

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 30/08/2023	Ref: 69771/FUL
Registration: 17/07/2023	LDFC: 11/08/2023	Expiry Date: 11/09/2023
Site Visit: 27/07/2023	Site Notice: 27/07/2023	Press Date: 27/07/2023
Objections: 0	Con Area: N/A	Adv Type: ARW
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Variation of condition application of planning permission 67535 (For works to formalise the existing overspill car park and improve pedestrian access along Woodhill Road), to vary condition 2 (approved plans) and condition 6 (surfacing and parking details).

Location: Burrs Country Park, Woodhill Road, Burrs, Bury

Description

The application relates to a grassed field which is part of Burrs Country Park. The field is located off the access road which leads to Burrs and the park's facilities and amenities and a car park. The field has been used as an overspill car park for the park for a number of years.

The site is located in the Green Belt, River Valley Area of Special Landscape and Wildlife Link and Corridor. It is also designated as RT3/2 land for Additional Provision for Recreation in the Countryside.

The field is bounded by a hedgerow and tree planting and there are two existing gated accesses - one at the south west corner and on in a central position at the western side.

Due to the increase in visitors to the park and its growing popularity as a tourist destination, and more so recently due to the pandemic which has seen an increase in number of people using the Park and outside space., the park requires additional and more permanent parking provision.

Planning permission was granted for an overspill car park to create a parking area for 131 cars which included surfacing the field to create an internal route and parking bays with a new permeable geo-grid system, new pedestrian footpath and planting/landscaping proposal (planning ref 67535).

The application was submitted as a phased development - phase 1 and phase 2.

Due to lack of funding, the area proposed for the overspill car park has had to be reduced to approximately half of what was previously approved. There are already some parking bays provided to the east of the site area which would be retained. The other area of the field would be used 'informally' to park with a change to how the car park would be surfaced. The access and egress would be as previously approved and planting around the boundary would continue to be provided.

In summary the works now proposed are -

- A through road (one way in and out as per the original application) in a geogrid surface, infilled with stone with white arrows directing traffic.
- Entrance improvements - a new concrete kerb to retain the geogrid and the cobbled surface of Woodhill Road
- Existing 'fibrous sand' surface to be upgraded and improved, along with drainage to allow the grassed areas to be used for parking.

- The boundary of the car park would be edged in timber, comprising sleepers and reclaimed telegraph poles.

The application has been submitted as a variation of conditions of the approved plans (condition 2) and approved parking layout/surfacing (condition 6) of the original approval reference 67535.

Relevant Planning History

01852/E - Pre-application for proposed art sculpture on site of the old mill - Enquiry completed 20/07/2016

59068 - Siting of storage container - Approve with Conditions 16/10/2015

59842 - Variation of condition no.2 of planning permission 58768 to shorten the platform, change the method of construction, amendment of vehicular/pedestrian access and provision of a passenger shelter at platform level - Approve with Conditions 26/04/2016

60394 - Erection of contemporary art sculpture for 10 years - Approve with Conditions 23/09/2016

Works to formalise the existing overspill car park and improve pedestrian access along Woodhill Road including - Resurfacing of the road and parking bays; Creation of a new pedestrian footpath between the car park and Woodhill Road; Creation of a new pavement on the western side of Woodhill Road; New zebra crossing across Woodhill Road; Widening vehicular and pedestrian accesses into the car park area including removal of hedgerow and associated landscaping - Approved 10/1/22

23/0074 - Building works - 24/03/2023

Publicity

Site notice posted 27/7/23

No responses received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions

Public Rights of Way Officer - No response

EH Contam land - No objection subject to conditions

Ecology - No objection

Conservation - No objection

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF National Planning Policy Framework

EN1/1 Visual Amenity

EN6 Conservation of the Natural Environment

EN6/4 Wildlife Links and Corridors

EN9/1 Special Landscape Areas

OL1 Green Belt

OL1/5 Mineral Extraction and Other Development in the Green Belt

OL5/2 Development in River Valleys

RT3/2 Additional Provision for Recreation in the Countryside

HT2/4 Car Parking and New Development

HT6/2 Pedestrian/Vehicular Conflict

EN2/3 Listed Buildings

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.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Principle

The application site is located in the Green Belt on land which is part of Burrs Country Park and is currently used as an informal overspill car park. The proposal is to formalise the overspill car park to create additional car parking spaces and to improve pedestrian access along Woodhill Road.

The principle of development has been previously accepted by the grant of permission ref 67535 and as such considered acceptable for the amended scheme.

Visual amenity

It is proposed to install a geo-grid permeable system to define the access route through the car park which has been previously approved and as a natural form of surfacing solution it is considered not to be visually prominent.

Instead of installing a geo-grid surface to the reduced car park area, it is proposed to re-surface the grassed areas with a fibrous turf which has previously been used. The fibres

provide additional stability for vehicles and the appearance is similar to the existing grassed field. It is therefore considered that the proposed development would be acceptable.

The field would be bounded by timber sleeper type posts which would be a natural addition and considered acceptable.

It is therefore considered the proposed development would be acceptable and would comply with Policies OL1/5 RT3/2 and EN1/2 and the principles of the NPPF.

Highways

The proposed car park would facilitate additional parking spaces, thereby taking pressure off the adjacent roads and verges where cars tend to park at busy times when the temporary car park was not open.

In terms of access and egress, the proposals would not change from the previously approved application where it was proposed to create a throughroute, with the access at the southern end of the car park and exit from the middle of the field, and whilst this would require some hedge removal, it would be minimal but would allow for safe exit by cars.

A pedestrian path would also be provided along the south western boundary which would create better and safe access and connectivity for pedestrians.

The Highway Engineer and PRow Officer have raised no objections.

As such, the proposed development would be acceptable and would comply with Policies EN1/2, HT2/4 and HT6/2.

Impact on residential amenity - The nearest properties are those houses on Stock Street approx 25m to the south east and Sleaford Close circa 20m to the west, opposite the site.

The works would not comprise any built development which would impede outlook. The site has previously been used as an overspill car park and whilst making it permanent would encourage more vehicles to use the route to the site and park, it is a well visited park in any event and considered that any additional traffic generated would not be harmful to the amenity of nearby occupiers.

As such, it is considered the proposed development would be acceptable and comply with policies OL1/5, EN1/2 and RT3/2.

Heritage

Burrs Country Park is a Non Designated Heritage Asset. The park has a history dating back to pre-Roman times and the remains of much of the industrial heritage still remaining on site.

There are some listed heritage features nearby including the fort at Castlesteads to the north and the NDHA's Activity Centre, Burrs Mill and Higher Woodhill Mill. The site itself is not part of the NDHA.

Other than the park grounds, the nearest heritage asset is 50m away. The proposed development would not involve built form or incorporate features alien to the setting of a Country Park. Given the distance away to the Heritage Assets, it is considered there would not be a detrimental impact on the significance or the setting of these Assets.

The Conservation Officer has no comments to make.

As such, the proposed development would comply with the principles of the NPPF.

Ecology

Summary

No ecological information has been provided. The site however consists of low ecological value grassland, historically grazed and no habitats suitable for protected species are present.

GMEU have been consulted on the revised proposals and raise no objection to the amended scheme.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of the approval of the original permission ref 67535 (no later than 3 years from 10/1/22).
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings - Burrs Car Park Revised Proposals 233/PH2lay v4 received 17/7/23 and 'Management and Maintenance Proposals for Overspill Car Park and Associated Paths at Burrs Country Park dated November 2021' and Construction traffic management plan dated August 2023 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 The development hereby approved shall be carried out in accordance with the 'Construction Traffic Management Plan' (CTMP) dated August 2023 and Proffitts, dilapidation survey and plan 233/CTMP1 - submitted for the discharge of condition 3 for planning reference 67535.
The approved plan shall be adhered to throughout the construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period. The areas identified shall not be used for any other purposes other than the parking of vehicles and storage of demolition/construction materials. All highway remedial works identified as a result of the dilapidation survey shall be implemented prior to the development hereby approved being occupied.
Reason. 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.
- 4 The development hereby approved shall be carried out in accordance with the information submitted to discharge condition 4 of planning reference 67535 (plans 233 HV01 and 233 HV02). The hedgerows shall be regularly cut back to maintain adequate levels of visibility, to an agreed maximum height of 1200mm.
The improvements agreed, incorporating the partial removal and/or trimming back of the existing hedge and all associated works, shall be implemented before the

development is brought into use and subsequently maintained free of obstruction.
Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.

- 5 The one way access/egress arrangements indicated on the approved plans, incorporating the use of defined access/egress points and all associated markings and signage, shall be implemented prior to the development hereby approved being brought into use.
Reason. To ensure good highway design in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.
- 6 The car parking indicated on the approved plans shall be surfaced as detailed in the approved plans prior to the first use of the development hereby approved.
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.
- 7 The measures and future maintenance arrangements indicated in the submitted document entitled 'Management and Maintenance Proposals for Overspill Car Park and Associated Paths at Burrs Country Park dated November 2021' for planning permission ref 67535 shall be implemented where relevant to the revised development.
Reason. To ensure that the paths serving the car park are maintained to an acceptable standard in the interests of pedestrian safety HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.
- 8 All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:
 - Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;
 - A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 9 Where during any works on site, unforeseen contamination is suspected or found, or contamination is caused, works on the site shall cease and the Local Planning Authority shall be notified immediately. The developer shall then produce a risk assessment and submit remediation proposals, if required, for approval to the Local Planning Authority. On approval of the remediation strategy, the development shall then be carried out in accordance with the approved details and process including any required timescales.
Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 10 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 and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.
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.
- 11 Prior to any earthworks or site clearance a survey for invasive plant species including japanese knotweed and himalayan balsam will occur and the finding supplied to and agreed in writing to the Local Planning Authority. If any invasive species are present a method statement detailing avoidance, control and eradication measures should also be supplied to and agreed in writing by the LPA, prior to any earthworks.
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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	30/8/23		