader of the Labour Council gave a solemn promise to the people living in the Borough that there would not be any further residential developments built on flood plains in the Borough. This is patently untrue given the fact that Bury MBC is now entertaining this application. Will the current Labour Leader and Chief Executive honour this pledge?
- Building on a flood plain places residents at risk of serious harm and/or death.
- Is Bury Council aware of the Corporate Manslaughter legislation enacted in 2007 which allows bodies including local councils to be face criminal prosecution should its actions or inactions result in the death of members of the public.
- Increasing the vehicle pollution levels in Ramsbottom is at clear odds with the Green Air Policy which is being rolled out.
- Placing over 400 people in a small area in the centre of the town which is increasingly polluted by 24/7 traffic, a local recycling plants, a carpet factory, a Fedex depot and industrial pollution is not good from a public health angle or the quality of life of anyone. Where is the public health report?
- There should be a limit on the number of houses that a developer can build in an area. Large parts of Ramsbottom are designated a conservation area.
- Is there sufficient power to pump electric, water and gas etc to these homes?
- Ramsbottom already suffers regular power outages with its current population.
- This developer does not build affordable housing . By affordable I mean what the average ordinary person on the average wage in this town can afford to buy
- Has the Planning Committee visited the site and if so when?
- Unfortunately however it appears the application is anything but prize-winning according to of the Conservation Officers, detailed analysis
- The redevelopment simply has nothing at all in common with its immediate surroundings of 19th century stone buildings and streets of two up and two down natural stone cottages with blue slate roofs as far as the eye can see. This is the essential character of the Ramsbottom Conservation Area The general public seem unaware of the sheer size and scale of the threat. Far from being a couple of bungalows off the beaten track, this application proposes the biggest housing scheme since the Broadhey estate off Nuttall Lane in the 1970s. It will change the town centre more comprehensively than anything since the railway arrived in 1846.

- Ramsbottom let's face it, deserves better, much better, can you honestly imagine for one minute Hebden Bridge. Haworth, or Grassington or any other small town with a conservation area protecting its unique heritage, even considering an application to build 73 Mock Tudor executive style homes right in the middle of it?
- However any granting of permission should, we believe only be approved on the following conditions:- 1. All the houses are built in natural stone. 2. All the houses should be roofed in blue slate tiles. 3. Mock Tudor (plastic) boards banned. 4. A riverside public path is provided within the site. 5. Building 'C' the historic chimneys boiler house should be retained and restored to enhance the chimney site and increase its heritage value. 6. Restore the 150 year old goit, hand dug across the site to supply water to a moat around Square Mill.
- You may be aware of the recent Ramsbottom town centre plan that was subject up for consultation. Among many issues contained in the draft plan were the following:- 1. Parking problems. 2. The need to attract further inward investment and retail opportunities. 3. The need to relocate and support the Saturday Market area. 4. The need to find a better solution and location for the Sunday car boot sales. 5. The need to free up current parking spaces on Union Street and surrounding areas. 6. The desire to create more retail and al fresco dining outlets. 7. The need to find a new long term development site. 8. There were also plans to develop out of town parking with walk in footpaths. The Council must move decisively and quickly to secure the Mondi site from the hands of developers, even if this means refusal of planning.
- The Ramsbottom town plan mentions but fails to identify the former Mondi paper mill land as the highly prized and transformational site Bury council should be seeking to acquire. It makes no mention of this option as an alternative to the cost of displacing one or more businesses.

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

Consultations

Traffic Section - No objections, subject to the inclusion of conditions relating to highway alterations, a construction traffic management plan, a travel plan, a scheme for the management and maintenance of the estate roads, visibility splays, turning facilities, car parking, driveways and cycle storage.

Issues and Analysis

Impact upon the Conservation Area - For the avoidance of doubt, following an inaccurate and misleading article in the Bury Times and Rossendale Free Press, the Conservation Officer has no objections to the proposed development, subject to the inclusion of conditions relating to materials.

8 of the 73 proposed dwellings and the two converted buildings would be located in the Conservation Area. All of the proposed dwellings, except 1 would be the Clitheroe house type, which would be smaller terraced and semi-detached plots with a simple design that respects the character of the historic built form of the Conservation Area.

The use of artificial stone would enable all of the proposed dwellings to be constructed from the same materials. The appearance of the materials in relation to the existing buildings on site is of key importance. Given that the majority of the site is outside of the Conservation Area, the viability constraints and the use of the material across the whole site, the use of reconstituted stone is considered to be acceptable, subject to conditional control. As such, the proposed development would preserve the character of the Conservation Area and would be in accordance with Policies EN2/1 and EN2/2 of the Bury Unitary Development Plan and the NPPF.

Flood risk - As part of the FRA, a sequential assessment was submitted. The assessment concludes that there are no sequentially preferable sites which could accommodate the proposals and has drawn upon evidence from the Council's Strategic Housing Land Availability Assessment (SHLAA). It is accepted that there are no sequentially preferable sites that are appropriate or reasonably available within the search area and as such, the sequential test has been met.

The NPPF states that if, following the application of the sequential test, it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test should be applied.

The NPPF provides two criteria which should be met for the Exception Test to be passed. These are:

- the development would provide wider sustainability benefits to the community that outweigh the flood risk; and,
- the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall

The Flood Risk Sequential and Exception Test and Flood Risk Assessment submitted with the application seeks to respond to the requirements of the Exception Test and state that:

- The proposal clearly amounts to sustainable development
- The proposal would regenerate a derelict site
- There are no significant demonstrable adverse impacts from the proposals that would outweigh the considerable benefits of the scheme
- The proposal seeks to increase the provision of new housing into the borough meeting an identified need
- The proposal would regenerate a derelict brownfield site.

The applicant has agreed to increase the holding capacity of the drainage system, which would decrease the risk of flooding from surface water.

The application site is within walking distance of the town centre and is in a sustainable location. The proposed development would regenerate a site, which has been derelict for over a decade and provide housing to meet the identified need. The provision of greater surface waterholding capacity would help to address existing surface water drainage issues in the town centre, by holding more water as well as the surface water drainage from the proposed development. As such, the proposed development would provide wider sustainability benefits to the community and would meet the exceptions test.

A flood evacuation plan has been submitted as part of the application and has been assessed. The proposed evacuation plan is acceptable in principle although there are some areas of detail, which require amendments, and this would be sought via a condition. Therefore, the proposed development would be in accordance with Policy EN5/1 of the Bury Unitary Development Plan.

Highway issues - The proposed development would utilise the existing access road and there would be appropriate levels of visibility. An emergency access would be provided and would connect Bridge Street (adopted highway) to the shared access way 1. GM Fire Service have no objections, subject to the provision of an emergency access and access for emergency services along it. This would be secured in a

Section 106 agreement. The Traffic Section has no objections, subject to the inclusion of conditions relating to highway alterations, a construction traffic management plan, a travel plan, a scheme for the management and maintenance of the estate roads, visibility splays, turning facilities, car parking, driveways and cycle storage. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies H2/1, H2/2 and EN1/2 of the Bury Unitary Development Plan.

Planning obligations - The proposed development would provide:

- Affordable housing - 10 affordable units would be provided, to be sold at a 25% discount on open market value and would be delivered in early phase.
- Recreation provision - A scheme for the ongoing management of the on-site recreation provision and public access thereto.
- Highways contribution - £110,000 towards the installation of MOVA
- Ensure access for emergency vehicles on the proposed access roads

Response to objectors

- The issues of design, materials, dormers and the impact upon the conservation area have been addressed in the main report and above.
- As stated above, the Conservation Officer has no objections to the proposed development. The comments reported were based on the originally submitted plans which have subsequently been amended.
- The issues relating to highway safety and congestion have been addressed above and in the main report.
- The issues relating to flood risk have been addressed above and in the main report. It should be noted that the Environment Agency, United Utilities and the drainage Section have no objections to the scheme.
- The issue relating to Kingfishers has been addressed in the main report.
- The need for housing was addressed in the main report.
- A decision must be based on the proposed development and the application cannot be refused as an alternative development might be better.
- The Local Planning Authority must determine an application submitted in accordance with the Development Plan unless material considerations indicate otherwise. The development plan includes the Unitary Development Plan and the NPPF. The town centre masterplan is a non statutory document but does not advocate any particular development proposals. The development's proposals have been amended to ensure that the scheme assimilates into the town centre.
- does not hold any weight with regard to the decision making process and is not a material consideration.
- The proposed development would provide 10 affordable homes as required by Policy H4/1 of the Bury Unitary Development Plan and SPG5 in the early phases.
- A site visit has been arranged for the members of the Planning Control Committee.
- Each application is assessed on its own merits.
- Corporate manslaughter legislation is not a material planning consideration
- The public have been consulted on the proposed development and the dates are provided in the Publicity Section of the main report.
- The planning application was received in September 2020 and is being determined 2 years later. The public have been able to provide comments during this time.

Conditions

Conditions 6 and 9 should be amended and conditions 17 to 27 added in relation to highway alterations, a construction traffic management plan, a travel plan, a scheme for the management and maintenance of the estate roads, visibility splays, turning facilities, car parking, driveways, cycle storage and flood evacuation plan:

6. The conversion of buildings B1 and B2 shall not commence unless or until the following has been submitted to and approved in writing by the Local Planning Authority:

- A license issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development go ahead: or
- A statement in writing from the relevant licensing body to the effect that it does not consider that the specified development will require a license

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 11 of the National Planning Policy Framework.

9. The eradication and/or control and/or avoidance measures for Himalayan balsam, Japanese knotweed and Cotoneaster spp should be carried out in accordance with the recommendation of the Invasive Species Method Statement prepared by Ascerta reference P.1202. The approved method statement shall be adhered to and implemented.

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.

17. Notwithstanding the details indicated on the approved plans, no development shall commence unless and until full details of the following, to a scope and specification to be agreed, have been submitted on a topographical survey of the site and adjacent adopted highways to the Local Planning Authority:

- Reconstruction of the site access onto Bridge Street incorporating the provision of tactile paved pedestrian crossing points within the limits of the adopted highway;
- Reconstruction of the southerly footway on Bridge Street abutting the site, incorporating the identification of, and agreement to, the limits and demarcation of the adopted highway including realignment where appropriate, reinstatement of all redundant accesses to full height kerb levels, provision of a minimum footway width of 2.0m with 1 in 40 falls to the carriageway, edgings with a 50mm upstand and all boundary treatment alterations adjacent to the back of the footway along the northerly site boundary and in front of Plots 9 - 13, with any foundations required for the replacement walls/fencing designed to not encroach under the adopted highway;
- Provision of a street lighting assessment of the junction of the site access with Bridge Street (in addition to the and proposed private internal estate roads), and, if required as a result of the assessment, subsequent scheme of improvements on the existing adopted highway;
- Formation of the proposed Emergency Access to the site adjacent to Plot 13 to a width and specification to be agreed with Greater Manchester Fire and Rescue Service, incorporating adequate strengthening of the footway, levels and vertical alignment to ensure that the size, type and weight of a fully laden fire appliance can be accommodated at this point on the Highway Network in order to access the site;

- In association with the above, a scheme of bollards to a specification to be agreed with Greater Manchester Fire and Rescue Service and at appropriate centres located clear of the adopted highway, to ensure that there shall be no direct means of non-emergency vehicular access between the site and Bridge Street;
- Formation of the proposed pedestrian access to the site adjacent to Plot 9, incorporating the provision of pedestrian guardrailing of a length and type to be agreed, adequate footway width and levels at this access point and all associated accommodation works;
- A scheme of road markings to introduce 'Keep Clear' and give way markings at the junction with Bridge Street, in addition to the provision of appropriate white lining within the private development itself;
- Review of the Traffic Regulation Orders in the vicinity of the site to a scope to be agreed to cover whether any additional parking restrictions require introducing, as well as ensuring adequate parking restrictions remain in place, and are refreshed accordingly;
- Review of the bus stops in the vicinity of the site with a view to upgrading/improving any bus stops (as necessary). Should this review, undertaken in consultation with TfGM, determine that improvements are required, the application should include proposals for the upgrade of the bus stops, in accordance with 'Transport for Greater Manchester's Design Guidelines for Bus Stops';
- All associated highway redial/accommodation works to accommodate the required highway works.

The highway works subsequently approved shall be implemented to an agreed programme before each phase of the development subsequently agreed is first occupied.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design

18. 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:

- Photographic dilapidation survey of the footways and carriageways abutting the site in the event that subsequent remedial works are required following construction of the development/boundary treatment alterations and as a result of any statutory undertakers connections to the new dwelling;
- Access point for demolition/construction traffic from the adopted highway;
- Site hoardings (if proposed) clear of the adopted highway;
- Hours of operation and number of vehicle movements;
- A scheme of appropriate warning/construction traffic signage in the vicinity of the site and its access;
- Parking on site (or on land under the applicant's control) 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;
- 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 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.

19. No development shall commence unless and until a Travel Plan has been submitted to and agreed in writing with the Local Planning Authority/TfGM and shall confirm/provide the following:

- A range of measures promoting a choice of transport mode, and a clear monitoring regime with agreed targets;
- A travel plan budget and resources for the implementation and day to day management of travel plan measures;
- Appropriate management structures;
- Detailed time frames for the delivery;
- Handover arrangements for the travel plan or its components when the developer's responsibility ceases;
- Targets and monitoring arrangements.

The approved plan shall be implemented within 6 months of occupation of the first dwelling and the measures and facilities proposed implemented to the satisfaction of the Local Planning Authority.

Reason. A travel plan has not been provided and to deliver sustainable transport objectives pursuant to Policy HT4 - New Development of the Bury Unitary Development Plan.

20. No development shall be commenced, except demolition and site clearance, unless and until details of the proposed arrangements for future management and maintenance of the proposed estate roads within the development have been submitted to and approved by the Local Planning Authority. The estate roads shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

Reason. To ensure that the unadopted estate road serving the development is maintained to an acceptable standard in the interest of residential/highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway pursuant to the following Policies of the Bury Unitary Development Plan:
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
Policy EN1/2 - Townscape and Built Design

21. The visibility splays indicated on the approved plans shall be implemented to the written satisfaction of the Local Planning Authority before the new site access is brought into use and subsequently maintained free of obstruction above the height of 0.6m.

Reason. To 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 H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design

22. The private access roads, replacement parking facilities and turning facilities indicated on the approved plans shall be provided before the dwellings are first occupied and the areas used for the manoeuvring of vehicles 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 H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design

23. The car parking indicated on the approved plans 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.

24. A minimum hardstanding of 5.5m measured between the highway/private estate road boundary and any proposed garage doors shall be provided and thereafter maintained.

Reason. To enable a vehicle to stand clear of the highway whilst the garage doors are opened and to allow adequate space to maintain a vehicle clear of the highway in the interests of road safety pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

25. Where dwellings are constructed without a garage, a minimum hardstanding of 5.0m measured from the highway/private estate road boundary shall be provided within the curtilage of each dwelling and thereafter maintained.

Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design

26. Secure cycle storage facilities shall be provided within the curtilage of each dwelling and thereafter maintained.

Reason. To ensure the provision of adequate in-curtilage cycle storage facilities and in order to deliver sustainable transport objectives pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design

27. Notwithstanding the information submitted, no development shall commence unless or until a flood evacuation plan has been submitted to and approved in writing

by the Local Planning Authority. The approved plan shall be implemented in full prior to first occupation of the dwellings and shall be maintained thereafter.

Reason. The scheme does not provide full details of the protection measures and to ensure the safety of residents during a flood event pursuant to Policy EN5/1 of the Bury Unitary Development Plan and the National Planning Policy Framework.

Appendix 2 – Suggested Conditions

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 101, RAMS-TOPO-001, RAMS-TOPO-002, 102 J, 103 F, 105 A, 105, 105-1, 106, 501, 501-1, 502, 502-1 A, P.1202.19.11, AP-P-01-1, AP-P-02, ENG-02, CF-P-01-1, FM-P-01-2, WN-P-01-2, AR-P-02, HA-P-01-1, HT-P-01-2, CL+-P-01, SG-P-01-1, TG-P-01-1, STD-WD-030, F02, F02-1, F04-1, F05 E, F05-1 E, F06 B, F09, FO12, FO14 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. No above ground construction works shall commence until 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. 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. The conversion of buildings B1 and B2 shall not commence unless or until the following has been submitted to and approved in writing by the Local Planning Authority:
 - A license issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development go ahead: or
 - A statement in writing from the relevant licensing body to the effect that it does not consider that the specified development will require a license

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 11 of the National Planning Policy Framework.

7. No earthworks shall commence unless or until a resurvey for otter has been carried out and a reasonable avoidance measures method statement for otters has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details only.

Reason. The scheme does not provide full details and 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 11 of the National Planning Policy Framework.

8. 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.

9. The eradication and/or control and/or avoidance measures for Himalayan balsam, Japanese knotweed and Cotoneaster should be carried out in accordance with the recommendation of the Invasive Species Method Statement prepared by Ascerta reference P.1202. The approved method statement shall be adhered to and implemented.

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.

10. No development, site clearance, earth moving shall take place or material or machinery brought on site until a method statement to protect the River Irwell from accidental spillages, dust and debris has been submitted to and approved in writing by the Local Planning Authority. All measure will be implemented and maintained for the duration of the construction period in accordance with the approved details.

Reason. The scheme does not provide full details of the protection measures and in order to ensure that no harm is caused to the River Irwell pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of

Ecological Value of the Bury Unitary Development Plan and Section 11 of the National Planning Policy Framework.

11. The landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building(s) is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan..
12. Prior to the commencement of demolition or development groundworks the applicant or their agents or successors in title shall secure the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) prepared by the appointed archaeological contractor and submitted to and approved in writing by the Local Planning Authority. The WSI shall cover the following:
7. A phased programme and methodology of archaeological fieldwork to include:
 - iv. archaeological building survey (HE Level 1)
 - v. targeted archaeological evaluation trenching
 - vi. informed by ii) above, targeted open area excavation and recording (subject to a separate WSI)
 8. A programme for post fieldwork assessment to include production of a final report on the significance of the below-ground archaeological interest.
 9. Deposition of the final report with the Greater Manchester Historic Environment Record.
 10. Dissemination of the results of the archaeological investigations commensurate with their significance.
 11. Provision for archive deposition of the report and records of the site investigation.
 12. Nomination of a competent person or persons

Reason. Information not submitted at application stage. To make a record of buildings and features of archaeological interest pursuant to policies EN3/1 – Impact of Development on Archaeological Sites, EN3/2 – Development Affecting Archaeological Sites and EN3/3 – Ancient Monuments of the Bury Unitary Development Plan.

13. The surface water drainage proposals shall be implemented in accordance with the submitted Flood Risk Assessment and Drainage Assessment, Final Report, v1.3, January 2022. The approved scheme only shall be implemented prior to first occupation and thereafter maintained.
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.
14. 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 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.

15. No development shall commence unless or until, details of the proposed ground and floor levels have been submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall show compliance with the requirements of the approved FRA (ref: Weetwood Final Report v1.2 dated August 2020), be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason. The scheme does not contain full details of the floor levels and to ensure that there are no detrimental impacts to flood storage or flood flow route and to reduce the risk of flooding to the proposed development and future users pursuant to Policy EN5/1 of the Bury Unitary Development Plan and the National Planning Policy Framework.

16. The respective plots (plots 1 - 28, 30, 31, 34, 43 - 67, Buildings A and B) shall not be occupied unless or until the measures specified in the Noise and Vibration Impact Assessment have been implemented and made available for use.

Reason. To protect the residential amenity of the future occupiers of the dwellings hereby approved pursuant to Policy EN7/2 - Noise Pollution of the Bury Unitary Development Plan.

17. Notwithstanding the details indicated on the approved plans, no development shall commence unless and until full details of the following, to a scope and specification to be agreed, have been submitted on a topographical survey of the site and adjacent adopted highways to the Local Planning Authority:

- Reconstruction of the site access onto Bridge Street incorporating the provision of tactile paved pedestrian crossing points within the limits of the adopted highway;
- Reconstruction of the southerly footway on Bridge Street abutting the site, incorporating the identification of, and agreement to, the limits and demarcation of the adopted highway including realignment where appropriate, reinstatement of all redundant accesses to full height kerb levels, provision of a minimum footway width of 2.0m with 1 in 40 falls to the carriageway, edgings with a 50mm upstand and all boundary treatment alterations adjacent to the back of the footway along the northerly site boundary and in front of Plots 9 - 13, with any foundations required for the replacement walls/fencing designed to not encroach under the adopted highway;
- Provision of a street lighting assessment of the junction of the site access with Bridge Street (in addition to the and proposed private internal estate roads), and, if required as a result of the assessment, subsequent scheme of improvements on the existing adopted highway;
- Formation of the proposed Emergency Access to the site adjacent to Plot 13 to a width and specification to be agreed with Greater Manchester Fire and Rescue Service, incorporating adequate strengthening of the footway, levels and vertical alignment to ensure that the size, type and weight of a fully laden fire appliance can be accommodated at this point on the Highway Network in order to access the site;
- In association with the above, a scheme of bollards to a specification to be agreed with Greater Manchester Fire and Rescue Service and at appropriate centres located clear of the adopted highway, to ensure that there shall be no

direct means of non-emergency vehicular access between the site and Bridge Street;

- Formation of the proposed pedestrian access to the site adjacent to Plot 9, incorporating the provision of pedestrian guardrailing of a length and type to be agreed, adequate footway width and levels at this access point and all associated accommodation works;
- A scheme of road markings to introduce 'Keep Clear' and give way markings at the junction with Bridge Street, in addition to the provision of appropriate white lining within the private development itself;
- Review of the Traffic Regulation Orders in the vicinity of the site to a scope to be agreed to cover whether any additional parking restrictions require introducing, as well as ensuring adequate parking restrictions remain in place, and are refreshed accordingly;
- Review of the bus stops in the vicinity of the site with a view to upgrading/improving any bus stops (as necessary). Should this review, undertaken in consultation with TfGM, determine that improvements are required, the application should include proposals for the upgrade of the bus stops, in accordance with 'Transport for Greater Manchester's Design Guidelines for Bus Stops';
- All associated highway redial/accommodation works to accommodate the required highway works.

The highway works subsequently approved shall be implemented to an agreed programme before each phase of the development subsequently agreed is first occupied.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway pursuant to the following Policies of the Bury Unitary Development Plan:
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
Policy EN1/2 - Townscape and Built Design

18. 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:

- Photographic dilapidation survey of the footways and carriageways abutting the site in the event that subsequent remedial works are required following construction of the development/boundary treatment alterations and as a result of any statutory undertakers connections to the new dwelling;
- Access point for demolition/construction traffic from the adopted highway;
- Site hoardings (if proposed) clear of the adopted highway;
- Hours of operation and number of vehicle movements;
- A scheme of appropriate warning/construction traffic signage in the vicinity of the site and its access;
- Parking on site (or on land under the applicant's control) 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;
- 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 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.

19. No development shall commence unless and until a Travel Plan has been submitted to and agreed in writing with the Local Planning Authority/TfGM and shall confirm/provide the following:

- A range of measures promoting a choice of transport mode, and a clear monitoring regime with agreed targets;
- A travel plan budget and resources for the implementation and day to day management of travel plan measures;
- Appropriate management structures;
- Detailed time frames for the delivery;
- Handover arrangements for the travel plan or its components when the developer's responsibility ceases;
- Targets and monitoring arrangements.

The approved plan shall be implemented within 6 months of occupation of the first dwelling and the measures and facilities proposed implemented to the satisfaction of the Local Planning Authority.

Reason. A travel plan has not been provided and to deliver sustainable transport objectives pursuant to Policy HT4 - New Development of the Bury Unitary Development Plan.

20. No development shall be commenced, except demolition and site clearance, unless and until details of the proposed arrangements for future management and maintenance of the proposed estate roads within the development have been submitted to and approved by the Local Planning Authority. The estate roads shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

Reason. To ensure that the unadopted estate road serving the development is maintained to an acceptable standard in the interest of residential/highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway pursuant to the following Policies of the Bury Unitary Development Plan:
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
Policy EN1/2 - Townscape and Built Design

21. The visibility splays indicated on the approved plans shall be implemented to the written satisfaction of the Local Planning Authority before the new site access is

brought into use and subsequently maintained free of obstruction above the height of 0.6m.

Reason. To 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 H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design

22. The private access roads, replacement parking facilities and turning facilities indicated on the approved plans shall be provided before the dwellings are first occupied and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.

Reason. To ensure good highway design and minimise the standing and turning movements of vehicles on the highway and unadopted access road, in the interests of road safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built

23. The car parking indicated on the approved plans 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.

24. A minimum hardstanding of 5.5m measured between the highway/private estate road boundary and any proposed garage doors shall be provided and thereafter maintained.

Reason To enable a vehicle to stand clear of the highway whilst the garage doors are opened and to allow adequate space to maintain a vehicle clear of the highway in the interests of road safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design

25. Where dwellings are constructed without a garage, a minimum hardstanding of 5.0m measured from the highway/private estate road boundary shall be provided within the curtilage of each dwelling and thereafter maintained.

Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design.

26. Secure cycle storage facilities shall be provided within the curtilage of each dwelling and thereafter maintained.

Reason. To ensure the provision of adequate in-curtilage cycle storage facilities and in order to deliver sustainable transport objectives pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development
Policy EN1/2 - Townscape and Built Design

27. Notwithstanding the information submitted, no development shall commence unless or until a flood evacuation plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented in full prior to first occupation of the dwellings and shall be maintained thereafter.

Reason. The scheme does not provide full details of the protection measures and to ensure the safety of residents during a flood event pursuant to Policy EN5/1 of the Bury Unitary Development Plan and the National Planning Policy Framework.