

Ward: Bury East

Item 01

Applicant: Mr G. Dearden

Location: 462 ROCHDALE OLD ROAD, BURY, BL9 7TF

Proposal: OUTLINE - DEMOLITION OF EXISTING DWELLING & ERECTION OF 2 NO. DWELLINGS

Application Ref: 45145/Outline Planning
Permission

Target Date: 08/03/2006

Recommendation: Approve with Conditions

Description

The application site lies to the south of Rochdale Old Road, Jericho and is occupied by a detached brick and tile chalet style dwelling house which is located centrally in the plot. The site is accessed via a track to the east of the property and whilst the site lies in Bury the access lies in Rochdale. The site was previously tipped in the past and is enclosed by a brick wall and timber fence.

The proposal is for the demolition of the existing dwelling and outline consent with siting and means of access to be considered for the erection of two dwellings on the site. The requisite application has been submitted to and approved by Rochdale Council regarding the access. Revised plans have been submitted by the applicant detailing the line of the sewers and culverts passing through the site, landscape planting and upgrading of the access and a phase 1 desk study has been submitted to Environmental Health. A bat survey has been carried out and a scheme for the protection of bats during demolition.

Relevant Planning History

C/10448/80 – Side Extension to Garage and Bedroom Over – Approved 18/06/1980

33614 – Change of Use to Children’s Day Nursery - Withdrawn

43090 – Canopy and Porch at Front, Dormers at Front, First Floor Extension at Side and Rear, Single Storey Extension at Rear – Approved 06/09/2004.

Publicity

8 adjoining occupiers consulted – 1 letter received from the occupiers of No. 1 & No. 3 Bury and Rochdale Old Road objecting to the proposal on the following grounds:

- Increase in traffic on an already busy stretch of road
- Impact on bus stop
- Unacceptable levels of visibility
- The land adjacent to the access lies in Rochdale and should be made good after construction has finished.

The resident at No. 3 Bury and Rochdale Old Road also wrote to Rochdale MBC regarding the scheme raising the same objections.

Neighbours were re-notified on 06/02/2006 and further comments are awaited.

Consultations

The Borough Engineer – Drainage - highlights that a combined public sewer runs underneath the proposed dwellings. Highways – do not wish to restrict the grant of planning permission as the access lies outside of the Bury MBC Authority area and the location of the driveways has been revised since submission.

Rochdale MBC - approved the application for the site's access.

Borough Environmental Services Officer – comments awaited.

United Utilities - comments awaited.

English Nature – consider the method statement submitted is acceptable.

Environment Agency - comments awaited.

GM Police - initial consultation raised no issues although reconsultation response awaited.

GM Archaeological Unit - no known features of interest on this site.

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN7	Pollution Control
EN6/3	Features of Ecological Value
C042	Rochdale Old Road, Jericho
D106	Elbut Wood, Lower Elbut Farm, Heywood

Issues and Analysis

The application as originally submitted pre-dated the inception of the Housing Restriction Policy and so is not required to be measured against it. New residential development on this would be in a sustainable location, would avoid the release of peripheral sites and would be close to existing infrastructure and public transport links and is therefore considered to be acceptable in principle.

The application seeks outline consent for siting and means of access. The form of the development will be assessed at reserved matters stage. However, in relation to access and siting the layout of the proposed development would be acceptable.

The information, diagrams and method statement submitted with regard to the protection of bats during the demolition of the building is considered acceptable by English Nature and therefore has been addressed. A desk top study has been submitted to address the potential for contamination on site.

In response to the letters of objection, the access to the proposal is already in existence and is considered to be acceptable in terms of its visibility and impact on the nearby bus stop. The increase in traffic along Rochdale Old Road and Bury and Rochdale Old Road is considered not to be materially worsened by the proposed development. The applicant has indicated making good of the proposed access on the plans submitted.

Summary of reasons 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 proposal would be acceptable in principle and layout as well as in terms of wildlife and

contamination.

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 design and external appearance of the buildings 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 drawing number 2 C 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. 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.
5. If during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales to the approval of the Local Planning Authority.

Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
6. Detailed design features shall be incorporated into the proposed building, as shown necessary by the site investigation, to alleviate risks to the written satisfaction of the Local Planning Authority. A comprehensive construction design shall be incorporated to prevent the ingress of landfill gas, to be agreed in writing with the Local Planning Authority before work commences.

Reason To alleviate any possible risk associated with the production of landfill gas in accordance with the recommendations of the Environment Agency pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan.

7. The programme of mitigation contained in the submitted bat survey shall be fully implemented prior to the commencement of the demolition works and remain in situ on the site for the agreed time period.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and PPS7 – Nature Conservation.

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

Ward: Bury East

Item 02

Applicant: Highfield Developments (NW) Ltd

Location: FORMER P J POWER SITE, MILLETT STREET, BURY, BL9 0JA

Proposal: DEMOLITION OF OFFICES & SERVICE YARD; ERECTION OF 21 APARTMENTS IN FOUR STOREY BLOCK & NEW OFFICE ACCOMMODATION WITHIN THREE STOREY BLOCK

Application Ref: 45274/Full

Target Date: 27/01/2006

Recommendation: Minded to Approve

The application was deferred for a site visit at the last Planning Control Committee meeting on 24th January .

Description

The 0.33ha site is located on the western side of Millett Street adjacent to the River Irwell. It was formerly the offices and service yard of PJ Power builders and engineers. The site is occupied by a two storey brick built office/warehouse with an attached canopied area and service yard. The service yard is surrounded by an 1800mm palisade fence. The majority of site is level apart from the steep banking down to the River Irwell which is covered by shrubs and bushes.

There are two storey houses on the opposite side of Millett Street and immediately to the south of the site. To the north is a vehicular repair garage.

The site is within the Bury Town Centre Regeneration Area. The scheme can therefore be viewed as an exception to the recent housing restriction policy.

The proposal has two distinct elements, residential and offices. The 21 apartments would be within a single four storey block with the third floor accommodation in the roof space. 14 of the units would be two bed and 7 units would be 1 bed. The block has a frontage of 53m and a depth of 10m. It would be constructed of brick with stone quoins and a stone course between ground and first floor. Access into the communal parking area would be from a central point along the residential frontage. 26 parking spaces are provided within the forecourt in front of the apartments. The car park would be lit by low level bollard lighting. The boundary along the front would comprise a 600mm wall. Along the side boundaries there would be a 1.8m timber fence. A post and rail fence (500mm) would be situated at the top of the banking to the rear of the open space. Access to the open space would be through an access gate at the side of the block.

Refuse stores would be situated to either side of the main entrance point and would be enclosed within a timber screen fence.

The offices would have a total floor area of 550sq metres and comprise a separate three storey building situated at the northern end of the site, between the apartment block and the existing repair garage on adjacent land. The existing buildings would be demolished. The new building would be of a similar style and finished in similar materials to the adjacent apartment block. There would be a forecourt in front of the office building with spaces for 8 cars. The access would be located at a central point along this part of the frontage. The boundary would comprise a dwarf wall and railings. The boundary with the residential part of the site would comprise a 1.8m timber fence whilst the boundary on the opposite side, adjacent to the commercial repair garage and along the rear would comprise a 1.8m weld mesh fence.

Relevant Planning History

None relevant.

Publicity

Immediate neighbours, site notice and press advert (Bury Times).

change in character of the area from residential to commercial

Fourteen individual letters of objection from Occupiers of 35, 41, 47, 49, 55, 57, 59, 60, 61, 63, 65, 67, 71 and 73 Millett St and a petition against the development signed by occupiers of 20 properties on Millett Street have been received. Objections are summarised:

- A four storey block will detrimentally affect the amount of light into their property.
- Over dominant on the street scene at four storeys.
- Parking problems and traffic management in the area will be made worse.
- Additional traffic will cause a increased hazard to residents and children.
- The outdated location plan and inaccurate supporting information about the use of the site is misleading
- The development would be detrimental to wildlife.
- The ground to the rear, closest to the river bank is unstable.
- Potential damage to adjacent properties from construction works

Consultations

Borough Engineer (traffic) - No objection.

Borough Engineer (Drainage) - No objection.

Environmental Health - No objection subject to conditions relating to contamination.

GM Police - No objection subject to enhanced security measures such as fencing, lighting and other layout changes to enable greater natural surveillance.

Environment Agency - No objection.

Unitary Development Plan and Policies

EC2/2 Employment Land and Premises

EC4/1 Small Businesses

EC5 Offices

H1/2 Further Housing Development

H2/1 The Form of New Residential Development

H2/2 The Layout of New Residential Development

HT2/4 Car Parking and New Development

EN1/2 Townscape and Built Design

EN1/5 Crime Prevention

EN10/2 Riverside and Canalside Improvement in Urban Areas

PPG3 PPG3 - Housing

PPG4 PPG4 - Industrial and Commercial development

Issues and Analysis

Principle. Given that the site is currently in employment use, the proposal is subject to UDP Policy EC2/2. Under this Policy, the Council will seek the retention of such sites unless it can be clearly demonstrated that the land and premises are no longer suited in land use terms to continued employment use. Given that the proposal involves the replacement of the existing offices/warehouse with a sizeable office building with similar employment potential, the principle of a mixed residential/ commercial development is considered to be acceptable.

Layout and Design.

Policy H1/2 - Form of Residential Development indicates that the following factors need to be considered in assessing proposals:

- Height and roof type of adjacent buildings.
- Impact on residential amenity.
- Density and character of surrounding area.

- Position and proximity of surrounding premises.
- Materials to be used.

Policy H2/2 Layout of residential Development highlights the following factors:

- Parking and access (including disabled).
- Density and space about dwellings.
- Landscaping and open space.
- Safety and security.

The height of the development, although four storeys, including roof space, is not significantly higher than the residential properties across Millett St as indicated by the cross section through the site. The cross section indicates that the ridge height of the houses on Millett St is 9.8m compared with 12.6m for the proposed apartment block. The height of No.60 Millett St immediately to the south, being a more modern house, is 7.6m. This difference in height is more significant but considered to be acceptable given the distance between the properties and the general character of the area. The comparison with the adjacent house at No.60 Millett street is shown on the front elevation. The design, with a hipped roof and brick facade is traditional in appearance and not out of keeping the character of the area. The parapet gables set forward give the building a degree of articulation and details such as the stone quoins, window heads and band course. The density of the development equates to approximately 80 dwellings per hectare. This is considered to be appropriate given the location of the site on the edge of Bury Town Centre and close to public transport routes.

In terms of space between surrounding properties, there is a distance of approximately 32m between the front elevation of the new flats and the houses across Millett Street. To the side, there is a gap of 12m between the side wall of the flats at the southern end of the site and the boundary with No.60 Millett Street. Both these distances are acceptable in terms of privacy and residential amenity. There are no windows on the gable of the new apartment block. In terms of Policies H2/1 and H2/2 the scheme is considered to be acceptable.

The proportion of private open space to the rear and areas of landscaping to the front are considered to be acceptable.

The proposed office accommodation is of similar proportions with similar detailing on the main facade to the residential element. It is considered to be in keeping with the character of the area.

Wildlife Corridor. It is not considered that the proposal will adversely affect the existing wildlife corridor along the River Irwell. Indeed the removal of the existing service yard and associated plant and machinery and replacement with an area of private open space is likely to lead to a better local environment and improve the long term future and protection of the wildlife corridor.

Objections. With regard to the objections, it is not considered that the new development would have a seriously adverse impact on light to surrounding premises. The buildings are set well back from Millett St and with a ridge height of 12.5m is not considered to be overdominant on the street scene. The parking provision for the residential element has been increased to almost 125%. This considered to be appropriate in this location, close to the town centre. Additionally the heavy goods vehicles entering and exiting the site as a hire depot would be eliminated. It appears that the embankment may have been infilled in the past however, the stability of the site is not considered to be an issue as the actual buildings would be located well away from the top of the existing banking.

Recreational Provision. In line with Unitary Development Plan Policy RT2/2 and associated guidance note No.1 Recreation Provision in New Housing Development, the applicant will be required to contribute by way of a commuted sum (£7548.24) for recreation provision within the immediate locality.

Summary of reasons for Recommendation

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

- The loss of employment land is sufficiently offset by the provision of the proposed new office accommodation.
- The layout, scale and design of the proposed residential accommodation is considered to be appropriate in terms of the character of street scene.
- The level of parking provision is considered to be sufficient and there are no serious highway safety concerns.
- The amenity of the local residents is not seriously affected.

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 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 S04/417; 02RevC; 03RevA; 04RevA; 05RevA 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. No development shall take place until details of a scheme for all boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The approved details only shall be implemented.
With regard to the boundary treatment adjacent to the River Irwell in particular the applicant/developer should seek to include the following points, ensuring a well designed and integrated riverine development that protects the existing wildlife corridor including high value bat foraging resource, and integrates the recreational, landscape, ecological and commercial aspects as one.
 1. Removal of waste and debris from the river corridor.
 2. A detailed scheme for landscaping, and maintenance plan, which retains as much as possible of the existing riparian woodland, removes any invasive species and incorporates a planting schedule based on native species for any further landscaping.Reason - To secure the satisfactory development of the site and in the interests of the visual amenities of the area pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan and protect the River Irwell.
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 buildings are first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be

planted to the written satisfaction of the Local Planning Authority.

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

6. 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 development 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.
7. Prior to the demolition of the building permitted by this approval, a further survey shall be conducted, and the survey results established as to whether the buildings are utilised by bats or owls. If evidence of protected species is found, a programme of mitigation shall be submitted to and approved in writing by the Local Planning authority. All mitigation measures shall be fully implemented prior to the commencement of the works and remain in situ on the site for an agreed period of time.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and PPS7 – Nature Conservation.
8. 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.
9. Following the provisions of Condition 8 of this planning permission, where remediation is required, the approved remediation strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the 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.
10. 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.

11. 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.

12. 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.

13. Full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonica Japonica*, *Rouse Decraene*, *Polygonum Cuspidatum*) shall be submitted to and approved by the Local Planning Authority prior to the commencement of work on site. The scheme shall include a timetable for implementation. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority for approval. The approved scheme shall be implemented prior to the development commencing.

Reason. To ensure that the site is free from Japanese Knotweed in the interest of UDP Policy EN9 - Landscape

14. Before the development is commenced and during the course of construction period, temporary protective metal fencing shall be erected along the River Irwell. Details of the type of fence to be used shall be submitted and approved by the Local Planning Authority prior to erection.

Reason: To protect the River Irwell and encroachment into the protected area.

15. Prior to the occupation of 50% of the residential development the developer shall achieve practical completion and make available for occupation 100% of the proposed B1 employment floorspace on the employment area.
Reason. To secure the completion of the residential development in the interests of amenity and to ensure a satisfactory development.
16. No development shall commence until full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonica Japonica*, *Rouse Decraene*, *Polygonum Cuspidatum*) is submitted to and approved in writing by the Local Planning Authority. The approved management plan shall include a timetable for implementation. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority.
Reason. To ensure that the site is free from Japanese Knotweed in the interest of UDP Policy EN9 - Landscape
17. Before the development commences and during the course of construction period, temporary protective metal fencing shall be erected along the River Irwell. Details of the type of protective fencing to be used shall be submitted and approved by the Local Planning Authority before it is erected. Reason: To protect the River Irwell and prevent the encroachment of debris into the area.
18. The development hereby approved shall not be brought into use unless and until the redundant vehicular access onto Millett Street has been reinstated to adjacent footway levels to the written satisfaction of the Local Planning Authority. Reason: To ensure good highway design in the interests of road safety.
19. The vehicular and pedestrian access improvements indicated on the approved plans shall be implemented to the written satisfaction of the Local Planning Authority before the development is first occupied.
Reason. To ensure good highway design in the interests of road safety.
20. The visibility splays indicated on the approved plans 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 0.9m
Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety.
21. The foundations for the proposed development boundary walls shall not encroach

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

Ward: Bury East

Item 03

Applicant: Thornfield Properties

Location: LAND AT THE ROCK AND ROCHDALE ROAD BURY (KNOWN AS THE ROCK TRIANGLE)

Proposal: OUTLINE PLANNING APPLICATION - MIXED USE DEVELOPMENT COMPRISING SHOPPING; FINANCIAL AND PROFESSIONAL SERVICES; FOOD AND DRINK WITHIN THE A1, A2, A3, A4, AND A5 USE CLASSES; RESIDENTIAL USES; COMMUNITY, HEALTH, NURSERY, EDUCATION, CULTURAL, ASSEMBLY AND LEISURE USES WITHIN THE D1 AND D2 USE CLASSES; NIGHTCLUB USES; MULTI-STOREY AND OTHER CAR PARKING; NEW STREETS; HIGHWAYS AND OTHER MEANS OF ACCESS AND CIRCULATION; AND OTHER ASSOCIATED WORKS AND FACILITIES.

Application Ref: 45424/Outline Planning
Permission

Target Date: 15/02/2006

Recommendation: Minded to Approve

Minded to Approve subject to S.106 legal agreement and referral to Government Office North West

Description

The planning application was considered by Planning Control Committee on 24 January 2006 when Members were "Minded to Approve" the application subject to:-

- "Satisfactory resolution of the outstanding issues that have been raised and the submission of a further report to the Planning Control Committee.
- A Section 106 legal agreement and referral the Government Office North West."

This report is confined to the outstanding issues and does not repeat all the information that was included in the main report and supplementary agenda that was considered at the last Committee meeting. Members' specific concerns were the need to include further analysis in the Planning and Retail Statement; the comments submitted on behalf of the new owner of the Millgate Shopping Centre; the objection on behalf of Firstbus to the access to the bus garage; and the need to obtain confirmation from Greater Manchester Fire and Rescue Service that the application is acceptable.

The outline planning application is for major mixed use development of an area bounded by The Rock to the northwest, Rochdale Road to the south west, Moorgate retail park to the north and the Firstbus depot to the east. The land includes The Rock car park, the former Kwiksave store and its car park, the Vantage Vauxhall dealership, the former Dixons Ford dealership, the Shell garage on Rochdale Road, Derby House, Halfords and other property fronting The Rock, Rochdale Road and Butcher Lane. All existing property would be cleared including the United Reform Church, the LA Fitness gym and Minden Medical Centre which were excluded from the previously approved scheme (see below). The Church and Vantage Vauxhall plan to relocate and a new medical centre would be built within the proposed redevelopment. The former St John's churchyard on The Rock and known as St John's Gardens would be retained as open space.

Consent is sought at this stage for the siting of the buildings and means of access with other issues to be the subject of future reserved matters applications.

A separate detailed planning application (45426) to redevelop the site of Hornby Buildings and the SolViva night club has been approved. It is proposed to close The Rock to

vehicles at this point and to create a new pedestrian mall focusing on the spire of the parish church. At the eastern end of the development would be a department store opening onto a square adjoining the former St John's churchyard which would be landscaped. A new road would run down the easterly side of the site linking the Moorgate/Walmersley Road junction with Rochdale Road. A new multi storey car park would be accessed both from this road and from Rochdale Road. The existing large roundabout at the junction of The Rock and Angouleme Way would be removed but access would be maintained to the existing multi storey car park. A pedestrianised area would provide access to new leisure uses on upper floors. Ground floor uses throughout the development would be mainly retail, with provision for cafes and bars. There would be apartments above the blocks facing St John's Gardens. The site boundary includes the existing pedestrianised section of The Rock which it is intended would be improved and upgraded.

The application is submitted in outline form and consent is sought at this stage for siting and means of access. A Site Parameter drawing sets out the siting of the proposed blocks, identifies the maximum and minimum heights and the scope of potential uses and confirms access arrangements. Other plans for information only illustrate how the development may proceed when detailed plans are submitted. These include indicative plans of each floor of the buildings and sections through them.

There would be 6 main blocks (B to G) and 3 smaller kiosk blocks (H to J). Block A is the new development on the site of Hornby Buildings which is the subject of the separate concurrent planning application. A department store on 3 floors would occupy block D. It would be linked directly to a 1250 space multi storey car park (Block E). The car park would include facilities for shopmobility. Large and small shops would be located along the new pedestrianised areas on ground and mezzanine levels of Blocks B, C, E and F. The smallest units would front The Rock, effectively replacing the existing shops in this location. It is anticipated that food and drink units will be located in Block F and the Kiosks (Blocks H, I and J). Block F is expected to include a cinema and night club at the upper level. There would be up to 4 floors of apartments above Blocks B and C near The Rock and St John's Gardens. There would be basement car parking for residents. The Primary Care Trust Medical Centre would occupy Block G. It would include a group medical practice, a dental centre, Facilities for walk in treatment and out patients, a pharmacy, X-ray facility and offices. There would be a basement car park for staff. A surface car park adjacent to the building accommodating approximately 55 vehicles would be available for visitors.

The application was submitted with a formal Environmental Impact Assessment (EIA) together with appendices and a non technical summary. The application was accompanied by a Planning and Retail Statement, a Transport Assessment, a Design Statement, a Floorspace Schedule and a Statement of Community Involvement.

The Planning and Retail Statement that was considered at the earlier meeting included reference to the concurrent application at Hornby Buildings. It included a description of the site and the proposals and a review of national and local planning policy including the conclusions of the Drivers Jonas retail study which identifies the capacity for new retail comparison floor space in the town centre. The statement dealt with key issues including the need for additional floor space and the retailers not present in Bury; the economic impact of additional floorspace and a sequential appraisal of other potential retail development sites. The statement also looked at the other elements within the scheme including residential, leisure, business floor space and the medical facility. It concluded that there is a qualitative and quantitative need for the comparison retail floor space which will utilise surplus expenditure within the Bury catchment area with no adverse effect on the vitality and viability of any identified centre. The development occupies a centrally located, fully accessible site and there is no other site which, on its own, is viable for retail development. It was claimed that the development meets policy objectives.

The retail statement was revised before the date of the Committee and has been further revised as described below.

Relevant Planning History

40730/03 - Application from same applicant for mixed use development, including food supermarket, approved in July 2004

41730/03 - Application from a different developer covering the same site area with the addition of the site of the Firstbus garage was recommended for refusal but was withdrawn before the application was considered by Planning Control Committee.

Planning permission (45026) was granted in January 2006 for a replacement United Reform Church on the car park at School Brow.

There is a current planning application (45691), also on this agenda, for a replacement car showroom and associated facilities for Vantage Vauxhall to be sited on Crostons Road next to the Dixon Ford dealership.

45426 - Planning permission was granted for the redevelopment of Hornby Buildings at the meeting on 24 January 2006.

Publicity

A consultation process was undertaken by the developer before the application was submitted. The applicant has notified individuals and businesses who have an interest in property directly affected by the development. The Local Planning Authority has also written to them and to neighbouring individuals and businesses. The application has been advertised on site and in the Bury Times.

Scottish Widows

Planning consultants acting for Scottish Widows, the new owners of the Millgate Centre, submitted a holding objection on their behalf which was summarised as follows in the last Committee report. They were concerned at the scale of the proposal and potential impact on the Millgate Centre and the market. There needs to be a clear demonstration that the comparison retailing proposed will not draw key operators from existing locations. The owners were similarly concerned about the impact of the scheme on the form and function of the town centre, patterns of pedestrian movement and the distance between the proposed anchor department store and the Market/bus tram interchange area. They were concerned about the level of parking provision as the town already suffers from parking congestion making it less attractive than competing centres.

A more detailed letter of objection was received just before the last Committee meeting and reported verbally. The objector was "concerned that Planning Control Committee was being asked to determine a major application which will have a significant bearing on the future of retailing in Bury without agreement having been fully reached between the applicant and the authority in respect of retail impact and particularly the impact on Bury itself". They were also concerned that there was inadequate opportunity to comment on the revised findings. Despite the fact that quantitative capacity for the new development may have been proven the objector was not convinced that there is adequate retail demand to absorb the full range of high street retailing proposed and that the strength of the existing centre may be diluted. The consultants have been provided with a copy of the latest retail study and the response from Drivers Jonas (the Council's Retail Consultant) and further representations are anticipated that will be reported to Members.

Firstbus

The objection from Firstbus was summarised in the report to Committee on 28 January and their planning consultant also addressed the meeting. Firstbus were concerned that the junction of the new road with Rochdale Road has not been designed to accommodate bus movements into the bus depot and suggest an access from the new road. Their concern was supported by their traffic engineering consultant. They also objected to road closures affecting bus routes until they have fully assessed the impact on bus services. The objection was analysed in detail by the developer's traffic consultant and their conclusion

was that the new link road will have advantages for bus services and that the new junction is suitably designed and does not affect access arrangements to the bus depot.

The supplementary agenda pointed out that the Borough Engineer is satisfied that the new road layout allows adequate access to the bus garage but Firstbus maintained their objection to the application. At that time, they said that the proposed junction into the bus depot cannot comply with the Council's own standards and 40 metres is provided rather than 45 which would make the junction unsafe. The difficulty of access and egress by articulated buses was an issue. It was also claimed that there would be major capacity problems at the junction with the new link road with Rochdale Road. A lengthy letter from First Group's traffic consultants set out their concerns including failure to respond to requests for a meeting and lack of time to give final advice to Firstbus. There would be a formal objection to any statutory closure of The Rock unless the bus operator's concerns could be addressed. A legal case was quoted where the local planning authority was found to be liable for a serious traffic accident after granting planning permission for a substandard highway scheme. It was requested that the application should be refused or at least deferred until the objections had been resolved.

The current situation is reported below.

Armac Veterinary Clinic 147 The Rock

An objection was included in the last supplementary agenda. It was pointed out that the practice is busy with over 20 employees offering a service that includes 24 hour accident and emergency services. The business necessitates clients with sick animals parking close to the premises. The new multi storey car park is too far away. The road in front of their premises would become a service road and they would like to see some on road parking and genuine 24 hour access through the proposed rising bollards. The results of the developer's meeting with the vets is reported below.

Consultations

Borough Engineer - No objection on highway grounds subject to recommended conditions.

Greater Manchester Fire and Rescue Service - It is confirmed by the Fire Officer that the development is acceptable for Fire Services Access subject to 3 provisos. The developer will need to ensure close liaison with the Fire Service during construction to ensure that access is maintained. The Fire Service will need to be able to override the barrier to the service road that is to be created on The Rock as far as Wilkinson's. Further details will be needed to ensure that Fire Service vehicles will not be impeded when leaving the station. A meeting has already taken place between the Fire Officer and the developer's representative and contact will be maintained as the development progresses. The Fire Officer has been provided with a copy of the developer's Fire Brigade Access Strategy which confirms access for fire appliances and will be used in drawing up the detailed plans.

Unitary Development Plan and Policies

Area	The Rock/Moorgate
BY8	
S1/1	Shopping in Bury Town Centre
S2/1	All New Retail Proposals: Assessment Criteria
S2/3	Secondary Shopping Areas and Frontages
S3/1	New Retail Dev Opportunities Within or Adj Town Centres
S3/3	Improvement and Enhancement (All Centres)
S2/6	Food and Drink
HT2/5	Public Car Parks
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
RT2/2	Recreation Provision in New Housing Development

EN1/6	Public Art
RT1/1	Protection of Recreation Provision in the Urban Area
PPG1	PPG1 - General Policy and Principles
PPG6	PPG 6 - Town Centres and Retail Developments
PPG13	PPG13 - Transport
RSS 13	Regional Spatial Strategy for the North West
S1	Existing Shopping Centres
S2	Control of New Retail and Non-Retail Development
S3	New Retail Dev and Env Improvements
S3	New Retail Dev and Env Improvements
TC1	Town Centres
TC2	Town Centre Enhancement and Development
TC2/2	Mixed Use Development
TC3	Bury Town Centre
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN1/7	Throughroutes and Gateways
EN4/2	Energy Efficiency
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
HT6	Pedestrians and Cyclists

Issues and Analysis

The principle of redeveloping the area with a mixed use retail led scheme has been established by the outline planning permission (40730/03) granted in July 2004. The development framework for the current development was approved by Executive Committee in September 2005.

Members accepted the analysis in the report to Planning Control Committee on 28 January that the development would be in accordance with both national and local planning policy; that the layout and design were acceptable; and that the scheme was workable in terms of disability access, highways and traffic, car parking and residential development. The resolution of Committee was "Minded to Approve" subject to the completion of a S.106 agreement, referral to Government Office North West and the satisfactory resolution of outstanding issues as set out below.

Planning and Retail Statement

The Bury Retail Study was produced by Drivers Jonas, the Council's retail consultants, in July 2002 and partially reviewed in December 2003. The study identified significant capacity in the town centre for additional comparison retailing with a number of future scenarios projected for 2008. As explained in the previous report, the amount of floorspace proposed for the new development is at an acceptable level within Scenario C and is acceptable to Drivers Jonas.

The Retail Statement was revised before the application was considered by Members on 28 January. It was reported to Members that the revised statement had been considered by Drivers Jonas who considered that the applicant had satisfactorily demonstrated that the scale and accessibility of the proposals. The impact of the proposals on neighbouring centres had been covered and showed no detrimental impacts but the robustness of the analysis could be improved. There was also a concern from Drivers Jonas that the statement was overly simplistic in drawing the conclusion that there would be no adverse affect on Bury town centre itself and on other smaller centres such as Heywood, Radcliffe, Whitefield and Prestwich and it was suggested that these impacts be modelled.

The Statement has been further revised in response to these comments and the concerns of Members and has been assessed by Drivers Jonas. Their conclusion is that:

- The applicant has demonstrated both quantitative and qualitative retail need for the application proposals.

- The applicant has demonstrated that the scheme is of an appropriate scale.
- It is agreed that the proposals accord with the sequential approach to site selection.
- The analysis includes an assessment of the impact of the proposals on centres and facilities both within the Borough and in the wider locality in accordance with the requirements of PPS6.
- It is reasonable to conclude that the scheme will be accessible by a choice of means of transport, given its location and the proximity of the public transport interchange.

The objection submitted on behalf of Scottish Widows is based on the belief that the strength of the existing town centre would be diluted by the proposed development but this is not supported by the retail analysis. It is concluded that the revised Planning and Retail Statement fully supports the scheme and, on the basis that the conclusions are acceptable to the Council's retail consultant, that Members' concerns have been met.

Firstbus Objection

A meeting has taken place attended by representatives of the developer and Firstbus together with their highway consultants and Council highways officers. The objector is still of the opinion that bus services would be adversely affected by the development and has produced a written critique of the Transportation Assessment summarising the points of concern. A sketch has also been submitted indicating that access into the bus garage is possible direct from the developer's new link road.

Comments from the developer and their traffic consultants are awaited. The outstanding highway issues are being investigated and any further comments from the Borough Engineer will be reported

Greater Manchester Fire and Rescue Service

The Fire Officer has confirmed in writing that the proposed development is acceptable for Fire Brigade access. A meeting has taken place with the developer and further consultation will take place as detailed plans are drawn up and the development proceeds.

Armac Veterinary Clinic

The developer has met representatives of the practice and confirmed that access rights through the bollard system can be provided. There is sufficient width in the street to provide a number of parking bays and a drawing is being prepared to confirm whether or not this is feasible as part of the detailed highway design.

Section 106 Agreement

The purpose of the S.106 agreement is to cover issues that go beyond those which can be controlled by planning condition. These include a maximum contribution of £600,000 towards improvements to the existing pedestrianised section of The Rock, £90,000 for public art, £50,000 for the enhancement of St. John's Gardens, £29,000 per annum towards running the Shopmobility scheme, a total of £120,000 towards town centre management and a car parking strategy to ensure an adequate level of public parking while the development proceeds. Discussions have taken place between the developer and Council officers to resolve the final wording of the agreement.

Minded to Approve -

Members are recommended that they should be minded to approve the application. It will be necessary for the S.106 agreement to be completed and signed. The application has already been referred to Government Office North West because of the Environmental Impact Assessment. It is also necessary to refer it to GONW because of the amount of retail space proposed.

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 is a town centre development in accordance with Unitary Development Plan policies and government guidance. It will bring significant benefits to the town centre, contributing to its vitality and

improving its character, with no significant disbenefits. There is an acceptable highway scheme including provision for pedestrians and public transport. There are no other material considerations that outweigh this finding.

Recommendation: Minded to Approve

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 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. The development shall not be carried out otherwise than in accordance with drawings SA(PL)A 102A and 111A hereby approved and the accompanying composite schedule of floorspace and as set out below unless otherwise agreed in writing by the Local Planning Authority.

Block B	Retail (Classes A1-A5)/residential/car park	
		21,063 m ²
Block C	Retail (Classes A1-A5)/residential/car park	
		10,172 m ²
Block D	Retail (Classes A1-A5)	11,178
		m ²
Block E	Retail (Classes A1-A5) Car Park	45,973
		m ²
Block F	Retail (Classes A1-A5) Leisure (inc.nightclub)	21,321
		m ²
Block G	Health Centre	4,500
		m ²
Block H	Retail	95 m ²
Block I	Retail	382 m ²
Block J	Retail	
		189 m ²

Reason For the avoidance of doubt and to ensure that floorspace figures are not exceeded.

4. Within the 41,997 m² of Class A retail floorspace hereby created, no individual unit of more than 2,000 m² will be given over to a primary convenience retail use unless otherwise agreed in writing by the Local Planning Authority.

Reason For the avoidance of doubt and to ensure that floor space figures are not exceeded.

5. Notwithstanding Condition 3, no more than 41,997 m² of Class A1 retail floorspace shall be formed at any time within the buildings hereby permitted without the prior written consent of the Local Planning Authority. Within that 41,997 m², no more than 4,200 m² of Class A3, A4 or A 5 floorspace shall be formed at any time within the buildings hereby permitted without the prior written consent of the Local Planning Authority.
Reason For the avoidance of doubt and to ensure that floor space figures are not exceeded.
6. On or before submission of the first reserved matters application, a scheme of phasing to include a timetable for development and of construction shall be submitted to and approved by the Local Planning Authority. The phasing scheme shall include details of the arrangements for public parking as the development proceeds. The development shall be implemented in accordance with that scheme unless otherwise agreed in writing by the Local Planning Authority.
Reason To minimise disruption and maintain adequate public parking areas as the development proceeds.
7. On or before submission of the reserved matters for each phase of the development is commenced a design statement for that phase of the development shall be submitted to and approved by the Local Planning Authority. The design statement for each phase of the development shall clearly illustrate how that phase of the development relates to development principles established by the Masterplan hereby approved and the accompanying design statement.
Reason In the interests of visual amenity.
8. Before each phase of the development hereby permitted is commenced, details of the location of customer and visitor entrances, areas of glazing and shopfront display areas, and the location and design of shutters for that phase shall be submitted to and approved by the Local Planning Authority. The details to be submitted to the Local Planning Authority shall clearly indicate how the entrances and shop fronts to the individual buildings forming that phase relate to the principal pedestrian routes through that phase. The approved details shall be implemented before the phase is brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
Reason In the interests of visual amenity and the free movement of pedestrians.
9. Notwithstanding the submitted plans, before each phase of the development is commenced, details of the car park for that phase shall be submitted to and approved by the Local Planning Authority. The details shall include: disabled parking spaces; lighting; CCTV; and hard surface treatment. The approved scheme shall be implemented before the car park is brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
Reason To ensure adequate and safe provision of public parking.
10. On or before submission of the first reserved matters application a strategy for car park management shall be submitted to the Local Planning Authority. Before each phase of the development is commenced, a scheme for car parking management of the car park for that phase shall be submitted to and approved by the Local Planning Authority. The scheme shall include details on: signage and road marking; internal circulation; allocation of spaces; pedestrian routes; and hours of operation. The approved scheme shall be implemented before the car park is brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
Reason To ensure adequate and safe public parking provision.

11. On or before submission of the first reserved matters application a scheme for cycle and motor cycle parking shall be submitted to the Local planning Authority. Before each phase of the development is commenced a detailed scheme for pedestrian and cycle access and cycle parking for that phase shall be submitted to the Local Planning Authority. The approved scheme shall be implemented before each phase is brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
Reason To ensure adequate and safe parking for cycles and motor cycles.
12. Before development of the multi storey car parking is commenced, details of any ventilation (including details of sound attenuation for any necessary mechanical plants and standard of dilution expected) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the multi storey car park is first used and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
Reason To ensure a satisfactory standard of air quality.
13. On or before submission of the first reserved matters application a travel plan strategy shall be submitted to and approved in writing by the Local Planning Authority. Before each phase of the development is commenced, a scheme for the provision of occupier travel plan measures relating to that phase shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of measures relating to walking, cycling, public transport and car parking. The scheme shall establish the developer and occupier travel plan objectives and targets and include an implementation programme. The approved scheme shall be implemented before each phase is brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
Reason To ensure that the proposed scheme is accessible to all and to minimise vehicle movements.
14. Before each phase of the development is commenced, a detail scheme of landscaping shall be submitted to and approved by the Local Planning Authority. The submitted scheme shall include; indications of all existing trees and shrubs and details of any to be retained; existing and proposed levels and contours; means of enclosure; car parking layouts; other vehicular and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures; boundary treatment; drainage and services; planting plans, specifications and schedules; and location of site cabins and compounds.
Reason To ensure the satisfactory development of the site and in the interests of visual amenity.
15. All landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to that phase of the development being brought into use or in accordance with a programme agreed with the Local Planning Authority.
Reason To ensure the satisfactory development of the site and in the interests of visual amenity.
16. A landscape management plan shall be submitted to and approved by the Local Planning Authority prior to occupation of the relevant phase of the development or in accordance with the programme agreed with the Local Planning Authority. The approved scheme shall be implemented before the phase is brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority prior to that phase of development being brought forward into use or in accordance with a programme agreed with the Local Planning Authority. The landscape management plan shall include a schedule of landscape maintenance for a minimum period of five years.
Reason To ensure the satisfactory development of the site and in the interests of visual amenity.

17. The use of any food and drink unit (Class A3, A4 and A5) shall not commence until details of the opening hours for each unit have been submitted to and agreed in writing by the Local Planning Authority.
Reason To safeguard the amenities of adjacent occupiers.
18. The use of any food and drink unit (Class A3, A4 and A5) shall not commence until details of a scheme for the control of fumes and odours (and details of sound attenuation for any necessary plant) for that unit has been submitted to and approved by the Local Planning Authority. The scheme once approved shall be implemented before any food and drink unit is brought into use and must be retained in full working order thereafter unless otherwise agreed in writing by the Local Planning Authority.
Reason In the interests of amenity
19. No demolition or construction work shall take place on the site except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and 8.30 am and 1.00 pm on Saturdays and none shall take place on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.
Reason To protect the amenities of occupiers of adjacent property.
20. Before each phase of the development is commenced, details of the design and siting of all hoardings and fencing to be erected around the site during that phase of construction shall be submitted to and approved by the Local Planning Authority. The scheme once approved shall be implemented and maintained during the period of construction of that phase unless otherwise agreed in writing by the Local Planning Authority.
Reason In the interests of amenity.
21. Before each phase of the development is commenced, details shall be submitted to and approved by the Local Planning Authority to cover the following matters: measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site; and measures to minimise dust nuisance caused by the operations. The approved details shall be implemented and maintained thereafter during the period of construction of that phase unless otherwise agreed in writing by the Local Planning Authority.
Reason In the interests of amenity.
22. Before the development of the approved Blocks B and/or C is commenced, a scheme for protecting residential accommodation from excessive external noise shall be submitted to and approved by the Local Planning Authority and any works which form part of such a scheme shall be completed before that part of such a scheme shall be completed before that part of the development is first occupied unless otherwise agreed in writing by the Local Planning Authority.
Reason To protect the amenities of residents.
23. On or before submission of the reserved matters application for each phase of development is brought into use, details of the arrangements for storage of refuse and waste for that phase shall be submitted to and approved by the Local Planning Authority. The detail shall be implemented as approved and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
Reason To ensure the satisfactory storage, recycling and collection of waste.
24. Before each phase of development is commenced, details of lux levels, direction and screening of any external and street lighting for that phase shall be submitted to and approved in writing by the Local Planning Authority. All lighting works shall be carried out in accordance with the approved details.
Reason In the interests of visual amenity.

25. On or before the submission of the first reserved matters submission an Access Statement for the overall development hereby approved shall be submitted to and approved by the Local Planning Authority. The Access Statement should explain the design approach for ensuring that the design of the individual buildings, public spaces disabled parking and pedestrian footpaths forming the development will meet the needs of people with a broad range of disabilities and mobility impairments. Before each phase of the development is commenced a statement for that phase demonstrating how the proposed works relate to the development principle established by the overall Access Statement.
Reason To ensure access for all.
26. No development shall take place within the proposal area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by Bury Planning Authority.
Reason To make a record of buildings for archive and research purposes and to identify buried remains of archaeological interest.
27. No site works/development shall be undertaken until the implementation of an appropriate programme of building recording has been agreed in writing with Bury Planning Authority, to be carried out by a specialist acceptable to the Local Planning Authority and in accordance with an agreed written brief.
Reason To make a record of the buildings for archive and research purposes and to identify and record remains of architectural interest.
28. Before each phase of the development is commenced, a site investigation and risk assessment of site contamination shall be submitted to and approved in writing by the Local Planning Authority. Any remediation measures identified by the study shall be implemented in accordance with the approved scheme.
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.
29. Before any phase of development is commenced, a scheme for the provision of close circuit television cameras shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of: camera locations; camera specifications; lighting lux levels; and monitoring. The approved scheme shall be implemented and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.
Reason In the interests of security.
30. Before the development of Blocks B and/or Block C is commenced, a scheme for the provision of affordable housing shall be submitted to and approved by the Council in accordance with Policy H4/1 - Affordable Housing of the adopted Bury Unitary Development Plan and Development Control Policy Guidance Note 5 - Affordable Housing Provision in New Residential Developments.
Reason To ensure an adequate supply of affordable housing in compliance with UDP Policy H4/1.
31. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.
Reason To ensure the satisfactory drainage of the site.
32. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from vehicle parking areas shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason To ensure the satisfactory drainage of the site.

33. Any facilities for the storage of chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to 110% of the capacity of the largest tank, or 25% of the total combined capacity of the interconnected tanks whichever is the greatest. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason To ensure the satisfactory drainage of the site and to prevent pollution.

34. Notwithstanding the details indicated on the approved plan, the development hereby approved shall not be brought into use or first occupied unless and until the works for the provision or improvement of the access arrangements to the following junctions, as referred to in the Transport Assessment and supplementary information submitted by JMP Consulting, have been approved and completed to the written satisfaction of the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

Peel Way/Walmersley Road/Moorgate/The Rock
The Rock/New Link Road.
The Rock/Rochdale Road/Clerke Street
Rochdale Road/Angouleme Way
Rochdale Road/George Street/New Link Road
Rochdale Road/Lord Street/York Street

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

35. On or before the submission of the first reserved matters application a design statement for the public realm strategy and landscape proposals for the overall development hereby approved shall be submitted to and approved by the Local Planning Authority. The design statement shall clearly illustrate how the public realm/landscape proposals for the development relate to development principles established by the approved Masterplan and accompanying design statement.

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

36. Before development of the approved access arrangements identified above are commenced details of the locations and design of all new pedestrian crossing facilities shall be submitted to and approved by the Local Planning Authority. The details to be submitted to the Local Planning Authority shall clearly indicate how the pedestrian crossing facilities relate to the principle pedestrian routes both through the development and with existing pedestrian routes adjoining the development.

Reason To ensure adequate pedestrian access to the development.

37. 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.

38. With the exception of servicing arrangements to Block B, 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.

39. The foundations for any part of the proposed development shall not encroach under the adjacent existing or future adopted highway at any point.
Reason To ensure good highway design and to maintain the integrity of the adopted highway.
40. Prior to the commencement of development, details of crime prevention measures to meet the minimum requirements of the Greater Manchester Police Secured by Design Award, or as otherwise agreed in writing, shall be submitted to and agreed in writing by the Local Planning Authority and implemented during the course of the development.
Reason To ensure the security of the development.
41. A construction phase environmental management plan shall be submitted to, and agreed in writing by, the Local Planning Authority prior to the commencement of the development and implemented in accordance with the agreed plan as the development proceeds.
Reason To mitigate the effects of the development during demolition and construction
42. Within the S.106 agreement to accompany the planning decision a car parking strategy shall be provided for replacement short and long term parking and parking for construction workers to cover the period of demolition and construction of the new development.
Reason To make adequate provision for parking and to protect the vitality and viability of the town centre.

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

Ward: Bury East - Moorside

Item 04

Applicant: Greater Manchester Police Authority

Location: BURY GROUND, CASTLECROFT ROAD, BURY

Proposal: OUTLINE APPLICATION FOR DIVISION HEADQUARTERS POLICE STATION

Application Ref: 45708/Outline Planning
Permission

Target Date: 16/03/2006

Recommendation: Approve with Conditions

Description

The site is part of Bury Ground that is allocated in the Bury Unitary Development Plan as being suitable for Business (B1), Office and Hotel/Conference facility Uses. Bury Ground is currently used by the public as open space on an informal basis but the land has no statutory protection. The application site is generally level and grass covered plus an area with cinders which was the former Bury showground site. There are trees of limited amenity value within the site mainly close to the southern and eastern boundaries, some of which would need to be removed although others would be retained. The existing access is via Castlecroft Road which borders the site to the east. Hares, the structural steel company have premises to the east of Castlecroft Road. Carlyle Street is to the south of the site with a steep embankment up to Bolton Street/Peel Way beyond. Carlyle Street provides access to Hesketh's Foundry which is to the west of the site. To the north is a marshy area.

In accordance with the allocation in the Bury Unitary Development Plan it is the Council's intention that Bury Ground will be developed as a business park but a planning application has not yet been submitted. It is also intended that there would be a new access to the business park with a new road from Bolton Street/Peel Way to the west of the current application site. Previous applications for the access have been submitted and withdrawn.

Outline planning permission is sought, including siting and means of access, for a new police station to replace the existing police station on Irwell Street which is too small for current requirements and does not have suitable facilities to provide disabled access for members of the public. The building would be the new Divisional Headquarters. Other sites have been researched without success. Key requirements include a central location to Bury town centre and populated areas and a good road network and easy access.

The plan shows a main building of 5,700 square metres, ancillary buildings and parking areas for staff and visitors. Vehicular access would be from a new northern perimeter road within the application boundary and linking Castlecroft Road to the new access link road. There would be an emergency access to Castlecroft Road.

The application is accompanied by a Transport Assessment and a lengthy Planning Statement which includes design, access, planning policy, ground condition, tree survey, sustainability and other issues. The statement refers to studies which have already been undertaken or are under way for the larger development of the surrounding area.

The statement includes the precise requirements from the client for the building and other facilities. Car parking standards are addressed. A specification for access, including access for the disabled is included. reference is made to ongoing investigations into contamination. A flood risk assessment establishes the intended floor level for the building and a full assessment is being carried out as part of the proposed development of the wider area. A tree survey and a copy of the GMP Travel Plan is included. A sustainability

statement details energy and utility conservation measures. No archaeological interest has been identified. Reference is made to the intended Environment Statement for the larger site which will include an assessment of air quality.

Relevant Planning History

Applications for offices for Hares (whose yard is on the opposite side of Castlecroft Road) on part of the current application site were submitted in 1998 and 1999 but the development did not proceed.

Two applications (43885 and 44190) for the new access road to the west of the site were submitted in 1995 and withdrawn before a decision was made to allow technical issues to be addressed. A further application is anticipated.

Publicity

The application has been advertised on site and in the Bury Times as a major application and as likely to affect public rights of way. Neighbouring businesses have been notified.

A letter has been received from Hesketh's who do not object to the development although they have concerns about the intended new access road. They think that issues concerning the impact of the road on their site remain to be resolved but these issues would be considered if and when another application for the access road is submitted.

A resident from 13 Saxon Close is concerned about the environmental impact including destruction of green land, the effect on wildlife and further blots on the landscape.

Consultations

Borough Engineer - No objection on drainage grounds subject to informative notes. No objection in principle on highway grounds. Recommended conditions will be reported.

Borough Environmental Services Officer - Recommends conditions on contamination and air quality. The applicant's architect is aware of the recommendation and has confirmed that measures are being taken to ensure compliance.

Environment Agency - No objection subject to recommended conditions. The architect has confirmed that the proposed levels are in accordance with the Flood Risk Assessment carried out in consultation with the Environment Agency.

United Utilities - No objection subject to comments including the need to avoid building close to a public sewer that borders the site. The architect is aware of this and other United Utilities requirements.

Greater Manchester Ecology Unit - No objection subject to comments including the need to protect the reed bed beyond the boundaries of the site to the north, to replace any trees to be lost and to deal with Japanese Knotweed close to the site. The architect has confirmed agreement to the recommendation. There are no Great Crested Newts.

Greater Manchester Police Architectural Liaison Unit - Concern is expressed about the relationship of the site to the new link road which would be elevated above it. Suggestions are made about the security of the site that have made known to their colleagues in Estate Management. The architect has stated that Secured by Design accreditation will be sought and that there will be consultation as part of the detailed development process.

Unitary Development Plan and Policies

EC1/3 Land Suitable for Business (B1)
RT4/3 Visitor Accommodation
RT3/4 Recreational Routes
HT6/3 Cycle Routes
EN6/3 Features of Ecological Value

EN1/2 Townscape and Built Design
EN1/5 Crime Prevention
PPG23 PPS 23 - Planning and Pollution Control

Issues and Analysis

Principle of Development - The development would be in accordance with the UDP allocation of the larger area as an opportunity site for business development. The URBED "Bury but Better" vision and strategy document showing Bury Ground as a business park was adopted by the Council in November 2003. The building will accommodate an estimated 288 staff including 207 police officers on various shift patterns and is appropriate within a designated employment site.

It would be preferable if an approved framework for the Bury Ground business park was in place but the police station scheme would not prejudice the development of the rest of the site.

Siting - The building shown is based on new police stations that have been built for other Greater Manchester Divisions. It can be accommodated within the site with adequate parking including 39 operational spaces for police vehicles, 129 staff spaces (including 4 disabled), 15 visitor parking spaces (including 2 disabled) and accommodation for cycles and motorcycles.

Means of Access - The proposed vehicular access would be from a new road within the application site which would link Castlecroft Road to the new access into Bury Ground which is likely to be the subject of a future application. The intention is that the majority of traffic entering and leaving the site would use the new access road to the business park but the road is not constructed and the necessary planning permission has not been granted. In the interim, access arrangements are workable from the existing road system.

Other Issues - It has been established that there are no overwhelming ecological or archaeological issues and that flood risk has been adequately addressed. The development will incorporate sustainable principles. There will be adequate car and cycle parking for staff and visitors. The site and building will be accessible to the disabled.

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 is in accordance with the adopted Bury Unitary Development Plan. It will not harm the character of the area nor the amenities of occupiers of adjacent property. There will be no adverse impact on 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 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 A5082/001A, 002A, 013D, 014A, 05H144/001A 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. 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. Full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonia Japonica*, *Rouse Decraene*, *Polygonum Cuspidatum*) shall be submitted to and approved by the Local Planning Authority prior to the commencement of work on site. The approved scheme shall be implemented prior to the development commencing.
Reason. To ensure that the site is free from Japanese Knotweed in the interest of UDP Policy EN9 - Landscape
10. 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. The scheme shall identify trees which are to be removed or retained together with any pruning that is proposed. 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..
11. At reserved matters stage the developer shall submit an assessment of the effect of the development on local air quality and the conclusions agreed in writing by the Local Planning Authority.
Reason to meet the requirements of UDP Policy EN7/1.
12. No development approved by this permission shall be commenced until details of the existing and proposed floor levels have been submitted to and approved by the Local Planning Authority. The scheme shall be constructed and approved in accordance with the approved details.
Reason to ensure that the development is subject to minimum risk of flooding.

13. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.
Reason To reduce the increased risk of flooding.
14. Development shall not begin until details of the facilities required for the storage of oils, fuels or chemicals have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plans.
Reason To prevent pollution of water resources.

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

Ward: Bury East - Moorside

Item 05

Applicant: Bury MBC Education & Culture

Location: BEECH GROVE, 174 CHESHAM ROAD, BURY, BL9 6EP

Proposal: CHANGE OF USE FROM HOME FOR THE ELDERLY TO OFFICES INCLUDING
ADDITIONAL CAR PARKING PROVISION

Application Ref: 45788/Full

Target Date: 10/03/2006

Recommendation: Minded to Approve

If the Committee is Minded to Approve, the application will need to be referred to the Government Office for the North West. In addition, the 21 days for consultation after the press advertisement will expire on 2nd March 2006.

Description

The application site lies at the junction of Chesham Road and Danesmoor Drive, Bury opposite Clarence Park. The site is occupied by Beech Grove which is a part single storey and part two storey building that was initially used as an Elderly Persons Care Home. In more recent times the amount of the building used for Care purposes has reduced and around a quarter of the building has been used for offices by the Social Services Department of Bury Council.

The proposal is for the change of use of the buildings from an Elderly Persons Care Home falling within Class C3 to Offices falling within Class B1 to be used by the Children's Services Department of this Council. The increased intensity of the use of the buildings means that more people will be arriving by car and in order to cater for the increased parking requirement, the scheme proposes parking spaces immediately to the north of Beech Grove running at right angles to the Bridleway. This involves the use of some Protected Open Land and the removal of a Hedgerow which would be relocated and replaced to enclose the proposed parking spaces.

The accompanying planning statement explains that Beech Grove was constructed in the early 1980s as a Care Home but in recent years has been under utilised. There would be 83 employees equating to 76.5 Full Time Equivalent posts based at the site and that in line with the Council's Green Travel Plan people will be encouraged to walk and cycle to work or to use public transport. However, the scheme proposes 33 additional car parking spaces. The existing footpath/bridleway would not be altered.

Relevant Planning History

Application 44704 - sought consent for essentially the same use but was withdrawn on 3rd August 2006 by the applicant due to insufficient information in relation to the loss of the hedge, number of staff and parking provision.

Publicity

Advertisement placed in 16th February 2006 edition of the Bury Times; Site Notice posted 10th February 2006.

5 letters received from residents at 146 & 170 Chesham Road and 6, 18 & 26 Danesmoor Drive objecting to the proposal on the following grounds:

- Increased traffic hazards along Chesham Road due to heightened number of vehicles the proposal will attract
- There are no traffic calming measures
- Inaccuracies in the submission including the date of construction of Beech Grove and that there is no direct bus service to Danesmoor Drive
- Parking situation made worse
- Inadequate capacity of Chesham Road to cater for traffic
- Safety of children attending the Primary School on Danesmoor Drive
- Inappropriate use in a predominantly residential area
- What about visitor parking?
- What will become of the office block in the future if the Council vacate it?

91 standard letters received from nearby residents objecting to the proposal on the following grounds:

- Exacerbate existing traffic problems on Chesham Road
- Urge the Council to reject the scheme

1 letter received from the Chair of Governors at St. Joseph & St. Bede's Primary School on Danesmoor Drive objecting to the proposal on the following grounds:

- Concern over volumes of traffic at the beginning and end of the school day
- The proposed development would exacerbate the problems
- As a body, the Governors reject the planning application.

Consultations

Borough Engineer - Drainage - no objections - Highways - recommend conditions preventing direct access from the proposed car park to Chesham Road and for the car park to be surfaced, demarcated and made available for use.

Head of Landscape Practice - considers the landscape and planting proposals acceptable although recommends conditions be imposed to protect trees during construction.

Wildlife Officer - acknowledges that an overgrown mature hawthorn hedge and semi-improved grazing land would be lost as part of the scheme but this is not sufficient to warrant refusal. However, conditions should be imposed to mitigate the impact of the proposals by providing a replacement hedge using species which would complement local wildlife.

Parks and Countryside - would discourage the application on the grounds that the new car park would discourage walkers from using the footpath/ bridleway to the woods and the loss of a mature tree and hedgerow. The car park should be relocated on Miss Walker's Field which would avoid these conflicts.

BADDAC - request a Disabled Access Statement to explain how the building will be adapted, in particular how entrances will be widened and include outward opening doors and request the provision of disabled parking bays.

GM Police - request 2.4 metre high boundary fencing, a security lighting scheme and that vegetation be kept to a minimum height to allow surveillance.

Unitary Development Plan and Policies

EC5/3	Other Office Locations
EC6/1	New Business, Industrial and Commercial
EN1/2	Townscape and Built Design
OL2/1	Development on Other Protected Open Land
EN8	Woodland and Trees

Issues and Analysis

The main considerations of the application are the principle of the change of use of the care home to offices and whether this is a suitable location, the assessment criteria for new Business development and the impact of the proposal on the Protected Open Land and hedgerow.

The proposed change of use of the Care Home to Offices would result in the intensification of the use of the site as it was previously occupied by elderly people requiring care who did not or were unable to drive and remained on site all day, with only the care staff arriving and departing. It is therefore likely that any re-use of the site, even for residential purposes would result in an intensification of use and increase vehicle movements

The number of staff operating from the site would be 83, with 40 of those being car-based peripatetic, arriving and departing from the site during the working day. No transport assessment has yet been submitted by the applicant nor a Green Travel Plan which may help to alleviate traffic congestion and parking problems on and around the site. However, the Borough Engineer does not consider traffic congestion to be an issue along Chesham Road.

The scheme proposes a total of 46 spaces for 83 staff with 40 of the staff being peripatetic and therefore likely to arrive by car in addition to other staff who may drive to work. In terms of parking standards, the UDP requires 1 space per 30 square metres which would equate to 49 spaces plus 5 visitor parking spaces. These standards have since been superseded by guidance which says that car parking standards should be expressed as a maximum in accordance with advice in PPG13. The Greater Manchester Parking Standards, which include this guidance, recommend 1 car parking space per 35 square metres, which in the case of this scheme equates to 42 spaces plus one bay for each disabled employee as well as 2 additional spaces. Additionally, the GM Standards require a minimum of 3 cycle parking spaces and 2 motorcycle parking spaces. The scheme therefore meets the car parking requirements set down by the GM Standards and a condition should be attached requiring the provision of cycle parking and changing facilities.

The proposal would not alter the building, but would involve the loss of existing mature shrub and tree planting within the site along the eastern boundary. There is little replacement planting proposed here and no specific treatment is proposed on the plans in relation to the trees that would be tarmacked over by the proposal. However, conditions requiring this information have been attached.

The effect of the development on neighbouring residential properties should be minimal given that it is an office use and the hours of operation would be 07:00 to 19:00 Monday - Friday. On balance, the proposal is considered to be acceptable in terms of landscape planting and tree protection measures subject to condition whilst a Green Travel Plan to enable alternative methods of transport to reach the site should be submitted in order to overcome the sub-standard parking provision.

The proposed development would partly encroach onto Protected Open Land and involve the loss of part of a hedgerow. On balance, the small area of land taken and the proposed replacement of the hedgerow is considered to be acceptable. A condition is included requiring submission of details of plant species for the new hedge, which should be designed to encourage diversity of wildlife.

If the Committee are Minded to Approve the application it would constitute a departure from the UDP (Unitary Development Plan) as the scheme involves the loss of Other Protected Open Land. As the application is made by the Council on its own land and is a departure from the UDP the matter must be referred to the Government Office for the North-West.

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 office development would be acceptable in principle as well as located in a sustainable location, meets the criteria for new employment premises and would result in a minimal loss of Other Protected Open Land.

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 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 13 JAN 2006 and -7 FEB 2006 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. The external finishing materials for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. The landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the 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..
5. A landscaping scheme for the eastern boundary of the site together with details of boundary treatment to this area and the broader site including a schedule of species which will augment the value of the northern Hedgerow to wildlife, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. The approved scheme shall be implemented not later than 12 months from the date the building is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
6. Within 28 days of the date of this approval, the applicant shall submit a scheme detailing in accordance with BS 5837 root protection measures to the trees in the existing car park which shall involve no changes in level and after construction

shall include knee rails to prevent vehicles parking too close to the root protection area of the trees, to and to be approved by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme the subject of this condition and shall thereafter be maintained.

Reason: To protect the existing trees on site in the interest of visual amenity pursuant to Policies EC6/1 - Assessing New Business, Industrial and Commercial Development and EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan.

7. There shall be no direct means of vehicular access between the proposed car park and Chesham Road.

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

8. The car parking indicated on the approved plans G050602 A 03 Rev A shall be surfaced, demarcated and made available for use to the satisfaction of the Local Planning Authority prior to the use hereby approved commencing 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.

9. Within 28 days of the date of this approval, the applicant shall submit a Green Travel Plan in accordance with the Council's Strategy to encourage alternative means of transport other than the private car, to and to be approved by the Local Planning Authority. The approved Travel Plan shall be implemented as soon as practicable and shall thereafter be maintained.

Reason: In the interests of reducing car based traffic and sustainability.

10. Prior to the commencement of development on site, the applicant/ developer shall submit a detailed scheme of cycle parking for visitors and cycle storage for employees together with appropriately located staff showering and changing facilities to and to be approved by the Local Planning Authority. The details and facilities shown on the approved scheme shall be provided and made available for use prior to the development hereby approved first being occupied and shall thereafter be maintained.

Reason: To encourage more sustainable methods of transport.

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

Ward: Bury East - Moorside

Item 06

Applicant: Mr R Hamer

Location: 369 WALMERSLEY ROAD, BURY, BL9 5EY

Proposal: CHANGE OF USE FROM RETAIL (CLASS A1) TO BETTING SHOP (CLASS A2);
NEW SHOP FRONT; RAMP DETAILS AND BALUSTRADE; NEW ROLLER
SHUTTER AND HOUSING (RESUBMISSION)

Application Ref: 45827/Full

Target Date: 20/03/2006

Recommendation: Approve with Conditions

Description

The application site fronts Walmersley Road, and is adjoined by residential properties to the rear (Eastham Av), to the north of the site from 371 - 385 Walmersley Road and immediately opposite the application site. A council owned office is located immediately beside the proposal at 367 Walmersley Road. The application site is a three storey property, located at the end of a row of pre-1919 terraced houses. The area is currently unallocated in Bury's Unitary Development Plan.

This application is a resubmission of planning application ref. 45686. The proposal is for the conversion of a ground floor shop Class A1 to a betting shop Class A2. There are no proposed extensions to the property. The first and second floor levels are to be used for residential. The proposal includes a new shop front, complete with a ramp/hand rail to the right side of the entrance for people who are disabled. The location of the ramp has been altered from the previous application to the eastern side of the front of the property. Minor external changes includes the removal of existing roller shutters to the shop front. A roller shutter is proposed to the rear exit, this would not be visible from the street scene. Internal changes include total redesign for use as a betting shop, complete with a betting area, counter, various security measures and a rear store room.

Internal provision for people who are disabled includes a disabled toilet and a lowered section of the counter. The proposed opening hours are 0900 to 2030, Monday - Saturday, 1000 to 1830 Sundays. No provision for parking has been included. The shop will be serviced by 2 vehicles on a daily basis.

Relevant Planning History

Planning Application Ref.	Description	Decision	Date of decision
36384	Change of use to hot food take away with residential above	Refused	21/03/2000
C/21424/88	Alterations to form a shop and flat	Approved with conditions	25/08/1988
45686	Change of use from retail (A1) to Betting shop	Refused	29/12/2005

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Planning application ref. 45686 was refused on the basis of insufficient information with regard to noise and sound insulation and access for the mobility impaired. The externally mounted roller shutters to the front would have also caused an intrusive visual feature in the street scene.

Publicity

32 adjoining occupiers consulted. Of the 32 adjoining occupiers consulted, a total of 20 letters of objection were received at 08/02/2006. 17 occupiers from the following addresses sent a standard letter: 3, 5, 7, 8 & 9 Eastham Av, 364, 345, 355, 362, 363, 366, 372, 373, 379, 375, 371 Walmersley Rd & 1 Wolstenholme Ave. The standard letter raised the following issues:

- Noise, disturbance and litter &
- Issues of road safety and parking.

3 individual letters were received from the following addresses: 363, 361 & 359 Walmersley Rd. These letters of objection raised similar concerns, covering the following issues: potential litter, parking, devaluation of properties and possibility of anti-social behaviour.

Consultations

Borough Engineer Highways - No objections received.

Borough Environmental Services Officer - A detailed scheme needs to be submitted to provide soundproofing and adequate levels of acoustic insulation.

BADDAC - The reconfigured ramp run of 3.6m is now considered more acceptable.

Unitary Development Plan and Policies

Issues and Analysis

The main considerations of this application relate to residential and visual amenity, access for mobility impaired and arrangements for car parking.

Residential Amenity - The principal for the use of the ground floor of this property for retail use has been well established since 1988. Due to their prominent main road location, ground floors of other large terraced properties on Walmersley Road have been converted for retail use. The agent has confirmed that the property will have adequate noise and sound insulation measures to comply with Part E of the Building Regulations to mitigate noise for nearby residential properties. This overcomes the issue of insufficient information that was provided with the previous application. Moral based objections and fears regarding anti-social behaviour are not strong material planning considerations. The opening hours have been reduced from the previous application from 0900 - 2130 Monday - Sunday to 0900 - 2030 Monday - Saturday and 1000 - 1830 Sundays. These hours, which have been reduced from the previous application are considered acceptable. Therefore, the proposal is in accordance with policy S2/1.

Visual Amenity - Following the previous application, the externally mounted roller shutters to the front have been removed from the scheme. The proposed alterations to the shop front are considered to be minor when compared to the existing and would be acceptable. Removal and making good of the existing externally mounted roller shutter to Eastham Ave would improve the existing appearance of the property. The signage elements would require

advert consent and content of window displays and cannot be controlled. Therefore, in terms of visual amenity, the removal of the roller shutters and minor alterations to the front are considered to be in accordance with policies S2/1 and EN1/8.

Access for Mobility Impaired - Following the previous application, the applicant has altered the configuration of the ramp and door width to the front - see revised plans H170/4/1 Revision B & H170/4/2 Revision B, the details of which are now considered acceptable. The agent has confirmed that there will be level access and assisted egress management to the rear exit. Internal details are also considered accessible and so the proposal now accords with policy HT5/1.

Car Parking Arrangements and Generation of Traffic - The proposal would not exacerbate the existing parking situation when the property was previously used for a shop. Relevant case law demonstrates that betting shops are essentially a walk-to-use. There is scope for drivers to park safely within a reasonable distance of the application site. Highway engineers also have no objections to the scheme.

Summary of reasons for Recommendation

This application was determined having regard to Policy S/1 - "All New Retail Proposals - Assessment Criteria", En1/8 "Shop Fronts" & HT5/1 "Access for those with special needs" of the Bury Unitary Development Plan (adopted 1997). Planning permission has been granted because the proposals accord with the aforementioned policy and guidance. The design is of an acceptable standard, it would not adversely affect the character of the area nor the amenity of nearby residents, and it would not adversely impact on highway safety issues. There are no other material planning considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. This decision relates to drawings numbered Plans numbered H170/4/1 Revision B and H170/4/2 Revision B received on 07/02/2006 and details contained in a letter from the agent received on 07/02/2006 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 (adopted 1997) listed below:
S2/1 "All New Retail Proposals: Assessment Criteria" &
EN1/8 "Shop Fronts".
2. Prior to the commencement of development on site, details of the provision and siting of bin storage for the proposed development shall be submitted by the Agent to and approved in writing by the Local Planning Authority. The approved details only shall be implemented in accordance with the approved details and thereafter maintained.
Reason - To ensure that appropriate and adequate facilities for the storage of refuse are provided within the site in the interests of amenity and public health, pursuant to policy EN7 "Pollution Control" of Bury's Unitary Development Plan (adopted 1997).
3. 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.
4. 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 (adopted 1997).

5. Prior to the commencement of development on site, details of a scheme to provide and install soundproofing between the commercial and all adjoining residential accommodation shall be submitted by the Agent to and to be approved by the Local Planning Authority. The levels of acoustic insulation to be provided shall be, as a minimum, those deemed to be acceptable and specified as standards of construction in current Building Regulations. Such works that form the approved scheme shall be completed before the proposed redevelopment is brought into use and shall thereafter be maintained.

Reason - To ensure the protection of the residential amenities of the existing adjoining dwelling and the amenity of the future occupants of the development. This is pursuant to Policy EN7/2 "Noise Pollution" of Bury's Unitary Development Plan (adopted 1997).

6. Prior to the commencement of development on site, details of the management strategy (including assisted egress) for people who are physically impaired for the proposed development shall be submitted by the Agent to and approved in writing by the Local Planning Authority. The approved details only shall be implemented in accordance with the approved details and thereafter maintained.

Reason. To ensure that the development is fully accessible to people who are pursuant to Policies HT5/1 – "Access for Those with Special Needs" of the Bury Unitary Development Plan (adopted 1997).

7. The shop shall not be open outside 0900 hrs to 2030 hrs Monday - Saturday; and 1000 - 1830 hrs Sundays and Bank Holidays.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/1 – "All New Retail Proposals: Assessment Criteria" and EN7/2 "Noise Pollution" of the Bury Unitary Development Plan (adopted 1997).

For further information on the application please contact **Cheri Leighton** on **0161 253 7391**

Ward: Bury East - Redvales

Item 07

Applicant: D L Allen

Location: 18 TENNYSON AVENUE, BURY, BL9 9RF

Proposal: CHANGE OF USE FROM THERAPIES SHOP (CLASS A1) TO BOOKMAKERS (CLASS A2)

Application Ref: 45772/Full

Target Date: 02/03/2006

Recommendation: Approve with Conditions

Description

The site comprises a vacant lock up shop unit within a parade of shops on Tennyson Avenue, Bury. The shop unit was last used for a 'therapists' and has no parking or servicing. However, the road outside has unrestricted parking and the 'shops' serve the local community. The other shop units include a hairdressers, late shop (2 units) convenience store, news agents and a chip shop.

It is proposed that the existing unit be used as a bookmakers with no alterations to the existing shop front.

Relevant Planning History

None on the site

Publicity

34 properties within the vicinity have been notified and a petition and 3 letters of objection have been received. The letters are from 2 Scott Avenue, 15, Tennyson Avenue and The Manor House, Fletcher Fold. The petition has been signed by 48 residents.

The objections can be summarised as follows:

- the use is inappropriate in a local community and will result in a detriment to amenity
- the use will reduce property values
- contrary to the 1997 Unitary Development Plan particularly Policies S1/1, S1/5 and S2/4.
- lack of need for a book makers
- lack of parking in the area
- alternative community based uses would be more appropriate

Consultations

Borough Engineer - no objections in principal

Greater Manchester Police Architectural Liaison Unit - no comments to make

Environmental Health - no objections in principal subject to requesting a condition on sound insulation between the unit and the flats above.

BADDAC - no objections in principal as the existing access is to be maintained.

Unitary Development Plan and Policies

S1/5 Neighbourhood Centres and Local Shops

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

Issues and Analysis

Principle - the site is located within a Neighbourhood Shopping Centre where Unitary Development Plan Policy S1/5 states that the Council will seek to retain A1 retail use to serve the needs of the local community. However, it then says that it may not always be possible to safeguard existing facilities or retain shops, especially where there is not enough consumer demand to make a shop viable. The duration of vacancy of shop

premises will therefore be taken as an indication of likely viability. In this instance there is a 'convenience' based shop occupying two of the existing retail units, a news agents and a hairdresser in the parade. The therapists that have vacated the unit were only in residence for a short period and the unit has proven difficult to let for an A1 use. Whilst this would not be a Class A1 use, it will provide a service to the community and would not create an oversupply of non retail use.

The applicant has requested 10am to 9.30 pm as the maximum hours of opening 7 days a week. This is shorter than the nearby 'convenience store' and as such would not extend the hours of operation of the parade outside those it already enjoys and as such is appropriate as it would not be a material detriment to the amenities of the area.

In these specific circumstances it is not considered that the use of the premises as a bookmakers, which falls into Use Class A2 and which is an office use that is appropriate to predominantly retail areas, would be contrary to the UDP and as such it is acceptable.

Servicing and Parking - the shop unit is part of a parade of 6 shops located below flats within a predominately residential area. The road outside the units has no parking restrictions and the units were designed to be serviced from the street. (Separate parking is provided for the flats). As such no specific off street parking or servicing will be provided but, given that this adds to the variety of retail based activity in the area and its clients will be local and that there is no significant need for deliveries, it is not considered appropriate that such requirements should be made of the applicant.

Noise - the Environmental Health Team have requested that a condition be imposed to protect the amenities of the residents in the flats above and it is agreed that a condition to that extent should be imposed so as to protect their residential amenity.

Objections - the use of the site for a bookmakers would be consistent with the UDP Policies on the retention of the viability of Neighbourhood Shopping Centres as stated in S1/5. The other policies stated by the objectors, whilst relevant, are superseded by S1/5 and the retention of the unit as an active frontage outweighs any disadvantage in terms of the loss of an A1 retail use. The use would serve the local needs of the community for a bookmakers and, this would restrict the needs for car parking, and as such the provision of parking is rightly limited to that immediately outside the property. The road outside the parade has no parking restrictions and the use of this for both visitors to the unit and servicing is considered appropriate in this case. The other matters raised about the loss of property value and lack of need together with other potential community based uses are not relevant planning matters at this time and as such have not been considered relevant to this proposal.

Summary of reasons for Recommendation

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

Having studied the submitted documents, assessed the proposed development on site and taken into account any and all representations and consultation responses, in particular Unitary Development Plan Policy S1/5 - Neighbourhood Centres and Local Shops and S2/4 - Control of Non-Retail Uses in All Other Areas; it is considered that the proposed development would not undermine the attractiveness of the Neighbourhood Centre nor of material detriment to the residential amenity on the neighbouring properties or and because it would not cause demonstrable harm to other interests of acknowledged importance.

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 5th January 2006 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 premises shall not be open outside 1000 hrs to 2130 hrs daily.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S1/5 - Neighbourhood Centres and Local Shops
4. No development shall take place unless and until a scheme to soundproof the ceiling between the ground floor and the first floor flat, which shall be in accordance with standards of construction specified in current Building Regulations, has been submitted to and approved by the Local Planning Authority. Such works that form the approved scheme shall be completed before the development is brought into use.
Reason. To protect the residential amenities.

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

Ward: Bury West - Church

Item 08

Applicant: Ruth Goodman & Craig Costin

Location: LAND AT 8 WESTBURY CLOSE, ELTON, BURY, BL8 2LW

Proposal: RESIDENTIAL DEVELOPMENT - ONE DETACHED DWELLING (2ND REVISED SCHEME)

Application Ref: 45657/Full

Target Date: 14/03/2006

Recommendation: Approve with Conditions

Description

The application site comprising a large piece of open land, is located at the side of the abutting semi detached bungalow No. 8 Westbury Close, Bury. The land which increases in width towards the rear is located in an elevated position compared with the adjoining bungalow No. 8 and the road. Currently a large caravan is located at the north-westerly corner of the site. The site is bounded by a timber fence along the boundary with the adjoining properties. There are no trees at the site.

Following approval of an outline planning permission (ref 44181) in April 2005, planning application ref. 44917 for approval of the reserved matters was submitted on 19 August 2005. However since some of the details of the proposed dwelling required revising, the applicant decided to withdraw the application on 7 September 2005.

This application is a re-submission of the previous application and seeks approval of the reserved matters in respect of the siting, design and external appearance for the construction of a detached bungalow.

It is proposed that the new bungalow with roof space to be used as a bedroom and an attached garage in front (19m x 8.6m) would be located approximately 1m away from the boundary with the adjoining bungalow No. 8 and 9m away from the boundary with the residential properties to rear at Fieldhead Avenue. The proposed bungalow would be located in a forwardly position; part of the garage protruding in front by approximately 3.3m, compared with the adjacent bungalow No. 8. A 5.5m long driveway has been provided in the front of the garage. It is proposed that the bungalow would be built with a pitched roof and external walls in render finish.

Relevant Planning History

An outline planning permission ref. 44181 for the development of a detached dwelling was granted, subject to conditions, on 13 April 2005.

Planning application ref. 44917 for the approval of reserved matters was withdrawn on 7 September 2005.

Publicity

Four letters, one each from the residents of No. 9 and 13 Westbury Close and two from the residents of No. 43 Fieldhead Avenue, raising objection to the proposal have been received.

The comments raised by the residents of 9 and 13 Westbury Close relate to the parking of vehicles owned by the residents of No. 8 Westbury Close. They point out that the residents of No. 8 Westbury Close do not park their vehicles on their driveway. Instead they park their vehicles at the bend of the road which is dangerous.

The residents of No. 43 Fieldhead Avenue have raised the following comments:

1. The new proposal bears no relationship to the approved outline plans
2. The proposed development, due to its design, size and height, would significantly reduce privacy and view/outlook from the lounge and garden.
3. The proposed development does not blend in with the existing buildings and environment and devalues the property.
4. The distance shown on the plans between the proposed dwelling and property No. 43 Fieldhead Avenue (ie 21.5m) is incorrect. The proposed dining room would be approximately 6m away from my fence. Due to the limited separation distance and increased height of the site, the proposed development would result in the loss of privacy and views.
5. A dwelling of a smaller size would be more appropriate and in keeping with the scale of the existing dwellings in Westbury Close.
6. The height of the proposed dwelling should be limited to the same skyline height as No. 8 Westbury Close.

Consultations

Environmental Health - No objection subject to conditions

Borough Engineer - No objection subject to conditions

Landscape Practice - No comments other than that adequate tree protection measures during the construction phase should be submitted for considerations.

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 is located within a residential area comprising bungalows at Westbury Close and two storey dwellings at rear. The use of the site for a residential development has been accepted in principle under the outline planning permission granted on 13 April 2005.

Residential amenity - To avoid any amenity related issues and to comply with the SPG's requirements, the original scheme has been revised and the width of the proposed dwelling reduced by 1m to 8.6m and its siting re-positioned.

According to the revised scheme, the proposed dwelling would be set in a forwardly position and the proposed garage would project beyond the front elevation of the adjoining bungalow No. 8 by approximately 3.3m. The dwelling would be situated between 0.9m to 1.5m away from the boundary with No. 8 and no habitable room windows except for two high level fixed opaque glazing windows to a bed room, have been proposed at the eastern elevation facing the westerly elevation of No. 8. Although, the existing bed room window at the westerly elevation of No. 8 would be located approximately 4.5m away from the easterly elevation of the proposed dwelling, however, it should be pointed out that the window would be located directly opposite the blank part of the wall and the views of the proposed dwelling obscured by the existing boundary fence and high timber support fence to the car port at No. 8. In view of these considerations, it is considered that the proposed dwelling would not have a detrimental impact on the residential amenities of No. 8.

No habitable rooms windows are proposed at the westerly elevation of the dwelling which

would be located at an angle to the other adjoining dwelling No. 10 Westbury Close. The proposed window to the study at the westerly elevation would be of a fixed opaque glazing and would have little impact on the residents of No. 10. In view of this, it is considered that the proposed dwelling would not have a detrimental impact on the residential amenities of No. 10.

With regard to the residents to the rear of the site at Fieldhead Avenue, it is pointed out that the dwelling would be located approximately 19m away from the single storey extension to the rear at No. 43 and still farther away from the rear of the other adjacent properties No. 45 and 47. By virtue of the distance involved, it is considered that the proposed dwelling would not adversely affect the amenities of the residents of the properties to the rear.

The ridge height of the proposed dwelling would be higher by 1.3m compared with the ridge height of No. 8 and lower by 0.5m compared with No. 10. Furthermore, since the houses to the rear are located at a lower level, the ridge height of the proposed dwelling would exceed the ridge height of the properties at rear by approximately a metre. By virtue of its type, position and ridge height, it is not considered that the proposed dwelling would adversely affect the street scene nor the character of the area. Although, the views of the dwelling would be clear from the residential properties to the rear, however, in view of the separation distance, it is not considered that the proposed dwelling would have a domineering effect or would adversely affect the privacy or visual amenities of the residents. It is considered that the views expressed by the residents in this respect are unjustified.

With regard to the residents comments in respect of the parking problems associated with No. 8 Westbury Close, it should be pointed out that whilst off street parking is desirable, however, on street parking is also acceptable.

Design aspects - The proposed dwelling would have a pitched roof with two velux roof lights located at the rear roof plane. It is proposed that the roof would be constructed with grey interlocking tiles and external walls in rendered finish. In terms of its design and appearance, the proposal is acceptable.

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 proposed dwelling, due to its type, form and location, is acceptable and would not have a detrimental effect on the character of the area nor the amenities of the adjacent residents and would not adversely impact on highway safety issues.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than 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 45657 received on 17 January 2006 and 45657 (Revised) received on 14 February 2006 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations shall be submitted

to and approved in writing by the Local Planning Authority before the development is commenced.

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

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

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

5. Following the provisions of Condition No. 4 of this planning permission, where remediation is required, the approved remediation strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the conclusions and actions taken at each stage of the works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.

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

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

The approved contamination testing shall then be carried out and validatory evidence (laboratory certificates etc) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site.

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

7. All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:

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

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

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

8. Prior to the commencement of the development, 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. Pedestrian visibility splays in accordance with Figure 114 of Design Bulletin 32 'Residential Roads and Footpaths – 2nd Edition' shall be provided at the junction of the proposed driveway with Westbury Close 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.

10. 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.

11. The proposed windows located on the northerly and westerly elevations shall be of a fixed and unopenable type and shall be fitted and maintained with obscure glazing in perpetuity.
Reason. To protect the privacy of adjoining occupiers.

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

Ward: Bury West - Elton

Item 09

Applicant: Vantage Group Ltd

Location: LAND AT CROSTONS ROAD, BURY

Proposal: NEW CAR DEALERSHIP WITH SEPARATE VALET BAYS

Application Ref: 45691/Full

Target Date: 13/03/2006

Recommendation: Approve with Conditions

Description

The site is an area of unused land within the curve of Crostons Road with Dixon's motor dealers occupying the land to the south east. To the north is the access road leading to the Dixon's site.

It is proposed to develop the land as a motor dealers to replace the Vantage Vauxhall site on The Rock which would be redeveloped as part of the Rock Triangle scheme. A new building would house showroom, offices, service/repair bays and MOT testing. A small separate building would be used for car valet treatment. There would be designated areas for open car sales and customer parking.

Access would be taken off the existing road leading to the adjoining site. Excavation would be needed to achieve finished levels detailed levels are shown on the submitted plan. The building would be rectangular in form and predominantly sheet clad in standard Vauxhall grey and silver.

The application is accompanied by a design justification and access statement. A contamination study has been submitted.

Relevant Planning History

There are various applications relating to previous buildings on the land now demolished including a coal yard and a transport firm.

36295/00 - Plans approved in February 200 for Dixon's including the showroom, car display areas and the new access. The approved repair workshop has not been completed.

38726/02 - Application for car showroom, repair facilities and display areas on part of current application site approved in June 2002.

Publicity

The application has been advertised as a major application and neighbours notified. No representations have been received.

Consultations

Borough Engineer - No objection on highway grounds to revised plans that confirm adequate visibility across the site from the junction of Lower Woodhill Road with Crostons Road. The existing access road and changes to the Crostons Road junction were designed to deal with traffic generated by the site's development. Recommended conditions will be reported. No objection on drainage grounds.

Borough Environmental Services Officer - Recommends contamination conditions.

Environment Agency - No objection.

United Utilities - No objection subject to protection of access strip to large sewer following western boundary of the site. The position of the building has been slightly amended to accommodate the easement to the sewer.

GMPTE - No objection.

Greater Manchester Archaeology Unit - No objection.

Greater Manchester Police - Any adverse comments will be reported.

Unitary Development Plan and Policies

EC1/3 Land Suitable for Business (B1)
RT4/3 Visitor Accommodation
EN1/2 Townscape and Built Design
EN7/4 Groundwater Protection
S4/4 Car Showrooms, Car Sales Areas and Petrol Filling Stns

Issues and Analysis

There is no objection in principle to the development of the site as a motor dealers which has been established by previous applications. The access and associated road improvements have been constructed to accommodate the additional development.

The site is large enough to accommodate the development proposed. The building is sited to suit levels and to provide a split of vehicles between customers, display and servicing. Much of the site will be taken up with vehicles either parked or displayed for sale but there would be landscaped areas adjacent to Crostons Road and the access road and an appropriate condition is recommended.

The building will be a simple rectangular structure incorporating cladding and glazing in Vauxhall's corporate colours. It will be in a prominent location visible from a main road approaching Bury Town Centre. It is functional in form and set down slightly in relation to adjoining road levels. It would not have the appearance of a landmark building but its design and materials are appropriate for the nature of its use and for its location.

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 in accordance with policies of the adopted Bury Unitary Development Plan. It would not harm the character of the area nor the amenities of adjacent occupiers and would not adversely affect highway safety. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than 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 03 146 010F, 011, 012B, 013B, 014, 015A, 016, 023, 024 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 and colours for the fencing 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 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 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. Vehicles displayed for sale shall be restricted to the areas defined on the approved plan 03 146 10E.

Reason To ensure adequate parking within the site.

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

Ward: Bury West - Elton

Item 10

Applicant: Tower View Nursery

Location: OLD HALL C P SCHOOL, SPRINGSIDE VIEW, BURY, BL8 4LU

Proposal: NON ILLUMINATED SIGNS AT SCHOOL ENTRANCE AND ON NURSERY BUILDING (RE-SUBMISSION)

Application Ref: 45799/Advertisement

Target Date: 10/03/2006

Recommendation: Approve

Description

The application is for signs relating to a children's nursery that occupies a portable building at Old Hall School. The entrance is off Springside View, approximately 75 metres from its junction with the main Brandlesholme Road. Springside View is a residential road fronted by detached houses and bungalows.

It is proposed to erect two signs. One would be a 360mm by 600mm oval shaped painted timber sign fixed flat to the wall at the school entrance. The other would be a similar sign measuring 730mm by 1220mm fixed to the front of the building and visible from the school entrance gate.

Relevant Planning History

42349/04 - Erection of modular building to accommodate out of hours club/nursery approved in June 2004.

42463/04 - Extension to school approved in June 2004.

45478 - Application for signs delegated refusal in December 2005. It was proposed to erect pole signs at the school entrance and in a field adjacent to Brandlesholme Road to the north of the built up area as well as a board on the nursery building itself. The pole signs were considered to be detrimental to the visual amenities of the area.

Publicity

Neighbours and previous objectors have been notified. Objections have been received from the residents of 6 and 10 Springside View plus a petition with 12 signatures from 11 addresses on Springside View. Points raised include the following: _

- Springside View is a residential area and it is questioned whether any commercial signage would be in character.
- It is accepted by the petitioners that the school entrance sign would be less obtrusive than before but another resident refers to it as an eyesore.
- There is a dangerous traffic situation and parking on pavements between 8.30 and 9.05 am and between 3.00 pm and 3.45 pm.
- It is suggested that there should be a parking restriction enforced by mobile parking wardens.
- A No Parking sign should be reinstated.
- Damage to pavements by parked vehicles needs to be stopped.
- Sweet papers and crisp packets are left behind.
- It is claimed that the signs are not needed because users know of the existence of the nursery.

Consultations

Borough Engineer - No objection on highway grounds.

Unitary Development Plan and Policies

EN1/9 Advertisements

Issues and Analysis

The nursery is now an established activity at the school. The previous application was refused because the pole signs were considered to be inappropriate but the sign on the building was considered acceptable. It is not now proposed to erect the sign in the field and the sign at the gate would be a small board in traditional materials fixed flat to the wall at the entrance.

The Town and Country Planning (Control of Advertisements) Regulations 1992 would allow the display of one advertisement at an educational establishment without need for an application for consent. Specific consent is only required in this instance because two signs are intended.

Despite the objections, the signs are neither considered to be detrimental to the visual amenities of the area nor harmful to highway safety.

Summary of reasons for Recommendation

Recommendation: Approve

Conditions/ Reasons

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

Ward: North Manor

Item 11

Applicant: Nabbs Farm

Location: LAND TO SOUTH AND EAST OF NABBS FARM, ROWLANDS ROAD,
SUMMERSEAT, RAMSBOTTOM, BL9 5LJ

Proposal: FARM SHOP, ICE CREAM PARLOUR, TEA ROOM & ASSOCIATED CAR PARK

Application Ref: 45559/Full

Target Date: 02/02/2006

Recommendation: Refuse

The application has been brought before Committee and scheduled for a Site Visit at the request of the Chair of the Planning Committee.

Description

The application site lies to the south of Rowlands Road, Walmersley close its junction with Walmersley Road. The site is enclosed by the main farm complex at Nabbs Farm to the west, by Rowlands Road and residential properties to the north, residential properties to the east and open countryside to the south.

The site is currently used partly as an informal orchard and partly as open grassland. The site slopes southwards and is an irregular shape. The site lies within the designated Green Belt but lies immediately adjacent to land designated as River Valley and Special Landscape Area.

The proposal is for a farm diversification scheme which would involve the erection of a building housing an ice-cream parlour and production facilities, tea room and butcher's shop with associated parking. The building would measure 17 metres wide by 10 metres deep by 5.4 metres high, constructed in natural stone and slate and located to the south-east of the Farmhouse at Nabbs Farm and to the south of the proposed car park. The building would also have an additional covered verandah area to the south measuring 11.6 metres wide by 5 metres deep. It is envisaged that the proposed car park would occupy a square site immediately adjacent to Rowlands Road. No surfacing materials have been submitted and only an indicative landscaping scheme supplied.

The application is accompanied by a supporting planning statement and business plan. The planning statement highlights that although the building is not strictly for agricultural purposes, it would be selling produce from the farm such as dairy products and meat. However, the statement gives no indication of the percentage of sales that would be produced on the farm. The scheme should therefore be considered appropriate in the Green Belt in the light of the current pressures on the agricultural sectors. The statement then outlines the very special circumstances that of the scheme being "relatively unique" which would provide a source of employment that would be sustainable given the reduced "food miles" involved with the local population sourcing their food from the farm rather than it being transported across the country to a supermarket. The business plan highlights statistics which support the increase in the number of farm shops on the basis of an increased public interest in where and how food is produced and willingness to buy from farm shops and farmer's markets.

The applicant explains that the current farm complex does not lend itself to conversion for a farm shop due to all of the existing farm buildings being occupied and that in terms of health and safety encouraging visitors into the farm complex would not be sensible or safe.

Relevant Planning History

44372 - sought consent for an ice-cream parlour, tea shop and butcher shop on a piece of land in the field directly to the north of Nabbs Farm. The scheme was withdrawn by the applicant following Officer concerns over the size and impact of the scheme on the openness of the Green Belt as well as its justification.

Pre-application discussions have been held with the applicants on at least 3 occasions to try to overcome the problems on the original application. In response, the applicant has relocated the proposal to its current site and reduced its size in order to reduce its impact on the Green Belt.

Publicity

Site notice posted 15th December 2005 and occupiers of adjoining properties consulted.

9 letters have been received objecting to the proposal from the occupiers of Nos. 875, 893, 895, 897, 899, 901 & 923 Walmersley Road and Nos. 1 & 4 Rowlands Road, raising the following points:

- Encroachment on to Green Belt land
- Increase in traffic lead to reduction in safety
- Suggestion that it is a commercial activity not agricultural
- There is an existing farm shop and tea room at Lees Farm a mile away
- Increased security from proposal to adjoining properties
- Loss of privacy
- Who will bear the maintenance cost of Rowlands Road
- Inadequate detail on the plans regarding opening hours, lighting and fencing
- Anti-social behaviour in the car park
- Increase in litter
- Odours emitted from the shop
- There are no very special circumstances to justify the proposal
- Noise and disturbance to residential properties
- The scheme would set a precedent
- Inadequate access road to site
- Nabbs Farm selling directly to the public could be achieved without constructing a new building

13 letters of support received, from residents of 44 Birchfield Drive, Rochdale, 12 Bittern Close, Bamford, 854, 856 Burnley Road, Bury, 2 & 3 Falshaw Drive, Bury, Howards Insurance Brokers, 10 Walmersley Old Road, 935 & 939 Walmersley Road, 29 Oaklands Road, Edenfield, 2 Lumn Street, Bury and the NFU (National Farmers Union) raising the following points:

- Farming is going through a very difficult period and farms therefore need to diversify
- Proposal would provide additional employment
- Enhance the facilities in the Irwell Valley for visitors
- A number of people confirm that they would visit the facility if it was open and express their support
- The layout of the proposal would be in keeping with the surrounding area (resident at Falshaw Drive)
- Believe that the site can accommodate additional traffic (939 Walmersley Road)
- Very special circumstances do exist in terms of the need for farm diversification and by adding value to products close to where they are initially produced and close to a market for the products (NFU)
- The building would not be overly large or disproportionate (NFU)

The agent has written a letter in response to the objections received raising the following

points:

- The whole point of the enterprise is to sell products from milk, lamb or beef produced on the farm
- There is a 21 metre separation distance from the proposal to the nearest property
- Although there would be an increase in traffic it is not clear how ambient noise levels would be increased or pollution increased materially above the levels already generated by traffic on Walmersley Road
- The increased security risk is not proven
- There is an adequate visibility splay at the junction of Rowlands Road to Walmersley Road and it is not a known accident black spot
- Although it would be a commercial venture it would be ancillary to the farm use
- There is no evidence to suggest that the scheme would attract undesirables
- Hours of operation, lighting and specific use limitations can be covered by condition as can the provision of litter bins

Consultations

Borough Engineer - Drainage - no comments received - Highways - No comments received.

Borough Environmental Services Officer - recommends conditions be attached to address land contamination.

Head of Landscape Practice - the building would be visually intrusive therefore additional landscape planting information is required in order to ameliorate its impact.

GM Archaeological unit - no comments received.

Unitary Development Plan and Policies

PPG2	PPG2 - Green Belts
PPG7	PPG7 - The Countryside
OL1	Green Belt
OL1/2	New Buildings in the Green Belt
OL4/4	Agricultural Diversification
OL5/2	Development in River Valleys
EN1/1	Visual Amenity
EN9/1	Special Landscape Areas
C017	Gin Hall, Bury
C038	Field North of Gin Hall, Bury

Issues and Analysis

The main considerations of the application are the principle of the development in the Green Belt, its impact on the openness of the Green Belt, visual and residential amenity as well as highway matters.

The proposed building would be for the sale of produce from the farm some of which have been processed into ice cream and other dairy related products although no percentage is given of the home grown produce as a proportion of total sales. Due to this lack of information it is not possible to assess whether the building would be ancillary to the existing farm use and would assist in agricultural diversification. The applicant makes the argument that there are very special circumstances in the form of reduced food miles to market and assisting the survival of farms in the Borough. Nevertheless, a case does need to be made by the applicant that the business would be viable, that the majority of sales from the shop would be farm produce and what would become of the building if the business failed. It is therefore considered that there is insufficient detail for the scheme to be properly assessed or to reassure Members that the operations would be viable, would purely sell farm produce and would constitute appropriate development in the Green Belt.

The building would seem large for an enterprise that has not even begun trading yet and which would be in operating in the context of other farm shops nearby. The building itself, on balance may be justifiable if it were not for the enclosed verandah area which increases the footprint of the proposal and which the applicant has been requested to delete but has chosen not to. The footprint of the building and the proposed car park are considered to be oversized and to harm the openness of the Green Belt. In terms of visual amenity, within the broader River Valley and Special Landscape Area the building and car park would be screened partly by the existing farm complex and in time, a maturing landscape scheme. However, from the residential properties along Walmersley Road the building may well appear to be a prominent and intrusive feature in the open countryside. As such, from the information and plans provided the scheme is considered to be a dominant and intrusive feature, detrimental to visual amenity and which would harm the openness of the Green Belt.

The proposed development does not state opening hours which makes it difficult to assess its impact in terms of noise and disturbance. However, the building itself would be around 40 metres from the nearest dwelling and would not incur a loss of light, privacy or outlook. The car park element does not give information on how it would be secured overnight and may give rise to noise, disturbance and loss of privacy to No. 1 Rowlands Road. It is considered that there is insufficient information to assess the application in regard to its impact on residential amenity with regard to noise and disturbance and its impact on the security of nearby properties.

In terms of highways it is believed that acceptable access arrangement can be achieved along Rowlands Road.

In response to the letters of support, the application contains insufficient information for the scheme to be properly assessed in relation to its operation, the size of the building and its potential for noise and disturbance and reduction in security to nearby properties. In the main, most letters in favour of the scheme simply offered general support. However, this is insufficient to outweigh the recommendation for refusal.

Summary of reasons for Recommendation

Recommendation: Refuse

Conditions/ Reasons

1. The application and submitted plans contain insufficient information in relation to the proportion of farm produced merchandise sold in the shop, noise and disturbance and impact on visual and residential amenity and Secure by Design criteria to enable them to be properly assessed. The scheme is therefore contrary to Policies EN1/1 - Visual Amenity, EN1/5 - Secure by Design and S2/1 - All New Retail Proposals: Assessment Criteria, of the Bury Unitary Development Plan.
2. The proposed development by reason of its size, siting and design would harm the openness of the Green Belt and thereby conflicts with PPG2 - Green Belts and Policy OL1/2 - New Buildings in the Green of the Bury Unitary Development Plan.

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

Ward: Prestwich - Sedgley

Item 12

Applicant: Mr M F Rahman

Location: 205 MIDDLETON ROAD, PRESTWICH, M8 4LR

Proposal: CHANGE OF USE OF GROUND FLOOR FROM SHOP (CLASS A1) TO HOT FOOD TAKEAWAY (CLASS A5)

Application Ref: 45639/Full

Target Date: 22/02/2006

Recommendation: Approve with Conditions

Description

The premise is situated in a small parade of neighbourhood shops facing a busy section of Middleton Road. There are six units all of which are in commercial use including a hot food take away at No 211. There is a hard standing area in front of the shops which is used for parking. Situated opposite across Middleton road are residential properties.

To the rear of the premises are back yards and garden areas. No 205 shares a back yard with No 205a which is bounded on either side by a 1.8m high fence. The accommodation to the rear is predominantly residential at both ground and first floor.

The application is for a change of use of ground floor from shop to hot food take away (Class A5). The first floor would remain in office use. The premises are in retail use at present. The proposed opening hours are from 3pm to 8.30pm daily.

Relevant Planning History

34010/98 - change of use to hot food take away - refused 16/4/98 due to unacceptable loss of amenity to residents and adequate representation of Class A3 shops.

Publicity

205 - to 215 (odds) and 190 to 200 (evens) Middleton Road

5 objections received from 205a, 207, 209, 211 and 215 Middleton road. The comments made include:

- The area is well serviced by take away establishments
- There would be further parking problems
- Another take away would exacerbate pollution and litter problems
- The residential elements on the row would be affected

Consultations

Borough Engineer - no objections

Drainage Engineer - no objections

Environmental Services - no comments received

Manchester City Council - no comments

Unitary Development Plan and Policies

S2/6 Food and Drink

S2/5 New Local Shopping Provision

Issues and Analysis

Principle - The site was incorporated within the Borough of Bury from Manchester after the UDP was adopted and therefore the site has no specific allocation within the plan.

However, the area is characterised by several rows of shops situated on a busy main road with access to a nearby Metro link station. Although there are a number of hot food uses in the vicinity, they are interspersed throughout the area. Refurbishment of the property would enhance the row of shops and contribute to the vitality and viability of the area.

Car Parking - There is currently parking on a hard standing area off the highway in front of the row of shops. Objections refer to the problems already encountered. However, the proposal is considered not to seriously exacerbate the parking problem given the availability of three parking spaces in front of the premises on the forecourt area and the anticipation that most of the customers would live within walking distance. The adjacent property, No 205a is currently in use as a hairdressers which closes at 5.30pm which would also free up parking for evening trade. The Borough Engineer raises no objections.

Amenity - The property is situated within a row of shops and there is an element of residential living accommodation above and to the rear of some of the shops. There are also dwelling houses directly opposite the site. The proposed hours sought are from 3pm to 8.30pm daily. There is already a hot food take away on the row, which is open until late at night and it is considered by some of the objectors to already cause disturbance to residents by the coming and goings of customers and staff later in the evening. Another late opening hot food take away is considered to be seriously detrimental to the occupiers of the residential parts of the shops and 190 - 200 Middleton Road. Given the establishment would close at 8.30pm, the proposal would not contribute to noise and general activity late at night in the area and would cause less disturbance to the local residents.

An application was made in 1998 for change of use to hot food take away opening until midnight everyday. The application was refused on the grounds that the premises was situated within a small parade of shops where Class A3 was already adequately represented and would also result in unacceptable loss of amenity for nearby residents as a result of noise, smell, disturbance and general activity. Currently, the row of shops comprise of a hairdressers, the application site (empty retail), an office (B1), empty shop, hot food takeaway and car sales. Given the run - down appearance of the site and the potential that two out of the six premises could remain empty, it is clear there are some problems in letting the properties out as A1 retail use. Although part of the reason for refusal of the previous application was over-intensification of A3 use, the applicant has applied to open until 8.30pm. The reduced hours would result in there being only one hot food takeaway open late at night and it is therefore considered to have less of an impact on the amenity of the local residents in terms of disturbance, noise, smell and general activity.

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;-
it is considered that the proposed development is acceptable because it would neither materially harm the amenity of the residents or affect the character of the area.
There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than 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 28/12/2005 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 take away shall not be open outside 1500hrs to 2030 hrs daily. Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/5 – New Local Shopping Provision Outside Recognised Shopping Centres and S2/6 – Food and Drink of the Bury Unitary Development Plan.

For further information on the application please contact **Jennie Townsend** on **0161 253-5361**

Ward: Prestwich - Sedgley

Item 13

Applicant: Mr Lemberger

Location: 24 BURY NEW ROAD, PRESTWICH, M25 0LD

Proposal: CHANGE OF USE TO TAKEAWAY (CLASS A5)

Application Ref: 45777/Full

Target Date: 03/03/2006

Recommendation: Approve with Conditions

Description

The site comprises the old 'Crusty Corner' sandwich Shop in the Sedgley District Shopping Centre. The premises are the end shop in a small parade of 5 retail units immediately to the north of the Lidl store. The floors above the unit are used as offices, whilst those above the adjacent florists are in residential use.

The application is for the change of use to a Kosher take-away and sandwich bar with opening hours of 11am to 11pm Monday to Thursday, 11am to 2pm Friday and closed on Saturday and Sunday. Currently the premises as a whole have 4 tandem parking spaces to the rear and one will be allocated to the take-away.

Relevant Planning History

Consent was granted for a change of use to a shop use in 1982 on the ground floor (C/13047/82) with offices above from a manufacturing and wholesale use.

Publicity

Neighbours have been notified and one letter of objection has been received from 22 Bury New Road, the immediate neighbour. The objections can be summarised as follows:

- potential for creations of odours which will be of detriment to the adjacent residential properties.
- inadequate provision for the removal of rubbish

Consultations

Borough Engineer - no objections

Environmental Health - no objections subject to a condition requiring the submission of a scheme for the extraction of odours and its implementation prior to the use coming into operation.

Unitary Development Plan and Policies

S1/3 Shopping in District Centres

S2/3 Secondary Shopping Areas and Frontages

S2/6 Food and Drink

Issues and Analysis

Principle - the site is located in a District Shopping Centre where such uses may be appropriate. In this instance the whole retail element on the centre is directly affected by the Lidl store at the end of the block. There is a large Jewish Community in the area and whilst there are a number of stores and restaurants, the addition of a 'take-away' preparing and selling Kosher food would appear to relevant to the area. The other shops in this parade are a florist, laundrette, estate agents and a A1 shop unit. Consequently, the change of this shop from a 'sandwich/bakery shop' to one that sells both hot and cold food for take away would not impact adversely on the viability of the centre and may well add to the variety and as such will not be contrary to Unitary Development Plan Policy S2/6 - Food and Drink or S1/3 - Shopping Centres.

Servicing - the shop unit currently shares a parking area to the rear for 4 parking spaces, one of which is dedicated to the unit. It is located in a District Shopping Centre and will have a single member of staff. The one space is therefore adequate for the needs of the shop for staff and as such is acceptable. Deliveries to the unit have to take place via the front door, but the parking area at the rear also allows for servicing and as such this is considered to be adequate for the operational needs of the unit.

Environmental Health - the use for a take-away will involve the preparation of food on the premises and, as such, preventative measures will need to be taken to ensure the amenities of the area as a whole and those of the residential properties above the shop adjacent are protected. The Environmental Health Team are happy that this can be covered by condition and as such a condition requiring a scheme for the extraction of odours to be submitted prior to the commencement of the use should be imposed if permission is granted.

Residential amenity - the use is set on Bury New Road in the busy District Centre of Sedgley, a main access into Bury from Salford and a principal traffic route. The florists next door to the site has residential development above and the impact of the use, particularly the opening hours are important. The use has a latest opening time of 11pm during weekdays and is not open at all at weekends. Given its situation in the district centre it is not considered that this is unreasonable or would cause a detriment to the residential amenity of the neighbour. As such it conforms with the principals of UDP Policy S2/6 - Food and Drink and is acceptable.

Objection - the next door neighbour has expressed concerns about both the use of the premises for a 'take-away' and possible refuse problems. These matters can be addressed by controls under the powers of the Environmental Health team and the issue of odours can be the subject to condition. In this instance the Environmental Health Team are satisfied that a condition requiring the submission of details for the extraction of odours will be sufficient and, as such, a condition to this effect should be imposed. Consequently, it is considered that the imposition of a condition will remedy any potential loss to amenity and, as such, the proposal is acceptable.

Summary of reasons for Recommendation

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

Having studied the submitted documents, assessed the proposed development on site and taken into account any and all representations and consultation responses and having regard to its setting in the Sedgley District Centre and the Council's Unitary Development Plan Policies S1/3 Shopping Centres, S2/3 Secondary Shopping Areas and Frontages and S2/6 Food and Drink, it is considered that the proposed development is acceptable because it 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. 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 6th January 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 premises shall not be open outside 1100 hrs to 2300 hrs daily.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.

4. Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before the use commences; any works approved shall be implemented to the written satisfaction of the Local Planning Authority before the use commences.

Reason. In the interests of amenity pursuant to Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.

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

Ward: Prestwich - Sedgley

Item 14

Applicant: Joseph Holt Ltd

Location: WOODTHORPE HOTEL, BURY OLD ROAD, PRESTWICH, M25 0EG

Proposal: PROVISION OF TERRACE & GLAZED CANOPY ON SOUTH ELEVATION

Application Ref: 45817/Full

Target Date: 16/03/2006

Recommendation: Approve with Conditions

Description

The site comprises the Woodthorpe Public House, set back from Bury Old Road in Prestwich and within 0.95 hectares of land. It is not classed as a Listed Building as such but being Victorian in design, is an important substantial building of attractive appearance nonetheless.

The application is for the provision of a new glazed canopy over a paved terrace on the south elevation. It would come out approx 2m from the side of the building and be 4.5m in length. The terrace would be made of black coated decorative metalwork with the raised terrace, flags and brick work matching the existing building. It would be enclosed by a black decorative balustrade. A planted border around the edge of the proposed terrace would separate the proposal from the realigned parking spaces. Access would be internal from the existing lounge area.

Relevant Planning History

14/2/05 - 44077 - Alterations and extensions to public house; new front terrace, new service road and yard, single storey extensions at side and rear - approved

Publicity

Five neighbours were notified. A letter was received from No 115 Bury Old Road objecting to the proposal on the following grounds:

- Increase in noise pollution until late into the night in a residential area.
- Would spoil the enjoyment of the view of the trees opposite the property.

Consultations

Conservation Officer - no objections in principle but required additional information via conditions.

Environmental Health - no comments to make

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

S2/6 Food and Drink

Issues and Analysis

Design - The public house is part of the original Holts Brewing Estates that have a particular architectural character that is intrinsic to Manchester. Whilst the Public House is not of such unique merit as to warrant Listing it is considered of sufficient character as to require very careful consideration by our Conservation Officer. In principle the scheme is acceptable as the new addition would be in keeping with the general appearance of the building and the scale reflects that of the main original building. It also has the benefit of there being no physical alteration to the building's exterior, other than for the single new doorway, and therefore the structure can be removed in the future without leaving a harmful scar on the

building.

Policy EN1/2 - Townscape and Built Design seeks to take into account the appearance of proposed developments and their relationship to their surroundings. Given its size, design and relation to the existing building, the extension is considered not to have a detrimental effect on the appearance of the surrounding area. Should the application be approved, a condition should be attached requiring submission and approval of full details of the structure prior to its commencement.

Amenity - Policy S2/6 - Food and Drink, seeks to consider the effects on amenity, particularly where residential properties are in close proximity. The nearest residential properties are approximately 70m from the proposed addition to the Public House. Given this separation distance and the set back from the main road, it is considered that the proposal would not materially affect the amenity of the area.

Objection - The objection to the application relates to the increase in noise pollution in a residential area. Given that the Public House is set back 40m from the main road and would be approx 70m from the objector's property, it is considered that the use would not cause significant harm to the amenity of the house. Given the distance from the proposed extension to the objector's property, the potential loss of view to the trees opposite is considered not to be a material planning consideration.

Summary of reasons for Recommendation

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

Having studied the submitted documents, assessed the proposed development on site and taken into account any and all representations and consultation responses, it is considered that the proposed development is acceptable because it would neither materially harm the character of the area nor the amenity of 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 4512/66 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. Full details at 1:20 and 1:50 scale of the new canopy, new doorway, raised terrace, paving and raised planting areas, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of work on site. The development shall not be carried out other than fully in accordance with the approved details. 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. Other than for the single new doorway, no alteration to the exterior of the existing building shall be made without the written permission of the Local Planning Authority.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury

Unitary Development Plan.

For further information on the application please contact **Jennie Townsend** on **0161 253-5361**

Ward: Radcliffe - North

Item 15

Applicant: North West Developments Ltd.

Location: LAND TO REAR OF 90 STANLEY ROAD, RADCLIFFE

Proposal: ERECTION OF FENCE TOGETHER WITH CONSTRUCTION OF RETAINING WALL AND BANKING

Application Ref: 45751/Full

Target Date: 16/02/2006

Recommendation: Approve with Conditions

Description

The site forms a small part of a more extensive area of land that has been subject to numerous applications for residential development. To the east of the site is a row of semi detached properties, all with gardens backing on to the development site.

Levels of land change across the site from north to south, with a change in levels found to the rear of 86 and 88 Stanley Road. Land to the north is markedly higher than land to the south and is currently retained by a line of corrugated steel fencing covered by waney lap fencing.

This application is seeking planning permission for the erection of a retaining wall structure between the two different levels of land. This would be accompanied with landscaping and a new 1.5m high fence would be sited at the higher level of land.

Relevant Planning History

There have been numerous planning applications affecting the site. The most relevant to the scheme which have been or in the process of being developed are:

32767/96 - Outline planning permission for bungalow and garage - Approved 13/3/97

33052/97 - Reserved Matters erection of bungalow and garage - Approved 3/7/97.

Publicity

Letters were issued to neighbouring properties fronting onto Stanley Road on 6 January 2006. As a result of this publicity, two letters of objection have been received from Mr & Mrs Watts of 90 Stanley Road, Mr & Mrs Shafto of 88 Stanley Road and the occupier of 86 Stanley Road. Points raised include:

- The current fencing is unsightly and not suitable for a residential area.
- The fence detracts from the existing residential properties and would affect the prices of their houses.
- The view from their rear bedroom windows of a 16 foot high corrugated fence is unsightly.
- There is no reason for the structure of this height as the applicant's property cannot be overlooked by neighbouring residents due to the existing site levels.

Consultations

Borough Engineer -

Traffic - No objections.

Drainage - No objections.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

Issues and Analysis

Principle - The levels on site reflect those approved for the development of the bungalow and the land immediately to the south where the garage is located. As such, there is no apparent breach of planning control concerning land levels. As the implementation of planning permission has gone ahead, it has become evident that the changes in levels need a more substantial structure to deal with the changes. As such, the application has been submitted for approval to create a better solution comprising a low retaining wall and landscaped embankment. The existing situation is clearly not satisfactory and looks out of place within the surrounding context and therefore the replacement of the temporary fence would be welcomed.

Existing Fence - As a temporary measure, the difference in levels has been dealt with by a corrugated fence, which is propped up. This in itself requires planning permission as it exceeds 2.0m in height. The proposals would result in the removal of this unsightly fence and the creation of a base wall, which would be between 1.5m high and 600mm high nearest to the properties on Stanley Road. The change in levels would be landscaped and planted. The details of this landscaping would, if approved, need to be subject to a planning condition. At the top of the embankment would be a 1.5m high fence. The finished fencing would be more in keeping with the surrounding properties and would be waney lap fence, which would be more domestic in appearance.

Residential and Visual Amenity - The site as currently developed, together with the existing levels is not the subject of this application. However, the proposed retaining structure and fencing is. The most affected outlooks relate to 88 and 90 Stanley Road. The occupants have a clear view of the site from upper bedroom windows only and have objected to the appearance of the current fencing, which is understandable. Their current view comprises an elevated area of land surrounded by a 1.8m fence, cogniscent with their own fencing running in a north/south direction and a retaining fence some 3.0m high running in an east/west direction. The neighbours have not provided a response upon the proposals under consideration but have instead, commented on the existing retaining fence, which is clearly of a poor quality and needs improvement.

It is considered that by the approval of the proposals, together with indicated finished ground levels that reflect the existing situation, would ensure that the relationships would not be worsened in terms of levels and also an improved appearance of the development which would be more visually appropriate to the residents to the immediate southeast of the site.

Drainage - The changes in levels across the site and its relationship to the existing dwellings to the east of the site has caused some sporadic problems of water run off following heavy rainfall. With regard to this, it is considered that a scheme should be submitted to the Local Planning Authority to demonstrate and adequately deal with the surface water that would be generated by the site's increased land levels.

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 as proposed would improve the relationship of the development site with the surrounding neighbouring properties. The appearance of the development together with landscaping would also ensure and appropriate outlook from neighbouring properties of the site and also to improve the visual amenities of the area. The development would comply with adopted policies of the Unitary Development Plan and there are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development hereby approved shall be implemented in accordance with the approved details within 56 days of this permission. Following the completion of the approved scheme, the temporary fence on the site shall be removed.
Reason - To secure the appropriate development of the site in the interests of the residential amenities of the occupants of Stanley Road and pursuant to Unitary Development Plan Policy EN1/2 - Townscape and Built Design.

2. This decision relates to the drawings received on 9/2/06 & 16/1/06 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 EN1/2 - Townscape and Built Design.

3. No development shall be commenced unless and until detailed scheme has been submitted to and approved in writing by the Local Planning Authority relating to the drainage of the site and in particular the dealing with surface water drainage in the vicinity of the embankments to the east and south of the site. The approved details only shall be implemented.
Reason - To secure the satisfactory drainage of the site.

4. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority within 3 months of the commencement of the development. It shall be implemented not later than 12 months from the commencement of the development; 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 **Dave Marno** on **0161 253 5291**

Applicant: Ray Murray

Location: FORMER GARAGE SITE, RINGLEY ROAD WEST, RADCLIFFE M26 1DL

Proposal: NEW RESTAURANT, LANDSCAPING & CAR PARKING

Application Ref: 45492/Full

Target Date: 25/01/2006

Recommendation: Minded to Approve

Minded to approve subject to referral to the Secretary of State as a departure from the Development Plan.

Description

The site is located on the southern side of Ringley Road West at its junction with Outwood Road. It measures approximately 0.19ha and is rectangular in shape, having a frontage onto Ringley road West of 52m. The site is currently occupied by a vacant and dilapidated MOT service centre and filling station surrounded by a hardstanding. The building, which has suffered extensive fire damage, is single storey and constructed of brick with a concrete asbestos roof with a ridge height of 5.57m. The existing access point is centrally positioned on the main frontage. The site is a brownfield site but located on the edge of the Green Belt as defined in the Unitary Development Plan.

To the north, on the corner of Ringley Road West and Outwood Road is the Hare and Hounds Public House (1960/70's). To the rear of the Hare and Hounds are a row of post war houses fronting Ringley Road West. Directly to the east is an access road to Outwood Gate Farm to the south. Across the access road is a grassed paddock and four semi-detached houses (1930's) that front Ringley Road West. There is a bank of trees on the paddock to the east and some smaller self seeded trees just outside the southern boundary. There are open fields to the rear.

It is proposed to demolish the existing garage buildings and erect a new restaurant with associated parking and landscaping. The new two storey building is of a contemporary design utilising, amongst a number of materials, a natural rylstone on the ground floor and a copper cladding and through coloured render on the upper floor with a significant amount of glazing to the front and rear elevations. All windows and doors are aluminium framed.

The new building would be located in a similar position within the site to the existing garage with the majority of the new parking to the front and western side of the site. The total floor space would be approximately 545sq metres and would accommodate a maximum of 180-200 diners. It is indicated that the restaurant would include a small take-away facility. The applicant indicates this would be ancillary to the main restaurant use and would not constitute a material change of use. There would be 36 parking spaces proposed, including three disabled spaces. The car park would be lit by low level bollards or lighting recessed into the low level rylstone wall around the car park. Access into the site would be close to the existing access point. Lockable bollards across the entrance would avoid the need to install a gate. The site has a landscaped border with tree and shrub planting. The boundary itself would comprises a post and wire fence and hawthorn hedge. A bin store would be situated at the south east corner of the building.

Relevant Planning History

23410 - Extension to MOT Bay - **Approved 9/11/89**

19254 - Use of Land for car Sales - **Refused 16/3/87**

1. The development would conflict with Green Belt policy.
2. Contrary to aims and objectives of the Local policy.

Appeal dismissed 8/01/88

18080 - Car Sales - Refused 10/4/86

1. The development would conflict with Green Belt policy.
2. Contrary to aims and objectives of the Local Plan.

16065 - Change of Use to Car Sales/Hire - Refused 20/9/84

1. Insufficient information

Publicity

Immediate neighbours notified, Site and press notice posted - Four letters of objection have been received from Nos.27, 31 and 33 Ringley Rd West and Outwood Gate Farm. One letter in support of the scheme has been received from the occupier of 166 Outwood Road.

The objections can be summarised as follows:

- The land is designated as Green Belt and new buildings are contrary to Green Belt policy.
- Very special circumstances are not proven.
- The design of the new building would be out of character with its surroundings.
- The proposed parking is insufficient for the size of the restaurant.
- Whilst it is recognised that the site is derelict, there are alternative means to have it tidied up and building demolished.
- Smells and noise late at night.
- The building should not become a hot food take-away.
- Future applications to change the use of the land may result in increasing the impact on the Green Belt and surrounding properties.
- If the Planning Authority were to grant approval, the following conditions should be attached:
 - Use should be limited to A3/A5 Restaurant/Hot food take-away.
 - Waste not left on site for more than 24hrs.
 - Hours restriction to 12 midnight.
 - Restrictions on extent of building line, height of building and use of service road.
 - No felling of trees on eastern boundary.
 - Noise and lighting restrictions.

The supporting resident states that the restaurant would be a boost for the area.

Consultations

Borough Engineer (Traffic) - No objection.

Borough Engineer (Drainage) - No objection.

Environmental Health - No objection subject to conditions relating land contamination mitigation measures.

Environment Agency - No objection.

GM Police - No objection in principle subject to security measures on the site.

GM Archaeological Unit - No comment.

Unitary Development Plan and Policies

EN1/1 Visual Amenity

EN1/2 Townscape and Built Design

EN1/3 Landscaping Provision

EN10 Environmental Improvement

EN10/1 Derelict Land

EC2 Existing Industrial Areas and Premises

EC6 New Business, Industrial and Commercial Development

EC6/1 New Business, Industrial and Commercial

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

S2/6 Food and Drink

OL1	Green Belt
OL1/2	New Buildings in the Green Belt
OL5	River Valleys
OL5/2	Development in River Valleys
PPG1	PPG1 - General Policy and Principles
PPG2	PPG2 - Green Belts
PPG23	PPS 23 - Planning and Pollution Control

Issues and Analysis

Principle - Although the site is considered to be 'brownfield' in view of its previous use as a garage and the presence of the existing building and surrounding hardstanding, it is within the Green Belt and therefore, the proposal should be assessed against Policy OL1/2 New Buildings in the Green Belt. It is clear that it does not satisfy the criteria within the policy as it is not associated with agriculture or forestry, is not considered to be an essential facility for outdoor sport or recreation and nor would it be classed as infilling. Proposals that do not fall into the criteria are by definition inappropriate development and harmful to the Green Belt. When planning permission is sought for an inappropriate development it will be for the applicant to demonstrate the 'very special circumstances' why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The Secretary of State has indicated, in Circular 19/92 'The Town and Country Planning General regulations 1992', the wish to be notified of all inappropriate development. As such this application, if the Committee is minded to approve it, will be referred to the Secretary of State for consideration as to whether it should be 'called in' and duly considered in the light of PPG2.

In their supporting statement, the applicant has attempted to make a case for approval under 'very special circumstances'. The applicant argues firstly, that by approving this proposal, existing and potential problems could be removed, both in improving the appearance of the site and in preventing more harmful commercial/industrial uses. Secondly, it is argued that the new building and associated site works will not have a significantly harmful affect on the Green Belt due to the limited additional mass of the building as compared with the existing garage and thirdly, that the new facility in design terms, would have a positive impact on the locality and in terms of its use be a beneficial facility for the local community. These issues will be dealt with later in this report.

Visual Amenity - In terms of the existing buildings, the site has very poor amenity value and clearly has a negative impact on the character of the locality particularly when approaching from the north along Outwood Road and from the west on Ringley Road West.

The proposed building is located in a similar position to the existing building and for the most part follows the existing footprint. The front elevation would be generally in line with the existing houses along Ringley Road West. The new two storey building has a greater volume than the existing building. However, it is considered that the design is such that the impact of the greater mass is minimised. The restaurant has a contemporary flat roof design and, at a maximum height of 55.6m, is slightly less than the ridge of the existing building at 55.7m. It is also noted that the buildings within the immediate vicinity of the site are two storey in height. This goes some way to negating any additional impact, by way of massing on the open character of the Green Belt.

The proposed building is contemporary in design and the proposed materials, particularly the rylstone at lower levels and copper cladding and glazing above, have been selected to harmonize with the adjacent countryside, whilst at the same time creating a feature building of high design quality on the edge of the built up area.

The necessary car parking will reduce the opportunity to open the area surrounding the building completely. However a significant part of the site will be opened up with the removal of the present close-boarded fencing through the centre and at the edges of the site which will increase the opportunity for views across the surrounding Green Belt area to

the south and west. The landscaping and boundary treatments proposed include a hawthorn hedge and post and wire fencing, with additional landscaping proposed to soften the edges of this site. These treatments are considered suitable to a Green Belt location and will help soften and improve the sites interface with virgin Green Belt land.

In terms of the proportion of parking spaces to public dining area, 36 car spaces, together with cycle and motorbike parking spaces are in line with the Councils current parking standards and therefore considered to be acceptable.

Residential Amenity - A restaurant has the potential to create some nuisance and disturbance. However given the extant use on the site, the hours of opening and the distances to neighbouring residences, it is not considered that the impact on residential amenity from disturbance would be significantly detrimental to warrant refusing the change of use. The closest house to the site boundary is approximately 20m away, across Ringley Road West, facing the car park. On the same side of the road as the proposed restaurant, there are houses approximately 26m away across a grassed paddock and access road to Outwood Gate Farm. There are a number of mature trees and significant shrub planting around the paddock that would mitigate the impact of the restaurant on these properties both in terms of noises and disturbance and visual screening.

The applicant argues in the supporting statement that the specific type of use, being a mid range restaurant is unlikely to attract customers who would cause nuisance late at night. Vehicles servicing the facility are not likely to be bigger a large transit van. It is also stated that the service area, to the side of the restaurant, has been designed to suppress noise.

With regard to fumes and cooking odours, the applicant states that the extractor system would be a bespoke system, designed to reduce the visual impact of the flues and minimize noise and odours emanating from the kitchen.

Exceptional Circumstances - Development Control in Green Belts hinges on a two part test:(1) whether the development proposed is appropriate development and (2) if inappropriate, whether there are very special circumstances present which clearly outweigh both the harm caused by virtue of inappropriateness, and any other harm. PPG2 states that there is no comprehensive list of very special circumstances but each case should be taken on its individual merits.

It is accepted that the proposal fails on the first count. Whether the proposal succeeds in demonstrating 'very special circumstances' is governed by the relative merits of the scheme.

There have been cases where very special circumstances have been accepted where new development has replaced existing buildings which were considered to be themselves inappropriate and unsightly in the locality. It was considered that there would be a net benefit to be gained from permitting modern better quality development.

Outwood Gate Garage is located on the edge of a mainly residential area although the Hare and Hounds public house and a two commercial units are located directly to the north on Outwood Road. It is clear that the building and surrounding apron, whilst not completely derelict, is unsightly and could be described as an eyesore and may well deteriorate further. The negative impact of the site is compounded further by its location within the Green Belt and on a strategic route into the built up area of Radcliffe and Whitefield. Given the state of the site, existing use (filling station and vehicle repair) and potential improvements gained from the proposed scheme, it is considered that the benefits of the new development outweigh the likely harm to the amenities of the nearest residents.

The applicant argues that in addition to improving the visual amenity of the area, the proposal represents a good opportunity to clear up what is a potentially contaminated site. This is a valid point and one that has been used in other cases to argue for 'very special circumstances'. The Council's Environmental Health Services have indicated that there is potential for significant contamination to be present on site and, if the application is approved a full ground investigation and risk assessment would be required and

contamination mitigation measures sought.

There is potential to ensure that a dangerous or particularly untidy site is secured or tidied up through Section 215 of the current planning legislation. This could be an option should Planning Committee be minded to refuse the proposal and the site degenerated further. This option however is not considered to be a long term solution, the preferred option being to secure a good development on the site.

Neighbour Objections - The objections relating to Green Belt policy are addressed above.

With regard to its design, the new building may not be strictly in the character of the existing residential properties and public house opposite. However, the general character and architectural merit of the immediate locality is not considered to be of particularly high value. The new building would be seen as a stand alone feature and in this sense the contemporary design would not appear to be incongruous or out of context. Indeed it is considered that a well designed building, set against the back drop of the nearby trees and open fields would be a positive element in the street scene.

The parking provision is considered to be appropriate and generally in line with the Council's draft standards.

With regard to the impact of the restaurant on residential amenity, it is considered that the conditions attached to the approval would mitigate the affect on neighbouring properties to an acceptable degree. The application is for a restaurant which falls into Class A3 of the Use Classes Order. The concerns relating to a hot food take-away whilst understandable, are not supported in this case. An approval for a restaurant (Class A3) on the site would not allow for a take-away facility (Class A4), beyond what would be considered to be very minor or ancillary, without a further planning application for a change of use.

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 development would not be seriously harmful to the character of the Green Belt and surrounding locale. There would not be a serious impact on the residential amenity of neighbouring properties from the restaurant or traffic generated by it. 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 three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. The premises shall be used for restaurant, within the Class A3 of the Use Classes (Amendment) Order 2005 and for no other purpose.
Reason. Due to its position, development of this type would not normally be granted consent due to its detrimental effect on the residential amenities enjoyed by nearby residents pursuant to policies of the Unitary Development Plan listed below.
3. This decision relates to drawings numbered L(-)002, L(-)003C, L(-)006, L(-)010B, L(-)011B, L(10)002A, L(10)010A, L(20)001A, L(20)002A, L(20)003A, L(20)004A, L(20)010, L(20)011 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. 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.

5. Prior to the commencement of development, details relating to the proposed boundary treatment for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details only shall be implemented.

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

6. The premises shall not be open outside 0800 hrs to 2330 hrs daily.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/5 – New Local Shopping Provision Outside Recognised Shopping Centres and S2/6 – Food and Drink of the Bury Unitary Development Plan.

7. Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before the use commences; any works approved shall be implemented to the written satisfaction of the Local Planning Authority before the use commences.

Reason. In the interests of amenity pursuant to Policies S2/5 – New Local Shopping Provision Outside Recognised Shopping Centres and S2/6 – Food and Drink of the Bury Unitary Development Plan.

8. 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.

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

10. 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.
11. 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.
12. 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.
13. 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 is first brought into use; 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.

14. There shall be no storage of any materials including waste products outside the approved building and bin store.
Reason: In the interests of visual and residential amenity pursuant to policies S2/6 Food and Drink and EN1/2 Townscape and Built Design.
15. The development hereby approved shall not be brought into use unless and until the redundant westerly vehicular access onto the adjacent farm track has been closed as indicated on approved plan reference L(--)-003 Rev C to the written satisfaction of the Local Planning Authority and maintained in perpetuity to ensure that there is no direct means of vehicular access between the site and the farm track. Reason: To ensure good highway design in the interests of road safety.
16. The visibility splays indicated on approved plan reference L(--)-006 shall be implemented to the written satisfaction of the Local Planning Authority before the development is first occupied 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.
17. The access improvements indicated on approved plan reference L(--)-003 Rev C shall be implemented to the written satisfaction of the Local Planning Authority before the development is first occupied. Reason: To ensure good highway design in the interests of road safety.
18. The turning facilities indicated on approved plan reference L(--)-003 Rev C shall be provided before the development is brought into use and shall subsequently be maintained free of obstruction at all times. Reason: To minimise the standing and turning movements of vehicles on the highway in the interests of road safety.
19. The foundations for the proposed 450mm high stone planter on the Ringley Road boundary shall not encroach under the adjacent adopted highway at any point. Reason: To ensure good highway design in the interests of road safety and to maintain the integrity of the adopted highway.
20. The car parking indicated on approved plan reference L(--)-003 Rev C shall be surfaced, demarcated and made available for use prior to the use authorised by this permission has commenced. Reason: To ensure adequate off-street car parking provision in the interest of road safety.

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

Ward: Whitefield & Unsworth - Unsworth

Item 17

Applicant: Viridor Waste Management Ltd

Location: PILSWORTH SOUTH QUARRY, OFF PILSWORTH ROAD, BURY

Proposal: EXTRACTION OF SAND AND GRAVEL FROM EXTENSION AREA PRIOR TO CREATION OF APPROVED LANDSCAPE BUFFER ZONE INCLUDING IN PART BACKFILLING AND RESTORATION WITH CONTROLLED WASTE

Application Ref: 45528/Full

Target Date: 04/01/2006

Recommendation: Approve with Conditions

Description

Planning permission for the extraction of sand and gravel and backfilling with waste materials affecting land to the north of Pilsworth Road (Pilsworth North Quarry) was originally granted in 1987 for 20 years. Further consents have since been granted to extend the quarry area for quarrying and infilling purposes. To date, the permitted excavation works have been completed and the backfilling/restoration works are continuing to progress on the site. It is anticipated that the remaining landfill capacity at the site would be exhausted by the end of 2006. Following this the site would be restored to the approved profile to facilitate planting.

Planning permission ref. 33482/97 for the quarrying of sand and gravel and restoration to agriculture and nature conservation habitats using controlled waste affecting land to the south of Pilsworth Road, Bury (known as Pilsworth South Quarry), was granted in February 1998 for 15 years. A further planning permission ref. 39700/02 for the extension of the operational area consented within the previous permission re. 33482/97, was granted in August 2004. Although, Pilsworth South Quarry site comprises 81 hectares of land, approximately 41 hectares of the land within the quarry would be affected by the approved quarrying/landfill operations.

According to the approved details under planning permission ref. 39700/02, the site would be operated in ten phases and following the extraction of sand, each phase would be progressively backfilled with imported waste. Generally, the sand would be excavated to between 13 to 27 m depth and following the landfilling operations, the site would be restored to 4 to 10m higher than the existing levels. In the planning permission, it is stipulated that the approved mineral extraction and landfilling operations would be completed by the end of December 2023.

Pilsworth South Quarry site is currently fully operational and equipped with all the necessary infrastructure including the access road, mineral processing plant, weighbridge, site control office etc. Works in connection with the extraction of sand are progressing rapidly on the site. To date, sand has been extracted from the first three phases. Currently sand is being removed from further three phases.

Proposed development - Planning application ref. 45528

The planning application has been submitted with an Environmental Impact Assessment (EIA) which identifies the main impacts associated with the development including geology, hydrogeology, landscape, ecology, noise, air quality etc.

The proposal involves an extension to the southern boundary of the mineral extraction and landfilling area as approved under the current planning consent ref. 39700/02. It is proposed that the southern boundary of the consented mineral extraction and landfilling area would be

extended to incorporate an additional area of 13.1ha of land already disturbed due to the construction of landscape buffer zones, to extract 700,000 tonnes of sand and gravel and backfilling of the resulting void with approximately 400,000 tonnes of controlled waste. Although the proposed extension would extend the currently permitted quarrying operations by approximately one year, it is anticipated that the landfilling and restoration of the extended site would be completed within the overall time period allowed in the current planning permissions (ie by December 2023).

It is proposed that the extension area would be worked out in sequence with the corresponding phases as permitted under the current planning permission ref. 39700/02 both for the extraction of sand and backfilling. This will allow a continuation working of the permitted quarry/landfill phases. It is proposed that sand from the extension area would be excavated to the depth of approximately up to 10m. The sand would be processed by the existing wet screen washing plant which together with the silt lagoons are located at one of the lowest part of the quarry along its northern boundary.

On completion of the extraction of sand within each phase, the extension area together with the remaining site, would be progressively backfilled with imported waste consisting of domestic, industrial, commercial, construction as well as mineral and farm waste. Following completion of the infilling operations and attainment of the proposed final levels approximately 2 to 3m higher than the existing ground levels, each phase would be capped with a minimum of 1m thickness of natural clay or a geosynthetic clay liner covered with sub and top soils as approved under the current planning consent. Following this, the site would be restored to pasture and hay meadow with tree and hedge planting as approved under the current planning permission ref. 39700/02.

Access to the site will continue to be gained via the existing site entrance off Pilsworth Road and the existing internal site infrastructure together with the plant and equipment will be used for the workings in the proposed extension area. According to the details provided in the application, the proposed works would not result in any additional site generated traffic than that consented by the current planning permission.

A landscape scheme involving the formation of landscape buffer zones and operational screening measures was approved under the current planning permission ref. 39700/02. A landscape Buffer Zone along the western boundary with the M66 Motorway and southern boundary adjacent to Pilsworth Cottages has been completed to date. Currently, a landscape buffer zone is being constructed on land stretching from Pilsworth Cottages along the southern boundary of the site to the west and north of the Prestwich Fisheries Reservoir. The landscape buffer zones and screening banks would help hide the views of the quarrying and landfilling operations from the outside. No alterations are proposed to the consented landscape scheme as a consequence of the proposed works in the extension area.

The landfill gas collection system permitted under the current planning permission ref. 39700/02 would be extended to abstract gas from the extension area and its delivery via a small pump house, to the gas compound constructed at the Pilsworth North Quarry site. The landfill gas system would help eliminate the risk of any landfill gas escaping from the site.

Pilsworth South Quarry site, is bounded by Pilsworth Road to the north, the M66 motorway to the west, Pilsworth Cottages and Pilsworth Fisheries to the south and south-east and Moss Hall Lane to the east. Beyond the Pilsworth Cottages and Fisheries to the south and south-east, the site is surrounded predominantly by agricultural land. The nearest residential properties are Pilsworth Cottages located approximately 25 m away from the boundary of the quarry site.

Relevant Planning History

Planning permission ref. 33482/97 for the extraction of sand and gravel and restoration to agriculture and nature conservation habitats using controlled waste on land to the south of

Pilsworth Road, Bury was granted on 5 February 1998.

Planning permission ref. 39700/02 for the extension to the consented quarry site under previous planning permission ref. 33482/97 was granted on 17 August 2004.

Publicity

One letter raising concerns about the proposed development has been received from a resident of No. 1 Oldbury Close, Heywood. The points raised are that

1. the application shows an alteration to the land profile in the region of 10m higher than the existing land.
2. massive alterations to the land profile have occurred in respect of the Pilsworth Quarry North site.
3. the height of the proposed new profile should be restricted to that granted under the original permission.

Consultations

Environmental Health - The mitigation measures proposed in the application to deal with potential increased levels of dust are acceptable.

Borough Engineer - No objection

Highways Agency - No objection as the development will not have a material impact on the local highway network. However, the Agency points out that no considerations have been made in the application to mitigate the visual impact of the proposed development for motorway users.

Landscape Practice - No objection as no change is proposed to the previously approved landscape restoration masterplan. However, the effect of closer quarrying and landfill to the SBI to the south should be considered.

Greater Manchester Archaeology Unit - No comments as the proposal will not involve additional archaeological mitigation as described in the application.

Greater Manchester Ecology Unit - No objection in principle subject to conditions ensuring that the ecological features are protected during the lifespan of the proposal and the restoration produces habitats which are of value to the biodiversity of the area.

Greater Manchester Geological Unit - The Unit has assessed the proposal in respect of the issues concerning Green Belt, need for minerals and landfill facilities, geology, hydrology and hydrogeology, vehicle movements, environmental impact etc. The Unit's overall conclusion is that the site is located at the periphery of the existing consented extraction and landfill site and due to the limited nature of the proposed extraction and landfill activities, the proposal can be accepted within the Green Belt and in terms of the issues concerning the need for mineral extraction, vehicle movements and environmental impact. However, the Unit points out that whilst the applicants state that the proposals are the only real indigenous source of concreting sand to meet Greater Manchester's real needs, the application does not substantiate this claim with sufficient information. Furthermore, the Unit points out that although the proposals will not affect the existing concept restoration masterplan, they will extend into the existing Landfill Buffer Zones and therefore could lead to an increase in visual impact. The Unit therefore suggests that considerations should be given to construct temporary screening bunds until the operations are complete.

Environment Agency - Any comments received will be reported.

United Utilities - No objection.

Rochdale MBC - The Heywood Township Planning Sub-Committee object to the proposal on the grounds that :

1. The extension area of working would generate additional traffic affecting access routes through areas within Rochdale Borough, to the detriment of residents along those routes.
2. There are existing dust and dirt problems from unsheeted lorries visiting the site. If this problem is not controlled, the traffic generated by the extension area would make this worse.
3. Although the site is located within Bury, residents affected by activities on the site and visiting traffic are within the Rochdale area. It is considered that the applicant should be required to make a financial contribution towards dealing with the effects of additional traffic to the residents on the Rochdale side of the boundary.
4. Members expressed concern about the nature of the controlled waste and the potential for pollution of the local environment.

Unitary Development Plan and Policies

EN1/1	Visual Amenity
EN1/7	Throughroutes and Gateways
EN3/1	Impact of Development on Archaeological Sites
EN3/2	Development Affecting Archaeological Sites
EN6/1	Sites of Nature Conservation Interest SSSI's NNR's
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN7/3	Water Pollution
EN8/2	Woodland and Tree Planting
EN9/1	Special Landscape Areas
OL1/5	Mineral Extraction and Other Dev in the Green Belt
OL4/1	Agricultural Land Quality
MW1/2	Mineral Working Within Areas of Search
MW1/4	The Need for Aggregates
MW2/1	Assessing Mineral Extraction Proposals
MW2/2	Planning Applications for Mineral Workings
MW2/3	Development Control Conditions (Minerals)
MW2/8	Materials for Restoration
MW2/9	Standards of Restoration (Minerals)
MW4/1	Assessing Waste Disposal Proposals
MW4/2	Development Control Conditions (Waste)
MW4/6	Standards of Restoration (Waste)

Issues and Analysis

Policy Implication - The site is located within the Green Belt and Areas of Search for Minerals as delineated in the UDP. UDP policy OL1/5 - Mineral Extraction and Other Development in Green Belt, accepts that mineral extraction in the Green Belt need not be inappropriate providing it does not conflict with purposes of including land in the Green Belt, and high environmental standards are maintained and the site is well maintained. The application and supporting statements including environmental statement indicate that these criteria can be satisfactorily met. Furthermore, the site forms part of the current planning permission area (ref. 39700/02) for the extraction of mineral and backfilling with waste. According to the applicants, there are some mineral reserves available within the proposed extension area which, if not worked out, would be sterilised by the landfill operations permitted under the current planning permission. Although, the proposal must be considered against policies MW2/1- Assessing Mineral Extraction Proposals and MW4/1- Assessing Waste Disposal Proposals, to determine its acceptability, however, in terms of its principle, the proposal is acceptable.

Need for Mineral - In the planning application, it is recognised that the current landbank (25 years supply) for sand and gravel in the region (greater Manchester, Merseside, Warrington

and Halton) exceeds the supply (7 years supply) required in accordance with the advice given in MPG1. Notwithstanding this, it should be pointed out that both MPG6 and consultation draft MPS1 also refer to the need to avoid the sterilisation of resources. The failure to grant planning permission would result in 700,000 tonnes of mineral becoming sterilised and unworkable which is unacceptable.

Vehicle Movements - It is anticipated that minerals from the combined site (both the existing site and the proposed extension area) would be worked out by 2012 and, due to the quantity of the extracted sand and waste imports, the number of vehicle visiting the site on daily basis would not exceed 127 vehicles until 2012. This is within the limit of the number of vehicles movements anticipated under the current permission ref. 39700/02. After 2012, there will be fewer vehicle movements due to the cessation of minerals operations. In view of these considerations, it is stipulated that the proposed works would not result in any additional vehicle movements than those already anticipated within the existing planning permission(ie 150 vehicles in and 150 vehicles out).

Impact on Pilsworth Fisheries - Pilsworth Fisheries are located approximately 25m away from the quarry site and 350m from the proposed extraction and landfill extension site. A landscape buffer zone is currently being constructed within the quarry site approximately 80m away from the boundary with the fisheries. Although, the extraction/landfill activities would be closer to the fisheries (200m) than those permitted in the current planning permission (350m), however, due to the intervening landscape buffer zone, the site topography and geology, it is not considered that the proposal would have any detrimental effect on the fisheries with regard to drainage and water supply.

Residential amenity - The closest residential properties to the site are Pilsworth Cottages and the proposed extraction/landfill activities would be within about 300m of them. By virtue of the distance involved and the intervening landscape buffer zone, it is not considered that the effects of quarrying and landfilling operations in terms of noise, dust, smell etc would be seriously detrimental to the amenities of the residents of the cottages. Moreover, the views of the proposed quarrying/landfill operations would be screened by the intervening landscape buffer zones when viewed from the cottages.

With regard to the comments made by the Rochdale Heywood Planning Sub-Committee, it should be pointed out that the proposed works are of a limited nature which would neither materially affect the duration of the time period nor the number of vehicle movements permitted under the current planning permission for excavation/landfill operation at the quarry. In view of these considerations, it is unlikely that the proposed works would result in any additional environmental related problems including dust, dirt etc for the residents of the area. As for as the issue concerning financial contribution is concerned, the applicants point out that they already contribute to the community by way of landfill tax levy and normal business and taxation rates. They therefore feel that the request for any further financial contribution to the community, is unreasonable.

As for as the Greater Manchester Geological Unit's comments with regard to the potential visual impact of the proposed works are concerned, it should be pointed out the views of the proposed activities would be restricted from the outside by the installation of temporary screening bunds over the Landscape bunds which are permitted under the current planning permission.

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 application site is located on the periphery of the existing quarry and the proposed works would extract the minerals which otherwise would be sterilised. The proposed works are not only acceptable in principle but also in terms of their visual and

environmental impact. The works would not adversely impact on highway safety issues. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The permission hereby granted is for a limited period only, namely for a period expiring on 31 December 2023, by which date extraction of sand and subsequent tipping shall have ceased and the site satisfactorily restored in accordance with planning conditions nos 3, 32 and 34 to 40 below, to the satisfaction of the Local Planning Authority unless in the meantime a further planning permission has been granted.
Reason. For the avoidance of doubt and to accord with the terms of the application.
2. The extraction of sand, associated soil stripping, overburden removal, soil and overburden storage, sand processing and restoration operations shall take place only within the area shown edged red on plan no. LE03283.002.1 entitled Application Plan, attached to and forming part of this permission ref. 45528
Reason. For the avoidance of doubt and to accord with the terms of the application.
3. Unless otherwise required by this permission or approved in writing by the Local Planning Authority, the working and restoration of the site shall be carried out in accordance with the following drawings, namely Quarry phasing ref. LE03283/010 (Integration of extension into quarry phasing), Landfill phasing ref. LE03283/011 (Integration of extension into landfill phasing) and plan no. PS244-D2a (Concept Restoration Master Plan dated 17 July 2003) and the accompanying written statements including Environmental Statement, Technical Appendices (Volumes 1 to 4) submitted as part of planning application ref. 45528.
Reason. To accord with the terms of the application and to enable the Local Planning Authority to monitor the development.
4. A visibility splay measuring 9 metres by 215 metres at the junction of the existing site access with Pilsworth Road shall be maintained free of obstruction above the height of 0.6 metres on land within the applicant's control.
Reason. In the interests of highway safety.
5. The existing gates at the access referred to in condition 4 above which have been set back a minimum of 15 metres behind the highway boundary, shall be kept securely locked at all times other than those specified in condition 23 below.
Reason. For the avoidance of doubt.
6. There shall be no other vehicular access to the site other than that referred to in condition 4 above and which was constructed in accordance with the approved details forming part of previous planning application ref. 33482/97.
Reason. In the interests of highway safety.
7. Adequate turning/parking provision and wheel washing facilities shall be provided within the curtilage of the site. Wheel cleaning facilities shall be used as necessary by all vehicles leaving the site so as to prevent the deposition of mud or other extraneous materials on the highway.
Reason. In the interests of highway safety and amenities of the area.
8. Prior to the commencement of operations, all available topsoil and subsoil shall be stripped from the following areas and stored separately in accordance with drawings indicating Phase works (Figure 7 to 22), submitted as part of previous planning application ref. 39700/02 as superseded by drawings ref. LE03283/010 to

LE03283/014, submitted as part of planning application ref. 45528:

- a) all areas to be excavated, used for the storage of overburden, subsoil, or used for lagoon purposes.
- b) all areas to be used for roads, offices, stores, fixed plant, plant storage areas or for other purposes which could cause damage to soil, and
- c) all areas to be traversed by heavy vehicles and machinery not otherwise specified.

Reason. For the avoidance of doubt and to accord with the terms of the application.

9. No materials other than topsoil, subsoil, overburden and minerals forming part of the extraction operations hereby permitted shall be stored or processed on the site without the prior approval in writing of the Local Planning Authority.

Reason. For the avoidance of doubt.

10. No topsoil or overburden shall be sold or otherwise removed from the site without the prior written agreement of the Local Planning Authority.

Reason. For the avoidance of doubt and in the interest of proper site restoration.

11. The stripping and movement of topsoil and subsoil shall only be carried out during the period from April to September inclusive or when the soil is in a suitable moisture condition and the ground is sufficiently dry to ensure that topsoil will not be damaged by machinery passing over it and when it can be separated from subsoil without difficulty.

Reason. In the interest of proper site restoration.

12. Topsoil, subsoil and soil making material mounds shall not exceed 3 to 5 metres in height as shown on drawings indicating Phase Works (Figure 7 to 22) submitted as part of previous planning application ref. 39700/02 and as shown on drawing ref. LE03283/012 as part of planning application ref. 45528, and shall be constructed with only the minimum amount of compaction necessary to ensure stability and shall be graded and seeded with a suitable grass seeds mixture throughout the period of storage, to the satisfaction of the Local Planning Authority.

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

13. Mounds of topsoil, subsoil and soil making material shall not be traversed by heavy vehicles or machinery except during their construction or removal.

Reason. In the interest of proper site restoration.

14. The whole site shall be kept free from weeds such as those identified in Schedule 9 of the 1981 Wildlife and Countryside Act or the 1959 Weeds Act, to the satisfaction of the Local Planning Authority.

Reason. In the interest of proper site restoration.

15. Throughout the period of working, restoration and aftercare, the operator shall:

- a) protect and support any ditch, watercourse or culvert passing through the permission area, or satisfactorily divert it and shall not impair the flow or render less effective drainage onto and from adjoining land.
- b) provide for the collection, treatment and disposal of all water entering or arising on the site, including any increased flow from the land to ensure that there shall be no pollution or siltation of watercourses by the approved operations.

Reason. To protect the existing watercourses from pollution and to enable the Local Planning Authority to monitor the development.

16. The site shall be operated in accordance with the Quarry phasing drawing

LE03283/010, submitted as part of the application 45528, unless otherwise agreed in writing with the Local Planning Authority to ensure the minimum amount of land in out of agricultural use at any time.

Reason. In the interests of the amenities of the area.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and subsequent amendments, no buildings, plant, structures or machinery, excluding conveyors, excavation machinery and vehicles and those buildings and plant shown on the approved plan nos. PS16 and PS17 forming part of the previous planning application ref. 33482/97, shall be erected on the site without the prior written approval of the Local Planning Authority.

Reason. For the avoidance of doubt and in the interests of the amenities of the area.

18. All buildings shall be painted in a colour to be agreed with the Local Planning Authority within three months of the erection of the buildings. All buildings and plant shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason. In the interests of the amenities of the area.

19. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%.

Reason. To avoid pollution of land or watercourses as a result of the permitted development.

20. Stockproof fencing with gates or cattlegrids at all opening shall be erected along either side of the access road and around all operational areas of the site wherever necessary, including the landscaping mounds and planting and shall be maintained to the satisfaction of the Local Planning Authority until the completion of restoration at which time they shall be removed unless previously agreed in writing by the Local Planning Authority.

Reason. In the interests of the amenities of the area.

21. All hedges and trees forming part of the site boundary shall be preserved from damage, and the hedges, together with any other hedges within the site shall be cut and trimmed at the proper season and maintained in good condition to the reasonable satisfaction of the Local Planning Authority. Any such hedge or trees forming part of the site boundary that may be seriously damaged or removed or die during the course of or as a result of the operations hereby permitted shall be replaced with a plant of similar type in the next available planting season to the satisfaction of the Local Planning Authority.

Reason. In the interests of the amenities of the area.

22. All existing screen planting shown on the submitted plan no PS244-D2a forming part of this permission, shall be maintained throughout the life of the operations to the satisfaction of the Local Planning Authority. Any trees or hedges damaged or failing shall be replaced with a plant of similar type in the first available planting season following damage or failure to the reasonable satisfaction of the Local Planning Authority.

Reason. In the interests of the amenities of the area.

23. Working on the site in connection with the site mineral extraction and subsequent restoration by tipping methods, the operation of all conveyors and site machinery, the servicing and maintenance of all vehicles and machinery shall take place only between 0700 to 1800 hours Monday to Friday, 0700 to 1300 hours on Saturday and there shall be no working on any Sunday or Public Bank Holiday unless previously agreed in writing with the Local Planning Authority.

Reason. In the interests of the amenities of the area.

24. All internal combustion engines and other machinery used in connection with the operation and maintenance of the site including conveyors, shall be equipped with effective silencing equipment and maintained in an efficient condition at all times, as may be reasonably appropriate, to the satisfaction of the Local Planning Authority.

Reason In the interests of the amenities of the area.

25. All reasonable measures shall be taken to ensure that the operations on the site do not give rise to nuisance by virtue of dust or windblown material including the watering of all haul roads and access road as necessary during dry weather conditions and the collection of any wind blown refuse on a weekly basis, to the satisfaction of the Local Planning Authority.

Reason In the interests of the amenities of the area.

26. No floodlights shall be used on the site without the prior written agreement of the Local Planning Authority in respect of the design, height and layout of each lighting column.

Reason For the avoidance of doubt and in the interests of the amenities of the area.

27. On completion of sand extraction from each phase as shown on Quarry phasing drawing ref. LE03283/010, each phase shall be progressively backfilled as shown on Landfill phasing drawing ref. LE03283/011 and in accordance with the revised restoration phasing drawing ref. LE03283/014, in a working method to be agreed with the Environment Agency prior to the commencement of tipping operations.

Reason To ensure that the tipping operations do not give rise to pollution or become a source of public nuisance.

28. Only the following types of waste and materials shall be tipped on the site:

1) Domestic, commercial, industrial and construction waste.

2) Mineral and farm waste.

3) Such other materials as have been first approved in writing by the Local Planning Authority.

Reason In the interests of proper site restoration.

29. Unless otherwise approved in writing by the Local Planning Authority, the tipping of waste materials shall be carried out and the site restored in such a manner as to ensure that the final restored levels of the site are in accordance with the contours shown on Plan no PS244-D2a and details shown on drawings showing cross-sections Figure 7.3 and Figure 7.4, forming part of this permission ref. 39700/02 and drawing ref. LE03283/105, as part of planning application ref.45528.

Reason. In the interests of proper site restoration and to accord with the terms of application.

30. Unless otherwise required by the Environment Agency and approved by the Local Planning Authority, in the event of any leachate forming materials being tipped in any phase, in accordance with a Waste Management Licence, each phase shall be clay capped to a minimum thickness of 1 metre.

Reason. In the interests of proper site restoration.

31. Adequate measures, in accordance with the details submitted in the Environment Management Plan (Appendix 4-dated 25 July 2003) forming part of planning

permission ref. 39700/02, shall be taken for the drainage of the site and prevention of pollution by leachate to the satisfaction of the Local Planning Authority and the Environment Agency.

Reason. To avoid the pollution of land or watercourse as a result of this permitted development.

32. Prior to the spreading of topsoil on any part of the site the subsoil surface shall be ripped in two directions at right angles with a heavy tinned implement to a depth of at least 250mm and any rocks, stones or other rogue objects in excess of 75mm on their surface, shall be removed from the site.
Reason. In the interests of proper site restoration.
33. The movement and respreading of subsoil, soil making materials and topsoil shall only be carried out during the period from April to September inclusive and when it is in a suitable dry and friable condition.
Reason. In the interests of proper site restoration.
34. On completion of the removal of all subsoil and soil making materials from the storage areas indicated on Drawings(Figures 7 to 22 of planning permission ref. 39700/02) and drawing ref. LE03283/012 as part of planning application ref. 45528, the surface of these areas shall be ripped in two directions at right angles with a heavy tinned implement and subjected to the same restoration requirements as set out in condition 35 below.
Reason. In the interests of proper site restoration.
35. Within six months of the completion of tipping, clay capping where necessary and the spreading of subsoil and topsoil on each phase of the operations, the land shall be restored to a condition fit for agricultural/woodland and amenity in accordance with the details submitted in Technical Appendix 4 dated 28 August 2002 and Volume 1(Text & Plans) dated 25 July 2003, forming part of the previous planning permission ref. 39700/02.
Reason. In the interests of proper site restoration and to ensure completion of the development in accordance with the approved details.
36. Restoration of the site shall be carried out under the supervision of a person in the employ of or responsible to the applicant with knowledge of and expertise in restoration of and with authority to stop restoration operations during unsuitable weather conditions.
Reason. In the interests of the area and restoration of the site.
37. Within one year of the completion of the restoration of the site all buildings, plant and machinery used in connection with the operations hereby permitted shall be removed and the land concerned reinstated in accordance with planning conditions nos. 3, 32 and 34 to 40 above to the satisfaction of the Local Planning Authority.
Reason. In the interests of the area and restoration of the site.
38. In the event of the cessation of extractive operations and subsequent backfilling prior to the completion of mineral working from the area hereby permitted, that part of the site that has been worked shall be restored in accordance with planning conditions nos. 3, 32 and 34 to 40 above to the satisfaction of the Local Planning Authority.
Reason. In the interests of the area and restoration of the site.
39. Within one year of the completion of the restoration of the site, the access and access road connecting the site to Pilsworth Road shall be removed and the land reinstated to its original condition unless otherwise agreed in writing with the

Local Planning Authority.

Reason. In the interests of the area and restoration of the site.

40. Within three months of the completion of the restoration of the site or in the first available planting season following restoration, the site shall be landscaped in accordance with the approved landscaping scheme. All trees and hedges included in the landscaping scheme shall be retained, protected and maintained for a period of five years after planting during which period any tree or hedge that may become damaged or be removed or die shall be replaced with a similar plant in the next available planting season.
Reason. To ensure satisfactory development of the site.
41. Following due notification to the Company, all reasonable access to the site shall be granted to the appropriate officers of the Local Planning Authority and officials of the Department for Environment , Food and Rural Affairs and Environment Agency during the stripping operations, the working, restoration and aftercare of the site.
Reason. To enable the Local Planning Authority to monitor the development.
42. Landfill gas well heads shall be located in the positions shown on the submitted Gas/Groundwater Monitoring Boreholes Drawing Figure 33, forming part of the previous planning application ref. 39700/02, unless otherwise agreed in writing with the Local Planning Authority.
Reason. For the avoidance of doubt.
43. No development shall take place until the developer has secured the implementation of the archaeological mitigation measures listed in paragraphs 14.5.2, 14.5.3 and 14.5.4 of the approved Environmental Statement, forming part of previous planning permission ref 33482/97 and the archaeological works identified in Appendix 8 of the submitted Archaeological Monitoring Scheme dated 25 July 2003, forming part of previous application ref. 39700/02. These measures shall be carried out fully to the satisfaction of the Local Planning Authority.
Reason. To make a record of buildings of historical interest and below ground archaeological remains which will be destroyed by quarrying.
44. No development shall take place until the developer has secured the implementation of the mitigation measures in accordance with the Ecology Monitoring Programme (Revised) dated 22 January 1998 forming part of the previous planning permission ref. 33482/97 and in accordance with the advice contained in Appendix 7 of the submitted Ecological Management and Monitoring Programme dated 25 July 2003, as amended in Appendix 9.3 Ecological and Monitoring Programme dated October 2005 forming part of this permission. The protection measures shall be carried out to the full satisfaction of the Local Planning Authority in consultation with English Nature and the Greater Manchester Ecology Unit.
Reason. To enable the Local Planning Authority to monitor the development.
45. No extraction of sand shall take place below 94m AOD unless and until the measures, as identified in Appendix 3 of the submitted Groundwater Monitoring Scheme dated 25 July 2003, forming part of previous planning permission ref. 39700/02, are secured and if necessary, the proposed mitigation and remedial actions are carried out, to the satisfaction of the Local Planning Authority in consultation with the Environment Agency.
Reason. For the avoidance of doubt and to protect the water resource underneath the ground being polluted.

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

