

**DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Helen Leach    | <b>Date of report:</b> 18/11/2020 | <b>Ref:</b> 66115/NON          |
| <b>Registration:</b> 23/10/2020 | <b>LDfC:</b> 20/11/2020           | <b>Expiry Date:</b> 20/11/2020 |
| <b>Site Visit:</b> 13/11/2020   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0            | <b>Con Area:</b> HOLC             | <b>Adv Type:</b> N/A           |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> MIOT        |

**Proposal:** Non-material amendment following grant of planning permission 59715 for demolition of existing buildings and erection of 22 no. dwellings including works to culverted watercourse:

Minor adjustments to plot positions of plots 6 to 9, and rebranding of previously approved house types.

**Location:** Former Redisher Works, Holcombe Old Road, Bury, BL8 4NQ

**Description**

The application site is located within the Green Belt and the Holcombe Conservation Area. The site contains existing portal industrial buildings, which were last used for vehicle exhaust manufacturing (B2 use) and have been vacant since 2003. The floorspace of the buildings is 5,230 square metres.

The site is predominantly flat with steep sloping sides. There are mature trees to all boundaries, many of which are protected by a Tree Preservation Order (TPO). The buildings and a large area of hardstanding is located on the flat area and the site is accessed from Holcombe Old Road. This access is shared with existing residential properties.

There are open fields to the north and south and there are residential properties to the south east with the Hare and Hounds pub beyond. Redisher woods is located to the north and northwest of the site. There is a public footpath to the south west of the site, which connects to Park Road and a bridleway, which passes across the access to the site.

Planning permission was granted in November 2016 for the demolition of the existing industrial buildings and the erection of 22 dwellings. The proposed dwellings would be detached and would be two storeys or two and a half storeys in height. The proposed dwellings would be constructed from red and buff brick with a tile roof. The proposed development would be accessed from Holcombe Old Road. As part of the proposal, a section of the Holcombe Brook would be de-culverted and opened up.

An application has been received for the erection of 14 dwellings, which involves the addition of 1 plot and the re-positioning of the others. A series of applications have been submitted, which are detailed below.

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

- minor adjustments to the location of plots 6, 7, 8 and 9
- The relocation of the driveway to plot 6
- Change the name of the house types - the housetypes are the same as previously approved

**Relevant Planning History**

41597 - Outline - demolition of existing industrial buildings and erection of 49 residential

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units including improvements to highway at Redisher Works, Holcombe Old Road, Holcombe Brook. Refused - 21 January 2004.

43327 - Demolition of existing premises and regeneration for mixed residential/employment scheme, including highway improvements, new footpath links and river restoration (Approx 45 dwellings) at Redisher Works, Holcombe Old Road, Holcombe Brook. Refused - 10 November 2004

No case for very special circumstances was provided, detrimental to highway safety and insufficient information in relation to emergency access was provided

59715 - Demolition of existing buildings and erection of 22 no. dwellings including works to culverted watercourse at Redisher Works, Holcombe Old Road, Ramsbottom. Approved with conditions - 1 November 2016

61712 - Non-material amendment following grant of planning permission 59715: Re-positioning of plots 6-9 & 17-22 due to development constraints (existing levels) and amendment to site boundary fence line to rear of plots 6-8 & 17-18 at Redisher Works, Holcombe Old Road, Ramsbottom. Approved - 25 July 2017.

65133 - Erection of 14 no. dwellings (plots 10-23) at Redisher Works, Holcombe Old Road, Ramsbottom. Received - 5 May 2020

### **Publicity**

None required.

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

**Traffic Section** - No response.

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

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

|       |                                                             |
|-------|-------------------------------------------------------------|
| EC2/2 | Employment Land and Premises                                |
| H1/2  | Further Housing Development                                 |
| H2/1  | The Form of New Residential Development                     |
| H2/2  | The Layout of New Residential Development                   |
| EN1/1 | Visual Amenity                                              |
| EN1/2 | Townscape and Built Design                                  |
| EN1/3 | Landscaping Provision                                       |
| EN2/1 | Character of Conservation Areas                             |
| EN2/2 | Conservation Area Control                                   |
| EN5/1 | New Development and Flood Risk                              |
| EN6   | Conservation of the Natural Environment                     |
| EN6/3 | Features of Ecological Value                                |
| EN7   | Pollution Control                                           |
| EN7/1 | Atmospheric Pollution                                       |
| EN7/5 | Waste Water Management                                      |
| EN8/1 | Tree Preservation Orders                                    |
| EN8/2 | Woodland and Tree Planting                                  |
| EN9/1 | Special Landscape Areas                                     |
| OL1/2 | New Buildings in the Green Belt                             |
| RT2/2 | Recreation Provision in New Housing Development             |
| RT3/4 | Recreational Routes                                         |
| HT2/4 | Car Parking and New Development                             |
| HT6/2 | Pedestrian/Vehicular Conflict                               |
| SPD1  | Open Space, Sport and Recreation Provision                  |
| SPD6  | Supplementary Planning Document 6: Alterations & Extensions |
| SPD8  | DC Policy Guidance Note 8 - New Buildings in the Green Belt |
| SPD11 | Parking Standards in Bury                                   |

NPPF      National Planning Policy Framework

### **Issues and Analysis**

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

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

The elimination of discrimination, harassment and victimisation;

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

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

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

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

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

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

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

**Design and layout** - The proposed change to the location of plots 6 - 9 would not change the overall design and layout of the proposed development. The proposed plots would be relocated by 1 - 2 metres, which would not have a significant adverse impact upon the character of the proposed development.

The garage to plot 6 would be rotated through 90 degrees and the driveway re-positioned to provide a more active frontage at the entrance to the proposed development. The location and size of the garage would not change and there would be no adverse impact

upon the amenity of the neighbouring properties.

The proposed development would change the names of the house types, but the design and layout of the house types would be as approved. As such, the proposed development would be acceptable.

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, EN2/2 and OL1/2 of the Bury Unitary Development Plan.

**Highways issues** - The proposed development would not impact upon the access and servicing arrangements approved as part of the previous consent. Similarly, the existing public rights of way and the bridleway (No. 26) would be unaffected by the proposed development.

The position of the driveway to plot 6 would be amended and would be accessed from the main access road. There would be appropriate levels of visibility and would retain the same level of parking. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies EN1/2, HT2/4, RT3/4, H2/1 and H2/2 of the Bury Unitary Development Plan and SPD11.

**Recommendation:** Approve

**Conditions and Reasons:**

- 1 The proposed amendments would not impact adversely upon the appearance of the site or the residential amenity of the nearby properties. As such, the proposed development would not be unduly prominent in the locality. The proposed amendments would not have a detrimental impact upon ecology or highway safety and would still be in accordance with the overall principles in terms of the approved application 59715 and the Policies against which this was approved. As such, the application is a non-material amendment.

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| HL - 18/11/2020     |             | DM                      | 20/11/2020  |