

DELEGATED REPORT

Report by Helen Leach	Date of report: 06/02/2024	Ref: 70407/NON
Registration: 11/01/2024	LDFC:	Expiry Date: 08/02/2024
Site Visit: 24/01/2024	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MADW

Proposal: Non material amendment following grant of planning permission 67965 for amendments to the door canopies and the house types and for the omission of the alternative brick from the apartment building facade

Location: East Lancs Paper site, Cockclod Street, Radcliffe, Manchester, M26 9PG

Description

The application site extends to approximately 1.78 acres (0.72 ha) and was formerly part of the site of the former East Lancashire Paper Mill, which has now been demolished.

The site presently consists of connecting highways and an area of grassland, which is bounded by terraced residential properties which either back on to or front on to the area.

The site includes several distinct areas including areas with grass, trees and the remains of a car park accessed from Rectory Lane. The site is generally level.

The northern area of the site bound by 4 streets, Spring Lane, Cock Clod Street, Cunliffe Street & Pollitt Street. Palisade fencing bounds large portions of this area of the site and includes a Sub station. Vegetation has started to reclaim this area of site.

The site is located on the southern edge of the settlement of Radcliffe, with the main urban area being located to the north and west of the site. The town is mostly characterised by terraced and semi-detached houses.

Planning permission was granted for 27 residential units, which comprised an apartment block of 20 units and a row of 7 terraced properties and all would be affordable dwellings. There would be a mix of 1, 2, 3 and 4 bed dwellings. The dwellings would be contemporary in appearance with a post-industrial appearance comprising brick and tiled roof with keynote oriel type windows in the front elevation and roof lights. The rear having a more straightforward appearance. Long gardens behind the units would be provided and each property providing two parking spaces (14 no in total). The apartment block would have an industrial appearance with its main access located on to Porritt Street. An area of open space would be provided to the north. Car parking for the apartment block would comprise a pair of parallel on-street spaces on Pollitt Street, 3 no parallel spaces on Cunliffe Street and a small car park of 9 spaces.

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

- amendments to the door canopies to provide a canopy over the door only;
- amendments to the house types (change to the canopy)
- omission of the alternative brick from the apartment building facade.

Relevant Planning History

45598 - Hybrid outline application for mixed use development comprising class B1, B2, B9, industry, residential development, water feature, open space and full application for

secondary school and highway infrastructure at East Lancs Paper Mill, Church Street East, Radcliffe. Approved with conditions - 13 September 2007.

55901- Application to extend the time limit by 3 years for implementation of planning permission 45598 for hybrid outline application for mixed use development comprising Class B1, B2, B8, industry, residential development, water feature, open space and full application for secondary school and highway infrastructure. The extension of time requested relates solely to the outline element and condition no. 2 attached to the original permission at East Lancs Paper Mill, Church Street East, Radcliffe. Approved with conditions - 4 July 2013.

62969 - Outline application for up to 400 residential dwellings including details of vehicular access (all other matters reserved) and associated works including relocation of cricket pitch, including a pavilion, provision of open space and sports facilities and demolition of existing building and structures at East Lancs Paper Mill, Church Street East, Radcliffe. Approved with conditions - 18 December 2018.

67423 - Variation of condition 39 following approval of planning permission 62969- relocate the vehicular access shown on the approved plan A090070-193-P002 Revision P03, two metres to the East as listed within Condition 39 at East Lancs Paper Mill, Church Street East, Radcliffe. Approved with conditions - 8 October 2021

67597 - s73 Application - Variation to conditions 2 for consistency and to allow phasing; 3 removing indicative masterplan from list of approved plans; 8 and 42 for consistency; 9, 23, 33 and 39 to amend the trigger point for submitting information; 11 to allow site clearance and preparation to take place prior to commencement of development; 15, 18 and 37 to amend the trigger point for submitting information and consistency; 16, 27, 28 and 34 for flexibility and to amend the trigger point as to when information is submitted; 17 and 30 to increase flexibility and 26 to allow for phasing, following approval of planning permission 62969 at East Lancs Paper Mill, Church Street East, Radcliffe. Approved with conditions - 22 March 2022.

67965 - Residential development of 27 no. houses and apartments with car parking, landscaped areas and associated works at East Lancs Paper Mill, land between Cock Clod Street/Cunliffe Street/Howard Street/Pollitt Street, Radcliffe. Approved with conditions - 26 July 2022

70284 - Application for reserved matters approval (appearance, landscaping, layout and scale) for the erection of 400 dwellings, relocation of cricket pitch, including a pavilion, practice nets and scoreboard and including all details required to discharge the following conditions from application 67597; 9 (Acoustic Attenuation); 11 (Surface Water Drainage Proposals); 13 (WSI for Archaeology); 14 (Bat Roost Assessment); 15 (Bat Survey for New Cricket Club Site); 16 (Otter Assessment); 18 (Bird Survey for New Cricket Club Site); 19 (RAMS for Badger Habitat); 20 (Invasive Species Report); 21 (Water Framework Directive Assessment); 22 (No Negative Impacts on River Irwell Ecology); 23 (Landscape & Habitat Creation Details); 24 (Affordable Housing Scheme); 25 (Recreation Scheme); 27 (Phasing Plan); 28 (Internal Road Pattern Details); 29 (Scheme of Levels, Drainage & Modelling to support Approved FRA); 31 (FFL's of Dwellings); 32 (River Irwell Buffer Zone Details); 37 (Replacement Cricket Club Facilities); 39 (Highway Details); 40 (Scoot at Water Street); 41 (Parking Strategy); 44 (Travel Plan) at East Lancs Paper Mill, Church Street East, Radcliffe. Received - 5 December 2023.

Publicity

None required.

Statutory/Non-Statutory Consultations

None required.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
H5/1	Area Improvement
EC2/1	Employment Generating Areas
EN1/2	Townscape and Built Design
EN5/1	New Development and Flood Risk
EN6/3	Features of Ecological Value
EN7	Pollution Control
RT1/1	Protection of Recreation Provision in the Urban Area
RT2/2	Recreation Provision in New Housing Development
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
HT6/1	Pedestrian and Cyclist Movement
HT6/2	Pedestrian/Vehicular Conflict
SPD1	Open Space, Sport and Recreation Provision
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD6	Supplementary Planning Document 6: Alterations & Extensions
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations, including relevant policies in the emerging Places for Everyone Joint Development Plan.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

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

The elimination of discrimination, harassment and victimisation;

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

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

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

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

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

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

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

Design and layout - The approved canopy extended above the front door and window at ground floor level. The proposed canopy would just extend above the door. The proposed change would not affect the character of the proposed dwellings and would not impact upon the amenity of the neighbouring properties.

The approved apartment building contained 2 different bricks in the elevations as well as brick detailing across the elevations. The proposed development would only use 1 type of brick but would retain the brick detailing. The proposed change would not affect the character of the proposed apartment block and would not impact upon the amenity of the amenity of the neighbouring properties.

Therefore, the proposed development would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Highways issues - The proposed development would not change the approved access arrangements and as such, is considered to be acceptable.

Recommendation: Approve

Conditions and Reasons:

- 1 The proposed amendments would not impact adversely upon the appearance of the site or the residential amenity of the nearby properties. As such, the proposed development would not be unduly prominent in the locality. The proposed amendments would not have a detrimental impact upon highway safety and would still be in accordance with the overall principles in terms of the approved application 67965 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 - 06/02/2024			