

Ward: Bury East - Redvales

Item 01

Location: 20 HEATON FOLD, BURY, BL9 9HF

Proposal: RESIDENTIAL DEVELOPMENT - 2 FLATS

Application Ref: 44628

App Type: Full

Statutory Expiry Date: 13 September 2005

Recommendation: Approve with Conditions

Description

The site is on the westerly side of Heaton Fold which is a narrow lane linking Gigg Lane with Manchester Road. It is situated between a contractor's yard on the northerly side and a large garden to the south. There is a long row of garden terraced houses directly opposite across Heaton Fold and the back of substantial houses to the rear.

The site is almost entirely developed by an old stone faced commercial building in current use as offices. The building is attached to a single storey dwelling to the rear (1A Gigg Lane) that is accessed via a back street off Gigg Lane and includes the large walled garden to the south of the site.

The proposal is to erect a two storey block of two flats following the demolition of the existing building. The flats would be two bedroomed with a unit on each floor. The building would be set facing Heaton Fold at about 5m from the highway edge. It would be of traditional brick built design with a pitched slated roof. There would be two separate garden areas at the rear. A landscaping scheme is included and there would be one off street parking space provided for each flat.

The application follows three unsuccessful ones for various types of residential development, including an appeal that was dismissed.

Relevant Planning History

Ref. 40474/03 for four terraced houses was refused on 31st March 2003 for reasons concerning the detrimental effect on adjacent properties due to their height, size and position, the design being out of sympathy with the surroundings and insufficient space being provided about the dwellings.

Ref. 41523/03 for four residential flats was refused on 15th January 2004 for reasons concerning sub-standard access arrangements, lack of footway provision and inadequate car parking provision.

Ref. 42956/04 for two detached dwellings was refused on 17th August 2004 for the reason that the dwellings would, by reason of their design and appearance, be out of character with the surrounding street scene. The subsequent appeal was dismissed with the inspector commenting "The houses as designed would not make a positive contribution to the form and quality of the surrounding area as required by UDP policy H2/3".

Publicity

40 properties within the surrounding area have been notified. 4 individual letters of objection

have been received, all from residents of Heaton Fold. The main concerns raised are as follows:

- The design is out of character with the Victorian row of houses opposite,
- The lovely stone building should be retained.
- The building operation would cause disruption to Heaton Fold which is a narrow lane.
- After building the development the applicant may then ask for it to be converted to 4 flats.
- Heaton Fold already has parking problems. The two flats would require 4 spaces and not 2 as shown.
- Will increase congestion especially on football days.
- The current commercial user does not create any problems.
- The occupier of 2A Gigg Lane is concerned that the existing building is attached to her dwelling and its demolition would cause problems including security and maintenance.

Also, a letter of objection has been received with 40 signatures. This raises the concern that the existing building should be retained because it is a historic, capable and usable building of visual character. The letter refers to the proposed building as a soulless construction surrounded by shrubbery and as having similar characteristics to the applicant's previous submissions.

Consultations

Borough Engineer - No objections subject to conditions requiring the redundant accesses to be reinstated and that the highway boundary wall should not exceed 0.6m in height and that its foundations should not encroach onto the highway.

Environmental Health - Recommend conditions requiring contaminated land assessment and remediation and gas monitoring/protection measures.

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

Issues and Analysis

Principle - The existing industrial premises is situated in the midst of residential development. However, the continuation of such use could result in significant servicing and parking problems given the total lack of such facilities off site. Thus, this is not a case where it would be desirable to retain an employment premises and there would not be any conflict with Policy EC2/2.

Design and Appearance - These were the main issues resulting in the refusal of application 42956/04 for two detached houses and the dismissal of the subsequent appeal. The reason for the decisions concerned how the design and appearance of the houses would impact within the street scene, particularly in relation to the attractive Victorian terraced blocks directly opposite. The planning inspector described the houses as being "...rather square blocks, having almost nothing in common with the attractive row of houses opposite. Neither the new houses' form nor their finishes, of stone and tile rather than brick and slate, would reflect their surroundings". He concluded that the houses "....would not make a positive contribution to the form and quality of the surrounding area as required by UDP policy Ha/1".

With the current proposal the applicant has responded to the previous criticisms. The block

would be set in a linear form, parallel to the frontage. It would be of a traditional appearance incorporating a pitched slated roof with the external walls to be in brickwork with feature banding and arched heads over openings reflecting the appearance of the terrace opposite. In terms of design and appearance it is considered that the development would harmonise satisfactorily with its surroundings and that there would not be conflict with Policy H2/1. Any consent should be conditional on the external treatment being controlled in some detail.

Layout - The development would provide a landscaped frontage and each of the flats would have a good sized garden plot at the rear. In terms of aspects the front elevation of the block would have a separation distance to the houses opposite on Heaton Fold of about 20m. The equivalent distance to the more substantial properties at the rear and which have a varied rear elevational line would be in excess of this figure. It is considered that the development would not unduly affect the degree of outlook and privacy for neighbouring dwellings.

The demolition of the building would expose the rear wall at 1A Gigg Lane and, if permission is granted, there should be a condition to ensure that the reinstatement work is appropriate and is completed satisfactorily.

Access and Parking - The scheme of two separate drives directly off Heaton Fold is acceptable to the Borough Engineer. It is considered that the proposal to provide one off street parking space per flat would be an acceptable level of provision and this accords with the current standard for residential properties which requires a maximum provision of 1.5 spaces per unit.

The Objections - The issues raised concerning traffic, car parking and design and appearance are dealt with in the sections above. The concern that the existing building should be retained because of its character and appearance cannot be supported as it is not a listed building nor is it in a conservation area. The possibility of there being further subdivisions to the block in future would need to be the subject of a further planning application. If permission is granted it should include a condition concerning the proper reinstatement of 1A Gigg Lane which is attached to the existing building.

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:-

Given the predominantly residential character of the surrounding area, it would not be appropriate to ensure that the employment use of the site should continue. The development would be of an acceptable scale, design, appearance and layout and it would relate satisfactorily to nearby property, including the terraced houses opposite. Access and car parking provision would be of a acceptable standard.

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. 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.

3. The landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building(s) is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and 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 EN8/2 – Woodland and Tree Planting of the 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.

9. The development hereby approved shall not be occupied unless and until the redundant accesses onto Heaton Fold have been reinstated in the form of a continuous footway with vehicular crossings for the new dwellings to the written satisfaction of the Local Planning Authority.

Reason: To ensure good highway design in the interests of road safety.

10. No development shall take place unless and until details of the following matters have been submitted to and have been approved by the Local Planning Authority:

1. The treatment to the exposed wall to 1A Gigg Lane.
2. A level means of access to all ground floor entrances.
3. Fully detailed elevations showing full particulars of external brickwork detailing.

The development shall not be carried out other than in accordance with the approved details.

Reason: To secure the satisfactory development of the site and in the interests of visual amenity.

11. Notwithstanding the details indicated on the approved plans, the proposed wall on the Heaton Fold boundary shall not exceed 0.6m in height and its foundations shall not encroach under the adjacent adopted highway.

Reason: To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety and to maintain the integrity of the adopted highway.

12. This decision relates to the drawings received on 19th July 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.

For further information on the application please contact **Jan Brejwo** on **0161 253 5324**

Ward: Bury East - Redvales

Item 02

Location: BURY WASTE WATER TREATMENT WORKS, CROSSFIELD STREET,
BURY, BL9 9TF

Proposal: PRIOR APPROVAL - TELECOMMUNICATIONS DEVELOPMENT
CONSISTING OF 3 NO. ADDITIONAL ANTENNAE AT 30M HEIGHT & 1 NO.
TRANSMISSION DISH AT 31M HEIGHT MOUNTED ONTO RING FRAME ON
EXISTING 35M HIGH LATTICE MAST; TOGETHER WITH 2 NO.
EQUIPMENT CABINETS & ANCILLARY ELECTRICAL METERS & CABLING
WITHIN EXISTING COMPOUND

Application Ref: 44877

App Type: Telecom Determination (56 Days)

Statutory Expiry Date: 02 September 2005

Recommendation: Prior Approval Required and Granted

Description

The application is for the prior approval of additional equipment on a existing 35m lattice mast within the water treatment works site, close to the existing sludge digesters (see photo).

The original mast, approved in 2001 and operated by Orange, comprised 6No. antenna, 4No. dishes and a base cabin. T-Mobile in a mast sharing situation, are now proposing to add 3No. antennas at a height of 30m and a single dish at 31m. Two cabinets would be located within the existing compound.

An ICNIRP Certificate was submitted with the application.

Relevant Planning History

37602/01 Erection of 35m telecommunications tower with 6No. antenna and 4 dishes and associated base cabin.

Publicity

Surrounding neighbours - Objection from the occupiers of 31 Waterside Close on grounds that the proposal will be unsightly, constitute a health hazard and reduce the value of their property.

Consultations

N/A

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

EN1/10 Telecommunications

Issues and Analysis

The principle of the development is established by the existing mast and equipment. Approval is sought only for the siting and appearance of the additional equipment.

The existing mast is in the middle of the water treatment works and well away from the closest residential properties on Blackford Avenue, approximately 210m to the west. It is considered that the provision of additional antennas and dish in this location would not be visually significant when viewing the mast from surrounding vantage points. The additional cabinets would be well screened behind the existing fencing and nearby planting. The development would therefore not be out of character with the area 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 **Tom Beirne** on **0161 253 5361**

Ward: North Manor

Item 03

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

Site visit requested by Planning Control Committee at its meeting on 26 July 2005.

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 04

Location: 93-95 HEYWOOD ROAD PRESTWICH M25 1FN

Proposal: OUTLINE - DEMOLITION OF EXISTING FACTORY & SERVICE STATION & ERECTION OF 21 APARTMENTS (RESUBMISSION)

Application Ref: 44589

App Type: Outline Planning Permission

Statutory Expiry Date: 16 August 2005

Recommendation: Approve with Conditions

Description

The site is currently occupied by a petrol filling station on the frontage of the site, with a food preparation/manufacture to the rear of it. The site is generally level but levels drop away to the south of the site, before changing more markedly to the gardens of the properties fronting Park Avenue.

To the immediate south east of the site, fronting onto Heywood Road are traditional semi detached properties with tall hedging around the rear gardens.

To the north of the site is a treed embankment belonging to the Metrolink line and the line itself is elevated in relation to the site.

The application is seeking outline planning permission for the erection of 21 apartments in total. All matters are reserved for subsequent approval. However, illustrative plans have been submitted indicating three separate blocks of accommodation and a means of access to the site from Heywood Road.

Access to the site would be obtained through the existing southerly access. The northerly access to the site is proposed to be closed. Car parking would be located centrally within the site and currently indicates 30 parking spaces are indicated. Amenity space is also indicated around each of the blocks.

Relevant Planning History

44589 - Outline demolition of existing factory and service station; erection of 24 apartments in 3 No 3 storey blocks - Withdrawn - 23/1/05 due to lack of information concerning contaminated land.

Publicity

Site Notices were erected 21 July 2005 and press notices published on 7th July 2005. Letters were also sent directly to 2-24 Brookfield; 1-6 Brookfield Close; 9-11, 11A, 15-19, 10,12 Park Avenue; 81-91 Heywood Road, 1-4 Heywood Gardens, R&G Construction Heywood Road, IWM Building Supplies Heywood Road. As a result of this publicity, 2 letters have been received. One letter from 28 Randlesham Street and one from 5 Brookfield Close. Comments include:

- The area could not support more residential development.
- The development should seek to enhance the amenity of the area and therefore the

- Council should seek high standards of design;
- The siting of the car parking should not affect other properties that surround the site;
 - The scheme should seek secured by design status to ensure good standards of security within the development.

Consultations

Borough Engineer

Drainage - No objections to the development.

Traffic - Any comments shall be reported.

Environmental Health

Contaminated Land - A phase 1 site investigation report has been carried out for the proposed development. There are detailed matters to resolve on the report and its contents. However, should planning permission be granted, it should include specific conditions relating to further surveys to be carried out. An update on this issue shall be reported to Members in the supplementary agenda.

Pollution Control - No objections subject to the provision of a noise survey and results. The findings of such a survey would inform appropriate levels of noise mitigation that should be incorporated into any future scheme. This could be achieved by a planning condition attached to any planning permission.

G M Police - There are no objections to the scheme in principle. The Police advocate that the scheme should be designed as a cul-de-sac type development with properly defined spaces, rather than a gated scheme where any visitor may compromise the security to the site.

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
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
RT2/2	Recreation Provision in New Housing Development
SPD1	DC Policy Guidance Note 1:Recreation Provision

Issues and Analysis

Principle - The site is a brownfield site located within a residential area. The site currently contains a food manufacturer use and petrol filling station. Neither of these uses conform with the predominantly residential nature of the area. UDP Policy H1/2 - Further Housing Development seeks to direct new housing the urban area and to avoid the need to release peripheral open land, and to ensure that there is available infrastructure and that the development has regard to amenity, the local environment and surrounding land uses. The application seeks approval for the principle residential development for the site to accommodate 21 apartments illustrated to be within three blocks, with access off Heywood Road. Given that the surrounding land uses are residential, and the development would conform to the aims of Policy H1/2, the principle of residential development is considered to be acceptable.

Siting & Design - This information is indicated illustratively at this time. However, the illustrative plans show three, 3 storey, blocks to be arranged around a central car parking courtyard. One block would front onto Heywood Road, one would back on to the Metrolink line and the third would back onto the houses on Park Avenue.

UDP Policies H2/1 - The Form of New Residential Development and H2/2 - The Layout of

New Residential Development seek to ensure that new residential schemes assimilate appropriately into the area in terms of access, siting, and design, whilst maintaining amenity for existing properties and to ensure good standards of layout and design are incorporated. Although the application is in outline, approval is being sought to include design and therefore details of height, scale and massing have been shown. Block 1 fronting onto Heywood Road, would provide a separation distance of 20.5m to the side gable of 1-4 Heywood Gardens. Separation distances of 13m would ordinarily be sought where principle elevations face blank side gables. The separation distances would, in this instance, be exceeded and would thus also accommodate the indicated three storey building into the area.

In terms of Block 2, 24m would be achieved between facing principle elevations within the development, which would accord with aspect standards.

In terms of Block 3, the development would provide a separation distance of 28m between the rear of the block and the property to the south 19 Park Avenue. Normally, 24m would be sought between facing principle elevations between two and three storey buildings. However, there is a change in levels between the two buildings of 3.1m, which would be equivalent to an additional storey. In view of this, the additional 4m separation would mitigate this relationship.

Means of Access - The scheme proposes to utilise the existing southerly access into the site from Heywood Road, to reflect the suggestions of the Borough Engineer. This access would provide the most appropriate and safe means of access into the site.

Car Parking - The illustrative plans indicate that 30 car parking spaces could be located within a central courtyard. It is considered that the site is sufficiently serviced from existing public transport infrastructure and, as such, the car parking provision would be consistent with the aims of PPG3 - Housing and PPG13 - Transport, where between 100% and 150% should be sought for new residential parking provision. Additionally, the siting of the car parking within a courtyard arrangement would minimise the impact of car parking from other properties surrounding the site in response to one of the comments raised from neighbouring properties.

Disabled Access - UDP Policy HT5/1 - Access for Those With Special Needs seeks to ensure that appropriate provision is made to enable equal access for all to and within new developments. The submitted application includes an access statement for the development. It provides a commitment to comply with the Building Regulations in terms of disabled to and within buildings, with the overall objective of making reasonable provision for non-ambulant people to access the development. Level access would be provided into each buildings, dropped kerbs and appropriately allocated disabled parking space. Kerbs would be dropped at the access to Heywood Road.

Refuse Storage - The scheme indicates two areas for refuse storage, immediately next to blocks 2 and 3. This would provide adequate provision for the development. However, any response from Cleansing shall be reported to Committee on this issue.

Security - The site proposes not to incorporate a 'gated' approach into the development. Rather, the inner courtyard parking area would define the private nature of the area through choices of materials. As the application has been submitted in outline, this detail would be drawn out through any reserved matters 'landscaping' application. The existing housing to the south of the site would be secured through the inclusion of close boarded fencing. This again would be sought through the 'reserved matters' application should outline planning be granted.

The development would accord with the provisions of policies H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development and as such, is considered to be acceptable.

Protected Species and Demolition of the Existing Buildings - The two existing buildings on the site have been surveyed and inspected for their potential to accommodate protected species, in particular, bats. The submitted report concludes that there is little potential for bats to access the buildings or its features and none were found during an inspection of the site. A single area may hold potential for sheltering and in view of this, the report recommends that care is taken to inspect, prior to demolition, the weatherboarding and flashing on the southerly elevation of the petrol filling station. These recommendations can be conditioned should planning permission be granted.

Recreational Provision - UDP Policy RT2/2 - Recreation Provision in New Housing Development requires new residential schemes of more than 10 dwellings to provide for the recreational needs of the prospective residents. For schemes of between 10 and 49 dwellings, the policy allows for the possibility to provide for recreational provision for the enhancement of open space in the vicinity of the site, by way of a commuted sum. The scheme has been submitted for outline planning permission by the site owner with no specific developer identified at the moment. In view of this, it is considered that any granting of planning permission should include a condition requiring the need for a planning obligation to be completed for this issue at the 'reserved matters' stage.

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 remove a current non-conforming use from an area surrounded by residential development. The scheme would assimilate into the area appropriately, would comply with the adopted policies of the UDP and there are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. Applications for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:-
 - a) the expiration of five years from the date of this permission; or
 - b) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Reason. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

2. Before the development is commenced, the applicant shall submit detailed plans and particulars to the Local Planning Authority, and obtain their approval under the Town and Country Planning Acts, of the following reserved matters; the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site.

Reason. To ensure the satisfactory development of the site and because this

application is in outline only.

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 demolition of the petrol filling station shall be carried out fully in accordance with the recommendations of the Angela Graham Bat Consultancy Service report dated 10th February 2005, unless otherwise agreed in writing with the Local Planning Authority.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and PPS7 – Nature Conservation.

5. Details relating to the proposed boundary treatments for the site shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters for the 'landscaping' of the site. The approved details only shall be implemented.

Reason - To secure the satisfactory development of the site and in the interests of the visual amenities of the area pursuant to Policy EN1/2 - Townscape and Built Design of 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 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.

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 car parking indicated on the approved plans [2412/02 rev.G] 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 pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

11. Any application for the approval of reserved matters shall include proposals for cycle parking in accordance with the Greater Manchester Cycle Parking Guidelines 2002. The approved details shall be implemented prior to the first occupation of the buildings hereby approved.

Reason. To secure satisfactory cycle facilities on the site and in accordance with Unitary Development Policies HT6 - Pedestrians and Cyclists; HT6/1 - Pedestrians and Cycle Movement.

12. The landscaping scheme to form part of the development shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and 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 Policies EN8/1 – Tree Preservation Orders and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan..

13. Before the development commences a scheme for the ventilation and acoustic insulation of the proposed residential accommodation against noise from Metrolink and Heywood Road shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before any of the dwelling units are occupied.
Reason. To protect the amenity of the occupants of the premises once the development hereby approved is occupied.
14. The development shall make provision for recreational facilities for the prospective residents in accordance with Policy RT2/2 - Recreation Provision in New Housing Development, of the Bury Unitary Development Plan and Development Control Policy Guidance Note 1 - Recreation provision in New Housing Development.
Reason. In order to secure the recreational needs of the occupiers of the future occupiers of the properties in accordance with Policy RT2/2 of the Unitary Development Plan.
15. This decision relates to drawings numbered 2412/03 rev.A, 2412/04 rev.A, 2412/05, 2412/06 rev. D, 2412/02 rev.G, Angela Graham Bat Consultancy Report dated 10 February 2005 and the Access Statement received 21 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.
16. Details of the construction timetable relating to any phasing of the development shall be submitted to and approved in writing by the Local Planning Authority prior to works under that phase being commenced.
Reason - There is potential that the works necessary to implement the scheme fully could come forward in a phased manner.
17. In the event that the development is not begun as a whole then the conditions hereby attached to this consent and numbered 5 to 15 shall apply to each phase of the development or as otherwise agreed in writing by the Local Planning Authority to be appropriate to that phase, and not to the development site or works as a whole, each and such phases being identified by information supplied in compliance with condition 16 of this permission.
Reason - To ensure that the conditions attached to the consent are complied with for each phase or contract related to the implementation to which they are relevant.

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

Ward: Prestwich - Sedgley

Item 05

Location: ST GABRIELS MEDICAL CENTRE 4 BISHOPS ROAD, PRESTWICH, M25
OHT

Proposal: EXTENSIONS AT FRONT & SIDE TO INCLUDE PHARMACY &
CONSULTING ROOMS; RECONFIGURATION OF CAR PARK AT REAR

Application Ref: 44907

App Type: Full

Statutory Expiry Date: 07 September 2005

Recommendation: Approve with Conditions

Description

The medical centre is located on the eastern side of Bishops Road between St Gabriel's Church and Sedgley Park Primary School with the western side of Bishops Road being wholly residential in character.

The proposal is for an extension to the front of the existing building to form a pharmacy, amendments to the entrance to make the Centre fully accessible, two new consulting rooms to the side to replace existing rooms lost through other internal improvements and modifications to the car park to improve the parking facilities and disabled spaces.

Relevant Planning History

Consent was granted for the centre in 1983 (C/14721/83) and since that time there have been various consents for small extensions and alterations to the centre the last being in 1995 (30891/95)

Publicity

Three letters and one email have been received from 13, 15 & 17 Bishops Road and they have raised the following objections:

- Increase in traffic by moving the pharmacy from Kings Road to the medical centre
- Increased conflict with school and Church traffic
- Insufficient parking spaces
- Loss of trees on Bishops Road
- Noise and disturbance from people using the pharmacy will be of detriment to the residential amenities of the area due to extended hours of opening
- Additional consulting rooms will mean that more people will visit and there is inadequate parking at present and this will cause further congestion and obstruction
- Adverse impact on the street scene and opposite properties residential amenity by bringing the building forward
- Change of the character of the area to commercial from civic and residential use
- Use of the site for a pharmacy will encourage people to use the area for congregating and may attract people who would wish to carry out anti social activities which will be of detriment to the residential properties opposite

Consultations

Highways - no objections

Environmental Health - Comments awaited

Landscape Practice - no objections to the proposal as the scheme retains the major trees on the site.

BADDAC - no objections in principal and welcome the provision of dedicated disabled parking spaces and improvements to the facilities generally for disabled users of the centre.

Unitary Development Plan and Policies

CF4 Healthcare Facilities

HT5/1 Access For Those with Special Needs

HT2/4 Car Parking and New Development

Issues and Analysis

Design - the proposed extensions, both the front and the one to the side, respect the massing and scale of the existing building. The materials and detailing on these extensions have regard to the detailing of the existing building, and whilst the extension to the front will be close to the boundary with the highway, it sets well in the street scene and will not be of detriment to its general character.

Disabled access - the provision of disabled facilities is to be welcomed and accords with UDP Policy HT5/1 - Access for those with Special Needs

Principal of the use of the site - the provision of the pharmacy on the site and the new consulting rooms will result in improved facilities for the patients using the medical centre. The hours of operation of the Pharmacy, which would be relocated from Kings Road, would be restricted to 9.00am to 6.30pm Monday to Friday, it will be closed on Saturday and open 9.00am to 2.00pm on Sundays. The current opening times of the surgery are 8.30am to 6.00pm Monday to Friday and it is intended that the opening hours will be harmonised once licensing permits. Currently the Surgery has 9 consulting rooms (5 used by doctors and the others by nursing support) and it is not intended that there will be any increase in this number. Given the fact that the centre is a thriving medical practice it is reasonable to allow appropriate alterations and extension to the premises to meet the changing demands and expectations of the practice and this accords with UDP Policy CF4 - Healthcare Facilities.

Access and Parking - the improvement to the facilities allows for the redesign of the car park so that the current conflict between parking at the front of the site and access to the rear of the site is resolved by placing all the parking to the rear. It also allows for the provision of dedicated disabled parking spaces and a total of 19 demarcated spaces (the same as currently provided) on the site with all vehicles entering and leaving the site in forward gear. It is considered that the provision of this amount of parking is adequate for the centre and pharmacy as it will stop double trips to and from the centre and as such is acceptable and accords with UDP Policy HT2/4 - Car Parking and New Development.

Trees - the existing mature tree on the road frontage is to be retained and one standard tree will be lost which is located close to the front of the building. The loss of the standard tree will have no impact on the street scape and as such is acceptable. It is proposed that conditions be imposed regarding the protection of the other trees on the site during construction.

Residential amenity - the medical centre is opposite residential properties and undoubtedly has some impact on their amenities. The Centre was first established in the 1980's and has proved to be a vital asset to the community as a whole and, whilst its success will undoubtedly impact on the residential amenities of its immediate neighbours, it is not considered that this is so detrimental as to justify the rejection of the improvements to the facilities. In particular, the need for medical facilities located within the community and close to residents is recognised with UDP Policy CF4 - Healthcare Facilities and it is considered that in this instance any detriment to the residential amenities of the residents is outweighed

by the provision of these improved facilities.

Objections - Traffic Congestion and Parking. The layout of the current parking at the medical centre is unsatisfactory in that it creates conflict between vehicles and pedestrians entering and leaving the site which makes it more convenient to park on the road. The new layout of the car park will stop this conflict and make the car park easier to use and should minimise on-street parking. The provision of the pharmacy at the surgery will also minimise traffic movements as currently people tend to drive from the Centre to Kings Road to pick up their prescriptions.

Opening Hours. It is intended that the hours of operation of the Pharmacy be harmonised with those of the surgery once it has been transferred, i.e. 08.30am to 6.00pm Monday to Friday.

Loss of trees on Bishops Road - one small tree is to be lost on the frontage, but as this is of little street scape value and the main large trees are to be retained, this is not a vitally material consideration.

Residential amenity - these points have been covered above and whilst the new pharmacy will be a commercial activity it is contained within the new building, will not have a shop front, and as such will not alter the character of the area.

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 improvements to existing medical centre, particularly the provision of a pedestrian access that is fully compliant with the requirements of the Disability Discrimination Act, the provision of new consulting rooms and a pharmacy and improvements to the car park layout to include disabled spaces are considered to be compliant with the Policies of both the Unitary Development Plan and National Policy. These benefits outweigh any detriment that there may be to the residential amenity of the nearby residents.

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. The external finishing materials for the proposal hereby approved shall match those of the existing building.
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.
3. This decision relates to drawings numbered 1SC9 / 001 to 009 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.

4. No trees, unless indicated otherwise on the approved plans, shall be felled, lopped or topped before or during the construction period without the previous written consent of the Local Planning Authority.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
5. The development hereby approved shall not commence unless and until a scheme of protection for all trees to be retained on site in accordance with BS 5837:1991 "Trees in Relation to Construction" has been submitted to and agreed in writing by the Local Planning Authority. The development shall not commence unless and until the measures required by that scheme have been implemented, to the written satisfaction of the Local Planning Authority and all measures required by the scheme shall continue until the development has been completed.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
6. The car parking indicated on the approved plans 1SC9 / 001 to 009 shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the pharmacy hereby approved opening.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

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

Ward: Prestwich - St Mary's

Item 06

Location: RAINSOUGH BREW, 49 RAINSOUGH BROW, PRESTWICH, M25 9XW

Proposal: OUTLINE: RESIDENTIAL DEVELOPMENT (RESUBMISSION)

Application Ref: 44616

App Type: Outline Planning Permission

Statutory Expiry Date: 27 September 2005

Recommendation: Approve with Conditions

Description

The site comprises the public house and associated car park currently known as the Rainsough Brew (formally the Staff of Life) on Rainsough Brow, Prestwich. The site is around 0.11 ha. in extent, has residential development to the south, a public house (The Plough) to the west, land forming park of Prestwich Forest Park to the north and on the other side of Rainsough Brow and vacant land to the east. The land slopes sharply down from east to west and the residential development to the south is on higher ground.

The proposal is an outline application for residential development and the applicant has indicated that he will be prepared to provide a pedestrian access from the rear of properties fronting Halliwell Walk onto Flashfields. The application seeks approval for the residential development of the site only and all details are reserved for a subsequent approval.

Relevant Planning History

Outline consent has been granted on the site for office development (44468) in June 2005. A previous application for residential development on the site was withdrawn by the applicant to allow detailed negotiations to take place on the layout of the access to the site, and to consider an access from the rear of Halliwell Court to Rainsough Brow via Flashfields as a number of residents had raised concern about the loss of direct access onto Rainsough Brow. (44283 May 2005) that they currently enjoy.

Publicity

The neighbours have been consulted and one letter of objection has been received from 9 Halliwell Walk. The objections can be summarised as follows:

- lack of detail on the plans to allow a full assessment
- provision of a pedestrian access onto the rear of Halliwell Walk will encourage rubbish and vandalism.
- Access onto the current pub car park is dangerous

A letter of support has been received from 5 Halliwell Walk on the basis that an access will be provided from the rear of Halliwell Walk onto Flashfields via the New Prospect' Housing Association and a petition signed by 40 people supporting the provision of a pedestrian link has been received.

Consultations

Highways - no objections in principal subject to standard conditions.

Drainage - no objections in principal.

Environmental Health - a full contaminated desk study has been supplied as recommended under PPS 23. The study shows that no development on the land would result in any

property being designated as being built on contaminated land.

Ecology - a bat survey has been provided as part of the application and no evidence was found of bats inhabiting the building.

United Utilities - No objections in principal subject to a protection strip of a sewer on the site or diversion of the said sewer.

GM Police Architectural Liaison Unit - Raise strong objections to the development of the site. However, this is based on the history of the site to date and all the issues raised should be capable of being incorporated into the detailed design, i.e. secure fencing of the site, natural surveillance of the communal areas and visitors to the site etc. The applicant has indicated that they will comply with ODPM's guidance 'Safer Places' and this can be assessed when the detailed design is received.

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
RT2/2 Recreation Provision in New Housing Development
PPG3 PPG3 - Housing
PPG23 PPS 23 - Planning and Pollution Control
RSS 13 Regional Spatial Strategy for the North West

Issues and Analysis

Policy - The site already has an outline approval for office development and it is considered that the use for residential purposes is equally acceptable. The proposed development for residential use accords with both UDP Policy - H1/2 - Further Housing Development and national policy on the development of new housing PPS 3.

Highways - Detailed negotiations have been entered into with the client to ensure that a safe access can be provided on the site and conditions are recommended by the Borough Engineer to ensure that this is the case.

Residential amenity - the existing residential properties to the rear are set some 22m from the rear wall of the site which means that if a residential property were to be developed on the site the distances between habitable room windows would comply with the Councils aspect standards and this is considered adequate to protect both the amenities of the existing and new residents.

Access to Rainsough Brow - a petition has been submitted, and a letter, requesting that an access be allowed to Rainsough Brow. The applicant has indicated that he is willing to provide such an access and this will be conditioned.

Objection - the Borough Engineer has carefully considered that matter of the access to the site and he is satisfied that an adequate access can be provided on the frontage and as such no hazard should be created to highways safety. The proposed access onto Flashfields has been provided following a request from local residents. The layout of the site should mean that the final design should ensure that this access is safe by the fact that it will be observed from the windows of the new residential development as it will have to accord with the ODPM's Guidance 'Safer Places'. The provision of such a feature as this is always a balance but in this instance the maintenance of an access from Rainsough Brow to Halliwell Walk is thought to outweigh any loss of amenity.

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:-

Having studied the submitted documents, assessed the proposed development on site and taken into account any and all representations and consultation responses; it is considered that the proposed development is acceptable because it would not cause demonstrable harm to interests of acknowledged importance and accords with both the current national and local guidance on the release of land for residential development.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. Applications for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:-
 - a) the expiration of five years from the date of this permission; or
 - b) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Reason. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
2. Before the development is commenced, the applicant shall submit detailed plans and particulars to the Local Planning Authority, and obtain their approval under the Town and Country Planning Acts, of the following reserved matters; the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site.

Reason. To ensure the satisfactory development of the site and because this application is in outline only.
3. The landscaping scheme to form part of the development shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and 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 Policies EN8/1 – Tree Preservation Orders and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan..
4. This decision relates to the drawings received on 15th 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.
5. A visibility splay measuring 4.5metres by 90 metres shall be provided at the junction of the proposed access with Rainsough Brow to the written satisfaction of the Local Planning Authority before the development is brought into use and 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 road safety.

6. Provision shall be made within the site to the written satisfaction of the Local Planning Authority to enable vehicles to enter and leave the site in forward gear, and shall subsequently be maintained free of obstruction.

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

7. The development hereby approved shall not be first occupied unless and until the westerly redundant vehicular access onto Rainsough Brow has been reinstated to adjacent footway levels to the written satisfaction of the Local Planning Authority.

Reason. To ensure good highways design in the interests of road safety.

8. The reserved matters application shall show details of elevations that show a maximum ridge height of 10.3m above any point on the adjacent highway.

Reason. In the interests of visual amenity and to accord with UDP Policy EN1/2 - Townscape and Built Design

9. 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.

10. Following the provisions of Condition 8 of this planning permission, where remediation is required, the approved remediation strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the 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.

11. 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.

12. 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.

13. The reserved matters application shall make provision for recreational facilities for the prospective residents in accordance with Policy RT2/2 - Recreation Provision in New Housing Development, of the Bury Unitary Development Plan and Development Control Policy Guidance Note 1 - Recreation provision in New Housing Development.

Reason. In order to secure the recreational needs of the occupiers of the future occupiers of the properties in accordance with Policy RT2/2 of the Unitary Development Plan.

14. Full details of means of access, including the reinstatement of any redundant vehicular access to adjacent footway levels, shall be submitted as part of the first reserved matters application.

Reason. To ensure good highway design in the interests of road safety.

15. The reserved matters application shall allow for the provision of a pedestrian access from the rear of the properties fronting Halliwell Walk onto Flashfields.

Reason. To ensure that the residential amenities of the nearby residential properties are maintained in that a direct pedestrian route is maintained and to accord with Bury Unitary Development Plan Policy: HT6/1 - Pedestrian and Cyclist Movement

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

Ward: Prestwich - St Mary's

Item 07

Location: THE LAWNS, PRESTWICH PARK ROAD SOUTH, PRESTWICH, M25 9PE

Proposal: DEMOLITION OF EXISTING DWELLING & ERECTION OF BLOCK OF 6 NO. APARTMENTS WITH 8 NO. CAR PARKING SPACES

Application Ref: 44868

App Type: Full

Statutory Expiry Date: 26 September 2005

Recommendation: Minded to Approve

This application and 44869 are Minded to Approve subject to the expiration of statutory publicity notices. The last date for the publicity notices is 8th September 2005. It is requested that should Members be Minded to Approve the applications, delegated authority be given to the Borough Economic and Development Officer to issue the decision notices.

Description

The application site comprises a detached bungalow with associated gardens occupying a corner plot located next to the junction of St Ann's Road and Prestwich Park Road South. The site is within the St Mary's Park Conservation Area. There are mature trees located around the periphery of the site and generally the site is level.

This particular part of the Conservation Area is generally characterised by large, imposing dwellings within substantial grounds with the roadways formed by avenues of trees.

This application is seeking full planning permission for the demolition of the existing bungalow and associated garage and car port and the erection of 6 apartments within a three storey building. A separate application for Conservation Area Consent has been submitted (ref:44869) for the demolition of the existing bungalow, and is the subject of a report elsewhere on the agenda.

The proposals seek to erect a new building, on a similar footprint to the existing bungalow and in terms of access into the site. It is proposed to utilise the existing vehicular and pedestrian accesses located on Prestwich Park Road South. 8 car parking spaces are proposed within a basement facility. No trees are proposed to be removed from the site to accommodate the development.

In addition to the plans and elevations, information has been submitted with the applications including an access statement, car parking rationale statement, design statement, a PPG15 statement for the justification of the demolition of the existing bungalow, a Phase I land contamination report and a bat survey of the existing dwelling.

Relevant Planning History

44086 - Conservation Area Consent for the demolition of the existing bungalow and the erection of 6 apartments: Withdrawn on 11/5/05 - due to insufficient information submitted with the application.

44087 - Full Planning for the demolition of the existing bungalow and the erection of 6 apartments: Withdrawn on 11/5/05 - due to insufficient information submitted with the application.

Publicity

Press Notices - 18th August 2005 in the Bury Times and Prestwich & Whitefield Guide.

Site Notices - 10th August 2005 - erected around the periphery of the site.

Direct letters sent 9th August 2005 to 1-6 Oakliegh, 1-9 Riversdale Court, 1-15 Regency Lodge, Thornleigh, Dingle Bank, Lady Margaret House, Denewood, Westholme, Eastholme, FLat 1 Eastholme, 45-49 Prestwich Park Road South. As a result of this publicity, 15 letters have been received from neighbouring properties including one letter from Councillor V. D'Albert. Issues raised include:

- St Ann's Road is already congested with high volumes of traffic and the additional cars would exacerbate the situation.
- Surprise is expressed that the application is being considered at all.
- There is no pressing need for further residential properties in the Borough.
- The site currently has beneficial use and the existing property is a good family home.
- The designation of a Conservation Area requires the Local Planning Authority to preserve or enhance the Conservation Area. The scheme would create increased traffic, car parking and general activity, which would intrude into and affect the character of the Conservation Area unacceptably.
- The development would provide insufficient aspect distances between the new building and the side gable of 46 Prestwich Park Road South's side gable, where there are habitable room windows in this elevation.
- The scheme would result in overlooking of the property Denewood, which is unacceptable.
- The building of flats is contrary to the status of a Conservation Area and would set a precedent for similar proposals.
- Economic incentives should not be allowed to spoil the quality of the area.
- There are other areas in the Borough that could accommodate such proposals.
- The scheme would result in a building that resembling a 19th Century cotton mill and would create an over-crowded site in a historic corner of the Conservation Area at a stroke.
- Contractor's vehicles would spill onto the surrounding streets causing a traffic hazard.
- The excavation of the basement car parking may damage foundations of neighbouring properties.
- Other authorities such as Stockport and Trafford are refusing similar applications for the demolition of single properties to erect apartments on the site. Prestwich and Whitefield are similar to these areas it is questioned whether Bury should follow a similar line.
- The new building would look incongruous compared to the properties located on either side of it.

Consultations

Borough Engineer

Traffic - Any response shall be reported.

Drainage - Any response shall be reported.

Environmental Health - Any response shall be reported.

G M Police - Any response shall be reported.

Unitary Development Plan and Policies

EN1/1 Visual Amenity

EN1/2 Townscape and Built Design

- EN2/1 Character of Conservation Areas
- EN2/2 Conservation Area Control
- EN8/1 Tree Preservation Orders
- H1/2 Further Housing Development
- H2/1 The Form of New Residential Development
- H2/2 The Layout of New Residential Development
- HT5/1 Access For Those with Special Needs

Issues and Analysis

Principle - The site is currently used for residential purposes and the development proposals, in land use terms, to develop a residential use. The wider area is also in residential use. In terms of the principle of residential development, this is considered to be an appropriate use. The key matters are whether the replacement development would preserve or enhance the Conservation Area by the removal of the existing bungalow and its redevelopment by a block of apartments within a three storey block.

Conservation Area Policy and Design Analysis - The site is within St Mary's Park Conservation Area and the key characteristics of the area are predominantly historic substantial dwellings within large grounds. The treescaped plots and mature street trees also significantly enhance the value of the perceptions of the Conservation Area. UDP Policy EN1/1 - Visual Amenity seeks to ensure that new developments do not detract from the public views within areas of architectural or historic interest. Policy EN2/1 - Character of Conservation Areas confirms that the Council will seek to preserve or enhance the character of Conservation Areas and will seek to ensure that the character of such areas is not eroded. Such qualities as the spaces between buildings, street patterns, historic built forms and trees would be protected.

Policy EN2/2 - Conservation Area Control considers that new developments would be acceptable where the character of these areas are preserved or enhanced and the following criteria should be applied to new proposals:

- The nature of the development in terms of bulk, materials, design and detailing;
- The relationship between the proposed development and the architectural and visual qualities of the surrounding area;
- Where demolition is proposed, the contribution of any proposed new building compared to the existing building.

In considering the proposals, the application has incorporated a Planning statement to justify the demolition of the existing building on the site and how the new building addresses the planning policies in place.

Design Analysis and Demolition Justification - The existing bungalow on the site occupies a prominent corner within the Conservation Area and was originally developed in the 1950's. It is bounded by 2.4m high privet hedging and there are mature trees around the periphery of the plot. Within the immediate vicinity of the site are substantial historic properties such as 47, 45, 49 and Lady Margaret's House all of Prestwich Park Road South. The existing bungalow does have a steeply pitched roof and a substantial footprint. However, the building's elevational composition of modern window openings, materials and its low height, does not positively contribute to the Conservation Area in terms of its detailing or massing. As a result of this, the existing building is a poor response to a prominent corner within the Conservation Area and does not provide a positive definition to the street scene or reflect the existing building patterns. Furthermore, there have been unsympathetic additions to the bungalow including various extensions, detached garage and car port, which have further eroded the quality of the spaces in between buildings in the Conservation Area.

In view of the above, it is considered that the current bungalow does not provide a positive contribution to the Conservation Area and that the demolition of the bungalow would be acceptable, subject to the assessment of the quality of the replacement building.

The following paragraphs assess the planning proposals for the redevelopment of the site.

UDP Policies stated above specifically control new developments within Conservation Areas. In addition to the above policies, H1/2 - Further Housing Development seeks to redirect new housing to the urban area, seeks to ensure adequate infrastructure, to prevent the release of peripheral land and the suitability of the development in context to its surroundings. Policy H2/1 - The Form of New Residential Development, expects new development to positively contribute to the townscape in terms of height, amenity, density and siting. Policy H2/2 - The Layout of New Residential Developments requires factors such as car parking, access, density, spacing, landscaping, security and equal access for all to be considered.

Building Height and Massing - The proposed development seeks to address the issues and weak response that the bungalow has to the Conservation Area by proposing a more substantial building, on a similar footprint to the bungalow. The new building would be three storey and would also be at the lowest level of St Ann's Road. The finished floor level of the property to the south, Axholme, is elevated when compared to the application site by some 1.8m. Thus, despite the fact that the new build would be three storeys in height, the proposed ridgeline would be 1.8m lower in level when compared to Axholme. This relationship height terms would be acceptable.

When compared to the substantial properties across from the site on Prestwich Park Road South, the proposed building would be of a similar scale and massing to these properties. The proposed ridge height would be some 1.1m lower in level than these properties. As such, there are good examples of buildings of a similar height to the one proposed and in design terms, the height and scale would assimilate into the area appropriately.

The nearest historic buildings, 45 - 49 and Lady Margarets House, are of similar proportions to the proposed new building. These properties are substantial semi-detached Villas, within two separate structures. Each paired villa measures some 23m across, 10m deep and some 11m in height, including the roof. The proposed development would be 24m across the longest elevation with a centrally glazed section, which would assist to provide vertical definition within the building. In terms of width the proposed building would be similarly 10m deep, with each of the four elevations containing vertical bays. Proposed heights are described above. There are examples of similar massing of buildings within the locality and as such, the proposed development would not be out of place and is considered acceptable.

Design and Elevational Composition - The historic buildings opposite the site are Villa styled Victorian properties, both contain high levels of elevational detailing including dentilation at eaves level (45 and 47) and niche and simplified pillaster elements within their facades. The proposed development would contain similar references with modelling within the elevations but would also have a modern glazed section within the front elevation so as not to create an absolute pastiche copy. Such an approach would enable a sufficient reference to be made to a well established townscape, whilst acknowledging the fact that the development would, in itself, be a modern intervention to the area. It is considered that the development would, in terms of elevational detailing, provide an appropriate and sensitive approach.

Aspect Standards - The front elevation of the building would face onto Prestwich Park Road South. The existing housing facing this elevation would be 33m away. Ordinarily an aspect distance of 24m would be sought in these circumstances, and as such the aspect distances would exceed minimum requirements.

The side gable of Denewood would be 23m from the rear elevation of the development. Ordinarily, an aspect distance of 16m would be sought in these circumstances and as such, the aspect distances would exceed minimum requirements.

The side gable of Axholme, 46 Prestwich Park Road South would be 19.81m from the new building. There are windows within the side gable of Axholme. However, none of the windows are principal windows to the rooms that they serve. Ordinarily, an aspect distance of 16m would be sought in these circumstances and as such, the aspect distances would exceed minimum requirements.

Thornlea fronting on to St Ann's Road would be 33m from the side elevation of the new development. Ordinarily, an aspect distance of 24m would be sought under these circumstances and, as such, the aspect distance would exceed minimum requirements.

Refuse Storage - Details relating to the storage of refuse have been sought from the agent. A detailed response on this issue will be made within the supplementary agenda.

Car Parking - The development would provide 125% car parking provision within a proposed basement for the development. In total 8 spaces are proposed for the 6 apartments and would be accessed, utilising the existing access gate from Prestwich Park Road South. Planning Policy Guidance Note 3 - Housing, advocates that between 100% and 150% maximum parking provision should be sought for new residential developments. As such, the development would be within National guidelines.

Points have been raised by surrounding occupants that there is an existing car parking problem in the area, with many visitors, principally using the Vet Clinic on St Ann's Road creating congestion and hazards to traffic and pedestrians. Additionally, concern is also raised by the potential for on street parking by visitors to the site or multiple car ownership of the occupants of the new development. The development would provide parking provision advocated by national guidance and the access point raises no concerns in terms of safety. The site is within close proximity of bus routes. The likely traffic flows that may arise as a result of the development are unlikely to make any significant difference overall to the traffic levels in the area and in view of these matters, the potential for generating parking or traffic problems would not be significant.

Disabled Access - Policy HT5/1 - Access for Those With Special Needs, seeks to ensure equal access for all into new developments. The development proposes to incorporate an 8 person disabled friendly lift to provide access to all floors within the development. The access statement for the development also confirms that level access would be provided to the ground and basement floors, with internal corridors and doorsets to comply with the Building Regulations. Two spaces within the basement would be suitable for disabled purposes by having side transfer spacing. In view of these provisions the development would be acceptable.

Trees - The site does contain many mature species of trees around the periphery of the site and also substantial hedging along the perimeter. The development and accompanying documents confirm that there is no need or intention to remove or affect any trees within the application site. A tree survey together with a method of working statement will be available before permission is granted in order to ensure that construction would not affect any trees or their longevity.

Ecology and Protected Species - The existing building has been inspected to assess the potential for bats to forage or roost. There were gaps identified within the fabric of the bungalow and the area does have potential for bats to roost and forage. The report

recommends that like-for-like alternatives should be provided in any new build and further survey work should be carried out dependant upon when development, if approved, commences. Any granting of planning permission could control this by attaching a planning condition.

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 preserve the character of the Conservation Area and enhance the contribution of the site to the surrounding townscape. The development would comply with adopted policies of the Unitary Development Plan and there are no other material considerations that outweigh this finding.

Recommendation: Minded to Approve

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 1 August 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 development shall be carried out in accordance with the recommendations of the Angela Graham Bat Consultancy Report dated 21 March 2005 unless otherwise agreed in writing with the Local Planning Authority.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and PPS7 – Nature Conservation.
5. The car parking indicated on the approved plans shall 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 pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
6. One space, to be agreed in writing with the Local Planning Authority, shall be laid out as disability parking bay and shall be made available for use prior to the

building(s) hereby approved being occupied, to the written satisfaction of the Local Planning Authority, and shall thereafter be maintained.

Reason. To ensure that the development is fully accessible to disabled persons pursuant to Policies HT5/1 – Access for Those with Special Needs of the Bury Unitary Development Plan.

7. 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.

8. A minimum of 5 working days written notice shall be provided to the LPA of intended commencement of the development. The notification of commencement shall include a timetabled schedule of the intended tree protection measures and tree works. Any subsequent variation of the timetable shall be subject to further written notice.

Reason - To ensure that the development is carried out in accordance with the approved plans, to protect trees which are of amenity value on the site and pursuant to Policies EN8/1 – Tree Preservation Orders and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

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

Ward: Prestwich - St Mary's

Item 08

Location: THE LAWNS, PRESTWICH PARK ROAD SOUTH, PRESTWICH, M25 9PE

Proposal: CONSERVATION AREA CONSENT - DEMOLITION OF EXISTING DWELLING & ERECTION OF BLOCK OF 6 NO. APARTMENTS WITH 8 NO. CAR PARKNG SPACES

Application Ref: 44869

App Type: Conservation Area Consent

Statutory Expiry Date: 30 August 2005

Recommendation: Approve with Conditions
Please 44868 for the report on this item.

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 preserve the character of the Conservation Area and enhance the contribution of the site to the surrounding townscape. The development would comply with adopted policies of the Unitary Development Plan 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 drawings received on 1 August 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. The development shall be carried out in accordance with the recommendations of the Angela Graham Bat Consultancy Report dated 21 March 2005 unless otherwise agreed in writing with the Local Planning Authority.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and PPS7 – Nature Conservation.
4. A minimum of 5 working days written notice shall be provided to the LPA of intended commencement of the development. The notification of commencement shall include a timetabled schedule of the intended tree protection measures and tree works. Any subsequent variation of the timetable shall be subject to further

written notice.

Reason - To ensure that the development is carried out in accordance with the approved plans, to protect trees which are of amenity value on the site and pursuant to Policies EN8/1 – Tree Preservation Orders and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

5. No trees shall be felled, lopped or topped before, during or after the construction period without the previous written consent of the Local Planning Authority.

Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design, EN2/1 - Character of Conservation Areas and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

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

Ward: Radcliffe - East

Item 09

Location: LAND ON CORNER OF CHURCH STREET WEST & BRIDGEFIELD STREET
RADCLIFFE

Proposal: RENEWAL OF OUTLINE PLANNING PERMISSION 39671/02 FOR CLASS
D1 CLINIC/HEALTH CENTRE

Application Ref: 44818

App Type: Outline Planning Permission

Statutory Expiry Date: 26 August 2005

Recommendation: Approve with Conditions

Description

The application is to renew for a second time a previous outline permission, with all matters reserved for future approval, originally granted on 13th October 1999.

The 0.4ha site lies on the north side of the junction of Church Street West/ Bridgefield Street and Quarry Street within Radcliffe Town Centre. The site encompasses a grasses area and three shops, to be demolished, fronting Church Street West; part of a public car park, a taxi company, repair workshops on Quarry Street and vacant overgrown land on Bridgefield Street. The site is generally level apart from a hollow (former quarry) close to the corner of Quarry St and Bridgefield St.

To the north, south and east of the site there are predominantly terraced residential properties. To the west is an area of public open space, the rest of the car park that forms part of the site and shops on the north side of Church St West.

The site also has two outline approvals for residential development (39672/02) and a car showroom (39669/02).

As the application is for outline consent with all matters reserved for future approval, there are no details on layout, siting, design, landscaping and access.

Relevant Planning History

39672/02 Renewal of Outline permission for residential development **Approved 16/10/05**

39671/02 Renewal of outline permission for car showroom **Approved 16/10/02**

39671/02 Renewal of Outline permission for Clinic/Health Centre **Approved 16/10/02**

Publicity

Immediate neighbours - Concern from the owner of a shop at 58 Church St regarding the possible displacement of taxis from the existing car park to surrounding streets.

Consultations

Borough Engineer (Traffic) - No objection.

Borough Engineer (Drainage) - No comment to date.

Environmental Health - No objection.

Unitary Development Plan and Policies

CF1 Proposals for New and Improved Community Facilities
CF1/1 Location of New Community Facilities
S1/2 Shopping in Other Town Centres
S2/3 Secondary Shopping Areas and Frontages
Area St Thomas's/Bridgefield Street
RD5

Issues and Analysis

Principle. The principle of a health centre on the site is established by the previous outline permission. The majority of the application site falls within AreaRD5 on the Radcliffe Town Centre Proposals Map. In this area the Council's aim is to seek to maintain housing as the predominant land use. A small part of the application site (shops on Church Street West) falls within a Secondary Shopping Area. However, it is still considered that a health centre would be an acceptable use on the site and is to be welcomed as an improvement to community and healthcare facilities in the area.

Layout and design. Any layout and design would be considered under any future Reserved Matters application and is not a matter for discussion at this stage.

Taxis. The concern regarding the parking of taxis is not supported as there is sufficient alternative off road parking areas in the immediate vicinity.

Contamination. Due to recent Central Government advice with regard to contamination contained within Planning Policy Statement 23 it is considered appropriate to attach additional conditions requiring assessment and remediation measures, if necessary.

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 application is considered to be in accordance with the adopted policies of the Bury Unitary Development Plan listed. There are no serious amenity or highway safety concerns. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. Applications for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:-
 - a) the expiration of five years from the date of this permission; or
 - b) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Reason. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

2. Before the development is commenced, the applicant shall submit detailed plans and particulars to the Local Planning Authority, and obtain their approval under the Town and Country Planning Acts, of the following reserved matters; the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site.

Reason. To ensure the satisfactory development of the site and because this

application is in outline only.

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. Provision shall be made within the curtilage of the site to the written satisfaction of the Local Planning Authority for the loading and unloading of vehicles and the parking of cars which visit the site in connection with the use hereby approved.
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of highway safety.
5. Provision shall be made within the site to the written satisfaction of the Local Planning Authority to enable vehicles to enter and leave the site in forward gear, and shall subsequently be maintained free of obstruction.
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of highway safety.
6. A visibility splay measuring 4.5 metres by 70 metres shall be provided at the junction of Bridgefield Street with Church Street West to the written satisfaction of the Local Planning Authority before the development is brought into use and 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 road safety.
7. A system shall be employed to ensure that the adopted highways are kept free of deposited material from the ground works operations to the satisfaction of the Local planning Authority.
Reason. In the interests of highway safety.
8. The landscaping scheme to form part of the development shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and 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 Policies EN8/1 – Tree Preservation Orders and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan..
9. The application for reserved matters shall include details of the existing ground levels, proposed ground levels and the level of proposed floor slabs. Should the application include infilling of the hollow at the corner of Bridgefield Street and Quarry street, full details of the method of infilling, and materials to be used, shall accompany the application. The infilling work shall be implemented in full and carried out in complete accordance with the approved details.
Reason: To secure the satisfactory development of the site and the assimilation of the new building into the locality pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
10. 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.

11. Following the provisions of Condition 10 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.

12. 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.

13. 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.

14. 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 **Tom Beirne** on **0161 253 5361**

Ward: Radcliffe - North

Item 10

Location: GENESIS HOUSE, STOPES ROAD, LITTLE LEVER, BOLTON, BL3 1NP

Proposal: 2.4 METRE HIGH PALADIN FENCING ADJACENT TO STOPES ROAD

Application Ref: 44741

App Type: Full

Statutory Expiry Date: 05 August 2005

Recommendation: Approve with Conditions

Description

The property is an extensive dental laboratory and an adjacent nursery garden situated very close to the Borough boundary on the edge of Little Lever. Last year planning permission was granted for various extensions and alterations to the laboratory (ref.39479/02).

The site is situated between two sections of Stopes Road, which are the main Stopes Road (south) and a long cut off section to the north now forming a straight cul-de-sac. The latter section, Stopes Road (south) includes the main entrances to the premises and a large section of the site frontage here is opposite a row of 16 houses. This frontage has a variety of means of enclosure including fencing, walls and hedging.

Originally it was proposed to replace the existing mixed means of enclosure along the whole section of Stopes Road (north) with one type which is 2.4m high paladin fencing coloured green. However, the proposal has been amended to confine the paladin fencing to the open nursery garden section of frontage with the main commercial frontage to be enclosed with wall and railings as approved under application 39479/02.

With the application it is stated that the property to be fenced is the subject of continual incidents of vandalism and criminal damage. The total length of frontage to be enclosed fenced with paladin fencing would be about 108m. It would occur opposite six of the houses (nos. 92 to 102 Stopes Road).

Relevant Planning History

35615/99 - Erection of block of 6 no. portable units to form extension to existing dental laboratory. Approved 14th December 1999.

36055/99 - Change of use to first floor to residential. Approved on 4th February 2000.

39479/02 - Alterations and extensions to form a dental training school and other ancillary accommodation. Approved on 1st October 2004.

41567/03 - Temporary office accommodation. Withdrawn.

41711/03 - Extension at side and new access to Stopes Road. Refused on 5th February 2004. Substandard servicing and car parking arrangements detrimental to highway safety and free traffic flow.

42124/04 - As 41711 above. Withdrawn 4th May 2004.

Publicity

Adjacent commercial premises and houses opposite have been notified. Two letters of objection have been received. The main concern expressed is that the fence would be unsightly due to its height and design. A further letter has been forwarded informing all

those previously notified about the revised proposal reducing the length of paladin fencing.

Consultations

Borough Engineer - No objections subject to a condition to ensure that the fence would not encroach onto the adopted highway.

Unitary Development Plan and Policies

EC4/1 Small Businesses
EN1/1 Visual Amenity
EN1/2 Townscape and Built Design
EN1/5 Crime Prevention
OL1/5 Mineral Extraction and Other Dev in the Green Belt

Issues and Analysis

Visual Amenity - The highway boundary included within the revised proposals includes mostly waneylap fencing topped with a strand of barbed wire and there is also some hedging. Damage caused to some of the fencing has been patched and the general appearance is unappealing. The proposed green coloured paladin fencing being proposed would provide a tidier, visually presentable and more consistent form of enclosure providing good security but affording views through to the nursery plot. Overall the development would improve the appearance of Stopes Road (north).

Security - The concern expressed on behalf of the applicant about security problems is borne out by the patched damage to the existing waneylap fencing and his need to use barber wire on top.

Residential Amenity - The fencing would be about 21m from the six houses opposite and, given this distance, even at 2.4m high it would not be excessively obtrusive.

Highways Matters - The position of the fencing does not raise fundamental highway concerns.

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 fencing would provide the site with an enhanced degree of security but at the same time it would not detract from the amenities of the surrounding area.

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 drawing numbered M2370-01 and the fencing specification by H. Brundle received on 10th June 2005 and the development shall not be carried out except in accordance with the drawings and particulars 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 fencing hereby approved shall be coloured green and shall remain as such in perpetuity.

Reason: In order to protect the visual amenities of the area.

4. The fencing shall not encroach onto the adjacent adopted highway at any point and any gates erected shall not open outwards into Stopes Road.

Reason: To ensure good highway design by maintaining the integrity of the adopted highway and to ensure compliance with Section 153 of the Highways Act 1980 which prohibits the opening of gates outwards onto the street.

For further information on the application please contact **Jan Brejwo** on **0161 253 5324**

Ward: Radcliffe - North

Item 11

Location: LAND AT JUNCTION OF BURY OLD ROAD & ARTHUR LANE AINSWORTH

Proposal: RETROSPECTIVE APPLICATION FOR INFILLING OF LAND TO IMPROVE DRAINAGE & ALLOW BETTER GRAZING FOR LIVESTOCK

Application Ref: 44897

App Type: Full

Statutory Expiry Date: 23 September 2005

Recommendation: Approve with Conditions

Description

Background history

Planning permission ref. 40511/03 for raising levels of approximately 0.84 hectares of undulating land located on the corner of Arthur Lane and Bury Old Road, Ainsworth, was granted, subject to conditions, on 28 May 2003. It was proposed that approximately 15,000 tonnes of soil would be required to raise the level of most part of the site to improve drainage and better grazing for livestock. The proposal also included the provision of concrete and plastic land drains at the site prior to the commencement of tipping operations.

During the tipping operations on 9th June 2004, a survey carried out by the Greater Manchester Geological Unit indicated that the site was partially over-tipped and partially under-tipped. Taking into consideration the quantity of the originally proposed waste materials and approved levels, the survey revealed that approximately 5,060 cubic metres of surplus materials were deposited on the site.

A further survey carried out by the Greater Manchester Geological Unit on 25th August 2004 indicated that the tipping operations had been completed and the site re-graded and leveled to form a dome shape in contrast to the approved form which presented a gradual slope from southern site boundary falling towards the northern site boundary. Whilst taking into account the approved levels and an estimated 10% allowance for future compaction of the tipped materials, the survey revealed that approximately 5,238 cubic metres of surplus materials were deposited on the site.

The developer was advised to remove the surplus materials and restore the site to comply with the approved details. The developer did not carry out the requested works, and an Enforcement Notice requiring completion of the development in accordance with the approved details under planning permission ref. 40511/03, was issued on 18 May 2005.

The developer has lodged an appeal against the Enforcement Notice with the Planning Inspectorate, however, at the request of the appellant, the appeal is currently being kept in abeyance until the determination of the current planning application.

The current planning application ref. 44897

The application is made in retrospect and seeks approval for the works as now completed. Although, the additional materials equate to an average increase in height of 0.55m above

the approved levels across the entire site, nevertheless, due to the changed finished profile of the site from the approved gentle slope from south to north to a dome shaped, the central part of the site would be up to 2m above the approved levels.

According to the applicant, a new land drainage as approved under previous application ref. 40511/03 has been installed. Furthermore, the site has been seeded with grass and restored to pasture land.

Relevant Planning History

Planning permission ref 40511/03 for infill and re-shaping of land to improve drainage and allow better grazing for livestock.

Publicity

One letter raising objection to the proposal has been received from a resident of No. 47 Bury Old Road. The points raised are:

1. the fill materials were deposited without supervision or control as to their composition or suitability for landfill.
2. the haulage contractors that removed apparently contaminated materials from the site of a former foundry and factory on Tonge Road, tipped on this site on the same day.
3. It would seem logical that the planning authority and the Environment Agency should satisfy themselves that the infill was safe through borehole examination of the ground conditions.
4. the residents have suffered from surface rat infestations. It is possible that this has arisen due to unsupervised management of open drains and culvert during works.

Ainsworth Community Association: No objection, however, the Committee feel that some degree of drainage may be appropriate as some of the residents have experienced flooding to their gardens.

Consultations

Borough Engineer - Drainage - No objection but highlight that the surface water drainage discharge be limited to the existing flow from the site and that the Environment Agency should be consulted about the watercourse passing through the site.

Highway - No objection

Environmental Health - No objection subject to conditions

Environment Agency - Any comments received will be reported

GM Geological Unit - Any comments received will be reported

Unitary Development Plan and Policies

MW4/1 Assessing Waste Disposal Proposals

MW4/2 Development Control Conditions (Waste)

MW4/6 Standards of Restoration (Waste)

OL1/5 Mineral Extraction and Other Dev in the Green Belt

OL7/2 West Pennine Moors

EN9/1 Special Landscape Areas

EN1/1 Visual Amenity

Issues and Analysis

Policy Issues - The infill operations on the site have been completed and the site restored to pasture land. Currently, the site is being used for grazing by sheep. Although the site has been overtipped with approximately 5,238 cubic metres of additional materials and the height of the central part of the site exceeds approximately by 2m comparing with the approved height, in terms of its physical characteristic and appearance however, it has no adverse impact on the character of the Green Belt or the Special Landscape Area. In terms of its visual appearance, the restored site appears to be pleasant, attractive and compatible with the character of the surrounding land. It is therefore considered that the proposed development is acceptable in term of the Green Belt and Special Landscape Area policies of the Unitary Development Plan.

Residential amenity - The site abuts the boundary with residential property No. 43 Bury Old Road which has windows displayed at its gable wall facing the site. As a consequence of the landfilling operations, the height of the manhole chamber located on the south-easterly corner of the site has been raised. As such part of the manhole chamber above the surface of the restored site is visible from No. 43 Bury Old Road. Since this is a cause of concern to the residents of No. 43 Bury Old Road, the applicant has confirmed in writing that the height of manhole chamber would be reduced down to the existing ground level.

Drainage - Although new drains have been provided as part of the previous approval, nevertheless, some residents have experienced flooding to their rear gardens during the infilling operations on the site. Contrary to the residents opinion that the flooding was caused by an inadequate drainage on the site and the infilling operations, the applicant points out that this problem arose due to flooding of his own land (i.e. the application site) caused by an obstruction under Arthur Lane. The Borough Engineer informs me that necessary repair works to the collapsed culvert under Arthur Lane were carried out to remove obstruction to free flow of drain water in April 2005. The applicant believes that these repair works have helped remove the flooding problems on the site.

Deposited waste materials - In the original application ref. 40511/03, it was proposed that the levels of the site would be raised by the deposition of soil. During the inspection of the site on a number of occasions and carrying out the surveys, there was no evidence to suggest that the deposited waste comprised materials other than soil. Had any such evidence been found, the Environment Agency would have been informed with a view to taking action against the applicant for the deposition of controlled waste without the benefit of a Waste Management Licence. However in order to ensure that no significant contamination is present at the site, the Borough Environmental Services Officer has suggested a condition requiring soil testing and carrying out necessary remedial works to secure appropriate restoration of the site without the need for further imported waste.

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 neither have a detrimental affect on the character of the Green Belt nor the visual amenity of the area.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. This decision relates to drawings numbered 44897 received on 29 July 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.
2. The waste materials deposited on the site shall be tested for contamination and suitability for use on site. The 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. Where the risk assessment identifies that significant contamination is present and remediation is required, an appropriate Remediation Strategy which will secure appropriate restoration of the site, shall be carried out to the satisfaction of the Local Planning Authority within an agreed timescale.

A site Verification Report detailing the conclusions and actions taken at each stage of the remediation works including substantiating evidence, 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 Planning Policy Statement 23 - Planning and Pollution Control.

3. The height of the manhole chamber located on the south-easterly corner of the site shall be reduced down to the existing ground level to the satisfaction of the Local Planning Authority, within one month of the date of this permission.

Reason - In the interest of proper site restoration and amenities of the area.

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

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 12

Location: LAND AT REAR OF BUTLER STREET, RAMSBOTTOM

Proposal: ERECTION OF SINGLE STOREY ELECTRIC SUB STATION

Application Ref: 44768

App Type: Full

Statutory Expiry Date: 11 August 2005

Recommendation: Approve with Conditions

Description

The site is an area of land at the junction of Regent Street and a new road, Tagg Wood View, accessing a residential development under construction. To the south east, at a lower level, is a back street serving the rear of terraced houses on Butler Street.

It is proposed to erect a new electricity sub station to serve the new residential development. It would be constructed in brickwork and with a tiled roof to match the houses under construction. The sub station would have external dimensions of 4.2 by 3.75 metres and a maximum height to the ridge of approximately 4 metres.

The applicant has submitted a plan showing the floor level of the sub station to be 1.15 metre above the level of the back street. They say that the site has been agreed with United Utilities as being the most preferred to enable connection to existing services.

Relevant Planning History

37905/02 - Outline residential development approved in December 2003

41699/03 - Reserved matters for development of 92 dwellings refused in March 2004.

42757/04 - Reserved matters for development of 91 dwellings approved in February 2005.

Publicity

Objections have been received from the residents of 15, 21 and 23 Butler Street. Points raised include the following:-

- They ask why the sub station was not included in the original plans.
- Planning permission for the development was granted against their wishes and they have suffered from disruption and loss of views.
- The height of the sub station would be approximately 8 feet above the perimeter fence.
- Views will be further obstructed.
- Property will be devalued.
- It will be a security risk.
- A more suitable site should be chosen where it would have a less negative effect on residents.

Consultations

Borough Engineer - No objection on highway grounds.

Unitary Development Plan and Policies

C059 Bolton Road West, Ramsbottom

Issues and Analysis

The sub station is required to service the new development. It would be similar in height and size to a domestic garage. The siting is such that it would not be prominent when viewed along Regent Street, being set in 6 metres from the back of the footpath line to Regent Street. It would be approximately 25 metres from the rear of houses on Butler Street and partially screened by existing fences and garden buildings, reducing the effect on residential amenities.

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 proposed sub station will not harm the character of the area nor the amenity of neighbouring residents and will not adversely impact on 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 the drawings received on 16 JUN and 26 JUL 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. The external finishing materials for the proposal hereby approved shall match those of the Houses under construction.
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. A landscaping scheme to screen the proposed sub station 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 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.

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

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 13

Location: LAND ADJACENT TO CARR BANK GRANGE UPPINGHAM DRIVE
RAMSBOTTOM

Proposal: RESIDENTIAL DEVELOPMENT - ERECTION OF 1 NO. DORMER
BUNGALOW

Application Ref: 44787

App Type: Full

Statutory Expiry Date: 20 September 2005

Recommendation: Approve with Conditions

Description

The application is a resubmission following a recent refusal. The site is part of the garden of a large detached bungalow at the junction of Uppingham Drive and Carr Bank Road. The land is raised above an access road to the south with a stone retaining wall and hedge to the boundary. On the opposite side of the access road is a grassed area and trees. To the west are houses at 9 The Paddock and 1-5 Carr Bank.

It is proposed to erect a detached bungalow with rooms in the roof space lit by roof lights. Main windows would face Uppingham Drive and the garden of Carr Bank Grange and there would be a kitchen and a bathroom window in the south elevation. The internal layout has been revised and a bedroom window in the rear elevation has been deleted. The site would be excavated in part to reduce the overall height of the dwelling. As before, there would be vehicular access to a parking area from Uppingham Drive.

Relevant Planning History

37591/01 - Application for detached dwelling on land within garden to north of existing bungalow refused in July 2001.

38432/01 - Revised scheme refused in December 2001 and subsequent appeal dismissed, although the Inspector did not discourage some form of development.

39755/02 - Detached dormer bungalow approved in October 2002.

43984 - Application for dormer bungalow on current application site refused in April 2005 for the following reasons:-

1. The proposed development would, by reason of its size, position and design, be a prominent and intrusive feature in the street scene and would therefore be seriously detrimental to the visual amenity and character of the area. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan.

H1/2 - Further Housing Development

H2/1 - The Form of New Residential Development

EN1/2 - Townscape and Built Design

2. The proposed development would be seriously detrimental to the residential amenities

enjoyed by the occupier(s) of the adjoining dwellinghouse, by reason of its size and position. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan:

H1/2 - Further Housing Development

H2/1 - The Form of New Residential Development

3. The design of the proposed development would be out of keeping with the surrounding dwellings, would result in an overdevelopment of the site at Carr Bank Grange and would result in the loss of the green and open aspect which would be harmful to the character and amenity of the area. The scheme therefore conflicts with the following policies of the Bury Unitary Development Plan:

H1/2 - Further Housing Development

H2/1 - The Form of New Residential Development

H2/6 - Garden and Backland Development

EN1/2 - Townscape and Built Design

Publicity

Neighbours and previous objectors have been notified. To date, copies of the same letter have been received from 16 residents at 9 addresses, 1,9, 10, and 11 The Paddock, 1 and 25 Carr Bank Drive, 3 Carr Bank Cottages, 2 and 4 Uppingham Drive and Carr Bank House. They say that the revised plans have done little to address the previous reasons for refusal and request Committee to make a site visit before the decision is reached.

Individual letters have been received from 1 and 4 Uppingham Drive and Carr Bank House. The occupier of Carr Bank House, adjacent to the site, believes that the size of the property has slightly increased compared to the previous application. He has enclosed a copy of calculations to support his claim that the retaining wall cannot support the new property. He is concerned about overlooking. He quotes the previous reasons for refusal. He thinks that the area is developed to capacity and would not build on his own one acre garden.

Consultations

Borough Engineer - No objection on highway grounds subject to recommended conditions. Drainage refer to public sewer through the site.

Borough Environmental Services Officer - Recommends contamination conditions.

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

EN1/2 Townscape and Built Design

PPG3 PPG3 - Housing

Issues and Analysis

The previous application was recommended for approval but was refused by Members following a visit to the site. The current application is also recommended for approval and the main issue is whether the revised scheme overcomes the reasons for refusal.

The previous application proposed a dwelling 11.465 metres long, 7.977 metres wide and 6.7 metres high. The current proposal would occupy a slightly smaller site area and would be one metre further away from the boundary with number 9 The Paddock. The finished floor level would be 0.5 metre lower and the height above floor level would be 1.2 metres

lower to the ridge, an overall reduction of 1.7 metres. The previous dwelling was of unusual appearance with a greater than normal distance from ground to eaves. The current proposal is a bungalow of conventional appearance.

The proposed dwelling would not now be a prominent and intrusive feature in the street scene, nor would the design be out of keeping with the area. It is also considered that the amended design would not significantly affect the residential amenities of neighbouring occupiers.

The area occupied by the dwelling would be similar to the earlier scheme but the reduction in scale would help to overcome concerns about over development of the site. Garden areas would be limited and a condition is recommended to control future extensions which might otherwise be permitted development.

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 proposed development will not harm the character of the area nor the amenity of neighbouring residents and will not adversely 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 drawings numbered 528/1, 2, 3, 4 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. Pedestrian visibility splays in accordance with Figure 114 of Design Bulletin 32 "Residential Roads and Footpaths - 2nd Edition" shall be provided at the junction of the proposed driveway with Uppingham Drive before the dwelling hereby approved is first occupied and shall subsequently be maintained free of obstruction above the height of 0.6 metres.
Reason To ensure the intervisibility of users of the site in the interests of road safety.
5. The development hereby approved shall not be commenced unless and until full details of visibility splays measuring 2.0 metres by 33 metres that are required to be provided at the junction of the proposed driveway with Uppingham Drive have

been submitted to and approved in writing by the Local Planning Authority. The approved visibility splays shall be provided prior to the commencement of development and thereafter maintained.

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

6. The replacement car parking for the existing property indicated on the approved plans shall be made available for use, to the written satisfaction of the Local Planning Authority, prior to commencement of development on the dwelling hereby approved.

Reason To ensure adequate off street parking in the interests of roads safety.

7. 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.

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.

For further information on the application please contact **Adrian Harding** on **0161 253 5322**

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 14

Location: 1 TAGG WOOD VIEW RAMSBOTTOM BL0 9XP

Proposal: ADDITION OF CONSERVATORY AT REAR (PLOT 91)

Application Ref: 44794

App Type: Full

Statutory Expiry Date: 16 August 2005

Recommendation: Approve with Conditions

Description

The application relates to a detached house which is under construction on land which was part of the former Tagg Wood Works. The house is in the corner of the development with a public footpath to the rear and a back street serving the rear of houses to Butler Street at the side.

It is proposed to modify the approved house type by adding a conservatory to approximately half its width at the rear and projecting 3.1 metres.

Relevant Planning History

37905/02 - Outline residential development approved in December 2003.

41699/03 - Reserved matters for development of 92 dwellings refused in March 2004.

42757/04 - Reserved matters for development of 91 dwellings approved in February 2005.

Publicity

Objections have been received from the residents of 1 and 5 Butler Street. The former has also approached Councillor Nuttall. Points raised include:-

- The conservatory will be seen from the rear of the houses on Butler Street and the new houses are closer than they appeared to be on the original plan.
- Privacy will be affected and the conservatory will look into bedroom windows.
- They believe that construction has already commenced with the construction of the conservatory base.
- Addition of the conservatory to what is believed to be the show home will encourage other extensions.
- Extensions will lead to an even more over developed site.
- The company should adhere to the approved plans.

Consultations

None.

Unitary Development Plan and Policies

H2/1 The Form of New Residential Development

H2/2 The Layout of New Residential Development

H2/3 Extensions and Alterations

Issues and Analysis

The extension is modest in scale and would have been "permitted development" if the house had been completed and occupied.

Although the new houses are elevated above the houses on Butler Street, the side of the conservatory would be 30 metres from their rear elevation and screened by fences and garden buildings and hence the concerns about loss of privacy are not considered to be justified.

Summary of reasons for Recommendation

This application was determined having regard to Policy H2/3 "Alterations and Extensions" of the Bury Unitary Development Plan and Development Control Policy Guidance Note 6 "Alterations and Extensions". Planning permission has been granted because the proposals accord with the policy and guidance in that the design is of an acceptable standard which would not adversely affect the character of the area nor the amenity of nearby residents, and would not adversely impact on highway safety issues. There are no other material planning 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 KEN.PO1, TW/02J 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 external finishing materials for the proposal hereby approved shall match those of the existing building.
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.

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

Ward: Whitefield & Unsworth - Pilkington Park

Item 15

Location: 18 SERGEANTS LANE, WHITEFIELD, M45 7TS

Proposal: DEMOLITION OF EXISTING HOUSE & ERECTION OF 2 STOREY BLOCK OF 4 APARTMENTS

Application Ref: 44565

App Type: Full

Statutory Expiry Date: 26 September 2005

Recommendation: Approve with Conditions

Description

The application site relates to a 0.1ha house plot at the corner of Sergeants Lane and Marle Croft. The site is roughly rectangular and comprises a detached and somewhat dilapidated house situated within an open plan housing estate characterised by two storey detached properties. To the south are houses fronting Marle Croft. To the north, at the rear of the site, are the side boundaries of No.1 Marle Croft and No.20 Sergeants Lane, delineated by a 1.8m high fence.

It is proposed to demolish the existing house and garage and erect two new buildings each comprising two apartments. They would be two storeys with a pitched roof to a ridge height of 7.6m. The main elevation of both buildings, facing south, would front onto Marle Croft. Each building would be 16.5m wide and have a stagger of 3.2m about half way across the main elevation. The elevations would comprise a buff brick at ground floor with a render above a central feature course. The roof would be tiled. Two vehicular accesses are proposed, one from Sergeants Lane and one from Marle Croft. A total of four car parking spaces are proposed.

Relevant Planning History

41886/4 Demolition of house and erection of two storey block of 4No. apartments Refused due to the adverse impact on the amenity of neighbours and character of the area. **9/02/04**
42468/04 Demolition of house and erection of two storey block of 4No. apartments Refused due to the adverse impact on the character of the area by reason of its cramped appearance. It was also considered detrimental to amenity and pedestrian safety by reason of the excessive vehicular movements within the site. **3/8/2005 (Appeal dismissed 14/4/2005)**

Publicity

Immediate neighbours - (Initial scheme) 31 letters of objection were received from occupiers on Sergeants Lane, Marle Croft, Rye Croft, Higher Croft, Meadow Croft and Hey Croft. (Revised Scheme) Immediate neighbours and objectors were renotified of the revised proposals and given a further 10 days in which to comment. After some dissatisfaction with this length of time, a further letter, dated 1th August was sent out giving all neighbours and objectors a further period of time, up to the day of the Planning Control Committee to comment. Any late objections will be summarised on the Supplementary Report or reported verbally to Committee. Up to the time of writing the report, six objections to the revised proposals have been received.

Objections can be summarised as follows:

- The character of the estate would be detrimentally affected by the large overdominant blocks.
- There are too many windows on the elevations.
- The estate would be downgraded by flats.
- A precedent would be set for larger developments in the future.
- The existing drainage problems on the estate would be made worse by demands from the additional residential units.
- On site car parking is inadequate and would be detrimental to highway safety.
- The proposed parking arrangement would lead to disturbance from car movements to immediate neighbours.
- Privacy concerns from the previous application has not been addressed.
- Landscaping should be submitted before any decision as previous trees on the site were removed before the application was submitted.
- The drawings are misleading and give the impression of more space than there is on site.
- There has not been sufficient time to respond to the revised plans.

Consultations

Borough Engineer (Traffic) - No objections.

Borough Engineer (Drainage) - No objection. Advice is given for the applicant that the site should be drained on a separate system with foul and surface water draining to existing foul and surface water sewers in either Marley Croft or Sergeants Lane. Surface water discharge to be limited to the existing flow from the site to prevent surcharge of the combined sewerage system downstream of the development.

Environmental Health - No objection subject to contamination desk study and insulation of party walls/ceilings to be dealt with by planning conditions.

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
PPG3 PPG3 - Housing

Issues and Analysis

Principle. The principle of residential development is established by the existing dwellinghouse. Policy H2/1 (Further Housing Development) indicates that development needs to be within the urban area, have available infrastructure, avoids the release of open land and is suitable in land use terms. In terms of the nature of the accommodation, Central Government guidance in Planning Policy Guidance Note 3, indicates that the provision of mixed housing types and sizes is important in creating a basis of a balanced community, where people can move home without leaving the locality.

Layout, size and Design. Policy H2/1 (Form of residential Development) indicates that the following factors should be considered in assessing proposals.

- a) Height and roof type of adjacent buildings
- b) Impact on residential amenity
- c) Density and character of surrounding area
- d) Position and proximity of neighbouring property
- e) finishing materials.

Policy H2/2 (Layout of New Residential Development) highlights factors to be considered when assessing new development.

- a) Parking and access
- b) Traffic calming
- c) Density
- d) Space about and between dwellings
- e) Tree protection, landscaping and screening
- f) Open space
- g) Safety and security
- h) Disabled access
- i) Public rights of way

Policy EN1/2 (Townscape and Built Design) relates to character of an area and streetscape and highlights similar factors listed under policy H2/1 (Form of New Residential Development).

Appeal Decision. Particularly relevant to the proposal are the comments of the Planning Inspector when dismissing the previous application. The layout of the previous application (Dwg1) is attached to this report for clarity. The inspector considered that the single block of four apartments would be an incongruous replacement of the existing house. The length of the facade was mentioned as particularly ill-placed on the streetscape. The inspector also stated that the use of the proposed parking bays, adjacent to bedroom windows would cause undesirable disturbance. Parking close to rear gardens of No.20 sergeants Lane and No.1 Marle Croft would also cause undue disturbance.

Potential overlooking of adjacent rear gardens of was also seen as a concern. The inspector noted that there were two bedroom and two study windows, in addition to bathroom and utility rooms, at first floor level on the rear elevation.

The proposal should be assessed against the above policies and in the light of the comments of the inspector at the previous appeal.

Layout. The layout of the new buildings is considered to be appropriate and in keeping with the general layout of the surrounding estate. The gap between the two buildings would be provided, which would be consistent with those around the estate. The main frontage is also stepped back at either end to give the scheme some essential relief, articulation and also to reflect the shape of the plot.

The plot is relatively large and could accommodate the blocks without them appearing to be incongruous. The density of the scheme would equate to around 37 dwellings per hectare. This figure is higher than the immediate locality (about 25 units per hectare) but within the parameters Central Government deem to be sustainable within an urban area (30-50 units per hectare).

It is considered that revisions to the original scheme go some way to mitigate the impact of the new blocks on the streetscape and in relation to the amenity of adjacent neighbours. The two separate blocks, each with a frontage of 16.5m, would be staggered to a greater extent and would appear more like detached houses than the previous single block with a long flat frontage measuring 30m. The overall height in keeping with the surrounding two storey houses. With a pitched roof and semi-rendered walls, the design of the blocks is quite conventional. These features are evident within the surrounding estate.

Residential Amenity. It is considered that the concerns of the inspector with regard to privacy on the previous appeal have been addressed in that each apartment has one bedroom and one obscure glazed bathroom and utility room window on the rear elevation at

first floor level. The bedroom window would be 9m from the rear boundary with Nos.20 Sergeants Lane and 1 Marle Croft. Each first floor apartment on the previous scheme had a bedroom, study, utility and bathroom window on the rear elevation at a similar distance. The new scheme therefore has two less windows facing the rear boundary at first floor on the rear elevation.

The inspector was also concerned that the parking arrangement would cause disturbance to the future occupiers of the units given that the windows adjacent to the parking spaces were bedroom windows. Although the new scheme has a similar parking arrangement, the closest windows are kitchen windows and therefore more acceptable.

Objections. Given the changes to the scheme, it is considered that the initial objections to the scheme have been overcome. The objections to the revised scheme are not supported for the reasons stated above. Issues relating to the impact on the character of the area, residential amenity and to a lesser extent, privacy are subjective. With this in mind it may be useful for members to recall the site visit by the Planning Control Committee prior to the decision to refuse the previous application in April last year.

With regard to the drainage concerns, these are not considered to be serious enough to warrant refusing the application as there have been no objections raised by the Borough Engineer following consultation with drainage.

With regard to concerns about response times for neighbours, the notification process is summarised within the 'Publicity' section and is considered to be adequate.

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 proposal is considered to accord with the Unitary Development Plan policies in that the layout, size and design of the scheme would not adversely affect the character of the area nor the amenity of nearby residents. The proposal would not adversely impact on 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 363.01,02,03,04,05 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 landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the buildings are first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and 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 EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan..
5. 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.
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. No development shall take place unless and until a scheme to soundproof the walls and floors between the ground floor and the first floor flats, which shall be in accordance with standards of construction specified in current Building Regulations, has been submitted to and approved by the Local Planning Authority. Such works that form the approved scheme shall be completed before the development is brought into use.
Reason. To protect the residential amenities.
8. 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 buildings into the locality pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

9. 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.

10. The proposed utility room and bathroom windows located on the rear (south) elevation shall be fitted and maintained with obscure glazing in perpetuity.

Reason. To protect the privacy of adjoining occupiers.

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

Ward: Whitefield & Unsworth - Pilkington Park

Item 16

Location: JUNCTION OF STANLEY ROAD & BURY NEW ROAD WHITEFIELD

Proposal: JUNCTION IMPROVEMENT WORKS - MODIFICATION TO WHITEFIELD PARK & METROLINK PARK & RIDE SITE

Application Ref: 44959

App Type: Full

Statutory Expiry Date: 15 September 2005

Recommendation: Approve with Conditions

Description

The site is within Whitefield District Centre close to the Bury New Road/Stanley Road junction. It includes the main entrance to Whitefield Park, a small section of the park just within the entrance and the section of roadway between the park entrance and the Metrolink station which is the junction of the access road by the station with Stanley Road.

The proposal involves pulling in the park boundary at the entrance by about 8m. This would allow the entrance to the adjacent roadway leading into GMPTE's land to be widened thus providing an improved junction with Stanley Road. This vehicular access will serve the imminent development of the land next to the Metrolink station with a car park for Metrolink users and a bus turning facility (refs. 40756/03 and 42874/03). The highways work at the junction also form part of the application.

The current proposals for a Morrisons foodstore and a cafe are on the land on the opposite side of Stanley Road where the existing bus station would be removed, to be replaced by the new facility next to the station. Extensive highway works would be carried out in association with the Morrisons development but the improvements to the junction with the station car park/bus turnaround access are capable of being implemented independently.

Relevant Planning History

40756/03 - Car parking facilities and bus turning area. Approved on 12th November 2003.

42874/03 - Lighting and CCTV coverage associated with 40756/03. Approved on 16th August 2003.

Publicity

Notifications were forwarded to 12 owners and occupiers of properties in the vicinity, including on the opposite side of Stanley Road.

An objection has been received from Joseph Holt Ltd. the owners of the Church Inn. This property is currently affected by the Morrisons proposal which would require it to be removed and this is being opposed by the brewery. They are objecting to this proposal for the same reason as against the Morrisons scheme in that, in their view, it would result in the potential and unnecessary loss of the Church Inn and the proposals cannot be implemented without its demolition. Their request for the spot listing the Church Inn which, they claim, is of significant architectural and historic interest and plays an important part in the character of the area, is currently under consideration. Also, Joseph Holts state that they operate a successful premises at the Church Inn and are not willing to sell.

Consultations

Borough Engineer - No objections.

Parks, Countryside and Customer Services - Response awaited.

GMPTE - Response awaited.

Unitary Development Plan and Policies

RT1/1 Protection of Recreation Provision in the Urban Area

EN1/2 Townscape and Built Design

HT3/2 Bus Services

HT3/4 Schemes to Assist Metrolink

Issues and Analysis

Loss of Park Area - The area to be lost from the park would be about 80 sq. m. which is a minor loss from the total of the park and performs no special recreational function, containing only a section of the main entrance/exit path and grass verges with one small planting bed. There are no trees within the affected area, although there are some trees near the site that would require protection during the work.

Given the importance of providing a good standard of access to the Metrolink car park and bus turnaround, an important public facility, it is considered that this proposal should be approved as a special case in terms of Policy RT1/1.

Visual Amenity - The park entrance features including the stone gateposts and ornamental railings should be reused or, in the case of the railings, replaced or reinstated and any consent should ensure that this would be the case.

The Objection - The car park and bus turnaround and the associated entrance road and junction with Stanley Road are capable of being implemented without the removal of or other direct impact on the Church Inn. Therefore, the claims being raised by the brewery in this regard are considered not to be acceptable.

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 loss of parkland would not be significant and would enable a satisfactory standard of access to be secured to an important local transport facility that is about to be implemented. The permission would ensure that the attractive appearance of the park edge would be maintained.

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 HS404/014 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 full details are submitted to the Local Planning Authority and are approved of the treatment to the relocated park boundary. This shall involve the relocation of the existing stone gateposts and corner post and the reinstalltion of the park railings or their equivalent replacement.

Reason: In order to preserve the special Victorian visual character of the park.

4. No trees, unless indicated otherwise on the approved plans, shall be felled, lopped or topped before or during the construction period without the previous written consent of the Local Planning Authority.

Reason: To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

5. The development hereby approved shall not commence unless and until a scheme of protection for all trees to be retained on site in accordance with BS 5837:1991 "Trees in Relation to Construction" has been submitted to and agreed in writing by the Local Planning Authority. The development shall not commence unless and until the measures required by that scheme have been implemented, to the written satisfaction of the Local Planning Authority and all measures required by the scheme shall continue until the development has been completed.

Reason: To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

For further information on the application please contact **Jan Brejwo** on **0161 253 5324**

