

**Ward:** Bury East

Item 01

**Location:** LAND AT BRIDGE HALL LANE, BURY

**Proposal:** RESIDENTIAL DEVELOPMENT - ERECTION OF 24 NO. APARTMENTS

**Application Ref:** 44876

**App Type:** Full

**Statutory Expiry Date:** 18 October 2005

**Recommendation:** Minded to Approve

**The Committee is recommended to be Minded to Approve this application subject to the completion of a legal agreement covering provision of a commuted sum towards recreation open space. Delegated powers are requested for the Borough Planning and Regeneration Officer to refuse the application if the legal agreement has not been completed by Monday 21<sup>st</sup> November 2005. Although this application is a departure from the adopted Unitary Development Plan, under government direction it does not need to be referred to GONW as those usually called in are either much larger residential schemes or those relating to retail proposals or development in the Green Belt.**

### **Description**

The application site lies to the north of Bridge Hall Lane and is set between an office development currently under construction and recently constructed houses on raised ground to the north on Greengate Close.

The site itself is partly flat on the southern side of the site but begins to rise steeply moving farther north which rises to meet the level of Greengate Close. There are a number of trees covered by TPO 70 which are on the site some of which were removed by the developer who constructed the dwellings at Greengate Close without consent. The site is enclosed by residential development to the east, north and west and by the new office development and Tetrosyl to the south.

The application site is included within the boundary of the Employment Generating Area and forms part of an allocation of land proposed for office development under policy EC1/2/7.

### **Relevant Planning History**

Application 39811 originally sought planning permission for the erection of 13 houses and 27 apartments. However, the 27 apartments were within the Employment Generating Area which would have resulted in the application being refused on the grounds of loss of employment land. The applicant withdrew the 27 apartments from the scheme and the Planning Committee granted permission for the 13 Houses on 14th Jan 2003.

Application 41374 was an application to vary Condition 14 of 39811 which required any future housing development on the site where the 27 apartments were originally proposed, to include the 13 houses approved in the calculation of affordable housing provision. The application was refused but the Council's decision was overturned when the appeal was allowed.

Application 42219 sought planning permission for the erection of 5 two storey office blocks. Permission was granted by Planning Committee on 11th May 2004.

Application 44252 sought planning permission for the erection of 27 apartments on the land deleted from application No. 39811, which remains designated for Employment Generating Uses. The apartment block was proposed in a modern design with flat roofs. The scheme was refused by Planning Committee on 24<sup>th</sup> May 2005 on the grounds of loss of employment land and inappropriate design out of keeping with the surrounding area.

### **Proposal**

The current application is a re-submission of application 44252. The applicant has sought to amend the design of the scheme in order to address Members' concerns and has reduced the number of apartments.

The applicant seeks permission for the erection of 24 apartments on the sliver of land between the 5 office blocks and the 13 houses. The scheme would consist of two blocks both of which would be three storeys high with attic accommodation provided by the insertion of flat roof dormers into the roof space.

The design of the scheme can be described as traditional red brick and concrete tile with galvanised steel balconies and render inserts. The roof would have a steep pitch.

The scheme proposes a combined cycle and bin store constructed in brick with a tile roof adjacent to the entrance to the site. The applicant proposes to meet the Council's recreation provision commuted sum payment via a section 106 agreement.

### **Publicity**

Press advertisement placed in 8th September 2005 issue of the Bury Times; Site Notice posted 9th September 2005 and 41 adjoining occupiers notified by letter. 1 response has been received objecting to the proposal on the following grounds:

- 1 letter received from a resident on Bridge Hall Lane objecting to the proposal on grounds of increased traffic and loss of informal recreation space for local children.

### **Consultations**

Borough Engineer - Drainage - no objections. - Highways - comments will be reported via the supplementary agenda.

Borough Environmental Services Officer - recommends conditions covering ground contamination be attached to an approval.

Operational Services - comments will be reported via the supplementary agenda.

Health and Safety Executive - does not advise against granting planning permission on safety grounds.

United Utilities - do not object.

GM Police - comments will be reported via the supplementary agenda.

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

RSS 13 Regional Spatial Strategy for the North West  
PPG3 PPG3 - Housing  
PPG23 PPS 23 - Planning and Pollution Control  
H1/2 Further Housing Development  
EC1/2 Land Suitable for Business (B1)  
H2/1 The Form of New Residential Development  
H2/2 The Layout of New Residential Development  
RT2/2 Recreation Provision in New Housing Development  
SPD1 DC Policy Guidance Note 1:Recreation Provision  
CL080 Bridge Hall Lane, Bury

### **Issues and Analysis**

The main considerations of the application are the principle of the development in, its form and layout, its impact on TPO'd trees and the application refused recently by Planning Control Committee.

The application was submitted prior to the introduction of the Council's Housing Restriction Policy. Thus, the principle of residential development on this site revolves around whether it would be acceptable to lose part of the EGA (Employment Generating Area).

Policy EC2/1 states that other uses within EGAs will be allowed only where they constitute limited development or do not substantially detract from the Area's employment generating value. This particular site forms a narrow strip of land within the EGA which would not be suitable for large or medium scale development due to its size and shape. The majority of the employment allocation on this site has been taken up by the Pavilions office development currently under construction. For these reasons, officers' opinion remains that the proposal would constitute limited development that would not detract from the Area's employment generating value. Furthermore, that a recommendation for refusal on the grounds of loss of employment land would prove difficult to sustain at appeal. On this basis, the scheme is considered acceptable in principle.

The form of the proposed development would be a more regular and traditional design 3 storeys high with attic accommodation in the roof space, compared to the previous scheme refused by Committee. The location of the development adjacent to offices should not detract from the visual amenity of the area and the steep rise in land levels up to Greengate Close should offset the height of the buildings so as not to incur a loss of light, privacy or outlook. The buildings would appear as single storey buildings from Greengate Close where there would be at least a 14 metre separation distance from the new block to flank walls of existing houses. The materials proposed are considered acceptable.

The layout of the proposed development would provide 27 spaces for 24 flats with 4 disabled spaces and 5 visitor parking spaces as well as cycle parking. Overall, the scheme would provide adequate parking provision, pedestrian and vehicular access, would have adequate space about and between itself and other properties, would accommodate safety and security features and have access and facilities for the disabled. A landscape scheme including tree protection measures shall be required by condition.

The applicant has expressed willingness to enter into a legal agreement to make commuted sum payments towards for recreational open space.

In response to the objections received, the proposal is considered not to materially worsen the traffic situation along Bridge Hall Lane and would, arguably, be more desirable than a commercial use on this site. The land was not formal recreation space open to the public and has been closed off for sometime.

## **Summary of reasons for Recommendation**

The application is acceptable in terms of principle, form and layout and makes adequate provision for recreational open space and is therefore recommended for approval.

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 would be acceptable in principle and in terms of form, layout and its impact on TPO'd trees and would make the correct contribution towards Recreation Provision.

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 drawings numbered MELD/004/P/ -01 D, -02 B, -03 C, -04 B, -05 D & 2457.03 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:  
  
H2/1 - The Form of New Residential Development  
H2/2 - The Layout of New Residential Development  
EN 8 - Woodland and Trees
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building hereby approved being occupied and thereafter maintained at all times in perpetuity.  
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.
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. Following the provisions of Condition 5 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.

7. 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.

8. 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.

9. Prior to the commencement of the development, appropriate site investigations,

gas monitoring and risk assessment shall be carried out to assess any possible risks associated with the production of landfill gas or ground gas. Where required, detailed design features shall be incorporated into the development, as shown necessary by the site investigation and risk assessment, to alleviate risks to the written satisfaction of the Local Planning Authority, and;

A Site Verification Report detailing the design and installation of the incorporated design features, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.

Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

10. A landscaping scheme, including details of boundary treatment, 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.

11. No trees subject to a Tree Preservation Order, unless indicated otherwise on the approved plans, 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 and EN8 – Woodland and Trees of the Bury Unitary Development Plan.

12. 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 – Woodland and Trees of the Bury Unitary Development Plan.

13. The bin and cycle parking stores shown on the approved plans shall be provided and made available for use prior to the development hereby approved first being occupied and shall thereafter be maintained.

Reason: To ensure a good standard of development in the interests hygiene and to encourage more sustainable methods of transport.

**Ward:** Bury East - Moorside

Item 02

**Location:** LAND REAR OF 24/26 THE DRIVE, BURY

**Proposal:** ERECTION OF DETACHED DWELLING (OUTLINE)

**Application Ref:** 45144

**App Type:** Outline Planning Permission

**Statutory Expiry Date:** 19 October 2005

**Recommendation:** Approve with Conditions

### **Description**

The application site lies to the north of the rear gardens of 24 & 26 The Drive, Bury. The site is a separate parcel of land used for storage which is occupied by a detached, prefabricated concrete double garage as well as a mature tree in the north-east corner of the site and other smaller trees throughout and is accessed from Seedfield Road to the north. The site is surrounded by residential development to the north, west and south although the land is mainly grassed garden and bowling green to the east.

### **Relevant Planning History**

None.

### **Proposal**

The application seeks planning permission in outline only for the erection of 1 dwelling on the site. The applicant withdrew siting from consideration meaning that all matters are reserved for later consideration although the application forms indicate that the existing garage would be retained which would mean that the mature tree in the north-east corner of the site would not need to be felled. Indeed, the plans indicate that it is not intended to be felled.

### **Publicity**

10 adjoining and nearby occupants notified - 9 letters received objecting to the proposal on the following grounds:

- The access via Seedfield Road is contested as not being existing
- Disturbance during construction
- Increase in traffic
- Seedfield Road is a quiet cul-de-sac which cannot take additional traffic
- The turning head at the southern end of Seedfield Road is inadequate
- There is already limited on-street parking which this proposal would exacerbate the problems of driveways being blocked
- The siting of the dwelling
- A 3 storey high house would be out of character with the area
- Harm to trees on the site
- Impact on residential amenity

- highway safety during construction

### **Consultations**

Borough Engineer - Drainage - No objections - Highways - recommends a condition requiring the minimum driveway length to be adhered to.

Borough Environmental Services Officer - recommends conditions be attached regarding ground contamination.

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

PPG3 PPG3 - Housing

RSS 13 Regional Spatial Strategy for the North West

H1/2 Further Housing Development

### **Issues and Analysis**

The main consideration of this application is the principle of the development of this site for residential use.

The application was submitted prior to the inception date of the Council's housing restriction policy and therefore should be measured against the housing policies of the UDP.

The site lies within the urban area thereby avoiding the release of peripheral sites, would be close to existing infrastructure and public transport routes as well as being surrounded by residential properties and thus suited to its surroundings. The scheme would not conflict with other policies in the Unitary Development Plan.

The existing mature tree is located in the extreme corner of the site adjacent to the existing site access and an existing building I am therefore satisfied that the site is capable of being developed without harming the tree.

In response to the objections raised, the access as existing on site is considered to be acceptable in highways terms by the Borough Engineer, notwithstanding whether it is in use currently or not. The increase in traffic, resulting from the intensified use of the access which currently does not serve a dwelling, is considered not to materially worsen highway safety along this section of Seedfield Road whilst it is difficult to prove that this proposal would increase on-street parking when the site could accommodate a garage and a number of parking spaces off-street. Noise and disturbance as well as highway safety during construction are the responsibility of the Environmental Health and Highway departments respectively which cannot normally be controlled under planning legislation.

The siting of the dwelling has been deleted from consideration whilst the design of the house, suggested at 3 storeys high, again is not for consideration under this application. The principle of residential development on this site is considered not in itself to harm residential amenity, although the details agreed at reserved matters stage would address this point. The issue of trees has been addressed above.

As such, the objections raised are considered not to be sustainable and therefore insufficient to outweigh the recommendation for approval.

### **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 principle of residential development in this location is considered acceptable.

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 the grant of outline planning permission; and
  - that the development to which the permission relates must be begun not later than 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 matter to be approved.

Reason. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

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. 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.

4. Following the provisions of Condition 3 of this planning permission, where remediation is required, the approved remediation strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the 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.

5. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to 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.
  
6. 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.
  
7. A minimum hardstanding of 5.5m measured between the highway boundary and any proposed garage doors shall be provided to the written satisfaction of the Local Planning Authority and thereafter maintained.  
Reason. To enable a vehicle to stand clear of the highway whilst the garage doors are opened and to allow adequate space to maintain a vehicle clear of the highway in the interests of road safety pursuant to Policy H2/3 -Extensions and Alterations of the Bury Unitary Development Plan and Associated DC Guidance Note 6- Extensions and Alterations.
  
8. This decision relates to the plan dated 24 AUG 2005 and e-mail dated 5th October 2005. 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.
  
9. The landscaping scheme to be submitted as a "reserved matters" shall include a survey of all existing trees on the site, indicating species, height, branch spread and condition and trees which it is proposed to remove and which to retain.  
Reason. To secure the satisfactory development of the site and 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 **Adrian Harding** on **0161 253 5322**

**Ward:** Bury East - Moorside

Item 03

**Location:** JSM MOTORWAY SERVICES LTD, THE GARAGE, 21 PEARSON STREET,  
BURY, BL9 6DA

**Proposal:** INSTALLATION OF 13.6M VODAFONE TIMBER TELECOMMUNICATIONS  
MONOPOLE TO ACCOMMODATE STREETWORK ANTENNAS WITHIN  
GRP SHROUD & 2 NO. TRANSMISSION DISHES WITH ASSOCIATED  
RADIO EQUIPMENT HOUSING & ANCILLARY DEVELOPMENT

**Application Ref:** 45243

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

**Statutory Expiry Date:** 07 November 2005

**Recommendation: Prior Approval Required and Granted**

#### **Description**

The application site forms part of an industrial complex at JSM Motorway Services Ltd, located at 21 Pearson Street, Bury. The site is situated at the northerly corner of the yard area adjoining 2.4m high palisade boundary fence along Huntley Mount Road. Currently, the site is used for storage purposes.

The proposal involves the installation of a 13.6m high telecommunication pole with a shroud comprising 3 No. antennas and one equipment cabinet ( 1.3m x .925m x 1.623m) and an electrical meter cabinet, to be located at the back of the boundary fence adjacent to the access gate off Huntley Mount Road. It is proposed that the pole would be of a monopole style and built in timber and painted in brown. The equipment and electrical cabinets would be made in galvanized steel and painted in green.

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

#### **Relevant Planning History**

No relevant planning history

#### **Publicity**

All properties within 100 metres of the siting of the proposed telecommunication pole have been consulted. To date, only one letter raising concerns about the proposal has been received from a resident of 7 Pearson Street. The resident is concerned that the proposed development might give rise to Health and Safety related problems as well as interference to his electrical equipment at home.

#### **Consultations**

Env Health - Response awaited. Any comments received will be reported.

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

EN1/10 Telecommunications

#### **Issues and Analysis**

Residential amenity - The application site is located at the northerly corner of the industrial premises bounded by an existing 2.4m high brick wall along its northerly boundary and 2.4m high palisade boundary fence along Huntley Mount Road. Although the site abuts an industrial premises to the north, however, there are several residential properties located in close vicinity of the site along the north-westerly boundary of the application premises. By virtue of its height, the views of the proposed telecommunication pole, particularly its upper part, would be obvious from some of the nearby properties on Pearson Street. The upper part of the proposed pole would also be seen from Huntley Mount Road and Percy Street. However, taking into account the slimline design of the pole and the distance involved in relation to the residential properties, (the nearest house being 30m away - 19 Pearson Street) , it is considered that the proposed telecommunication pole would have little visual impact on the amenities of the nearby residents in the area. Furthermore, the proposed telecommunication pole would be located directly opposite to a recreation area/park across Huntley Mount Road and its views from the park would be partially obscured by a row of tall trees located along the boundary of the park with Huntley Mount Road.

Street scene - The proposed pole and the associated equipment would be sited behind the existing 2.4m high palisade boundary fence adjacent to the northerly boundary wall with the adjoining industrial property. The site is set back away from street and although the proposed pole would clearly be visible from the street, due to the existing palisade boundary fence and the proposed materials, design and colour however, it is considered that the proposed telecommunication pole and the associated equipment would have minimal visual impact in the street scene which is acceptable.

Health issues - Whilst this is a material consideration, the application for Prior Approval is supported by an ICNIRP Certificate stating that the equipment has been designed to comply with the International Commission on Non-Ionising Radiation Protection and as such, meets the current best practice. There are a number of residential properties located in close vicinity of the proposed mast, the distance to the nearest being 30m. The ICNIRP declaration means that there should be no impact on properties this close. It is considered that concerns expressed by the resident of No. 7 Pearson Street with regard to health issues are overcautious and unjustified.

Search for alternative sites - The applicants have examined a total of 10 other sites in the area and investigated mast sharing with other operators. This site has therefore been proven to be a location that fulfills the requirements of the operator and conforms with the guidance set out by the ODPM.

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

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

The proposed telecommunication pole and its associated equipment appear to meet the criteria set out in the Unitary Development Plan and as it would not be of material detriment to amenity of the nearby residents nor the highway safety, the granting of prior approval is appropriate.

There are no other material considerations that outweigh this finding.mast would have little visual impact on the amenities of the nearby residents in the area.

**Recommendation: Prior Approval Required and Granted**

**Conditions/ Reasons**

1. This decision relates to drawings numbered 44506 01 to 05 received on 12 September 2005 and the associated documents submitted as part of the planning application 45243 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 **M. Sadiq** on **0161 253 5285**

**Ward:** Bury East - Redvales

Item 04

**Location:** HOLY CROSS COLLEGE, MANCHESTER ROAD, BURY, BL9 9BB

**Proposal:** ERECTION OF SINGLE STOREY EXTENSION TO FORM KITCHEN & CAFETERIA

**Application Ref:** 45033

**App Type:** Full

**Statutory Expiry Date:** 17 November 2005

**Recommendation:** Approve with Conditions

### **Description**

The site comprises the existing single storey flat roof kitchen building and part of the landscaped area on the south side of the college. Immediately to the east is a three storey building comprising the canteen on the ground floor with classrooms above. To the south are the rear elevations of the two storey terraced houses fronting Richmond Street.

The new building would extend out 15.5m from the main three storey building and have a depth of 5m. About half of the floor space would be canteen facilities with the other half being kitchen preparation, staff and administration space. The roof of the building would have a shallow curve and be constructed of aluminium. The walls would be brickwork and cedar panelling.

### **Relevant Planning History**

There have been a number of applications at the college for various new buildings over the years. The most recent applications are:

**44884** Erection of single storey storage building **Approved 22/8/2005**

**44385** Lift shaft and perimeter wall and gates **Approved 29/6/2005**

**40195/02** Demolition of Agincourt Building and erection of new teaching block and sports hall **Approved 21/12/2003**

### **Publicity**

Immediate neighbours - A petition of 16 names from Fishpool Residents Association and nine properties on Richmond Street and seven properties on Brierley Street and a separate objection from the occupier of 9 Richmond Street has been received. Objections are summarised:

- Noise levels from works.
- Contractors parking will increase existing problems in the area.
- Increasing litter and noise from students.
- The new building will reduce privacy.
- Reduction in the existing green area at the college and adverse effect on wildlife.
- Increase in smells from the kitchen.
- The use of the emergency exit at the rear would be used increasingly.
- Increased fire risk.
- Reduced safety at the rear of the houses on Richmond St.
- Reduction in light and outlook from the rear of houses on Richmond St and Brierley St.
- Another floor may be added in future.
- Security lights may be added to cause further problems to residents.

A site visit is requested by the residents association.

### **Consultations**

Environmental Services - No comment to date.

Borough Engineer - No comment to date.

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

EN1/2 Townscape and Built Design

CF1 Proposals for New and Improved Community Facilities

CF2 Education Land and Buildings

### **Issues and Analysis**

Siting and Need for the Development. The proposal would no doubt improve the existing kitchen and canteen facilities at the college which are currently inadequate due, not least, to the increasing numbers of students attending the college.

In terms of siting, it is unfortunate that the new building would extend over part of what is a rather pleasant landscaped area adjacent to the southern boundary with houses fronting Richmond Street. However the loss of part of this area would not in itself be sufficient to refuse the application. A reduced open area would remain and form a buffer between the houses and the new building. The doors from the canteen onto the existing footway around the rear of the building are for emergency use only and would not be used in normal circumstances. In terms of design, the new building with its shallow curved roof, brick and cedar panelled walls is quite an attractive structure.

Residential Amenity. The new building would be single storey with the roof to a height of 4.1m and set away from the boundary with the adjacent houses by approximately 13m (to No.9) and 16m (to No.19). These distances are considered to be acceptable in that they maintain privacy and protect residential amenity particularly as the existing boundary between the college and the houses comprises a 2m (approx) high concrete wall and mature shrub planting. Windows on the rear elevation facing the houses on Richmond Street are all high level and privacy is not considered to be an issue.

It is not considered that the new scheme would seriously and detrimentally reduce the amenity of neighbouring residents. Although there would be more students in the canteen at one time there should not be a significant increase in noise or litter as openings on the rear elevation are kept to a minimum.

### **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 scheme constitutes an improvement to existing facilities at the college.

The proposal is considered to be acceptable in terms of siting and design. The new single storey building would not have a seriously detrimental impact on the amenity of the occupiers of neighbouring properties. There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than five years beginning with the date



of this permission.

Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

2. This decision relates to drawings numbered 1691.25; 1691.25.01; 1691.25.02; 1691.25.03 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 double doors from the canteen on the rear (south) elevation shall be utilised for emergency use only.

Reason. In the interests of residential amenity

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

**Ward:** Bury West - Elton

Item 05

**Location:** OLD DUNSTERS FARM HEBBURN DRIVE BURY

**Proposal:** RESIDENTIAL DEVELOPMENT - 22 NO. APARTMENTS

**Application Ref:** 44967

**App Type:** Full

**Statutory Expiry Date:** 29 September 2005

**Recommendation:** Minded to Approve

**The Committee is recommended to be Minded to Approve the application subject to the satisfactory completion of a Section 106 agreement for a commuted sum payment of £7, 907.68 towards recreational open space provision. Powers are requested to be delegated to the Development Manager to refuse the application if the agreement has not been completed by 2nd November 2005.**

### **Description**

The application site lies to the north of Hebburn Drive, Bury close to the junction with Throstle Grove. The site is occupied by a row of shops and Old Dunsters Farm. It is roughly rectangular in shape reaching from Hebburn Drive through to Boulden Drive and measures 0.26 hectares in area. The site is bounded on three sides by residential development along Hebburn Drive, Jesmond Drive and Whitburn Drive although it is bounded by Brandlesholme Methodist Church to the north on Boulden Drive. In policy terms, the 4 shops are categorised as a Neighbourhood Shopping Centre. However, in reality the shops are all occupied by the exclusive wine merchants Richards. The site lies within the urban area of Bury but has no further UDP designations.

### **Relevant Planning History**

Application No. 41854 sought permission for the erection of a block of 43 retirement apartments but was withdrawn by the applicant following discussions with the case officer.

Application No. 42824 sought permission for a reduced scheme of 37 retirement apartments and was brought before the 27th July 2004 Planning Committee recommended that the Committee be Minded to Approve. However, the application was deferred for a site visit and subsequently withdrawn by the applicant due to the parking requirement being unable to be met as the property at No. 2 Whitburn Drive could not be changed to parking.

### **Proposal**

The current scheme is for the erection of 22 apartments on the site of the shops and Old Dunsters but the site does not include No. 2 Whitburn Drive. The flats would be constructed in two blocks which would vary in height and would front either Hebburn Drive or Boulden Drive.

The scheme would be accessed from Hebburn Drive through an archway in the T-shaped

block, into a central courtyard with car and cycle parking. There would be pedestrian access from Boulden Drive and the servicing of dustbins from the bin store would also be carried out from this point.

The blocks themselves would be part two and part three storeys high; the block fronting Hebburn Drive would be 3 storeys high adjacent to No. 16 Throstle Grove, although the block has been set into the ground to reduce its overall height and would be two storeys high adjacent to No. 2 Whitburn Drive.

The block fronting Hebburn Drive would be two storeys high on the side adjacent to No. 6 Hebburn Drive but then rises to 3 storeys high moving eastwards towards 9 & 11 Jesmond Drive.

### **Publicity**

Press advertisement placed in the 18th August 2005 edition of the Bury Times and 35 adjoining occupiers notified by letter - 10 responses received objecting to the proposal on the following grounds:

- Lower ground levels on Jesmond Drive mean the building will overbearing
- 3 storey development would be out of keeping with the surrounding area, dominant and intrusive
- Loss of privacy
- Insufficient parking spaces
- Is Hebburn Drive capable of carrying heavy construction traffic since recent repairs have been carried out to stabilise it
- Loss of light
- Plans show the ground level at 16 Throstle Grove inaccurately
- The plans omit some measurements whilst others are inaccurate

### **Consultations**

Borough Engineer - Drainage - no objections - Highways - requested revisions which have been incorporated into the revised plans, final comments awaited.

Borough Environmental Services Officer - recommends conditions be attached covering ground contamination.

BADDAC - request a number of changes which have been made on the revised plans, including level-stop areas for wheelchair users outside entrance doors, dropped kerbs within the car parking areas, Lifetime Homes made available as part of the scheme and a 1.2 metre wide footway under the entrance archway.

GM Police - recommend a number of revisions which have been addressed by the revised plan including controlled pedestrian access into the site from Boulden Drive, robust boundary treatment in the form of railings and demarcated parking spaces for each apartment.

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

PPG3	PPG3 - Housing
PPG23	PPS 23 - Planning and Pollution Control
RSS 13	Regional Spatial Strategy for the North West
H1/2	Further Housing Development
H2/1	The Form of New Residential Development

### **Issues and Analysis**

The main considerations of the application are the acceptability of the principle of the development, its form, layout and contribution to recreational open space.

#### *Principle*

The application was submitted prior to the inception date of the Council's housing restriction policy and therefore should be measured against the housing policies of the UDP.

The site lies within the urban area thereby avoiding the release of peripheral sites for housing, would be close to existing infrastructure and public transport routes as well as being surrounded by residential properties and thus suited to its surroundings.

#### *Form*

The proposed development would have a roof height and type that whilst higher, would not be incompatible with the adjacent buildings. Notably, the revised plans have sunk the part of the building closest to No. 16 Throstle Grove in order to reflect the difference in ground levels.

The main side elevations of the blocks have no windows in them and so achieve the 13 metre minimum separation distance set down in current guidance and would be an improvement on the existing situation. The section of the Hebburn Drive block which would project into the car park does have side windows, however, these exceed the 20 metre separation distance between habitable room windows by over 5 metres.

The density of the development would equate to 84.6 dwellings to the hectare which is well above the government's target of 30-50/hectare. The position and proximity of the blocks to the surrounding dwellings would be well spaced and the detail of the materials would be finalised under condition. As such the form of the development is considered to be acceptable.

#### *Layout*

The proposal would provide 29 spaces for 22 apartments including 2 disabled spaces and an additional 3 visitor spaces together with cycle parking spaces as well as suitable access for vehicles and pedestrians. The space about and between the blocks would be adequate to provide for sitting out and informal recreation as well as for the indicative landscaping scheme which is also acceptable but to be secured via condition. The revised plans have addressed and accommodated the requirements for safety and security as well as for the mobility impaired.

#### *Others*

The site may be contaminated thus conditions will be attached requiring contaminated land surveys to be submitted prior to the commencement of development. The applicant has submitted the paperwork for the completion of the legal agreement for recreational open space provision.

#### *Objections*

The revised plans are considered to have addressed the objections regarding grounds levels, measurements and the building appearing overbearing due to its height.

The building would not incur a material loss of light, privacy or outlook to the habitable room windows of adjoining properties, indeed would be an improvement over the existing

situation as stated above. The proposed parking levels are considered acceptable and accord with current central government planning policy guidance.

### **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 scheme would be acceptable in principle, form and layout and would make provision for contaminated land remediation and recreational open space.

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 drawings numbered 05/472.04A, 05/472.05, 05/472.06, 05/472.07A, 05/472.08A, 05/472.09 and 05/472.11. The development shall not be carried out except in strict 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:  
  
H2/1 - The Form of New Residential Development  
H2/2 - The Layout of New Residential Development.
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. 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. 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..
  
9. 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.

10. 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.

11. The bin and cycle parking stores shown on the approved plans shall be provided and made available for use prior to the development hereby approved first being occupied and shall thereafter be maintained.

Reason: To ensure a good standard of development in the interests hygiene and to encourage more sustainable methods of transport.

12. No development, building work or demolition shall take place on site unless and until the applicant has secured the implementation of a programme of archeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason. To make a record of buildings and features of archaeological interest and to comply with legislative requirements pursuant to policies EN3/1 – Impact of Development on Archaeological Sites, EN3/2 – Development Affecting Archaeological Sites and EN3/3 – Ancient Monuments of the Bury Unitary Development Plan.

13. Prior to the commencement of the development, appropriate site investigations, gas monitoring and risk assessment shall be carried out to assess any possible risks associated with the production of landfill gas or ground gas. Where required, detailed design features shall be incorporated into the development, as shown necessary by the site investigation and risk assessment, to alleviate risks to the written satisfaction of the Local Planning Authority, and;

A Site Verification Report detailing the design and installation of the incorporated design features, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.

Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency 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:** North Manor

Item 06

**Location:** 325 HOLCOMBE ROAD, GREENMOUNT, RAMSBOTTOM, BL8 4BB

**Proposal:** ERECTION OF ONE DETACHED BUNGALOW

**Application Ref:** 45119

**App Type:** Outline Planning Permission

**Statutory Expiry Date:** 17 October 2005

**Recommendation:** Approve with Conditions

### **Description**

The application site, approximately 0.04 hectares in area, forms part of the large garden of an existing detached dwelling No. 325 Holcombe Road, Greenmount. It is in a corner of the garden adjacent to Hunt Fold Drive

The application is made in outline and seeks approval for the erection of a detached bungalow with an access from Hunt Fold Drive.

### **Relevant Planning History**

An outline planning permission ref. 32930/97 for the erection of 1 No. detached bungalow was granted on 10 April 1997. This followed a previous outline permission ref. 26506/91.

### **Publicity**

Objections have been received from the residents of 301 and 360 Holcombe Road on the basis that the proposed access, due to its close proximity to road junctions with Holcombe Road and Huntley Fold Drive, would be hazardous.

### **Consultations**

Borough Engineer- No objection subject to conditions

Env Health - No objection subject to conditions

Landscape Practice - The coniferous leylandii proposed to be removed along Hunt Fold Drive to form access is acceptable in terms of tree loss. There are no further issues to be considered in this respect.

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

H2/6 Garden and Backland Development

H1/2 Further Housing Development

PPG3 PPG3 - Housing

### **Issues and Analysis**

Principle - The site forms part of the side garden area to the detached dwellinghouse No. 325 Holcombe Road and by virtue of its location, lies adjacent to Hunt Fold Road. The site is located within a predominantly residential area surrounded by all types of houses. Due to the nature of the area, it is considered that the proposed development for a bungalow is appropriate and acceptable in principle. This principle has already been established by



virtue of the previous lapsed outline planning permissions.

Layout/residential amenity - The site, 23m x 18m, is large enough to accommodate the bungalow with adequate space about the building. The nearest residential property to the application site being No. 325 Holcombe Road, would not be located directly opposite to the proposed dwelling. Although there are several habitable room windows displayed at the side elevation of No. 325 facing the gable wall of the proposed bungalow, nevertheless, due to the position/location of the proposed bungalow, it is unlikely that the amenities of the residents of No. 325 Holcombe Road would be compromised in any appreciable way. Similarly, the proposed bungalow would not be located directly opposite to the residential properties across Hunt Fold Drive and as such would not have a detrimental impact on the amenities of the adjacent residents. In order to further safeguard the amenities of the adjacent residents, however, necessary considerations including floor levels will have to be given at the reserved matter stage.

With regard to the residents' comments about the proposed access, it should be pointed out that details of the access to the site have been revised to the satisfaction of the Borough Engineer.

### **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 in principle and would not cause demonstrable harm to interests of acknowledged importance.*

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 the grant of outline planning permission; and
  - that the development to which the permission relates must be begun not later than 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 matter to be approved.

Reason. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

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) and the landscaping of the site.  
Reason. To ensure the satisfactory development of the site and because this application is in outline only.

3. This decision relates to drawings numbered 733/2 (Revised) received on 3 October 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.

4. The development hereby approved shall not be first occupied unless and until visibility splays measuring 2.4 metres by 33 metres have been provided at the junction of the proposed access with Hunt Fold Drive to the written satisfaction of the Local Planning Authority before the development is first occupied 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.
5. Pedestrian visibility splays in accordance with Figure 114 of Design Bulletin 32 'Residential Roads and Footpaths – 2<sup>nd</sup> Edition' shall be provided at the junction of the proposed access with Hunt Fold Drive before the dwelling hereby approved is first occupied 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 highway 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. 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.
8. Following the provisions of Condition 7 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.
9. 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.

10. 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.

11. 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.

12. 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.

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

**Ward:** North Manor

Item 07

**Location:** GREENMOUNT GOLF CLUB, GREENHALGH FOLD, GREENMOUNT, BL8 4LH

**Proposal:** 25M MONOPOLE TELECOMMUNICATIONS INSTALLATION WITH 6 ANTENNAS & ASSOCIATED CABINETS

**Application Ref:** 45252

**App Type:** Full

**Statutory Expiry Date:** 16 November 2005

**Recommendation:** Approve with Conditions

### **Description**

The application site lies within the grounds of Greenmount Golf Club, to the east of Greenhalgh Fold. The site stands on the top of a bank which slopes down sharply to the north but is occupied by mature trees up to 22 metres high. A foot path runs immediately to the south of the site which itself borders the fairway.

The site lies in the Green Belt and River Valley, West Pennine Moors, Special Landscape Area and Wildlife Link and Corridor whilst Greenhalgh Fold is a Grade II Listed Building.

### **Relevant Planning History**

No previous applications for telecommunications masts and equipment on this site.

### **Proposal**

The application is for full planning permission to erect a 25 metre high monopole telecommunications mast with 3 associated cabins at the foot of the mast enclosed by a 1.1 metre high timber post and rail fence. The mast is proposed so as to minimise its impact on the surrounding area by taking advantage of the trees around the site.

### **Publicity**

Site Notice posted 5th October 2005 and initially 17 adjoining occupiers notified - at the time of writing 95 letters had been received and registered from parents of children attending Holy Mount School adjacent to the Golf Course, but who generally do not live near to the site. 87 of the letters are a standard format together with 8 others, one attached to a petition, which object to the proposal on the following grounds:

- The potential risk to health
- The perceived fear of health risk
- Impact on the Green Belt and do very special circumstances exist
- The mast would be next to a footpath and harm visual amenity
- That the pre-application consultation process was conducted during the school holidays
- No Site Notice has been posted
- Impact on the TPO'd trees

- The visual amenity of the surrounding area would be harmed

A letter has been received from the Head Teacher at Holly Mount R.C. School objecting to the proposal on the visual impact of the mast and the possible effects on the health of the pupils.

### **Consultations**

Borough Engineer - Highways - comments awaited.

Borough Environmental Services Officer - no comments to make on this application.

Head of Landscape Practice - have protected 19 trees in the vicinity of the mast site by TPO.

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

PPG8 PPG8 - Telecommunications  
OL1/2 New Buildings in the Green Belt  
EN1/2 Townscape and Built Design  
EN1/10 Telecommunications

### **Issues and Analysis**

The main considerations of the application are the impact of the proposal on the openness of the Green Belt and River Valley, the character of the West Pennine Moors and Special Landscape Area, the character and setting of the listed Greenhalgh Fold, the impact on the visual amenity of the surrounding area as well as the requirements of the system operator.

The siting of the proposed mast and equipment cabin would be screened and surrounded by trees and low level plant growth resulting in the mast only being fully visible from the south. However, only the top of the mast would be visible from farther away and in the broader context of the surrounding area. As such the proposal is considered not to harm the openness of the Green Belt and River Valley nor to harm the character of the West Pennine Moors and Special Landscape Area.

In relation to Greenhalgh Fold, providing that the mast is screened by the trees on a permanent basis, by TPO, it is considered that the proposal would not harm the character or setting of the Listed Building. However, details should be submitted by the applicant via condition regarding trees protection measures together with a landscape scheme.

The equipment cabin and mast will be visible from the footpath, however, this would be for a limited period of time, against the backdrop of trees and is intended to be screened by additional planting required via the landscape scheme condition.

The applicant has submitted evidence in the form of coverage plots to prove that there is a need for the mast to reach areas in the immediate vicinity as well as a signed ICNIRP certificate meaning that considerations of health risk can longer be considered under the planning system.

In response to the objections raised above, the issue of health risk has been addressed by the signed ICNIRP certificate. In relation to the perceived health fear, recent appeal decisions that have been dismissed have been in relation to masts that have been in very close proximity to either houses or children's play areas. In this case, the mast would be at least 25 metres from Greenhalgh Farm and 260 metres from the nearest part of Holly Mount School. It is considered that the weight which can be given to public health fears is much

reduced given the distances involved between the mast and the school. All other matters raised are considered to have been addressed by the preceding text.

### **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 proposal would not harm the openness, character or visual amenity of the surrounding area and would not be detrimental to the character and setting of the nearby Listed Building.

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 three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 52105 - 001 C, -002 C, -003 C, coverage plots numbered 36010, 36011, 36012, 36013, 36014, 36015 and the supporting information. 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 and colour of paint to be used in the external elevations of the development hereby 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 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.
5. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. It shall be implemented not later than 12 months from the date the building(s) is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

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

**Ward:** Radcliffe - East

Item 08

**Location:** LAND ADJACENT TO ENTRANCE TO CLOSE PARK RIVERSIDE ROAD  
RADCLIFFE

**Proposal:** POSTAL POUCH BOX

**Application Ref:** 45191

**App Type:** Full

**Statutory Expiry Date:** 27 October 2005

**Recommendation:** Approve with Conditions

### **Description**

The double pouch would be located at the entrance to Close Park at the end of the residential cul-de-sac characterised by detached and semi-detached houses. The entrance to the park is bounded by 3-4m high mature hedges on either side. The pouch would be positioned at the back of the footway at the edge of an area of low growing shrubs.

The postal pouch would consist of a double box (1000x400mm) mounted on a powder coated pedestal. The total height of pouch and pedestal would be 1.36m.

### **Relevant Planning History**

**44673** - Postal Pouch Box - Refused due to insufficient information **10/08/2005**

### **Publicity**

Immediate neighbours - Two letters of objection from the occupiers of No.55 Riverside Road and No.8 Parkside Close. Objections are summarised:

The pouch would be obtrusive and result in the loss of shrub planting on the close.

It will become a gathering point for youths.

There is also a concern that the pouch would be emptied and filled at unsociable hours.

There doesn't seem to have been much thought in choosing the location of the postal pouch given the future redevelopment of the entrance to Close Park. The pouch may be inappropriate within this new scheme.

### **Consultations**

Borough Engineer - No objection.

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

EN1/2 Townscape and Built Design

### **Issues and Analysis**

The postal pouch would be a modest feature at the end of the cul-de-sac and would not seriously harm the amenity of those occupiers around it. A small area shrubs would need to be repositioned to accommodate the positioning of the pouch but it is considered that the impact would be minimal.

The concern that the pouch would increase the area's attractiveness as a gathering point for youths is not supported as the pouches are not that conducive to being sat on. Only one mail van would visit the pouch per day and it is not considered that this would cause undue



disturbance. It is recommended that the application be approved.

### **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 postal pouch would not have a seriously adverse affect on the street scene or have a serious impact on the amenity of surrounding occupiers. 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 three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 1st September 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. Prior to commencement of development, details of the exact colour of the postal pouch hereby approved shall be submitted to and agreed in writing by the Local Planning Authority.  
Reason. In the interest of visual amenity.

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

**Ward:** Radcliffe - North

Item 09

**Location:** BRADLEY FOLD INDUSTRIAL ESTATE, BRADLEY FOLD ROAD, BOLTON, BL2 6RL

**Proposal:** ERECTION OF SMALL & MEDIUM SIZED ENTERPRISE UNITS & VEHICLE PARK

**Application Ref:** 45044

**App Type:** Full

**Statutory Expiry Date:** 30 September 2005

**Recommendation:** Borough Planning and Economic Development Officer to Report

**This application is to be site visited on 25th October as requested by Councillor M. Connolly.**

#### **Description**

The application site is an enclosed area of land located to the easterly side of the Council's Bradley Fold Depot. In the past, the site contained air raid shelters, which have since been removed. The site slopes from north-west to south east, it is grassed and also contains some self seeded trees and bushes in northerly half of the site. There is a more dense level of tree coverage on the southerly half of the site. The site is enclosed by 2.4m high palisade fencing along its westerly boundary and a 1.5m high railing fence to agricultural land to the north and east. At the southerly end of the site is a former railway line within a cutting, which is now used by walkers. The site is currently accessible by foot from the south across the former railway line via an informal path. Further to the south still, is a modern housing estate comprising a mix of residential properties.

The site is crossed by high level power lines, with pylons located outside the site to the north and there is a single pylon located to the far south of the site, near the former railway cutting.

The application is seeking planning permission for the erection of 6 industrial start up units in two blocks of four and two units respectively. The sizes of the units would be 1 x 3310sqft (308m<sup>2</sup>), 3 x 2500sqft (233m<sup>2</sup>) and 2 x 5000sqft (465m<sup>2</sup>). The uses sought for the units at this stage are industrial uses including Class B1 (Business), Class B2 (General Industry) and Class B8 (Storage and Distribution). In addition to the erection of units, the application proposals also include the provision of a 24 space parking area for refuse vehicles.

#### **Relevant Planning History**

There is no relevant planning history affecting the site.

#### **Publicity**

Site notices were erected around the site on 22 August 2005 and the development was advertised in the local press on 18 August 2005. Letters were sent to other businesses and occupants of the trading estate and residential properties including Coggra Fold Farm, Tintagel Close, Sherbourne Close, Okehampton Close and Tiverton Close on 11 August 2005. This publicity exercise resulted in 7 objection letters being received from: 4 & 6 Sherbourne Close, 7 Okehampton Close, 4 Bamburgh Close, 31 Tiverton Close, 34

Sunningdale Avenue and one email objection (no address given). Points raised include:

- A nearby site had been subject to a previous application for opencast coal mining, where the presence of the Great Crested Newt was a key issue. The area contains other species that contribute to the biodiversity of the site.
- The surrounding roads were not built to carry HGV's and international freight vehicles. The extension of the site would encourage more.
- The residents would like to see the removal of the industry from the area and the site be enhanced into a nature area.
- The area is one of two areas where dogs can be safely walked.
- Insufficient numbers of residents were notified of the proposals.
- The development would adversely affect the value of nearby residential property.
- The area is a countryside area where children can play.
- The previous application for open cast coal mining was refused and subsequently dismissed as there was no conclusive assurance to that the hydrology would be maintained to ensure the survival of the newts. The objections presume that this equally applies to the application under consideration.
- The approval of this scheme would set a precedent for industrial development in the area, which would make it more difficult to refuse other similar proposals.
- They question the need for the development.
- The loss of landscape and wildlife.
- Such units should be developed where previous industry has taken place.
- It is 'incongruous' that the Council should seek to develop a Green Belt area and Grade 'A' Site of Biological Importance (SBI) when the Council resisted such development in the past.

Further letters informing residents of the receipt of revised plans have been issued on 4 October 2005. Revisions included amended siting of the units and amended layout details. Any further comments received shall be reported to Members.

### **Consultations**

Borough Engineer:

Drainage - No objections.

Traffic - No objections subject to conditions.

Environmental Health:

Contaminated Land - No objections in principle. Add standard conditions to ensure appropriate remediation and mitigation is carried out against on-site contamination.

English Nature - Objects to the scheme on the basis that protected species may be harmed based upon the lack of information submitted with the application initially. They suggest that further surveys be carried out.

United Utilities - No objections.

National Grid - No objections.

Environment Agency - No objections in principle. Add conditions concerning the need to protect wildlife and nature conservation.

Greater Manchester Ecology Unit - There is a need for further information in terms of the proposed methodology for the protection of wildlife and nature conservation.

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

EC2/1 Employment Generating Areas

EC6/1 Assessing New Business, Ind and Commercial

EN1/1 Visual Amenity

EN1/3 Landscaping Provision

EC3/1 Measures to Improve Industrial Areas  
EN6/3 Features of Ecological Value

### **Issues and Analysis**

**Principle and Ecology** - Within the UDP, the trading estate and the adjoining application site is allocated under UDP Policy EC2/1/11 - Bradley Fold as an Employment Generating Area. The UDP stipulates that the Council will permit uses Business (Class B1), General Industrial (Class B2) and Storage and Distribution (Class B8). The scheme proposes the erection of small to medium sized units under these specified use classes.

In August 2004, Business Investment Programme ERDF Objective 2 funding was secured to implement an employment generating development identified under UDP Policy EC2/1/11 within the proposed application site. In view of this and in pure land use terms, the development for industrial purposes would be consistent with the UDP. However, the site has been included within the adjoining Grade 'A' SBI and thus, other policies of the UDP must also be considered.

In March 2000, the Coggra Fold Grade 'A' SBI was amended to include the all of the undeveloped land to the east of the trading estate (the application site) as additional terrestrial habitat used by the Great Crested Newt, which is a protected species under European Law. Under UDP Policy EN6/1 - Grade 'A' Sites of Biological Importance, the development would be in conflict with the policy, unless there are demonstrable issues that would outweigh the ecological value of the site.

Under the Conservation (Natural Habitats) Regulations 1994 and other associated regulations, it is an offence to capture, kill, disturb or deliberately damage or destroy a breeding site or resting place of, amongst others, the Great Crested Newt (GCN). There are exceptions to these provisions where licenses can be obtained from English Nature to permit works to be carried out pursuant to development, which would affect protected species including Great Crested Newts or their habitat. The exceptions are:

- There is no satisfactory alternative to the derogation;
- The derogation would not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range;
- The derogation would be in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance to the environment.

Whilst protection is also afforded to birds, the Wildlife and Countryside Act does provide a caveat of lawfulness where activities such as the implementation of development would be a lawful activity.

In terms of the development proposals, the scheme would result in the loss of approximately 1ha of Grade A SBI land, which is classed as terrestrial habitat of the GCN as the site contains no newt breeding ground. The consultation exercise with English Nature and GMEU have both resulted in objections and they request further information. The application contains a planning policy statement that concludes that the development would be acceptable in policy terms. However, there is currently insufficient information to substantiate this. Discussions and further reports are being produced and English Nature and GMEU will need to be further consulted. The conclusions of this exercise shall be reported to Members.

**Need for the Development** - The scheme contains a report to respond to the tests for social or economic need for the development to address why this site should come forward to

outweigh the retention of the land within the SBI. The report confirms that Bury contains no satisfactory alternative and that there is overriding public interest on social and economic grounds for the proposals.

The site lies within an Employment Generating Area and Key Direction 2 of the UDP Policies states that the UDP shall seek to *"enhance the prosperity of the Borough and its residents and to aid the development of a strong local economy"*.

The development of this site would maintain a strong economic base for industrial uses, employment and also a basis to underpin strong housing demands in the community. This view is further supported by the allocation of the site as being within a designated employment generation area. In terms of Bury's land availability, recently commissioned reports by the Council demonstrate that there is approximately 3.7 years supply of employment land left, a resource that is diminishing quickly due to the take up of available units, as they arise, within existing employment areas.

Studies of census data indicates that there are high levels of out-commuting (48.4%), which demonstrates that Bury is a popular place in which to live and that employment is better provided for outside the Borough. Such figures substantiate that there are pockets of unemployment within the Borough and that the high rate of out-commuting is not sustainable in the long term. Local jobs with low pay within the Borough have depressed the gross capita output per head of population and thus raising the wage levels of those workers who do not travel out of the Brough for wmployment is now a high priority. Therefore, to maintain deliverable employment opportunities within the Borough and considering the availability and criteria to achieve external funding, no other alternative sites are available within the Borough, that would provide for a similar type of development as proposed. As such, the scheme demonstrates that there is a case to override ecological considerations.

Wildlife Corridor - The site lies within a Wildlife Link and Corridor. Under UDP Policy EN6/4 - Wildlife Links and Corridors, the policy states that the Council will seek to consolidate and where appropriate strengthen them and will not permit development which would adversely affect identified areas. New developments within such areas, proposals should contribute to their effectiveness through the design, landscaping and siting including mitigation works where appropriate. The development has been submitted with a tree survey, which confirms that the southerly half of the site would remain unaffected by buildings and engineering works. The trees within this area would remain. In addition to this, the scheme incorporates a 5m wide landscaped buffer zone along the easterly and northerly boundary to contribute to the corridor. Proposals for a sustainable urban drainage system (SUDS) are also being prepared. The purpose of SUDS is to contribute to the effectiveness of the corridor and also part of the ecological mitigation proposals. These details will also form part of the re consultation with English Nature and GMEU. The results of this aspect of the development shall be reported to Members.

Description and Appraisal:

UDP Policy EC6/1 - Assessing New Business, Industrial and Commercial Development, states that all new business, industrial and commercial development will be expected to be of a high standard of design and appearance and should take into consideration its relationship to the surrounding context. Issues such as scale, size, density, layout, access, car parking, landscaping and boundary treatments, impact upon neighbouring properties and the safety of employees, visitors and occupiers should be taken into consideration.

UDP Policy EN1/1 - Visual Amenity seeks to ensure that new developments do not have a detrimental effect upon views within or from areas of environmental interest such as from the Green Belt.

Design and Layout - The proposed buildings would be 7m-8m in height, would be sheet metal clad in the upper part of the elevation and would contain a substantial brick plinth. Elevationally, the proposed buildings would be similar to many other industrial units found within the borough. The units would be arranged to occupy the upper half of the site and to address the general fall in levels, some cut and fill would be required, although not substantial. Essentially, approximately the maximum extent of land to be excavated would be 2.4m at the northerly end of the site, which would be redistributed to the southerly units, located approximately centrally within the site. This exercise would ensure that the development would be less visible when viewed from the north and east from the Green Belt and thus would not conflict with UDP Policy EN1/1 - Visual amenity.

Parking and Vehicular Access - The scheme indicates that each of the 4 smaller units would accommodate 6 parking spaces, with 18 provided for the 2 larger units. There are maximum car parking standards contained within Planning Policy Guidance Note 13 - Transport. However, these standards apply only to units in excess of 2500m<sup>2</sup>. Formerly adopted car parking standards contained within the UDP would have required circa 38 spaces for such units. The scheme indicates some 42 spaces in total for the development. It is considered that this provision would be consistent with requirements for parking for the development. The main vehicular entrance into the site would be achieved from the main access road to the estate. The Borough Engineer has been consulted on the proposed access provisions and he considers that there are no objections to the design and position of the access route.

Vehicle Refuse Parking - The proposed refuse vehicle parking area would also be located centrally within the site. 24 spaces are proposed and is a long term aim to displace parking of the vehicles from the rear of the existing main building within the trading estate where the vehicles currently park to a new area away from residential properties. The finished levels of the parking area would require marginal land reforming. Approximately 1m cut would be required at the northerly end, with 600mm fill at the southerly end. The site would remain screened by trees to the south and the proposals also include the enclosure of the refuse vehicle parking site by a 2.4m high acoustic fence, to contain noise from the vehicles. The fence would be timber and in terms of design, it would be an appropriate finish to the site, given its close relationship to the Green Belt.

Trees and Landscaping - UDP Policy EN1/3 - Landscaping states that development proposals will be expected to make provision for landscaping to the Council's satisfaction. The upper half of the site contains a few sporadic number of self seeded trees and bushes. The development seeks to remove these trees. However, on the southerly half of the site, to the south of the proposed refuse vehicle parking area, trees would remain unaffected. This would ensure that the development would be effectively screened when viewed from the south. The view of the site from the residential properties across the railway line would largely be unchanged. The scheme also proposes additional landscaping within a 5m buffer zone along the northerly and easterly boundary of the site. Within this area, trees would be planted and would be of a better quality than the trees that would be removed. The details of the scheme can be secured by the imposition of a planning condition. In view of this, it is considered that the development would comply with Policy EN1/3 - Landscaping.

Residential Amenity - As stated previously, the scheme proposes to displace the existing refuse vehicle parking facility to a central location within the development site. The purpose of this would be to improve the existing relationship of the activities within the site to the closest residential properties to the south. The location of the development would be separated from the residents to the south of the site by some 120m and together with the measures proposed within the development and the retention of the trees, the development would have no materially adverse impact upon the residents to the south. The nearest residential property to the north is Coggra Fold Farm. This property is higher in level than

the development site and is some 100m to the north of the units. The units at the northerly end of the site would be set into the slope such that the finished slab levels would be some 2.4m below land levels to the north and would be screened by a 2.4m fence and landscape buffer. These features together would result in only the upper 2m of the buildings being visible from the north. No operational activities would take place between the units and the northerly boundary of the site. The plans indicate that fire doors would discharge to the rear of the units only. In view of these matters, it is considered that the development would be satisfactory in terms of impact upon residential amenity.

Access For Those With Special Needs - The scheme indicates provision for disabled parking within each of the units designated car parks. The spaces would be located near to the entrance of the buildings and transfer strips would be sited around the spaces. The entrances into the units would be level accesses with a slight rise of 1 in 20 to ensure that rain water clears the building. Level accesses would also be provided to the rear fire escapes and a clear accessible route around the buildings would also be provided in the event of a fire. As such, the development would comply with adopted UDP Policy HT5/1 - Access For Those With Special Needs.

In view of the above comments, it is considered that the development would comply with UDP Policy EC6/1 of the Bury UDP.

Comments upon Residents' Concerns - Comments have been received from residents concerning the potential of re-opening opportunities for the nearby open cast mining proposals. There are key fundamental differences between the current proposal and the coal mining proposals, not least the nature and scale of the proposals. The open cast coal mining would have directly affected the protected ponds and associated species and due to the substantial cut operations required for the mining scheme, there would have been significant impacts upon the hydrology of that area. This would have prohibited water flows, redirected them and would not have ensured the survival of nearby ponds. The current proposal would not affect ponds and is some distance from the nearest pond. In operational terms, no connection can be made between the current proposals and the mining proposals of the past.

The has boundaries with the Green Belt boundaries to the north and east sides of the site. Therefore any expansion of the trading estate would be prevented by the land designation.

The Borough Engineer has expressed no concerns over the ability of the highway infrastructure to carry large vehicles. The access to the site would not pass residential property and there is ample highway infrastructure in the area to provide access to the site from key routes.

The UDP seeks to consolidate and improve existing employment uses and UDP Policy EC3/1 - Measures to Improve Industrial Areas encourages developments to improve current relationships of industry to more sensitive uses. The proposals indicate the new units to be a significant distance from the nearest residential properties and also seeks to relocate an existing problem of the noise of refuse vehicles to a different part of the site. These proposals together represent a positive step to improve the relationship of the site to residential property to the south.

The southerly half of the site, as discussed, would be unaffected by development. There are no proposals to fence the area along the southerly boundary and as such, the site would still be accessible at its southerly end.

The impact upon residential values is not considered to be strictly a planning matter. The development would be some distance from the residential properties to the south and due to

the retained tree cover within the site, there would be no discernible impact upon outlook from the properties to the south of the former railway line.

Conclusions - The application at the time of writing contains some outstanding issues, particularly in connection with the impacts upon ecology. Given this, a further report shall be made to Members on the outstanding matters.

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

**Recommendation:** Borough Planning and Economic Development Officer to Report

### **Conditions/ Reasons**

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



**Ward:** Radcliffe - West

Item 10

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

**Proposal:** ERECTION OF 3 NO. BLOCKS OF 3 STOREY APARTMENTS (42 IN TOTAL)  
- OUTLINE

**Application Ref:** 45142

**App Type:** Outline Planning Permission

**Statutory Expiry Date:** 19 October 2005

**Recommendation:** Approve with Conditions

### **Description**

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

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

This application is seeking outline planning permission for the erection of 42 apartments within 2 blocks. Consent is being sought for the details of the means of access, siting and design.

Access to the site would be from Harper Fold Road, reflecting the same access geometry as already approved under previous proposals. The blocks would be 3 storey high and arranged in such a way that one block would be in the southerly half of the site, with the second block in the northerly half of the site.

Car parking would be located mainly in between the two blocks and also at the northerly end of the site. Some additional parking bays would be located along the westerly boundary of the site.

This is a variation of an already approved scheme, which was approved in July this year for 18 dwellings.

### **Relevant Planning History**

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

Reserved matters approved (ref:44609) recently by Planning Committee on 27/7/05 for the development of 18 dwellings.

### **Publicity**

Site notices were erected around the site on 6/9/05 and press notices were published in the Bury Times and Radcliffe Times on 15/9/05 and 16/9/05 respectively. Letters were also sent to properties on Limefield Road, Lea Field Close, Harper Fold Road, Crossfield Drive, Far

Hey Close and Pitt Street. As a result of this publicity, 14 letters of objection have been received from: 27 Crossfield Drive; 51, 53, 57, 63, 67, 69 & 72 Harper Fold Road; 6, 4, 10, 16, 18 & 20 Limefield Road.

Points raised include:

- Traffic levels are already heavy on Harper Fold Road such that traffic calming measures have been installed on local roads. The access would be located near to a newly installed traffic control measure, which is on a dangerous bend. More traffic would worsen the situation and potentially harm school children in the vicinity of the site.
- The character of the development would be out of keeping with the rest of the estate. The development proposes 3 storey apartments, where surrounding properties are 2 storey dwellings.
- There would be potential overlooking from the upper storeys of the flats.
- The height of the development would block out light to surrounding properties and gardens.
- The development would reduce the property prices of surrounding houses.
- Why must every available site have new housing squeezed onto it?
- Why is the Council attempting to bring in revenue from the outlying areas to spend in 'flagship Bury'?
- The estate contains well-established, family orientated housing. The new development may well upset this balance.
- Radcliffe needs no more apartment developments.
- The scheme is too dense a number for the site available.

### **Consultations**

Borough Engineer:

Traffic - Any response shall be reported to Members.

Drainage - No objections.

Environmental Health -

Contaminated Land - No objections. Add conditions to ensure appropriate screening and mitigation is carried out should the development be implemented.

Pollution Control - No objections. Add informatives concerning the methods and standards that should be used in construction of the development.

Greater Manchester Police Architectural Liaison - No objection in principle to the scheme. A number of detailed comments have been raised. However, the comments are very detailed and would normally be subject to consideration at the reserved matters stage. A copy of the Police's response has been passed to the agent for consideration at reserved matters stage. Notwithstanding this, the proposed plans have been annotated to pick up on issues raised by the police, particularly plot definition by the introduction of railings, improved natural surveillance, the deletion of remote parking areas and the provision for street lighting.

Greater Manchester Fire and Rescue Service - No objections.

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

H1/1	Housing Land Allocations
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
HT2/4	Car Parking and New Development
SPD4	DC Policy Guidance Note 4: Percent for Art

SPD5 DC Policy Guidance Note 5: Affordable Housing  
SPD1 DC Policy Guidance Note 1: Recreation Provision  
EN1/2 Townscape and Built Design  
EN8/1 Tree Preservation Orders  
EN8/2 Woodland and Tree Planting

### **Issues and Analysis**

Principle - The site is allocated for housing in the UDP under policy H1/1/34. The principle of residential development has been considered and approved under planning permission 39383/02. The current application would be consistent with the allocation within the UDP in land use terms and with surrounding development. As such, the principle of the development is considered to be acceptable.

Siting, Design and Layout - UDP Policies EN1/2 - Townscape and Built Design, H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development seek to ensure that new residential developments contribute positively to and are designed in to their surrounding context. The proposals indicate 2No. 3 storey apartment blocks within an extensive site in an area that was previously occupied by a mill building. The southerly block within the site is numbered on the plans as blocks 1 and 2.

National Planning Policy Guidance Note 3 - Housing, seeks to achieve the best use of previously developed land and together with adopted policies in the UDP, planning policies and guidance encourages a mix of housing types, sizes and designs to be provided thus to contribute towards a mixed housing type availability in the community. The proposed density would equate to 84 dwellings per hectare, which would exceed the density range of between 30 and 50 dwellings per hectare set down in the PPG. However, in this instance, the development would be for apartments and as such, densities would tend to be higher than stipulated within the PPG. In response to this, the height and footprint of the buildings, associated car parking and proposed amenity space must adequately fit within the development site, whilst maintaining appropriate separation and aspect standards to existing properties, before the density can be considered to be excessive.

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

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

- 43m between rear elevations of 14 to 18 Limefield Road to main elevation of block 3;
- 40m between rear elevations of 4 & 6 Limefield Road to the side elevations block 1&2;
- 45m between front elevation 63 Harper Fold Road to front elevation of block 1 & 2;
- 42m between front elevations of 65 & 67 Harper Fold Road and block 1 & 2;
- 32m between rear 62 Harper Fold Road and rear/side elevation of block 3;
- 24m between side elevation of Cherry Trees to side elevation of block 3;
- There would be no direct relationship between block 3 and the properties on the easterly side of Pitt Street.

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

Both of the blocks indicate adequate amenity space and landscaping, which would be bounded by 1.8m high close boarded fencing and along the existing streets, the proposals indicate permeable fencing. This would embrace security design principles and reflect other surrounding boundary treatments in terms of style. Notwithstanding this, full consideration of the fencing would be subject to a further reserved matters application for landscaping of the site.

The layout indicates a generally low coverage of development across the site and as such, despite the slightly higher proposed density and the development would assimilate appropriately into the estate.

Trees and Landscaping - The site contains a number of trees subject to a Tree Preservation Order, which are located along the frontage of the site. Due to this constraint, an arboricultural survey and arboricultural method statement have been submitted with the application. These existing trees are indicated to remain in the current proposals and the development can be carried out without impact upon the protected trees. A single tree, located in the proposed visibility splay, would be removed. However, the tree is a self seeded multi-stemmed specimen not worthy of retention. No other trees would need to be affected for the siting of the new buildings, access roads or intervisibility at the junction to Harper Fold Road. Any planning permission should include conditions requiring tree protection measures to be implemented prior to commencement. Further tree planting is also indicated, which would be subject to a future reserved matters application.

Parking - The scheme indicates 125% off street car parking provision within three parking areas. Planning Policy Guidance Note 13 - Transport, advocates a maximum provision of between 100% and 150% for new residential developments. Six remote parking spaces have been removed from the proposals due to concerns raised by the Police ALO. Despite this loss, the parking levels would be consistent with National Planning Policy and is considered to be acceptable.

Given the above, it is considered that the development would comply with UDP Policies EN1/2 - Townscape and Built Design, H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development.

Recreation Provision - The scale of the development is such that provision should be made towards off site recreational provision under UDP Policy RT2/2 and Development Control Policy Guidance Note 1 - Recreational Provision in New Housing Development. In view of this, and as the application has been submitted in outline, the application can be conditioned to ensure compliance with this policy. In addition to this, the development does contain a significant level of landscaping areas, which would be of benefit to the amenity of the site for its users and visually to the neighbours.

Per Cent for Public Art - The scale of the development is such that provision should be made towards Per Cent for Public Art under Development Control Policy Guidance Note 4 - Per Cent for Public Art. The policy would require 1% of the development costs to be paid through a commuted sum to comply with the policy requirements. In view of this, and as the application has been submitted in outline, the application can be conditioned to ensure development meets with this policy.

Affordable Housing - The scale of the development is such that provision should be made towards Affordable Housing under UDP Policy H4/1 - Affordable Housing and Development Control Policy Guidance Note 5 Affordable Housing Provision In New Residential Developments. In view of this, and as the application has been submitted in outline, the application can be conditioned to ensure development meets with this policy.

The applicant's have indicated that they would be willing to comply with the policies through the implementation of an agreement under s106 of the Act.

### **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 introduce an appropriate housing mix into the area, whilst maintaining appropriate relationships with surrounding properties, trees and highways. The development would be consistent with the 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. Applications for approval of reserved matters must be made not later than:
  - the expiration of three years beginning with the date of the grant of outline planning permission; and
  - that the development to which the permission relates must be begun not later than 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 matter to be approved.

Reason. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

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 external appearance of the building(s) 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 car parking indicated on the approved plans 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 and thereafter maintained at all times.

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.

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 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.
  
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, appropriate site investigations, gas monitoring and risk assessment shall be carried out to assess any possible risks associated with the production of landfill gas or ground gas. Where required,

detailed design features shall be incorporated into the development, as shown necessary by the site investigation and risk assessment, to alleviate risks to the written satisfaction of the Local Planning Authority, and;

A Site Verification Report detailing the design and installation of the incorporated design features, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.

Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

9. 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..
10. No trees subject to a Tree Preservation Order 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 and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
11. 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.
12. 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.
13. The development hereby approved shall include an element of recreational provision that would be sufficient to be in accordance with Bury Unitary Development Plan Policy RT2/2 - Recreation Provision In New Residential Development and the associated Development Control Policy Guidance Note 1 Recreational Provision in New Housing Development.  
Reason - To ensure that the development would contribute to satisfying the need for recreation provision pursuant to Bury Unitary Development Plan Policy RT2/2 -

Recreation Provision In New Residential Development and the associated Development Control Policy Guidance Note 1 Recreational Provision in New Housing Development.

14. The development hereby approved shall include an element of public art that would be sufficient to be in accordance with Bury Unitary Development Plan Policy EN1/6 - Public Art and the associated Development Control Policy Guidance Note 4 Per Cent for Public Art.  
Reason - To ensure that the development would contribute to satisfying the need for public art pursuant Bury Unitary Development Plan Policy EN1/6 - Public Art and the associated Development Control Policy Guidance Note 4 Per Cent for Public Art.
15. The development hereby approved shall include an element of affordable housing that would be sufficient to be in accordance with Bury Unitary Development Plan Policy H4/1 - Affordable Housing and the associated Development Control Policy Guidance Note 5 Affordable Housing Provision In New Residential Development.  
Reason - To ensure that the development would contribute to satisfying the need for affordable housing pursuant to Bury Unitary Development Plan Policy H4/1 - Affordable Housing and the associated Development Control Policy Guidance Note 5 Affordable Housing Provision In New Residential Development.
16. This decision relates to drawings numbered 1192/SITE/APARTMENTS, 1192/SITE/SECTION, 1192//APART/PLANS/1, 1192/APART/PLANS/2, SSL:9237:200:1:1, Aboricultural Method Statement dated 5/10/05 and Geo-Environmental Appraisal by Encia received 24/8/05 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.

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



**Ward:** Radcliffe - West

Item 11

**Location:** LAND OPPOSITE 6 WILLOWBANK RADCLIFFE

**Proposal:** POSTAL POUCH BOX

**Application Ref:** 45192

**App Type:** Full

**Statutory Expiry Date:** 27 October 2005

**Recommendation:** Approve with Conditions

### **Description**

The pouch would be located on the grass verge close to the edge of the public footway on Willowbank next to the turning head. There is a sub-station which is screened by high conifers to the east of the site. Immediately to the south is a playing field with 2m railings around the boundary. To the north and west are houses fronting the cul-de-sac.

The postal pouch would consist of a double box (1000x400mm) mounted on a powder coated pedestal. The total height of pouch and pedestal would be 1.36m.

### **Relevant Planning History**

**44701** Postal Pouch Refused due to lack of information. **10/08/2005**

### **Publicity**

Immediate neighbours - One letter of objection from No.4 Willowbank states that the site would be a 'gathering point' for local youths. The parking of mail vans would cause parking problems on the road.

### **Consultations**

Borough Engineer - No objection.

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

EN1/2 Townscape and Built Design

### **Issues and Analysis**

The postal pouch would be considered to be a relatively modest feature on the street scene and would not seriously harm the amenity of those occupiers around it.

The concern that the postal pouch would increase the area's attractiveness as a gathering point or the cause of serious parking problems is not supported. It is recommended that the application be approved.

### **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 postal pouch would not have a seriously adverse affect on the street scene or have a serious impact on the amenity of surrounding occupiers. 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 three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 1st September 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. Prior to commencement of development, details of the exact colour of the postal pouch hereby approved shall be submitted to and agreed in writing by the Local Planning Authority.  
Reason. In the interest of visual amenity.

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

**Ward:** Ramsbottom and Tottington -  
Ramsbottom

Item 12

**Location:** STORAGE YARD STUBBINS LANE/FACTORY STREET RAMSBOTTOM

**Proposal:** MIXED USE - RESIDENTIAL/OFFICES/WORKSHOPS

**Application Ref:** 45117

**App Type:** Outline Planning Permission

**Statutory Expiry Date:** 17 October 2005

**Recommendation:** Approve with Conditions

**Description**

The site is a yard used by a plant hire firm. It is a level concrete area surrounded by a concrete fence. Vehicular access is at the junction of Factory Street with Stubbins Lane close to a bus turn round area. There is also a building within the site accessed directly from Factory Street. The grass verge between the site and Factory Street is in the Council's ownership. To the north, Porritt Way leads to the swimming baths and an area of public open space. To the south, a private road leads to a detached house. There are terraced cottages on the opposite side of Stubbins Lane about 30 metres away from the site at the nearest point.

Outline planning permission is sought for a mixed scheme with residential development on approximately a quarter of the site with offices and workshops on the remainder. All matters are reserved except access which is shown off Factory Street where the existing building would be demolished and one tree would need to be removed. The scheme would include the closure of the existing access and improvements to the Factory Street/Stubbins Lane junction outside the boundary of the site.

The application is accompanied by a design statement, a traffic statement, a bat survey of the building to be demolished and a contamination study.

**Relevant Planning History**

35747/99 - Change of use from waste disposal transfer station to open storage approved in November 1999. This is the current use of the site.

36333/00 - Workshop with security lodge and paint shop/washing facilities refused in May 2000.

36914/00 - Similar application to above refused in October 2000 and subsequent appeal allowed.

39330/02 - Outline application for 64 apartments withdrawn.

43419 - Outline application for mixed use development including residential and business use withdrawn in November 2004.

**Publicity**

The application has been advertised and neighbours notified.

One resident from 11 Stubbins Lane objects to the wording of the notification letter.

The occupier of 17 Stubbins Lane objects because of the general appearance of the current site which is described as a blot on the landscape. He also complains about dust, large vehicles and the closure of the waste collection facility which used to be on the site. His earlier complaint about the height of conifers within the yard blocking his view has been brought to the attention of the applicant.

Ramsbottom Heritage Society do not object to the application but have concerns that the buildings should be of stone construction and no higher than two storey.

### **Consultations**

Borough Engineer - No objection on highway grounds. The traffic statement is acceptable and there is no objection subject to conditions including a requirement for the off site highway works to be implemented. No objection on drainage grounds.

Borough Environmental Services Officer - No objection subject to recommended conditions.

GMPTE - The site is well located in relation to public transport.

Environment Agency - No objection subject to recommendation of contamination conditions.

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

H1/2	Further Housing Development
EC2/1	Employment Generating Areas
RT2/2	Recreation Provision in New Housing Development
H4/1	Affordable Housing
EN1/6	Public Art
SPD1	DC Policy Guidance Note 1: Recreation Provision
SPD4	DC Policy Guidance Note 4: Percent for Art
SPD5	DC Policy Guidance Note 5: Affordable Housing

### **Issues and Analysis**

The application was submitted before the Council's decision to adopt a Housing Restriction Policy. The site is previously developed land within the urban area and is close to all amenities.

The application is in outline at this stage but the position of the site is such that development can occur without adversely affecting the amenities of occupiers of neighbouring property.

The existing vehicular access is awkwardly positioned at a difficult road junction and would be closed. The application includes a new access and improvements to the existing junction that would make it safer.

The site is within a designated Employment Generating Area (EC2/1/1) in the adopted Bury Unitary Development Plan and is identified as being suitable for business, general industrial, warehousing and leisure and tourism uses. The current use is in accordance with the UDP designation but is not labour intensive. The proposed residential use of part of the site will not detract from the area's value as an EGA and the development as a whole will enhance the EGA by providing more jobs.

Given the circumstances specified above, the principle of the proposal is not considered to be in conflict with UDP Policy EC2/1. However, the release of part of the EGA to residential is subject to the provision of a satisfactory level of employment.

A condition is recommended to ensure that the residential development does not take place without the implementation of the business units.

### **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 would be on a previously developed site within the urban area. The principle of the proposal would not be in conflict with UDP Policy EC2/1. The proposal would not affect the amenities of occupiers of adjacent properties and would contribute to highway safety. 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 the grant of outline planning permission; and
  - that the development to which the permission relates must be begun not later than 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 matter to be approved.

Reason. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

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) and the landscaping of the site.  
Reason. To ensure the satisfactory development of the site and because this application is in outline only.

3. 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.

4. Following the provisions of Condition 3 of this planning permission, where

remediation is required, the approved remediation strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the 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.

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

6. 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.

7. Prior to the commencement of the development, appropriate site investigations, gas monitoring and risk assessment shall be carried out to assess any possible risks associated with the production of landfill gas or ground gas. Where required, detailed design features shall be incorporated into the development, as shown necessary by the site investigation and risk assessment, to alleviate risks to the written satisfaction of the Local Planning Authority, and;

A Site Verification Report detailing the design and installation of the incorporated design features, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.

Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

8. At reserved matters stage provision shall be made for the recreational needs of prospective residents.  
Reason To comply with Policy RT2/2 - Recreation Provision in New Housing Development of the adopted Bury Unitary Development Plan.
9. At reserved matters stage provision shall be made for affordable housing if the number of dwellings is 25 or more.  
Reason To comply with Policy H4/1 - Affordable Housing of the adopted Bury Unitary Development Plan.
10. At reserved matters stage provision shall be made for Public Art if the number of dwellings is 25 or more.  
Reason To comply with Policy EN1/6 - Public Art of the adopted Bury Unitary Development Plan.
11. The proposed residential development shall not occupy more than 25% of the site area and any submission for the approval of Reserved Matters must include comprehensive details for the whole site demonstrating the relationship of all the uses on the site.  
Reason To ensure that the development does not detract from the area's value as an Employment Generating Area in accordance with Policy EC2/1 - Employment Generating Areas of the adopted Bury Unitary Development Plan
12. No part of the residential element of the development shall commence until at least fifty percent of the office/workshop development has been implemented in accordance with the approved plans and no more than fifty percent of the residential development shall have commenced unless the whole of the office/workshop development has been implemented in accordance with the approved plans.  
  
Reason To ensure that the development does not detract from the area's value as an Employment Generating Area in accordance with Policy EC2/1 - Employment Generating Areas of the adopted Bury Unitary Development Plan
13. Prior to the commencement of development a detailed phasing strategy shall be submitted to and approved by the Local Planning Authority which demonstrates compliance with the requirements of condition number 13. The strategy approved shall thereafter strictly adhered to.  
  
Reason To ensure that the development does not detract from the area's value as an Employment Generating Area in accordance with Policy EC2/1 - Employment Generating Areas of the adopted Bury Unitary Development Plan
14. Notwithstanding the highway improvement works indicated on plan ref SCP001 in the submitted Transport Assessment, the development hereby approved shall not be commenced unless and until full details of the proposed highway works on Factory Street at its junctions with Ramsbottom Lane/Stubbins Lane and the proposed development access road have been submitted to and approved by the Local Planning Authority. The highway works subsequently approved shall be implemented to the written satisfaction of the Local Planning Authority before the development is first occupied or brought into use.  
Reason To ensure good highway design in the interests of road safety.

15. 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.
16. 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.
17. The visibility splays indicated on the approved plans 4262?Pr/02 Rev A and SCP001 shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use and subsequently 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.

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



**Ward:** Ramsbottom & Tottington - Tottington

Item 13

**Location:** LAND AT VICTORIA COURT TOTTINGTON

**Proposal:** RESIDENTIAL DEVELOPMENT - TWO SEMI-DETACHED DWELLINGS  
(RESUBMISSION)

**Application Ref:** 45002

**App Type:** Full

**Statutory Expiry Date:** 03 October 2005

**Recommendation:** Approve with Conditions

### **Description**

The application site lies to the south of Tottington High School and to the east of Victoria Court constructed on the site of the former Victoria Works, Tottington. The site lies adjacent to 29 Victoria Court which is a semi-detached dwelling house at the foot of the access and service road. The site itself is covered in seral growth consisting of semi-mature trees and shrubs and is used for the storage of building materials. The site slopes slightly and has culvert running through part of the site.

### **Relevant Planning History**

42184 - Residential Development - 4 Town Houses was refused on the grounds of inadequate parking and access for the number of dwellings proposed and insufficient information relating to levels.

43711 - Residential Development - 4 Town Houses was withdrawn before the application could be determined, similar issues arose surrounding access and parking.

44327 - Residential Development - 2 Detached Houses overcame the access and parking issues but raised residential amenity issues and conflict with the culvert running through the site so was withdrawn by the applicant.

### **Publicity**

23 adjoining occupiers consulted - 3 letters received objecting to the proposal on the following grounds:

- proximity of proposal to existing dwellings
- loss of privacy
- loss of view
- possibility of blocking sunlight
- may cause harm to some (unidentified) trees
- access to site unsuitable for heavy construction vehicles
- questions regarding land ownership
- inadequate access to the site
- yet more development inundating Tottington
- disturbance during construction
- safety of objector's children.

### **Consultations**

Borough Engineer - Drainage - no objections. Highways - no objections.

Borough Environmental Services Officer - recommends conditions be attached requiring site investigations for and resulting remediation of ground contamination.

GM Police - recommend that there should be no free access between the front and rear of the dwellings, secured by a 1.8 metre high fence.

United Utilities - no objections but a building over agreement will be necessary.

### **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

### **Issues and Analysis**

The main considerations of the application are the principle of the development for new residential development and the acceptability of the form and layout of the proposal.

The site lies within the urban area, close to existing infrastructure and would avoid the release of peripheral sites. The application was submitted prior to the introduction of the Housing Restriction Policy and thus the site is considered acceptable in principle for residential development.

The form of the development would constitute a gabled pitched roof which would be a slightly steeper pitch than those on the dwellings at Victoria Court. The pair of semi-detached houses would be constructed in brick and concrete tile and set lower than the dwellings at Victoria Court although slightly higher than the dwellings on New Street which flank the application site. The proposed dwellings would be 22 metres from No. 29 Victoria Court taken along the 45 degree line and 23 metres from the flank wall of No. 13 New Street. In both cases the proposal exceeds the Council's minimum separation distances. The scheme would not incur a loss of residential amenity in terms of light, privacy or outlook and would not be detrimental to the character of the surrounding area. The scheme is considered to be acceptable in terms of its form.

The layout of the scheme accommodates the 6 metre easement needed for the culvert, would provide adequate parking and turning on site and space around the dwellings. The access to the site, is considered on balance, to provide reasonable access to the site now that the site would be less intensively used than for 4 town houses. The landscape scheme including works to trees, boundary treatment and security measures will be required by condition. As such the proposed development is considered to be acceptable in terms of layout.

In response to the objections not already addressed by the discussion above, the loss of a view is not a material planning consideration nor is the noise and disturbance during the construction period or access for delivery vehicles. The access into the site whilst not up to the adoptable standards of the Council, is considered by the Borough Engineer not to create a hazard.

### **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 principle, form and layout of the scheme are acceptable, the culvert through the site has been accommodated and neighbour representations are insufficient to outweigh this recommendation.

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 P/2005/06/0165 DWG01 & DWG02. 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:  
  
H2/1 - The Form of New Residential Development  
H2/2 - The Layout of New Residential Development
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. A landscaping scheme, including boundary treatment and security measures to the side of the properties, 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.
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. Following the provisions of Condition 5 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.
  
7. 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.
  
8. 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.
  
9. Prior to the commencement of development on site, details of a protective metal fence shall be erected along the southern boundary of the site adjacent to the Black Brook which shall be maintained throughout the construction period until completion, shall be submitted by the applicant to the Local Planning Authority for their approval.

Reason: To protect the Black Brook watercourse and prevent debris and construction material from encroaching into this area.

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

**Ward:** Ramsbottom & Tootington - Tootington

Item 14

**Location:** CHRIST CHURCH CHURCH OF ENGLAND PRIMARY SCHOOL, CHURCH STREET, WALSHAW, TOTTINGTON, BL8 3AX

**Proposal:** NEW SECURITY FENCING TO PART OF THE SCHOOL BOUNDARY 2.4M HIGH

**Application Ref:** 45171

**App Type:** Full

**Statutory Expiry Date:** 22 November 2005

**Recommendation:** Approve with Conditions

### **Description**

The proposal involves the erection of a boundary fence at Christ Church CE Primary School, Church Street, Walshaw.

It is proposed that a 2.4m high open wire mesh security fencing with post and channel clamp strip will be erected along the school boundary to the rear of the residential properties at Green Street and Public Houses at Hall Street. The proposed fencing would be painted in black to match the existing fencing.

It should be pointed out that part of the proposed fencing has already been erected to the rear and side of Victoria House at No. 12 Hall Street.

### **Relevant Planning History**

Planning permission ref. 42437 for the erection of a 2.4m high security fencing to the Bank Street frontage, part of the Church Street frontage and to the rear of the residential properties on Moyse Avenue, was granted 30 June 2004. The fencing has been erected as approved.

### **Publicity**

A letter raising objection to the proposal has been received from the residents of No. 22 Moyse Avenue. The points made are:

1. The fence has already been erected and is spoiling the views across the field to the church. The new fencing gives an impression of a prison camp.
2. The fence exceeds the height of the existing fencing to the rear of the houses.

### **Consultations**

Borough Engineer -

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

- EN1/1 Visual Amenity
- EN1/2 Townscape and Built Design
- CF2 Education Land and Buildings
- EN1/5 Crime Prevention

### **Issues and Analysis**

The proposed fencing, due to its design and appearance, would be identical to the existing fencing along the school boundary with Church Street, Bank Street and to the rear of Moyse Avenue. It is therefore considered that the new fencing, in terms of its design and appearance, would match the existing fencing and would be appropriate to the school surrounding.

Although, the new fencing would exceed the height of the boundary fence to the rear of the residential properties at Green Street and Hall Street and would give an impression of an enclosure, however, it is not considered that the new fencing would be detrimental to the character of the area or have a detrimental impact on the amenities of the surrounding residents.

There are no trees on the line of the proposed fencing and the proposal would not therefore result in the felling of any tree.

It is accepted that a section of the proposed fencing has been erected along the rear and side boundary of the adjoining property No. 12 Hall Street. According to the headteacher, these works have been carried out in mistake. However, the headteacher has assured cessation of the these works until this application is determined.

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

NO51

Permission should be granted having regard to the policies and proposals listed above 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 impact on the character of the area nor the visual 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 three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 1106 12 101 C received on 27 September 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 fence hereby approved shall be coloured in black to match the existing and to the written satisfaction of the Local Planning, and thereafter maintained.  
Reason. In the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

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

**Location:** 19 HILLTOP AVENUE, WHITEFIELD, M45 8FG

**Proposal:** CONVERSION OF 4 STUDIO APARTMENTS TO 4 ONE BEDROOM FLATS WITH 2 No. PART 2 STOREY PART SINGLE STOREY EXTENSIONS AT REAR AND PARKING TO SIDE FOR 4 VEHICLES (RESUBMISSION)

**Application Ref:** 45263

**App Type:** Full

**Statutory Expiry Date:** 11 November 2005

**Recommendation:** Approve with Conditions

**Description**

The property is a two storey dwelling house, which in its past, has been extended by a two storey side extension and has also been converted into 4 flats.

The property is located at the head of a cul-de-sac and has a substantial garden area to the side. There is a substantial hedge along the rear boundary of the property and the boundary in all other places comprises waney lap fencing.

The application is seeking to extend the property by two, part two storey part single storey rear extensions to provide additional space within the building and the creation of 4 parking spaces to the side of the property, to be accessed from the existing drive.

**Relevant Planning History**

43378 - Demolition of two storey extension; re-instatement of flats into original semidetached dwelling and construction of 2 semi detached dwellings: REFUSED on 27 October 2004 for inadequate access to the site; inadequate forward visibility; impact upon residential amenity from the intensification of the access to the rear of the site and inadequate space to accommodate the development proposed.

44234 - Demolition of two storey extension; re-instatement of flats into original semidetached dwelling and construction of 1 dwelling: REFUSED on 5 May 2005 for inadequate access to the site; inadequate forward visibility and impact upon residential amenity from the intensification access to the rear of the site.

44924 - Conversion of 4 studio apartments to 4 one bedrooomed flats with extension to side and rear, balconies and new roof. WITHDRAWN 20/9/05.

**Publicity**

Immediate neighbours were notified by letter on 20 September 2005. One letter of objection was received from 14 Hilltop Avenue and a letter of observation from 68 Stanway Road. Points raised include -

- There would be a potential increase in traffic using the avenue. The driveway is narrow and it is difficult for vehicles to use the entrance.
- Past tenants have been inconsiderate by randomly parking in the turning head of the avenue. Potentially, 8 vehicles could be generated, which would worsen the already congested street.



- They wish that the tree located to the rear of the property, a pear tree, should be retained.

A letter of support has been received from 11 Hiltop Avenue. They welcome the benefits that the design of the extensions and alterations would give to the property and the street scene. Additionally, they welcome the parking proposed for the development to relieve the pressure parking currently has upon the street. Indeed, they would welcome more parking.

Revised plan letters were issued on 4 October 2005 informing residents initially consulted on the application, of the provision of 4 new parking spaces within the curtilage of the property.

### **Consultations**

Borough Engineer - Any comments shall be reported to Members.

Environmental Health - Any comments shall be reported to Members.

Council Tax - This department confirms that under their current records system the property has been in use as four flats since 1998.

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

SPD6 DC Policy Guidance Note 6: Alterations & Extensions

EN1/2 Townscape and Built Design

H2/3 Extensions and Alterations

H2/4 Conversions

HT2/4 Car Parking and New Development

### **Issues and Analysis**

The building has been used as 4 flats for a number of years and in planning terms the use is therefore lawful. Thus the application is not seeking permission for additional apartments but is seeking permission for the creation of additional space to the property for the existing flats, through the construction of a part 2 storey part single storey rear extension, incorporating a new pitched roof over the existing two storey side extension.

Given the residential nature of the property and proposals, the Council's adopted Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties is a relevant consideration of such proposals in addition to UDP Policies H2/3 - Extensions and Alterations and certain criteria under Policy H2/4 - Conversions.

In terms of the new build, there are two distinct elements.

Firstly, to the rear of the property immediately adjoining the boundary with the adjoining property of 17 Hill Top Avenue, the proposals indicate a ground floor extension with a projection of 2.3m. Above this would be a first floor extension with a projection of 1.7m. The adopted SPG states that for two storey rear extensions, the Council will not normally permit first floor extensions when they encroach beyond a prescribed 45 degree line taken from the mid point of the nearest principal window. In this instance, the first floor extension would comply with the guidance and would not extend beyond the 45 degree rule, when taken from the neighbouring property's habitable room windows. As a ground floor extension also forms part of the scheme, the SPG stipulates that such extensions would not normally be supported where they extend beyond 3m where they are located next to the boundary with an adjoining property. In this instance, the ground floor element would be 2.3m. This would be a conservative projection and would comply with the guidance. The extension would contain no habitable room windows that would overlook the properties to the rear of the site and in terms of aspect distances, a distance of 16m would be provided from the blank gable

wall and the rear of properties fronting onto Stanway Road. Normally, a minimum of 13m is normally sought in such a situation.

The second element includes a part two storey part single storey extension to the rear of the existing two storey side extension. The siting of the extension would square off the property across the rear by the infilling of a gap. The siting of the extension would be such that the projection and relationships to 45 degree lines would not be necessary as it would not be near any neighbouring property's windows. The upper floor of the extension would have no habitable room windows overlooking the rear of properties fronting Stanway Road and aspect distances would be 18m from the rear elevation of the extension to properties fronting Stanway Road. Normally, 13m would be sought in such a situation. As such, the separation distances are acceptable.

A new roof would be developed over the existing flat roofed side extension and the proposed rear extensions. The current side extension has a flat roof and is an unsympathetic addition in design terms to the building and the street. The new roof would be pitched, tiled in matching tiles and would be lower than the main house ridge. It is considered that the new roof would be an appropriate development to the building and streetscape.

Given the above considerations, the extensions in terms of size, position and design would comply with the SPG.

Parking - The development proposals have been amended to incorporate a new hardstanding for 4 off street parking bays to address the concerns raised by surrounding residents and to remedy problems by past occupants' vehicles. The property has been used for 4 flats for a number of years and the development is not seeking to increase the number of flats within the building. The site could accommodate more than the 100% provision included within the scheme. However, a balance needs to be struck in this instance to ensure that a reasonable level of car parking is achieved and also to ensure that there would not be too great an impact upon the amenities of the occupants of the neighbouring property at 21 Hill Top Avenue, particularly as they are located close to the driveway of the application site. In terms of the location and scale of the parking provision, it is felt that a reasonable balance has been achieved in this instance and that the development would comply with UDP Policies H2/3 - Extensions and Alterations and H2/4 - Conversions.

Trees - There is a tree, which is located approximately 1m from the rear of the property. The tree is a fruit tree and not usually a specimen worthy of preservation. There would be conflicts with the structure of the property if the tree was to be retained and the benefits of the scheme and additional parking provisions for the site would outweigh the loss of the tree. There are other trees and dense shrubs to the rear of the property that would be unaffected by the proposals. The pear tree is not visible to the public street and as such, offers little towards visual amenity. As such, the loss of the tree is not considered to be significant.

### **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 have no adverse impact upon the surrounding properties and contains provisions for sufficient parking to improve the existing relationship of the use of the property with the surrounding area. The development 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. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. 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 6388: 24 rev. A, 06, 07 rev.A and 25 rev. A 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: H2/3 - Extensions and Alterations, H2/4 - Conversions and EN1/2 - Townscape and Built Design.
4. The car parking indicated on the approved plans shall be made available for use to the written satisfaction of the Local Planning Authority prior to the buildings hereby approved being occupied and thereafter maintained at all times.  
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 **Dave Marno** on **0161 253 5291**

**Location:** MEADOWCROFT FOLD FARM OFF WHITTLE LANE PILSWORTH

**Proposal:** REFURBISHMENT OF VACANT FARMHOUSE

**Application Ref:** 45141

**App Type:** Full

**Statutory Expiry Date:** 19 October 2005

**Recommendation:** Approve with Conditions

### **Description**

The building subject of the application is a two storey derelict building, originally a dwellinghouse. It is attached by a covered storage area to a substantial barn that is the subject of a concurrent application for planning permission for a conversion into two dwellings (ref. 45146). The house, barn and an adjacent store form an isolated group of agriculturally related buildings that front onto a narrow farm track leading from Higher Barn Farm to some of its fields. The building group in question is surrounded by open agricultural land. Access from the main road system (Whittle Lane) is gained via a private farm road, through the main farm complex at Higher Barn Farm and along the farm track.

The proposal is to refurbish the building, which is of a traditional domestic design but is very neglected and long disused (20 years). The building would then return back to its former use as a dwelling. Externally, changes would not be significant and involve mostly repair and reinstatement work. Surveys for bats and barn owls accompany the application.

Following the very long period of disuse and neglect there is a degree of uncertainty as to whether the building could be re-used residentially without the need for planning permission. In these circumstances, the applicant wishes to obtain the consent to dispel any doubts that there may be about the position.

### **Relevant Planning History**

No previous applications.

### **Publicity**

Site notices were displayed and individual notification letters forwarded to three properties in the neighbourhood, including the nearby Higher Barn Farm from which the one objection has been received. The points raised include:

- The address of the agricultural tenant is given incorrectly on Certificate A.
- A part of the application area shown is in Rochdale MB. Has an application been submitted to that Council?
- The road through the main farm at Higher Barn Farm is currently only used for the tenants and the farm business. Its use for access to the dwelling would cause severe hardship and inconvenience to the objector as well as compromising security, causing nuisance and creating a health and safety issue as traffic passes through the farm premises.
- The private road may require adoption by the Council due to its use by the additional dwellings with an associated negative effect on public finances.
- The development would compromise any Bio-security measures in the event of an

outbreak of a disease in animals because access to the farm could not be restricted as now.

- The only justification for the development would be for an agricultural dwelling with agricultural ties attached to it.
- No housing need has been shown for this area.

### **Consultations**

Borough Engineer - No objections on highways and drainage aspects.

Environmental Health - Conditions recommended concerning contaminated land precautions.

Wildlife Trust - The building should be surveyed for the presence of bats and barn owls. If their presence is confirmed then steps are required through appropriate planning conditions or a planning obligation to secure the protection of the species concerned or provide appropriate mitigation.

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

OL1/4 Conversion and Re-use of Buildings in the Green Belt

### **Issues and Analysis**

Principle - This proposal would involve the straightforward refurbishment of a long vacant and deteriorated house but which is still structurally intact and has the characteristics of a rural dwelling. The 12m deep rear garden plot would not be excessive or disproportionate and essential services can readily be made available. Also, no evidence has been found that the building is used by a protected species. Given these facts, it is considered that there would be no adverse impact on the Green Belt and that the development would be in conformity with the relevant Policy OL1/4.

Access - The existing roadway and track from Whittle Lane would provide adequate access for this small scale development and this would also be the case even if the adjacent scheme for a barn conversion to two dwellings were to be approved and carried out. Neither the Borough Engineer nor Rochdale Council which covers the main road access point have raised any concerns. The frontage to the building is of sufficient dimensions to provide adequate room for car parking off the access track.

The Objection - A main area of concern by the farm tenants is that, by introducing an additional private dwelling onto the farm, this would compromise agricultural activity and raise issues of security and health and safety. At present the roadway and track leading through the farm to the site are not normally used other than in connection with the farm. Although their use by other persons would have some impact, the use would be small scale once conversion work is completed and it is considered that there would not be such an impact on the amenities of the farmstead tenancy as to justify the refusal of the application. The relevant policies do not require an agricultural justification and agricultural condition for this type of development in the Green Belt and there is no requirement to demonstrate a housing need as is suggested.

Housing Restrictions Policy - This policy should not be applied in this case as the application was received just prior to the date on which approval was given to the draft SPD for consultation purposes and to applying regional policy on housing supply.

Conclusion - The principal issue to be resolved is whether the development would comply with policy OL1/4. It is considered that this is the case and that, therefore, planning permission should be granted.

### **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 be in keeping with Green Belt policies and would not have a materially detrimental impact on the amenities of adjoining occupiers. 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. No development shall take place unless and until the recommendations within the submitted Bat Survey Report have been implemented, unless otherwise approved in writing by the Local Planning Authority.  
Reason: In order to ensure that no harm is caused to a protected species.
3. No building works authorised by this permission shall take place between 1st March and 31st August inclusive in any year unless otherwise approved in writing by the Local Planning Authority.  
Reason: In order to ensure the protection of wildbirds under the Wildlife and Countryside Act 1981 (as amended).
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. The development shall not result in the removal of any of the external walls of the building.  
Reason: For the avoidance of doubt as the development as proposed would involve the retention and refurbishment of the building.
9. No development shall take place unless and until full details of the treatment to the frontage area have been submitted to and approved by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.  
Reason: In the interests of visual amenity and to secure a satisfactory development.
10. This decision relates to drawings numbered 990 -1, 990 -2 and 990 - 5 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:** Whitefield & Unsworth - Unsworth

Item 17

**Location:** MEADOWCROFT FOLD FARM OFF WHITTLE LANE PILSWORTH

**Proposal:** CONVERSION OF BARN INTO TWO RESIDENTIAL UNITS

**Application Ref:** 45146

**App Type:** Full

**Statutory Expiry Date:** 19 October 2005

**Recommendation:** Approve with Conditions

**Description**

The property is a large brick built barn of traditional appearance. It is situated facing a farm track linking the farm buildings at Higher Barn Farm with the associated agricultural fields. The barn is one of three isolated old buildings clustered next to the track and situated in the midst of open agricultural land. The other buildings include a derelict farmhouse situated immediately next to the barn and which is the subject of a concurrent application for residential conversion (ref. 45141), as well as a storage building.

The applicants have indicated that the building was utilised for hay storage, feed storage and to house livestock and that, in recent years, it was utilised for grain storage with four grain silos still in position. They state that the agricultural need for the barn ceased five years ago. Their tenants, however, state that grain is still stored in the silos prior to future use with their grain handling drying equipment also present. They also state that they use other parts of the barn for produce and maintenance materials storage.

It is proposed to convert the barn into two 5 bed roomed dwellings incorporating some land to the rear to form gardens. Externally, existing openings would be utilised with a limited number of new ones to be added. The application is accompanied by surveys for bats and barn owls and a structural report. Access would be from Whittle Lane, which is just within Rochdale MB, along a private roadway serving Higher Barn Farm and which passes via the farm buildings and then along the farm track. Garaging for both units would be achieved by the conversion of the detached storage building and by utilising a covered structure linking the barn with the farmhouse building.

**Relevant Planning History**

No previous applications.

**Publicity**

Site notices were displayed and individual notifications forwarded to three nearby properties including two farms. An objection has been received from the tenants at Higher Barn Farm and the main concerns are as follows:

- Information provided with the application that the barn is vacant is not correct as it is being used for grain storage by Higher Barn Farm. The building houses two grain silos with grain being held within them.
- The development would increase the amount of waste exiting the site and thus could compromise the tenants position in regard to the higher degree of environmental protection required under new government guidelines.
- The address of the agricultural tenant is incorrect on Certificate A.



- A part of the application area shown is within Rochdale MB. Has an application been submitted to that Council?
- The road through the main farm at Higher Barn Farm is currently only used for the tenants and the farm business. Its use for access to the dwellings would cause severe hardship, inconvenience to the objector as well as compromising security, causing nuisance and creating a health and safety issue with traffic passing through the farm premises.
- The development would compromise any Bio-security measures in the event of an outbreak of a disease in animals because access to the farm could not be restricted as now.
- The timber door to the cart opening blew down in a gale last January but, despite a this being reported to Wilton estate agent, it has not been repaired to protect the tenant's assets stored within the barn.
- The insertion of two full sized dwellings into the barn would significantly alter its simple appearance, character and setting as a result of gardens being created, parking and manoeuvring areas and intensity of use.
- There would be an unnecessary intrusion into a designated Green Belt area without proving a need.
- The private road may require adoption by the Council due to its use by the additional dwellings with an associated negative effect on public finances.
- The legal liability implications of this development in the middle of a farm should first be investigated.
- The proposal could cause negative financial and environmental effects to the business at Higher Barn Farm.

### **Consultations**

Borough Engineer - No objections on either highways or drainage grounds.

Environmental Health - Conditions recommended concerning contaminated land precautions.

The Wildlife Trust - The building should be surveyed for the presence of bats and barn owls. If their presence is confirmed then steps required through appropriate planning conditions or planning obligation should secure the protection of the species concerned or provide appropriate mitigation.

Rochdale MBC - No comments.

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

OL1/4 Conversion and Re-use of Buildings in the Green Belt

EN1/1 Visual Amenity

### **Issues and Analysis**

Principle - Policy OL1/4 states that the conversion and re-use of existing buildings in the Green Belt is not inappropriate provided that certain criteria are met. These criteria are considered as follows in relationship to the proposal:

*Material impact on the openness of the Green Belt:* The building would not be extended and the areas taken for rear domestic garden provision approximately 12m deep would not be excessive or disproportionate to the development. The outbuildings to be used for garaging are already in place. The area for external car parking would be the existing forecourt to the building. The site is not particularly conspicuous and, given the limited external impact, it is considered that there would be no material impact on the openness of the Green Belt.

*Structural Integrity:* Despite its age this is a substantial and robust building and its conversion should be achievable without significant reconstruction.

*Design:* The external treatment proposed would ensure that the simple rural character of the building would continue to be maintained. Thus, additional window openings would be limited in number and would maintain the scale and character of the existing ones. The openings for the large cart doors would be maintained but infilled by glazed panelling. Any consent, however, should include conditions to ensure that the approved details would be adhered to and that the precise detailing of important external elements would be properly controlled.

*Access:* The existing roadway and track from Whittle Lane would provide adequate access for a small scale development. Neither the Borough Engineer nor Rochdale Council which covers the main road access point have raised any concerns.

*Services:* The building is relatively isolated but has an electrical supply. There is no main drainage and surface water would be disposed of to a soakaway and foul sewage to a proposed septic tank. The Borough Engineer has no objections to this arrangement.

*Protected Species:* Given the nature and location of the building there is concern that it could be used by bats and barn owls. The appropriate surveys have been carried out and these have not confirm any evidence of presence of these species. Although evidence of bats was not found it is still possible that they may be found and any consent should include a condition requiring the recommendations of the bat survey report to be adhered to.

In terms of the Policy OL1/4 criteria it is considered that these would be complied with and that, therefore, the development would be in conformity with the policy.

The Objection - A number of concerns have been raised by the tenants at Higher Barn Farm. One of the issues raised is that the building is still used for agriculture with the tenants grain still being stored within the building. However, in PPG2 - Green Belts the advice given within paragraph 3.9 concerning the re-use of buildings states that "It should not normally be necessary to consider whether the building is no longer needed in its present agricultural or other purposes. Evidence that the building is not redundant in its present use is not by itself sufficient ground for refusing permission for a proposed new use". Issues concerning the use of the building and the outstanding repair to the cart door are private matters to be resolved between the tenant and the estate.

The other main area of concern of the objectors is that by introducing two private dwellings onto the farm this would compromise agricultural activity raise issues of security and health and safety. At present, the roadway and track leading through the farm to the site are not normally used other than in connection with the farm. Although their use by other persons would have some impact, the residential development would be small scale resulting in a limited number of movements once conversion work is completed and it is considered that there would not be such an impact on the amenities of the farmstead and tenancy as to justify a refusal of the application.

The issues raised by the objector concerning appropriateness of the development within the Green Belt and the design and appearance of the development are dealt with above. There is no requirement to demonstrate a need for the development because it is in the Green Belt as is suggested.

Housing Restrictions Policy - The policy should not be applied in this case as the application was received just prior to the date on which approval was given to the draft SPD for consultation purposes and to applying regional policy on housing supply.

Conclusion - The principal matter to be resolved is whether the development would comply

with Policy OL1/4. It is considered that this the case and that, therefore, planning permission should be granted.

### **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 be in keeping with Green Belt policies and would not have a materially detrimental impact on the amenities of adjoining occupiers.

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. 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.
3. No development shall take place unless and until the recommendations within the submitted Bat Survey Report have been implemented, unless otherwise approved in writing by the Local Planning Authority.  
Reason: In order to ensure that no harm is caused to a protected species.
4. No building works authorised by this permission shall take place between 1st March and 31st August inclusive in any year unless otherwise approved in writing by the Local Planning Authority.  
Reason: In order to ensure the protection of wildbirds under the Wildlife and Countryside Act 1981 (as amended)
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. Following the provisions of Condition 5 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.
  
7. 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.
  
8. 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.
  
9. 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.
  
10. Prior to any work on the external walls first commences, a sample panel of brickwork and pointing shall be made available for inspection by the Local Planning Authority. Any such panel that receives the written consent of the Local Planning Authority shall be retained throughout the period of development and shall form the basis of work to the walls and other external surfaces of the

development.

Reason: In the interests of visual amenity and to ensure a satisfactory development.

11. 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.
12. All rainwater goods shall be of cast iron, painted black.  
Reason: In the interests of visual amenity and to ensure a satisfactory development.
13. All windows shall be in painted timber frames and no development shall take place unless and until details of all fenestration have been submitted to and approved by the Local Planning Authority.  
Reason: In the interests of visual amenity and to ensure a satisfactory development.
14. All external pedestrian door opening shall be constructed in vertically boarded painted timber.  
Reason: In the interests of visual amenity and to ensure a satisfactory development.
15. No development shall be carried out unless and until full details of the treatment to the cart door openings and forecourt area have been submitted to and approved by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.  
Reason: In the interests of visual amenity and to ensure a satisfactory development.
16. This decision relates to drawings numbered 990-2, 990-1i, 990-1, 990-4 and 990-3-ELEVS 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**

