

**Ward:** Bury East - Moorside

Item 01

**Location:** LAND OFF CARLYLE STREET BURY

**Proposal:** DEMOLITION OF EXISTING INDUSTRIAL BUILDINGS & ERECTION OF 111 HOUSES & APARTMENTS, GARAGES & ASSOCIATED WORKS (INCLUDING CONSTRUCTION OF SECONDARY ACCESS ALONG CARLYLE STREET)

**Application Ref:** 44509

**App Type:** Outline Planning Permission

**Statutory Expiry Date:** 24 June 2005

**Recommendation:** Refuse

### **Description**

The site contains a number of old industrial buildings occupied by Heskeths Foundry and their tenants. It is bounded by the River Irwell close to Bury Bridge. Bolton Street/Peel Way is on an embankment to the south. To the east and north is Bury Ground, an area of open space owned by the Council and crossed by footpaths. Vehicular access is via Carlyle Street from Castlebrook Road.

The application is submitted jointly by Heskeths and Bardsley Homes the house builders. It is proposed to demolish the buildings and to erect 111 dwellings of various types including 48 apartments in three blocks. The application is in outline form but only landscaping is a reserved matter. The scheme includes a river side footpath. Access would be via the existing Carlyle Street which would be widened to include a planted verge cycle path and footway capable of being used by emergency vehicles.

The application is accompanied by various reports and technical studies. A Planning and Design Statement from Bardsley Homes describes the site, reviews relevant planning policies concluding that the site is suitable for residential development, summarises highway and flood risk issues and explains the layout and design. A report from Heskeths explains their business and its requirements and the recent planning history of the site. A report from a surveyor concludes that the site is not suitable for continued industrial use. A Transport Assessment concludes that there is no overriding highway objection to the scheme. There is a Phase One Habitat Survey and Assessment and a Bat Survey. A tree survey has been carried out. The applicants are aware of the need for archaeological investigation if the site is developed.

### **Relevant Planning History**

There are no recent relevant planning applications directly affecting the site.

Recent applications for a new access road and bridge to the east of the site to serve the Bury Ground Business Park have been withdrawn. A further application is anticipated.

### **Publicity**

The application has been advertised as a major development and because it would affect a right of way. Adjacent occupiers have also been notified. One objection has been received from C & C Recycling on the opposite side of the river who are concerned that residents of the new development may object to their activities.

### **Consultations**

Borough Engineer - Recommends refusal on highway grounds, primarily because of the length of the cul de sac providing access to the site without an alternative emergency access. There are also concerns about lack of information and deficiencies in the layout. No objection on drainage grounds subject to detailed requirements.

Borough Environmental Services Officer - Recommends refusal because of lack of information on contamination.. Air quality is not likely to be significantly affected. Japanese Knotweed needs eradication (as recommended in the applicant's Habitat Survey).

Greater Manchester Fire and Rescue Service - Recommend refusal because of the length of the access cul de sac exceeding 250 metres without an alternative emergency access.

Environment Agency - Object to the development because the site is within an area of high risk of flooding and the lack of a flood risk assessment. The development is also unacceptable because of its proximity to the top of the river bank and the detrimental effect on the water environment.

Greater Manchester Police - The incorporation of "Secured by Design" principles into the scheme is welcomed.

United Utilities - No objection subject to drainage of the site on separate systems for foul and surface water. Access is required to existing sewers, a water main and a sub station.

Greater Manchester Ecology Unit - No objection in principle but mitigation measures are recommended.

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

|        |                                                       |
|--------|-------------------------------------------------------|
| EC2/2  | Employment Land and Premises                          |
| H1/2   | Further Housing Development                           |
| H2/1   | The Form of New Residential Development               |
| H2/2   | The Layout of New Residential Development             |
| H4/1   | Affordable Housing                                    |
| RT2/2  | Recreation Provision in New Housing Development       |
| EN1/6  | Public Art                                            |
| EN5/1  | New Development and Flood Risk                        |
| EN10/2 | Riverside and Canalside Improvement in Urban Areas    |
| OL5/3  | Riverside and Canalside Development in Urban Areas    |
| EN1/5  | Crime Prevention                                      |
| EN8    | Woodland and Trees                                    |
| EN6/3  | Features of Ecological Value                          |
| EN6/4  | Wildlife Links and Corridors                          |
| EN7/4  | Groundwater Protection                                |
| SPD1   | DC Policy Guidance Note 1: Recreation Provision       |
| SPD2   | DC Policy Guidance Note 2: Wildlife Links & Corridors |
| SPD4   | DC Policy Guidance Note 4: Percent for Art            |
| SPD5   | DC Policy Guidance Note 5: Affordable Housing         |
| PPG3   | PPG3 - Housing                                        |
| PPG23  | PPS 23 - Planning and Pollution Control               |

### **Issues and Analysis**

*Principle of Development* - The site is unallocated in the UDP. It adjoins Council owned land that is an identified Opportunity Site Suitable for Business and Office uses. The applicants have provided statements to argue that the site is previously developed land in

the urban area, close to the town centre and that the proposal would be a sustainable form of development. Although the company occupying the site is successful, the buildings need refurbishment and they say that residential development is needed to finance a move to another site within Bury.

It is not considered that the applicants have demonstrated that the site is no longer suited to employment use. Although the buildings themselves need attention they contain the heavy foundry equipment which Heskeths say would be difficult and expensive to establish elsewhere. They conclude that it would not make financial sense for them to relocate or close the business unless permission is received for housing or similar value. This argument fails to demonstrate that the premises are no longer suited to employment use.

In land use terms, the site is suited to continued employment use given that it offers no conflict with surrounding land uses. This principle would apply whether the current user continued operations from the site or if the site were redeveloped for new employment uses. In addition, the retention of employment use on this site would be compatible with the proposed business park on the adjoining Bury Ground site.

It is estimated that, throughout the Borough and based on requirements set in the Regional Spatial Strategy, there are enough planning permissions already granted to meet housing land supply for over 15 years. Recent appeal decisions support the Council's case in not releasing employment sites for residential development. Therefore, there is no overriding need to release this site for residential development to meet housing requirements.

*Adequacy of Submission* - The site has been surveyed but the layout does not include proposed levels. It is highly likely that the Environment Agency would require levels to be raised because of flood danger from the river but a flood risk assessment has not been provided. In the absence of finished levels it is not possible to adequately consider the layout or to determine the effect of the development on the river bank, trees or habitat areas and appropriate reasons for refusal are recommended.

*Vehicular Access* - The application indicates improvements to Carlyle Street to provide additional access for emergency vehicles but the length of the cul de sac accessing the site needs to be measured from the junction of Castlecroft Road with Bolton Street. This is over 400 metres from the site entrance, well in excess of the 250 metres maximum acceptable cul de sac length.

*S.106 Issues* - The developer is aware of the need to provide affordable housing and public art and has completed the S.106 pro forma. Public Open Space has been offered in the form of a landscaped area next to the river but this is not acceptable to meet the needs of residents of the area.

### **Summary of reasons for Recommendation**

**Recommendation:** Refuse

### **Conditions/ Reasons**

1. The proposed development would lead to the loss of employment land and premises and the use proposed would conflict with the character of the surrounding area. The proposal therefore conflicts with policies EC2/2 - Employment Land and Premises Outside the Employment Generating Areas and H1/2 - Further Housing Development of the adopted Bury Unitary Development Plan.

2. The proposed emergency access arrangements to the development are substandard and would be detrimental to the safety of future occupiers of the dwellings contrary to Policy H2/2 - The Layout of New Residential Development of the adopted Bury Unitary Development Plan.
3. The application and submitted plans contain insufficient information to enable the impact of the development on the surrounding highway network to be properly assessed.
4. The application and submitted plans contain insufficient information to enable the impact on the Peel Way embankment of the proposed highway works to Peel Way to be assessed.
5. The proposed development is sub standard terms of visibility at a number of junctions and public driveways which would be detrimental to public safety and contrary to Policy H2/2 - The Layout of New Residential Development of the adopted Bury Unitary Development Plan.
6. The proposed plans contain insufficient information, specifically finished floor levels, to enable the layout of the development to be properly assessed.
7. The proposed development would be at risk of flooding and could unacceptably increase the risk of flooding elsewhere. In the absence of a Flood Risk Assessment it is not possible to fully consider the application.
8. The proposed development is unacceptably close to the top of the river bank obstructing maintenance access by the Environment Agency and causing a detrimental effect on the water environment by the raising of existing ground levels.
9. The proposed development does not make adequate provision for public recreation, contrary to Policy RT2/2 - Recreation Provision in New Housing Development of the adopted Bury Unitary Development Plan.
10. The application and plans contain insufficient information, specifically levels, to enable the effect of the development on trees and the wildlife habitat to be properly assessed, contrary to Policies EN8/2 - Woodland and Tree Planting and EN6/4 - Wildlife Links and Corridors of the adopted Bury Unitary Development Plan.
11. The submitted application and supporting documents contain insufficient information to enable the Local Planning Authority to fully assess contamination risks contrary to advice in PPS23 Planning and Pollution Control.
12. The applicants have failed to demonstrate that affordable housing will be provided to comply with Policy H4/1 - Affordable Housing of the adopted Bury Unitary Development Plan.
13. The applicants have failed to demonstrate that public art will be provided in order to comply with Policy EN1/6 - Public Art of the adopted Bury Unitary Development Plan.

For further information on the application please contact **John Hodkinson** on **0161 253 5323**

**Ward:** Bury East - Redvales

Item 02

**Location:** 420 MANCHESTER ROAD, BURY, BL9 9NS

**Proposal:** CHANGE OF USE OF LAND FROM COMMUNITY USE TO DOMESTIC CURTILAGE - RETROSPECTIVE APPLICATION

**Application Ref:** 44350

**App Type:** Full

**Statutory Expiry Date:** 20 June 2005

**Recommendation:** Approve with Conditions

**The application was deferred at the last meeting of the Committee in order for the nature of the intended use to be clarified. It has been confirmed that the development would be in connection with a residential rather than an office use.**

#### **Description**

The application which is retrospective concerns a rectangular piece of land to the rear of 420 Manchester Road. The land, measuring approximately 10m by 10m, was formerly part of the garden of the community centre next door. It has been incorporated into the domestic curtilage of 420 Manchester Road.

The land has been surfaced in tarmac and enclosed on three sides by a fence, railings and brick wall to a height of 1.8m. The south side is open, giving access to the rear access road to the rear of properties 422-440 Manchester Road. There is a tree located in the south west corner.

The application has been submitted in order to regularise a development that has already been carried out.

#### **Relevant Planning History**

N/A

#### **Publicity**

Immediate neighbours - One letter of objection from the occupiers of 422 and 422a Manchester Road who are concerned about increasing congestion and parking problems caused by vehicles using the car park.

#### **Consultations**

Borough Engineer - No objection subject to appropriate turning facilities.

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

EN1/2 Townscape and Built Design

#### **Issues and Analysis**

*Amenity.* The plot of land is relatively small and well screened from Manchester Road by existing buildings and from open land to the rear by tree planting. The proposal is, therefore, not considered to seriously affect the visual amenity of the locality.

*Traffic.* The Borough Engineer has no objections to the scheme given its relatively small scale.

*The objections* - The objections from the occupiers of 422 and 422a relating to access rights and are not a planning matter but a civil issue. The concerns relating to increase in traffic generated by the development are not supported as the increase in traffic over existing numbers is not considered to be significant for what will be domestic use in association with the dwelling.

Given the limited scale of the development it is recommended that approval be given.

### **Summary of reasons for Recommendation**

Permission should be granted having regard to the policies and proposals listed and the reason for granting permissions can be summarised as follows;-  
The development does not seriously and detrimentally affect the visual amenity of the area or the residential amenity of local residents. There are no issues that would affect highway safety. There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than five 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 numbered 05/469.02A 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 policies of the Bury Unitary Development Plan listed below.
3. The turning facilities indicated on the approved plans shall be provided before the development is brought into use and shall subsequently be maintained free of obstruction at all times.  
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety.

For further information on the application please contact **Tom Beirne** on **0161 253 5361**

**Ward:** Bury West - Church

Item 03

**Location:** LAND AT JUNCTION OF BOLTON ROAD & WATLING STREET BURY

**Proposal:** TELECOMMUNICATIONS INSTALLATION COMPRISING OF 11.7M HIGH SLIMLINE MONOPOLE & 2 NO. EQUIPMENT CABINETS

**Application Ref:** 44825

**App Type:** Telecom Determination (56 Days )

**Statutory Expiry Date:** 22 August 2005

**Recommendation: Prior Approval Required and Granted**

**Description**

The application site, forming part of the pavement along Bolton Road, abuts Jolly Carters Public House premises, situated at the junction of Bolton Road with Watling Street, Bury.

The proposal involves the erection of a telecommunication mast and 2 equipment cabinets to be located at the back of the pavement along with the 0.5m high boundary wall to the car park of the Public House. The mast comprising a slimline monopole and 3 antennas encased within a glass re-enforced plastic shroud, would be 11.7m high above ground level. It is proposed that the mast and two equipment cabinets, 0.9m x 0.8m x 1.24m and 0.6m x 0.5m x 1.2m, would be painted in grey ( RAL 7035).

The application has been made under Part 24 of the Town and Country Planning ( general Permitted Development) ( Amendment ) Order 2001 and seeks Prior Approval of the proposed development.

**Relevant Planning History**

No relevant planning history

**Publicity**

All properties within 100 metres of the siting of the proposed mast have been consulted. To date, only one letter raising objection to the proposal has been received from the residents of 606 Bolton Road. The points raised are:

1. Potential impact on the value of the property.
2. Potential impact on health
3. Visual impact from the kitchen and bed room windows
4. Detrimental to the clients of the Jolly Carter Public House as the proposed structure would directly overlook the outside dining area.
5. The structure will be an eyesore in an otherwise pleasant residential area.

**Consultations**

Borough Engineer - No objection

Environmental Health - Any comments received will be reported

**Unitary Development Plan and Policies**

EN1/10 Telecommunications

### **Issues and Analysis**

**Residential amenity** - The application site is located at the back of the pavement adjoining the southerly boundary of the car parking area to Jolly Carters Public House fronting Bolton Road. Although, there are no residential properties located directly opposite across Bolton Road, the views of the proposed telecommunication mast, particularly its upper part, would be obvious from some of the nearby properties on Bolton Road, Hurst Green Close and Seddons Avenue. The proposed mast would also be seen from Bolton Road and Watling Street. However, taking into account the slimline design of the mast and the distance involved in relation to the residential properties, (the nearest house other than the pub being 30m away - 606 Bolton Road) , it is considered that the proposed mast would have little visual impact on the amenities of the nearby residents in the area.

**Street scene** - The proposed mast and its associated equipment would be sited along the boundary of the Public House car parking area which is set back from Bolton Road by approximately 8m. There are several existing features such as street lamp columns, road/pub signs, a bus stop etc, located close to the siting of the proposed mast. However, these features are located closer to Bolton Road comparing with the siting of the proposed mast. Although the proposed mast would form part of the street scene, due to its location in relation to Bolton Road and the existing features on the pavement and its design and colour, it is considered that the mast and the equipment would have a minimal impact in the street scene which is acceptable.

**Green Belt** - The land located opposite the siting of the mast across Bolton Road is an open land which is designated as Green Belt in the Unitary Development Plan. The land is enclosed by a 8' high dense hedge along the southerly side of Bolton Road. There is a 10m high lamp post located along the hedge. Considering the location of the existing 10m high lamp post on the boundary of the Green Belt and the distance between the siting of the proposed mast and the Green Belt land (20m), it is considered unlikely that the proposed mast would have a overbearing impact when viewed from the Green Belt land. As such it is considered that the proposed mast would neither adversely affect the visual amenity of the Green Belt nor its character.

**Health issues** - Whilst this is a material consideration, the application for Prior Approval is supported by an ICNIRP Certificate stating that the equipment has been designed to comply with the International Commission on Non-Ionising Radiation Protection and as such, meets the current best practice. There are a number of residential properties in the area of the proposed mast, the distance to the nearest (Jolly Carters Public House) being 20m. The ICNIRP declaration means that there should be no impact on properties this close. It is considered that the views expressed by the residents in this respect are overcautious and overstated.

**Search for alternative sites** - The applicants have examined a total of 4 other sites in the area and investigated mast sharing with other operators. This site has therefore been proven to be a location that fulfills the requirements of the operator and conforms with the guidance set out by the ODPM.

### **Summary of reasons for Recommendation**

NO51

**Recommendation: Prior Approval Required and Granted**

### **Conditions/ Reasons**

For further information on the application please contact **M. Sadiq** on **0161 253 5285**



**Ward:** North Manor

Item 04

**Location:** LAND ADJACENT 7 HIGHER SUMMERSEAT, BURY

**Proposal:** RESIDENTIAL DEVELOPMENT - 1 DETACHED DWELLING

**Application Ref:** 44436

**App Type:** Full

**Statutory Expiry Date:** 08 June 2005

**Recommendation:** Approve with Conditions

**This application was deferred for a site visit at the last meeting of the Planning Committee on 28th June 2005.**

**Description**

The application site, approximately 0.0195 hectares of land, forms part of the side garden to the adjoining dwellinghouse No. 7 Higher Summerseat, Summerseat, Bury. The site is bounded by a stone wall reinforced with tall bushes in the front along Higher Summerseat. There is a single storey outbuilding located in a central position within the site.

The proposal involves demolition of the existing outbuilding and construction of a two storey detached house with a single storey wing to rear. The house would be built with a pitched roof tiled in natural grey slate and external walls in natural stone coursed to match the adjacent house No. 7. Part of the boundary wall in front would be removed and the height of the remainder wall reduced to 900mm to facilitate 2 car parking space and adequate turning area in front.

**Relevant Planning History**

Planning permission ref. 44428 for a two storey extension at side and single storey extension at rear of No. 7 Higher Summerseat was granted, subject to conditions, on 7 June 2005.

**Publicity**

The application was advertised as affecting Summerseat Conservation Area and neighbours notified. A letter raising objection to the proposal has been received from the residents of 13 Higher Summerseat. The points raised are:

1. The site is located within a conservation area and the proposed development would detrimentally alter the characteristics and appearance of this part of Summerseat. The proposed design does not appear to be sympathetic to other local dwellings.
2. The site, until recently, was protected from development by a covenant shared by some property owners on Higher Summerseat.
3. The new dwelling and the adjacent property No. 7 Higher Summerseat when extended, would overlook each other and compound the over development of this area of land. Furthermore, this part of Summerseat has no designated pavement on either side of the road and in our opinion, the likely increased traffic flow can only make this area more dangerous to pedestrians.

4. The roof height of the proposed property will be in excess of the roof height of No. 13. This will lead to a significant loss of light to our garden.

5. The ground level between the proposed property and No. 13 is different at all points. The difference in levels rises to between 3 and 4 feet at the back of our property No. 13. This would result in the garden at No. 13 being significantly overlooked by the proposed development.

### **Consultations**

Borough Engineer - No objection subject to conditions

Landscape Practice - The tree likely to be removed is a *Araucaria araucana* (Monkey Puzzle) and is not native to Britain. It would therefore be out of character in the Conservation Area.

Env Health - No objection subject to conditions for the submission of a Contaminated Land Desk Study and Noise investigations.

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

H1/2 Further Housing Development

H2/1 The Form of New Residential Development

H2/6 Garden and Backland Development

SPD6 DC Policy Guidance Note 6: Alterations & Extensions

### **Issues and Analysis**

The applicant who also owns the adjacent end terrace house No. 7 Higher Summerseat, submitted a planning application ref. 44428 on 7 June 2005 for the erection of a two storey full depth extension at side and full width single storey extension to rear at No. 7 Higher Summerseat. The application was approved, subject to conditions, on 7th June 2005. In considering this application and assessing the impact of the proposed development, it is therefore important that implications of the approved extension at No. 7 Higher Summerseat, are taken into account.

Principle - The site forms part of the side garden area to the residential property No. 7 Higher Summerseat and is located within a residential area. The site forms an infill gap which in land use terms, is considered suitable and appropriate for a residential development. Given its location in relation to the surrounding properties, I believe, the proposal is acceptable in terms of its principle.

Residential amenity - To avoid any amenity related issues and to comply with the SPG's requirements, both schemes ( this and one relating to 7 Higher Summerseat) have been revised to exclude any habitable room windows at the gable walls facing each other. The proposed dwelling would be set back from the front elevation by 2.5m and would maintain a separation distance of 2.3m with No. 7 Higher Summerseat inclusive of the extension. In view of these considerations, it is considered that the proposed dwelling would not have a detrimental impact of the residential amenities of the residents of No. 7 Higher Summerseat.

With regard to the other adjoining property No. 13, it should be pointed out that the proposed dwelling would be set back between 0.6m to 0.4m from the boundary wall with No. 13 which has a first floor extension built recently over the existing double garage. The garage and extension over are located 0.9m away from the boundary wall. There are no habitable room windows at the side elevation of the extension nor the garage. The nearest

window at the rear elevation of the extension over the garage close to the boundary would be of an en-suite, a non-habitat window. Since no habitable room windows are proposed at the side elevation of the proposed dwelling, it is considered that the proposed dwelling would not have a detrimental impact on the amenities of residents of No. 13.

The residential properties to rear at Heath Avenue are located far away to have any detrimental impact.

Design aspects - The dwelling would have a pitched roof with ridge height not exceeding the ridge height of the existing house at No. 7. Although the ridge height of the proposed dwelling would exceed the ridge height of No. 13 by 0.200m, however it is not considered that this would lead to an appreciable loss of light to the garden at No. 13. Nor would it result in the garden at No. 13 being significantly overlooked. In this regard, it is considered that the comments made by the residents of No. 13 are unjustified.

The dwelling would be built in stone to match the adjoining house at No 7. The details of the proposed windows has been revised at the request of the Conservation Officer who is satisfied that the proposed dwelling, by virtue of its design and external appearance, would not adversely affect the character of the area.

Car parking - Two car parking spaces have been proposed in the front of the house. Although there is no designated pavement on either side of Higher Summersaet at this point, however, the Borough Engineer is satisfied with regard to the turning facilities and road and pedestrian safety.

### **Summary of reasons for Recommendation**

NO51

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows:-

*It is considered that the proposed development is acceptable because it would not neither adversely affect the character of the conservation area nor the residential amenity of the occupiers of the adjacent properties.*

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than five 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 numbered 359/PL/008 (Rev A), 359/PL/001 (Rev A), 359/PL/006 (RevD), 05E203/001 received on 7 June 2005 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 policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development

is commenced.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

4. The turning facilities indicated on the approved plan [0501/01] shall be provided before the development is brought into use and shall subsequently be maintained free of obstruction at all times.

Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety.

5. The development hereby approved shall not be first occupied unless and until the boundary wall alterations indicated on the approved plan [359/PL/006 Rev D] have been implemented to a maximum height of 0.9m, to the written satisfaction of the Local Planning Authority.

Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety.

6. Prior to the development hereby approved commencing:

- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground 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 risks have been identified, a detailed site investigation and suitable risk assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority;
- Where remediation is required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.

7. Following the provisions of Condition 6 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 conclusions and actions taken at each stage of the works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.

Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.

For further information on the application please contact **M. Sadiq** on **0161 253 5285**

**Ward:** North Manor

Item 05

**Location:** 868 BURNLEY ROAD, WALMERSLEY, BURY, BL9 5JY

**Proposal:** RESIDENTIAL DEVELOPMENT - 1 DETACHED DWELLING

**Application Ref:** 44555

**App Type:** Full

**Statutory Expiry Date:** 03 August 2005

**Recommendation:** Approve with Conditions

### **Description**

The site is part of the garden of a detached house off the head of a cul de sac. The adjoining land to the south is a valley slope with dense vegetation.

It is proposed to demolish the existing garage at the side of 868 Burnley Road and to erect a detached house of similar size and design to the existing property. It would be set back by 2 metres behind the existing house and 0.4 metre lower. The existing vehicular access would be used to access a parking area in front of the house and a new access provided to the front of 868.

### **Relevant Planning History**

44564 - Current application for single storey extension at the rear of 868 Burnley Road which is in the same ownership.

### **Publicity**

Neighbours have been notified and there are objections from 869 and 870 Walmersley Road. The occupier of 869 considers the proposal to be gross over development. The occupier of 870 thinks that a large part of the house would be visible from their garden and would prefer it to be in line with the other houses.

### **Consultations**

Borough Engineer. No objection on highways or drainage grounds.

Borough Environmental Services Officer - Recommends contamination conditions.

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

### **Issues and Analysis**

The site is part of the garden of an existing house within the urban area and the principal of residential development is acceptable. The area is characterised by detached and semi detached properties. The proposed house is of traditional design and would be similar in size and appearance to the existing house at 868 Burnley Road and in character with other properties in the area. The set back of the house and the floor level 0.4 metre below the existing dwelling would reduce its impact on the street scene.

The plot is large enough to accommodate the house without resulting in over development. There would be a front garden of 8 metres in depth and a rear garden of over 13 metres. It would be 1.8 metres from the existing house and with a 0.5 metre path on the opposite side.

It is not intended to provide a garage but there would be ample parking space on front of the house and on the drive.

Despite the objection it is not considered that the siting of the house would affect the residential amenity of adjacent properties, including the neighbouring property, 870 Burnley Road. Although the house would be set back by 2 metres it is separated from this house by the existing dwelling at 868 and would not harm the amenity of the neighbours.

### **Summary of reasons for Recommendation**

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;- The site is within the urban area and large enough to accommodate the development proposed. It will not adversely affect the character of the area nor the amenity of adjacent residents and will not impact on highway safety issues. There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than five 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 the drawings received on 8 June 2005 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 policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. Prior to the development hereby approved commencing:
  - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground 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 risks have been identified, a detailed site investigation and suitable risk assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority;
  - Where remediation is required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.

5. Following the provisions of Condition 4 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 conclusions and actions taken at each stage of the works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.  
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.
  
6. 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 works commencing on site, and;  
The approved contamination testing shall then be carried out and validatory evidence (laboratory certificates etc) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site.  
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
  
7. All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:
  - Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.  
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
  
8. Prior to the commencement of the development, site investigations must be carried out to assess any possible risks associated with the production of landfill gas. Detailed design features shall be incorporated into the proposed building, as shown necessary by the site investigation, to alleviate risks to the written satisfaction of the Local Planning Authority. Alternatively, a comprehensive construction design shall be incorporated to prevent the ingress of landfill gas, to be agreed in writing with the Local Planning Authority before work commences.  
Reason. To alleviate any possible risk associated with the production of landfill gas in accordance with the recommendations of the Environment Agency pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan.

For further information on the application please contact **John Hodgkinson** on **0161 253 5323**



**Ward:** Prestwich - Sedgley

Item 06

**Location:** PAVEMENT OUTSIDE 3 WHITTAKER LANE, PRESTWICH

**Proposal:** TELECOMMUNICATIONS INSTALLATION - 14.7M HIGH SLIMLINE MONOPOLE WITH 3 NO. SHROUDED ANTENNAS ATTACHED, AND AN EQUIPMENT CABINET AND METER CABINET AT GROUND LEVEL

**Application Ref:** 44763

**App Type:** Telecom Determination (56 Days )

**Statutory Expiry Date:** 10 August 2005

**Recommendation: Prior Approval Required and Granted**

### **Description**

The site is adjacent to the old Co-op building that fronts on to Whittaker lane in the Whitaker Lane/Bury Old Road Local Shopping Centre. It is opposite the Metro Station at Heaton Park and the properties fronting Bury Old Road, to the east, are two storey with commercial at ground floor and residential above.

The proposal is for a 14.7m high telecommunications monopole with 3 shrouded antenna and two equipment cabins on the pavement opposite Heaton Park Metro station and close to the junction of Bury Old Road on Whittaker Lane Prestwich.

### **Relevant Planning History**

A similar application for Prior Approval, outside the walls of Heaton Park on Bury Old Road itself was withdrawn when objections were received from highways(44229).

### **Publicity**

Notification letters have been forwarded to the residents within 100m and the nearby schools and a site notice has been displayed. Two letters of objection have been received from St Monica's RC High School and 497 Bury New Road. The objections can be summarised as follows:

- danger to school children's health
- danger to health in general

### **Consultations**

Highways - no objections

Environmental Health - no objections if proposal is accompanied by an ICNIRP certification.

Greater Manchester Architectural Liaison Unit - no objections in principal

Area Board - comments awaited

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

EN1/10 Telecommunications

S1/4 Local Shopping Centres

### **Issues and Analysis**

Location - the proposed monopole and its equipment cabinets are located at the back of the pavement against the blank wall of what was the Co-op building some 7.8m from the existing street lighting column which is 8m high. The buildings fronting onto Bury Old Road have living accommodation at first floor with commercial premises at ground floor. The

column will be situated some 8.8m to 13m away from the rear wall of these premises. However, the height of the column ensures that the antenna are some 6m above the ridge of the roofs of these properties. The area itself is in the Whittaker Lane, Bury Old Road Local Shopping Centre and, as such it is anticipated that the commercial activity in the area will be maintained. The small car park to the Heaton Park Metro station is diagonally opposite the site and, given the predominately commercial nature of the area, it is considered that the provision of telecommunications equipment would not be out of character with the area and, as such, the development would accord with UDP Policy EN1/10 Telecommunications.

Alternative Locations - the applicant has investigated 6 other locations within the search area, including an existing telecommunications site. Having considered these locations and the reasons for rejection, it is apparent that the applicant has fulfilled the needs of the ODPM's Guidance on this matter.

Design - the proposed column has a base diameter of 375mm and a total height of 14.7m which includes the antenna which are mounted in a 425mm diameter shroud. The cabinets are 1.24m high and 1.2m high and all equipment is to be coloured grey. Given the placing of the equipment in the street scene and the colour, it is not considered that the design is such that it would be out of keeping with the area and, as such, it is acceptable and, as such, the development would accord with UDP Policy EN1/10 Telecommunications.

Residential Amenity - the proposed monopole will be set some 9m from the nearest residential properties (the flats above the commercial premises on Bury Old Road) and the next nearest properties are 25m distant. Given the style of the column and the commercial setting within which it is located, it is not considered that there will be a detriment to their residential amenity and, as such, the development is acceptable and would accord with UDP Policy EN1/10 Telecommunications.

Highways - the proposed equipment is on a 4m wide area of pavement and set towards the rear. As such a minimum width of 3m will be maintained and as it will not interfere with visibility splays. It is considered that there will be no detriment to highway safety and, as such, the development would accord with UDP Policy EN1/10 Telecommunications.

Health Issues - the application is supported by a current ICNIRP Certificate and whilst this is a material consideration, it is one to which only limited weight can be given.

Objections - The Health issue is dealt with in the preceding section. The location is some 250m from the nearest part of St Monica's School, but as it is outside the Metro station, a number of children will pass by the site everyday. However, as the appropriate ICNIRP Certificate has been supplied, the matter of health and safety, whilst being a material consideration, is only of limited weight.

### **Summary of reasons for Recommendation**

**Recommendation: Prior Approval Required and Granted**

### **Conditions/ Reasons**

For further information on the application please contact **John Cummins** on **0161 253 6089**

**Ward:** Prestwich - St Mary's

Item 07

**Location:** 18 SANDY LANE, PRESTWICH, M25 9RY

**Proposal:** CHANGE OF USE FROM RETAIL TO PRE SCHOOL PLAY CENTRE ON GROUND FLOOR (RESUBMISSION)

**Application Ref:** 44636

**App Type:** Full

**Statutory Expiry Date:** 19 July 2005

**Recommendation:** Approve with Conditions

### **Description**

The site is a small vacant retail unit within a row of 5 shops that make up a Neighbourhood Shopping Centre. The centre has a row of parking spaces in a bay on the frontage. To the rear there is a private access road. The surrounding area is predominantly residential in character.

The proposal involves converting the ground floor of the property to a pre-school play centre for up to 10 children aged between 0-4 years. Opening hours would be from 9.30am to 6pm.

### **Relevant Planning History**

**44257** - Change of Use from retail to pre-school play centre. Refused 5/5/05. The reason given was that the parking and servicing is inadequate.

### **Publicity**

Immediate neighbours - One letter of objection from the occupier of 17 Sandy Lane. He is concerned that the parents coming and going from the play centre would cause considerable traffic and parking problems.

### **Consultations**

Borough Engineer (Traffic) - No comment to date.

Environmental Services - Recommend a condition concerning noise insulation.

Early Years - No comment to date.

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

CF5 Childcare Facilities

S1/5 Neighbourhood Centres and Local Shops

S2/4 Control of Non-Retail Uses in All Other Areas

HT2/4 Car Parking and New Development

### **Issues and Analysis**

Principle - All of the existing five shops have Class A1 retail status and therefore the loss of one unit as a shop would not seriously harm the viability, vitality and character of the neighbourhood centre, particularly in view of the nature and opening times of the proposed use.

Car Parking - The applicant has now submitted a supporting statement with the application that details the responses from a questionnaire of potential customers in the local area. It

indicates that there is a lack of such facilities in the locality and that a large proportion (87%) of those parents using the facility would be local and would walk to it. This percentage was obtained from feedback from 100 persons whose children access local childcare services. Staff would also be local and would not need parking provision. The applicant also states that there are a number of bus routes passing close to the site and down Sandy Lane itself. She asserts that the proposal would not add significantly to vehicles parking along the front of the parade of shops.

The one objection received concerns car parking and traffic attraction. However, the supporting information has provided a clearer picture regarding the relatively localised area that would be served by the centre and that there is an unlikelihood that a significant vehicular attraction and car parking problem would be created. Thus, it is considered that that the issue of inadequate car parking and servicing facilities that gave rise to the refusal of the previous application is no longer of a sufficient concern to justify a similar decision.

Residential Amenity - The size of the unit and the restrictions on opening hours and numbers of children would mitigate against noise and disturbance to adjoining residential apartments. Appropriate sound insulation to party walls and ceilings would further reduce potential disturbance.

Although the facility would give rise to increased vehicular activity around the site, this would not be significant and given the benefits that such a facility would accrue to the neighbourhood, it is considered that the proposal is acceptable.

### **Summary of reasons for Recommendation**

Permission should be granted having regard to the policies and proposals listed and the reason for granting permissions can be summarised as follows:-

The new use is considered to be relatively small scale and would be open during daytime hours. The proposed use is, therefore, acceptable in terms of the shopping policies listed in that it would not materially detract from the vitality or viability of the existing centre. Excessive on street car parking is not likely to become a significant problem given the small scale of the development and as it is expected that a majority of parents would bring their children to the centre on foot.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than five 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 the drawings received on 24th May 2005 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 policies of the Bury Unitary Development Plan listed below.
3. No development shall take place unless and until a scheme to provide and install soundproofing between the proposed pre-school play centre and adjoining commercial and residential property has been submitted to and approved by the

Local Planning Authority. The levels of acoustic insulation to be provided shall be, as a minimum, those deemed to be acceptable and specified as standards of construction in current Building Regulations. Such works that form the approved scheme shall be completed before the proposed pre-school play centre is brought into use.

Reason. To reduce nuisance from noise to the occupiers of the adjoining property.

4. No work or other activity shall take place on the site outside the following hours:-  
0900 hrs to 1800 hrs Daily.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation.

5. The number of children attending the premises shall not exceed 10 at any one time.

Reason. To minimise disturbance and nuisance from noise to the occupiers of the adjoining dwelling.

For further information on the application please contact **Tom Beirne** on **0161 253 5361**

**Ward:** Radcliffe - North

Item 08

**Location:** LAND AT MOSS SHAW FARM, SALISBURY ROAD, RADCLIFFE

**Proposal:** INSTALLATION OF 16.5 METRE HIGH TIMBER MONOPOLE TO ACCOMMODATE 3 No. ANTENNAS WITHIN GRP SHROUD & 1 No. 0.6 METRE DIAMETER TRANSMISSION DISH WITH ASSOCIATED RADIO EQUIPMENT HOUSING & ANCILLARY DEVELOPMENT.

**Application Ref:** 44801

**App Type:** Full

**Statutory Expiry Date:** 12 August 2005

**Recommendation:** Approve with Conditions

**Description**

The site is adjacent to Moss Shaw Farm, Radcliffe which is located to the north of Salisbury Avenue on the edge of the Green Belt.

The proposed 16.5m high timber monopole telecommunications mast would be located adjacent to the existing farm buildings immediately to the north of a footpath that crosses the farm yard.

**Relevant Planning History**

None

**Publicity**

The residents within 100m have been written to and two site notices has been placed.

One email of objection has been received from a resident in Salisbury Avenue and a letters of objection from 57 & 114 Salisbury Avenue and the objections can be summarised as follows:

- the radiation will cause a health risk
- increased health risk due to the proximity to pylons in the area
- loss of property value
- mast is too close to houses in Salisbury Road and should be set further away.
- mast will be unsightly

**Consultations**

Environmental Health - comments awaited

Area Board - comments awaited

**Unitary Development Plan and Policies**

EN1/10 Telecommunications

**Issues and Analysis**

Location - the proposed monopole and its equipment cabinets are located adjacent to the existing farm yard to the north of the footpath and track to the farm from Ainsworth Road. The installation is about 16.5m tall in total with an antenna shroud of coloured GRP, 700mm in diameter on top of timber construction monopole which would be located within a secure compound 3m by 4m. The area itself is within the Green Belt but will be seen in the context of the farm buildings, 8m high trees at the side of the farm and the electricity pylons that

cross the fields. The whole structure, monopole and the cladding around the antennas will either be timber or GRP colours the same as the timber monopole and, as such, it is considered that the provision of telecommunications equipment would not be visually out of character with the area and as such would accord with UDP Policy EN1/10 Telecommunications.

Alternative locations - the applicant has investigated 10 other locations within the search area, including an existing telecommunications site. Having considered these locations and the reasons for rejection, it is apparent that the applicant has fulfilled the needs of the ODPM's Guidance on this matter.

Design - the proposed column is of timber construction and the shroud at the top will be coloured to match. The secure compound is small in massing given the setting and only some 2.2m high and, given the context within which it is seen, it is considered that the design is acceptable and it would not be out of keeping with the area and as such would accord with UDP Policy EN1/10 Telecommunications.

Relationship to residential property - the nearest properties are located at Moss Shaw Farm and Salisbury avenue and they are 70m away from the monopole. The monopole is screened from the farm by the outbuildings and the land between the properties on Salisbury Avenue and the site is part covered with trees and part open but the monopole will be seen in the context of the trees on the farm and the pylons on the field. Given the location and the natural screening and context within which the monopole will be seen there will not be a material loss of residential amenity to the residents and as such the proposal would accord with UDP Policy EN1/10 Telecommunications.

Health Issues - the application is supported by a current ICNIRP Certificate and as such, whilst this is a material consideration, it is one to which only limited weight can be given

### **Summary of reasons for Recommendation**

Permission should be granted having regard to the policies and proposals listed and the reason for granting permissions can be summarised as follows;-

Having due regard to both National and Local Policy, particularly UDP Policy EN1/10 - Telecommunications, the development of telecommunications equipment on the site, as proposed will not be of detriment to the visual amenity of the area even though it is located within Green Belt. The relevant Certificate under ICNIRP has been provided and, as such, the proposal is acceptable in regard to the issues of Health and Safety.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than five 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 numbered 44505C-01, 02, 03 & 04 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 policies of the Bury Unitary Development Plan listed below.

For further information on the application please contact **John Cummins** on **0161 253 6089**



**Ward:** Radcliffe - West

Item 09

**Location:** BANKFIELD MILL SITE, PITT STREET, RADCLIFFE, M26 3TF

**Proposal:** RESERVED MATTERS: RESIDENTIAL DEVELOPMENT - 18 DWELLINGS

**Application Ref:** 44609

**App Type:** Reserved matters

**Statutory Expiry Date:** 03 August 2005

**Recommendation:** Approve with Conditions

### **Description**

The application site was formerly occupied by a mill, which has since been cleared. The site is now vacant and has been levelled.

The site is surrounded on all sides by housing, comprising bungalows to the north and two storey semis elsewhere and a foot way runs along the westerly side of the site within a wide area of open space.

Outline planning permission has been granted on the site for residential development (ref:39383/02) on 23 October 2002. This approval covered the principle of residential development and the means of access to the site from Harper Fold Road.

The application under consideration, is the reserved matters for the siting, design, landscaping and external appearance of the residential development. The scheme indicates the provision of 18 dwellings, including two and three storey buildings with access off a single access road into the site from Harper Fold Road in the position approved under 39383/02.

### **Relevant Planning History**

38783/02 - Outline Residential Development - Refused 28/3/02 - due to the lack of information.

39383/02 - Outline Residential Development - Approved - 23/10/02

### **Publicity**

The application was publicised in the Radcliffe Times on 23 June 2005 and by site notice on the same date. Letters were also sent to neighbouring properties on 13 June 2005 and as a result of this publicity, 8 letters have been received from 1, 11, 15, 16 Pitt Street, 71, 73 Harper Fold Road and 22, 24 Limefield Road. Points raised include-

- The development should be in scale with surrounding properties either one or two storeys. Three storey buildings would be out of scale with the area.
- The access road would be located in a dangerous position.
- The three storey buildings would overlook gardens and surrounding properties and would affect privacy.
- The three storey buildings would affect outlook from surrounding properties.
- Trees indicated to be retained along the frontage have already been removed and need to be replaced by mature species.
- There would be insufficient separation distances between some of the new plots to existing dwellings.

- Harper Fold Road is a busy road and the addition of the new development would undermine recently installed traffic calming introduced into the road.
- No access should be given from Pitt Street, which is an unadopted road, maintained by the residents who currently use it.

### **Consultations**

Borough Engineer

Drainage - No objections.

Traffic - Any comments shall be reported.

Greater Manchester Police - No objections in principle subject to minor observations concerning lockable gates to properties and the need to define private space.

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

#### **Issues and Analysis**

**Principle** - The site is allocated for housing in the UDP under policy H1/1/34. The principle of residential development has been considered and approved under planning permission 39383/02. The current application for reserved matters is seeking to consent with respect to the details of the siting, design, external appearance and landscaping of the development

**Siting, Design and Layout** - UDP Policies EN1/2 - Townscape and Built Design, H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development seek to ensure that new residential developments contribute positively to and are designed in to their surrounding context. The proposals indicate a mix of properties including 5no. 2 storey semi detached, 12no. 3 storey town houses and 1no. two storey detached property in an area that was previously occupied by a mill building.

National Planning Policy Guidance Note 3 - Housing, seeks to encourage the best use of previously developed land and together with adopted policies in the UDP, to encourage a mix of housing types, sizes and designs to be provided thus to contribute towards a mixed housing type availability in the community. The proposed density would equate to 36 dwellings per hectare, which would conform to the density range of between 30 and 50 dwellings per hectare set down in the PPG.

Much concern has been raised in terms of the erection of three storey properties in the development by surrounding residents. Revised plans received have improved the relationship of new buildings to existing dwellings since the scheme was originally submitted. Neighbours have been renotified of the changes and any additional comments raised shall be reported.

Ample separation distances would be provided between new and existing Properties. For clarity, the proposed distances would be as follows:

- 33m between rear elevations of 14 to 18 Limefield Road to side gable of three storey house on plot 6;
- 30m between rear elevations of 10 & 12 Limefield Road to the rear elevations of three storey houses on plots 4 & 5;
- 25m front elevation 73 & 75 Harper Fold Road to front elevation of two storey house on plot 1;
- 36m between front elevations of 59 & 61 Harper Fold Road and the rear elevations of plots 17 & 18;
- 25m side/rear corner of 62 Harper Fold Road and rear elevation of plot 14;
- 18m front elevation 15 Pitt Street (bungalow but elevated to street) to side elevation of

- two storey house on plot 10;
- 17m side elevation of Cherry Trees to rear elevation of three storey town house on plot 9.

Whilst the surrounding estate does contain predominantly two and single storey properties, the scheme demonstrates that three storey buildings, appropriately located can be introduced into the estate to provide a variation of heights, styles and designs without unduly compromising amenity.

All plots indicate generous rear gardens or large side gardens, which would be bounded by 1.8m high close boarded fencing. This would embrace security principles and reflect surrounding boundary treatments.

The properties elevationally would be acceptable in terms of design and would use materials that would assimilate the development into the area appropriately.

Trees and Landscaping - The site contains a number of trees subject to a Tree Preservation Order. These trees are located along the frontage of the site. These existing trees are indicated to remain in the current proposals although a single tree, located in the proposed visibility splay, would be removed to ensure that visibility would be maintained at the junction. This tree has been assessed by the Local Planning Authority and is found to be a decaying specimen. In view of this, there would be no objection to the loss of this tree. There would be no undue impact upon any other protected trees.

Details have been indicated, including densities and species of new planting and the proposals are considered to be acceptable. The trees along the frontage have been retained, contrary to a residents comment, although a dead tree had been removed some time ago.

Parking - The scheme indicates 200% off street car parking provision within each property. This is considered to be acceptable.

Recreation Provision - The scale of the development is such that provision should be made towards off site recreational provision under UDP Policy RT2/2. In view of this, the applicant has entered into a planning agreement to pay a commuted sum to the value of £13,633.68.

Per Cent for Public Art - The scale of the development is such that provision should be made towards Per Cent for Public Art. In this instance, the applicant has entered into a planning agreement to pay a commuted sum to the value of 1% of the development costs in line with UDP policy EN1/6 - Public Art and has agreed to a payment to the value of £10,500.

### **Summary of reasons for Recommendation**

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows:-

The development would assimilate into the area appropriately without undue impact upon amenity of surrounding properties. The development would accord with adopted policies of the Unitary Development Plan, the provisions of the outline planning permission and there are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

**Conditions/ Reasons**

1. This decision relates to drawings numbered 1192/SP received 12 July 2005, 1192/PLANS/TYPE1, 1192/PLANS/TYPE3, 1192/PLANS/TYPE4 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 policies of the Bury Unitary Development Plan listed below.
2. Prior to the development hereby approved commencing:
  - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground 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 risks have been identified, a detailed site investigation and suitable risk assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority;
  - Where remediation is required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.
3. Following the provisions of Condition 2 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 conclusions and actions taken at each stage of the works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.  
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.
4. 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 works commencing on site, and;  
The approved contamination testing shall then be carried out and validity evidence (laboratory certificates etc) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site.  
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
5. All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out

where appropriate:

- Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;

A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.

Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

For further information on the application please contact **Dave Marno** on **0161 253 5291**

**Ward:** Whitefield & Unsworth - Besses

Item 10

**Location:** LAND REAR OF 22 PARR FOLD, BURY BL9 8JB

**Proposal:** RESIDENTIAL DEVELOPMENT -1 BUNGALOW

**Application Ref:** 44296

**App Type:** Full

**Statutory Expiry Date:** 06 July 2005

**Recommendation:** Approve with Conditions

**This application was deferred for a site visit at the last meeting of the Planning Committee on 28th June 2005.**

### **Description**

The proposed bungalow would be sited within the rear of the garden of 22 Parr Fold, a modern detached house at the end of the residential cul de sac. The rear elevation of the L shaped bungalow would be 1m off the shared rear boundary fence line with No.20 Cunningham Drive. The front elevation would face the gap between Nos.20 and 22 Parr Fold, an area where the parking and turning area would be located.

The eaves height of the bungalow would be 2.4m with a ridge height of 3.4m. The rear elevation would have an obscure glazed bathroom window. Of the two bedroom windows on the west (side) elevation, one is a primary window and the another a secondary window. On the front elevation there would be a primary bedroom window, a kitchen window, double lounge doors as well as the main front door.

The bungalow would be 16m from the rear elevation of No.16 Cunningham Drive and 6m from the existing culvert to the front.

There have been six previous planning applications on the site. All were refused due principally to the impact the new dwelling would have on the neighbouring properties. Application 40839/03 was the subject of an appeal which was dismissed on the grounds that the bungalow (eaves at 2.5m and ridge at 5.6m), at would be overbearing when viewed from the rear of properties immediately behind the site on Cunningham Drive.

### **Relevant Planning History**

39948/02 - One detached dwelling. Refused on 17th January 2003 on grounds of seriously detrimental impact on adjacent properties and insufficient information relating to highway matters.

40385/03 - one detached dwelling. Refused on 31st March 2003 on grounds of seriously detrimental impact on adjacent properties.

40839/03 - One detached bungalow. Refused on grounds of seriously detrimental impact on adjacent properties. The subsequent appeal was dismissed.

41562/03 - One detached dwelling. Refused on 20th January 2004 on grounds of seriously detrimental impact on adjacent property.

43261 - One detached dwelling. Refused on 28th October 2004 on grounds that the application lacked sufficient information.

43798 - One detached dwelling. Refused on the grounds that the boundary fence would

have a serious and detrimental impact on residential amenity of future occupiers of the proposed bungalow.

### **Publicity**

Five objections from surrounding neighbours at 18, 20 Parr Fold, 38 Harris Drive, 18 Cunningham Drive. Objections can be summarised.

- Unacceptable density.
- Devaluation of properties.
- Loss of outlook and privacy.
- Too close to stream and culvert and could lead to collapse and subsidence.
- The land is badly drained.
- Poor quality of the plans.
- The proposal was refused on appeal.
- The highway would be affected and the associated sketch is wrong.
- Noise and disturbance due to further building activity.
- Why does the Council accept further applications?
- Past difficulties with this builder.
- Little change from previous application.
- Lack of private garden.
- The Appeal decision report of 16th June 2004 must be given full consideration.

### **Consultations**

Borough Engineer (Traffic) - No objection.

Borough Engineer (Drainage) - No objection.

Environment Agency - No objection.

Landscape - No comment.

### **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

H2/6 Garden and Backland Development

### **Issues and Analysis**

*Principle.* The principle of residential development on the site is considered to be acceptable.

*Recent Appeal* - In a previous appeal decision in June 2004 relating to application No. 40839/03 the inspector accepted the location of a bungalow in a similar position to this proposal. The subsequent refusal was based solely on the height of the building in relation to properties on Cunningham Drive. The main issue for the planning inspector was the impact on living conditions at 20 and 22 Cunningham Drive. In his view, the dwelling would be overbearing when viewed from the rear gardens of these properties and the outlook from a rear window to an extension at the back of no.22 would be dominated by the dwelling. The current proposal is for a bungalow of reduced height. Although it is in the direct line of view from the rear of No.20 the reduction in the overall height of the roof is a major change and it is considered that the structure could no longer be described as overbearing when viewed from the rear garden to that property or also from its rear facing windows.

*Design and Appearance* - The proposed building would be of traditional construction, including external walls in facing brickwork and stone quoins and a tiled pitched roof. The roof pitch would be of a shallower nature than on surrounding dwellings. Nevertheless, the general design is acceptable and the building would be set well back from the road frontage and thus not readily seen from public areas.

*Residential Amenity* - The building would be of a relatively small scale and, given the shallow roof, it would not be overbearing when seen from neighbouring houses and bungalows. An important difference from the recent application for a bungalow (40839/03) that was refused and dismissed on appeal is that the roof would be much smaller and lower with the ridge 2.2m lower as measured from ground level. This would make a substantial difference to the visual impact of the building. Although there would be a direct aspect from the rear of 20 Cunningham Drive, this would be between single storey buildings with the only opening on this side of the proposed bungalow being a small obscure glazed bathroom window. This indicated 16m separation distance would also maintain sufficient amenity for the existing property. The other windows would be positioned so as not to cause any significant loss of privacy at other dwellings.

The new unit has been reconfigured internally so as not to present habitable room windows to a boundary fence as was previously the case (43798). The amenity of future occupiers of the bungalow would not therefore be adversely affected

*Highways.* The Borough Engineer is satisfied that the proposal would not have a detrimental impact on highway safety.

*Culvert.* The Environment Agency are satisfied that the existing culvert is not adversely affected.

#### **Summary of Reasons for Recommendation.**

Permission should be granted having regard to the policies and proposals listed and the reasons for granting permissions can be summarised as follows;-

The principle of the development has been accepted by previous appeal decision notice on application ref:40839/03. The new bungalow should not have a seriously adverse impact on the street scene or amenity of the surrounding neighbours. There are no outstanding highway safety issues. There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

#### **Conditions/ Reasons**

1. The development must be begun not later than five 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 the drawings received on 11 May 2005 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 policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. Notwithstanding the terms of the General Development Order 1995, or as



subsequently amended, no development shall be carried out within the terms of Classes A to H of Part 1 and Classes A and B of Part 2 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.

Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed below.

5. No development approved by this permission shall be commenced until a structural assessment has been undertaken to assess the effects of the development on the existing Parr Brook culvert to the satisfaction of the Local Planning Authority. If the survey identifies structural problems then a scheme to address this shall be submitted to and approved in writing by the Local Planning Authority. Improvement works shall be completed prior to the commencement of any development on site.  
Reason. To reduce the risk of flooding on site and elsewhere.
6. Details of the existing ground levels, proposed ground levels and the level of proposed floor slabs shall be submitted to and approved in writing by the Local Planning Authority before any development commences on site. Details which receive the written approval of the Local Planning Authority shall be implemented in full.  
Reason: To secure the satisfactory development of the site and the assimilation of the new building(s) into the locality pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
7. The development hereby approved shall not be first occupied unless and until the boundary wall has been removed to the extent in indicated on the approved plan, including the section of wall abutting the back of the Parr Fold footway, to the written satisfaction of the Local Planning Authority. The affected boundary shall subsequently be maintained free of obstruction above the height of 0.6m.  
Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of highway safety.
8. The turning facilities indicated on the approved plans shall be provided before the development is brought into use and shall subsequently be maintained free of obstruction at all times.  
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety.

For further information on the application please contact **Tom Beirne** on **0161 253 5361**

**Ward:** Whitefield & Unsworth - Unsworth

Item 11

**Location:** THE NEST, 62 PARR LANE, UNSWORTH, BURY, BL9 8JP

**Proposal:** DEMOLITION OF EXISTING BUNGALOW & ERECTION OF 4 HOUSES

**Application Ref:** 44716

**App Type:** Full

**Statutory Expiry Date:** 02 August 2005

**Recommendation:** Approve with Conditions

### **Description**

The site fronts onto Parr Lane, close to Unsworth Pole and is currently developed with a large bungalow occupying the site. The site has an access off Parr Lane.

To the side of the site is a footway which leads to Bloomfield Drive where a row of detached bungalows backs onto the site.

To the south across the footway and green, is a row of modern terraced properties; to the north is an older row of terraced houses, sited close to the footway. Other features include some tree screening to the rear and more dense conifer screening to the side of the site, an access to the school opposite and a bus stop just to the south.

The application is for the erection of four terraced dwellings to replace the existing bungalow. The buildings would be three storeys to the rear elevation and 2 storey to the front elevation with rooms occupying the roof space. The houses would be of a similar height to the existing terraced properties to the north. The scheme indicates parking for 7 vehicles to be located to the north of the site, which would utilise the existing access/egress into the site.

### **Relevant Planning History**

4279/77 - Previous approvals for porches - Approved - 17/6/77

23329/89 - 2 storey side extension - Refused 12/10/89 due to unsympathetic design.

23888/90 - single storey extension to side - Approved 30/1/90

43051/04 - 5 dwellings - Withdrawn - 6/9/04 - due to concerns about the layout of the proposals in relation to the bungalows at the rear.

43383 - Demolition of bungalow and erection of 4 terraced properties - Refused - 22/10/04 - Inadequate access and parking arrangements.

### **Publicity**

Letters were sent out to surrounding properties in the locality including the school opposite the site.

As a result of this publicity, 87 letters have been received.

16 letters of support have been submitted. Points raised include -

- The scheme would bring three more families into the area and would provide opportunities for people to obtain affordable housing and a start on the property ladder.
- Supportive letters state "An objector is being allowed to slanderously decimate the good name of the people at number 62. In no way have they tried to go behind any bodies

backs to get the development off the ground."

- "...This is some kind of personal vendetta and not a sound reason for objection".
- "The head of the school talks about student safety yet part of the school has been developed on. Was safety on his mind when he made this lucrative deal?"
- Terraced properties used to be on this site previously and the new development would be of a similar height to the existing terraces.

71 letters of objection have been received including one from Councillor G Sharkey. Comments include:

- There is a lack of parking in the area. The approval of this scheme would exacerbate the situation.
- The scheme is an over-development of the site.
- The scheme is close to a bus stop used by many school children.
- The development would add significantly to the danger that currently exists in the area in terms of traffic generation.
- The bus stops are already in a dangerous position with respect to school children. The bus stop could not be moved without significant inconvenience to users of the medical centre.
- The existing bungalow has a history of refusals for the erection of a first floor extension due to the impact upon residential amenity to the bungalows at the rear. No circumstances have changed to permit the construction of larger buildings on this site.
- The re-sited scheme would overlook #51 Bloomfield Drive to the rear and would be closer to 47 and 49 Bloomfield Close. This would result in the loss of privacy, be intrusive and impact upon light received to neighbouring properties.
- The scheme relies on a modified access, which would still be opposite the school entrance. No turning space within the site is shown and despite the parking included within the scheme, there would still be on street parking as a result of the development.
- The area suffers from parking congestion. An objector has provided photographs showing on street parking in the surrounding streets. There are many old and infirm people in the areas who have difficulty in crossing the roads as they are now.
- The scheme is not intended for needy or poor families, which may improve the acceptability of the scheme. However, the scheme "is a gold chasing profit-motivated exercise".
- The approval of the scheme would set a precedent for demolishing good quality bungalows to build terraced houses.
- There is a history of sewage and drainage problems in the area as they are overloaded. Additional development would exacerbate this.
- The proximity to the footpath at the side of the site by a three storey building would overshadow the path and potential enhance crime opportunities.

### **Consultations**

#### **Borough Engineer:**

Traffic - No objection subject to the addition of conditions relating to the laying out of turning facilities indicated on the plans and visibility requirements..

Drainage - No objections to the proposals.

Environmental Health - No objections to the scheme, subject to conditions requiring contaminated land assessment.

GMPTE - Any comments will be reported.

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

EN1/2 Townscape and Built Design

- H1/2 Further Housing Development
- H2/1 The Form of New Residential Development
- H2/2 The Layout of New Residential Development
- HT2/4 Car Parking and New Development

### **Issues and Analysis**

**Principle** - The site contains a large and extended bungalow within a residential area surrounded by differing scales of housing. Current National Planning Policy and UDP Policy H1/2 - Further Housing Development requires local planning authorities to ensure that there should be greater choice of housing and that housing should not reinforce social distinctions. Planning Policy Guidance Note 3 seeks economic uses of land by new development and that new developments for housing should provide wider housing opportunities and choice and a better mix in the size, type and location of housing than is currently available, and should seek to create mixed communities and to give priority to re-using previously-developed land within urban areas, bringing empty homes back into use and converting existing buildings, in preference to the development of green field sites. The redevelopment of this site for the development proposed would achieve these objectives and as such the principle of residential development is considered to be acceptable.

**Form, Layout and Design** - The scheme proposes four two storey terraced dwellings with rooms in the roof space. The height of the new build would be similar to the older terraced houses to the north. The first and second floor rear elevations of the new build, that would face the bungalows on Bloomfield Drive, would be bedroom windows and would be set back from the ground floor by 1.3m. To maintain privacy, the rooms in the roof space would be lit by velux type windows and would be positioned in the roof slope such that they would be at a high level thus there would be no possibility of occupants over looking the bungalows to the rear through these windows. In terms of the bedroom windows on the first floor. the development would provide a 24 metres separation distance between the new buildings first floor habitable room windows and the bungalows to the rear. This distance would accord with standard separation distances to reflect the fact that the buildings differ in height. Front and rear gardens are proposed, with the rear gardens indicated to be 11m in depth. As such the development would conform to Council standards sought in such developments and would comply with UDP Policies H1/2 - Further Housing Development, H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development.

**Car Parking and Access Arrangements** - The scheme proposes 7 car parking spaces for the four dwellings. This would equate to 175% parking provision. National policy specifies that developments should not be over-subscribed in terms of parking levels and advocates that there should be a maximum of 1.5 spaces per dwelling. The scheme does provide in excess of this standard, to reflect the difficulties of the area in terms of on street parking. The driveway to the car parking area would utilise the existing access and 6 spaces would be located to the northerly side of the side in tandem pairs, with a space for one of the plots located in the front garden.

There would be a turning space within the site to permit vehicles to exit the site in a forward gear. This arrangement has been subject to pre-application discussions with the Local Planning and Highways Authority and it is considered that it would provide sufficient car parking provision and would be accessible and safe. No objections have been provided by the Borough Engineer in terms of the layout, access or egress and it is considered that the location of the parking arrangements is acceptable and would comply with UDP Policies H1/2 - Further Housing Development, H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development and HT2/4 - Car Parking and New Development and the Borough Engineer's requirements.

**Ecology** - The existing bungalow has been assessed to determine whether the development would affect any bat roosts. No evidence of roosting bats has been found. The site offers no

other ecological value.

### **Summary of reasons for Recommendation**

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows:-

The development would contribute to a mix of accommodation type in the area, whilst meeting the Policies of the Bury Unitary Development Plan in terms of the design and layout of the proposed development, car parking and access to the site and there are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than five 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 the drawing numbered 62PL/1C 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 policies of the Bury Unitary Development Plan EN1/2 – Townscape and Built Design, H1/2 – Further Housing Development, H2/1 – The Form of New Residential Development, H2/2 – The Layout of New Residential Development and HT2/4 - Car Parking and New Development.
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. The car parking indicated on the approved plan 62PL/1C shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the building hereby approved being occupied.  
Reason. To ensure adequate off street car parking provision in the interests of road safety and amenity pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
5. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. It shall be implemented not later than 12 months from the date the building(s) is first occupied; 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 to the written satisfaction of the Local Planning Authority.  
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

6. Prior to the development hereby approved commencing:
- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground 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 risks have been identified, a detailed site investigation and suitable risk assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority;
  - Where remediation is required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.
- Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.
7. Following the provisions of Condition 6 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 conclusions and actions taken at each stage of the works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.
- Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.
8. 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 works commencing on site, and;
- The approved contamination testing shall then be carried out and validatory evidence (laboratory certificates etc) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site.
- Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
9. All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:
- Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;
- A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.

Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

10. The demolition of the existing property and subsequent development hereby approved, shall be carried out in accordance with the recommendations laid out in the Angela Graham bat survey report dated 8th July 2005 unless otherwise agreed in writing with the Local Planning Authority.

Reason - To ensure that appropriate procedures are in place in the interests of protected species and in accordance with Planning Policy Statement 9 - Nature Conservation.

11. The access improvements indicated on the submitted plans shall be implemented to the written satisfaction of the Local Planning Authority before the development is first occupied.

Reason. To ensure good highway design in the interests of road safety and pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

12. The wall on the Parr Lane boundary indicated on the approved plan [62PL/1C] shall be maintained in the position shown and shall not exceed 600mm in height.

Reason - To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety and pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

13. The turning facilities indicated on the approved plan [62PL/1C] shall be provided before the development is first occupied and subsequently maintained free of obstruction at all times.

Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety and pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

For further information on the application please contact **Dave Marno** on **0161 253 5291**

**Ward:** Whitefield & Unsworth - Unsworth

Item 12

**Location:** SUNNYBANK ROAD, JUNCTION WITH WASTDALE AVENUE, UNSWORTH, BURY, BL9 8ES

**Proposal:** TELECOMMUNICATIONS INSTALLATION - 12.5M HIGH SLIMLINE STREETWORKS MONOPOLE, 3 ANTENNAE CONCEALED IN A CYLINDRICAL SHROUD, 0.3M DISH WITH GROUND BASED EQUIPMENT CABINET

**Application Ref:** 44811

**App Type:** Telecom Determination (56 Days )

**Statutory Expiry Date:** 18 August 2005

**Recommendation: Prior Approval Required and Granted**

**Description**

The site is located at the junction of Sunnybank Road and Wastdale Avenue on the pavement outside the Sunnybank Service Station on the Wastdale Avenue frontage which is on the edge of the Local Shopping Centre within a predominantly residential area.

The proposal is for a 12.5m high telecommunications monopole with 3 antenna in a shroud at the top. The application also include's a single cabinet some 1.5m high. All equipment will be coloured grey.

**Relevant Planning History**

Prior Approval was granted for a similar structure opposite the site in 2001 (37570) and the monopole has ben erected.

**Publicity**

Letters of notification have been sent to residents within 100m and to the nearby schools. A site notice has been displayed on the site.

Three letters of objection have been received from the Service Station, 254 Langdale d Sunny Bank Primary School and they have objected on the following grounds:

- proposed cabinet and monopole will attract vandals
- fear of danger given the proximity of the equipment to the petrol pumps
- it has not been proven that there will be no damage to health
- school children are more prone to the effects of radiation and an additional telecommunications equipment will make the situation worse

**Consultations**

Highways - no objections in principal

Environmental Health - comments awaited

**Unitary Development Plan and Policies**

EN1/10 Telecommunications

S1/4 Local Shopping Centres

**Issues and Analysis**

Location - the proposed monopole and its equipment cabinets are located at the back of the pavement against the forecourt of the garage and some 9m from the existing street lighting



column in Wastdale Avenue which is 6m high. The site is opposite a similar telecommunications mast which is 12m high. The area itself is in the Sunnybank Road Local Shopping Centre and, as such, it is anticipated that the commercial activity in the area will be maintained. The Sunnybank Road frontage has an advertising bus shelter and a 8m street lighting column. The forecourt to the Service Station has a large canopy and a pole mounted sign which reinforces the predominately commercial nature of the area adjacent to the proposed monopole. It is considered that the provision of telecommunications equipment would not be out of character with the area and as such it would accord with UDP Policy EN1/10 Telecommunications.

Alternative locations - the applicant has investigated 3 other locations within the search area, including an existing telecommunications site. Having considered these locations and the reasons for rejection, it is apparent that the applicant has fulfilled the needs of the ODPM's Guidance on this matter.

Design - the proposed column has a base diameter of 400mm and a total height of 12.5m which included's the antenna which are mounted if a 450mm diameter shroud. The cabinet is 1.5m high and all equipment is to be coloured grey. Given the placing of the equipment in the street scene and the colour, it is not considered that the design is such that it would be out of keeping with the area and as such it is acceptable and as such it would accord with UDP Policy EN1/10 Telecommunications.

Highways - the proposed equipment is on an area of pavement that varies in width between 3.7m and 2m. The positioning of the equipment means that a minimum pavement width of 2m will be maintained and as it will not interfere with visibility splays it is considered that there will be no detriment to highway safety and as such it would accord with UDP Policy EN1/10 Telecommunications.

Health Issues - the application is supported by a current ICNIRP Certificate and as such, whilst this is a material consideration, it is one to which only limited weight can be give.

### **Summary of reasons for Recommendation**

**Recommendation: Prior Approval Required and Granted**

#### **Conditions/ Reasons**

For further information on the application please contact **John Cummins** on **0161 253 6089**

