

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 17/09/2024	Ref: 70697/FUL
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Site Visit: 30/05/2024	Site Notice: 30/05/2024	Press Date: 09/05/2024
Objections: 0	Con Area: N/A	Adv Type: ARW
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Erection of café/shop (Use Class E), rebuilding of existing boathouse and associated access road, parking & landscaping

Location: Pilsworth Lake/Fisheries, Moss Hall Road, Bury, OL10 2RF

Description

The application site involves land relating to a reservoir, Pilsworth Lake which is used for recreational angling year round. The area comprises 3 lakes in total, the North Lake, Mid Lake and South Lake, each of which are used for fishing.

The site which is in the jurisdiction of Bury is accessed from Moss Hall Road. This road is located in the Borough of Rochdale with the first 45m of the access lane also in Rochdale and the remaining length of 500m in Bury.

The lane carries a Public Right of Way (ref 2WHI) and is partly tarmac and partly unmade and mostly single in width with a few passing places, leading to a gravel car park which serves the site which is located between the North and Mid Lake.

The majority of the site is in the Green Belt and a Landscape Character Area and a designated Wildlife Links and Corridor. The access lane is not within these designations but is within the Northern Gateway site, a large strategic development site formed between Bury and Rochdale. The site itself is not in the Northern Gateway but the southern boundary directly abuts it.

The application seeks the erection of a cafe/bait shop with WC facilities (Use Class E) and decking area, rebuilding of an existing boathouse and associated access road, parking and landscaping.

Proposed buildings

The cafe/shop would be sited to the south of the car park directly next to the top end of the Mid Lake such that the decked area would form a platform over the Lake.

The build would have a footprint area of approx 145 sqm and a decked area of approx 104 sqm. It would be approx 6.5m at the highest point with a sloping roofplane.

The building would be constructed of timber cladding and thatch with a pitched grey standing seam, zinc and sedum roof and PV roof panels on the southern plane.

The cafe would serve both the public and anglers.

The boat house would be located at the opposite end of the Mid Lake at the north west corner and would replace a boathouse which was formally located at this part of the lake.

The boat house would be a timber boarded construction with a grey standing seam zinc roof and would have the same floor area and height as the previous building, with a footprint of 7.65m x 6.5m and a height of 6m.

Access and parking

Vehicular access to the development would continue to be provided off Moss Hall Road. The access would be widened and the gates removed to allow two vehicles to pass. The access and part of the access lane are within Rochdale and these works would be subject to a planning application to Rochdale LPA.

It is proposed to re-surface the access road and provide 7 passing places along the route to the site and the car park.

The existing car park is broadly spherical and informal in design and it is proposed to carry out works to make this area a circular space where cars would enter the car park and circulate a central landscaped area where 15 spaces would be provided around the periphery.

From this car park, a driveway to an overflow parking area would be formed on ground which is directly to the north and approx 5m higher, where 11 spaces would be provided. An additional 7 spaces would be formed close to the main car park entrance in a lay-by. (Total no. of parking spaces = 33)

Landscaping

There would be some hedgerow and tree removal primarily along the access route and it is proposed to mitigate this loss with new native hedgerows and trees and additional planting and landscaping are proposed around the development area.

Development strategy

The overall objective of the proposed development is to enhance the existing recreation and leisure use of the site by providing the cafe and shop and ultimately encourage wider public usage of the area.

The applicant has submitted a wider visitor strategy which sets out the vision for the site which includes enhancement of the Natural Ecosystem around the lake, provision of information boards about the site's wildlife, ecology and heritage values along routes and footpaths around the lake.

Relevant Planning History

54304 - Erection of single storey building containing cafe, bait shop and bailiffs accommodation - Approve with conditions - 16/11/2011

50161 - Construction of New Banking and Islands Reusing Inert Materials, Footpaths and Platforms (resubmission) Approved 22 Oct 2008.

Publicity

Letters sent to 16 properties on 2/5/24 and 23/5/24.

Site notice posted 30/5/24

Press advert 9/5/24

One objection -

- Whilst the majority of the Application Site (including the location of the proposed buildings) is situated within the Green Belt, the existing access road from Moss Hall Road is located within the Heywood / Pilsworth allocation boundary (Northern gateway).
- It is understood that the proposed access arrangements comprise the widening of the existing access road off Moss Hall Road to provide seven passing places, removal of the existing gates and the installation of surface water drainage infrastructure. Whilst it is acknowledged that these works will provide an improved access arrangement to the Application Site, it will create a fixed constraint to the development of the wider Heywood / Pilsworth allocation, which could unduly constrain the comprehensive development of the allocation site as a whole.
- The proposed development is considered to be premature in light of the absence of an agreed comprehensive masterplan for the whole of the Heywood / Pilsworth allocation or an agreement that the access to the fisheries can be moved to facilitate the wider development.

One comment -

I would like the council to condition provision for building dependent species on this development. Unfortunately buildings are not recognised as habitat and so don't fall under BNG but species features such as bat bricks, integrated bird bricks and House Martin cups can be used to increase biodiversity and support several species of red listed birds, including Starlings, House Sparrows, Swifts and House Martins. This development, ideally situated next to open water would be an ideal location and I urge the Council to support this opportunity.

One support

This is a brilliant idea and would benefit the community and make better use of the fishery. The local area needs more development like this.

Statutory/Non-Statutory Consultations

Traffic Section - No objections subject to conditions

Environmental Health - Contaminated Land - No objection subject to conditions

Borough Engineer - Drainage Section - No response received

United Utilities (Water and waste) - No objection

Public Rights of Way Officer - No objection subject to conditions

Environmental Health - Pollution Control - No response received

Greater Manchester Ecology Unit - No objection subject to conditions

Greater Manchester Police - designforsecurity - Recommend Secure by design standards

Rochdale MBC - No response received

Planning & Building Regs consultation Fire Protection Dept Bury Fire Station (Part B)

- the applicant should address the requirements of the fire service.

The Coal Authority - No objection subject to conditions.

GMCA - Minerals and Waste consultations - No objection

Pre-start Conditions - Applicant/Agent has agreed with pre-start conditions

Development Plan and Policies

JP-P1	Sustainable Places
JP-S4	Flood Risk and the Water Environment
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-G1	Landscape Character
JP-G9	The Green Belt
JP-G2	Green Infrastructure Network
JP-G3	River Valleys and Waterways
JP-G5	Uplands
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-S1	Sustainable Development
JP-S2	Carbon and Energy
JP-S6	Resource Efficiency
JP-P6	Health
JP-P7	Sport and Recreation
JPA1.1	Heywood/Pilsworth (Northern Gateway)
JP-G7	Trees and Woodland
NPPF	National Planning Policy Framework
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN6/2	Sites of Nature Conservation Interest LNR's
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
EN7/3	Water Pollution

EN7/4	Groundwater Protection
EN7/5	Waste Water Management
GMMWP	Greater Manchester Minerals and Waste Plan
OL1/2	New Buildings in the Green Belt
OL5/2	Development in River Valleys
RT3/1	Protection of Existing Recreation Prov in the Countryside
RT3/2	Additional Provision for Recreation in the Countryside
HT2/4	Car Parking and New Development

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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

Green Belt

The majority of the site is designated as Green Belt under Places for Everyone (PfE) policy JP-G9 and as a result any development on the site is subject to NPPF Paragraph 154.

Paragraph 153 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 of the NPPF is clear that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a. buildings for agriculture and forestry;
- b. the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c. the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e. limited infilling in villages;
- f. limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g. limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The proposal would comprise the provision of facilities related to the existing use of the land for recreational use as a fishery. However it is considered that the facilities would not preserve the openness of the Green Belt.

Therefore, the proposal is required to demonstrate very special circumstances, the benefits of which would need to clearly outweigh the harm to the Green Belt.

The applicant has submitted a case for Very Special Circumstances as follows -

The existing site and consented scheme

The scheme proposes a marginally bigger floor area than the previously consented scheme in the Green Belt (13%). The scheme would be in a lower position in terms of the topography of the site, overall there would be a floor area reduction and the scheme would be significantly higher quality in design terms.

1. Equivalent Facilities

Appropriate facilities are commonplace at fisheries to ensure viability, this is the case for Pilsworth Lake. Angling is in decline, a diverse income to preserve the space for angling is necessary for the longevity of the site.

2. Access to Sports and Community Benefits

Angling improves health outcomes, in the absence of appropriate facilities of a suitable

quality that may afford wider engagement in the sport. The café and ancillary facilities would afford an appropriate, safe space so that other more difficult-to-reach groups can engage in angling.

3. Sustainable Drainage and Long-Term Ecological Benefits

The scheme includes a sustainable drainage system that will manage surface water including accounting for climate change. The site forms part of an ecological designation, at present there is no sanitary facilities and pollutants can run off, it is in proximity to a sewage works. The scheme would secure significant investment into groundworks ensure the lakes and wider estate are effectively managed. The scheme would achieve 10% BNG and 14% improvement in water units benefiting the lakes.

4. Heywood Industrial Allocation

Preserving the site as a location for angling in the context of significant built form will provide a place to rest and relax. Achieving a viable site for the long term with diversified income is integral to this.

5. Access to Nature

The site is at present not accessible to the public. Facilities are required and the costs of maintaining the site has increased, an attractive location with a consistent income is required to deliver this. Access to blue spaces demonstrably has benefits in health and mental wellbeing, the proposal would open the site for this.

In response, the LPA considers -

1. Topography and consented scheme - Agree the proposed location is an improvement to the original consented location in terms of topography and its position within the land and the amendment to the original submission to reduce the height would lessen the impact on Green Belt.
2. Necessary facilities - Accept that the proposal is for appropriate supporting facilities and it does not conflict with the purpose of including the land within green belt and would ensure the long term viability of the angling services at Pilsworth Fisheries, which is a clear economic benefit of the scheme.
3. Access to sport and community benefits - the applicant has clearly demonstrated the social benefits of the scheme and that the scheme would allow for wider engagement and participation in angling by providing a community space to warm up and socialise. There are existing footpaths around the site which will be improved to encourage recreational use from non-anglers.
4. Sustainable drainage and long term ecological benefits - Policy JP-S4: Flood Risk and the Water Environment requires new development to manage surface water runoff through sustainable drainage systems so this is not a special circumstance but a policy requirement. Similarly a net gain in biodiversity is a policy requirement of the NPPF and Policy JP-G8: A Net Enhancement of Biodiversity and Geodiversity so this is not a special circumstance.
5. Support workers in the future from the allocation site JPA 1.1 Heywood/Pilsworth - this is a social benefit making the same point as the necessary facilities element at point 2 above. The proposed building is not within JPA1.1, however it would be adjacent to the allocation.
6. Access to Nature - the applicant has demonstrated the social benefits of the scheme and that the scheme would allow for wider engagement with nature, however as mentioned above, there are no details of how the existing footpaths etc. will be improved. A visitor strategy would be welcomed either prior to approval, or by way of condition.

The revised scheme and the outlined social benefits at points 2, 3 and 6 would represent very special circumstances. The visitor strategy outlines plans for the wider site including elements like heritage, ecology, footpaths and signage.

The proposal to rebuild the boathouse is considered not to be inappropriate as it is in accordance with paragraph 155 d) of the NPPF and 154 b) & c).

River Valley and Waterways

The site is located within a River Valley (designated by OL5/1). UDP Policy OL5/2 states that within the River Valleys, new buildings will not be permitted unless the development would not lead to the division of the open parts of the valleys into sections and Green Belt policies apply.

PfE Policy JP-G3: River Valleys and Waterways expects river valleys and waterways to be protected and improved as central components of our Green Infrastructure Network. This includes the promotion of public enjoyment of the valleys as key features providing opportunities for active travel and recreational value. Part 9 of JP-G3 asks development to relate positively to nearby waterways, taking advantage of opportunities to integrate green infrastructure through high quality frontages to the water, and public realm alongside the water for recreation and maintenance.

The proposal for a café/shop would relate well to the lake creating a high-quality frontage to the water and proposes a green roof. Whilst the proposal does not divide the valley into sections, green belt policies do apply. The proposal to rebuild the boathouse relates well to the water and use of the area for recreational fishing purposes.

EN6/4 - Wildlife Links and Corridors

The site is also designated as part of a wildlife link and corridor. Development which adversely affects the corridor will not be permitted. New development should contribute the effectiveness of the corridor through the design, landscaping and siting of the development proposals and mitigation works.

The applicant states that the scheme would not result in impact on protected species and the corridor would be preserved given this has not been raised as a concern by the ecologist.

Policy JP-G1: Landscape Character River Roch Incised Urban Fringe Valleys

The site is within the River Roch incised urban fringe valley character type. Development is required to reflect and respond to the special qualities and sensitivities of the key landscape characteristics of its location, including having regard to:

- Topography, geology and drainage;
- Land use and field patterns;
- Semi-natural habitats and woodland cover;
- Archaeology and cultural heritage;
- Settlement, road pattern and rights of way; and
- Views and perceptual qualities.

The interface of new development with the surrounding countryside/landscape is of particular importance. These transitional areas require well-considered and sensitive treatment. In particular, opportunities to improve the intactness and condition of the landscape should be taken, especially in conjunction with seeking a net enhancement of biodiversity/geodiversity resources under Policy JP-G8 'A Net Enhancement of Biodiversity and Geodiversity'.

There are sensitive landscape treatments proposed within the immediate vicinity of the proposed development, and the applicant has provided a visitor strategy/footpath improvements scheme which would enhance the condition of the fisheries grounds to create a quality visitor destination.

Green Infrastructure

Policy JP-G2 Green Infrastructure Network requires development to make appropriate provision for the long-term management and maintenance of the improved green

infrastructure.
This can be conditioned.

Layout

The proposed cafe/shop building would be sited on a level area of grassed land which is located adjacent to the northern tip of the main fishing lake and to the south of the car park. The build would have a rectangular form with a decked area fronting the lake, part of which would overhang the lake itself.

Two pathways would be formed from the car park to either side of the building to facilitate access and a bin store would be located at the side of the building with additional bins provided in the car park.

The existing car park would be more formalised to provide a circular route around a central area of landscaping with 15 parking spaces located around the periphery to follow the circular form. An overflow parking area directly to the north would be provided which is located on a plateau and which is approx 5m higher and this would be accessed via a driveway which would wind up the hillside. This car park would provide 11 spaces. Just before the main car park entrance a row of 7 spaces would be located in a lay-bay.

There would be some engineering operations required to facilitate this element of the development but it would not be excessive to cause harm to the character of the openness of the Green Belt. The car park would have a permeable gravel surfacing and landscaping would be provided around the area which would maintain the character and rural appearance of the countryside.

The proposed boathouse would be located at the opposite side of the fishing lake built to the same specification and on the same footprint as the structure which had previously served the fishing lake facility and as a facility to serve a recreational use and given it would be a direct replacement of a previous structure, the proposal is considered to be acceptable.

The site itself would be accessed via the existing lane which is formed from Moss Hall Road. This road and the first 45m of the access are in Rochdale and as there are proposals to widen the access. This is subject to a planning application which has been submitted to and would be dealt with by Rochdale LPA.

The development proposes to provide 7 passing places in total which would be formed along the route at regular intervals. These would be lay-bys where several cars could pull in and would require removal of some vegetation and trees but these would be mitigated by additional native trees and hedge planting to enhance and preserve the character of the rural area.

On balance, the siting and works required to provide the new cafe/shop facility and car park and reconstruct the boathouse are considered not to be significant to have a detrimental harm to the Green Belt or the Landscape Character Area and as such would be compliant with NPPF principles and policies JP-G1 and JP-G9.

Design and appearance

Proposed cafe/shop building

The applicant's design approach is to provide a cohesive design that would relate to the context of the area and the function of the facility.

The roof would have a diagonal sloping ridge to a height of approx 6.5m reducing to approx 3.6m and would cover a footprint area of 145 sqm. The building would be constructed of part vertical dark stained timber cladding and thatched walls with a zinc and sedum roof which would incorporate PV panels. There would be full height glazing to the frontage which would provide views over the lake. A decked area would extend from the building,

part of which would overhang the lake.

The building would be contemporary in design with defined elevations through the use of different materials but the form, shape and the sloping roof and use of natural materials would allow the building to assimilate and integrate within the topography of the land and landscaping which is proposed to the surrounding area.

Given its siting, position and scale, and use of subtle and natural materials the proposed development is considered to be acceptable and would comply with the principles of the NPPF and policies JP-P1, JP-G1 and JP-G9.

Proposed boathouse

The boathouse would be constructed to replicate the design, form and scale of the original boathouse which served the fishing facility and would be approx 6m high with a footprint of 50 sqm. Elevations would be timber clad and the roof would be pitched.

The elevation facing the lake would be open to facilitate ease of access for boat storage and a mezzanine level would be used as storage for fishing related equipment and maintenance equipment.

The proposed boathouse would be a direct replacement and given the siting, design and scale of the building, it is therefore considered to be acceptable and would comply with the principles of the NPPF and policies JP-P1, JP-G1 and JP-G9.

Highway issues

Policy JP Allocation 1.1: Heywood / Pilsworth (Northern Gateway)

The access road to Moss Hall Lane is located within the allocation JPA1.1 Heywood / Pilsworth. The access road is existing and would not comprise new development within the allocation boundary and therefore there is no conflict with this policy.

Access

Vehicular access to the development will continue be provided from the access road off Moss Hall Road. The access would be widened and the gates removed to allow two vehicles to pass.

As the access to the site is in Rochdale, a planning application for these works would be dealt with by Rochdale LPA who have (informally) confirmed -

- they do not envisage the development generating any significant volume of traffic
- ample Parking is available on site to accommodate this use.
- the Highways Improvements are suitable for the proposed uses.
- the changes to the existing highway will bring significant improvements to the function and safety highway.
- no new road safety issues are identified as a result of this proposal.

Conditions relating to the access would be dealt with by Rochdale.

Parking

The existing car park would be formally laid out to provide 15 spaces, with a further 11 in an overflow car park and 7 bays on the approach road.

It is considered the level of parking would be commensurate with the scale and character of development proposed.

The Highway Authority have no objection to the proposed development subject to conditions and as such the development would comply with C5, C6 and C8.

Public Rights of Way - The access lane carries PRow 2WH. It is proposed to widen parts of the access to provide passing places.

The PRow officer has no objection in principle.

Fire Service

The fire service have responded that the applicant needs to address the requirements of the fire service as the proposal currently does not provide enough detail to satisfy

Requirement B5: Access and facilities for the fire service -

- The Fire Service requires vehicular access for a fire appliance to within 45m of all points within the dwellings.
- The access road should be a minimum width of 4.5m and capable of carrying a minimum of 12.5 tonnes.
- Additionally, if the access road is more than 20m long a turning circle, hammerhead, or other turning point for fire appliances will be required.
- The maximum length of any cul-de-sac network should be 250 m.

Currently the nearest hydrant is approximately 320m away, with the second hydrant being approximately 600m away of the proposed cafe, and over 380m from the proposed boathouse, both being well in excess of the tolerances allowed by GMFRS. It is therefore requested that the applicant provide suggestions for alternative methods of supplying water for firefighting.

The Applicant has provided further information to address the fire service comments as follows -

- The Building Regulation requirement states that there should be a minimum carriageway width of 3.7m between kerbs.
- Based on the topo, the access is over 3m at its narrowest point and significantly wider in other locations.
- In regards to capacity, this is an existing access used by large agricultural vehicles and as such should be acceptable.
- A turning circle is proposed at the end of the access road which would offer sufficient manoeuvring area for a fire appliance to turn.

The applicant states that the site does not feature access to a pipe water supply or firefighting hydrant within 100m.

However, Section 16.12 and 16.13 of ADB2 states that an alternative source of water supply should be one of the following:

- A charged static water tank with a minimum of 45,000 litres;
- a spring, river, canal or pond that is capable of fulfilling both of the following conditions -
 - Providing or storing a minimum of 45,000 litres at all times;
 - providing access, space and hardstanding for a pumping appliance.
- Any other water supply that the local fire and rescue service considers appropriate.

The site features lakes on each side as well as flowing water in Brightley Brook.

Given the large size of the available lakes, the applicant states that it would be considered reasonable to assume that these would be able to provide the minimum 45,000 litres expected at all times to meet Section 16.13(b) of ADB2.

The fire service were informed of these comments on 14/8/24 but no further response has been received.

Security

The Design for Security Team have been consulted and have concerns about the isolation of the development. For this reason it is recommended that the cafe is built to be Secured by Design Standards and the building covered with alarm and CCTV system.

This would be included as an informative.

Ecology

Summary

Further information is recommended on biodiversity net gain. Other ecological issues

relating to the SBI, otter, bats, nesting birds and invasive species can be dealt with via condition and or informative.

Pilsworth Fisheries Site of Biological Importance

The development falls within the Pilsworth Fisheries SBI. GMEU are satisfied however that the development would not directly impact any key features of the SBI and that the increased recreational pressure is also unlikely to have any significant effects given the main value of the site relates to the large areas of open water and the bird surveys do not indicate significant numbers of any priority species.

GMEU agree however with the consultant that measures need to be put in place during construction to prevent accidental spillages in to the reservoir or watercourses. GMEU therefore recommend a condition that no development, site clearance, earth moving shall take place or material or machinery brought on site until a method statement to protect the Reservoir and watercourses from accidental spillages, dust and debris has been supplied to and agreed by the LPA.

With regards the drainage post-development, GMEU note the proposed SUDs ponds which are welcomed but are not qualified to determine whether or not these are adequate and will rely on the EA/Local drainage consultees response.

The Environment Agency have been consulted and raise no objection to the application subject to conditions.

With regards soft landscaping, GMEU recommend given its location within an SBI, that locally native species are utilised (see below).

Otter

Evidence of otter activity has been recorded within the wider site, but not within the footprint of the proposed development and the levels of activity recorded not significant. Given its location and scale GMEU are satisfied that the risks of a holt being present are very low and that the fishery is likely a foraging area for otter elsewhere in the catchment. A pre-development check has been recommended by the consultant and GMEU would regard this as reasonable and therefore recommend a condition that prior to any earthworks or vegetation clearance a survey for otter be carried out and supplied to and agreed in writing by the LPA.

Bats

Bats are known to forage over the reservoir. No roosting habitat will however be lost, the only potential effect being from any new external lighting along the access road or around the café and boat house. Given the scale of the site, GMEU accept that any such lighting is very unlikely to have a significant adverse effect on the foraging and commuting of bats through the site but would still recommend that best practice is observed and the lux level on the water and to adjacent habitat minimised and therefore recommend a condition is applied to any permission for the submission of an external lighting design strategy.

Other Protected Species

GMEU agree with the consultant that it is very unlikely that any other protected species will be adversely effected. No further information or measures are required.

Nesting Birds

Trees and scrub will be lost, potential bird nesting habitat. The proposed boat house could also encroach into marginal vegetation utilised by waterbirds. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. GMEU recommend a condition to restrict the removal of vegetation.

Invasive Species

Himalayan balsam and Nuttall's waterweed were recorded both listed under schedule 9 part

2 of the Wildlife & Countryside Act 1981 (as amended). Nuttall's waterweed is an aquatic species found throughout Pilsworth Fisheries. Eradication will not be feasible and largely avoidable given little work is proposed in the water. Himalayan balsam is also widespread in this locality and localised control and biosecurity measures during construction all that is reasonable to request. GMEU therefore recommend a condition for the submission of a method statement detailing biosecurity and control measures for himalayan balsam and nuttall's waterweed.

Contributing to and Enhancing the Natural Environment & Biodiversity Net Gain (BNG)
Section 180 of the NPPF 2023 states that the planning policies and decisions should contribute to and enhance the natural and local environment.

Policy JP-G8: A Net Enhancement of Biodiversity and Geodiversity requires development to follow the mitigation hierarchy of avoiding significant harm to biodiversity through consideration of alternative sites, then adequately mitigating and compensating for any remaining harm. It also requires development to avoid fragmenting or severing connectivity between habitats and to achieve a net gain in biodiversity of no less than 10%. This reflects national statutory requirements. The policy also requires proposals to make appropriate provision for long-term management of habitats and geological features connected to the development.

The development would result in small losses of vegetation, with soft landscaping proposed. Wildlife issues are restricted primarily to nesting birds, with potential adverse effects on otter and bats.

A statutory metric has been provided. In terms of the statutory BNG, GMEU are satisfied that technically the 10% would be achievable on-site, and that full details could be left to the discharge of the statutory Biodiversity condition and provision of the HMMP and Biodiversity gain plan.

As noted, whilst satisfied 10% is achievable, GMEU however do not support the current landscape proposals. With regards to the schematic soft landscape plan around the café and car park that has been provided, in general GMEU have no issues with the proposals but would however recommend that given this is an SBI, all planting is locally native. GMEU would therefore recommend removal of *Acer campestre* - field maple and *Sorbus aria* - Whitebeam from the rural tree planting as well as *Crataegus laevigata* - midland hawthorn. Bird boxes should also be provided as mitigation as well as bat boxes as enhancement. The finalised landscape plan could therefore be conditioned, with outstanding issues on BNG provided to discharge the statutory biodiversity condition.

Where development would result in the loss of trees, PfE Policy JP-G7 Trees and Woodland requires replacement on the basis of two new trees for each tree lost, or other measures which would also result in a net enhancement in the character and quality of the treescape and biodiversity value in the local area. There is a preference for on-site provision. The arboricultural report confirms that Tree Group 1 (Leyland Cypress), Tree Group 2 (Cherry) and Tree T14 (Ash) will be removed.

The landscaping part of the DAS sets out the mitigation in relation to relatively minimal loss of poor-quality trees. The trees to be removed are two groups, two hedges (only partially for one) and two trees. In terms of mitigation, the sections of hedgerow are to be replaced by new sections of native species hedgerow, with a number of associated native species heavy standard trees. A further 8no heavy standard trees are proposed further down the access track in order to mitigate the losses associated with Tree Group 2 and Tree T14. All of the proposed tree, hedgerow, aquatic and marginal planting and all of the proposed wetland and meadow grass seeding is to comprise a mixture of appropriate native species.

With suitable conditions, the proposed development would appropriately address the requirements for BNG and provide adequate mitigation for tree loss and enhancement of the site in accordance with Policy JP-G7, JP-C8 and the principles of the NPPF.

Sustainability.

Advances for Use to the Applied Developmental Psychology Model procedures and good practice,

Subject to consideration of the available and objective alternative proposed development

Where from the Community principles subject to conditions, to provide a clear and honest activity.

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance

Pack applicants posed with inside their drainage pans (Coaccordas be identified by DEFRA

Biodiversity - The ecological enhancements that have been outlined and Ecological

Coastal Authority above, the proposed development will only be acceptable if a planning

The EA Report also has been reviewed by the Coal Authority and the findings of the

The submitted documents demonstrate that the CoasA Authority waives the risks posed to

Environment management - The development will require a scheme to treat and remove

Prior to the use of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development will need to be submitted to the Local Planning Authority for approval.

The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of the above conditions.

The applicant has been made aware of the Coal Authority response and has agreed to the conditions.

Greater Manchester Minerals and Waste

The Greater Manchester Minerals Plan (adopted 2013) forms part of Bury's Development Plan and sets out policies relating to minerals, including the safeguarding of mineral resources.

The proposed development is located within a Mineral Safeguarding Areas for sandstone/brickclay/surface coal and therefore Greater Manchester Minerals Plan Policy 8 - Prior Extraction of Mineral Resources Within Mineral Safeguarding Areas is relevant. The proposed development is considered to be limited and there are no objections in terms of Minerals Plan Policy 8.

Response to objection

- The applicant has confirmed they own all the land which is in the red edge and that the correct certificate has been signed.
- The applicant has also stated that they have had a meeting with the objector and representatives who intend to withdraw their objection in due course (yet to be confirmed).
- The objection does not preclude permission being granted for the proposed development.
- Any Northern Gateway Masterplanning would need to take into consideration this site's lawful landuse and pre-existing access, regardless of this development.

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: Approve with Conditions

Conditions and 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 -
Plans
Existing site plan 544/TP/010
Proposed site plan 544/TP/011
Proposed site plan - cafeshop 544/TP/002 rev A

Cafe shop - floor and roof plan 544/TP/003
Cafe shop elevations 544/TP/004 rev C
Boat house - floor plans, sections and elevations 544/TP/005
Swept path analysis - refuse vehicle SCP/230948/ATR01
Proposed site access and passing place arrangement SCP/230948/D01 A
Junction visibility splays SCP/230948/D02
Access track layout M3541-PA-02-V2
Landscape layout M3541-PA-01-V5
Pilsworth Lake - wider visitor strategy

Documents

Technical Note by SCP - OP&LB/230948/TN01 dated 15th July
Sustainability Statement 16 April 2024
Arboricultural Report by Murray Tree Consultancy dated January 2024
Ecological Assessment 2024 by Rachel Hacking ecology project - reference RHE.3542
Coal Mining Risk Assessment dated 8th July 2024 version 1

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 and Places for Everyone Joint Development Plan listed.

- 3 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 to ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 4 Following the provisions of Condition 3 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 ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete and 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.
- 5 Any soil or soil forming materials brought to site for use in garden areas, soft

landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;

The approved contamination testing shall then be carried out and validity evidence (soil descriptions, laboratory certificates, photographs etc) 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 Prior to occupation/first use of the building hereby approved the applicant shall provide:
Electric vehicle (EV) charging points (minimum 7kW*) for a minimum of 20% of the proposed parking spaces.

Certification and photographic evidence of the installation of the agreed electric vehicle charge points shall be submitted.

Reason. In accordance with the NPPF, to encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable. To safeguard residential amenity, public health and quality of life.

- 7 No development shall commence until (excluding demolition of existing structures and site clearance);
1) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity and to locate recorded mine entries 383408-001 and 383408-002 ; and
2) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 189 and 190 of the National Planning Policy Framework.

- 8 Prior to the occupation/first use of the building hereby approved, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 189 and 190 of the National Planning Policy Framework.

- 9 Notwithstanding the submitted landscaping plan, a revised landscaping scheme shall be submitted to, and approved by the Local Planning Authority prior to the commencement of the development. The contents of the plan should include native tree and shrub planting, the provision of bat and bird boxes and heritage and ecology boards around the footpath trails/car park. The approved scheme shall thereafter be implemented not later than 12 months from the date the building(s) is first occupied or within the first available tree planting season,; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.
- 10 No development, site clearance, earth moving shall take place or delivery of materials to the site or machinery brought on site unless and until a method statement to protect the Reservoir and watercourses from accidental spillages, dust and debris has been supplied to and approved by the Local Planning Authority. The method statement should also include proposals to treat and remove suspended solids from surface water run-off during construction works. All measure will be implemented and maintained for the duration of the construction period in accordance with the approved details.
Reason. Details not submitted at application stage. To protect the water environment pursuant to chapter 15 of the NPPF.
- 11 Prior to any earthworks or vegetation clearance a survey for otter shall be carried out and provided to and agreed in writing by the Local Planning Authority. Any identified mitigation measures as a result of the survey shall be implemented as approved.
Reason. Information not submitted at application stage. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6/3 - Features of Ecological Value of the Bury Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 12 Prior to development an external lighting design and strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
- Identify areas/features on site that are potentially sensitive to lighting for bats;
 - Show how and where street lighting will be installed and through appropriate lighting contour plans demonstrated clearly that any impacts on bats are minimised;
 - Specify frequency and duration of use.
- All external lighting shall be installed in accordance with agreed specifications and locations set out in the strategy.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6/3 - Features of Ecological Value of the Bury Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 13 No works to trees or shrubs or removal of waterside vegetation shall occur between the 1st March and 31st August in any year unless a nesting bird survey method statement by a suitably experienced ecologist has been supplied to and 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 EN6/3 - Features of Ecological Value of the Bury Unitary Plan and

National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 14 Prior to any earthworks or vegetation clearance a method statement detailing biosecurity and control measures for himalayan balsam and nuttall's waterweed should be supplied to and agreed in writing to the Local Planning Authority. The agreed method statement shall be adhered to and implemented in full during implementation of the construction and groundworks.
Reason. The scheme does not provide full details of the actual extent of Japanese Knotweed and Himalayan Balsam pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 15 The Biodiversity Gain Plan shall be prepared in accordance with the Ecological Assessment 2024 by Rachel Hacking Ecology (RHE.3542) and must include:
- information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
 - the pre-development biodiversity value of the onsite habitat;
 - the post-development biodiversity value of the onsite habitat, including an amended Biodiversity Net Gain Metric Calculation to ensure 10% BNG of the same broad habitat or with a more higher distinctive habitat.;
 - any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
 - any biodiversity credits purchased for the development; and
 - any such other matters as the Secretary of State may by regulations specify.
- Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.
- 16 The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:
1. a non-technical summary;
 2. the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 3. the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 4. the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 5. the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority,
 6. details of maintenance regimes for all retained and new habitats, including above ground SuDS assets;
 7. details of treatment of site boundaries and/or buffers, crossings along the Brightley Brook waterbody.
- has been submitted to, and approved in writing by, the local planning authority.
Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.
- 17 The development hereby approved shall not be occupied unless and until:
1. the habitat creation and enhancement works set out in the approved HMMP have been completed; and
 2. a completion report, evidencing the completed habitat enhancements, has been

submitted to, and approved in writing by the Local Planning Authority

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

- 18 Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.
Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity
- 19 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters whereupon the development shall be carried out in accordance with the approved details.
Reason. To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 180 of the National Planning Policy Framework.
- 20 The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
Reason. To protect the water environment pursuant to chapter 15 - Conserving and enhancing the natural environment of the NPPF.
- 23 Details/Samples of the materials 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 before the development is commenced. Only the approved materials 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 Policy EN1/2 - Townscape and Built Design, JP-G1, JP-G9.
- 24 No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include:
- (1) Photographic dilapidation survey of Public Footpath No. 2, Whitefield, that forms the access to and serves the site from Moss Hall Road in the event that subsequent remedial works are required following construction of the development and as a result of any statutory undertakers connections to the site;
 - (2) Access route for all construction vehicles to the site from the Key Route Network;
 - (3) Access arrangements for construction traffic in order to safely access the site via Public Footpath No. 2, Whitefield, taking into consideration the need implement, in whole or part (to be agreed with the Local Planning Authority prior to commencement of the development), of the site access and passing place improvements/arrangements indicated on approved plan reference SCP/230948/D01 Revision A, any additional measures required to maintain safe

pedestrian access along the Public Right of Way during the construction period, and all temporary works required to facilitate access for construction vehicles;

- (4) Hours of work for site preparation, delivery of materials and construction and number of vehicle movements;
- (5) Arrangements for the parking of vehicles for site operatives on land within the applicant's control, together with storage on site or on land within the applicant's control of construction materials;
- (6) Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and measures to control/manage delivery vehicle manoeuvres, including details of areas designated for the loading, unloading and storage of plant and materials;
- (7) Details of the siting, height and maintenance of any required security hoarding clear of Public Footpath No. 2, Whitefield;
- (8) The provision, where necessary, of temporary pedestrian facilities/protection measures on the Public Right of Way that crosses the site;
- (9) A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access(es);
- (10) Arrangements for the provision of wheel washing facilities for vehicles accessing the site;
- (11) Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways or Public Right of Way as a result of the groundworks operations or carried on the wheels and chassis of any vehicles leaving the site and measures to control the emission of noise, dust and dirt during construction;
- (12) A scheme for recycling/disposing of waste resulting from construction works.

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

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 Development Plan Policies EN1/2, JP-C5, JP-C6 and JP-C8.

- 25 The site access and passing place improvements/arrangements indicated on approved plan reference SCP/230948/D01 Revision A shall be implemented to a programme to be agreed with the Local Planning Authority and fully available for use prior to the building and associated car parking hereby approved being brought into use.

Reason. To secure the satisfactory development of the site in terms of highway safety pursuant to policies JP-C5, JP-C6 and JP-C8.

- 26 The various turning facilities indicated on the approved plans shall be provided before the areas of the development to which they relate are brought into use 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/new access road in the interests of road safety pursuant to policies JP-C5, JP-C6 and JP-C8.

- 27 The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the development hereby approved being brought into use and thereafter maintained at all times.

Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policies HT2/4 and JP-C8..

- 28 Refuse storage and access arrangements shall be provided within the curtilage of the site as shown on approved plan 544/TP/002 rev A and be made available for use prior to the development hereby approved being brought into use and thereafter maintained at all times.

Reason. To ensure that adequate bin storage arrangements are provided to serve the development pursuant to policies EN1/2 and JP-C8.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	17/9/24	DM -	17/09/2024