

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 10/01/2022	Ref: 67535/FUL
Registration: 13/09/2021	LDFC: 22/10/2021	Expiry Date: 08/11/2021
Site Visit: 26/11/2021	Site Notice: 05/10/2021	Press Date: 07/10/2021
Objections: 0	Con Area: N/A	Adv Type: ARW
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: 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

Location: Burrs Country Park, Woodhill Road, Bury, BL8 1BU

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 one 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.

The proposal is to therefore formalise the existing grass overspill car park in order to cater for the increase in visitor numbers and thereby reduce the number of cars which use the access road and bits and pieces of land around the site to park.

The application therefore seeks permission to carry out works to create a formal parking area for 131 cars which includes 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.

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

Phase 1

- Works to create an earth mound and install timber sleepers to the boundary
- creation of a one-way vehicle through road with an entrance at the southern corner and exit through the existing central gated access on the western boundary ; surfacing of the car park with a temporary geo-grid system.

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- Hedgerow works to include some removal for vehicle visibility purposes
- New pedestrian route on the and walkway along the western boundary
- Directional signage

Phase 2

- Provision of a total of 131 parking bays surfaced with a permeable plastic geogrid system
- Internal roads created with a geogrid road system with directional arrows
- New tree planting and hedgerows
- New pavement route to link to Sleaford Close.

Relevant Planning History

N/a

Publicity

Letters sent on 30/9/21 to 12 properties on Stock Street and Sleaford Close.

Site notice posted 5/10/21

Press advert 7/10/21

No responses received as a result of the publicity

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions

Public Rights of Way Officer - No objection

Conservation Officer - No comments received

Greater Manchester Ecology Unit - No objection subject to conditions/informatives

Environmental Health - Contaminated Land - No objection

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

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 a total of 131 additional car parking spaces and to improve pedestrian access along Woodhill Road.

Green Belt

Chapter 13 - Protecting Green Belt Land, Paragraphs 147 and 148 state that inappropriate development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances (VSC). Planning Authorities should ensure that substantial weight is given to any harm in the Green Belt. VSC 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.

Policy OL1/5 - Mineral Extraction and Other Development in the Green Belt states that other development will be inappropriate unless it maintains openness and does not conflict with the purposes of including land in the Green Belt.

However, Paragraph 150 states that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include:

(e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

Policy RT3/2 - Additional Provision for Recreation in the Countryside seeks to encourage the recreational use of the Borough's countryside and in particular, encourage the re-use of vacant or derelict land for this purpose.

Favourable consideration will be given to proposals for appropriate uses provided they would not have significant detrimental effect on the environment or features of ecological value and wildlife importance, result in an unacceptable increase in road traffic in the area, adversely affect amenity of residents or users of open space or conflict with agricultural interests.

The provision of a car park is considered to be a material change in the use of the land to support the wider recreational use of the Country Park.

The field has been used as a temporary parking solution for a number of years and in terms of the impact on the openness and purposes of the Green Belt, the proposal does not include any built development and the parking bays and internal vehicular route are to be surfaced with a permeable plastic geogrid system and surfaced with grass. As such, it is considered that the proposal would not have a harmful impact on openness of the Green Belt or the purposes of including land within it.

Other works include improvements to pedestrian access, associated landscaping proposals and signage which would be of a character and scale which would not harm the openness of the Green Belt.

The proposed development would not result in any significant ecological impacts and would seek to improve and enhance the area with additional landscaping and tree planting.

As an existing park which already attracts large numbers of visitors, it is considered the proposed development would not attract significantly higher levels of traffic than currently visit the site and it would also reduce the number of cars parking on the road which would benefit the area as a whole.

In principle therefore, the proposal is considered not to be an inappropriate use in the Green Belt and therefore comply with the principles of the NPPF, Policy OL1/5 and Policy RT3/2.

Visual amenity - The proposed development would involve works within a field and around the site. The field is currently grassed and it is proposed to install a geogrid permeable system. This is similar to a matting solution which would allow grass to grow through some areas. Whilst covering the entire field, it would be at ground level and as a more 'natural' form of surfacing solution it would not be significantly visually prominent.

The field is bounded by well-established hedges, planting and trees and generally well-screened and the proposal to provide additional planting would improve the more sparsely planted areas of land and improve the appearance of the surrounding area.

In terms of pedestrian footways, the proposed pedestrian route would be located behind the existing hedge along the western boundary and the extent of work not significant to cause visual harm.

It is considered the scope of works are those commonly found to be within park or country settings to provide improved facilities for visitors.

As such, it is considered there would not be a detrimental harm caused to the openness of the Green Belt as assessed above in the principle of acceptability of the development.

As such, the proposed development is considered to be acceptable and would comply with Policy RT3/2 and EN1/2 and the principles of the NPPF.

Highways - The choice of site was due to several reasons, firstly, the field was already

used as an overspill car park at busy times and for events and had been for approximately 15 years, and secondly, the site would be the safest and closest to the existing vehicular access off Woodhill Road.

The proposed car park would facilitate 131 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. The development would allow the opportunity to create better and safe access and connectivity for pedestrians by providing a footway and crossing area along this stretch of the road.

On the Highway Authority's advice, plans have been revised to show the entrance would now from the existing gate at the southern end of the site which would be better in terms of visibility for drivers. The exit would be located more or less centrally from the field out onto the Woodhill Road and whilst this would require some hedge removal, it would be minimal but would allow for safe exit by cars.

The Highway Engineer and PRow Officer have raised no objections and welcome the improvements to provide additional parking and improved access.

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.

There would also be additional landscaping which would screen areas of the site and houses are situated at such a distance such that it is considered impacts would not be significant overall.

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.

A Heritage Statement has been submitted with the application.

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.

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.

Protected Species

The likelihood of impacts on protected species is unlikely. There is no habitat suitable for bats and the lodges nearby are stocked with fish and that there are no known populations of great crested newts nearby with all ponds in this area having been subject to surveys in the past. Badgers and otter are likely to be present in the area, but the field is very low risk owing to the level of disturbance and open nature of the grassland. No further information or measures are required.

Nesting Birds

Short sections of hedgerow will be lost, potential bird nesting habitat. 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

GMEU are aware that species such as himalayan balsam and japanese knotweed are present on the Country Park and therefore recommend a condition is applied to any permission for the submission of a survey for invasive plant species including japanese knotweed and himalayan balsam. If any invasive species are present a method statement detailing avoidance, control and eradication measures should also be supplied.

Contributing to and Enhancing the Natural Environment

Section 170 of the NPPF 2019 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in the loss of low ecological value grassland, to be replaced with a combination of gravel trackways and grass parking bays.

Habitat creation is proposed around the boundary of the site in the form of wildflower and tree planting. The layout indicates that probably enough land has been set aside to enable full mitigation on site, subject to the detail of the planting proposals and long term management. There is also significant scope across the wider Country Park to provide off-site compensation if additional compensation was required. The details can be conditioned.

Flood Risk - The northern part of the site is in Flood Zone 2. The majority of the development comprises above ground works or at the most, shallow excavation of land. The proposed surfacing would be a permeable type and the incorporation of additional landscaping would offer added benefit in terms of reducing flood risk. It is therefore considered that there would not be a significant increase to flooding in the area and as such the proposed development would be acceptable.

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 Block plan 233/BL01; Location plan 233/L01; Overall layout plan 233/L02 v2; Layout plan for phase 1 233/L03 v3; Footpath plan 237/FP01 v2; Road section plan ref TR21-3704 RUR V1 3/3; Management and Maintenance Proposals for Overspill Car Park and Associated Paths at Burrs Country Park dated November 2021' and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 3 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:
 - Photographic dilapidation survey of Public Right of Way No. 152, Bury (Woodhill Road) abutting the site in the event that subsequent remedial works are required following construction of the development;
 - Access and egress point(s) for construction traffic from/onto Public Right of Way 152, Bury;
 - Proposed site hoardings (if proposed) clear of adequate visibility splays onto Public Right of Way No. 152, Bury;
 - Hours of operation and number of vehicle movements;
 - A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access;
 - Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site, including any requisite phasing of the development to accommodate this;
 - Parking on site (or on land under the applicant's control) of operatives' and construction vehicles together with storage on site of construction materials, including any requisite phasing of the development to accommodate this;
 - Measures to ensure that all mud and other loose materials are not spread onto the adjacent 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 minimise dust nuisance caused by the operations.

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 to the written satisfaction of the Local Planning Authority prior to the development hereby approved being occupied.

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.
- 4 No development shall commence unless and until improvements to visibility at the junction of the proposed car park exit onto Public Right of Way No. 152, Bury (Woodhill Road) shown indicatively on the approved plans have been agreed on site with the Local Planning Authority/Highway Authority. 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 in the phases proposed.
Reason. Information not submitted at application stage. 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 and demarcated 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' shall be implemented to the satisfaction of the Local Planning Authority.
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 No development to Phase 2 works shall commence unless and until:-
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
 - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 9 Following the provisions of Condition 8 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural

environment.

- 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.
- 12 Details of any landscaping to be carried out in relation to the Phase 1 works hereby approved shall be submitted to, and approved by the Local Planning Authority prior to the commencement of any works or site clearance.
Details of the landscaping in relation to Phase 2 shall be submitted to and approved by the Local Planning Authority prior to the completion of the Phase 1 works hereby approved and before the commencement of any phase 2 works hereby approved. The contents of the landscaping plans should include timetables for the implementation and maintenance of each element of the landscaping proposals, native tree and shrub planting and the provision of bat bricks/tubes within the new development and bat and bird boxes. 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT 10/1/22		DM	10/01/2022