

Ward: Bury East

Item 01

Applicant: Thornfield Properties plc

Location: LAND AT BARLOW STREET, BURY

Proposal: NEW MEDICAL CENTRE & PHARMACY WITH ASSOCIATED ACCESS & CAR PARKING

Application Ref: 46134/Full

Target Date: 11/07/2006

Recommendation: Approve with Conditions

Description

The majority of the application site is occupied by the former Dixon repair garage and lies to the north of Barlow Street, Bury, incorporating a section of Barlow Street, the top end of Derby Street and some land to the south of Barlow Street. To the north of the site stands Moorgate Retail Park whilst the former Kwik Save site lies to the south along with the 3 storey Derby House.

The application site forms part of the broader Rock Triangle development which gained outline consent under application 45424. The PCT (Primary Care Trust) building has already gained outline planning consent under 45424, however, if the phasing of The Rock Triangle development does not come forward as envisaged, this application seeks consent for an alternative layout using the existing street network until such time as the link road approved under the main scheme is constructed. The application simultaneously seeks consent for the reserved matters from application 45424.

The purpose of the PCT building is to provide frontline GP and Walk-in NHS services as well as some minor operations. The building itself would be four storeys high with the ground floor providing the entrance to the building, a pharmacy and undercroft parking with the remaining upper floors being used for the Doctor's Surgery, Dentists' and operating theatres. The external appearance of the building would be facing brick work, cedar boarding and a larger glazed core above the entrance to the building. The roof would overhang the building and would be relieved by three rectangular turrets and the vertical fin wall. The scheme includes a car park for 36 spaces under the building and 25 spaces in a separate ground level car park to the south of the building for which planning permission is now sought with the vehicular access from Barlow Street and a bund of landscape planting along the southern and western boundary. Ultimately, it is envisaged that this will be replaced by the link road from which vehicular and pedestrian access would be gained a revised ground level car park, this time to the west of the proposed PCT building which would include 20 parking spaces.

Relevant Planning History

40730 – Mixed Use Development Comprising Retail, Food & Drink, Leisure, Business, Residential Floorspace With Associated Access & Car Parking (Outline) – Approved 14/07/2006.

45424 - 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 – Approved 12/04/2006.

Publicity

Press Advertisement placed in 27th April 2006 issue of the Bury Times – Site Notice posted 6th May 2006 and 14 adjoining occupiers consulted – 1 letter received placing a holding objection by The Church Commissioners to the application until such time as they received clarification from the applicant regarding ownership.

Consultations

Borough Engineer – Drainage – no objections – Highways – no objection in principle, any further comments will be reported via the supplementary agenda.

Borough Environmental Services Officer – Contaminated Land – recommends conditions be attached to require a risk assessment and remediation strategy to be submitted to the Council as well as to cover unforeseen contamination and gas monitoring measures.

BADDAC – have raised concern about the possible gradients and crossfalls on the site and entrance up to and into the building as well as the disabled parking provisions. In particular they are concerned about the management of the disabled visitor parking within a new public car park and that the disabled staff parking spaces have obstructed transfer zones. They have also raised concerns about the proposed design and siting of bollards and other street furniture which may cause hazards for people with visual impairments.

BADDAC have also noted that the consultations with local user groups had been less than comprehensive and concern was also raised over the internal layout of the building in the light of design advice for new medical buildings (including CABA's "Design with Care"). BADDAC are particularly concerned to see that the internal layout and detailed fit-out of the medical centre fully takes into account the needs of disabled people and a commitment to on-going consultation from the PCT is seen as vital to this.

Environment Agency – no objection in principle to the application although recommend that a condition be imposed preventing any increase in surface water run-off to Barn Brook.

GM Police – recommend increased security around the building as it is at heightened risk from criminal activity to staff or for stealing drugs. As such, increased security to the car park and external emergency exits should be included, toughened glass used on glazed areas together with the inclusion of bollards to prevent vehicles approaching or driving into the building's frontage. Robust boundary treatment is also recommended.

GM Fire and Rescue Service – no objections but highlights the need for a "high reach" appliance to be able to access the building and the need for an adequate water supply for fire-fighting purposes.

GM Passenger Transport Executive – do not object to the proposal although highlight the site's sustainable location and the need to design the pedestrian environment as safe and convenient as possible.

Unitary Development Plan and Policies

CF1	Proposals for New and Improved Community Facilities
CF1/1	Location of New Community Facilities
EN1/2	Townscape and Built Design
EN1/7	Throughroutes and Gateways
HT5/1	Access For Those with Special Needs

Issues and Analysis

The main policy for the proposal to be measured against is policy CF1/1 - The Location of New Community Facilities.

The proposed PCT building would not be located close to any existing dwellings nor would it be close to any dwellings proposed by the The Rock Triangle redevelopment. This would allow the building to operate 24 hours a day without being detrimental to residential amenity. The location of the scheme would mean that it is close to shops and other services, the central location places the PCT building well to serve the needs of the population of Bury and it would be easily accessible by both public and private modes of transport. As such, the location of the proposal is considered acceptable.

The scheme eventually would be seen against a vastly changed urban environment which means that although the building is 4 storeys high, it would not appear prominent, intrusive or overly large in the street as it would be viewed against the 3 storey Derby House and the multi-storey car park and shopping centre on The Rock. The scale and size of the development are considered acceptable. The design of the building and its proposed materials are considered to be modern and appropriate to the context of the future redevelopment of the area. The building would make a positive contribution to visitors' perception of Bury as the building would be sited on what it is likely to become a major Throughroute of the Borough. As such, the scheme would not be detrimental to the visual amenities of the area.

The level of traffic generation would be accommodated on the surrounding streets and the proposed level of car parking would make provision for 36 staff spaces and 25 visitor spaces. The Borough Engineer has no objection in principle although conditions will be imposed to maintain visibility splays into and out of the site.

There are some outstanding issues regarding disabled access up to and into the building which the applicant intends to address as well as some design issues relating to the entrance atrium, landscaping and street furniture. Progress on negotiations will be reported to the Committee via the supplementary agenda.

Summary of reasons for Recommendation

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

The scheme would be in an acceptable location, would not harm visual or residential amenity and would be acceptable in terms of traffic generation, parking and access.

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 date stamped -8 JUN 2006 and 11 APR 2006. The development shall not be carried out except in strict accordance with the drawings hereby approved.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below:

CF1/1 - The Location of New Community Facilities

EN1/2 - Townscape and Built Design

EN1/7 - Throughroutes and Gateways.

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. Condition: Within 28 days of the date of this approval, the applicant shall submit to the Local Planning Authority for their approval, a revised access statement to include the following:

- how a level approach to the public entrances to the building will be achieved from the car park and from the footways to the existing and proposed road layouts.
- a public realm strategy for the scheme explaining how the design, specification and siting of all street furniture elements takes into account the access needs of disabled people.
- how stakeholder groups, including local disability and patient user groups, will be consulted through the development process.

The development shall be constructed in accordance with the approved access statement and shall thereafter be maintained in perpetuity.

Reason: To ensure that the development follows the principles of inclusive design and is fully accessible for disabled people pursuant to policy HT5/1 - Access for Those With Special Needs.

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. Prior to the commencement of development on site, the applicant shall submit a landscaping scheme, to include details of boundary treatment, tree size, age and specie as well as street furniture, to and to be approved in writing by, the Local Planning Authority. 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 of the Bury Unitary Development Plan.

11. Prior to the commencement of development on site, a scheme for the provision of surface water drainage works shall be submitted by the applicant to the Local Planning Authority for their approval. The development hereby approved shall be constructed in accordance with the approved scheme for surface water drainage which shall thereafter be maintained in perpetuity.

Reason: To reduce the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

12. Prior to the commencement of development on site, the applicant shall submit to the Local Planning Authority for their approval, a system for all watercourse, surface water, soakaway system and surface water from the car park to pass through an oil interceptor designed and constructed to have a capacity and details compatible with the size of the site being drained.

Reason: To prevent pollution of the water environment.

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

Ward: Bury East

Item 02

Applicant: RRG Bury

Location: RRG BURY, 1 BOLTON STREET, BURY, BL9 0EY

Proposal: ADVERTISEMENT FLAGS

Application Ref: 46331/Advertisement

Target Date: 05/07/2006

Recommendation: Split Decision

Description

The site comprise the Toyota Garage on Bolton Street in Bury Town Centre.

The proposal is for the retention of 3 flags pole 5m in height with 'Toyota' flags on Bolton Street and 5 flags poles 6m in height with banners, one on Bolton Street and 4 in Millet Street. The flags and banners are coloured red, white and grey and are unilluminated.

Relevant Planning History

Two advertisement regulations applications have been submitted on the site. 41559 was refused in 2003 on the grounds that insufficient information had been supplied for it to be full assessed and 34648 was granted for various signs in 1998.

Publicity

Immediate neighbours have been notified and one objection has been received from no 29 Millet Street. The objection can be summarised as follows:

- the flags are likely to cause noise which will be of detriment to residents amenity

Consultations

Highways - comments awaited

Unitary Development Plan and Policies

EN1/9 Advertisements

Issues and Analysis

All advertisements are considered on the grounds of amenity and public safety as set out in the current Control of Advertisements Regulations. These regulations allow a Council to make a split decision on applications.

Visual Amenity - the site is set within Bury Town Centre where suitably sited and sized advertisements are appropriate. In this instance all the flag poles and the flags/banners associated are seen in the context of the garage fore court with the possible exception of the pole nearest to No. 23 Millet Street. With the exception of this pole the size and siting of the flag poles and advertisements are appropriate to the area and accord with Unitary development Plan Policy EN1/9 - Advertisements and as such are acceptable on these grounds with the recommendation that a split decision be given granting express consent for all of the poles with the exception of the one adjacent to No. 23 Millet Street.

Residential Amenity - the flag pole immediately adjacent to No. 23 Millet Street is seen in the context of relatively small scale residential development and is likely to affect both the

character of the street and the residential amenity of this property. As such the flag pole and banner will conflict with Unitary Development Plan Policy EN1/9 - Advertisements and should be refused.

Public Safety - the flags are unilluminated and set well back from the highway. They will not cause an undue distraction to motorists or hazard the interpretation of highway signs and as such they comply with Unitary development Plan Policy EN1/9 - Advertisements

Summary of reasons for Recommendation

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

The proposed flag poles and associated flags/banners comply with Council Policy as expressed in Unitary Development Plan Policy EN1/9 - Advertisements with the exception of the flag pole and banner adjacent to 23 Millet Street.

This flag pole and banner adjacent to 23 Millet Street should be refused for the following Reason:

The proposed flag pole and banner adjacent to 23 Millet Street, by reason of its size, siting and design would be out of character and detrimental to the general visual amenities of the area and therefore contrary to the following policies of the Bury Unitary Development Plan: EN1/9 - Advertisements.

There are no other material considerations that outweigh this finding.

Recommendation: Split Decision

Conditions/ Reasons

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

Ward: Bury East - Redvales

Item 03

Applicant: Bury Church of England High School

Location: BURY CHURCH OF ENGLAND HIGH SCHOOL, HASLAM BROW, BURY, BL9 0TS

Proposal: SINGLE STOREY DINING HALL EXTENSION & CAR PARK SCHEME

Application Ref: 46188/Full

Target Date: 15/06/2006

Recommendation: Approve with Conditions

Description

The application relates to an existing high school in large grounds accessed off Haslam Brow. The existing dining hall is on the south elevation facing the main car park with playing fields beyond. Close to the east elevation and near the main entrance is a hard surfaced area previously used for cycle parking which now occurs elsewhere at the school.

It is proposed to build an extension to the dining hall projecting 10.12 metres into the car park. It would be constructed in brickwork to match the existing buildings and with a tiled roof. Seven car spaces would be lost. These would be replaced by redeveloping the existing hard surfaced area to become a seven space car park and served by a drive instead of the existing internal cycle/footpath.

The application is accompanied by a land contamination report.

Relevant Planning History

There have been various applications for alterations and extensions to the school buildings. 44060 - A new school boundary fence has been erected in accordance with permission granted in April 2005.

Publicity

19 neighbouring properties were notified and one objection received from the resident of 3 Bradford Terrace to the north. There is no objection to the dining hall extension as long as the construction work is limited to normal working hours from Monday to Friday. There are concerns about the traffic safety implications as they believe that the number of vehicles will increase substantially. It is believed that nothing that increases traffic in the area should be considered without a complete review of traffic measures and restrictions in the Buckley Wells/Manchester Road area.

Consultations

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

Borough Environmental Services Officer - Recommends contamination conditions.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design
CF2 Education Land and Buildings
HT5/1 Access For Those with Special Needs

Issues and Analysis

Design and Layout - There is ample room to accommodate the dining hall extension which is well designed to complement the existing buildings.

Car Parking and Traffic Issues - Provision would be made for the car parking spaces that would be lost. The existing hardstanding in this position and its path access are not designed for cars but for cycle and pedestrian use and because of the physical limitations of this facility any casual usage for parking is discouraged. The new parking area and its new drive would be constructed to a standard sufficient for use by cars with seven spaces set out that would replace the displaced car parking.

Despite the objection from the neighbour this development would not lead to an increase in pupil and staff numbers and, therefore, there would be no additional traffic.

Residential Amenity - The proposals are well separated and screened from residential properties.

Disabled Access - A condition is recommended to ensure that the entrance to the extension would be designed to facilitate access for persons with special needs.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;- The proposed development will not harm the character of the area nor the amenities of occupiers of nearby property. There will be no additional traffic and no implications for 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. Subject to condition 9 this decision relates to drawings numbered 5720/100, 101, 102, 103, 109, 110 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. The 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 dining hall extension hereby approved commencing.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the

Bury Unitary Development Plan.

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

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

6. Following the provisions of Condition 5 of this planning permission, where remediation is required, the approved remediation strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the conclusions and actions taken at each stage of the works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.

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

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

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

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

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

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

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

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

9. Notwithstanding the details on drawing no. 103, the new entrance door shall incorporate vision panels and handles suitable for its use by disabled persons.

Reason: In order to ensure that there is satisfactory access into the development for the mobility impaired and those with special needs

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

Ward: North Manor

Item 04

Applicant: Summerseat Methodist Primary School

Location: LAND TO REAR OF SUMMERSEAT METHODIST PRIMARY SCHOOL,
ROWLANDS ROAD, SUMMERSEAT, BL9 5NF

Proposal: LANDFILL TO FORMER QUARRY TO FORM EXTENSION TO EXISTING
SCHOOL PLAYGROUND TO FORM PLAY AREA & INFORMAL TEACHING AREA

Application Ref: 45898/Full

Target Date: 31/05/2006

Recommendation: Approve with Conditions

Site visit requested by Planning Control Committee on 23 May 2006.

Description

The application relates to an uneven wooded area to the south east of the existing school playground and at a lower level. The area is known locally as The Delph and appears to have been a quarry. There is an exposed rock face below the rear gardens of properties on Ashborne Drive to the east. To the west is an area used for parking by the school and accessed by a narrow lane from Rowlands Road. A public footpath from Rowlands Road to the north runs adjacent to the old churchyard and enters the site via steps. There is access to the cricket ground to the south of the site.

It is proposed to remove the vegetation, including the trees within the site and to raise ground levels to level off part of the former quarry floor. The stone wall round the playground would be partially removed and repositioned. The hard surfaced playground would be extended and an informal teaching and play area created. A new fence in the form of railings would be erected on the eastern and southern boundaries of the area with a new stone surfaced footpath created outside the enclosure. Existing trees outside the application site would not be affected by the development. There would be new tree and shrub planting within the enclosed area. The parking area is outside the application site but the plans show it to be resurfaced in rolled stone.

The head teacher has written confirming that a bat survey will be carried out prior to the removal of any trees, that a contamination survey will take place before any work is carried out and that any planning conditions will be fully complied with. The originally submitted details showed that the enclosure would be created using brown coloured steel palisade fencing. However, this was revised with an alternative fencing type which is 1.8 metre high "Tangorail" which has the appearance of traditional iron railings.

The application is supported by plans and sections showing that existing ground levels would be raised by a maximum of around 2 metres to smooth out existing contours.

Relevant Planning History

None recorded for the application site.

41201 - A new church has been built on land to the north of the site in accordance with permission granted in December 2003.

Publicity

The application has been advertised as affecting the Brooksbottoms/Rowlands Conservation Area and a public right of way. Objections have been received from 18 addresses in Crag Avenue, Rowlands Road, Ashborne Drive, Kendal Road, Queens Place and Bass Lane. Points raised included:-

- The proposals should not affect the stability of land at the rear of Ashborne Drive.
- There are already ongoing problems in the village with traffic, parking and disruption.
- Trees should be retained rather than removed and the development should be on a smaller scale.
- The status of the footpath is questioned.
- There is concern about the loss of direct vehicular access to the church.
- The quarry may be contaminated land.
- Assurances are sought that the mature trees at the rear of Ashborne Drive would be retained.
- The proposed palisade fencing would be unsightly and the loss of the current stone wall would not support the objectives of UDP Policy EN1/1 - Visual Amenity given the location within a conservation area.
- It is considered that the path should not be a right of way and that fencing should also be erected on its eastern side to prevent fly tipping.
- Assurance is sought that the facilities should not be used by groups or organisations outside school hours.
- Assurances are sought that there should be no lighting which would be disruptive to residents.
- The site appears to be used by bats and the habitat should be retained.
- The proposed tree replanting is inappropriate.
- The scale of the development is excessive and use of tarmac surfacing inappropriate.
- The educational justification provided by the school is questionable.
- The proposed alterations to a Public Right of Way should be the subject of consultations with the Public Rights of Way Officer.
- The diverted footpath would be narrow, longer and with bends causing lack of visibility and potential hiding places.
- The works would effectively block out views of the conservation area from the footpath thereby seriously affecting the public's enjoyment of this walk.
- The car park design is inadequate.
- A detailed method statement should be submitted prior to any works to ensure that public safety issues are addressed.
- Cutting into the bank to create more parking spaces could create an obstruction to the footpath.
- The proposal is contrary to UDP Policy EN6/4 in that it does not involve retention and management of the natural environment within a Wildlife Corridor.
- Any land contamination issues should be fully addressed.

A resident has circulated a leaflet to neighbours setting out objections to the proposal on the basis of 90 HGVs per week, removal of trees, demolition of a stone wall and erection of a spiked metal fence, all in a Conservation Area. Reference is also made to alterations to the car park which are not thought to work; the amount of landfill required; the potential for crime resulting from the narrower footpath; the increase in hard surfacing; loss of use of the area for children's play; potential disturbance from floodlighting and if the area is hired out to other people; and danger and disruption from heavy vehicles while work is in progress.

Councillor Higgin has received an objection on the basis that local children and adults should be able to continue to use the site and that they are not happy with the 2m high metal palisade fencing.

The headteacher has written to parents and neighbours countering the objection leaflet and encouraging letters of support for the scheme. He points out that an independent survey concluded that the playground was less than a quarter of the recommended size for the school and that there was no soft play area. The piece of land contains debris and is overgrown. Time scales have not been fixed for the scheme but safety and minimising nuisance would be high priorities; 30 poor trees would be removed and would be replaced by 49 large trees and 250 small trees; the section of wall to be removed would be rebuilt; a secure fence is needed to keep the children safe; the plans would allow better management of the parking area; There is no evidence that crime would be generated; there are no plans for weekend lettings or floodlighting.

A total of 18 letters of support have been received from addresses Robin Road, India Street, Walmersley Road, Crag Avenue, Riverside Drive, Plantation View, East View, Rowlands Road, Ashborne Drive, Vale Coppice, Hazel Hall road, Arlington Close, Longcroft Cottages, Queens Place, Meadow Way, Higher Summerseat and Beauy Close. Some of these are in the form of a standard letter. The points raised include:

- The school is seriously underprovided in terms of outdoor space with no access to a soft play surface.
- The scheme would address the problem of lack of outdoor space and greatly improve the children's education and quality of life.
- This would be an exciting opportunity to combine an extension of a tarmaced area with a natural woodland area.
- The scheme involves care and conservation of the existing woodland plus extensive new planting. It would work in sympathy with the Conservation area.
- The improvements to the Delph area will benefit the local village community as well as children in the school.
- There is no evidence to suggest that the level of crime will increase.
- The scheme follows nearly two years of careful planning, consultation and discussions between the school and the local community with overwhelming support from parents and children.
- It is wholly inaccurate to suggest that the proposal sets out to destabilise nature trees, generate crime, create unsafe pedestrian routes and that community enjoyment and community use of the wood would be lost.
- The plans will provide a much needed disabled access to the school grounds and buildings with improved car parking and alternative access.
- The area involved is currently an eyesore

South Lancashire Bat Group have requested that a full bat survey is carried out.

Consultations

Borough Engineer - The application affects a non definitive right of way. The Borough Engineer has no objection to the proposal. A note states that the pedestrian right of way across the site has probably been created through usage and that to proceed without it being replaced would lead to a high risk of a claim. The path may need statutory closure and diversion, hence the need to readvertise the application in the Bury Times in order to meet legal requirements.

Borough Environmental Services Officer - Recommends conditions requiring investigation into possible contamination.

Landscape Practice - There is no objection to the removal of trees but there is some concern about the detail of the landscaping scheme including the species of plants that are specified.

Unitary Development Plan and Policies

EN1/1	Visual Amenity
EN2/2	Conservation Area Control
EN8	Woodland and Trees
EN9/1	Special Landscape Areas
CF2	Education Land and Buildings
OL1/5	Mineral Extraction and Other Dev in the Green Belt

Issues and Analysis

Visual Amenity - The area of land covered by the application is disused and, although superficially attractive, it is uneven from former tipping. The site contains a number of trees which would all be removed but the majority of them are considered to be poor specimens. However, there are numerous and mostly more substantial trees just beyond the easterly and southerly edge of the site that would remain and are subject to protection as they are within a conservation area. In addition, following the landfill, the area would benefit from substantial replanting.

There are reservations about some of the details of the submitted landscaping proposal and any consent should be subject to a condition requiring prior approval to be granted to the landscaping details prior to any development taking place.

The land would be brought into beneficial use by the school which at present only has a limited play area. It is considered that the loss of a small number of significant trees and other poor quality trees with appropriate replacements would be outweighed by the benefits that would result from the development for the school.

Despite the objections, the appearance of the site as a generally wooded area would be retained and there are no substantive environmental grounds for recommending refusal. The use and appearance of the land would preserve the character of the Brooksbottoms/Rowlands Conservation Area.

Residential Amenity - The land is set well below the properties on Ashborne Drive with a screening of mature trees and the amenities of residents would not be affected.

The landfill activity would, for a short period, result in some disturbance to residents in the general vicinity and along the haul route. If permission is granted it should be subject to a condition requiring the Council's approval to a method statement for this activity and strict adherence to its requirements.

The Footpath - Although the footpath through the site is non definitive the proposal has been considered on the same basis as if it did involve a definitive right of way and the details incorporate a new footpath that would maintain a pedestrian route through the affected area of land. At present the pathway through the site is not clearly defined and the proposal would improve this by providing a rolled stone surface. The provision of a circuitous route around the perimeter of the intended school area is unavoidable but the opposite side of the path would not be enclosed. However, if there are any perceived disadvantages with this arrangement these should be seen in the context of the much needed improvement to the outside facilities for the school that would be achieved.

Wildlife - Although one of the objectors is concerned that there would be conflict with Policy EN6/4 - Wildlife Links and Corridors, the site is located outside a designated Wildlife Link and Corridor. Regarding concerns about possible use of the site by bats any consent should include a condition ensuring that an appropriate survey takes place prior to development commencing.

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 use will preserve the character of the Brooksbottoms/Rowlands Conservation Area and will not harm the residential amenities of occupiers of adjacent property. 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. Subject to conditions 3 and 4 this decision relates to the drawings received on 5 April 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. Notwithstanding the details shown on the approved plan, details of new tree and shrub planting shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. The landscaping scheme 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.
4. The proposed fence shall be erected in accordance with the detail submitted on 17 May 2006 and its colour shall be agreed in writing by the Local Planning Authority prior to the development commencing.
Reason To protect the visual amenities of the area.
5. Prior to the removal of the trees permitted by this approval, a survey shall be conducted, and the survey results established as to whether the affected trees are utilised by bats. A programme of mitigation shall be submitted to and approved in writing by the Local Planning Authority and all mitigation measures shall be fully implemented prior to the commencement of the works and to 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.

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

in writing by, the LPA prior to the development being brought into use.

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

10. 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.
11. Details of any proposed lighting shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation.
Reason To protect the visual and residential amenities of the area.
12. Prior to the removal of the tree(s) permitted by this approval, a survey shall be conducted, and the survey results established as to whether the affected trees are utilised by bats or owls. A programme of mitigation shall be submitted to and approved in writing by the Local Planning Authority and all mitigation measures shall be fully implemented prior to the commencement of the works and to 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.
13. No development shall take place unless and until a detailed Method Statement has been submitted and approved in writing by the Local Planning Authority concerning the details of the implementation of the landfill operation. The development shall not be carried out other than in accordance with the approved Method Statement.
Reason: In order to protect the amenities of the area.
14. The new wall shall be in natural stonework to match the existing school perimeter wall. No development shall take place unless and until a sample panel of the intended wall demonstrating the type of stone, the pointing and copings to be used and to be not less than 1 square metre in size has been erected on site for inspection and has been approved in writing by the Local Planning Authority. In addition, details of the height of the wall must also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Thereafter the wall shall be constructed in the approved materials, height and manner of construction.
Reason: In order to preserve the special character of the conservation area.

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

Ward: Ramsbottom + Tottington - Tottington

Item 05

Applicant: A Metcalfe

Location: SITE AT SPRINGVALE STREET, TOTTINGTON, BURY, BL8 3LR

Proposal: OUTLINE APPLICATION FOR ERECTION OF 13 APARTMENTS WITH ASSOCIATED ACCESS IMPROVEMENTS

Application Ref: 46127/Outline Planning
Permission

Target Date: 21/08/2006

Recommendation: Refuse

The decision on this application cannot be made until Thursday 29th June 2006, so powers are sought to delegate the decision to the Borough Planning and Economic Development Officer to determine the application in the light of any further comments received up to that time.

A Committee Site Inspection has been requested by the Development Manager and Councillor Yvonne Wright.

Description

The application site is currently occupied by Metcalfe's Demolition Contractors and is used as a waste transfer station and contractor's yard. The application site is roughly square with a triangular section on the northern boundary and also includes the unadopted Spring Vale Street.

The site is surrounded by commercial development to the east and south, to the west stands the building occupying Frank Dewar Flooring which incorporates a workshop on the ground floor with a dwelling over whilst to the north stand two storey dwelling houses which overlook the site. The site itself is enclosed from Spring Vale Street by the buildings on the extremities of the site, a temporary fence and a blockwork wall, to the east by a palisade fence, to the north by a stone wall around 4 metres high and to the west by a corrugated steel post and panel fence. The site itself is occupied by industrial size steel containers, skips and JCB diggers and a forklift truck. There are two buildings on the site, a smaller flat roofed building front onto Spring Vale Street whilst a larger and taller building occupies the rear of the site abutting Spring Vale Drive.

The current application seeks outline consent with siting and means of access for consideration with all other matters reserved. The application proposes a part 2 and part 3 storey block of flats accommodating 13 apartments. The 3 storey section of the building would be set back from the back edge of footway by 1.8 metres and would have a frontage on to Spring Vale Street. The lower 2 storey section would project to the north forming an inverted L-shape. The parking area would be spaced around the remaining northern part of the site, providing 20 parking spaces and a bin store. There would be a small area of dedicated amenity space which would be tightly wrapped around the 2 storey section of the block.

As part of the proposed development, applicant has indicated that the culvert running through the site will be diverted and improved and Spring Vale Street would be upgraded to an adoptable standard.

No disabled parking or cycle storage has been provided for in the scheme, nor has the scheme made reference to how the scheme will address Energy Efficiency and Renewable Energy use.

Relevant Planning History

45553 – sought outline consent with siting and means of access to be considered for the erection of a block of 13 apartments. The application was withdrawn by the applicant prior to a decision being made.

Publicity

Press advertisement placed in the 8th June 2006 issue of the Bury Times – Site Notice posted 1st June 2006 – 30 adjoining occupiers consulted. 2 letters received, 1 from the occupier of No. 10 Spring Vale Drive and 1 from the occupier of 6 Sunny Bower Street, objecting to the proposal on the following grounds:

- The development would incur a loss of privacy to the houses and back gardens of the properties to the north
- The proposed development would not be in keeping with industrial character of the immediate area
- The application forms incorrectly state that the drainage would be as existing
- There is a right of way over to land to the south of Spring Vale Street which the current road layout does not allow for.

Consultations

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

Borough Environmental Services Officer – Contaminated Land - whilst a desk top study has been submitted with the application, as it currently stands the application contains inadequate information to assess the proposal properly. Pollution – states that a PPG24 Noise Assessment is required in order to assess the impact of noise from the nearby industrial and commercial uses on the proposed development. In the absence of such a document the application should be refused as it cannot be properly assessed.

Wildlife Officer – a fresh bat survey is required as the previous survey is now out of date.

Landscape Practice – no comments received.

Waste Management – the bin store is insufficient to accommodate recycling needs in the future.

Environment Agency – no comments received.

GM Police – No comments received.

Unitary Development Plan and Policies

PPG3 PPG3 - Housing

PPG24	PPG24 - Planning and Noise
PPG25	PPG 25 - Development and Flood Risk
RSS 13	Regional Spatial Strategy for the North West
EC2/2	Employment Land and Premises
H1/2	Further Housing Development
SPD7	DC Policy Guidance Note 7: Managing the Supply of Housing
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN5/1	New Development and Flood Risk
EN7/2	Noise Pollution
RT2/2	Recreation Provision in New Housing Development

Issues and Analysis

The main considerations of the application are the principle in relation to the loss of employment land and the creation of new dwellings against the Council's Housing Restriction Policy, the issue of flooding as well as the form and layout of the new development.

Employment Land

The applicant has submitted a supporting statement, however, the statement does not address the requirements set down in policy EC2/2 which seeks the retention of employment sites unless it can be demonstrated that they are no longer suited to an employment use. Rather than demonstrating that the site is no longer suited to employment use, the applicant has postulated that the site is surrounded by residential properties and that planning permission should be granted to improve the amenities of the surrounding area.

It is not accepted that the area surrounding the site is predominantly residential, whilst there are residential properties to the north of the site, a workshop with a flat over to the east and some terraced dwellings at the entrance to Spring Vale Street, the site is located on a street where the predominant uses are industrial or commercial. The site could be suited to its existing use if the applicant were to follow best practice guidelines in operating the site. It is therefore considered that the applicant has not demonstrated that the site is unsuited to future employment use. Furthermore, the site has increased value as employment generating land given its location close to the urban centre of Tottington, which is close to where people live, in a Borough with the highest levels of out-commuting in Greater Manchester. Moreover, Tottington is also the part of the Borough with the least available employment sites. As such, in the interests of sustainable development, the application site should be kept in employment use to allow future employment generating uses to locate here and to offer employment opportunities to the local population and thereby reducing the need to travel to work and the Borough's level of out-commuting. As such the proposed development is considered unacceptable as it would result in the loss of valuable employment land in Tottington.

Incompatible Uses

The application represents the intrusion of residential development into an existing employment area. PPG4 warns of incompatible uses being set together and the proposed development would introduce residential development immediately adjacent to other commercial uses. The levels of amenity which the future occupiers might expect in their homes could result in Environmental Health action to restrict the operations of the existing businesses to such an extent that it compromises their commercial viability. The applicant has not submitted a PPG24 Noise Assessment which evaluates the potential for noise

pollution from the existing premises on Spring Vale Street. As such, the application contains inadequate information to enable it to be properly assessed.

Housing Restriction Policy

The creation of 13 new dwellings conflicts with the Council's Housing Restriction Policy. The proposed development has not been demonstrated by the applicant to fall into any of the exclusions or exceptions of the Housing Restriction Policy neither does the scheme make a strategic or Borough-wide contribution to regeneration efforts. The proposed development by being granted consent would compromise regeneration efforts at both a Borough-wide and at a Regional level and should therefore be refused.

Flood Risk

In recent years the site has suffered from flooding from Black Brook which runs through a culvert that passes under the site. On the previous application, the Environment Agency objected to the then submitted scheme and stressed that a flood risk assessment would be required in addition to the diverted culvert, in order to evaluate the scheme together with a topographical site survey, to ordinance datum. As no such information has been submitted with the application, there is insufficient information to enable the scheme to be properly assessed.

Form

The application seeks outline consent for siting and means of access. Therefore, only a small element of its form can be assessed. The building is indicated to be part 3 storeys and part two storeys high which would be set back 1 metre from the back edge of footway. The building would be taller than all of the other buildings on Spring Vale Street except for No. 12, in use by Frank Dewar Flooring. The separation distance from the 3 storey section of the proposed blocks of flats to the town houses proposed under application 46133 would be 18 metres. The required minimum separation distance between the two should be a minimum of 24.5 metres (20 metres + 3 metres + 1.5 metres). As it is improbable that there would be no habitable room windows in either the south elevation of the block of flats or the north elevation of the town houses, there would be inadequate separation between the flats and the proposed town houses. Thus, the scheme due to its size, height and position would be unacceptable in terms of its form and should therefore be refused.

Layout

The layout of the scheme would provide 20 parking spaces but no allocated disabled space or cycle parking, a small bin store and a very small area of private amenity space. The parking provision amounts to just over 1.5 spaces per dwelling. The proposed development is considered not to make adequate provision for disabled parking, cyclist or visitor parking and makes inadequate provision for bin storage and collection. The dedicated private amenity space is considered to be unusable and inadequate. As such the scheme would be an overdevelopment of the site and would be unacceptable in terms of its layout and should be refused.

Public Consultations

In response to the letter of objection, the block of flats would materially increase the overlooking into the rear gardens of the residential properties to the north which currently have little or no overlooking. However, as this is an outline application and adequate separation distance between the block of flats and the houses on Spring Vale Drive has been achieved, it will only be at the reserved matters stage that the loss of privacy can be

assessed in full. The character of Spring Vale Street will change as a result of residential development being introduced. Of particular concern would be the impact of the new development on the viability of existing businesses discussed above. There is considered to be a lack of information in relation to Flood Risk and the proposed drainage cited as a reason for refusal.

Summary of reasons for Recommendation

The application is considered to be unacceptable in terms of loss of employment land and would conflict with the objectives of the Council's Housing Restrictions Policy. The scheme contains inadequate information in relation to Flood Risk Assessment, PPG24 Noise Assessment, Contaminated Land Survey and requires a fresh Bat Survey. The scheme would be unacceptable in terms of its form and layout. As such the application is recommended for refusal.

Recommendation: Refuse

Conditions/ Reasons

1. The proposed development would result in the loss of employment land and would prejudice the future viability of the existing industrial premises on Spring Vale Street and is thereby contrary to Policies EC2 - Existing Industrial Premises and Areas, EC2/2 - Employment Land and Premises Outside the Employment Generating Areas and H1/2 - Further Housing Development.
2. Sufficient sites have been identified within the Borough to meet the Regional Spatial Strategy for the North West housing requirements and to release this site would add to the oversupply of housing in Bury to the detriment of regional regeneration priorities. Therefore, the release of this site for residential development would be contrary to Policy H1- Housing Land Provision of the Bury Unitary Development Plan, Development Control Policy Guidance Note 7: Managing the Supply of Housing Land in Bury, and central government guidance in PPG3 - Housing and the Regional Spatial Strategy for the North West.
3. The application and submitted plans contain insufficient information, in relation to a Flood Risk Assessment, proposed drainage solutions, PPG24 Noise Survey and Assessment, Contaminated Land Survey and recent Bat Survey to enable them to be properly assessed.
4. The proposed development would, by reason of its size, position and design, be a prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:

H2/1 - The Form of New Residential Development.
5. The proposed development would be seriously detrimental to the residential amenities of the future occupiers of the proposed apartment block and the proposed town houses opposite under tandem application 46133, by reason of its size and position less than 24.5 metres separation distance. The proposed

development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:

H2/1 - The Form of New Residential Development

6. The proposed development would not provide adequate disabled or cycle parking, bin stores or usable private amenity and represents an overdevelopment of the site. As such the proposed development is unacceptable in terms of layout and thereby conflicts with the following policies of the Bury Unitary Development Plan:

H2/2 - The Layout of New Residential Development.

7. The proposed development does not make adequate provision for Recreation Open Space and is thereby contrary to Policies RT2/2 - Recreation Provision in New Housing Development.

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

Ward: Ramsbottom + Tottington - Tottington

Item 06

Applicant: P Healey

Location: SITE AT SPRINGVALE STREET, TOTTINGTON, BURY BL8 3LR

Proposal: OUTLINE APPLICATION FOR ERECTION OF 4 TOWN HOUSES WITH ASSOCIATED ACCESS IMPROVEMENTS

Application Ref: 46133/Outline Planning
Permission

Target Date: 17/07/2006

Recommendation: Refuse

A Committee Site Inspection has been requested by the Development Manager and Councillor Yvonne Wright.

Description

The application site is currently occupied by a vacant part timber, part brick building which lies to the south of Spring Vale Street, Tottington. The application site is rectangular in shape and also includes the unadopted Spring Vale Street.

The site is surrounded by commercial development to the north and east, to the north-west stands the building occupying Frank Dewar Flooring, No. 12 Spring Vale Street which incorporates a workshop on the ground floor with a dwelling over. To the west stands a row of lock-up garages whilst to the south lies the Green Belt.

The north of the site lies within the urban envelope of Tottington, however, the southern part of the site lies within the Green Belt, West Pennine Moors and Special Landscape Area.

The current application seeks outline consent with siting and means of access for consideration with all other matters reserved. The application proposes the erection of a row of 4, 3 bedroom town houses. The parking provision for the houses would be set in front of the houses, with 2 spaces per dwelling. The dwellings are proposed to be 2 and half storeys high with attic accommodation.

As part of the proposed development, the applicant has indicated his intention that Spring Vale Street would be upgraded to an adoptable standard.

No details have been provided of bin or cycle storage for in the scheme, nor has the scheme made reference to how the scheme will address Energy Efficiency and Renewable Energy use.

The application is linked to application 46127 for the erection of 13 apartments on the site opposite and directly to the north on Spring Vale Street.

Relevant Planning History

45552 – sought outline consent with siting and means of access to be considered for the erection of 4 town houses. The application was refused on the following grounds;

1. Oversupply of housing in the Borough
2. The loss of employment land
3. Inappropriate development in the Green Belt
4. The application contained insufficient information for it to be properly assessed
5. The application would be detrimental to the amenities of the occupiers of the adjoining properties.

Publicity

21 adjoining occupiers notified – 1 objection from the occupier of 6 Sunnybower Street objecting to the proposal on the following grounds:

- Although stated on the forms, the drainage will not be as existing
- The current drainage is not adequate
- The road layout does not maintain access rights to land to the south of Spingvale Street.

Consultations

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

Borough Environmental Services Officer – Contaminated Land – whilst a desk top study has been submitted with the application, as the application stands there is inadequate information to assess the application properly. Pollution – states that a PPG24 Noise Assessment is required in order to assess the impact of noise from the nearby industrial and commercial uses on the proposed development. In the absence of such a document the application should be refused as it cannot be properly assessed.

Wildlife Officer – a fresh bat survey is required as the previous survey is now out of date.

Landscape Practice – no comments received.

Waste Management – no comments received.

Environment Agency – no comments received.

GM Police – No comments received.

Unitary Development Plan and Policies

PPG3	PPG3 - Housing
PPG24	PPG24 - Planning and Noise
PPG25	PPG 25 - Development and Flood Risk
RSS 13	Regional Spatial Strategy for the North West
EC2/2	Employment Land and Premises
H1/2	Further Housing Development
SPD7	DC Policy Guidance Note 7: Managing the Supply of Housing
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN5/1	New Development and Flood Risk
EN7/2	Noise Pollution

OL1/5 Mineral Extraction and Other Dev in the Green Belt
OL7/2 West Pennine Moors
EN9/1 Special Landscape Areas

Issues and Analysis

The main considerations of the application are the principle in relation to the loss of employment land and the creation of new dwellings against the Council's Housing Restriction Policy, the issue of flooding as well as the form and layout of the new development and the change of use of land within the Green Belt to domestic curtilage.

Employment Land

The applicant has submitted a supporting statement, however, the statement does not address the requirements set down in policy EC2/2 which seeks the retention of employment sites unless it can be demonstrated that they are no longer suited to an employment use. Rather than demonstrating that the site is no longer suited to employment use, the applicant has postulated that the site is surrounded by residential properties and that planning permission should be granted to improve the amenities of the surrounding area.

It is not accepted that the area surrounding the site is predominantly residential, whilst there is a workshop with a flat over to the north-west of the site and some terraced dwellings at the entrance to Spring Vale Street, the site is located on a street where the predominant uses are industrial or commercial. Whilst the existing buildings may not be suited to continued employment use, this does not mean that the site is not. Indeed, there will no opportunity for redevelopment of the site for a new employment generating use if the site is granted planning permission for a residential use. Nevertheless, the site's value as employment generating land is at a premium given its location close to the urban centre of Tottington, which is close to where people live, in a Borough with the highest levels of out-commuting in Greater Manchester. Moreover, Tottington is also the part of the Borough with the least available employment sites. As such, in the interests of sustainable development, the application site should be kept in employment use to allow future employment generating uses to locate here and to offer employment opportunities to the local population and thereby reducing the need to travel to work and the Borough's level of out-commuting. As such the proposed development is considered unacceptable as it would result in the loss of valuable employment land in Tottington.

Incompatible Uses

The application would represent the intrusion of residential development into an existing employment area. PPG4 warns of incompatible uses being set together and the proposed development would introduce residential development immediately adjacent to other commercial uses. The levels of amenity which the future occupiers of the houses might expect in their homes could result in Environmental Health action to restrict the operations of the existing businesses to such an extent that it compromises their commercial viability. The applicant has not submitted a PPG24 Noise Assessment which evaluates the potential for noise pollution from the existing premises on Spring Vale Street. As such, the application contains inadequate information to enable it to be properly assessed.

Housing Restriction Policy

The creation of 4 town houses conflicts with the Council's Housing Restriction Policy. The proposed development has not been demonstrated by the applicant to fall into any of the exclusions or exceptions of the Housing Restriction Policy neither does the scheme make a

strategic or Borough-wide contribution to regeneration efforts. The proposed development by being granted consent would in fact compromise regeneration efforts at both a Borough-wide and at a Regional level and should therefore be refused.

Flood Risk

In recent years the site has suffered from flooding from Black Brook which runs through a culvert that passes under the site to the north. On the previous application, the Environment Agency objected to the then submitted scheme and stressed that a flood risk assessment would be required in addition to the diverted culvert, in order to evaluate the scheme together with a topographical site survey, to ordinance datum. As no such information has been submitted with the application, there is insufficient information to enable the scheme to be properly assessed.

Form

The application seeks outline consent for siting and means of access. Therefore, only a small element of its form can be assessed. The plan indicates that the town houses would be 2 and half storeys high and would be set back around 5.5 metres from the back edge of footway. The houses would be taller than almost all of the other buildings on Spring Vale Street except for No. 12, in use by Frank Dewar Flooring and the proposed apartments under application 46127. The separation distance from the town houses to the 3 storey section of the proposed blocks of flats would be 18 metres. The required minimum separation distance between the two should be a minimum of 24.5 metres (20 metres + 3 metres + 1.5 metres). As it is improbable that there would be no habitable room windows in either the south elevation of the block of flats or the north elevation of the town houses, there would be inadequate separation between the flats and the proposed town houses. The proposed dwellings, as on the previously refused scheme, would have an unacceptable impact on the dwelling at No. 8 Sunnybower Street due to inadequate separation distance. Thus, the scheme due to its size, height and position would be unacceptable in terms of its form and should therefore be refused.

Layout

The layout of the scheme would provide 8 parking spaces but no cycle parking provision or bin storage. The parking provision amounts to 2 spaces per dwelling which would be the upper maximum set by central government guidance. The proposed development is considered not to make adequate provision for the bin storage and recycling needs of the future occupiers of the dwellings nor for pedestrians to reach the front doors of the properties from the pavement. The space between the houses and the boundary of the site is considered to be very tight meaning that the scheme would be an overdevelopment of the site frontage. As such the proposal would be unacceptable in terms of its layout and should be refused.

Green Belt

The change of use of the land forming the southern part of the application site to domestic curtilage conflicts with the purposes of including the land within the Green Belt. The change of use of the land would not be for the purposes of agriculture, forestry, facilities essential to outdoor recreation nor for a dwelling for an agricultural or forestry worker and is therefore inappropriate development. In addition, the enclosure of the land would lead to urban sprawl which would be unacceptable. The development would harm the openness of the Green Belt and conflicts with the purposes of including land within it and should therefore be refused.

Public Consultations

The matter of drainage has been addressed above and the right of way over land is matter between the applicant and the objector.

Summary of reasons for Recommendation

The application is considered to be unacceptable in terms of loss of employment land and would conflict with the objectives of the Council's Housing Restrictions Policy. The scheme contains inadequate information in relation to Flood Risk Assessment, PPG24 Noise Assessment and requires a fresh Bat Survey. The scheme would be unacceptable in terms of its form and layout and its impact on the openness of the Green Belt. As such the application is recommended for refusal.

Recommendation: Refuse

Conditions/ Reasons

1. The proposed development would result in the loss of employment land and would prejudice the future viability of the existing industrial premises on Spring Vale Street and is thereby contrary to Policies EC2 - Existing Industrial Premises and Areas, EC2/2 - Employment Land and Premises Outside the Employment Generating Areas and H1/2 - Further Housing Development.
2. Sufficient sites have been identified within the Borough to meet the Regional Spatial Strategy for the North West housing requirements and to release this site would add to the oversupply of housing in Bury to the detriment of regional regeneration priorities. Therefore, the release of this site for residential development would be contrary to Policy H1- Housing Land Provision of the Bury Unitary Development Plan, Development Control Policy Guidance Note 7: Managing the Supply of Housing Land in Bury, and central government guidance in PPG3 - Housing and the Regional Spatial Strategy for the North West.
3. The application and submitted plans contain insufficient information, in relation to a Flood Risk Assessment, proposed drainage, PPG24 Noise Survey and Assessment, Contaminated Land Survey and recent Bat Survey to enable them to be properly assessed.
4. The proposed development would, by reason of its size, height and position, be a prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:

H2/1 - The Form of New Residential Development.
5. The proposed development would be seriously detrimental to the residential amenities of the occupiers of 8 Sunny Bower Street and the future occupiers of the proposed apartment block and the proposed town houses opposite under tandem application 46127, by reason of its size and position less than 20 metres from the dwelling to the south-east and less than 24.5 metres separation distance from the opposite block. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:

H2/1 - The Form of New Residential Development

6. The proposed development would not provide adequate storage for bins and recycling and by reason of the lack of space around and between the dwellings would not provide adequate separation from the boundary of the site or pedestrian access to the houses and as such represents an overdevelopment of the site. Therefore the proposed development is unacceptable in terms of layout and thus conflicts with the following policies of the Bury Unitary Development Plan:

H2/2 - The Layout of New Residential Development.

7. The proposed scheme would constitute inappropriate development in the Green Belt for which no very special circumstances have been put forward and is thereby contrary to policy OL1/5 - Mineral Extraction and Other Development in the Green Belt of the Bury Unitary Development Plan.

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

Ward: Ramsbottom + Tottington - Tottington

Item 07

Applicant: Adonhill Ltd

Location: 145 TURTON ROAD, TOTTINGTON, BL8 3QA

Proposal: DEMOLITION OF EXISTING DWELLING & ERECTION OF NEW DWELLING

Application Ref: 46275/Full

Target Date: 17/07/2006

Recommendation: Approve with Conditions

Description

The site forms the north west corner of the former nursery/garden centre on the south side of Turton Road to the east of Tottington village. The existing two storey red brick house fronts Turton Road and is set up from the road by approximately 3m. There is a hedge running along the front of the site, parallel to the road. Access is gained onto Turton Road by an existing entrance in the north west corner of the site. There are a group of mature trees and shrubs adjacent to the eastern boundary. These are to be retained.

To the west and south of the site is the former nursery/garden centre. This is currently vacant with most of the structures removed. To the south-east are residential properties fronting Turton Rd and Woodstock Drive. Across Turton Rd to the north are open fields.

The proposal is to demolish the existing house and replace it with a two storey house. The new house would have five bedrooms and a conservatory attached to the side. There is no garage proposed. It would have a conventional design with stone walls and a slate roof. It would have a total floor area of 393 sq metres. This equates to approximately a 30% increase over the floorspace of the existing house which measures 302sq metres, including the adjacent garages and outbuildings. The front elevation would be 17m from Turton Road at its nearest point. The conservatory on the eastern side of the house would be 7m from the nearest boundary.

The bat survey submitted with the application. It was concluded that there was some evidence of bat roosting found in one of the loft voids. Whilst the evidence was minimal, roosting is possible between tiles and roofing felt or under the ridges. Further surveys are recommended. Recommendations include:

- No demolition before further surveys are conducted.
- Consideration should be given to improving roosting, foraging and commuting potential in the new building.

Relevant Planning History

42958/04 Certificate of Lawfulness for existing residential use - **deemed not lawful 1/09/04**

43324 - Certificate of Lawfulness for existing residential use - **deemed lawful 22/02/05**

Publicity

Immediate neighbours notified - Three letters of objection from occupier of 143 Turton Rd, 34 and 38 Cann Street: Concerns are summarised below:

- Insensitive and inappropriate use of Green Belt.
- The proposal is contrary to policies protecting the openness of the Green Belt and

- preventing urban sprawl.
- As the nursery now no longer operates, the house should be demolished and land returned to meadow.
 - No need to demolish the existing house.
 - Unsustainable
 - The new house is too big.
 - The new house does not have a garage which means there may be an intention to build one in future and further reduce the openness of the Green Belt.
 - Will the new dwelling be used for business purposes?
 - The house extends further towards No.143.
 - A reduction in privacy and devaluation of No.143.
 - The new house would have an adverse affect on biodiversity of land around it and be contrary to Bury Wildlife Strategy.
 - The house would unbalance the local housing market.

Consultations

Traffic - No objections.

Drainage - No objection subject to conditions relating to foul and surface water drainage.

Borough Environmental Health Officer - No objection subject to contamination survey.

Unitary Development Plan and Policies

EN1/1 Visual Amenity

EN1/2 Townscape and Built Design

H2/1 The Form of New Residential Development

H2/2 The Layout of New Residential Development

OL1 Green Belt

OL1/2 New Buildings in the Green Belt

OL7/2 West Pennine Moors

H1 Housing Land Provision

Issues and Analysis

Housing Land Supply. The principle of the proposal is acceptable as replacement dwellings fall within one of the exclusions referred to in the Development Control Policy Guidance Note 7: Managing the Supply of Housing Land in Bury. This guidance supports UDP Policy H1- Housing Land Provision and central government guidance which states that no new houses should be approved in the Borough.

Green Belt Policy OL1/2 indicates that new buildings in the Green Belt are inappropriate unless they are, inter alia, replacement dwellings that are not materially larger than the ones they replace. It is generally considered that a 30-35% increase in the volume of the replacement house is generally deemed to be acceptable in principle and not cause material harm to the Green Belt.

Design and layout. In terms of design, the proposed replacement stone/slate house with its increased articulation, is considered to be more appropriate to its location in the Green Belt on the edge of Tottington Village than the existing house which is more suburban in character. The position of the house would be not significantly different to that of the existing house. The conservatory attached to the side of the proposed house would be 9m from the south-eastern boundary. This compares to the 10m from the side of the existing house to the same boundary. The difference is not considered to be significant in terms of its impact on the neighbour at No.14 who has objected to the scheme.

Traffic. As the development is a replacement house, it is considered that the traffic generated would not be significantly different to that of the previous house. There are

turning facilities within the site so vehicles can enter and leave the site without in forward gear without undue harm to highway safety.

Residential Amenity. It is not considered that the replacement dwelling would a significantly detrimental impact on surrounding properties. The nearest property at No.143 Turton road would be situated approximately 25m from the conservatory attached to the side of the new house. The impact of the replacement house is further mitigated by the mature trees and shrubs which run along the boundary on the south east side of the site between the two properties. Although the impact of the trees and shrubs would be less in winter, they would still create a significant veil of vegetation along this boundary. Houses along Woodstock Drive, Layfield Close and those on Cann Street are considered to be an appropriate distance away so as to not raise any amenity concerns. It is relevant to note that the it is recommended that the normal 'permitted development' rights should be removed through a condition should the application be approved. This ensures that the Local Planning Authority retain control over any possible future proposals to alter or extend the property in this sensitive Green Belt location.

Objections. Although the replacement house is larger than the existing, the increase in size is not considered to have a seriously detrimental impact on the openness of the Green Belt. It should be noted that should the application be approved, a condition removing any permitted development rights is recommended. This would prevent any inappropriate garages or other outbuildings being erected on the site. The footprint of the new house is closer to No.143 by about 3m. Given the existing gap between the properties and the planting along the boundary, this is not considered to be reason for refusal. Privacy would not be significantly affected given the distances to the boundary. It is not considered that the bio-diversity around the dwelling would be significantly affected as the trees are to be retained. With regard to the use of the dwelling, any change in the use, e.g to offices, would require planning permission.

Summary of reasons for Recommendation

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

The proposed house is a replacement of the existing house and therefore acceptable in principle and complies with Policy H1/2 and Development Control Guidance Note 7 - Managing the Supply of Housing Land in Bury.

In terms of design, layout and massing the proposed replacement house is considered to be acceptable and would not cause serious harm to the amenity of the area or openness of the Green Belt. 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 1231-STREETSCENE, 1231-SECTIONS2, 1231-EXISTING, 1231-PROPOSED and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.

3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. Notwithstanding the terms of the General Development Order 1995, or as subsequently amended, no development shall be carried out within the terms of Classes A to H of Part 1 and Classes A and B of Part 2 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed below.
5. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. It shall be implemented not later than 12 months from the date the building(s) is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
6. No trees, unless indicated otherwise on the approved plans, shall be felled, lopped or topped before or during the construction period without the previous written consent of the Local Planning Authority.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
7. The development hereby approved shall not commence unless and until a scheme of protection for all trees to be retained on site in accordance with BS 5837:2005 "Trees in Relation to Construction" has been submitted to and agreed in writing by the Local Planning Authority. The development shall not commence unless and until the measures required by that scheme have been implemented, to the written satisfaction of the Local Planning Authority and all measures required by the scheme shall continue until the development has been completed.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
8. 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.
9. The turning facilities indicated on the approved plans shall be provided before the development is brought into use and shall subsequently be maintained free of obstruction at all times.

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

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

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

11. Following the provisions of Condition 10 of this planning permission, where remediation is required, the approved remediation strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the conclusions and actions taken at each stage of the works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.

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

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

The approved contamination testing shall then be carried out and 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.

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

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

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

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

14. Prior to the demolition of the building permitted by this approval, a detailed survey shall be conducted, and the survey results established as to whether the buildings are utilised by bats. 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.

15. Development shall not commence until details of foul and surface water drainage aspects have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall subsequently be implemented in full and maintained thereafter to the satisfaction of the Local planning Authority.

Reason. To ensure proper drainage of the site.

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

Ward: Whitefield + Unsworth - Pilkington Park

Item 08

Applicant: Sedgley Park R U F C

Location: LAND AT PHILIPS PARK ROAD, WHITEFIELD

Proposal: ALL WEATHER SPORTS PITCH WITH ASSOCIATED FLOODLIGHTING & AMENDMENTS TO TRACK

Application Ref: 46164/Full

Target Date: 02/06/2006

Recommendation: Approve with Conditions

Description

The site comprises an area of land adjacent to the existing Sedgley Park Rugby Football Clubs training pitched off Philip's Road West, Whitefield.

The application is for the development of an all weather training pitch, with associated lighting, fencing and 3 car parking spaces together with the refurbishment of the access track from Philip's Park Road West.

Relevant Planning History

Consent was granted for a track around the site in 2005 (43931) and for the current training pitches in 1996 (31992/96). The latter of these two applications indicated that it was the club's intent to use this site for further training use in the future.

Unauthorised work started on the site for the widening and surfacing of the new access track and the re-grading of the site. Enforcement Notices have been served on the site and the Appeal against these notices are being held in abeyance following the submission of this application which may negate the need for them to progress as it includes the remedial measures needed to resolve the issues caused by the unauthorised works.

Publicity

19 neighbours have been notified and one letter of objection has been received from 38 Philip's Park Road West. The objection can be summarised as follows:

- over development of the site
- to much flood lighting in the area at present and this will make the situation worse
- additional traffic congestion
- poor history of the club compiling with planning regulations

Consultations

Environment Agency - no objections in principal subject to conditions

Greater Manchester Ecology Unit - no objections in principal subject to conditions

Highway Engineers - comments awaited

Environmental Health - no objections in principal subject to conditions

Sport England - supports the application

Greater Manchester Fire Service - no comments to make

Unitary Development Plan and Policies

EN6/1 Sites of Nature Conservation Interest SSSI's NNR's

RT1/2 Improvement of Recreation Facilities

OL1 Green Belt
OL5/2 Development in River Valleys
EN8/2 Woodland and Tree Planting
EN9 Landscape
EN7 Pollution Control
PPG23 PPS 23 - Planning and Pollution Control

Issues and Analysis

Principal - the site is located within the Green Belt on an area of land that has been granted approval for use for training in association with Sedgley Park Rugby Football Club based in Park Lane adjacent. In addition, the access road to the site has been approved under application 43931 and the application includes improvements to this track as part of the access proposals for the scheme. As such the use of the land for this purpose was established in 1996 and the access road in 2005. The application has been examined by Sport England and they have offered their support to the proposal subject to other matters not warranting refusal. Consequently, the scheme would be in accord with the previous approvals granted and not be of detriment to any of the Policies in the Unitary Development Plan, particularly OL1 - Green Belt and OL5/2 - Development in River Valleys.

Ecology - the site is adjacent to a Grade A site of Special Biological Interest and as such we should ensure that this development should not adversely impact on this site known as North Wood. Given the details submitted there is sufficient evidence to show that this should not be the case if the development is implemented in accordance with the plans submitted and the conditions imposed subject to these being carefully monitored. Consequently the proposed development conforms with the Policy EN6/1 - Site of Nature Conservation Interest and is acceptable.

Residential amenity - the site is set some 120m from Philip's Park Road West and 166m distance from the nearest residential property in Philip's Park Road West. The access road to the site has already been authorised and only limited parking for 3 vehicles has been provided. The site will also be regraded and the new pitch will be set some 1m to 2m below the existing land levels. Whilst the new fencing and flood lighting columns will project above the existing land levels by 2m in the case of the fencing and 8m in the case of the lighting columns, it is considered that these are set sufficiently far from the nearest residential property as to ensure their amenity will not be adversely affected. The traffic congestion in the area is limited to match days when the training pitches are not in use and as such it is not considered that this proposal will lead to an increase in traffic that will cause detriment to the residential amenity of the area. Consequently, the scheme accords with the policies in the Unitary Development Plan and should be approved.

Objection - these matters have been covered in the report above.

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:-

Whilst the site is located within the Green Belt and adjacent to a site of Special Biological Interest, the scheme fully complies with the Policies of the Unitary Development Plan and as such is acceptable.

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 7th April 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. 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 EN6/1 - Site of Nature Conservation Interest.
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 pitch is first used; 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 EN6/1 - Sites of Nature Conservation Interest and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
5. 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
6. Prior to the development hereby approved commencing:
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential contamination and/or ground gas risks have been identified, a detailed site investigation and suitable risk assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority;
 - Where remediation is required, a detailed Remediation Strategy shall be

submitted to, and approved in writing by, the Local Planning Authority.

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

7. Following the provisions of Condition X of this planning permission, where remediation is required, the approved remediation strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the conclusions and actions taken at each stage of the works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.

8. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site, and;
The approved contamination testing shall then be carried out and validity evidence (laboratory certificates etc) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site.
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

9. All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:
 - Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

10. 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.

11. The direction, fixing and colour of the flood lighting proposed, including a scheme showing the light spill and ground levels of illumination, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site.

Reason. To avoid undue distraction to traffic in the interests of road safety, and to protect the adjoining Site of Biological Interest pursuant to policies EN6/1 - Site of Nature Conservation Interest and RT1/2 - Improvement of Recreational Facilities of the Bury Unitary Development Plan.

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

Ward: Whitefield + Unsworth - Pilkington Park

Item 09

Applicant: Thai Lounge

Location: 14 RADCLIFFE NEW ROAD, WHITEFIELD, M45 7GY

Proposal: INTERNALLY ILLUMINATED SHOP SIGNS (Retention)

Application Ref: 46248/Advertisement

Target Date: 16/06/2006

Recommendation: Approve with Conditions

Description

The site comprises the new Thai Lounge restaurant at 14 Radcliffe New Road within the Whitefield Town Centre.

The proposal is for the retention of three internally illuminated signs, one fronting onto Radcliffe New Road and measuring 3m long by 638 mm high and one on the end gable measuring 800 mm square looking towards Elms Square with a further sign below with the telephone number.. The signs are internally illuminated and of magenta, white and black colours within an aluminium frame.

Relevant Planning History

Consent was granted for alterations and extensions to the restaurant in October 2005 that included a new shop front. Consent ref: 45220

Publicity

6 neighbours have been notified and objections have been received from No. 17 and 19 Radcliffe New Road. The objections can be summarised as follows:

- signs are too big
- signs are too bright
- illuminated signs are inappropriate

Consultations

Highways - no objections subject to a condition restricting the level of illumination.

Unitary Development Plan and Policies

EN1/9 Advertisements

Issues and Analysis

All advertisements are considered on the grounds of amenity and public safety as set out in the current Control of Advertisement Regulations.

Visual Amenity - the site is set within the Whitefield Town centre where appropriately sited and sized advertisements are appropriate. In this case the signs are located on the main frontage of the restaurant and looking towards Elms Square. They relate well to the massing and scale of the building and are not overly large. The modern type of sign reflects the character of the new frontage and as such it is not considered that they would look out of place or be inappropriate within this town centre setting and therefore conform with Policy EN1/9 - Advertisements of the Unitary Development Plan.

Residential Amenity - the signs are set across the road from residential property, the nearest 27.5m away. This section of Radcliffe New Road is close to the junction with Bury New Road and has a high level of illumination from the street lighting in the area. The sign facing these properties is set against the wall of the restaurant and viewed in the context of the restaurant and whilst it is illuminated it is set such a distance away, and in an area with a high level of nighttime illumination, as to sufficiently mitigate the impact of the illumination and as such the signs comply with Policy EN1/9 - Advertisements in the Unitary Development Plan.

Highway Safety - the positioning, colour and level of illumination area appropriate to the area and subject to a condition on the maximum level of illumination, no hazard should occur to highway safety and as such the signs comply with Unitary development Plan Policy EN1/9 - Advertisements.

Objections - these points raised have been covered in the main body of the report. Whilst the signs will have some impact on the residential properties opposite it is not considered that, given its commercial location within the Whitefield Town Centre and the ambient level of illumination, that this would be so great as to warrant refusal.

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 advertisements would conform with the policy of the Council as expressed in the Unitary Development Plan Policy EN1/9 - Advertisements and whilst they will have some impact on the residential amenities of the properties opposite, they are located within a commercial area of Whitefield Town centre and are of a discrete size and as such are appropriate and not so impactful as to warrant refusal of consent.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The luminance of the fascia sign(s) shall not exceed 1200 cd/m² (each).
Reason. To avoid undue distraction to traffic in the interests of road safety pursuant to policies EN1/9 - Advertisements of the Bury Unitary Development Plan.

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

Ward: Whitefield + Unsworth - Unsworth

Item 10

Applicant: Richardson Projects Ltd

Location: LAND OFF HOLLINS LANE/HOWARDS HILL, BURY

Proposal: 2 NO. DWELLINGS, LANDSCAPING & APPROVED ROAD

Application Ref: 46341/Full

Target Date: 06/07/2006

Recommendation: Approve with Conditions

Description

The proposal involves a modification to an approved residential development situated at Howards Hill off Hollins Lane. The approved development is for 19 dwellings including 10 detached houses and a three storey block of 9 flats and was granted on appeal.

The area of change is at the back of the development to the rear of the Hollins Bush Inn house, four cottages 261 to 267 Hollins Lane and Hollins Mount Farm. Here a plot of land previously unavailable has been acquired and cleared by the applicants and this has enabled a section of the approved layout to be amended. It is proposed to amend two detached houses next to the head of the intended access cul-de-sac by utilising the extra land. This would provide more side garden space in one case (plot 10) and at plot 9 a change of house type to provide a slightly larger unit, a better set back from the frontage as well as a main garden at the rear instead of to the side.

For completeness the application area includes the main access road from Hollins Lane and associated visibility splay but this has been approved as part of the original consent and is shown unchanged.

Relevant Planning History

39674/02 - Residential development (19 dwellings). Refused on 21st February 2003 for reasons including being detrimental to the amenity of nearby dwellings by reason of its height, size and position, not being appropriate to the design and form of surrounding development within Hollins Village and being premature to the production of a design statement for the locality. An appeal was allowed on 26th November 2003.

41124/03 - Residential development (19 dwellings). refused on 22nd October 2003 for the same reasons as 39674/02 above.

41641 - Formation of beer garden and car park to rear of the Hollins Bush Inn. Approved on 4th August 2004.

45363 - Improvements to existing unmade car park (adjacent land). Approved on 14th December 2005.

Publicity

54 properties in the surrounding area have been notified. An objection has been received from 268 Hollins Lane and it states "No flats in a village only bungalows".

Consultations

Borough Engineer - No response.

Environmental Health - Recommend conditions concerning contamination.

Unitary Development Plan and Policies

- H1/1 Housing Land Allocations
- H2/1 The Form of New Residential Development
- H2/2 The Layout of New Residential Development

Issues and Analysis

Principle - The proposal is to a modify part of an approved residential scheme. Although it involves an expansion of the scheme onto land not included in the consent this land is also within the UDP housing land allocation. There would be no increase in the number of units above the number already approved and, therefore, the development would not conflict with the current housing restrictions policy SPG7 Managing the Supply of Housing Land in Bury. The site was formerly occupied by cottages and, although these were demolished in the 1960's, there were traces of the former development on the land until the whole residential site and the extra area were recently cleared in preparation for development. Given the circumstances, it would be acceptable, in principle, to add this extra area to the overall development. Indeed, to omit it would result in an undeveloped and land locked pocket of land that could become overgrown and a source of nuisance.

Design - The inclusion of the land would make part of the overall housing layout better arranged with an improved relationship between the units at the head of the cul-de-sac and with the highway. The houses shown are of a similar type to those previously approved.

Residential Amenity - The units would maintain an acceptable degree of separation from other proposed units and existing residential property in the vicinity.

Access - For completeness the access road off Hollins Lane has been included in the application and does not differ from that originally approved.

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 layout, design and appearance of the dwellings is acceptable and would not have any adverse impact on the remainder of the development nor on adjacent properties.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
3. Prior to the development hereby approved commencing:
 - A contaminated land Preliminary Risk Assessment report to assess the

actual/potential contamination and/or ground gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;

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

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

4. Following the provisions of Condition 3 of this planning permission, where remediation is required, the approved remediation strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the conclusions and actions taken at each stage of the works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.

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

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

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

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

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

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

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

Reason - To secure the satisfactory development of the site in terms of human

health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

7. Prior to the commencement of the development, appropriate site investigations, gas monitoring and risk assessment shall be carried out to assess any possible risks associated with the production of landfill gas or ground gas. Where required, detailed design features shall be incorporated into the development, as shown necessary by the site investigation and risk assessment, to alleviate risks to the written satisfaction of the Local Planning Authority, and;
A Site Verification Report detailing the design and installation of the incorporated design features, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.
Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

8. The landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building(s) is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan..

9. This decision relates to drawings numbered EL/116/10, EL/116/11, EL/116/12, SD/3/1, GD/01/2, RP/20/1, RP/20/2 and RP/21/1 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.

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

