

Ward: Bury East

Item 01

Applicant: Greene King Brewing & Retailing Ltd

Location: KNOWSLEY HOTEL, 46 HAYMARKET STREET, BURY, BL9 0AY

Proposal: ERECTION OF A SINGLE ARC FABRIC CANOPY TO PROVIDE COVERED SMOKING AREA

Application Ref: 47950/Full

Target Date: 11/06/2007

Recommendation: Approve with Conditions

Description

The Knowsley Public House is situated within the Bury Town Centre Conservation Area on the corner of Haymarket Street and Moss Street. It is the end property on a row of mainly A5 uses. Opposite is Kay Gardens and the bus interchange. Across the site to the south on Moss Street is The Bury Athenaeum. To the rear is Back Market Street with the former Arts and Crafts Centre beyond. The main entrance to the pub is accessed off Haymarket Street with an opening to the rear yard area for servicing and deliveries. There is an existing carport/ structure behind the boundary wall on the south elevation.

It is proposed to provide a new covered area within the rear yard area in the north western corner of the site. It would incorporate a single arc fabric canopy supported on timber beams and posts and fixed permanently into concrete bases. It would be 9 square metres in area, and 2.8m at its highest point.

Relevant Planning History

Not Applicable

Publicity

Neighbours notified at 44 Haymarket Street, 34 Back Haymarket Street, Former Arts and Crafts Centre, Broad Street, Public Library and Art Gallery, Moss Street, The Bury Athenaeum, Moss Street.

A press advert was posted on 26th April 2007 in the Bury Times.

A site notice was displayed in the immediate vicinity on 23rd April 2007.

A letter of objection received from The Bury Athenaeum which raised the following issue:

- the proposal would create excessive noise

Consultations

Environmental Health - no comments to make

Conservation Officer - no objection to the application

Unitary Development Plan and Policies

EN2/1 Character of Conservation Areas
EN2/2 Conservation Area Control
Area Bolton Street/Market Place
BY3
S1/1 Shopping in Bury Town Centre
S2/3 Secondary Shopping Areas and Frontages
C78 Pyramid Park

Issues and Analysis

Appearance and Siting - The public house is located within a conservation area and is therefore subject to UDP Policies EN2/1 - Character of Conservation Areas EN2/2 -

Conservation Area Control. These policies seek to preserve or enhance the character and appearance of the conservation area and implement measures to preserve and protect these areas. The site of the proposed shelter area is well hidden within the rear yard area which is enclosed by a brick wall and gates. It would be 0.2m above the height of the rear wall and not readily visible from the public highway. The proposed shelter with its open sides and flat roof would have a lightweight and inconspicuous profile. In design terms it is considered the shelter would not be a strong feature within the conservation area and is acceptable. It would comply with UDP policies EN2/1 and EN2/2.

Amenity - UDP Policy S2/6 - Food and Drink is concerned with issues of local amenity with regard to noise, smell, visual intrusion and hours of operation. The concerns of the objector regarding disturbance to the visitors of the The Bury Athenaeum are relevant and material considerations. However, the shelter would be 32m from the back of The Bury Athenaeum and given the boundary screening and size of the shelter, the level of noise emanating from the shelter is considered not to be serious enough to warrant a refusal. There are no windows on the rear of the Arts and Crafts Centre which would overlook the structure.

The area is commercial in nature with many of the businesses in A5 use. There would be no other properties affected by the proposals in the immediate vicinity. It would comply with UDP Policy S2/6.

Access - Access to the shelter would be from the rear lobby entrance from the pub to the yard.

Objection - It is considered that the noise and disturbance generated by customers in the covered area would not be serious enough to warrant refusing the application given the position of the shelter and the commercial nature of the surrounding area.

Summary of reasons for Recommendation

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

The proposed development is acceptable in principle and considered appropriate and in keeping with the existing Public House and would not have a detrimental impact on the streetscene and the character of the conservation area.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 16/4/2007 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 **Jennie Townsend** on **0161 253-5320**

Ward: Bury East

Item 02

Applicant: Land Securities Trillium Ltd

Location: BURY EMPLOYMENT SERVICE, SILVER STREET, BURY, BL9 0DP

Proposal: REPLACE STEEL FRAMED WINDOWS WITH DOUBLE GLAZED ALUMINIUM FRAMED WINDOWS (RESUBMISSION)

Application Ref: 48015/Full

Target Date: 22/06/2007

Recommendation: Approve with Conditions

Description

The site is an existing town centre building within the Bury Town Centre Conservation Area. The terrace properties to the rear and side are Grade II Listed Buildings as are the Art Gallery / Library building and St. Marie's Church facing.

The proposal is to replace the existing steel framed windows with double glazed aluminium framed windows.

Relevant Planning History

47095 – Replace steel framed windows with uPVC double glazed windows – Withdrawn March 2007

Publicity

Immediate neighbours on Manchester Road, St Mary's Place and Moss Street were written to on the 3rd May 2007.

A press advert was posted on 24th May 2007 in the Bury Times.

A site notice was displayed in the immediate vicinity on the 8th May 2007.

A letter of objection has been received from 4/6 St Mary's Place which has raised the following issue:

1. The use of aluminium further depleted the earth's natural resources. The windows should be replaced in wood from sustainable forests.

Consultations

Conservation Officer – No objection

Unitary Development Plan and Policies

Area	Manchester Road/Knowsley Street
BY4	
EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN4/2	Energy Efficiency

Issues and Analysis

Principle – The site is a two storey late 1960's flat roof building with an established use as the Job Centre. The steel framed windows to be replaced have suffered from corrosion and are single glazed that have a high thermal loss. Bury UDP Policy No. EN4/2-Energy Efficiency states the Council will encourage energy efficiency through design of developments therefore the proposal of double glazed replacement windows is acceptable

in principle.

Visual Amenity/Effect on Conservation Area – Bury UDP Policy No. EN2/1-Character of Conservation Areas seeks to preserve the character or appearance of the Borough's Conservation Areas. For that reason, although not listed, it is intended that the original appearance of the building should be maintained. The design and materials for the replacement windows are in keeping with the design and style of the existing windows therefore integrity of the building is being maintained. For that reason the proposal conforms to Bury UDP Policy No. EN2/1-Character of Conservation Areas.

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 replacement windows will not harm the appearance of the Bury Town Conservation Area nor the character of the surrounding area. It will not affect the amenities of surrounding residents nor adversely impact on highway safety issues.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 2498-Y9-L-A004 and plans received on 27th April 2007 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 Bury UDP Policy EN1/2 - Townscape and Built Design EN2/1-Character of Conservation Areas; EN2/2-Conservation Area Control and EN4/2-Energy Efficiency.

For further information on the application please contact **Janet Ingham** on **0161 253 5325**

Ward: Bury East - Moorside

Item 03

Applicant: DANIEL THWAITES PLC.

Location: SUNDIAL HOTEL, 312 WALMERSLEY ROAD, BURY, BL9 6QF

Proposal: TOILET EXTENSION & ERECTION OF TWO SMOKING CANOPIES AND LANDSCAPING

Application Ref: 48039/Full

Target Date: 27/06/2007

Recommendation: Approve with Conditions

Description

The Sundial Public House is situated on the corner of Walmersley Road and Lowes Road in a predominantly residential area. The front of and main access to the property faces Walmersley Road and there is a car park to the north of the property for approx 10 cars. To the north, east and across Walmersley Road are residential properties with new build apartments located opposite Lowes Road on the old Bury General Hospital site.

The application is for a toilet extension, rear porch, erection of two smoking canopies, bin store and associated landscaping. The toilet extension would project from the side of the existing male toilet by approx 2.2m and be brick built with a flat roof. The rear and side yard area would be made into a formal beer garden area with the first smoking shelter. This shelter would be 4.5m wide by 4.5m long and with a pitched roof 4.3m at the highest point. A new covered porch area will link the lounge bar of the pub to the beer garden and this will be brick built with a flat roof. The second smoking shelter would be in the form of a lean-to structure on the northern side elevation of the pub on land forming part of the existing car park and this would be 9.5m in length, 1.6m wide and 4m in height. A new door will be provided in the northern elevation to link the pub to this area. A new brickwork bin store would be created alongside the car park entrance behind the existing front boundary wall. A 1m high wrought iron fence will be provided along the entire length of the new beer garden on its northern side to separate the area from the existing car park.

Relevant Planning History

42229/04 - single storey extension at the rear, formation of beer garden - approved 2004

Publicity

Neighbours notified at 309-321 (odds) and 314 - 322 Walmersley Road, Flats 1-34 Harry Whitehead Court, Lowes Road, Flats 45-67 Derby Court, Walmersley Road..

A site notice was displayed in the immediate vicinity on 14th May 2007.

Letter of objection received from No 314 Walmersley Road. The main issues raised were

- litter and debris are already thrown into their garden
- noise levels are high due to the congregation of patrons outside
- the smell of smoke and alcohol filters through to their premises would be exacerbated
- existing vandalism of property
- value and salability of house would be affected

Consultations

Environmental Health - no objections. Conditions attached

Highways Team - no comments received

GM Police Architectural Liaison Unit - no comments received

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

Issues and Analysis

Appearance and Siting - The proposed toilet extension and rear porch would be minimal in size, situated at the rear of the site and would not be detrimental to the character of the area.

The first smoking shelter is within the new beer garden area and would be located against the existing boundary of the site adjacent with Back Walmersley Road East. Given its position within the site it would not be readily viewed from the public highway. Although it could be viewed from the upper floors of the flats to the rear of the site the separation distance of 16m and the boundary brick wall would mitigate the impact of their visual amenity.

The second proposed smoking shelter, on the northern elevation of the pub within the existing car park, would be 1.6m in depth and would be partially screened by the brick wall which goes along the front boundary of the site. Whilst it would be 0.5m higher than the boundary wall the majority of the structure would not readily visible from the public highway, additionally the style of the canopy is in keeping with the character of the building and as such will not detract from the visual amenity of the area.

The proposed bin store is located immediately adjacent to the car park entrance off Walmersley Road and would be hidden behind the existing boundary wall. In terms of size and design, these structures are considered to comply with the provisions of UDP Policy EN1/2 - Townscape and Built Design.

Residential amenity - UDP Policies S2/6 - Food and Drink and H3/1 - Assessing Non-Conforming Uses are concerned with issues of residential amenity such as noise, smell, visual intrusion and hours of operation. The concerns of the objector regarding increase in noise, disturbance and smoke pollution are material planning considerations. The open nature of the smoking shelters at the side and rear are likely to increase levels of noise from customers using it. However, there is an existing beer garden and yard area which is currently in use by customers to the pub. It is therefore considered the level of noise associated with the proposed developments would not be serious given the boundary screening to the front, side and rear of the site. Any further disturbance would also be mitigated by the structure being 11m from the blank gable wall to No 314 Walmersley Road, the existing boundary of which is formed by the property gable and 2m high boundary wall the entire length of the car park. Additionally, any additional noise can now be controlled by restrictions regarding the hours of use and noise from loud speakers. In terms of residential amenity, the proposals are considered to comply with UDP Policies S2/6 and H3/1.

Access - It is proposed the new side and rear entrance doors will have a level threshold and will be wide enough to accommodate a wheelchair. As part of the internal works there is provision for a disabled toilet.

Objections - It is considered that the proposed covered areas would not exacerbate the situation with regard to noise and disturbance generated by customers and would not be serious enough to warrant refusing the application. The objectors experience of vandalism and abuse whilst unpleasant and upsetting are not material planning considerations.

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 developments are considered to be acceptable and in keeping with the public house and would not detrimentally harm the residential amenity of the immediate neighbours or affect the character of the area.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 2/5/2007 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. The proposed smoking shelters shall not be available for use by customers outside the following hours - 0900 hrs to 2200 hrs daily.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.
4. There shall be no loud speakers or amplified music provided to the external areas, including the proposed smoking shelters, at any time.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.
5. Prior to the installation of the shelter/canopy/covered area a scheme for any proposed external lighting to the area shall be submitted to and approved in writing by the Local Planning Authority,. The lighting shall then be installed in accordance with the approved scheme only prior to the first use of the shelter/canopy/covered area and thereafter be maintained in perpetuity and in accordance with the scheme approved.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.

For further information on the application please contact **Jennie Townsend** on **0161 253-5320**

Ward: Bury West - Church

Item 04

Applicant: Education Dept

Location: CHANTLERS COUNTY PRIMARY SCHOOL, FOULDS AVENUE, ELTON, BURY, BL8 2SF

Proposal: PROVISION OF NEW PRE-SCHOOL; COVERED PLAYGROUND EXTENSION TO EXISTING SCHOOL; TOYSTORE; FENCING; ACCESS PATHS

Application Ref: 47995/Full

Target Date: 29/06/2007

Recommendation: Approve with Conditions

Description

The site is an existing primary school set in its own grounds at the head of a residential cul-de-sac. There is an existing pre-school building on the site consisting of three joined re-locatable buildings (76 sq m) that are near the end of their life and are not capable of being re-positioned. The school has a roll of 240 children and the pre-school has a roll of 24 children, total 264 children. These numbers will not change as a result of this application.

19 Foulds Avenue, the end property which is side on to the existing pre-school building has three windows in the side elevation and a minimum separation distance of 20m.

The properties on Ainsworth Road that back on to the site have a back garden length of approx. 28m, there is a separation distance of approx. 53m to the existing pre-school building and approx 38m to the proposed pre-school building.

The proposal has several elements. These are:

- A new pre-school building consisting of 5 joined re-locatable buildings (146 sq m), although there is no proposed increase in the number of children. It is to be positioned 10m further away from the main school building and again, set in line with the main school building.
- A 5m wide covered play area extension at the side of the existing school building that has roller shutters between the brick columns for security.
- A 2m high fence to enclose an outdoor play area adjacent the covered play area.
- A 6 sq m toy store adjacent the new pre-school building
- Associated access paths to the new buildings.

Relevant Planning History

There has been one previous application on the site for a classroom extension and store and a prefabricated classroom (which is the subject of this applications) and this was granted consent in 1994 case ref: 30021/94.

Publicity

27 surrounding properties on Foulds Avenue, Ainsworth Road, Stapleford Close and Rose Grove have been notified.

A letter has been received from the occupier of 11 Foulds Avenue expressing concern about traffic congestion and car parking problems that have been ongoing for some time, are continuing and are expected to get worse.

Consultations

Highway Team – No objection.

Drainage Team – No objection subject to informative's.

Environmental Health – No objections subject to conditions.

GM Police – Comments awaited.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
CF2	Education Land and Buildings
CF5	Childcare Facilities
HT5/1	Access For Those with Special Needs

Issues and Analysis

Principle – The use of the site as an educational centre for pre-school and school age children is of long standing and consequently the principle of the proposal is already established. The land to be used is a grassed area not part of the playing fields. The design and access statement confirms that the proposal is to improve the existing accommodation and not to increase the pupil numbers. As such the proposal complies with Bury UDP Policies CF2-Education Land and Buildings and CF5-Childcare Facilities.

Visual Amenity – The materials, design and finishes of the covered play area to the school, fencing and paths are to be in keeping with the existing school building. The new pre-school unit would replace the existing dilapidated unit. Hence in terms of appearance the proposal would improve on the existing situation and therefore comply with Bury UDP Policy EN1/2-Townscape and Built Design.

Residential Amenity – Given the separation distances of the new pre-school building to the surrounding properties, that there is no increase in numbers of children and the proposed opening hours (0800 to 1730 Monday-Friday) it is unlikely that there will be increased disturbance to local residents.

Disabled Access – The proposal includes the provision of ramped access to and from the buildings and level access paths and therefore complies with Bury UDP Policy HT5/1-Access for those with Special Needs.

Highway Safety – Although the proposed pre-school building would be larger than the existing pre-school it is replacing, the number of children would not increase beyond the current use. Therefore the number of vehicular movements off Ainsworth Road/Elton Vale Road onto Foulds Avenue is unlikely to increase.

Objection - The issue of highways has been dealt with in the section above and whilst it is material, it is not considered that the replacement of the existing buildings by the new building, with no increase in children on the schools roll, will impact adversely on highway safety and as such will not warrant refusal of the application.

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 new improve facilities at the school and replacement pre-school building would improve the educational value of the site. The proposal is not considered to be detrimental to amenity of the surrounding residents nor highway safety. The proposal complies with Bury Unitary Development Plan Policy No EN1/2-Townscape and Built Design; CF2-Education Land and Buildings, CF5-Childcare Facilities; HT5/1-Acess for those with Special Needs. 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 KB/06316-Planning Pro & KB/06316-Planning/ Exis 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 Bury UDP Policy EN1/2 - Townscape and Built Design
3. The external finishing materials for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. 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.
5. If during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales to the approval of the Local Planning Authority.
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

For further information on the application please contact **Janet Ingham** on **0161 253 5325**

Ward: Bury West - Elton

Item 05

Applicant: Bury MBC Children's Services

Location: WOODBANK CP SCHOOL, BRANDESHOLME ROAD, BURY, BL8 1AX

Proposal: PROPOSED SINGLE STOREY BUILDING AND ASSOCIATED SITE WORKS FOR CHILD AND FAMILY CARE SUPPORT.

Application Ref: 48115/Full

Target Date: 11/07/2007

Recommendation: Approve with Conditions

Description

The proposal site is within the grounds of Woodbank Primary School and the development comprises a single storey building (18m x 9m, 2.5m high to eaves level and 4.3m to the ridge) located to the westerly side of the school. A separate access path leading from Brandlesholme Road would be provided via its own separate dedicated gate.

To the front of the school is a wooded area with a number of interspersed mature trees, a car park and an informal play area.

The scheme is submitted as part of a Borough wide initiative to provide a Sure Start Children Centres as part of the 'Every Child Matters: Change for Children Programme'. Each building is to offer core services through an arrangement of co-ordinated outreach links to offer -

- Links to early years provision, through the existing school and other local provider provision;
- Child and family health services;
- Family support and outreach services;
- Links to Jobcentre Plus and Children's Information Services for information and guidance provision;
- A central point / hub of delivery and co-ordination for integrated services for 0-5 year olds and their families.

A further 3 car parking spaces are to be provided and 2 specifically for disabled purposes.

Relevant Planning History

None relevant.

Publicity

34 letters were sent to neighbouring properties on Brandlesholme Road, Grantham Drive and The Woodlands on 24th May 2007. A site notice was erected on 25th May 2007. As a result of this publicity, no letters of objection have been received.

Consultations

Traffic Team - Any response will be reported.

Drainage Team - Any response will be reported.

Environmental Health - Any response will be reported.

Education - Any response will be reported.

G M Police - Any response will be reported.

Unitary Development Plan and Policies

CF1/1 Location of New Community Facilities

Issues and Analysis

Principal - The proposal seeks to provide local family services utilising an existing education facility and its grounds. UDP Policy CF1/1 - Location of New Community Facilities considers that issues such as -

- the impact upon residential amenity;
- traffic generation;
- car parking;
- size, scale and design
- the proposals location in relation to the area it is intended to serve;
- accessibility and the needs of the disabled.

Height, Scale and Design - The scheme has been submitted with a design and access statement. The proposed building would be a single storey building set well back from the main road frontage and is also lower in level to the main road by approximately 1.0m. The appearance of the building is simple and functional, with brick elevations and profiled sheet roof. The siting of the building would be well screened and would be set in context with buildings of similar heights and design. As such, the building would be acceptable in terms of height, scale and design.

Trees - The siting of the building has been chosen to ensure that no trees would be lost as a result of its implementation. There is currently significant tree screening along the frontage and particularly to the westerly boundary, so much so that the building would not be visibly perceptible from main public areas or from the nearest residential properties.

Access and Car Parking - The design and access statement confirms that there would be level access into the building and that there would be a level access from the pavement with no significant cross falls on the proposed path access. Two disabled parking bays are proposed within the existing car park and the scheme proposes to slightly realign the car park fence to enable three extra car parking spaces to be provided. The scheme envisages that the service would be used by local people and experience of this rationale has indicated that spaces are not necessary for more than the three staff proposed to run the centres. No trees are proposed to be lost as a result of slight increase of car parking area, although the fencing and back edge of the car park would be close to one of the trees. As such the scheme would comply with UDP Policies HT2/4 and HT5/1.

Residential Amenity - The building would be a low profiled development and given the existing tree cover, differences in levels and siting, the development would not have a significant impact beyond the boundaries of the site itself.

Given the above considerations, it is considered that the principal and the details of the scheme are acceptable and would comply with the UDP policies used to consider such proposals.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-
The development would provide an essential local facility to be used by local people. The development would be a low profiled building and would not be readily visible from outside the application site itself. The scheme would comply with UDP Policies and there are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered E06324 A02, A03PLG, A04PLG 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 including the colouration of such materials 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.

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

Ward: North Manor

Item 06

Applicant: Mr P Walsh

Location: FIELD ADJACENT TO HOLCOMBE HEY FOLD FARM, HAWKSHAW LANE,
HAWKSHAW, BL8 4LD

Proposal: ERECTION OF TWO STABLES WITH TACK ROOM AND HAY STORE

Application Ref: 48048/Full

Target Date: 28/06/2007

Recommendation: Approve with Conditions

Description

The site comprises the corner of a field at the top of Hawkshaw Lane adjacent to Holcombe Hey Fold Farm and Footpath No. 7 in Hawkshaw.

The site is bounded by a stone wall on the south and western sides and there is a tree in the south western corner. The land slopes up from Hawkshaw Road and Footpath No. 7 runs immediately to the west of the sites stone boundary wall.

The proposal is for a stable block of 2 stables with associated tack room and hay store. The building is to be of timber construction and measures some 12m by 5.6m floor area and 2.8m to the eaves, 4.2m to the ridge. The building is to be set at the ground level at the southern end so that it will be set some 644mm into the ground at its northern end.

The walls are to be of timber construction and the roof will be black corrugated sheeting.

Relevant Planning History

Two previous applications for 3 stables on the site were withdrawn by the applicant to allow negotiations with the planning department (46656 & 47761)

Publicity

Immediate neighbours and people who had made representations on the previous applications were written to on the 11th May 2007. A site notice was placed on the 11th May 2007 and as a result of this publicity comments have been received from 10, Grosvenor Way, Horwich, Holcombe Hey Fold, Holcombe Hey Fold Farm, 66 Bolton Road and the Ramsbottom Heritage Society. The comments can be summarised as follows:

- due to its location and size the proposed development would be injurious to the landscape quality of the area in general and the West Pennine Moore area of Special Landscape Value in particular
- the proposal is contrary to Development Control Policy Guidance Note 10 - Planning for Equestrian Development
- the leveling of the site will damage the landscape
- the foundation construction is of a permeant type
- internal block work partitioning is inappropriate
- position of septic tank and soakaway may affect existing spring water.
- there is inadequate land to cater for 2 horses and the grazing is only suitable for sheep

Consultations

Highways Team - no objections subject to standard conditions

Drainage Team - no objections

Environmental Health - no objections

Landscape Practice - no objections

Unitary Development Plan and Policies

OL1/2	New Buildings in the Green Belt
OL4/7	Development Involving Horses
OL7/2	West Pennine Moors
EN9/1	Special Landscape Areas
SPD8	DC Policy Guidance Note 8: New Buildings in the Green Belt
SPD10	Planning for Equestrian Development

Issues and Analysis

Green Belt and West Pennine Moor Area of Special Landscape Value - Policies OL4/7 - Development Involving Horses and Development Control Policy Guidance Note 10 - Planning for Equestrian Development are particularly relevant to this application along with OL7/2 - West Pennine Moors.

Policy OL4/7 states 'The keeping of horses for recreational purposes or as part of commercially based equestrian activities will be considered acceptable where it would not have an adverse effect on the appearance of the rural areas. In particular, high standards of design, construction and maintenance will be expected as part of any development proposals.' DCPGN 10 then explains in more detail the types of locations, siting and materials that are appropriate so as to ensure that the buildings do not harm the appearance of the rural area and they are itemised below:-

Need - the applicant currently owns 2 horses and lives at Holcombe Hay Barn. The land surrounding the property is not in the applicants ownership and there are no buildings available for conversion nearby. As such the proposal is considered to comply with DCPGN 10 and is acceptable.

Siting - the proposed stables and associated tack room/hay store are located at a corner of a field immediately to the north of Hawkshaw Lane. The boundary to Hawkshaw Lane is formed by a stone wall and there is a mature tree situated in the corner. The stables are to be located some 9m north of the wall, 5.5m north of the tree and an average 4.5 m from the stone wall on the west of the site forming the boundary to Footpath No. 7. The filed slopes up from Hawkshaw Lane at this point and as such the building will be seen against the tree, stone walls and hillside and will not break above the skyline. As such the siting is considered to comply with DCPGN 10 and is acceptable.

Design - The size of the stables and store, together with the main construction of dark brown stained timber wall and black corrugated roof comply with DCPGN 10. The interior block work wall of 1.2m in height also comply with the guidance set out in DCPGN 10 and as such are acceptable.

Drainage & Waste - surface water run off from the building is via a soak away and it is proposed that the manure produced in the stables will be managed by storage on a sealed trailer which will be emptied by a local farmer or recycled for domestic use. This is in accordance with guidance set out in DCPGN 10 and as such is acceptable.

External Areas - the area immediately outside the stables is to be formed from local crushed and compacted sandstone. As such this conforms with DCPGN 10 and is acceptable. Consequently, the policy framework allows development for equestrian purposes providing that it conforms with the detailed guidance set out in DCPGN 10.

The site is also located in the area covered by UDP Policy OL7/2 - West Pennine Moors. This policy states 'Throughout the area of the West Pennine Moors, as defined on the Proposals Map, the Council will control development and manage recreational activity and public access, so as to reduce any possible detrimental effects these may have on the important character of the area. In considering proposals for development particular regard will be had to the effect on the following:

- agriculture and forestry;
- water catchment;
- settlements;
- landscape character;
- ecological and geological features;
- archaeological and historic features.'

This policy sets out the criteria that need to be assessed when considering any application within its designation. In this instance the principal criteria relates to the buildings impact on

the landscape character of the area. Given the fact that the building is located in the corner of a field, below the skyline and screened from the south and west by a stone wall it is not considered that it would impact so adversely on the landscape character of the area as to warrant refusal. As such it is considered that the proposal is in accord with UDP Policy OL7/2.

Public Comments - the issues raised in the public comments with regard to the adverse impact of the character of the area, contrary to DCPGN 10 and the internal block work have been covered in the sections above. The issue of the foundations is a Building Regulations issue and for a building of this size are appropriate. The setting of the building on a level site will need some excavation of a maximum of 644mm along a length of 12m. This is not, within the context of the site, considered to be so great as to cause harm to the character of the area sufficient to warrant refusal under UDP Policy OL7/2 and as such is considered acceptable.

Summary of reasons for Recommendation

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

Having regard to the stated policies of the Unitary Development Plans and, in particular Development Control Policy Guidance Note 10 - Planning for Equestrian Development, it is considered that the need for the building is reasonable and the sitting of a stables and associated tack room and hay store at the corner of the field will not impact adversely on the character of the area 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 drawings numbered 2006/06/06/0204 DWG/04R rev. D/02/05/07 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. The stables hereby permitted shall be used for the domestic purposes only. They shall not be used in part or whole for any commercial livery, equestrian or other use.
Reason: In the interests of amenity having regard to the location of the site pursuant to Policies OL1/2 – New Buildings in the Green Belt and OL4/7 - Development Involving Horses of the Bury Unitary Development Plan and the associated Development Control Policy Guidance Note 10: Planning for Equestrian Development.
4. Any removeable structures related to the equestrian use of the site such as jumps shall be removed and stored to the satisfaction of the Local planning Authority, away from public view, when not in use.
Reason: In the interests of visual amenity pursuant to Policies OL1/2 – New Buildings in the Green Belt and OL4/7 - Development Involving Horses of the Bury Unitary Development Plan and the associated Development Control Policy Guidance Note 10: Planning for Equestrian Development.

5. The scheme for the containment and storage of manure shall be constructed, completed and implemented, in accordance with approved plans and statement.
Reason: To prevent the pollution of the environment pursuant to Policies OL1/2 – New Buildings in the Green Belt and OL4/7 - Development Involving Horses of the Bury Unitary Development Plan and the associated Development Control Policy Guidance Note 10: Planning for Equestrian Development.

6. 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.

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

Ward: Prestwich - Sedgley

Item 07

Applicant: Inspired Developments Ltd

Location: 84 & 88 HEYWOOD ROAD, & 26, 29, 30 & 32 HEYWOOD GARDENS, ON THE SITE OF 84 HEYWOOD ROAD, PRESTWICH, M25 1FN

Proposal: AMENDMENT TO HOUSE TYPES TO INCLUDE DOMESTIC WIND TURBINE ON GABLES

Application Ref: 47807/Full

Target Date: 25/06/2007

Recommendation: Approve with Conditions

Description

The site is a former industrial premise that has permission for and is currently being redeveloped with 10 traditionally brick built town houses (see history below). These are three storey accommodation with the top floor contained within the roof space in two blocks of three units and one block of four units. This application is to add a domestic wind turbine to the side elevation of the end units on each block (6 in total). The diameter of each of the proposed wind turbines' blade sweep is 1.6m and the tip of which are to be 1.65m above the height of the ridge of the houses.

The residential properties on Heywood Gardens to the north and east are a minimum of 23m away across the parking areas. The residential properties on Randlesham Street are a minimum of 11m across a back street. The residential properties to the west across Heywood Road are a minimum of 25m away and the residential properties to the south, on Heywood Road, directly abut the site.

Relevant Planning History

40821 – Residential Development – 10 No Town Houses – Approved Conditionally 15th October 2003

Publicity

81 immediate neighbours on Heywood Road, Heywood Gardens, Heywood Mews, Russell Street, Randlesham Street and Taylor Street were written to on 11th May 2007.

Letters of objection have been received from 5 & 7 Heywood Gardens, 78 Heywood Road, 1 & 3 Randlesham Street, 22 Taylor Street and two petitions with 24 signatures from the occupiers of Heywood Gardens, which has raised the following issues:

- Noise from the turbines in unison day and night.
- Interference to TV signals.
- Unsightly, unattractive appearance of the houses with wind turbines, aerials and satellite dishes, phone cables etc that will be placed on the gable ends.
- The turbines would ruin an area which has been a quiet respectable address for many elderly people.
- I have an implanted cardiac defibrillator and certain equipment can set it off eg mobile phone masts. These turbines would mean I would have to leave home.
- The houses are tall enough without the unsightly equipment on top of the roofs.
- The houses are completely out of character with the area and different from the original plans and have been built higher than they should be.
- The houses are too tall and cramped.
- Since the houses have been built between 25-30% of daylight has been lost.

Consultations

Environmental Health – No objection subject to condition

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN4/1	Renewable Energy
EN7/2	Noise Pollution
EN1/2	Townscape and Built Design

Issues and Analysis

Principle – The design, siting and materials for the town houses have been previously approved under planning application 40821. This application is amend the house types for 6 out of the 10 plots to include a domestic wind turbine on the gable wall. Planning Policy Statement 22 states that local planning authorities should encourage schemes for small scale renewable energy projects. In addition Energy Objectives 2 and 3 in Bury's Local Agenda 21 are to reduce energy demand and the use of non-renewable and polluting energy sources. Also Bury UDP Policy No. EN4/1-Renewable Energy supports proposals for sustainable energy sources subject to compliance with other policies and proposals of the Plan. Therefore the proposed addition of a domestic wind turbine to the house types of the 6 plots is considered acceptable in principle. Thus the main considerations of the application are the impact on visual and residential amenity.

Visual Amenity – Each of the wind turbines would be sited 0.75m off centre of the half-hipped gables at a maximum height of 1.65m above the ridge. The blades have a circumference of 1.6m and each wind turbine has a radial sweep of 1.4m. The wind turbines will be visible when approaching the site from the surrounding streets, Heywood Road; Heywood Gardens; Taylor Street; the end of Randlesham Street and in between the houses on Russell Street. However, whilst the wind turbines would initially appear unusual it is likely that the visual impact would lessen over time as micro turbines become more popular. In addition, the contribution made by the turbines towards reducing greenhouse gases would outweigh any minor harm to visual amenity. Therefore the proposal is considered acceptable in terms of visual amenity and conforms to Bury UDP Policies EN1/2-Townscape and Built Design and EN4/1-Renewable Energy

Residential Amenity – The data supplied by the applicant does not cover noise levels, operational wind speeds, or the possibility of tonal noise for this proposal to be adequately assessed with regard to residential amenity. To safeguard the residential amenity of the surrounding properties a condition is to be attached that none of the wind turbines can be erected until this data has been received and agreed by the Local Planning Authority. This is to make sure the proposal conforms to Bury UDP Plan Policy No EN7/2 – Noise Pollution

Objections - The objections regarding the height, size and design of the houses have already been taken into account when planning application 40821 for the 10 houses was approved by Planning Committee in September 2003. Also, the levels data supplied by the applicant in this application shows the height of the houses being constructed are as approved under 40821.

The issues as regards noise and appearance of the wind turbines are considered in Visual and Residential Amenity 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;-

Having studied the submitted documents, assessed the proposed development on site and taken into account any and all representations and consultation responses; it is considered that the wind turbine hereby approved subject to condition will not cause demonstrable harm to the character of the area and as such not conflict with Bury Unitary Development Plan Policy Nos. H1/2-Further Housing Development; H2/1-The Form of New Residential Development; H2/2-The Layout of New Residential Development; EN1/2-Townscape and Built Design; EN4/1-Renewable Energy and EN7/2-Noise Pollution.

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 **06-039 – 104; 06-039 – 108; 06-039 – 111; 06-039 – 123** 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 Bury UDP Policy EN1/2 - Townscape and Built Design.
3. The wind turbines hereby approved shall not be erected unless and until data that demonstrates the level of noise emitted by the wind turbines individually or in unison will not cause loss of amenity in the area has been received and agreed in writing by the Local Planning Authority, unless otherwise agreed in writing.
Reason. To protect the amenity of the occupants of the surrounding properties pursuant to Bury UDP Policies EN4/1-Renewable Energy and EN7/2-Noise Pollution.

For further information on the application please contact **Janet Ingham** on **0161 253 5325**

Ward: Radcliffe - East

Item 08

Applicant: P & F Properties Ltd & Bury MBC

Location: EAST LANCS PAPER MILL SITE, CHURCH STREET EAST, RADCLIFFE

Proposal: HYBRID OUTLINE APPLICATION FOR MIXED USE DEVELOPMENT COMPRISING CLASS B1, B2, B8, INDUSTRY, RESIDENTIAL DEVELOPMENT, WATER FEATURE, OPEN SPACE AND FULL APPLICATION FOR SECONDARY SCHOOL AND HIGHWAY INFRASTRUCTURE.

Application Ref: 45598/Outline Planning
Permission

Target Date: 21/04/2006

Recommendation: Minded to Approve

This application is one of a group of 5 planning applications which are connected to the re-development of East Lancashire Paper Mill (ELPM), Land on Tower Farm (45597), Radcliffe High School (45673), Coney Green (45672) and Land at Outwood Road (46182).

It is a reconsideration of the application approved by the Planning Control Committee on 12 July 2006 arising solely from revision of proposed planning conditions and heads of terms for the planning agreement resulting from legal review and further negotiation with the site owner. The background to the proposed changes is summarized under the heading "Up-date on Deliverability".

Since Members approved the development in 2006 the Secretary of State has been notified in accordance with the Departures Directions 1999 – she has determined (on 11 October 2006) that she is content that planning permission should be granted.

Planning permission in respect of Tower Farm (45597) and Outwood Road (46182) can be granted further to Members' approval of them in 2006. Planning permission for Coney Green (45672) and Radcliffe High School (45673) can be granted subject to minor consequential or related amendments to planning conditions which are the subject of short reports accompanying this one.

It is therefore recommended that:

the decision of the Secretary of State be noted; and

the application be confirmed Minded to Approve subject to the revised planning conditions and the completion of a s.106 agreement. The revised planning conditions and the revised heads of terms can be found at the foot of this report.

Background

Members will recall that the application relates to the former East Lancashire Paper Mill Site (ELPM), located to the easterly side of the Metrolink line and Radcliffe Town centre - an extensive brownfield site occupying some 17.5 hectares - currently vacant and cleared.

The application is a 'hybrid' proposal, which seeks:

full planning permission only for the school and its immediate curtilage in addition to three new highways to provide access to the school (Cock Clod Street, Church Street East and part of Croft Lane) and the riverside walkway, (to be subject to planning conditions 30 to 49 inclusive); and

outline planning permission for the principle of housing, remaining highways, commercial development and water feature and other landscaping areas. All other details would be subject to future reserved matters applications (this remaining part of the development to be subject to planning conditions 1 to 29 inclusive).

The redevelopment of the site for the uses advocated within the proposals would be a major regenerative step for Radcliffe. The proposals reflect mixed uses, in a sustainable location and would be close to various transport nodes. In terms of the employment uses and education facility, the proposals would be within an existing community to ensure ease of access and greatest relevance and benefit. The site is a substantial brownfield site within a dense urban area, which given its size, the market would be unlikely to support employment development over the entire site, and presents a major regeneration of a large derelict site.

Unitary Development Plan and Policies

CF1/1	Location of New Community Facilities
EC1/1	Land for Business (B1) (B2) (B8)
EC2/1	Employment Generating Areas
EC4/1	Small Businesses
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
SPD3	DC Policy Guidance Note 3: Planning Out Crime
EN1/6	Public Art
SPD4	DC Policy Guidance Note 4: Percent for Art
EN3/3	Ancient Monuments
EN5/1	New Development and Flood Risk
EN7/2	Noise Pollution
EN8/2	Woodland and Tree Planting
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
SPD5	DC Policy Guidance Note 5: Affordable Housing
HT2/2	Improvements to the Strategic Route Network
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
OL5/2	Development in River Valleys
OL7/1	East Lancashire Paper Mill Water Catchment Area
RT2/2	Recreation Provision in New Housing Development
RT2/4	Dual-Use of Education Facilities
RT1/1	Protection of Recreation Provision in the Urban Area
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors

Issues and Analysis

The proposals within the site would represent a significant regenerative step for Radcliffe, which has seen significant decline in recent years. They would improve opportunities on social, environmental and economic grounds and with appropriate controls through planning conditions and also legal agreements, would ensure no overall loss of sport facilities, new employment opportunities and new educational facilities. This site, when read in conjunction with the other four applications would be a comprehensive package of regeneration, conform with the Three Sites Masterplan and also be consistent with local, Regional and National Policy.

The Planning Control Committee therefore resolved on 12 July 2006 that planning

permission should be granted in respect of the development described in this application subject to notification of it to the Secretary of State as a departure pursuant to the Town and Country Planning (Development Plans and Consultation)(Departures) Directions 1999 and to planning conditions and an s106 Agreement.

The Secretary of State determined on 11 October 2006 that she did not wish to “call in” the planning application for her own decision and was therefore content that planning permission might be granted.

Up-date on Deliverability

Following the decision to grant the 5 planning permissions there has been a period of detailed negotiation with the owners of this site and a legal review of the strategy for delivering the overall scheme undertaken with external legal advisers. These processes identified :

- (a) a strategic constraint on timely delivery of the scheme arising because the Council did not have ownership/control of the “Flat Land” at the Tower Farm site; and
- (b) a number of adjustments to proposed planning conditions for this- the ELPM site -to enhance the deliverability of the phased development and enable early commencement of necessary remediation works (amongst other things).

The Council has acted decisively to overcome the strategic constraint. It has acquired ownership of the Flat Land. This not only avoids the need for any costly and time consuming process of compulsory acquisition, but also reduces the risk of delay occasioned by landowner opposition to the wider scheme. It also enables the planning permission for Tower Farm (45597) to be granted for the development of that site exactly as approved by Members in July 2006.

The Council has also acted to address the planning conditions and the heads of terms for the planning agreement.

Revised Conditions and heads of terms

The grant of planning permission for all 5 sites is a pre-condition to the delivery of the regeneration scheme. It is equally important that any such permissions are granted on terms which both secure the necessary regenerative benefits and provide a practical legal framework within which landowners and developers can operate to maximize the prospects of timely delivery of the development and those benefits.

The key inputs for the enhanced package of planning conditions and heads of terms for the planning agreement now before Members have been:

- (i) legal review : this has high-lighted as a technical issue the inability of the Council as a local planning authority to enter into an immediate binding planning agreement for its own land; and
- (ii) negotiation : further negotiation with the owners of this site has identified a number of ways in which planning conditions can be refined in order to facilitate re-development.

A key outcome of the legal review is that the canal restoration works (to be secured by a payment totaling £120,000 ;and the GMPTE car-park works (to be secured by a payment of £53,760) are now to be secured by both planning conditions on the respective planning permissions for Coney Green (45672) and Radcliffe High School (45673) and further by defining the payments themselves in the available section 106 Agreement for this site. The new conditions are set out in the reports in respect of each of those sites accompanying this report.

The key outcomes of the negotiation process are revisions to planning conditions to provide for:

- a longer period for the phased development of the site : the deadline by which the developer must submit all the details of its proposals would be increased from 3 years to 6 years (condition 1);
- the introduction of phasing to allow the developer to seek approval of all the details in respect of a particular phase and be able to carry out that phase in accordance with the Council's requirements through approving the details without having to have 100% of details for other or later phases (for example conditions 2,5,6,9 and further);
- the introduction of an opportunity for early commencement of the "Preparatory Works" which require action before the present year advances much further to avoid detriment to ecological interests . The preparatory works are defined in submitted documents and demolition materials arising therefrom are being removed from the site;

The longer period for phased development reflects the fact that the site will accommodate development of significant scale in itself (520 new homes) but must also be co-ordinated with developments of Coney Green and Radcliffe High School. The developer is required by another planning condition (16) to submit a phasing scheme for this site as it is for both Coney Green and Radcliffe High so the Council can monitor and influence the overall timescale and sequence of development of the three sites.

That longer period will enable a steadier delivery of new dwellings to accommodate variation in over-all demand and levels of demand for different house types and sizes.

The introduction of phasing makes clear that the Council must have approved all details of any phase before that phase is commenced whilst allowing sensible progress with earlier phases before the details of later phases have – or sensibly could have – crystallized. It is emphasized that the over-all development must comply with the substance of the parameters set in the masterplan and the related Environmental Statement (as required by condition 3). The approval of the details on a phase by phase basis does not reduce the obligation to comply with those parameters. A comprehensive design approach is maintained – applicable phase-by-phase – by deriving design principles from the first approval(s) of reserved matters which will inform the Council's consideration of later phases.

The carrying forward of the "Preparatory Works" is urgent if the timetable for completion of the new school is to be maintained. The revised conditions enable the developer to do this before having to have obtained approval of other details not connected with those works.

The revised package of planning conditions and the legal agreement for this site enhance the deliverability of the scheme whilst continuing to secure all the benefits which Members required to be secured in approving the application in July 2006.

Appropriate additional planning conditions are also proposed to up-date the proposed planning permission in accordance with the Council's current policy and practice.

Heads of Terms for the Legal Planning Agreement - The nature of the scheme would be such that there would be a need for a legal planning agreement to be made under S 106. The contents of such an agreement, currently identified, would need to include:

- A payment in respect of GMPTE car-park improvements (Coney Green) of £53,760;
- A payment in respect of canal restoration works (Radcliffe High School and Coney Green) of £120,000
- A payment in respect of the Riverside Walkway of circa £316,000;
- A payment to secure the new link to the Metrolink platform from Festival Gardens; this would involve the creation of a disabled ramped access and pedestrian footpath to the existing footpath network.
- A payment to secure off site ecological mitigation measures;

- A payment to secure the monitoring of the likely environmental effects and long term sustainability of the site;
- Bridge across the River Irwell: a payment in respect of essentially ephemeral works would be required to improve the bridge's appearance or the payment may be used as a contribution towards the provision of a new bridge; grant of rights to construct new bridge.
- A requirement that there shall be a pedestrian/cycle link from the end of the Riverside Walkway (point "B" on the attached plan) and the detached section of the school playing fields approximately at point "C" on the attached plan or such other point on the relevant boundary as shall be agreed.

All payments shall be subject to appropriate indexation.

The developer shall pay the proper and reasonable costs of the local planning authority in respect of the negotiation and completion of the section 106 Agreement

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 redevelopment of this site in a comprehensive way discussed through the Three Sites Master Plan and with appropriate controls over the release of new housing within the site would be a major regeneration step for Radcliffe. Further, controls and redevelopment of the site with re-provision at the ELPM site and Land at Outwood would ensure that recreation and playing field facilities would not be lost overall. The development with appropriate controls would comply with the Regional Spatial Strategy for the North West and Policies of the Unitary Development Plan and there are no other material considerations that outweigh this finding.

Recommendation: Minded to Approve

Conditions/ Reasons

1. **All Areas subject to Outline Planning Permission:**

The following conditions numbered 1 to 28 inclusive are binding only upon that part of the site benefited hereby as is shown edged and hatched blue on drawing [] attached to this planning permission :

2. Applications for approval of reserved matters must be made not later than:

- the expiration of six years beginning with the date of the grant of outline planning permission; and
- the development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

3. Before the development (other than the Preparatory Works) of a part of the site is commenced, the applicant shall submit detailed plans and particulars to the Local Planning Authority, and obtain their approval under the Town and Country Planning Acts, of the following reserved matters; the siting, design, and external appearance of the building(s) and the landscaping of that part of the site.

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

4. The development shall not be carried out except in substantial accordance with

the development parameters specified:

(i) on pages 21 and 22 of the Environmental Statement received on 24th February 2006 as amended by updated appendices received on 9th June 2006;

(ii) in the Design Statement received 9th June 2006;

(iii) in the updated Transport Assessment dated 26th May 2006;

and in substantial accordance with the layout on the masterplan []

Reason – The development parameters of the development have been the subject of environmental impact assessment and any material alteration to those parameters may have an impact which has not been assessed by that process. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.

5. A comprehensive construction design shall **where required** by the local planning authority be incorporated into a proposed building to prevent the accumulation of landfill gas or ground gas, to be agreed in writing with the Local Planning Authority before work commences, for the construction **of that building**.

Subject to the above, 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.

6. No development, building work or demolition shall take place on a part of the site:

(i) except in accordance with a programme of archaeological work incorporating the mitigation measures stated in the relevant "scope for mitigation" section of the Environmental Statement; and

(ii) until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation and a proposal for the presentation and interpretation of the industrial heritage of the site first submitted by the applicant and approved in writing by the Local Planning Authority in respect of that part of the site. The programme shall be carried out in accordance with the approved scheme and approved proposal.

Reason - To make a record of buildings, remains and features of archaeological interest and to comply with legislative requirements pursuant to policies EN3/1 – Impact of Development on Archaeological Sites, EN3/2 – Development Affecting Archaeological Sites and EN3/3 – Ancient Monuments of the Bury Unitary Development Plan. In respect of the industrial heritage proposal, to commemorate the industrial heritage of the site by means of suitable presentation and interpretation board.

7. Any soil or soil forming materials brought to site for use in garden areas, soft

landscaping, filling and level raising on a part of the site 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 that part of the site, and;

The approved contamination testing shall then be carried out and verificatory 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. Any soil or soil forming materials brought to site found to be contaminated or otherwise unsuitable pursuant to condition 6 shall not be retained on site but shall be removed from the site

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

9. 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 verification 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 development of a part of the site other than the Preparatory Works commencing:

- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas risks in respect of that part of the site shall be submitted to, and approved in writing by, the Local Planning Authority; and
- 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; and
- Where remediation is required, a detailed Remediation Strategy (which includes measures proposed or which will be proposed in the Site Verification Report) shall be submitted to, and approved in writing by, the Local Planning Authority; and
- Such remediation works as such approved Remediation Strategy shall

require shall be completed to the satisfaction of the local planning authority in respect of that part of the site;and

- A Site Verification Report detailing the conclusions and actions taken at each stage of such works including verification works shall be submitted to and approved in writing by the LPA prior to that part of 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 Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.

11. **10.1 No development approved by this permission other than the Preparatory Works shall be commenced unless a Remediation Strategy supported by a detailed specification and plans are submitted to and subsequently approved in writing by the LPA in respect of the following actions to protect the site from off-site sources of landfill gas and leachate:**

- Investigation/risk assessment of landfill gas and leachate that affects or has the potential to affect the site and in particular from the Tower Farm Landfill site; and
- Detailed plans and specifications for control measures for gas/leachate migrating to the site from outside and in particular from the Tower Farm Landfill site.

10.2 No part of the development shall be occupied until:

- the Remediation Strategy for that part of the site;
- Verification/Monitoring measures to ensure that the control measures prescribed in the Remediation Strategy are and continue to remain effective; and
- a maintenance plan for the maintenance of the control measures

have been implemented in accordance with the written details plans and specifications first submitted to and approved in writing by the Local Planning Authority. The approved control measures shall thereafter be maintained in perpetuity in accordance with the approved maintenance plan subject to such variations thereto as may be approved in writing by the Local Planning Authority

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

12. (i) No development approved by this permission other than the Preparatory Works shall be commenced until a strategy for the provision of surface water drainage works has been approved by the Local Planning Authority.

(ii) No development of a part of the site other than the Preparatory Works shall be commenced until details of proposed surface water drainage works consistent with the approved strategy have been approved by the local planning authority in respect of that part of the site. No part of the development shall be occupied until surface water drainage works have been completed in accordance with the approved details.

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

13. Provision for lifetime homes shall be incorporated into the development in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters for 'siting' and 'design'. The development shall be carried out in accordance with the approved scheme.

Reason - To ensure that the development is fully accessible to disabled persons

pursuant to Policies HT5/1 – Access for Those with Special Needs of the Bury Unitary Development Plan.

14. Any application for the approval of reserved matters shall include routes to and proposals for cycle parking in accordance with the Greater Manchester Cycle Parking Guidelines 2002. No part of the development shall be occupied until such approved routes and cycle parking areas shall be completed and made available for use in respect of that part of the development.
Reason - To secure satisfactory cycle facilities on the site and in accordance with Unitary Development Policies HT6 - Pedestrians and Cyclists; HT6/1 - Pedestrians and Cycle Movement.

15. The development shall as part of the reserved matters for 'siting' and 'design' make provision for recreation space to the satisfaction of the Local Planning Authority. No part of the development shall be occupied until such approved recreation space shall be completed made available for use (and if required by the local planning authority dedicated for public use as public open space) in respect of that part of the development.

Reason - To adequately provide for the recreational needs of the prospective residents pursuant to UDP Policy RT2/2 – Recreation Provision in New Housing Development.

16. (i) The development other than the Preparatory Works shall not be commenced until a parking strategy for the development of the site shall be submitted to and approved in writing by the Local Planning Authority.

(ii) No development of a part of the site other than the Preparatory Works shall commence until details of car parking spaces and arrangements have been submitted to and approved in writing by the local planning authority in respect of that part of the site. No part of the development shall be occupied until car parking spaces and arrangements in respect of that part of the site have been completed and made available for use in accordance with the approved details.

Reason - To ensure adequate and appropriate levels of car parking are incorporated into the development and pursuant to UDP Policy H2/2 – The Layout of New Residential Development.

17. No development other than the Preparatory Works shall be commenced until: a phasing plan and strategy addressing:

- the boundaries of each phase (shown edged red on a plan);
- the sequence in which phases are to be constructed and made ready for occupation;
- the timescale within which each phase is to be constructed and made ready for occupation;

for the housing authorised hereby shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved phasing plan and strategy, or such varied plan and strategy, first approved in writing by the local planning authority and the development of any second or subsequent phases shall not be carried out other than in accordance with a design code derived from the approval of reserved matters in respect of the first phase which shall address design principles including building height to street width ratios roof forms building materials fenestration public realm strategy and public realm materials first approved in writing by the local planning authority.

Reason - To control the release of new housing within the development site and

relative to other housing release requirements of the Regional Spatial Strategy 13 For the North West and SPD7 – Managing the Supply of Housing Land in Bury and in respect of the design code to ensure that the residential development within the whole of the scheme has a coherent design approach pursuant to UDP policy EN1/2-Townscape and Built Design and H2/2 – The Layout of New Residential Development .

18. The development as part of the reserved matters for siting and design shall make provision for public art to the satisfaction of the Local Planning Authority. The development shall not be occupied until public art has been provided in accordance with details approved in writing by the Local Planning Authority unless agreed in writing by the Local Planning Authority.
Reason - To provide for public art within the development pursuant to UDP Policy EN1/6 - Public Art.

19. No development, building work or demolition shall take place on a part of the site except in accordance with a programme of ecological work incorporating the mitigation measures as detailed on pages [] within the Environmental Statement received 20 January 2006 and as updated by the Regulation 19 'Further Environmental Information (June 2006)' Report in respect of that part of the site.
Reason - To ensure adequate protection and mitigation is afforded to ecology and ecological species in the application site boundaries pursuant to PPS9 - Biodiversity and Geological Conservation and UDP Policy EN6/4 – Wildlife Links and corridors.

20. There shall be no clearance of vegetation or work on the riverside retaining walls within the bird breeding season (March – July inclusive) as stated within the Appleton Report dated November 2005 and supplementary information received 9 June 2006, unless otherwise agreed in writing with the Local Planning Authority.
Reason - To minimise impact upon birds and other avian protected species and pursuant to PPS9 - Biodiversity and Geological Conservation.

21. Notwithstanding the highway improvement works indicated on the approved plans, (unless otherwise agreed in writing by the Local Planning Authority) the development hereby approved shall not be commenced (unless otherwise agreed in writing by the Local Planning Authority) until full details of the provision, improvement or modification of the following junctions, links and traffic signal installations have been submitted to and approved in writing by the Local Planning Authority.
 - Cock Clod Street/Cross Lane;
 - Croft Lane/Cross Lane including pedestrian crossing facility;
 - New Loop Road connecting Cock Clod Street, Church Street East and Croft Lane;
 - Pedestrianised/disabled drop off area at Church Street East between Cock Clod Street and Rectory Lane;
 - Pedestrian/cycle route at Rectory Lane between Church Street West and the Milltown Street footbridge;
 - Rectory Lane/Church Street West including 'Toucan' crossing facility;
 - Rectory Lane/Spring Lane;
 - Bury Road/Spring Lane;
 - Glebe Street/Church Street West;
 - Blackburn Street/Spring Lane/Water Street/Abden Street - prohibition of right turn into Spring Lane including any necessary advance direction signing required to indicate alternative routes;

- Pilkington Way/Stand Lane/ New Road - prohibition of right turn into New Road including any necessary advance direction signing required to indicate alternative routes.

The highway works subsequently approved shall be implemented to the written satisfaction of the Local Planning Authority before the development is first occupied or brought into use unless otherwise agreed in writing by the Local Planning Authority.

Reason – To secure the satisfactory development of the site in terms of highway safety and pursuant to UDP Policies HT2/4 – Car Parking and New Development, H2/2 –The Layout of New Residential Development and EC6/1 – Assessing New Business industrial and Commercial Development. To ensure good highway design in the interests of highway safety

22. Notwithstanding the proposed phasing of the future residential and industrial areas, full details of the proposed internal road layout and roundabout site access at Cross Lane/Bury Street/Eton Hill Road shall be submitted at first reserved matters application stage.

Reason – To secure the satisfactory development of the site in terms of highway safety and pursuant to UDP Policies HT2/4 – Car Parking and New Development, H2/2 –The Layout of New Residential Development and EC6/1 – Assessing New Business industrial and Commercial Development. To ensure good highway design in the interests of highway safety

23. There shall be no direct means of vehicular access between the site and:

- The easterly end of Church Street East/Sandford Street;
- Cross Lane other than the proposed priority junctions at Cock Clod Street and Croft Lane and roundabout at Bury Street/Eton Hill Road.

Reason – To secure the satisfactory development of the site in terms of highway safety and pursuant to UDP Policies HT2/4 – Car Parking and New Development, H2/2 –The Layout of New Residential Development and EC6/1 – Assessing New Business industrial and Commercial Development. To ensure good highway design in the interests of highway safety

24. On or before submission of the first reserved matters application, residential and commercial travel plan strategies shall be submitted to and approved in writing by the Local Planning Authority. Before each phase of the development is commenced, a scheme for the provision of occupier travel plan measures relating to that phase shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of measures relating to walking, cycling, public transport and car parking. The scheme shall establish the developer and occupier travel plan objectives and targets and include an implementation programme. The approved schemes shall be implemented before each phase is first occupied or brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason – To secure the satisfactory development of the site in terms of highway safety and pursuant to UDP Policies HT2/4 – Car Parking and New Development, H2/2 –The Layout of New Residential Development and EC6/1 – Assessing New Business industrial and Commercial Development. To deliver sustainable transport objectives in accordance with PPG13 - Transport

25. Before each phase of the development is commenced, details shall be submitted to and approved by the Local Planning Authority to cover measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any

vehicles leaving the site; and measures to minimise dust nuisance caused by the operations. The approved details shall be implemented and maintained thereafter during the period of construction of that phase unless otherwise agreed in writing by the Local Planning Authority.

Reason – To secure the satisfactory development of the site in terms of highway safety and pursuant to UDP Policies HT2/4 – Car Parking and New Development, H2/2 – The Layout of New Residential Development and EC6/1 – Assessing New Business industrial and Commercial Development. To ensure that the adopted highways are kept free of deposited material from the ground works operations.

26. No development shall take place upon the existing cricket and bowling green areas unless and until alternative provision has been made available for use unless otherwise agreed in writing with the local planning authority. Such provision shall be to the written satisfaction of the Local Planning Authority.

Reason - To ensure that there would be a continual supply of playing field provision in pursuant to the provisions of PPG17 - Planning for Open Space, Sport and Recreation and UDP Policies RT1/1 – Protection of Recreation Provision in the Urban Area and RT1/2 – Improvement of Recreational Facilities.

27. No development shall commence until full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonia Japonica*, *Rouse Decraene*, *Polygonum Cuspidatum*) and Giant Hogweed 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.

28. The development (other than the Preparatory Works) shall not be commenced until a strategy (which shall include the timing of implementation) to maintain water flows to the proposed water feature shall have been submitted to and approved in writing by the Local Planning Authority. All works for maintenance of water flows shall be implemented in accordance with the approved strategy and details of the works first approved in writing by the Local Planning Authority unless otherwise agreed in writing with the local planning authority.

Reason - To ensure that the water feature provides a feature of amenity and ecological contribution to the site.

29. The proposed hours of operation of the industrial units shall be restricted to between the following hours:

Monday to Saturday inclusive - 0700hrs to 2000hrs

Sunday - 0900hrs to 1800hrs.

Reason - To ensure an appropriate relationship between the commercial/industrial areas to residential properties that would abut this area of the development.

30. The development shall not be commenced until a written scheme for the construction and delivery of affordable housing as part of the development which shall address all relevant matters including :

(i) the [] % of the dwellings authorised hereby which are to be affordable housing;

(ii) the mix and proportion of social housing for rent or shared equity /ownership housing;

(iii) the mix and proportions of one, two, three or three plus bedroom units to be provided as affordable housing;

(iv) the location and boundaries of the land upon which the affordable housing is to

be constructed;

(v) the phases in which the affordable housing is to be provided;

(vi) the timescale within which the affordable housing is to be provided;

(vii) the terms upon which any affordable housing and land which is to be serviced accessed and transferred to a registered social landlord shall be so serviced accessed and transferred

shall have been submitted to and first approved in writing by the local planning authority. No open market housing within a phase of the development shall be occupied until any affordable housing within that phase shall have been constructed and delivered in accordance with the approved affordable housing scheme.

Reason – To ensure that the development shall make provision for affordable housing to the satisfaction of the local planning authority to secure equal access to housing within the development pursuant to UDP policy H4/1 – Affordable Housing.

31. All areas subject to Full Planning Permission:

The following conditions numbered 30 to 49 inclusive are binding only upon the part of the land benefited hereby as is shown edged and hatched green on drawing [] attached to this planning permission:

32. No development, building work or demolition shall take place except in accordance with a programme of archaeological work incorporating the mitigation measures stated on pages [] of the Environmental Statement

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

33. 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.

34. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the building hereby approved being occupied and thereafter maintained at all times.

Reason - To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

35. The development (other than the Preparatory Works) shall not be commenced until details of the works within the Riverside Walkway corridor including the siting of the southerly boundary fence of the school, the fence type and its colouration, the green space link to the pond and pond details including siting and its design have been agreed in writing with the Local Planning Authority. The new school shall not be brought into use until those works have been completed in accordance with the approved details unless otherwise agreed in writing with the local planning authority. The works shall thereafter be maintained in accordance with the approved details unless otherwise first agreed in writing by the local planning authority.

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 Design and EN6/4 – Wildlife Links and Corridors of Bury Unitary Development Plan.

36. 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. The development shall thereafter be carried out in accordance with the approved samples unless otherwise agreed in writing by the Local Planning Authority.

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

37. Prior to the commencement of development details relating to the wind turbine shall be submitted to and approved in writing by the Local Planning Authority. The wind turbine shall thereafter be constructed and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason - The application details of this element were not finalised and in the interests of the visual amenities of the area pursuant to UDP Policy EN1/2 – Townscape and Built Design.

38. The soft landscaping scheme submitted on plan number [xxx] 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. Details relating to the hard landscaping of the site including the siting of the fencing along Church Street West and paving to be used within the site shall be submitted to, and approved in writing by, the Local planning Authority prior to the commencement of the development and the development shall be carried out in accordance with the approved details only.

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.

39. Details of a Green Travel Plan strategy relating to the school shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development (other than the Preparatory Works) to determine the scope of the Travel Plan. A draft Travel plan including appropriate measures for monitoring and review shall be submitted to the local planning authority and implemented prior to the occupation of the school. The School shall thereafter be operated in accordance with the approved details of the Travel Plan or as varied by written agreement of the Local Planning Authority in accordance with the said measures for monitoring and review.

Reason - To ensure the sustainability of the school and pursuant to PPS1 - Delivering Sustainable Development and PPG13 - Transport.

40. Prior to the commencement of the development of a part of the site:
- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas risks in respect of that part of 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.
 - Such remediation works as required by such approved Remediation Strategy shall be completed to the satisfaction of the Local Planning Authority in respect of that part of the site; and
 - A Site Verification Report detailing the conclusions and actions taken at

each stage of such works including verification works shall be submitted to and approved in writing by the LPA prior to that part of 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 Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.

41. Following the provisions of Condition 40 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.

42. 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.

43. 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

44. A comprehensive construction design shall where required by the local planning authority be incorporated into a proposed building to prevent the accumulation of landfill gas or ground gas, to be agreed in writing with the Local Planning Authority before work commences for the construction of that building.

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.

45. **45.1 No development approved by this permission other than the Preparatory Works shall be commenced unless and until a Remediation Strategy supported by a detailed specification and plans are submitted to and subsequently approved in writing by the LPA in respect of the following actions to protect the site from off-site sources of landfill gas and leachate:**
- Investigation/risk assessment of landfill gas and leachate that affects or has the potential to affect the site and in particular from the Tower Farm Landfill site; and
 - Detailed plans and specifications for control measures for gas/leachate migrating to the site from outside and in particular from the Tower Farm Landfill site.
- 45.2 No part of the development shall be occupied until:
- the Remediation Strategy for that part of the site; and
 - Verification/Monitoring measures to ensure that the control measures prescribed in the Remediation Strategy are and continue to remain effective; and
 - a maintenance plan for the maintenance of the control measures
- have been implemented in accordance with the written details plans and specifications first submitted to and approved in writing by the Local Planning Authority. The approved control measures shall thereafter be maintained in perpetuity in accordance with the approved maintenance plan subject to such variations thereto as may be approved in writing by the Local Planning Authority
- Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 – Planning and UDP Policy EN/7/3 – Water Pollution.
46. The development shall not be carried out other than in accordance with:
- (i) Environmental Statement reports received on 24th February 2006 as amended by updated appendices received on 9th June 2006;
 - (ii) Design Statement received 9th June 2006; updated Transport Assessment dated 26th May 2006; and
 - (iii) plan Nos 5644 - LO1C; LO2C; LO3B; LO4E; LO5C; LO6; LO8A; PLO1F; PLO2K; PLO3A; PLO4C-PLO5C; PLO6C-PLO7C; PLO9A; PL10A; PL11B; PL12A; PL14A; PL15A; PL16B; PL17A; PL18; PL19A
- 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.
47. No development shall commence until full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonia Japonica*, *Rouse Decraene*, *Polygonum Cuspidatum*) and Giant Hogweed 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.
48. Prior to the occupation of the school, a scheme relating to a “Community Use Agreement” for the use of the school sports facilities shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a scheme of implementation and programme of review and the related facilities subject to the agreement shall be operated in accordance with the approved details.
- Reason – To make appropriate provision for the community use of the school

sports facilities

49. Notwithstanding the highway improvement works indicated on the approved plans, (unless otherwise agreed in writing by the Local Planning Authority) the development hereby approved shall not be commenced (unless otherwise agreed by the Local Planning Authority) until full details of the provision, improvement or modification of the following junctions, links and traffic signal installations have been submitted to and approved in writing by the Local Planning Authority.
- Cock Clod Street/Cross Lane;
 - Croft Lane/Cross Lane including pedestrian crossing facility;
 - New Loop Road connecting Cock Clod Street, Church Street East and Croft Lane;
 - Pedestrianised/disabled drop off area at Church Street East between Cock Clod Street and Rectory Lane;
 - Pedestrian/cycle route at Rectory Lane between Church Street West and the Milltown Street footbridge;
 - Rectory Lane/Church Street West including 'Toucan' crossing facility;
 - Rectory Lane/Spring Lane;
 - Bury Road/Spring Lane;
 - Glebe Street/Church Street West;
 - Blackburn Street/Spring Lane/Water Street/Abden Street - prohibition of right turn into Spring Lane including any necessary advance direction signing required to indicate alternative routes;
 - Pilkington Way/Stand Lane/ New Road - prohibition of right turn into New Road including any necessary advance direction signing required to indicate alternative routes.

The highway works subsequently approved shall be implemented to the written satisfaction of the Local Planning Authority before the development is first occupied or brought into use unless otherwise agreed in writing by the local planning authority.

Reason – To secure the satisfactory development of the site in terms of highway safety and pursuant to UDP Policies HT2/4 – Car Parking and New Development, H2/2 – The Layout of New Residential Development and EC6/1 – Assessing New Business industrial and Commercial Development. To ensure good highway design in the interests of highway safety

50. Visibility splays measuring 4.5 metres by 70 metres shall be provided at the junctions of Cock Clod Street with Cross Lane and Croft Lane with Cross Lane to the written satisfaction of the Local Planning Authority before the accesses are brought into use and shall subsequently be maintained free of obstruction above the height of 0.6m.

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

51. Visibility splays measuring 4.5 metres by 45 metres shall be provided at all junctions onto the new Loop Road connecting Cock Clod Street, Church Street East and Croft Lane to the written satisfaction of the Local Planning Authority before the development is brought into use and shall subsequently be maintained free of obstruction above the height of 0.6m.

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

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

Ward: Radcliffe - East

Item 09

Applicant: Bury MBC Children's Services

Location: CONEY GREEN HIGH SCHOOL SITE, SPRING LANE, RADCLIFFE, M26 2SZ

Proposal: OUTLINE APPLICATION - RESIDENTIAL DEVELOPMENT INCLUDING ASSOCIATED INFRASTRUCTURE & OPEN SPACE

Application Ref: 45672/Reg 3 Council's Own Development **Target Date:** 22/05/2006

Recommendation: Minded to Approve

This application is one of a group of 5 planning applications which are connected to the re-development of East Lancashire Paper Mill (ELPM) (45598), Land on Tower Farm (45597), Radcliffe High School (45673), and Land at Outwood Road (46182).

It is a reconsideration of the application approved by the [Planning Control Committee] on 12 July 2006 arising solely from minor revision of proposed planning conditions and consequential avoidance of need for any planning agreement, resulting from legal review. The background to the proposed changes is summarized under the heading "Up-date on Deliverability".

Since Members approved the development in 2006 the Secretary of State has been notified in accordance with the Town and Country Planning (Residential Development on Greenfield Land) (England) Direction 2000 – she has determined (on 11 October 2006) that she is content that planning permission should be granted.

Planning permission in respect of Tower Farm (45597) and Outwood Road (46182) can be granted further to Members' approval of them in 2006. Planning permission for Radcliffe High School (45673) can be granted subject to minor consequential or related amendments to planning conditions which are the subject of a short report accompanying this one. Planning permission in respect of East Lancashire Paper Mills site (45598) can be granted subject to revised planning conditions and heads of terms

It is therefore recommended that:

the decision of the Secretary of State be noted; and

the application be confirmed Minded to Approve subject to the revised planning conditions. The revised planning conditions can be found at the foot of this report.

Description

Members will recall that the application relates to the Radcliffe Riverside East Campus (formerly known as Coney Green High School) – a site which covers circa 6.5 hectares to the immediate north of the Radcliffe Metrolink station.

The application provides for outline planning permission for the principle of residential development including the means of access into the site. The scheme proposals provide an indicative layout for illustrative purposes only, indicating that circa 250 dwellings could be accommodated within the site.

The re-development of the site is an integral part of the regeneration of Radcliffe pursuant to the vision for Radcliffe as a Sustainable Urban Neighbourhood prepared by URBED for

BMBC in 2003. It is provided for on the Three Sites Masterplan considered by the BMBC Executive Board on 13 April 2005 and subsequently approved with amendments as a material planning consideration.

Members are referred to the report to committee and supplementary report of July 2006- which form part of the background papers to this report – in respect of which all the relevant policies of the development plan and the material considerations are set forth together with analysis of the issues and the text of the planning conditions as then proposed.

Unitary Development Plan and Policies

CF1/1	Location of New Community Facilities
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H1	Housing Land Provision
RT1	Existing Provision for Recreation in the Urban Area
RT1/1	Protection of Recreation Provision in the Urban Area
RT1/2	Improvement of Recreation Facilities
RT2/3	Education Recreation Facilities
H4/1	Affordable Housing
SPD5	DC Policy Guidance Note 5: Affordable Housing
RT2/2	Recreation Provision in New Housing Development
SPD1	DC Policy Guidance Note 1: Recreation Provision
EN1/6	Public Art
SPD4	DC Policy Guidance Note 4: Percent for Art
EN1/5	Crime Prevention
SPD3	DC Policy Guidance Note 3: Planning Out Crime
PPS1	PPS1 Delivering Sustainable Development
RSS 13	Regional Spatial Strategy for the North West
PPG17	PPG17 - Planning for Open Space, Sport and Recreation
PPG3	PPG3 - Housing
EN3/1	Impact of Development on Archaeological Sites
EN3/2	Development Affecting Archaeological Sites

Issues and Analysis

The Planning Control Committee resolved on 12 July 2006 that planning permission should be granted in respect of the development described in this application subject to:

- (i) notification of it to the Secretary of State pursuant to the Town and Country Planning (Residential Development on Greenfield Land)(England) Direction 2000; and
- (ii) planning conditions; and
- (iii) an s106 Agreement.

The application was therefore notified to the Secretary of State who determined on 11 October 2006 that she did not wish to “call in” the planning application for her own decision and was therefore content that planning permission might be granted.

Up-date on Deliverability

Following the decision to grant the 5 planning permissions there has been a period of detailed negotiation with the owners of the ELPM site and a legal review of the strategy for delivering the overall scheme undertaken with external legal advisers. These processes identified :

- (a) a strategic constraint on timely delivery of the scheme arising because the Council did

not have ownership/control of the "Flat Land" at the Tower Farm site; and

(b) a number of adjustments to proposed planning conditions for this- the Radcliffe High School site.

The Council has acted decisively to overcome the strategic constraint. It has acquired ownership of the Flat Land. Amongst other things this avoids the need for any costly and time consuming process of compulsory acquisition., . It also enables the planning permission for Tower Farm (45597) to be granted for the development of that site exactly as approved by Members in July 2006.

The Council has also acted to address the planning conditions

The Council has also acted to address the planning conditions.

The Revised Conditions

The grant of planning permission for all 5 sites is a pre-condition to the delivery of the regeneration scheme. It is equally important that any such permissions are granted on terms which both secure the necessary regenerative benefits and provide a practical legal framework within which landowners and developers can operate to maximize the prospects of timely delivery of the development and those benefits.

The key inputs for the enhanced package of planning conditions now before Members have been:

(i) legal review : this has high-lighted as a technical issue the inability of the Council as a local planning authority to enter into an immediate binding planning agreement for its own land; and

- negotiation : further negotiation with the owners of the ELPM site has identified a number of ways in which planning conditions can be refined in order to facilitate re-development. Certain of those improvements to wording can be replicated in respect of this site.

A key outcome of the legal review is that the canal restoration works (previously to be secured by a payment totaling £120,000 split between this site and the Radcliffe High School Site;and the GMPTE car-park works (previously to be secured by a payment of £53,760) are now to be secured by planning conditions on the respective planning permissions for Radcliffe High School (45673) and this site. The new conditions are set out below.

The key outcomes of the negotiation process are revisions to planning conditions to provide for the introduction of phasing to allow the developer to seek approval of all the details in respect of a particular phase and be able to carry out that phase in accordance with the Council's requirements through approving the details without having to have 100% of details for other or later phases (conditions []);

[The longer period for phased development reflects the fact that the site will accommodate development of significant scale in itself (circa 250 new homes) but must also be co-ordinated with developments of Coney Green (circa 200 new homes) and ELPM (circa 520 new homes). The developer is required by another planning condition ([]) to submit a phasing scheme for this site as it is for both Coney Green and ELPM so the Council can monitor and influence the overall timescale and sequence of development of the three sites].

The revised package of planning conditions enhance the deliverability of the scheme whilst continuing to secure all the benefits which Members required to be secured in approving the application in July 2006.

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 redevelopment of this site in a comprehensive way discussed through the Three Sites Master Plan and with appropriate controls over the release of new housing within the site would be a major regeneration step for Radcliffe. Further, controls and redevelopment of the site with re-provision at the ELPM site and Land at Outwood would ensure that recreation and playing field facilities would not be lost overall. The development with appropriate controls would comply with the Regional Spatial Strategy for the North West and Policies of the Unitary Development Plan and there are no other material considerations that outweigh this finding.

Recommendation: Minded to Approve

Conditions/ Reasons

1. Applications for approval of reserved matters must be made not later than:
 - the expiration of three years beginning with the date of the grant of outline planning permission; and
 - that the development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004
2. Before the development of a part of the site is commenced, the applicant shall submit detailed plans and particulars to the Local Planning Authority, and obtain their approval under the Town and Country Planning Acts, of the following reserved matters; the siting, design, and external appearance of the building(s) and the landscaping of that part of the site.

Reason. To ensure the satisfactory development of the site and because this application is in outline only.
3. This decision relates to documents received on 24 February 2006 and supporting documentation received on 20 February 2006 and the development shall not be carried out except in substantial accordance with the plans and drawings hereby approved and the said documents and said supporting documentation.

Reason – For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
4. A comprehensive construction design shall **where required** by the local planning authority be incorporated into a proposed building to prevent the accumulation of landfill gas or ground gas, to be agreed in writing with the Local Planning Authority before work commences, for the construction **of that building**. Subject to the above, 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.
5. No development, building work or demolition shall take place on a part of the site

except in accordance with a programme of archaeological work in accordance with a written scheme of investigation first submitted by the applicant and approved in writing by the Local Planning Authority in respect of that part of the site.

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

6. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising on a part of the site 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 that part of the site, and;

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

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

7. Any soil or soil forming materials brought to site found to be contaminated or otherwise unsuitable pursuant to condition 6 shall not be retained on site but shall be removed from the site

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. 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 verification 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 development of a part of the site commencing:
- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas risks in respect of that part of the site shall be submitted to, and approved in writing by, the Local Planning Authority; and
 - 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; and

- Where remediation is required, a detailed Remediation Strategy (which includes measures proposed in the Site Verification Report) shall be submitted to, and approved in writing by, the Local Planning Authority; and
- Such remediation works as such approved Remediation Strategy shall require shall be completed to the satisfaction of the local planning authority in respect of that part of the site;and
- A Site Verification Report detailing the conclusions and actions taken at each stage of such works including verification 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 Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.

10. 10.1 No development approved by this permission shall be commenced unless a Remediation Strategy supported by a detailed specification and plans is submitted to and subsequently approved in writing by the Local Planning Authority in respect of the following actions to protect the site from off-site sources of landfill gas and leachate:

- Investigation/risk assessment of landfill gas and leachate that affects or has the potential to affect the site ; and
- Detailed plans and specifications for control measures for gas/leachate migrating to the site from outside .

10.2 No part of the development shall be occupied until :

- the Remediation Strategy for that part of the site; and
- Verification/monitoring measures to ensure that the control measures prescribed in the Remediation Strategy are and continue to remain effective; and
- a maintenance plan for the maintenance of the control measures

have been implemented in accordance with the written details plans and specifications first submitted to and approved in writing by the Local Planning Authority. The approved control measures shall thereafter be maintained in perpetuity in accordance with the approved maintenance plan subject to such variations thereto as may be approved in writing by the Local Planning Authority

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

11. (i)No development approved by this permission shall be commenced until a strategy for the provision of surface water drainage works has been approved by the Local Planning Authority.

(ii) No development of a part of the site shall be commenced until details of proposed surface water drainage works consistent with the approved strategy have been approved by the local planning authority in respect of that part of the site. No part of the development shall be occupied until surface water drainage works have been completed in accordance with the approved details.

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

12. The car parking indicated on the approved plans submitted as part of the reserved matters in respect of a part of the site shall be surfaced,demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to any building hereby approved on that part of the site being occupied. Such car-parking shall thereafter be maintained at all times.

Reason – To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 – Car Parking and New Development of the Bury Unitary Development Plan.

13. No demolition of the existing building(s) shall commence until:
- (i) a survey has been carried out to determine the presence or absence of roosting bats or owls including daytime and evening emergence surveys of buildings with potential to support roosting bats to be carried out during Spring and early summer and its results submitted in writing to the Local Planning Authority; and
 - (ii) where surveys indicate the presence of bats or owls full details of a scheme of appropriate mitigation and conservation measures shall be submitted to and approved in writing by the Local Planning Authority; and
 - (iii) such measures stipulated in such approved scheme of mitigation and conservation to be carried out pre-demolition shall have been carried out to the extent and standard approved in writing by the Local planning Authority.

All measures of mitigation and conservation set out in such approved scheme shall be maintained thereafter at all times unless first agreed otherwise in writing by the Local Planning Authority.

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

14. Provision for lifetime homes shall be incorporated into the development in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters for 'siting' and 'design'. The development shall be carried out in accordance with the approved scheme.

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

15. Any application for the approval of reserved matters shall include routes to and proposals for cycle parking in accordance with the Greater Manchester Cycle Parking Guidelines 2002. No part of the development shall be occupied until such approved routes and cycle parking areas shall be completed and made available for use in respect of that part of the development.

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

16. The development shall as part of the reserved matters for 'siting' and 'design' in respect of a part of the site make provision for recreation space in respect of that part of the development to the satisfaction of the Local Planning Authority. That part of the development shall not be occupied until such approved recreation space shall be completed made available for use (and if required by the local planning authority dedicated for public use as public open space) in respect of that part of the development.

Reason - To adequately provide for the recreational needs of the prospective residents pursuant to UDP Policy RT2/2 – Recreation Provision in New Housing Development.

17. The development shall not be commenced until a written scheme for the construction and delivery of affordable housing as part of the development which shall address all relevant matters including :

- (i) the [] % of the dwellings authorised hereby which are to be affordable housing;
- (ii) the mix and proportion of social housing for rent or shared equity /ownership housing;
- (iii) the mix and proportions of one, two, three or three plus bedroom units to be

provided as affordable housing;

(iv) the location and boundaries of the land upon which the affordable housing is to be constructed;

(v) the phases in which the affordable housing is to be provided;

(vi) the timescale within which the affordable housing is to be provided;

(vii) the terms upon which any affordable housing and land which is to be serviced accessed and transferred to a registered social landlord shall be so serviced accessed and transferred

shall have been submitted to and first approved in writing by the local planning authority. No open market housing within a phase of the development shall be occupied until any affordable housing within that phase shall have been constructed and delivered in accordance with the approved affordable housing scheme.

Reason – To ensure that the development shall make provision for affordable housing to the satisfaction of the Local Planning Authority to secure equal access to housing within the development pursuant to UDP Policy H4/1 – Affordable Housing.

18. The development shall not be commenced until a written scheme of works for improvements to the canal frontage of the site and associated infrastructure shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the canal frontage improvements have been completed in accordance with the approved scheme and programme unless otherwise agreed in writing by the local Planning Authority. The canal frontage improvements shall thereafter be maintained in accordance with the approved scheme in perpetuity unless first agreed other wise in writing by the local planning authority.

Reason – To improve public access and usage of the canal and its environment pursuant to UDP Policies EN10/2 – Riverside and Canalside Improvement in Urban Areas and OL5/3 – Riverside and Canalside Development in Urban Areas.

19. The development shall not be commenced until a parking strategy shall have been submitted as part of the reserved matters for ‘siting’ to and approved in writing by the Local Planning Authority. The development on a part of the site shall not be occupied until car parking shall have been provided in respect of that part of the site in accordance with the approved scheme. The car parking provided in accordance with the approved scheme shall thereafter be maintained in perpetuity.

Reason – To ensure adequate and appropriate levels of car-parking are incorporated into the development and pursuant to UDP Policy H2/2 – The Layout of new Residential Development.

20. No development shall be commenced until a phasing plan and strategy addressing:

(i) the physical parameters of each phase;

(ii) the sequence in which phases are to be constructed and occupied;

(iii) the timescale within which each phase is to be constructed and occupied;

for the housing authorised hereby shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved phasing plan and strategy or such varied plan and strategy first approved in writing by the local planning authority and the development of any second or subsequent phases shall not be carried out other than in accordance with a design code derived from the approval of reserved matters in respect of the first phase which shall address design principles including building height to street width ratios roof forms building materials fenestration public realm strategy and public realm materials first approved in writing by the local planning authority .

Reason - To control the release of new housing within the development site and relative to other housing release requirements of the Regional Spatial Strategy 13 For the North West and SPD7 – Managing the Supply of Housing Land in Bury.

21. The development as part of the reserved matters for siting and design shall make provision for public art to the satisfaction of the Local Planning Authority. The development shall not be occupied until public art has been provided in accordance with details approved in writing by the local planning authority unless agreed in writing by the local planning authority.

Reason - To secure public art within the development pursuant to UDP Policy EN1/6 - Public Art.

22. No development shall take place:
- (i) on the existing school playing fields; or
 - (ii) which shall prevent or obstruct safe access thereto; or
 - (iii) which shall otherwise prevent obstruct or prejudice the quality of recreational use thereof

nor shall any part of the site be used in such a way as to prevent or obstruct safe access to the playing fields or prevent obstruct or prejudice the quality of recreational use thereof until alternative playing field provision has been made available for use to the written satisfaction of the Local Planning Authority.

Reason – To ensure that there would be a continual supply of playing field provision pursuant to the provisions of PPG17 – Planning for Open Space, Sport and recreation and UDP Policy RT1/2 – Improvement of Recreational Facilities.

23. No development shall take place until full details of the proposed internal road layout and access into the site from the surrounding existing public highways (which shall take account of the existing and committed access points on School Street indicated on plan [xxxx]) shall be submitted to and approved in writing by the Local Planning Authority. No part of that development shall be occupied until the internal road layout connecting that part of the development with the surrounding existing public highways has been constructed and made available for use to the written satisfaction of the Local planning Authority.

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

24. The development shall not be occupied until visibility splays measuring 4.5 metres by 45 metres shall have been provided at all junctions onto Spring Lane to the written satisfaction of the Local Planning Authority. The visibility splays shall thereafter be maintained free of obstruction above the height of 0.6 metre.

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

25. On or before submission of the first reserved matters application, a residential travel plan strategy shall be submitted to and approved in writing by the Local Planning Authority. Before each phase of the development is commenced, a scheme for the provision of occupier travel plan measures relating to that phase shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of measures relating to walking, cycling, public transport and car parking. The scheme shall establish the developer and occupier travel plan objectives and targets and include an implementation programme. The approved schemes shall be implemented before each phase is first occupied or brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason – To secure the satisfactory development of the site in terms of highway safety and pursuant to UDP Policies HT2/4 – Car Parking and New Development, H2/2 –The Layout of New Residential Development and EC6/1 – Assessing New Business industrial and Commercial Development. To deliver sustainable transport objectives in accordance with PPG13 - Transport.

26. Before each phase of the development is commenced, details shall be submitted to and approved by the Local Planning Authority to cover measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site; and measures to minimise dust nuisance caused by the operations. The approved details shall be implemented and maintained thereafter during the period of construction of that phase unless otherwise agreed in writing by the Local Planning Authority.

Reason – To secure the satisfactory development of the site in terms of highway safety and pursuant to UDP Policies HT2/4 – Car Parking and New Development, H2/2 – The Layout of New Residential Development and EC6/1 – Assessing New Business industrial and Commercial Development. To ensure that the adopted highways are kept free of deposited material from the ground works operations.

27. The development shall not be commenced until full details of the following have been submitted to and approved in writing by the local planning authority:
- (i) traffic signal installation at the junction of the proposed site access with Spring Lane/Radcliffe Metrolink Car Park access;
 - (ii) reinstatement of all redundant school and car park accesses onto Spring Lane;
 - (iii) emergency access from the development site onto Whittaker Street.

The development shall not be occupied until all these highway works have been completed to the written satisfaction of the local planning authority.

Reason – to secure the satisfactory development of the site in terms of highway safety and UDP Policy EC6/1 – Assessing new Business Industrial and Commercial Development.

28. No development shall commence until full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonia Japonica*, *Rouse Decraene*, *Polygonum Cuspidatum*) and Giant Hogweed 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.

29. No development shall take place until an area of land has been defined and a habitat enhancement plan produced for that land for the enhancement of the Wildlife Corridor has been approved in writing by the Local Planning Authority. The measures set out in the approved enhancement plan shall be implemented within the timescale provided in that approved plan.

Reason - To comply with UDP Policy EN6/4 .

30. Details of the emergency access into the site shall be submitted as part of the 'siting' and 'design' reserved matters stage. The approved details only shall be implemented.

Reason – the application is submitted in outline and to ensure that appropriate measures are incorporated to ensure that the access is suitable for emergency vehicle use only.

31. The development shall not be commenced until a written scheme of works for improvements in respect of GMPTE car parking arrangements and associated infrastructure shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the GMPTE car parking improvements have been completed in accordance with the approved scheme and programme unless otherwise agreed in writing by the local Planning Authority.

Reason – to make provision for improvements to GMPTE car parking arrangements to further the achievement of sustainable transport objectives pursuant to PPG13.

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

Ward: Radcliffe - East

Item 10

Applicant: Orchid Group

Location: THE AINSWORTH ARMS, 465 BURY & BOLTON ROAD, RADCLIFFE,
MANCHESTER M26 4LJ

Proposal: CONSTRUCTION OF A MESH COVERED TIMBER PERGOLA TO EXISTING
BEER GARDEN

Application Ref: 48006/Full

Target Date: 05/07/2007

Recommendation: Approve with Conditions

Description

The Ainsworth Arms is a large public house on the corner of Bury and Bolton Road and Starling Road. There is a large car park to the side and rear of the building with vehicular access from Starling Road. The area between the existing car park to the side and the west side of the public house is given over to a small uncovered patio/beer garden although some of the tables in this area have large parasols.

To the west across the car park is a detached dwellinghouse whose gable is adjacent to the boundary. There are no habitable room windows on the gable. The shared side boundary is planted up with a 3m high hedge and tree and shrub planting. Across the car park at the rear is a large detached dwellinghouse at No.13 Starling Road. To the south, across Bury and Bolton Road is an area of open land planted with trees and shrubs round the periphery. The proposed all weather shelter would be attached to the western side of the public house. It would have a footprint of 9m by 4.5m and cover the area of the existing beer garden and patio area. The frame would comprise a timber frame with a flat roof covering over half of the area made up of polycarbonate sheeting. There would be a timber trellis erected on top of the existing wall that separates the car park from the beer garden. Access from the public house into the shelter would be via the existing side entrance which also has a ramp up to the car park.

The proposal also involves erecting lights and heaters on the timber frame around the enclosed area.

The public house, including the existing beer garden, has a licence to sell alcohol up to 11pm Monday to Saturday and to 10.30pm on Sundays.

Relevant Planning History

The premises has had various extensions over the years but this is the first planning application since 1998.

34190 - External Children's play area - Approved 2/7/98

33846 - External Children's Play Area - Refused 19/3/98

32760 - Single Storey Extension and Covered Walkway - Approved 6/2/97

31626 - Illuminated Signage - Approved 19/02/96

31427 - Single storey front, side and rear extension, Alterations to access, car park and patio - Approved 14/12/95

Publicity

Site Notice posted and immediate neighbours notified at 2, 29 and 457 Bury and Bolton Rd, 2, 4 and 13 Starling Road and 82 Higher lane - Letters of objection has been received from the occupiers of 29, 455 and 457 Bury and Bolton Road and 13 Starling Road. The objections are summarised below.

- The creation of the shelter is likely to be a source of noise and disturbance

during opening hours both from customers under the pergola and cars within the car park.

- Light pollution from the external lights.
- There is already a covered area that could cater for smokers.
- The pergola could be screened from the car park to reduce potential noise disturbance.

Consultations

Traffic Team - No comment to date.

Drainage Team - No comment to date.

Environmental Health - No comment to date.

Police - No objections.

BADDAC - No objection.

Unitary Development Plan and Policies

OL1 Green Belt

OL1/2 New Buildings in the Green Belt

EN1/2 Townscape and Built Design

EN1/5 Crime Prevention

SPD8 DC Policy Guidance Note 8: New Buildings in the Green Belt

S2/6 Food and Drink

HT5/1 Access For Those with Special Needs

Issues and Analysis

Appearance and Siting. The proposed garden shelter appears to be modest in scale and in keeping with the existing public house. It would not extend out significantly from the building and be set well back into the site. It would also be well screened by existing walling and proposed timber trellis next to the car park and planting along the boundary with 457 Bury and Bolton Road. It is considered to comply with the provisions of UDP Policy EN1/2 Townscape and Built Design.

Residential Amenity - UDP Policies S2/6 - Food and Drink and H3/1 - Assessing Non-Conforming Uses are concerned with issues of residential amenity such as noise, smell, visual intrusion and hours of operation. The concerns of the objector regarding noise and disturbance are considered to be relevant and material. It is noted that the area to be covered is part of the existing beer garden/ patio area along the side of the public house. The layout submitted shows seating for 18 customers although there is also seating for a further 30 people on the adjacent patio area.

The proposal is to cover about a quarter of the area of the existing beer garden with the proposed pergola. Whilst it is likely that there would be additional noise coming from the patio area during winter and periods of poor weather when the covered area would allow smokers and other customers to gather outside, the critical question is whether the level of noise and disturbance serious enough to refuse permission given the size of the area concerned, the existing boundary screening, the distance to the adjacent dwellinghouse and the restrictions that can be imposed with regard to lighting and noise from loud speakers and the hours of use of the proposed shelter.

It is considered reasonable to limit the use of the proposed shelter to 10pm, after which time customers in the shelter would move back into the main building. Boundary screening would be more effective in Spring and Summer when the trees are in leaf and when residents would be more likely to be in their gardens. Although screening would be less significant in the Autumn and winter the boundary trees would still create an important 'veil' along the boundary. It should also be noted that the plans include a trellis that would partially screen the area, aid noise reduction - particularly if it encourages further planting on the structure - and discourage potentially noisy interaction between customers in the beer garden and those on the car park as one objector has stated sometimes occurs.

Access - The existing ramp to the beer garden and main entrance would remain in situ and present an acceptable access point for disabled customers.

Objections - The closest residential property at 457 Bury and Bolton Road is approximately 18m away from the proposed shelter. It is not considered that the noise and disturbance generated by customers in the covered area would be serious enough to warrant refusing the application given the mitigating factors referred to above.

In the light of the above comments it is considered that the proposal complies with all the relevant UDP policies listed above and that there would be no serious harm to the amenity of nearby residents.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason for granting permissions can be summarised as follows:-
The proposed shelter is modest in scale and should not cause serious harm to visual or residential amenity given the restrictions imposed through conditions. The proposal complies with Unitary Development Plan Policy. 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 revised drawings numbered 0711-07-02/A and 03/A and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. No development shall take place unless and until a scheme of lighting has been submitted to and approved by the Local Planning Authority for all of the external areas of the building. The external areas shall not contain any external lights other than that which would be in accordance with the approved scheme.
Reason. In the interests of residential amenity.
5. There shall be no loud speakers provided to the external areas, including the proposed shelter at any time.
Reason. In the interests of residential amenity.
6. The proposed garden shelter shall not be available for use by customers outside the following hours - 0900 hrs to 2200 hrs daily.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/6 – Food and Drink of the Bury Unitary Development Plan.

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

Ward: Radcliffe - North

Item 11

Applicant: Greene King plc

Location: ROSE AND CROWN, 2 COCKEY MOOR ROAD, BURY, BL8 2HB

Proposal: ERECTION OF NEW COVERED SMOKING AREA

Application Ref: 47951/Full

Target Date: 08/06/2007

Recommendation: Approve with Conditions

Description

The Rose and Crown Public House is situated on the busy cross roads on the corner of Cockey Moor Road and Lowercroft Road. There is a large car park to the north and east of the pub and an enclosed beer garden to the rear of the site adjacent to the rear garden of residential properties Nos 9 and 11 Lowercroft Road. This property has a rear conservatory, the side of which directly faces the pub car park. Opposite is the Black Bull Public House and Nos 12, 14 and 16 Lowercroft Road.

It is proposed to erect a lean-to type metal framed structure with polycarbonate roof panels to accommodate smokers after the smoking ban comes into force in July this year. It would be located on the eastern elevation of the existing pub, project out 1.5m to the side and 3m in length. It is intended that no chairs or tables would be positioned under the shelter in order to discourage lingering, but a wall mounted shelf will be provided as well as heating and lighting. A new doorway to replace an existing window opening would provide direct access to the shelter for customers and this is wide enough for disabled access.

Relevant Planning History

Not applicable

Publicity

Neighbours notified at 8 Cockey Moor Road, 9, 10, 12, 14, 16, Lowercroft Road, Black Bull, Lowercroft Road, Gorse Hill Farm, Starling Road. Letter received from No 9 Lowercroft Road with the following objections:

- concerned about present noise disturbance exacerbated by noise from the smoking area.
- invasion of privacy into their conservatory through direct line of sight by smokers/drinkers.
- vulnerable to the congregation of clientele loitering in the car park

Consultations

Environmental Health - no objections.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design
S2/6 Food and Drink
H3/1 Assessing Non-Conforming Uses

Issues and Analysis

Appearance and Siting - Although located on the side of the pub which is adjacent to the car park and visible from Lowercroft Road and Cockey Moor Road, the structure has been designed in proportion to the main building and would not project out past the existing eastern elevation of the pub. Given the size, scale and simple design of the shelter, it is

considered not to be incongruous to the street scene or character of the area and would comply with UDP Policy EN1/2 - Townscape and Built Design.

Residential amenity - UDP Policy S2/6 - Food and Drink and H3/1 - Assessing Non-Conforming Uses are concerned with issues of residential amenity such as noise, smell, visual intrusion and hours of operation. The concerns of the objector regarding noise and disturbance are relevant and material considerations. Given the open nature of the shelter there is liable to be increased noise from customers using it. However, the shelter would be 30m from No 9 Lowercroft Road and would be screened by part of the existing side elevation of the pub. The position of the beer garden to the rear of this property and the noise and disturbance and disruption of privacy the occupiers of this property already experiences would not be exacerbated by the size, scale and location of the proposed shelter and is considered not to make the situation any more problematic than existing. It would comply with UDP policy S2/6 and H3/1.

Access - The shelter would be accessed via a new doorway created from the side of the main building including disabled access.

Objections - It is considered the noise and disturbance generated by customers in the covered area would not be serious enough to warrant refusing the application given the factors 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;-

The proposal s are considered to be appropriate and in keeping with the existing Public House and should not seriously harm the residential amenity of the immediate neighbours nor effect the visual amenity of the street scene.

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 16/5/2007 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. The proposed covered area shall not be available for use by customers outside the following hours - 0900 hrs to 2200 hrs daily..
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.
4. There shall be no loud speakers provided to the external areas, including the proposed covered area, at any time.
Reason - To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to policy S2/6 - Food and Drink of the Bury Unitary Development Plan.

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

253-5320

Ward: Radcliffe - West

Item 12

Applicant: Bury MBC Children's Services

Location: FORMER RADCLIFFE HIGH SCHOOL SITE, ABDEN STREET, RADCLIFFE, M26 3AT

Proposal: OUTLINE APPLICATION - RESIDENTIAL DEVELOPMENT INCLUDING ASSOCIATED INFRASTRUCTURE & OPEN SPACE

Application Ref: 45673/Outline Planning
Permission

Target Date: 21/04/2006

Recommendation: Minded to Approve

This application is one of a group of 5 planning applications which are connected to the re-development of East Lancashire Paper Mill (ELPM), Land on Tower Farm (45597), Radcliffe High School (45673), Coney Green (45672) and Land at Outwood Road (46182).

It is a reconsideration of the application approved by the [Planning Control Committee] on 12 July 2006 arising solely from minor revision of proposed planning conditions and consequential avoidance of need for any planning agreement, resulting from legal review. The background to the proposed changes is summarized under the heading "Up-date on Deliverability".

Since Members approved the development in 2006 the Secretary of State has been notified in accordance with the Town and Country Planning (Residential Development on Greenfield Land) (England) Direction 2000 – she has determined (on 11 October 2006) that she is content that planning permission should be granted.

Planning permission in respect of Tower Farm (45597) and Outwood Road (46182) can be granted further to Members' approval of them in 2006. Planning permission for Coney Green (45672) can be granted subject to minor consequential or related amendments to planning conditions which are the subject of a short report accompanying this one. Planning permission in respect of East Lancashire Paper Mills site (45598) can be granted subject to revised planning conditions and heads of terms

It is therefore recommended that:

the decision of the Secretary of State be noted; and

- the application be confirmed Minded to Approve subject to the revised planning conditions. The revised planning conditions can be found at the foot of this report.

Description

Members will recall that the application relates to the Radcliffe High School site which covers 4.9 hectares and lies to the north west of the town centre.

The application provides for outline planning permission for the principle of residential development including the means of access into the site. The scheme proposals provide an indicative layout for illustrative purposes only, indicating that circa 200 dwellings could be accommodated within the site.

The re-development of the site is an integral part of the regeneration of Radcliffe pursuant to the vision for Radcliffe as a Sustainable Urban Neighbourhood prepared by URBED for BMBC in 2003. It is provided for on the Three Sites Masterplan considered by the BMBC Executive Board on 13 April 2005 and subsequently approved with amendments as a material planning consideration.

Members are referred to the report to committee and supplementary report of July 2006- which form part of the background papers to this report – in respect of which all the relevant policies of the development plan and the material considerations are set forth together with analysis of the issues and the text of the planning conditions as then proposed.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN10/2	Riverside and Canalside Improvement in Urban Areas
EN6/4	Wildlife Links and Corridors
EN1/6	Public Art
EN3/1	Impact of Development on Archaeological Sites
EN3/2	Development Affecting Archaeological Sites
RT2/2	Recreation Provision in New Housing Development
SPD2	DC Policy Guidance Note 2: Wildlife Links & Corridors
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD4	DC Policy Guidance Note 4: Percent for Art
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H4/1	Affordable Housing
RT1/1	Protection of Recreation Provision in the Urban Area
RT1/2	Improvement of Recreation Facilities
RT1	Existing Provision for Recreation in the Urban Area
RT2/3	Education Recreation Facilities
CF1/1	Location of New Community Facilities
SPD1	DC Policy Guidance Note 1: Recreation Provision
EN1/5	Crime Prevention
PPG17	PPG17 - Planning for Open Space, Sport and Recreation
PPG3	PPG3 - Housing

Issues and Analysis

The [Planning Control Committee] resolved on 12 July 2006 that planning permission should be granted in respect of the development described in this application subject to:

- (i) notification of it to the Secretary of State pursuant to the Town and Country Planning (Residential Development on Greenfield Land)(England) Direction 2000; and
- (ii) planning conditions; and
- (iii) an s106 Agreement.

The application was therefore notified to the Secretary of State who determined on 11 October 2006 that she did not wish to “call in” the planning application for her own decision and was therefore content that planning permission might be granted.

Up-date on Deliverability - Following the decision to grant the 5 planning permissions there has been a period of detailed negotiation with the owners of the ELPM site and a legal review of the strategy for delivering the overall scheme undertaken with external legal advisers. These processes identified :

- (a) a strategic constraint on timely delivery of the scheme arising because the Council did not have ownership/control of the “Flat Land” at the Tower Farm site; and
- (b) a number of adjustments to proposed planning conditions for this- the Radcliffe High

School site.

The Council has acted decisively to overcome the strategic constraint. It has acquired ownership of the Flat Land. Amongst other things, this avoids the need for any costly and time consuming process of compulsory acquisition. It also enables the planning permission for Tower Farm (45597) to be granted for the development of that site exactly as approved by Members in July 2006.

The Council has also acted to address the planning conditions.

The Revised Conditions - The grant of planning permission for all 5 sites is a pre-condition to the delivery of the regeneration scheme. It is equally important that any such permissions are granted on terms which both secure the necessary regenerative benefits and provide a practical legal framework within which landowners and developers can operate to maximize the prospects of timely delivery of the development and those benefits.

The key inputs for the enhanced package of planning conditions now before Members have been:

(i) legal review : this has high-lighted as a technical issue the inability of the Council as a local planning authority to enter into an immediate binding planning agreement for its own land; and

(ii) negotiation : further negotiation with the owners of the ELPM site has identified a number of ways in which planning conditions can be refined in order to facilitate re-development. Certain of those improvements to wording can be replicated in respect of this site.

A key outcome of the legal review is that the canal restoration works (previously to be secured by a payment totaling £120,000 split between this site and the Coney Green site, of which some £67,500 were attributed to this site)) are now to be secured by planning conditions on the respective planning permissions for Coney Green (45672) and this site. The new conditions are set out below.

The key outcomes of the negotiation process are revisions to planning conditions to provide for the introduction of phasing to allow the developer to seek approval of all the details in respect of a particular phase and be able to carry out that phase in accordance with the Council's requirements through approving the details without having to have 100% of details for other or later phases (for example conditions 2,5,6,9 and further);

The longer period for phased development reflects the fact that the site will accommodate development of significant scale in itself (circa 200 new homes) but must also be co-ordinated with developments of Coney Green, and ELPM (circa 520 new homes). The developer is required by another planning condition (condition 20) to submit a phasing scheme for this site as it is for both Coney Green and ELPM so the Council can monitor and influence the overall timescale and sequence of development of the three sites.

The revised package of planning conditions enhance the deliverability of the scheme whilst continuing to secure all the benefits which Members required to be secured in approving the application in July 2006.

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 redevelopment of this site in a comprehensive way discussed through the Three Sites Master Plan and with appropriate controls over the release of new housing within the site would be a major regeneration step for Radcliffe. Further, controls and redevelopment of the site with re-provision at the ELPM site and Land at Outwood would ensure that recreation and playing field facilities would not be lost overall. The development with appropriate controls would comply with the Regional Spatial Strategy for the North West and Policies of the Unitary Development Plan and there are no other material considerations that outweigh

this finding.

Recommendation: Minded to Approve

Conditions/ Reasons

1. Applications for approval of reserved matters must be made not later than:
 - the expiration of three years beginning with the date of the grant of outline planning permission; and
 - that the development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

2. Before the development is commenced, the applicant shall submit detailed plans and particulars to the Local Planning Authority, and obtain their approval under the Town and Country Planning Acts, of the following reserved matters; the siting, design and external appearance of the building(s) and the landscaping of the site.
Reason. To ensure the satisfactory development of the site and because this application is in outline only.
3. This decision relates to the following documents: Transport Assessment Report No 2244/01 by TPP dated November 2005; Geo Environmental Appraisal Report No 7028/1 dated July 2005; Local Air Quality Assessment by WSP dated November 2005, and the development shall not be carried out except in substantial accordance with the plans and drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
4. A comprehensive construction design shall **where required** by the local planning authority be incorporated into a proposed building to prevent the accumulation of landfill gas or ground gas, to be agreed in writing with the Local Planning Authority before work commences, for the construction **of that building**. Subject to the above, 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.
5. No development, building work or demolition shall take place on a part of the site except in accordance with a programme of archaeological work in accordance with a written scheme of investigation first submitted by the applicant and approved in writing by the Local Planning Authority in respect of that part of the site.
Reason - To make a record of buildings and features of archaeological interest and to comply with legislative requirements pursuant to policies EN3/1 – Impact of Development on Archaeological Sites, EN3/2 – Development Affecting Archaeological Sites and EN3/3 – Ancient Monuments of the Bury Unitary Development Plan
6. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising on a part of the site 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 that part of the site, and; The approved contamination testing shall then be carried out and verificatory evidence (laboratory certificates etc) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site.

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

7. Any soil or soil forming materials brought to site found to be contaminated or otherwise unsuitable pursuant to condition 6 shall not be retained on site but shall be removed from the site.

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. 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 verification 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 development of a part of the site commencing:

- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas risks in respect of that part of the site shall be submitted to, and approved in writing by, the Local Planning Authority; and
- 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; and
- Where remediation is required, a detailed Remediation Strategy (which includes measures proposed in the Site Verification Report) shall be submitted to, and approved in writing by, the Local Planning Authority; and
- Such remediation works as such approved Remediation Strategy shall require shall be completed to the satisfaction of the local planning authority in respect of that part of the site; and
- A Site Verification Report detailing the conclusions and actions taken at each stage of such works including verification works shall be submitted to and approved in writing by the LPA prior to that part of 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 Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 -

Planning and Pollution Control.

10. 10.1 No development approved by this permission other than the Preparatory Works shall be commenced unless and until a Remediation Strategy supported by a detailed specification and plans is submitted to and subsequently approved in writing by the Local Planning Authority in respect of the following actions to protect the site from off-site sources of landfill gas and leachate:
- Investigation/risk assessment of landfill gas and leachate that affects or has the potential to affect the site; and
 - Detailed plans and specifications for control measures for gas/leachate migrating to the site from outside.

10.2 No part of the development shall be occupied until:

- the Remediation Strategy for that part of the site; and
- Verification/monitoring measures to ensure that the control measures prescribed in the Remediation Strategy are and continue to remain effective; and
- a maintenance plan for the maintenance of the control measures

have been implemented in accordance with the written details plans and specifications first submitted to and approved in writing by the Local Planning Authority. The approved control measures shall thereafter be maintained in perpetuity in accordance with the approved maintenance plan subject to such variations thereto as may be approved in writing by the Local Planning Authority.

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

11. (i) No development approved by this permission shall be commenced until a strategy for the provision of surface water drainage works has been approved by the Local Planning Authority.

(ii) No development of a part of the site shall be commenced until details of proposed surface water drainage works consistent with the approved strategy have been approved by the local planning authority in respect of that part of the site. No part of the development shall be occupied until surface water drainage works have been completed in accordance with the approved details.

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

12. The car parking indicated on the approved plans submitted as part of the reserved matters in respect of a part of the site shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to any building hereby approved on that part of the site being occupied. Such car-parking shall thereafter be maintained at all times.

Reason – To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 – Car Parking and New Development of the Bury Unitary Development Plan.

13. No demolition of the existing building(s) shall commence until:
- (i) a survey has been carried out to determine the presence or absence of roosting bats or owls including daytime and evening emergence surveys of buildings with potential to support roosting bats to be carried out during Spring and early summer and its results submitted in writing to the Local Planning Authority; and

(ii) where surveys indicate the presence of bats or owls full details of a scheme of appropriate mitigation and conservation measures shall be submitted to and approved in writing by the Local Planning Authority; and

(iii) such measures stipulated in such approved scheme of mitigation and

conservation to be carried out pre-demolition shall have been carried out to the extent and standard approved in writing by the Local planning Authority.

All measures of mitigation and conservation set out in such approved scheme shall be maintained thereafter at all times unless first agreed otherwise in writing by the Local Planning Authority.

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

14. Provision for lifetime homes shall be incorporated into the development in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters for 'siting' and 'design'. The development shall be carried out in accordance with the approved scheme.

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

15. Any application for the approval of reserved matters shall include routes to and proposals for cycle parking in accordance with the Greater Manchester Cycle Parking Guidelines 2002. No part of the development shall be occupied until such approved routes and cycle parking areas shall be completed and made available for use in respect of that part of the development.

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

16. The development shall as part of the reserved matters for 'siting' and 'design' in respect of a part of the site make provision for recreation space in respect of that part of the development to the satisfaction of the Local Planning Authority. That part of the development shall not be occupied until such approved recreation space shall be completed made available for use (and if required by the local planning authority dedicated for public use as public open space) in respect of that part of the development.

Reason - To adequately provide for the recreational needs of the prospective resident s pursuant to UDP Policy RT2/2 – Recreation Provision in New Housing Development

17. The development shall not be commenced until a written scheme for the construction and delivery of affordable housing as part of the development which shall address all relevant matters including :

(i) the [] % of the dwellings authorised hereby which are to be affordable housing;

(ii) the mix and proportion of social housing for rent or shared equity /ownership housing;

(iii) the mix and proportions of one,two,three or three plus bedroom units to be provided as affordable housing;

(iv) the location and boundaries of the land upon which the affordable housing is to be constructed;

(v) the phases in which the affordable housing is to be provided;

(vi) the timescale within which the affordable housing is to be provided; (vii) the terms upon which any affordable housing and land which is to be serviced accessed and transferred to a registered social landlord shall be so serviced accessed and transferred

shall have been submitted to and first approved in writing by the local planning authority. No open market housing within a phase of the development shall be occupied until any affordable housing within that phase shall have been constructed and delivered in accordance with the approved affordable housing

scheme.

Reason – To ensure that the development shall make provision for affordable housing to the satisfaction of the Local Planning Authority to secure equal access to housing within the development pursuant to UDP Policy H4/1 – Affordable Housing.

18. The development shall not be commenced until a written scheme of works for improvements to the canal frontage of the site and associated infrastructure shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the canal frontage improvements have been completed in accordance with the approved scheme and programme unless otherwise agreed in writing by the Local Planning Authority.

Reason – To improve public access and usage of the canal and its environment pursuant to UDP Policies EN10/2 – Riverside and Canalside Improvement in Urban Areas and OL5/3 – Riverside and Canalside Development in Urban Areas.

19. The development shall not be commenced until a parking strategy shall have been submitted as part of the reserved matters for ‘siting’ to and approved in writing by the Local Planning Authority. The development on a part of the site shall not be occupied until car parking shall have been provided in respect of that part of the site in accordance with the approved scheme. The car parking provided in accordance with the approved scheme shall thereafter be maintained in perpetuity.

Reason – To ensure adequate and appropriate levels of car-parking are incorporated into the development and pursuant to UDP Policy H2/2 – The Layout of New Residential Development

20. No development shall be commenced until a phasing plan and strategy addressing:

- the boundaries of each phase;
- the sequence in which phases are to be constructed and made ready for occupation;
- the timescale within which each phase is to be constructed and made ready for occupation;

for the housing authorised hereby shall prior to the first application for the approval of reserved matters be submitted and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved phasing plan and strategy, or such varied plan and strategy, first approved in writing by the local planning authority and the development of any second or subsequent phases shall not be carried out other than in accordance with a design code derived from the approval of reserved matters in respect of the first phase which shall address design principles including building height to street width ratios roof forms building materials fenestration public realm strategy and public realm materials first approved in writing by the local planning authority.

Reason - To control the release of new housing within the development site and relative to other housing release requirements of the Regional Spatial Strategy 13 For the North West and SPD7 – Managing the Supply of Housing Land in Bury.

21. The development as part of the reserved matters for siting and design shall make provision for public art to the satisfaction of the Local Planning Authority. The development shall not be occupied until public art has been provided in accordance with details approved in writing by the local planning authority unless agreed in writing by the local planning authority.

Reason - To secure public art within the development and pursuant to UDP Policy EN1/6 - Public Art.

22. No development shall take place:

- (i) on the existing school playing fields; or
- (ii) which shall prevent or obstruct safe access thereto; or
- (iii) which shall otherwise prevent obstruct or prejudice the quality of recreational

use thereof

nor shall any part of the site be used in such a way as to prevent or obstruct safe access to the playing fields or prevent obstruct or prejudice the quality of recreational use thereof until alternative playing field provision has been made available for use to the written satisfaction of the Local Planning Authority.

Reason – To ensure that there would be a continual supply of playing field provision pursuant to the provisions of PPG17 – Planning for Open Space, Sport and recreation and UDP Policy RT1/2 – Improvement of Recreational Facilities.

23. No development shall take place until full details of the proposed internal road layout and access into the site from the surrounding existing [public] highways (which shall take account of the existing and committed access points on School Street indicated on plan [xxxx] shall be submitted to and approved in writing by the Local Planning Authority. No part of that development shall be occupied until the internal road layout connecting that part of the development with the surrounding existing [public] highways has been constructed and made available for use to the written satisfaction of the Local planning Authority.

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

24. The development shall not be occupied until visibility splays measuring 4.5 metres by 45 metres shall have been provided at all junctions onto School Street to the written satisfaction of the Local Planning Authority. The visibility splays shall thereafter be maintained free of obstruction above the height of 0.6 metre.

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

25. On or before submission of the first reserved matters application, a residential travel plan strategy shall be submitted to and approved in writing by the Local Planning Authority. Before each phase of the development is commenced, a scheme for the provision of occupier travel plan measures relating to that phase shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of measures relating to walking, cycling, public transport and car parking. The scheme shall establish the developer and occupier travel plan objectives and targets and include an implementation programme. The approved schemes shall be implemented before each phase is first occupied or brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason – To secure the satisfactory development of the site in terms of highway safety and pursuant to UDP Policies HT2/4 – Car Parking and New Development, H2/2 – The Layout of New Residential Development and EC6/1 – Assessing New Business industrial and Commercial Development. To deliver sustainable transport objectives in accordance with PPG13 - transport

26. Before each phase of the development is commenced, details shall be submitted to and approved by the Local Planning Authority to cover measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site; and measures to minimise dust nuisance caused by the operations. The approved details shall be implemented and maintained thereafter during the period of construction of that phase unless otherwise agreed in writing by the Local Planning Authority.

Reason – To secure the satisfactory development of the site in terms of highway safety and pursuant to UDP Policies HT2/4 – Car Parking and New Development, H2/2 – The Layout of New Residential Development and EC6/1 – Assessing New Business industrial and Commercial Development. To ensure that the adopted highways are kept free of deposited material from the ground works operations.

27. 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) and Giant Hogweed 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

28. No development shall take place until an area of land has been defined and a habitat enhancement plan produced for that land for the enhancement of the Wildlife Corridor that has been approved in writing by the local planning authority. The measures set out in the approved enhancement plan shall be implemented within the timescale provided in that approved plan.

Reason - To comply with UDP Policy EN6/4

29. No development shall commence in respect of a part of the site until a detailed method statement for the safeguarding of great crested newts has been submitted to and approved in writing by the local planning authority in respect of that part of the site. The measures set out in the approved method statement shall be implemented within the timescale set out in the approved method statement.

Reason - To comply with PPS 9 and with the Habitats Directive

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

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 13

Applicant: Mr T S Mort

Location: LAND AT SHEEP HEY FARM, LEACHES ROAD, SHUTTLEWORTH,
RAMSBOTTOM, BL0 0ND

Proposal: TIPPING OF INERT WASTE (CLAY AND SUBSOIL ONLY) (RESUBMISSION)

Application Ref: 47771/Full

Target Date: 17/05/2007

Recommendation: Approve with Conditions

This item was deferred for a site visit requested by the Planning Committee at it's last meeting on 22nd May 2007.

Description

The application site comprises a hollowed out section of land located within a field belonging to Sheep Hey Farm. The site is some 0.22ha in size and is part of a much wider area of grazing land. The site is within an area of special landscape value and within the Green Belt accessed off Leeches Road and over a bridge, on the westerly side of the M66 motorway.

The application comprises a proposed land filling operation of some 2,500 cubic metres of inert waste comprising clay and sub soil. The applicant suggests an anticipated maximum of 10 vehicles per day. The land would be graded to remove the hollow in the land and be restored with grass over. The site development works and tipping operation is intended to take some 4 months to complete; 9 months is envisaged for restoration and 5 years aftercare. The purpose specified for the development is to enable the land to be used as rough meadow and to be incorporated into the rest of the field for grazing.

Relevant Planning History

These applications are around the holding itself, not the same application site as the current application.

33506 - Conversion of existing buildings to form 6 dwellings - Approved - 13/10/97

33808 - Agricultural Building - Withdrawn - 17/12/97

34789 - Erection of Agricultural Building - Approved - 10/12/98

43717 - Stable Block and Tack - Refused - 19/1/05 - Allowed on Appeal - 2/8/05

46756 - Tipping of inert waste (12500 cubic metres) - Refused - 24/11/06 - due to the quantities of tipping involved, the longevity of the operation and the impact arising from the scale of the operations upon the Special Landscape Area.

0047 - An Enforcement Notice was served on 21/5/04, which sought to remove non-agricultural machinery and to stop the tipping of stone. An appeal against the enforcement notice was submitted and the decision of the inspector was to allow the notice in part by requiring the applicant to remove some of the non-agricultural related machinery but permitted the tipping of stone, which was required to improve the drainage of the site. The appeal decision permitted the stone crusher to stay on site as it was needed to carry out works to improve land drainage and the works allowed continued removal of stone from the river (also granted under licence from the Environment Agency). Costs were awarded

against the Council for excessive and unreasonable steps sought within the notice. Appeal decided on 18/2/05.

Publicity

The application has been publicised by direct letters sent on 29/3/07 to 32 properties including Sheep Hey Farm, Whalley Road and Leaches Road Shuttleworth. Site Notices were erected on 5/4/07. As a result of this publicity, 10 letters of objection have been received from the following addresses - 388, 390, 398 Whalley Road; 3, 5, 8 Sheep Hey, Sheep Hey Farmhouse, 1 Sheep Hey Farm, email from C.Duckworth including 2 petitions with 16 and 7 signatures on them respectively.

Points raised include:

- Whalley Road is already busy with traffic. The scheme would worsen the situation.
- Leaches Road is a quiet Road and the additional traffic would create a hazard to other traffic and pedestrians.
- The traffic would use what is essentially a track, which is part of the Rossendale Way. To allow this type of traffic would be a dereliction of public duty.
- There is a lack of traffic control measures on Whalley Road.
- The scheme entails 20 vehicle movements per day which is excessive and dangerous.
- How can the importation of inert waste be validated?
- Stone has already been brought onto the site.
- A series of questions are raised about many of the applicant's answers provided on the application forms.

One letter of support has been received from Lancashire Rural Features, rural business advisors.

They fully support the proposals, as the scheme would enable the joined and become a single mowable agricultural field. They state that the Green Belt would not be affected and full re-instatement would ensure the openness remains. Furthermore, the proposals would provide a diversification activity for the holding and thus maintain the viability of the farm.

Consultations

Highways Team - No objections.

Drainage Team - No objections.

Environmental Health - Add conditions concerning the need to ensure that imported material is not contaminated. In terms of pollution control, both noise and dust are likely to be the main generators of nuisance. Both of these matters would come under the ambit of the Pollution Control Act.

Environment Agency - No objections.

Unitary Development Plan and Policies

- OL1 Green Belt
- OL5/2 Development in River Valleys
- EN6/4 Wildlife Links and Corridors
- EN9/1 Special Landscape Areas
- MW4/1 Assessing Waste Disposal Proposals

Issues and Analysis

Principle - The site is located within the Green Belt and also within an Special Landscape Areas (SLA). UDP Policy EN9/1 - Special Landscape Areas considers that any development should be sympathetic to its surroundings in terms of visual impact. High standards of design, siting and landscaping will be expected and unduly obtrusive development would not be permitted.

Policy OL1/5 - Mineral Extraction and Other Development in the Green Belt seeks to maintain the openness and expects that environmental standards will be maintained and the site be well restored.

Policy MW4/1 - Assessing Waste Disposal Proposals accepts the principle of waste developments where (relevant parts of the policy only are stated)

- there would be no adverse impact on dwellings, other environmentally sensitive properties in terms of visual amenity, noise, dust, air pollution, surface water smells or vibration;
- is acceptable in terms of traffic generation and road safety;
- would have no detrimental effect upon agricultural holdings or would lead to a loss of agricultural land;
- would not have a detrimental impact upon SLA's, river valleys or are biologically and ecologically important; and
- where the proposals include a satisfactory scheme of aftercare.

Given the above, the proposals can be considered acceptable subject to detailed assessment.

Need - The applicant's agent has submitted a supporting statement that confirms that the development is required to restore an existing agricultural tip area, which currently detracts from the allocated Special Landscaped Area, as defined within the UDP. This area is where the stone crushing operation has been carried out. The proposals have been significantly scaled down from the previous application proposals, to provide a minimal amount of work in order to restore the appearance of the land. The area subject to the proposals does appear to have been previously tipped and there is evidence of loose stone and chipping within the structure of the soil. The proposals would enable a hollowed area of the field to be level with the surrounding land and would improve the site's contribution to the special landscaped area. As such, the proposals would comply with Policy EN9/1 - Special Landscape Areas.

The agent has sent in a further response to a detailed objection from 8 Sheep Hey Farm who contends the mathematics of the loads and volumes of material required to tip. The agent states:

- The volume of the hole is the volume of the hole and this can't be increased from 2,500 cubic metres to 3,300 cubic meters it is and will remain 2,500 cubic metres.
- The weight of a cubic meter of soil will vary depending on the amount of air and water that it contains, however the agent has always worked on an average of 1.4 tonnes per cubic meter, which appears to be an accepted average.
- The agent disagrees with 8 Sheep Hey Farm's figure of 1.8 tonnes per cubic meter and that the objector cannot substantiate this figure.
- The total weight to be $2,500 \times 1.4 = 3,500$ tonnes of material.
- A 32 tonne wagon will have a payload of 20 tonnes slightly more if the wagon has an aluminum body.

At 20 tonnes per load the number of vehicles will be 175 and assuming 24 working days per month this would give rise to less than 2.5 vehicles attending site each day.

Scale and Longevity of the Operations - The proposals seek to import 2500 cubic metres of clay and subsoil to infill a hollow area of land within an existing field over a period of 4 months, which includes site preparation works. The hollow deepens to a ravine, running in a westerly direction although unlike the previously refused scheme. This ravine is not intended to be tipped as part of the current scheme. The scheme indicates that an embankment would be created, which would rise up to the surrounding land level. This is a much-reduced scale of works compared to the previously refused scheme, which had intended to take some 12-18 months to complete.

In order to bring the tipping materials into the site, the applicant states that some 125 vehicles maximum would be required to infill the hollow. Numbers of vehicles could vary from day to day and the applicant indicates a maximum of 10 in any one day. Flows into the site will vary dependent upon the availability of materials to be tipped.

This proposal now seeks a significantly reduced scaled operation, which would address concerns previously raised on 46756. Given these matters, it is considered that the proposals would not, on the basis of the scale of the development proposed, significantly impact upon the amenity of the residential properties at the entrance into Leaches Road or the residents of Sheep Hey Farm. As such, the proposals would conform to UDP Policy MW4/1 - Assessing Waste Disposal Proposals.

Traffic - The scheme represents a much-reduced operation than previously proposed. The access to the site via Leaches Road is narrow but does contain a suitably wide access point onto Whalley Road with good intervisibility. There are passing points along the lane and at the bridge crossing and access into the site would be some 120m from residential properties to the north. The tipping operation would be a further 145m from the access point. This distance would be sufficient so as to not cause any significant impact upon those properties. The Traffic Team have been consulted on the proposals and have raised no objections to the proposals.

Whilst it is accepted that there are no protected footways along Leaches Road, the width of the roadway and long stretches of visibility should ensure that both pedestrians and other road users would be mutually visible to each other. Furthermore, the length of time that the proposals are seeking to bring in materials into the site and limited numbers of vehicles, it is considered that there would be no undue conflict between the tipping vehicles and other road users.

Whalley Road is a relatively busy road and the numbers of vehicles that would be generated from this scheme is unlikely to be perceptible.

Given the above, it is considered that the proposal would be acceptable in terms of traffic considerations and would comply with MW4/1 - Assessing Waste Disposal Proposals.

Aftercare - The supporting statement with the application confirms that the applicant has previously restored sites within the holding successfully and indeed these are in current agricultural use. The proposed re-instatement would be simple and comprise topsoil placed as a final layer, which would then be seeded, fertilised, mown or grazed. A period of 5 years aftercare is proposed and stated within the supporting information. This aftercare period and re-instatement can be conditionally controlled. This methodology is considered to be acceptable in terms of MW4/1 - Assessing Waste Disposal Proposals.

Residential Amenity - The operational site would be some 260m from the nearest dwellings, which are to the north of the application site. This is considered to be a reasonable distance from the operation. However, to ensure that wind blown materials do not carry over from the site to the dwellings, it is considered that a planning condition be imposed to ensure that appropriate mitigation measures are utilised as stated within the supported documentation.

In terms of the relationship to properties at the entrance to Leaches Road fronting onto Whalley Road, the reduced scale of the development compared to the previously refused scheme, would mean that the impact from passing vehicles accessing the site would not demonstrably impact upon them. There is a potential from engines revving when sat at the junction waiting to enter Whalley Road due to the rising levels of Leaches Road, however, traffic flows on Whalley Road are never that significant so as to lead to a significant concern from tipping vehicles revving their engines. As such, with these considerations, it is considered that the proposals would conform to MW4/1 - Assessing Waste Disposal Proposals.

Enforcement Issues - The applicant and sites within the ownership of the applicant has been subject to an enforcement notice to stop the process of stone crushing and soil stripping and also the removal of machinery. This notice was appealed against. The appellant was partly successful in that the stone crusher was permitted to be retained on site for the purposes of improving drainage. The Enforcement Team are monitoring this situation. Despite this history, the stone crusher is accepted to be permitted on site (see enforcement appeal APP/T4210/C/04/1154535) and no other unauthorised works are going ahead.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-
The proposal represents a limited operational development of infilling which would improve the site's appearance within the Special Landscape Area and also in terms of its contribution to the agricultural value of the site. The development with conditions would ensure that appropriate levels of amenity would be secured and there would not be any undue traffic concerns with the proposal. The development would comply with the adopted policies of the UDP and there are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. Permission is hereby granted for a limited period only, expiring on 22 May 2010.
Reason. The development is of a temporary nature only.
2. This decision relates to drawings numbered P436/01, P436/03 received 22 March 2007, supporting letter dated 24 February 2007 and 3 May 2007 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. A minimum of 5 working days written notice shall be provided to the LPA of intended commencement of the development including any site preparation works. The notification of commencement shall include a timetabled schedule of the intended works to be carried out, which shall meet the following criteria:
 - i) 4 months from the date of commencement including site preparation works, all tipping activities shall cease on the site and a written notification of the end of the tipping operation shall be forwarded to the LPA.
 - ii) 9 months from the date of written notification of the end of the tipping operation details of all restoration works to be carried out on the site; and
 - iii) 5 years for the implementation of the restoration works and aftercare of the site.

All machinery required for operations listed in (i) and (ii) above are required to be

respectively removed from the site and operations described above must be discontinued at the end of the said period unless a valid application is received by the Local Planning Authority for their retention.

Reason. To ensure that the development is carried out in accordance with the approved plans and pursuant to Policies EN9/1 - Special Landscape Areas and MW4/1 - Assessing Waste Disposal Proposals Bury Unitary Development Plan.

4. A detailed methodology relating to the control of dust control for the duration of the tipping and restoration activities shall be submitted to the Local Planning Authority prior to any site preparation works commencing. The methodology shall be implemented during the tipping and restoration period unless otherwise agreed in writing .

Reason. To ensure that the development does not unduly impact upon the residential amenities of residential dwellings on Sheep Hey Farm and pursuant to UDP Policy MW4/1 - Assessing Waste Disposal Proposals.

5. Adequate turning space and wheel washing facilities shall be provided at a location that shall be agreed in writing with the Local Planning Authority prior to the site preparation works commencing. The wheel cleaning facilities shall be implemented and brought onto the site prior to the first commencement of any works and remain on site throughout the proposed tipping operations. All tipping vehicles leaving the site shall pass through the wheel wash facilities immediately prior to egress onto Leaches Road so as to prevent the deposition of mud or other extraneous materials on the highway.

Reason. In the interests of highway safety, the amenities of the area and pursuant to UDP Policies EN9/1 - Special Landscape Areas and MW4/1 - Assessing Waste Disposal Proposals.

6. The development hereby approved is for the tipping of subsoil and clay materials only and no putrescible waste materials or building rubble shall be brought onto the site for the purposes of tipping.

Reason. For the avoidance of doubt and to protect the residential amenities of nearby residential properties pursuant to UDP Policy MW4/1 - Assessing Waste Disposal Proposals.

7. Topsoil, subsoil and clays brought onto the site shall not be mounded to exceed 3 metres in height from the existing ground levels as shown on drawing P436/03 throughout the period of tipping and there shall be no storage of materials outside the tipping area unless otherwise agreed in writing with the Local Planning Authority throughout the duration of the development hereby approved.

Reason. In the interest of the visual amenities of the area and pursuant to UDP Policy EN9/1 - Special Landscape Areas.

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

Ward: Ramsbottom + Tottington - Tottington

Item 14

Applicant: DANIEL THWAITES PLC.

Location: HARK TO TOWLER, 43 MARKET STREET, TOTTINGTON, BL8 4AA

Proposal: PROPOSED EXTENSION TO CREATE DRAUGHT LOBBY AND SMOKING SHELTER

Application Ref: 47984/Full

Target Date: 03/07/2007

Recommendation: Approve with Conditions

Description

The Hark to Towler Public House is situated on the corner of Market Street and Kirklees Street in the Tottington District Centre amongst a mix of commercial and residential properties. The front of the property faces onto Market Street and at the rear is a car park and beer garden. Beyond the site to the rear exists a converted church building which are now residential apartments. Opposite is Tottington Methodist Church, a Listed Building and to the south of the site across Kirklees Street is a bus turning area, a nursery school and residential properties.

It is proposed to construct a new brickwork draught lobby outside the existing rear entrance with a smoking shelter beyond this, within the existing beer garden. The lobby would 3 sq m in area and have a flat roof. The smoking shelter would be 9 sq m in area and have a polycarbonate roof covering supported on timber rafters and vertical support posts.

Relevant Planning History

Not applicable

Publicity

Neighbours notified at 37, 39 Market Street, Tottington Methodist Church, Market Street, Nos 1 - 7 St John's Mews, Tottington, Tottington Nursery, Kirklees Street, 23, 25, Old Towns Close. 2 letters of objection received from Nos 1 and 3 St John's Mews which raised the following issues:

- it would result in congregation of people within close proximity of their properties
- higher levels of noise and smoke pollution
- overlooking into their properties
- the shelter would be adjacent to their back garden and be detrimental to their amenity area.

Consultations

Environmental Health - Informative added

GM Architectural Liaison Unit - no comments received

Unitary Development Plan and Policies

S2/6 Food and Drink
EN1/2 Townscape and Built Design
H3/1 Assessing Non-Conforming Uses
S1/3 Shopping in District Centres
S2/3 Secondary Shopping Areas and Frontages

Issues and Analysis

Appearance and Siting - The proposed draught lobby and smoking shelter would be situated to the rear of the pub and not readily seen from the public highway. It would be

within the existing beer garden area and not project past the single storey outrigger at the rear. It could be viewed from the properties at the rear in St John's Mews. However, the structure would have a light weight and inconspicuous appearance and it is considered not to adversely impact on their outlook. In terms of design, the simple timber structure is considered to comply with UDP Policy EN1/2 - Townscape and Built Design.

Amenity - UDP Policies S2/6 - Food and Drink and H3/1 - Assessing Non-Conforming Uses are concerned with issues of residential amenity such as noise, smell, visual intrusion and hours of operation. The concerns of the objectors regarding noise, disturbance and visual intrusion are relevant and material considerations. Given the open nature of the shelter there is liable to be increased noise from customers using it. However, it is considered that the level of noise and disturbance would not be serious given the size of the area and its location within the already existing beer garden. The shelter would be 9m from the rear of the properties within St John's Mews and would be no closer to these properties than the existing outrigger or the existing beer garden and therefore no more detrimental to the privacy of the occupiers of these properties than existing. The garden area to the rear of No 3 St John's Mews is screened by a brick wall and would be no more effected in terms of overlooking or privacy than the existing situation. Concerns by the objector that there is already a problem with noise emanating from the pub would be partly mitigated by the installation of the draught lobby. Restrictions that can be imposed with regard to noise from loud speakers, the hours of use of the proposed shelters to 10pm would reinforce the structure would be for those customers who wish to smoke and move back into the main building rather than stay for longer periods.

Access - Access to and within the existing pub is not easily accessible to disabled persons. Access to the proposed smoking shelter would be via a step and existing external exit door to the rear of the pub. There are no remedial measures to provide access for people with a disability.

Objections - It is considered that the noise and disturbance generated by customers from the proposed covered area and the effect on the privacy of the immediate neighbours would not be serious enough to warrant refusing the application given the mitigating factors 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;-

The proposals are considered to be appropriate and in keeping with the existing Public House and should not harm the residential amenity of the immediate neighbours.

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 8/5/2007 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. The proposed shelter shall not be available for use by customers outside the following hours - 0900 hrs to 2200 hrs daily.
Reason. To safeguard the amenities of the occupiers of nearby residential

accommodation pursuant to Policies S2/6 – Food and Drink of the Bury Unitary Development Plan.

4. There shall be no loud speakers or amplified music provided to the external areas, including the proposed shelter at any time.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/6 – Food and Drink of the Bury Unitary Development Plan.

5. Prior to the installation of the shelter a scheme for any proposed external lighting to the area shall be submitted to and approved in writing by the Local Planning Authority,. The lighting shall then be installed in accordance with the approved scheme only prior to the first use of the shelter/canopy/covered area and thereafter be maintained in perpetuity and in accordance with the scheme approved.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/6 – Food and Drink of the Bury Unitary Development Plan.

For further information on the application please contact **Jennie Townsend** on **0161 253-5320**

Ward: Ramsbottom + Tottington - Tottington

Item 15

Applicant: M D Homes

Location: PLOT 3 LAND AT HIGH STREET, WALSHAW, BURY

Proposal: SIX BEDROOM DETACHED DWELLING - AMENDED HOUSE TYPE OF PREVIOUS APPROVAL REF. 40312/03

Application Ref: 48007/Full

Target Date: 21/06/2007

Recommendation: Approve with Conditions

Description

The application site forms part of an approved residential development fronting High Street. To the north is a building used as offices with a car parking area. To the west of the site are open fields within the Green Belt. To the south is an unmade street leading to the rear of terraced cottages. To the east across High Street are stone built terraced properties. Plot 3 formed part of a previously approved scheme for reserved matters for residential development for 3 houses. (Ref 40312/03)

This application is for an amendment to an existing approved house type on Plot 3. The footprint of the approved house would remain exactly the same. This latest application involves a change in layout of the first floor from five to four bedrooms and the incorporation of 2 additional bedrooms in the roof space with dormer style windows making it a 6 bedroomed house. There would be no increase in the height of the originally approved house.

Relevant Planning History

The site has a history of previous outline and reserved matters applications for residential development:

Ref 37921/01 - Outline planning permission for residential development of the site approved July 2001.

Ref 40312/03 - Reserved matters for 3 detached houses (Plots 1, 2 and 3) approved March 2003.

Ref 40678/03 - Outline permission for Plot 5 approved October 2003.

Ref 45121 - Further Outline permission for Plots 4 and 6 granted September 2005.

Ref 47419 - Reserved matters for 2 detached houses (Plots 4 and 6) granted February 2007.

Ref 47591 - Full planning application for 1 detached dwelling on Plot 5 refused 5th April 2007 based on the council's housing restrictions policy.

Ref 47969 - Full planning application for 1 detached dwelling on Plot 1 - amended house type of previous approval ref 40312/03 - approved May 2007

Publicity

Neighbours notified by letter on the 2nd May at 40, 60 - 82 evens High Street, 19-45 odds High Street, 2 - 14 evens Bentley Hall Road, Stoneholme Business Centre. Eleven letters received from: Nos 19, 23, 31, 41, 42, 43, 66, 72, High Street, 10, Bentley Hall Road, and two e-mails with no postal address, with concerns that:

- the proposal would be out of proportion to the surrounding properties
- the site is already intensely over developed
- effects on wildlife
- additional floors will appear unsightly and ugly
- the amendments would cause restriction in light to surrounding houses
- more trees have been felled

- following the original permission restrictions had been put on the site to prevent over development
- the dwelling is already too close to Stoneholme Business Centre and would be overdominant
- the proximity of the new buildings to existing make the development too imposing
- additional bedrooms would appeal to larger families with more vehicles thereby creating traffic problems and cause more accidents.

Consultations

Highways Team - no objections

Drainage Team - no objections

Environmental Health - no objections. Suggest a contaminated land - non standard condition

Landscape Practice - no comments

Unitary Development Plan and Policies

C119 Newhive Works, Walshaw

H1/2 Further Housing Development

H2/1 The Form of New Residential Development

H2/2 The Layout of New Residential Development

Issues and Analysis

Principle - The application site comprising of Plot 3 was granted planning permission for residential development in 2003 and as a result the principle of residential development has been established. The addition of two extra bedrooms in the roof space would not increase the footprint of the house or be any higher than that approved.

Residential amenity - The property lies to the rear of the site behind Plot 6, which fronts onto High Street and the proposed dormers would be 23m from the habitable room windows of the property on Plot 6. There are no properties behind this plot which would be affected by the proposal. Given there would not be an increase in the overall height of Plot 3 it is considered the position of the dwelling and therefore the additional accommodation would not effect the privacy or overlook any of the surrounding properties. It would comply with UDP Policy H2/2 - The Layout of New Residential Development.

Visual amenity - The addition of an extra bedroom would increase the accommodation to 6 bedrooms which is similar to the other already approved houses. The materials proposed are Art Stone walls with Art Stone header and cills, slate grey smooth Stonewold roof tiles and vertical tile hanging to the proposed dormers, also of slate grey tiles and these materials are similar to those of the other houses approved on the site. As the plot is set back from the main road by 43m behind plot 6, the additional dormers to the front and rear are considered not to be intrusive to the street scene and therefore complies with UDP Policy 2/1. - The Form of New Residential Development.

Trees - There would be no change to the footprint of the property and therefore no trees would be affected by the proposal.

Objections - The amended design adds two bedrooms in the existing roof space and would not create a third storey. It would be 0.5m lower than the original roof height and would be no closer to the surrounding properties than the existing. There would be no extra trees affected by the proposal. A condition attached to the original planning permission restricted permitted development to these properties with any further proposals requiring planning permission. The proposed addition to plot 3 having been assessed with regard to the council's standards and guidelines is not considered to be of such detriment to either residential or visual amenity as to warrant refusal. The highways team have no objection to the additional accommodation.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-
The proposed development is considered acceptable as it would not cause demonstrable harm to the residential amenities of the neighbouring properties. The dwelling would be in keeping with the previously approved houses on plots 1, 2, 4 and 6 and would not be detrimental to the visual amenity of the area.
There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 26/4/2007 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 terms of the Town and Country Planning (General Permitted 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.
4. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site, and;
The approved contamination testing shall then be carried out and 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.

For further information on the application please contact **Jennie Townsend** on **0161 253-5320**

Ward: Ramsbottom + Tottington - Tottington

Item 16

Applicant: Adonhill

Location: BERRY'S GARDEN CENTRE, TURTON ROAD, TOTTINGTON

Proposal: REPLACEMENT GARDEN CENTRE BUILDING & IMPROVEMENTS TO ACCESS, CREATION OF NEW FOOTWAY TO TURTON ROAD & CAR PARKING (AMENDED SCHEME)

Application Ref: 48072/Full

Target Date: 04/07/2007

Recommendation: Approve with Conditions

Description

The application site comprises a 0.9ha site located off Turton Road within the Green Belt. The land was formerly used as a nursery/small garden centre in the past but has not operated for a number of years. Access to the site is obtained directly from Turton Road and the access point is shared by a detached dwelling sited to the east of the access point.

The site is located on a hillside and levels of the land rise progressively towards Cann Street to the south west of the site. There is a hedge along the site frontage to Turton Road and trees screening to the north west of the site. Dwellings on Cann Street overlook the application site and to the south of the site is a public footpath, that separates the site from a housing estate.

This is the third application for the use of the site as a garden centre in the past 12 months, with each scheme successively having been reduced in scale.

The difference between this current application and the last scheme is a significant change to develop only half of the site within the ownership of the applicant and to utilise only the existing hard surfaces, building footprints with the exception of a new service road.

This application is seeking to re-establish a garden centre use comprising the erection of three sales buildings to the westerly part of the site, with car parking to the southerly end of the site for 42 cars, using existing former car parking areas. Access to the car parking again would use an existing road within the site.

A new service road for delivery purposes would be created from the main access point into the site to run along the westerly side of the three new sales buildings. To the south of the site would be a growing area and outdoor sales area. The frontage of the site and westerly boundaries of the site would be landscaped. In the central part of the site would be three conjoined buildings acting as a sales area, office and refreshments area. These buildings would be set into the hillside, comprise a curved roof with composite wall panels resting on dwarf brick walls. The buildings are intended to be located generally where the former sales buildings and garaging stores are currently located on the site and would appear to 'step up' the hillside. The buildings would be 6.8m to the highest part of the roof and 4.5m to the eaves. Each building would be 12m wide and 25m long. The scheme also includes proposals to create a new foot way from Woodstock Drive along the Turton Road frontage to the entrance of the site.

Relevant Planning History

32551 - demolition and rebuilding of garden centre shop - approved - 7/11/96

32552 - erection of temporary garden centre shop - approved - 7/11/96

46787 - replacement garden centre, improvements to access and car parking - withdrawn - 4/10/06

46786 - One dwelling - refused - 22/9/07

47420 – Replacement garden centre building, improvements to access and car parking – Refused on 21/3/07 – due to the scale, design and layout of the proposed car park, hard standing areas, access roads and car parking being detrimental to the Green Belt in terms of visual impact.

Publicity

The application was publicised through site notices erected on 22/5/07 and 51 addresses notified on 17/5/07. As a result of this publicity, 24 letters/emails of objection have been received from 38 Cann Street, 2 Woodstock Drive, email from L Hopkinson, 10 facsimile copies of a letter from 69, 113, 310-312, 316 Turton Road, 14c, 42 Cann Street, 4, 9 Layfield Close, 68 Royds Street, J Locker; and further letters from 34 and 36 Cann Street, 143 Turton Road.

Points raised include -

- The scheme although reduced in scale the scheme is still in conflict with Green Belt status through the creation of a new access road and a s a retail operation,
- The redevelopment of car parking on land not previously developed through the widening of the entrance into the site and creating a new footpath to a seating area;
- The estimated numbers of visitors to the site exceeds the levels of car parking proposed, which will lead to parking on Turton Road;
- The site entrance would create an accident black spot and the proposals would encourage parking on the main road;
- This application is a rouse to permit the building of houses on the site in the long run;
- The annotations on the plan imply existing agreement of development boundaries when no formal agreement exists.
- What are the proposed growing areas for?
- The siting of the car park would impact upon the amenities of the residents of Woodstock Drive, Layfield Close and Turton Road.
- The proposals represent a large out of town retail development in the Green Belt.

Consultations

Traffic Team - Any response shall be reported to Members.

Drainage Team - Any response shall be reported to Members.

Environmental Health - Land Contamination - No objections in principal subject to the addition of conditions ensuring that any land contamination is appropriately controlled.

Waste Management Services - Any response shall be reported to Members.

Environment Agency - Any response shall be reported to Members.

G M Police - no objections.

Unitary Development Plan and Policies

OL1	Green Belt
OL7/2	West Pennine Moors
EN1/1	Visual Amenity
OL1/2	New Buildings in the Green Belt
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
S4/3	Nurseries, Farm Shops and Garden Centres
S1/3	Shopping in District Centres

Issues and Analysis

Principle - The site has historically been used as a garden centre/nursery and this has been formally acknowledged through correspondence with the applicant. The current application indicates an area of operational land which is reflective of the historic operational land of the site. As such, the principal of the development is considered to be established.

The site is within the Green Belt and the application details should be determined in accordance with UDP Policy S4/3. Criterion (c) - conformity with Green Belt Considerations and is perhaps the most fundamental consideration in terms of establishing the acceptance of the proposals.

The site is also within the West Pennine Moors and is surrounded by a Special Landscape Area designation.

The proposals have indicated an area of land that is representative of the historic use of the site, where previous applications have gone beyond former operational areas, even though within the applicant's ownership. The use of these additional areas of land were one of the key reasons for refusing the previous application 47420 and the withdrawal of 46787.

Visual Impacts - The scheme has been submitted with a design and Access Statement. *Impacts from Buildings* - The scheme seeks to utilise existing hard standings and access roads, without the need to develop further ones for car parking and new buildings are proposed to be located where existing buildings currently occupy the site. The cumulative extent of the former buildings are representative of the ones proposed in terms of footprint and volume and the design of the new structures incorporates curved roofs seeking to further minimise the structures.

The proposed buildings would be physically higher than the existing buildings on the site. However, to mitigate the impact, the joining of the buildings and setting them into the hillside would strike a balance between improving the appearance of the site within the Green Belt from a number of poor quality buildings on the site and by not adding to the quantum of buildings on the site.

Impacts Service Road - it is acknowledged that a new service road is proposed to run along the westerly side of the sales buildings would be a new element introduced into the site. This development would be within the historic operational area of the site and appropriately surfaced, this aspect of the development could be mitigated from creating visual intrusion. The submitted information proposed the use of 'Mastertint' which is a green coloured tarmac surface product. This has been used in other Green Belt locations which can substantially reduce the impact from a standard hard surface material within a visually sensitive area. A planning condition requiring the submission of materials should be imposed to secure that the correct materials are incorporated into the scheme.

Impacts from Car Parking - The current proposals are seeking to utilise largely existing hard standings for proposed car parking areas within the site along the southerly boundary of the site next to the public footpath and Layfield Close. There are semi-mature trees along this boundary and some of the trees do step into the site, which would mitigate the appearance of surface car parking within the site. Furthermore, the scheme does include landscaping proposals which again would further reduce potential visual impacts from surface car parking.

Other concerns have been raised following the publicity exercise of the application about the impacts of additional vehicles that may park on Turton Road, who may visit the site. There is a potential visual impact within the Green Belt from parked cars. There is a mix of walling, hedging and buildings along the northerly edge of Turton Road, which would assist to screen long distant views of parked cars. Additionally, there is also potential for Traffic Regulation Orders to be used to prevent parking in this area.

Given these issues, it is considered that the development would comply with UDP Policies

EN1/1 and OL1/2 and that there would not be any undue visual impact from the development.

Traffic and Access - The scheme proposes to utilise an existing access off Turton Road. Visibility splays would be provided to specifications agreed with the Traffic Team. To facilitate this, a recently completed boundary wall to Turton Road (East of the access) would need to be and is proposed to be re-aligned to accommodate traffic and pedestrian intervisibility. A substantial hedge would need to be removed and is proposed to be replanted along the back edge of the visibility splay. The hedge is not an historic hedge under the hedgerow regulations. The proposals now include the provision of a new pedestrian foot way along the Turton Road frontage to assist to connect the site into the Woodstock Drive estate. The Traffic Team have no objections to the access position or its layout/design. Any final comments received from the Traffic Team will be reported to the Committee.

The previous proposals for a larger garden centre operations on this site were withdrawn/refused. This included the significant numbers of car parking spaces, which were up to 90 at one stage. Many residents objected to such large scale proposals and in particular the levels of car parking previously proposed and the impact of this upon traffic levels and visual intrusion. The current scheme now proposes a substantially reduced level of car parking provision and generally a much scaled down proposal. The development area substantially is representative of the historic operational area of original garden centre and proposes the car parking where it was originally located. In terms of the Council's Draft Car Parking standards, for non-food retail, the proposals accord with the document for the levels of retail proposed. As such, the scheme is considered to provide sufficient car parking provision.

The previous decisions by the Council to refuse a large scale garden centre scheme on this site has made a clear statement that expansion beyond the current proposals would be unacceptable. Should this current application be approved, the developer would have to be accept that the capacity of the site is constrained by the sensitivities of the land allocations affecting the site. Should traffic spill onto Turton Road, comments received from residents and the experiences of officers are that Turton Road would benefit from suitable forms of traffic speed control. On street car parking can assist to slow traffic speeds down without the need of physical interventions on the highway.

Four disabled parking bays have been incorporated into the scheme and are proposed to be located close to the entrance of the building. A level approach is proposed to ensure appropriate access and egress to the main building.

It is considered that the access, car parking and levels on the site are appropriate for the scale of the development and that the scheme would comply with HT5/1 and H2/4.

Hours of Operation - The application proposes 9.30am to 5pm Monday to Friday, 10am to 6pm on Saturdays and 10am to 4pm on Sundays. These hours are typical operational hours and are considered to be acceptable. Any granting of planning permission should include a planning condition to reflect these proposed hours .

Residential Amenity - The main car parking areas would be located to the southerly boundary of the site and would be separated from the properties on Layfield Close by a public right of way and panelled fences. The proposed hours of operation are reasonably conservative and can be controlled by planning condition. There is an area of land along the westerly boundary intended to be used as a growing area. This land shares a common boundary with residential dwellings, albeit, at a lower level. There are concerns over the scale and nature of the site from residents and in terms of planning, there does need to be a balance between the historic use of the site and balancing development issues within the Green Belt location. As such, the growing areas should be conditioned so as not to become retail areas, which would ensure an appropriate relationship is maintained with nearby dwellings.

Ecology - The buildings have been assessed for their use by bats. The bat report accompanying the application confirms that no bats have been found, however, a planning condition should be imposed to ensure that during the removal of buildings, should bats be found, then the recommendations of the ecologists report are implemented.

Fencing - The site is currently accessible to the south along the existing public footpath. The scheme proposes to secure this boundary with a permeable green coloured paladin fence 1.8m high. Such a fence is used in many areas within the Borough and elsewhere. The choice of fencing would also provide opportunities to ensure that pedestrians will be visible and safe. The design and choice of fence would fit into the foliage of the site boundary and would not appear intrusive.

Response to Objectors - The site does benefit from a historic use of a garden centre/nursery, open to visiting members of the public. This proposal seeks to utilise this historic use and to develop the various elements of the site in a modern day form. The site is within the Green Belt and a judgement needs to be made as to how the scheme impacts upon the Green Belt, bearing in mind the historic use of the site and details of the proposals under consideration.

The scheme is not sufficiently large enough to qualify as an out-of-town retail proposal. The levels of car parking proposed would accord with the Council's standards for car parking. Previous decisions of the Council for a bigger garden centre use clearly indicates that the scope and scale of the use of this site is restricted due to the sensitivities of the land use allocations affecting it.

The scale of the retailing provision within the site can be controlled by planning condition. It is considered that the areas indicated for growing shall be for that purpose only, which would assist residential amenity issues and further restricts the scope and scale of the development of this site. Furthermore, it is suggested that a planning condition be imposed to restrict the sale of non-related horticultural related products, which reflects the historic use of the site and would control the scope and scale of the operation.

Summary of reasons for Recommendation

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

The development represents a significantly reduced scheme to previous proposals for a similar use and is considered to be representative of the historic use on the site. The development with appropriate conditions would ensure minimal impact upon the Green Belt and West Penine Moors location and would comply with the UDP Policies and there are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered Fence type1 - 1.8m Pladid fence; fence type 2 - 1.8m close board fence; fence type 3 - 1.2m rail and fence; 1280/section A-A, 3bay staggered curved roof dwg; 1280/SP/EXTRACT; SSL:9238:200:1:1; 1280/SURFACES TREATMENT; LANDSCAPE PLANTING PLAN rev.D; 1280/SITE PLAN and the development shall not be carried out except in accordance with the drawings hereby approved.

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

3. The proposed hours of opening, lighting of the site from the lighting columns and the deliveries of goods to the site shall be confined to the following hours:-
0930 hrs to 1700 hrs, Monday to Fridays;
1000 hrs to 1800 hrs Saturdays;
1000 hrs to 1600 hrs on Sundays.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EC4/1 – Small Businesses, EC6/1 – Assessing New Business, Industrial and Commercial Development of the Bury Unitary Development Plan.

4. The landscaping scheme hereby approved, including the replaced hedge to Turton Road shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building(s) is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.

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

5. Samples of the materials to be used in the external elevations and hard surfaces shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The approved materials only shall be implemented.

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.

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. The hatched area indicated as 'growing area' on plan 1280/SP/EXTRACT shall not be open for visiting members of the public or for the the purposes of retailing or direct sales.
Reason - To minimise the impact of the development upon the residential amenities of neighbouring dwellings pursuant to UDP Policies S4/3 and EN7/2.
12. The proposed service road from spot height 185.56 to the vehicle turning facility to the west of the sales building shown on drawing number 1280/SP/EXTRACT shall not be used for gener public or staff car parking or for the storage of delivered goods.
Reason - To ensure that the development does not unduly impact upon the visual characteristics of the area and to protect the visual amenities of the site pursuant to UDP Policy EN1/1.

13. The development shall not be used other than primarily for the sale of garden products and equipment, plants and horticultural goods and other goods normally sold from a garden centre and for the ancillary sale of food and drink from the cafeteria.

Reason - To ensure that the development does not unduly impact upon the vitality and viability of Tottington Town Centre pursuant to UDP Policy S1/3.

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

Ward: Whitefield + Unsworth - Besses

Item 17

Applicant: T-MOBILE (UK) LTD.

Location: THE FRIGATE, THATCH LEACH LANE, WHITEFIELD, M45 6FW

Proposal: TELECOMMUNICATIONS INSTALLATION

Application Ref: 48038/Telecom
Determination (56 Days)

Target Date: 27/06/2007

Recommendation: Prior Approval Required and Granted

Description

The site for the proposed installation is within a sizeable plot of spare land situated to the rear of the Frigate Public House. The nearest highway frontage is Sandgate Road about 20m to the east. To the south is the M60 motorway which is in a cutting. The area is predominantly residential and the nearest houses are about 60m to the west in Conisborough Place and a similar distance away to the east in Derwent Close.

The land already includes an existing telecoms monopole mast situated to the south of the intended installation and set close to the motorway boundary on a higher part of the site.

The proposal is to install a 15m high monopole which would support six antennae and two 600mm diameter transmission dishes. There would be three equipment cabinets, the largest of which would be 1.3m wide x 0.925m deep x 1/64m high and the installation would be sited within a 5m square compound bounded by 1.8m high palisade fencing. For comparison the existing monopole is also 15m high and is sited on land about 1.5m above the level of the proposal.

The application is supported by a technical justification in regard to need for signal coverage, an account of the site selection process, a design and access statement and an ICNIRP declaration of conformity.

The application follows the withdrawal of a similar application in which the installation was shown about 7.5m to the west and thus further away from Sandgate Road.

Relevant Planning History

33018/97 - Prior approval determination for siting of telecommunications pole with antennas, equipment cabin, meter cabin compound and access track. Prior approval not required. Decision made on 7th April 1997.

47579 - Prior approval determination for the erection of a 15m monopole, 6 no. antennae and 2 no. transmission dishes and 3 no. equipment cabins. The application was withdrawn.

Publicity

72 properties in Thatch Leach Lane, Oak Lane, Derwent Close, Warwick Avenue, Oak Bank Close and Church Lane, Prestwich were notified on 7th February 2007 and a site notice has been displayed. One letter of objection has been received. The occupier of 143 Thatch Leach Lane is concerned that more antennae would be detrimental to the area, given that this would be an addition to the existing ones.

Consultations

Highways Team - No objections

Environmental Services - Point out the need for an ICNIRP Guidelines compliance certificate which has been submitted.

Highways Agency - No comments provided the mast would be a minimum of 15m of the

motorway boundary. That distance is shown on the submitted layout as about 22m.

Unitary Development Plan and Policies

EN1/10 Telecommunications

Issues and Analysis

Visual Appearance - The proposed installation is of the monopole type now regularly being utilised within urban areas. In this instance it would be sited close to a similar installation and within an area where there are already other prominent structures in evidence including a motorway CCTV camera installation and a large electricity pylon.

The site is not immediately close to dwellings and the monopole would not be an over dominant feature as viewed from the nearest house elevations about 60m way. From the rear of houses in Conisborough Place it would be partly obscured by trees. From the rear of houses in Derwent Close the view would partly shielded by Sandgate Road which is on a embankment. From Thatch Leach Lane and Oak Bank Close the view would either be partly blocked by The Frigate public house or the structure would be seen within the visual clutter of the existing monopole, lighting columns, CCTV unit and electricity pylon that occur around the motorway.

The monopole would be set back about 20m in from the nearest highway frontage in Sandgate Road and the overall impact on the street scene would not be significant.

Technical Justification: The submitted supporting statement demonstrates the need to achieve through the installation a high level of 2G coverage with a high level of service within commercial and residential indoor areas. The document also includes an account of the site selection process with eight other sites having been considered and not chosen with reasons given.

Health Concerns: The submitted ICNIRP Declaration covers the issue of health concerns as is stated within PPG8 that "If a proposed mobile phone base station meets the ICNIRP guidelines for public exposure, it should not be necessary for a local planning authority, in processing an application, to consider further the health aspects and concerns about them"

The Objection: The resident who has objected is concerned about the proliferation of antennae in the locality but does not say whether this concern is on visual, health or other grounds. The issues concerning visual amenity and health concerns are covered above. Although there would be two installations on the land, any adverse impact on visual impact on the locality would not be to a sufficient degree to just a refusal of prior approval.

Summary of reasons for Recommendation

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

The installation would not have a significantly detrimental impact on the outlook from nearby residential properties or on the visual amenities of the area on general. Health and technical justification concerns are adequately covered by the submitted ICNIRP declaration of conformity and the supporting statement.

There are no other material considerations that outweigh this finding.

Recommendation: Prior Approval Required and Granted

Conditions/ Reasons

1. This decision relates to drawings numbered 51939 -001 Rev C, 51939 -002 Rev C, 51939 -003 Rev C and the development shall not be carried out except in accordance with the drawings hereby approved.

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

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

Ward: Whitefield + Unsworth - Unsworth

Item 18

Applicant: O2 UK Ltd

Location: LAND AT JCT 17 M60 AND HARDMANS ROAD, WHITEFIELD

Proposal: RADIO BASE STATION COMPRISING 15 METRE STREETWORKS MONOPOLE AND EQUIPMENT CABINETS (PRIOR APPROVAL)

Application Ref: 48133/Telecom
Determination (56 Days)

Target Date: 13/07/2007

Recommendation: Prior Approval Required and Granted

Description

The site is adjacent to the M60 roundabout on Bury New Road at the end of Hardmans Road in Whitefield and located near the access to the pedestrian underpass. Immediately to the north are residential properties with both residential and commercial development on the opposite side of the roundabout.

The application is for prior approval determination for a 15m high telecommunications monopole incorporating antenna both for 2G and 3G use. The antenna would be concealed within a 325mm diameter cylindrical shroud and supported by a 273mm diameter column, The installation would include two ground based ancillary equipment cabins one 1.65m high and the other at 1.7m. The development would be positioned on the edge of the grass verge next to a footpath leading from the roundabout area to residential properties at North Circle.

The application, which is for prior approval determination, includes a Design, Access and Supporting Statement. This incorporates a technical justification that indicates that the installation is designed to introduce 2G capability to the area and to improve the existing 3G coverage and capacity. In terms of site selection the proposal has been put forward as an upgrading of an approved 15m high installation (ref.46781). That installation would have provided only 3G coverage and not 2G plus 3G as with this new proposal. The application relating to it included information about a site selection process covering 10 other sites that had to be discounted.

An ICNIRP compliance certificate has been provided with the application.

An indicated already, the application involves an upgrading of a previously approved but not installed monopole installation. The height of the approved installation is 15m with a pole diameter of 273mm and 380mm diameter for the antennae shroud, The current application proposal has a pole at the same diameter and a 55mm reduction for the shroud to 325mm. However, the shroud would be about 1.4m longer at 3.6m instead of 2.2m as on the approved scheme. Other applications for different versions of the proposal have been refused because of their size and position they would be an overtly prominent and intrusive feature in the street scene and thus would be seriously detrimental to the visual and residential amenities of the area. (refs.46241 and 47850). However, those applications involved installations with a significantly greater height or bulkiness of the mast and/or antennae housing.

Relevant Planning History

46241 - Installation of a 17.5m high streetworks monopole and equipment cabinet for telecommunications equipment. Prior approval required and refused on 11th May 2006 for the reason that due to its height, size and position it would be an overtly prominent and intrusive feature in the street scene and it would be seriously detrimental to the visual and residential amenities of the area.

46781 - Prior approval determination for a 15m streetworks monopole and ground based cabinet (resubmission). Prior approval required and granted on 1st September 2006.

47850 - Installation of a 15m high telecommunications monopole and two associated equipment cabins (prior approval). Prior approval required and refused on 8th May 2007 for a similar reason to 46241 above.

Publicity

284 properties have been notified. These are in Bury New Road (Whitefield), Pine Avenue, Highfield Road, Stanley Avenue North, Hardmans Road, Cross Avenue, North Circle, Beech Avenue, Sycamore Place, Clyde Avenue, Acorn Close, Conway Avenue, Philips Park Road East, Glenmere Close, Cedar Avenue, Park Close and Hardmans Mews. Our Lady of Grace R.C. Primary School has been included within the notifications. A site notice has been displayed. At the time of writing the period for response is still ongoing and one objection has been received. The occupiers of 10 Hardmans Road refer to their objection to a 15m high telecommunications monopole on a previous application and state that none of the relevant facts have changed. They mention the recovery that has taken of the area from the ill fated M60 widening scheme and they can see another faux pas with the siting of this mast at the entrance to Whitefield.

Consultations

Highways Team - No objections.

Environmental Services - No response.

Highways Agency - No response.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

EN1/7 Throughroutes and Gateways

EN1/10 Telecommunications

PPG8 PPG8 - Telecommunications

Issues and Analysis

Visual and Residential Amenity - The proposed monopole and its equipment cabinets would be located at on the grass verge immediately adjacent to the roundabout and the east bound slip road to the M60. The properties to the north are principally residential in use and to the south, on the opposite side of the roundabout, there is a mix of residential and commercial uses. The installation would be situated only about 3m from the domestic garden of the nearest house 10 Hardmans Road. As such it would be a noticeable feature within the outlook of this house but would be significantly less obtrusive than the higher and bulkier installations for which consent has been refused. It would have a similar impact on outlook to that from the currently approved proposal.

In terms of the general surroundings, the visual impact of this relatively slim and not excessively tall monopole would not appear to be too out of place in a location dominated by a major highway junction and with sizeable street lighting standards. In the circumstances it is considered that the proposal would not conflict with UDP policies EN1/10, EN1/2 and EN1/7 in terms of its visual impact on the surrounding environment.

It should be noted that prior approval has already been granted to a 15m high monopole installation at the location and which is of similar dimensions. It is felt that the extra length of the antennae housing on this revised proposal would not render the structure any less visually acceptable bearing in mind that the diameter would be similar and, in fact, slightly reduced and that the installation would still be a slim design akin to normal street furniture in a main road situation.

Health Issues - The application is supported by an ICNIRP Compliance Certificate and,

whilst the impact on health is a material consideration, when the certificate has been provided only limited weight can be given to the health considerations in determining an application.

Highways Concerns - The Highways Team have no objections. The comments of the Highways Agency are awaited. However, as with the approved proposal, the installation would not be in a position where it would interfere with the working of the motorway.

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 mast and cabinets would not be overly obtrusive within the street scene and would not cause serious harm to residential or visual amenity. The application is accompanied by the appropriate ICNIRP Certificate

There are no other material considerations that outweigh this finding.

Recommendation: Prior Approval Required and Granted

Conditions/ Reasons

1. This decision relates to drawings numbered 36640C Rev. A, C56152/PL/001 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.

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

Ward: Whitefield + Unsworth - Unsworth

Item 19

Applicant: Daniel Thwaites plc

Location: QUEEN ANN HOTEL, HOLLINS LANE, BURY, BL9 8JH

Proposal: PROPOSED TIMBER DECKING, CANOPY AND ACCESS RAMP; NEW BIN STORE.

Application Ref: 47888/Full

Target Date: 19/06/2007

Recommendation: Approve with Conditions

Description

The Queen Anne Public House is situated on Hollins Lane between Queen Anne Close and St Georges Court. There is a car park to the rear of the pub and a grassed area, used as a beer garden adjacent to this. The area is predominantly residential in character with houses situated to the north on Queen Anne Close, Church Croft and St Georges Road and flats to the south at St Georges Court. There are townhouses across Hollins Lane at The Rectory. The perimeter of the site is formed with various styles and height of timber fencing which forms a break between the beer garden/marsh land and the gardens to the dwellings beyond the site.

The boundary with the houses fronting Queen Anne Close (Nos.2,4,6 and 8) is comprised of a 2m close boarded timber fence with intermittent shrub planting in front 14m across the car park to the north west. These are the closest residential properties to the proposed terrace and shelter.

It is proposed to construct a timber decked terrace to the rear of the property which will serve as an external drinking area. It would be attached to the rear elevation of the pub and extend out 8m into the car park from the rear entrance and be 12m wide. A 1.2m timber balustrade would run around the decked area. The proposed canopy would cover a section of the decked area, forming a 'smoking shelter'. The shelter would be 4.2m wide and 2.1m in depth have a flat roof (2.8m in height), covered with clear polycarbonate. The sides would be open. It is proposed to change part of the existing keg store into a small bar service area for the terrace area and existing beer garden. A new bin store would be located on the south west corner of the car park near the entrance.

Two floodlights indicated on initial plans have been omitted from the scheme

It should be noted that the additional works in and around the existing beer garden and car park - landscaping works, hardstanding, bollards and fencing - indicated on the submitted plans does not require planning permission and therefore are not subject to planning control.

The hours of opening are proposed as existing which are as follows:

Monday to Thursday 11am - 12.30am
Friday and Saturday to 11am - 1.30am
Sunday to 11am - midnight

The beer garden is allowed to be used up to 10.30pm daily.

Relevant Planning History

47799 - Proposed external covered area - Approved April 2004

Publicity

Immediate neighbours were written to on 1st May 2007. Four letters of objection from the occupiers of 1 Church Croft, 18, 20, 22 St Georges Road which can be summarised as follows:

- the bar area serving the beer garden would cause noise and is unnecessary.
- the area is surrounded by residential properties.
- the proposed floodlights would create light pollution to their properties.
- the additional seating areas would contribute to existing noise pollution.
- assume there would be outdoor music although the application does not state this.
- the previous application restricted access to the beer garden after 10pm.
- a development of this scale is totally unacceptable and out of proportion for a small pub in a residential area.
- the site backs onto the pond and marsh land area which has Greater Crested Newts and needs to be taken into consideration.

Consultations

Traffic Team - no objections

Drainage Team - no objections

Environmental Health - No objection subject to restrictions on opening, loud speakers and lighting.

BADDAC - No objection subject to approval of ramp details.

Police - No objection.

Landscape Team - Details of hardsurfacing around trees within the beer garden need to be considered so as not to cause long term harm to the trees.

Unitary Development Plan and Policies

OL1	Green Belt
OL1/2	New Buildings in the Green Belt
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
S2/6	Food and Drink
HT5/1	Access For Those with Special Needs

Issues and Analysis

Need - The requirement for the smoking shelter comes about because of the smoking ban due to come into force on 1st July.

Appearance and Siting - The proposed garden shelter and decked area are modest in scale and in keeping with the existing public house. The terrace would not extend out significantly from the building and be set well back into the site. It would also be well screened by existing public house from Hollins Lane. Although the terrace and shelter could be viewed from surrounding residential properties across the car park and through existing boundary planting its visual impact would not be particularly significant or harmful. In terms of its appearance it is considered to comply with the provisions of UDP Policy EN1/2 Townscape and Built Design.

Residential Amenity - UDP Policies S2/6 - Food and Drink and H3/1 - Assessing Non-Conforming Uses are concerned with issues of residential amenity such as noise, smell, visual intrusion and hours of operation.

The concerns of the objectors regarding noise and disturbance are considered to be relevant and material. It should also be noted that a public house can create a beer garden almost anywhere within its curtilage subject to licensing regulations. Given this fact and the extant approval for a larger 'smoking shelter' at the rear of the premises, the pertinent point to be considered is whether the presence of the decked terrace is likely to create significantly greater disturbance to neighbours than a regular beer garden without decking.

Whilst it is clear that there would be additional noise coming from customer activity within the terrace/shelter when the area would allow smokers and other customers to gather outside, the critical question is whether the level of noise and disturbance serious enough to refuse permission given the size of the area concerned, the existing boundary screening, the distance to the adjacent dwellinghouse and the restrictions that can be imposed with regard to lighting and noise from loud speakers and the hours of use of the proposed terraced area and shelter.

As with the previous approval for a shelter on the premises and other similar proposals, it is considered reasonable to limit the use of the proposed terrace and shelter to 10pm.

Access - The proposal complies with the Disability Discrimination Act.

Objections - Whilst the concerns of the objectors with regard to increasing noise and disturbance from the intensification of the use of the area to the rear of the pub are understandable, much of what is proposed - landscaping, fencing and other alterations such as creating a bar area onto the terrace as indicated on the submitted plans - does not need planning permission and is therefore outside planning control.

In the light of comments made above, given the size of the terrace to be created, existing and screening and restrictions that can be imposed with regard to hours, lighting and music, it is unlikely that the increase in noise from it would be so significant that the proposal could be refused permission on grounds of residential amenity.

Great Crested Newts - The proposals should not have an impact on great crested newts.

It is considered that the proposal complies with all the relevant UDP policies listed above and that there would be no serious harm to the amenity of nearby residents.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason for granting permissions can be summarised as follows;-
The proposed decking area and shelter should not cause serious harm to visual or residential amenity given the restrictions imposed through conditions. The proposal complies with Unitary Development Plan Policy. 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 536/SK/01 and 536/SK/02A and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. 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 external areas shall not contain any external lights other than that indicated on the approved plans, to be recessed into the proposed decking, without prior approval from the Local Planning Authority.

Reason. In the interests of residential amenity.

5. The proposed lighting within the decking area shall be designed and installed such that any lighting filament of any bulb of any light is not directly visible from any habitable room of any dwelling or from any patio area or other sitting areas of any gardens of dwellings.

Reason. In the interests of residential amenity pursuant to Policy S2/6 - Food and Drink, H3/1 Assessing non-comforming uses.

6. The proposed garden shelter and decking area shall not be available for use by customers outside the following hours - 0900 hrs to 2200 hrs daily.

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

7. There shall be no loud speakers provided to the external areas, including the proposed shelter at any time.

Reason. In the interests of residential amenity.

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

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

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

