

**Ward:** Bury East

Item 01

**Applicant:** Victoria M Jones

**Location:** LAND OPPOSITE 2A BRIDGEFIELD DRIVE, BURY, BL9 7PE

**Proposal:** OUTLINE APPLICATION FOR ERECTION OF ONE DETACHED 3 STOREY DWELLING

**Application Ref:** 48893/Outline Planning  
Permission

**Target Date:** 15/01/2008

**Recommendation:** Approve with Conditions

**Description**

The application concerns a plot of frontage land approximately triangular in shape and covering about 330 sq m.

The land is situated on the northerly side of Bridgefield Drive and is opposite the location where Bridgefield Drive links with Topping Fold Road and where there are bollards preventing vehicles from moving between the two roads. The site has a long road frontage.

The surroundings include mostly residential development with Gate House Court, a recently built three storey block of apartments directly opposite. Also on the opposite side of the road on Topping Fold Road there are semi-detached houses. To the east on both sides of Bridgefield Drive there are detached houses including no 2A diagonally opposite. The land to the rear is grazing land in the Green Belt and is owned by the Council. Immediately to the north is Bridge House a large care home set in extensive grounds.

The application site is currently overgrown but with no significant trees. However, It is included within a tree preservation order for a group of trees. In the centre of the site there remains the concrete base to a former lock-up garage. There is a hedge on the boundary with the adjacent field.

Outline planning permission was granted on the land in 2000 for a detached two storey dwelling (ref.37120/00). In 2004 reserved matters approval was granted for a detached dwelling and garage (ref.41499/03). The approval notice included a time limit condition stating that the development must be begun within 5 years and thus the approval is deemed to be extant until 2009. Recently, a similar outline application by the same applicant was refused for reasons concerning having insufficient information (ref. 48470). The current application has been submitted in an amended form in response to the reasons for refusal.

The application is for outline planning permission for one three storey dwelling. It seeks approval to the details of scale, layout and access leaving appearance and landscaping for subsequent approval. The application is accompanied by a design and access statement. The footprint of the proposed house is defined on the site plan and the house would be set back from the frontage by 2.5m to 3m. Its footprint would be 8.5m in width and 10.5m deep. The position of the back elevation would leave only a short rear garden plot (about 4m). Most of the private garden area would be at the side where there would be a wedge shaped area tapering to a point about 24m from the building.

In terms of the scale of the development the details show the house as being 3 storeys with the eaves at 7.9m above ground level and then with a further height of 2m to the ridge line of the roof.

Access to the development would include a single width entrance to one car parking space set partly under the south-easterly side of the building. This would be sited in front of an

integral single garage, giving a total of two off street car spaces.

### **Relevant Planning History**

22586/89 - Garage. approved on 22nd June 1989.

37120/00 - Detached two storey dwelling (outline application). Approved on 8th December 2000.

41048/03 - Reserved matters for one detached dwelling and detached garage. Withdrawn on 6th August 2003.

41499/03 - Reserved matters for one detached dwelling and garage (revised). Approved on 19th March 2004.

48470 - Outline application for one detached three storey dwelling. Refused on 11th October 2007 for reasons that there was insufficient information provided concerning protected trees, within the design and access statement, and in regard to details of siting, height, design and the finished floor levels.

### **Publicity**

20 properties were notified on 28th November 2007 including 1 and 2A Bridgefield Drive, Bridge House Nursing Home, 90 and 92 Topping Fold Road, 10 Bridge Hall Drive, 1 - 11 Gate House Court, 1, 5 and 9 Gorse Pit.

An objection has been received from 7 Gate House Court. The concerns expressed include:

- The development would obscure an open countryside view.
- The occupiers of the development would be able to overlook his property causing a loss of privacy.
- The development would create additional traffic to the location and cause additional parking issues in a situation where parking space is already at a premium. This makes access and egress at Gate House Court difficult at most times.

### **Consultations**

Highways Team - No objections.

Drainage Team - No objections.

Environmental Health - Recommend contaminated land mitigation conditions.

Landscape Practice - Have verbally commented that there would be no material harm to any of the protected trees and that a suitable condition should be imposed to provide tree protection during the construction phase.

### **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

EN8 Woodland and Trees

EN8/1 Tree Preservation Orders

EN1/2 Townscape and Built Design

SPD7 DC Policy Guidance Note 7 - Managing the Supply of Housing

### **Issues and Analysis**

**Principle** - The site is unallocated in the UDP and the proposal needs to be considered in terms of Policy H1/2. It is within an urban area, albeit the open land to the rear is in the Green Belt. In addition, the site is considered to be previously developed. It formed part of the area utilised by 2A Bridgefield Drive and there was a lock up garage to this property previously on the land with the concrete base still in place. The site is in an area where the restrictions on housing development imposed through SPG7 are being applied and, subject to the specified exceptions, residential development should not be permitted.

In this case there is are unusual circumstances. The most recent consent ref.41499/03 for

reserved matters approval for one detached house on the land included in the decision notice a condition that the development should be commenced within five years. However, the operative time limit for commencement should stem from that given in the outline consent and had that applied in this case the permission would have expired on 20th March 2006. Legal advice regarding the implications of the inappropriate five year condition on the reserved matters consent is that time limit stated on the reserved matters decision notice should take priority over what is stated on the outline consent. This advice confirms that planning permission for one house on the plot is still extant and will last until 2009. The existence of a current permission is one of the exceptions to the housing restrictions in SPG7. Therefore, in principle, the development is acceptable.

Design - The application is seeking consent to the details of layout, scale and access. The footprint of the proposed house is defined on the submitted site plan. It would be set back from the frontage by 2.5m to 3m, being set at a very slight angle to the footway. This is a relatively shallow set back but the building would not be closely related to other properties on the road where there is significant variation in the built form, including the depth of frontage. There are examples of other properties with similarly shallow frontages and it is considered that the building would not look out of place.

The house would occupy most of the deeper part of the plot and, whilst the rear garden area would be small, the main amenity space would be at the side and sufficient for this purpose. Overall, the details submitted indicate that the layout would conform with the requirements of policy H2/2.

In terms of the scale of the development, particularly the three storeys height, most properties on the nearby frontages are two storeys high. However, Gate House Court, the recently constructed block of flats directly facing the site, has three storeys. Furthermore, the proposed house would be well separated from the neighbouring properties and it is considered that, the three storeys height would not be seen as a discordant element within the street scene. Thus, in terms of the details provided of layout and scale, the development would generally be in keeping with the character of the surrounding area and thus there would be no conflict with Policy H2/1 in this regard.

The details of appearance and landscaping would need to be submitted for consideration as reserved matters if outline planning permission is granted.

Access and Car Parking - In addition to the two car space to be provided within the site, there is also a long highway frontage and the plot is situated at the point where Bridgefield Drive is closed to vehicular traffic. The parking provision is considered to be acceptable. However, the distance from the back of footway to the garage doors would be 5m which is insufficient for roller shutter doors if a vehicle is to stand clear of the highway. The applicant's Design and Access Statement indicates that this type of door would not be used. Any consent should ensure that the garage door would be a roller shutter door to avoid the obstruction of the footway.

The Highways Team has no objections to the proposal.

Trees - The site is included within the Metropolitan Borough of Bury Bridgefield Drive Tree Preservation Order, which dates from 1989. This is a group TPO and the site is included within group G5 of the order. Whilst there is no tree growing within the site, there are two protected trees in the immediate vicinity. These are growing in the adjacent grounds of Bridge House Nursing Home. The tree nearest to the road frontage has a canopy spread clear of the site boundary. However, the edge of the canopy of the tree situated further back spreads to just within the site to a point where it would just about touch the back corner of the proposed house. The side elevation towards Bridge House Nursing Home would be shaded by the trees but this is close to the boundary and would not be expected to contain any significant openings. The other elevations would not suffer from significant shading from the trees. Neither tree, given its position and distance from the development would be adversely affected by the development and, in terms of impact on trees, the development

would not be in conflict with Policy H2/2 or with policies EN8 and EN8/1.

Residential Amenity - The building to which the proposed house would be most closely related would be Gate House Court directly opposite. There would be a separation of about 23.5m between the facing frontage elevations which would exceed the minimum aspect distance of 20m recommended in an equivalent situation for house extension developments (SPG6). No other property would have any significant relationship with the development. Factor b) of Policy H2/1 requires the impact of new residential developments on the residential amenity of nearby properties to be considered. In this case this impact would be acceptable and there would be no conflict in this regard with the policy.

The Objection - The objector, who is a resident of an apartment in Gate House Court, is concerned about the loss of his view of open land. However, this is not a relevant planning consideration. He is also concerned about privacy and car parking. These matters are covered in the sections above concerning access and residential amenity.

Right of Way - The Council possesses a right of way/access across the site to its land, an open field, at the rear. This does not affect the siting of the building but crosses the open area to the side intended for garden purposes at the side. There is no physical route on site and the line is obstructed by a hedge. Whilst the existence of a right of way or access could affect the development, this issue is a private matter that should not affect the outcome 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 development is acceptable in principle, including in terms of current restrictions on housing development in the Borough. The scale and location of the house would not cause material harm to neighbouring properties and the access and car parking facilities would be adequate for the development and would not cause material harm to highway safety and the free flow of traffic. The development would not cause loss or damage to the nearby protected trees.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. 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 appearance of the building and the landscaping of the site.

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

2. 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

3. The landscaping scheme to form part of the development shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.  
Reason: To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies EN8/1 – Tree Preservation Orders and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan..
4. No trees subject to a Tree Preservation Order, unless indicated otherwise on plans submitted and approved as "reserved matters", shall be felled, lopped or topped without the previous written consent of the Local Planning Authority.  
Reason:To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/1 - Tree Preservation Orders, EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
5. The development hereby approved shall not commence unless and until a scheme of protection for all trees to be retained on site in accordance with BS 5837:2005 "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.
6. Notwithstanding the terms of the General Development Order 1995, or as subsequently amended, no development shall be carried out within the terms of Classes A to H of Part 1 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.
7. The garage shall be fitted with a roller shutter door or a similar approved type which does not project outwards at any time during or after operation to the written satisfaction of the Local Planning Authority and shall thereafter be maintained.  
Reason: To enable a vehicle to stand clear of the highway whilst the garage doors are opened and to allow adequate space to maintain a vehicle clear of the highway in the interests of road safety.
8. Prior to the development hereby approved commencing:
  - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
  - Where actual/potential contamination and/or ground gas risks have been identified, detailed site investigation and suitable risk assessment shall be 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, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
9. Following the provisions of Condition 8 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to

the satisfaction of the Local Planning Authority within agreed timescales; and  
A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

10. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;  
The approved contamination testing shall then be carried out and validatory evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

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

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

12. This decision relates to drawings numbered P148A and the unnumbered drawing showing elevational scale and the development shall not be carried out except in accordance with the drawings hereby approved.

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

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

**Ward:** Bury East

Item 02

**Applicant:** Nellie Wilde

**Location:** LAND ADJACENT TO 298 & 300 ROCHDALE OLD ROAD, BURY

**Proposal:** CREATION OF PARKING SPACE AND VEHICULAR ACCESS FROM ROCHDALE OLD ROAD

**Application Ref:** 49231/Full

**Target Date:** 23/01/2008

**Recommendation:** Approve with Conditions

### **Description**

The site is a part of communal grassed land between 298/300 (two storey flats part of a block of 4 flats inc. 2/4 Primrose Drive), 296 Rochdale Old Road (a semi detached property) and the pavement on Rochdale Old Road. Directly to the south behind a low wooden fence is the garden area of 298(Ground floor flat) Rochdale Old Road. To the west behind a 1.8m high boundary fence is the front garden area of 296 Rochdale Old Road.

The proposal is to create a car parking space directly adjacent the boundary fences to 296 and 298 Rochdale Old Road and a vehicular access point from Rochdale Old Road. The parking space is needed for multiple daily visits from doctors/nurses/health workers to be able the 95 year old resident of 300 Rochdale Old Road to remain in her own home. 300 Rochdale Old Road has no off street parking and there are double yellow lines on this side Rochdale Old Road and parking is limited on Primrose Drive to the north, again due to double yellow lines but also due to driveways.

### **Relevant Planning History**

None

### **Publicity**

Immediate neighbours were written to on the 3<sup>rd</sup> December 2007. A letter of objection has been received from Mr Turner of 34 Moyse Avenue, the brother of the occupier of 298 (Ground floor flat) Rochdale Old Road, which has raised the following issue:

- The space will mean a car is being parked right in front of his brother's window with no space.
- Dangerous junction at this point.

### **Consultations**

Highways Team – No objection

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

EN1/2 Townscape and Built Design  
HT2/4 Car Parking and New Development

### **Issues and Analysis**

The main considerations of this application are the impact of the proposal on Highway Safety, Visual and Residential Amenity.

**Highway Safety** – The position of the hardstanding is located in the optimum position within the grassed area to gain sufficient length for the parking space and distance from the junction with Primrose Drive. These details compare favourably with the driveways in the

surrounding area and as such the proposal is considered acceptable pursuant to Bury UDP Policy HT2/4 – Car Parking and New Development

Visual Amenity – The loss of a parking space size grassed area is considered to have minimal effect on the visual amenity of the area. The application does not specify the exact material to be used for the hardstanding and the standard material sample condition will be attached to an approval to safeguard the visual amenity of the area pursuant to Bury UDP Policy EN1/2 - Townscape and Built Design.

Residential Amenity – The block of four flats are at a 45° angle to the road whilst the parking space is perpendicular. It is acknowledged that a car when parked on the hardstanding will face towards the side elevation of the flats at 298 and 300 Rochdale Old Road where there is a bathroom window and entrance door at ground floor level. However the parking space is a minimum of 2.2m from the side elevation, behind the wooden fence to the garden area of 298 Rochdale Old Road and it does not face any principal or habitable window as defined by Development Control Policy Guidance Note 6 – Alterations and Extensions to Residential Properties. Therefore the proposal is considered acceptable in terms of Residential Amenity pursuant to Bury UDP Policy EN1/2 - Townscape and Built Design

Comments on Representations – The distance to the junction with Primrose Drive and the position of the hardstanding in relation to 298 Rochdale Old Road (ground floor flat) are considered in Highway Safety and Residential Amenity issues 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, in particular Unitary Development Plan Policies HT2/4 – Car Parking and New Development and EN1/2 - Townscape and Built Design the proposal is not considered to be in a position that would have a seriously detrimental impact on highway safety, nor on the visual or residential amenity of neighbouring properties

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than 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 received on 28<sup>th</sup> November 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.
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.

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

**Ward:** Bury East - Redvales

Item 03

**Applicant:** THORNFIELD PROPERTIES PLC.

**Location:** BURY COLLEGE, MARKET STREET, BURY

**Proposal:** TEMPORARY USE OF THE BURY COLLEGE CAMPUS CAR PARK FOR WEEKEND SHOPPERS, FOR A PERIOD OF THREE YEARS

**Application Ref:** 49216/Full

**Target Date:** 23/01/2008

**Recommendation:** Approve with Conditions

### **Description**

The planning application comprises the Bury College site off Market Street and in particular the temporary use of the car parking provisions associated with the site.

The site has three car parking areas across it for use with the college. This application has arisen through the impending commencement of works on the Rock Triangle site. One of the issues raised in the consideration of the Rock scheme was the loss of car parking provision for weekend shoppers and workers, once the Rock car park is no longer available. In response, Thornfield were required to put together a car parking strategy and to make appropriate provisions for alternative parking should it be required as the development proceeds.

In drafting up the parking strategy, Bury College was seen as offering a potential provision for weekend shoppers and in particular workers, given its close relationship to the existing town centre, making the site a walkable and reasonable distance to the town centre. However, for this site to be considered for a general parking provision, this would, in planning terms, be a technical change of use of land requiring planning permission.

It is under these circumstances that the application has been submitted. The planning application proposes to make the 269 car parking spaces available for a temporary three year period for weekend use only as a public car park.

Access to the site would be from Market Street using the existing access. The site would also be supervised with security provision on entry and within the site itself.

### **Relevant Planning History**

48384 - Mixed Use development at The Rock, Bury - Approved - 28/11/07.

48405 - All weather pitches, pavilion, fencing, lighting and pathways - Approved - 19/9/07.

### **Publicity**

Letter were sent to 41,43 Parliament Street and 9-41, 50 and 52 South Bank Road on 6/12/07. As a result of this publicity, one letter of objection has been received from 41 Parliament Street. Points raised include -

- Parliament Street during the week has trouble with members of the public using the street to park in thus avoiding having to pay for town centre car parking. This is often demonstrated with inconsiderate parking.
- Poor choice of parking by non residents also makes intervisibility difficult.
- Users of the recreation park also use this street to park their cars in, which makes it difficult for residents to park.
- There is a fear that should parking at the campus be full, shopper's cars may use the street to park in.

## **Consultations**

Traffic Team - No objections.

## **Unitary Development Plan and Policies**

HT2/4 Car Parking and New Development

### **Issues and Analysis**

**Principle** - The college car park is an existing development, currently ancillary to the main college itself. As such the principle of the use is already established.

**Demand** - The application is seeking to ensure that should additional parking be required to supplement existing town centre parking, then this facility would be able to contribute to that provision. Coupled with this is the need for on-going surveys of car parking demand and usage within the town centre. This issue is to be monitored through the provisions contained within the parking strategy for The Rock. Should parking in the town centre run at capacity and more is needed, then the college car park is intended to supplement existing provision.

Currently, the car parking at the college is generally under used at the weekend. It is currently barriered and controlled. However, there has been a recent and extant planning permission for the development of sports facilities, which can be used at the weekend (48405). Although this development has not yet been implemented. The car parking provision for this use would be 82 spaces, however, this would still leave 187 spaces. Bearing in mind the temporary nature of the proposal, the existence of many other car parks within the town centre and the fact that additional car parking may not necessarily be required ultimately, it is considered that the supply of the additional car parking provision on the college site would be acceptable. It is also worth noting that the car parking strategy requires a continual monitoring of car parking demand and provision throughout the construction of The Rock scheme. Should further spaces be required, then further provision would need to be made.

**Access** - The scheme proposes no change to the existing single access point for parking into the site. As such, there is no potential for vehicular access off Parliament Street or elsewhere. There is pedestrian access from Market Street and level access across the site. As such the site would comply with disabled access considerations under UDP Policy HT5/1 - Access for those with Special Needs.

**Response to Objections** - Many of the issues discussed by the objections relate to workers in the town centre and other recreational uses accessed close to Parliament Street. Bearing in mind that the scheme is seeking provision for worker parking (including a reduced daily parking rate) and also shopper parking for the weekends only, the walking distance from Parliament Street to the town centre and back, with shopping would not be an attractive prospect. Hence the main thrust is towards worker parking with all town centre businesses having been notified of the use of the site. Access via Market Street is much more sensible and attractive proposition. Given this situation, together with the on-going monitoring that would ensue through the implementation of The Rock scheme, it is considered that the use of Parliament Street is not likely to be made any worse as a result of this scheme. Transportation Services have been consulted on the proposals, together with the comments received from the resident. They consider that whilst the college is providing a potential facility, even the short distance from the town centre is not likely to make this car park a first choice for the majority of visitors. They also confirm that parking in Parliament Street is unlikely to change as a result of this proposal.

There has been a history of requests for resident parking within Parliament Street, due to non-resident parking issues. To date it has been felt that the problem has not been sufficiently acute to warrant the introduction of a resident car parking scheme.

## **Summary of reasons for Recommendation**

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

The scheme would provide temporary provision for parking in the town centre whilst other car parking provision would be lost through the construction of The Rock Triangle scheme. The temporary use of the site for a three year period together with the controlled access to the site from Market Street would ensure that there would be no undue impact upon residential property. The scheme would accord with the UDP policies and there are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The permission hereby granted is for a limited period only, namely for a period expiring on 22nd January 2011, and the buildings, works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued at the end of the said period and the land reinstated to its former condition to the written satisfaction of the Local Planning Authority within 37 months of the date of this decision.  
Reason. The development is of a temporary nature only pursuant to policies of the Unitary Development Plan listed below.
2. This decision relates to the drawings received on 28 November 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 **Dave Marno** on **0161 253 5291**

**Ward:** Bury East - Moorside

Item 04

**Applicant:** Clear Creative

**Location:** THE LODGE, WALMERSLEY ROAD, BURY BL9 6QF

**Proposal:** 2 STOREY EXTENSION TO EXISTING OFFICE BUILDING

**Application Ref:** 49254/Full

**Target Date:** 12/02/2008

**Recommendation:** Approve with Conditions

### **Description**

The property is a detached two storey lodge building in a prominent location on Walmersley Road at the junction with Mosley Avenue. When Bury General Hospital was operational on this and adjoining land the building was part of the hospital complex. It was then converted to a dwelling as part of the hospital redevelopment for residential units by Barratts. More recently, following the grant of planning permission, the building was converted again this time to office use.

The building is characterised by its attractive sandstone faced design with accentuated roof lines. The style is Victorian. The building, however, is not listed and is not in a conservation area. The surroundings include four storey apartments close by to the east and three storey apartments on the opposite side of Mosley Avenue, substantial two storey houses and two shops on the opposite side of Walmersley Road with more three storey apartments further south on this opposite frontage.

The proposal involves a substantial two storey extension on the south Mosley Avenue side of the building, to be built just behind the line of the existing ornamental stone highway boundary wall, apart from a short 2.5m section on the Walmersley Road frontage where it would be on the line of the wall. The design, in terms of materials and roof style, would be of a similar nature to that of the existing building. The extension would provide an extra 46sq m of office floorspace.

There is an existing small car park off Mosley Avenue that can adequately accommodate two cars. This would remain unchanged with no extra parking facilities being proposed.

The site includes a protected birch tree growing close to the line of the extension wall on the westerly side. This tree is within the Metropolitan Borough of Bury (Bury General Hospital) Tree Preservation Order 2001 (TPO no.210) and the application includes a tree survey report. In the application it is confirmed that the tree would be retained and this situation is made possible by the position of the nearest wall to the extension. There are no other trees within the property.

The application follows a recent similar application for a larger version of the extension (ref.48442). That was refused as it involved the loss of the protected tree due to the position of part of the extension and, because of its size and position of the extension on the Mosley Avenue frontage, it would have been a prominent and intrusive feature in the street scene and also it would have involved the loss of the whole of the attractive stone built perimeter wall to the property. The extension would have been built upto the highway edge on both frontages. Amendments have been made to the proposal in response to the refusal resulting in a reduction in the footprint of the development.

### **Relevant Planning History**

39499/02 - Outline residential development. approved on 16th November 2001.

39499/02 - Reserved matters for 66 dwelling houses, 72 apartments and refurbishment of

loge houses. Approved on 29th January 2004.

45769 - Change of use from residential to offices (graphic design studio). Approved on 17th February 2006.

48442 - Two storey extension to existing office building. Refused on 29th August 2007 for the reasons that it would have led to the unacceptable loss of a protected tree and that it would have been a prominent and intrusive feature in the street scene as it would have adjoined the highway boundary on Mosley Avenue also involving the undesirable loss of a visually important highway boundary wall.

### **Publicity**

21 nearby properties were notified including 22 - 44 Derby Court, 287-291 Walmersley Road and Flats 1 to 6 Cresta Court, Mosley Avenue. An objection has been received from Flat 1 Cresta Court. The objector is concerned that the site has only room for on site parking for three cars and another four on Mosley Avenue which all appear to be in use now leaving nowhere to park for the carers and district nurses visiting Cresta Court every day.

### **Consultations**

Highways Team - Recommends a condition to ensure that the foundations of the extension do not encroach under the highway.

Drainage Team - No response

Environmental Health - No response.

Landscape Practice - No objections as the silver birch tree would be retained and protected by the addition of a proprietary tree grill and root protection measures.

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

EC6/1 New Business, Industrial and Commercial

EN1/2 Townscape and Built Design

EN8 Woodland and Trees

EN8/1 Tree Preservation Orders

### **Issues and Analysis**

**Design and Appearance** - The design of the extension reflects that of the building, including the coursed stone facings, the angle and treatment of the roof as well as other details. The building is in prominent location at a junction and the extension would infill most the residual space between it and the road frontage but leaving a small set back from Mosley Avenue and nearest the corner on Walmersley Road. This frontage is characterised by a sizeable and attractive stone wall that, in this revised proposal, would be mostly retained.

One of the reasons for refusing the previous application was that development was shown set to the highway boundary making it a prominent and intrusive within the street scene. The current scheme is considered to have been amended sufficiently to be acceptable in terms of its relationship to the surroundings as the extension is reduced, including a small set back from the highway (0.75m at Moseley Avenue and 0.35m at Walmersley Road), with all of the wall retained along Mosley Avenue and also the section of it on the Walmersley Road frontage nearest the corner. The building is not closely related to other building frontages and the set back achieved is sufficient to ensure the development would have a visually acceptable relationship with the surrounding area and thus would not conflict with Policy EN1/2. The retention of the majority of the wall would allow this to continue being as an important attractive frontage feature.

**Car Parking** - The development would add an extra 46sq m of office space giving a total of about 98 sq m. It would potentially increase the demand for car parking. The present provision of two independently accessible spaces, however, would remain unchanged. The possibility of overspill parking occurring on Mosley Avenue is the subject of an objection from a resident of the Cresta Court flats opposite. In terms of current parking standards DCPG11 sets down a maximum provision of 1 space per 35 sq m for a Class B1 use. This would be about three spaces for the whole premises, including the extension. This is a

maximum figure and the location is very accessible being on a major bus route. The provision of the two spaces would thus be sufficient in terms of the current standards.

The objector refers to the current parking difficulties being experienced by visitors to Cresta Court. However, that development does not provide any open parking for visitors and the only off street provision there is through the use of six lock up garages.

Tree Preservation Order - One of the reasons given for refusing the previous application was that a silver birch tree protected by a tree preservation order would have needed to have been removed to allow that development to take place. This is a healthy tree that contributes positively to the appearance of the site and its surroundings and its removal could not reasonably be justified. The current proposal, with a reduction in the size of the extension, makes it possible to retain the tree and this is intended. However, due to the proximity to it of the development, it would be necessary to ensure through an appropriate condition that the tree is well protected during the construction period. In these circumstances the proposal would comply with policies EN8 and EN8/1 that support the retention and protection of trees.

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

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

The development would harmonise well with the existing building and the street scene and a protected tree would not be affected. There would be an acceptable level of car parking provision for the development.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason: Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason: In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
3. The stone wall highway boundary wall on the Mosley Avenue and Walmersley Road frontages shall be retained in accordance with the details shown on the approved drawings numbered CC-02A and CC03A.  
Reason: In order to protect the visual amenities of the area in accordance with policies EN1/2 - Townscape and Built Design and EC6/1 - Assessing New Business, Industrial and Commercial Development of the Bury Unitary Development Plan.
4. The development hereby approved shall not commence unless and until a scheme of protection for the silver birch tree to be retained within the site in accordance with BS 5837:2005 "Trees in Relation to Construction" has been submitted to and approved 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 a tree which is of amenity value to the area pursuant to policies EN1/2 - Townscape and Built Design, EC6/1 - Assessing New Business, Industrial and Commercial Development, EN8 - Woodland and Trees and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

5. The foundations of the proposed extension shall not encroach under the adjacent adopted highways at any point.

Reason: To ensure good highway design and to maintain the integrity of the adopted highway.

6. This decision relates to drawings numbered CC-00, CC-01, CC-02A, CC-03A and the development shall not be carried out except in accordance with the drawings hereby approved.

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

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



**Ward:** Bury West - Church

Item 05

**Applicant:** Mr N Graham

**Location:** OLD HOLTS FARM ROADING BROOK ROAD HARWOOD BOLTON BL2 4JD

**Proposal:** RETENTION OF PORTAKABIN OFFICES; ERECTION OF MACHINE STORE / GARAGE AND ASSOCIATED LANDSCAPING.

**Application Ref:** 48865/Full

**Target Date:** 27/12/2007

**Recommendation:** Approve with Conditions

### **Description**

The site is located in a rural setting and comprises that land that has an established use for a grass cutting and storage /sale of stone/building materials and aggregates. The site is in an elevated position and has two main levels. The upper level is used for the storage of stone and building materials and the lower level the storage of equipment used by the grass cutting business.

The proposal is to provide 2 buildings with block work dado walls some 1.5m in height with Yorkshire boarding above (4.3m and 5.2m to eaves) and a mono pitched roof of Moorland Green profile sheeting to house the machinery used in connection with the grass cutting business. In addition screening is proposed to the existing portakabins on the site that act as an office and landscaping of the southern perimeter of the site. The two buildings proposed are 12m wide by 30.5m long and 14m wide by 15.3m long.

### **Relevant Planning History**

Certificate of Lawful Use for site to be used for the sale of turf grass, storage/sale of stone products/building materials/aggregates was granted in August 2007 as the applicant demonstrated uninterrupted use for 10 years on the site - 47866

A similar application for a larger building was withdrawn in May 2007 to allow discussions with the Planning Department - 47867. This application is as a result of those discussions.

### **Publicity**

Immediate neighbouring properties on Hardwood Road, Bentley Hall Road and Roding Brook Road were notified. A site notice was placed on the 12th November and press advertisement placed in the Bury Times on the 15th November. Representations have been received from Ainsworth Community Association and 29 Knowsley Road, Ainsworth and their comments can be summarised as follows:

- new buildings will have an unacceptable impact on the openness of the green belt and be out of character with the West Pennine Moor area of special landscape value
- potential adverse impact on the adjacent wild life corridor
- additional noise will cause damage to the surrounding wild life habitats
- inaccuracies in the actual current vehicle movements and those in the application cause concern over highways danger
- if consent is granted consent should be limited to the turf cutting business

### **Consultations**

Highways Team - No objections

Environmental Health - No objections subject to standard condition on contamination

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

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

OL1/2 New Buildings in the Green Belt

OL4/4	Agricultural Diversification
OL1	Green Belt
EN9/1	Special Landscape Areas
OL7/2	West Pennine Moors
MW1	Protection of Mineral Resources
EN8/2	Woodland and Tree Planting
EN1/2	Townscape and Built Design

### **Issues and Analysis**

**Principal** - The use of the site has been established for the grass cutting and storage business that currently occupies the site. The proposal is to provide buildings to house the machinery used in connection with the grass cutting business, screening to the existing portakabins on the site that act as an office and landscaping of the perimeter of the site. The site has had large barns located on it in the past and these were removed in 1993. The use is established within the Green Belt and the use of the surrounding fields for the cutting of turf is an agricultural use and the sheds to be erected are related to that use. The provision of building to house the equipment would be within the criteria set out in development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt and as such the proposal accords with Unitary Development Plan Policy and is acceptable.

**Location with area of lawful use** - The location of the new buildings on the site are set at the lower level of the existing site. They have been positioned so as to screen the storage area at the higher level of the site and this, together with the landscaping of the embankment between the fields and the lower level of the site should provide an effective screen to the operational area of the business. The existing portakabins are located on the upper level and it is proposed that Yorkshire timber screen be used to screen these buildings. The development there fore minimises the impact on the surrounding area and as such the proposal will not contravene DCPGN 8.

**Traffic** - The site has the benefit of an established use and is visited by heavy vehicles but this will not be affected by the development of the new buildings which are for the storage of equipment used by the applicant in the established business on the site. The applicant has indicated that he is willing to accept a condition restricting the use of the buildings to the storage and maintenance solely of vehicles and equipment used in conjunction with the existing business and it is recommended that a condition to that extent be imposed and as such the development should not create any additional impact of traffic in the area.

**Landscaping/Impact on Wildlife** - The site is currently used for open storage with only hard surfaces and no treatment to the perimeter of the site. As such it impacts adversely on the character of the Green Belt and the proposed landscaping of the perimeter of the site will mitigate this to a substantial degree. The applicant has indicated his willingness to accept conditions requiring the landscaping to be implemented at an early date and for areas of land with the application area to cease to be used for open storage. It is recommended that conditions be imposed to ensure that this takes place. The site surrounding the area is very open and the provision of a landscape strip between 6 and 12m wide on the southern boundary will provide a habitat for wildlife and will add to the biodiversity of the area. As such the proposal is considered to comply with DCPGN 8.

**Design** - The proposed buildings, whilst large, are of an agricultural type with a block work dado wall and Yorkshire timber cladding above and a green roof. The proposed screen to the existing portakabins will match the Yorkshire timber cladding and will help to relate all of the development to its setting within the landscape. As such it is considered that the scheme will accord with DCPGN 8 and as such is acceptable.

**Objections** - the site has been of concern to the planning department for a number of years and the scheme submitted will result in the tidying up of the operation of the land and result in an overall improvement to the area. The existing uses could carry on in the open and materials stored without the benefit of any screen or regularisation of the site. Whilst the proposed buildings are large it is considered that they are appropriate to the setting and the provision of landscaping on the perimeter of the site will help to assimilate the use into the landscape. As such it is not considered that the proposed buildings would either damage the character of the Green belt or Area of Special Landscape Value. The other issues of

traffic and wildlife has been dealt with in the main body of the report.

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

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

Having studied the submitted documents, assessed the proposed development on site and taken into account any and all representations and consultation responses; it is considered that the proposed development is acceptable because it would not cause demonstrable any material harm to interests of acknowledged importance as set out in Development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt and the associated adopted Bury Unitary Development Plan Policies.

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 Plan Q rev a, PMS/1 rev a, PMS/2 REV A & 3 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. Within 3 months of the date of this consent a scheme showing the regrading of the southern boundary to the site shall be submitted to and approved in writing by the Local Planning Authority and the landscaping scheme hereby approved shall be implemented on this site to the written satisfaction of the Local Planning Authority not later than 12 months from the commencement of work on site. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.  
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies EN8/2 – Woodland and Tree Planting, OL1 - Green Belt of the Bury Unitary Development Plan and Development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt.
5. If during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales to the approval of the Local Planning Authority.  
Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 -

Planning and Pollution Control.

6. Within 3 months of the grant of this permission and before the commencement of construction of the buildings hereby approved the land shown as Area E on Plan Ref: PlanQA shall be cleared of all plant/machinery/storage materials and shall be regraded to the existing surrounding land profile and then soiled and seeded to the written satisfaction of the Local Planning Authority. The land shall then be maintained in agricultural use inperpetuity.  
Reason. To protect the character of the area and to accord with Unitary Development Plan Policies OL1 - Green Belt and Development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt.
7. Prior to the first occupation of the buildings approved the area of land marked G on plans ref: PlanQA, shall be cleared of all vehicles, plant and stored materials and shall thereafter remain open and used solely for access to the approved buildings.  
Reason. To protect the character of the area and to accord with Unitary Development Plan Policies OL1 - Green Belt and Development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt.
8. The buildings herby approved shall only be used for the storage and maintenance of vehicles used in conjunction with the lawful use, namely the cutting and sale of turf and associated agricultural activities and for no other purpose.  
Reason. To protect the character of the area and to accord with Unitary Development Plan Policies OL1 - Green Belt and Development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt.
9. Prior to the first occupation of the proposed buildings hereby approved the screen fence detail for the portakabins shall be erected to the written satisfaction of the Local Planning Authority as shown on Approved Plan PMS/1A and shall thereafter be maintained inperpetuity.  
Reason. To protect the character of the area and to accord with Unitary Development Plan Policies OL1 - Green Belt and Development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt.

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

**Ward:** Prestwich - Holyrood

Item 06

**Applicant:** Highfield Court Tenants Association

**Location:** HIGHFIELD COURT, GLEBELANDS ROAD, PRESTWICH, M25 1WE

**Proposal:** ADDITIONAL GARAGE TO EXISTING ROW OF 3 GARAGES & RELOCATION OF BIN STORE

**Application Ref:** 49263/Full

**Target Date:** 05/02/2008

**Recommendation:** Approve with Conditions

### **Description**

The application site is accessed from Glebelands Road from a driveway, which leads to a courtyard. There is a row of four garages on the western side of the courtyard and the T-shaped apartment building on the south-eastern side. On the eastern side there is a single parking space adjacent to the apartment building; row of three garages with an attached bin store. There are residential properties to the north of the application site, which are separated from the site by a three metre high hedge. There are 1 metre high gates marking the boundary between Highfield Court and No. 33 Glebelands Road and an access gate in the rear boundary of No. 36 Orford Road.

The proposed garage would be attached to the row of three garages and would be 2.7 metres by 5.1 metres and would be 2.3 metres in height at its highest point. The proposed bin store would be relocated to the area in between the row of three garages and the main apartment building.

### **Relevant Planning History**

15/3/4614 – Three storey block of 7 flats and garages at Highfield Court, Glebelands Road, Prestwich. Approved with conditions – 20 June 1971

### **Publicity**

The neighbouring properties were notified by means of a letter on 11 December 2007. Six letters of support have been received from the occupiers of Flat 2, Flat 3, Flat 4, Flat 5, Flat 6 & the Penthouse, Highfield Court;

which has raised the following points:

- The addition of another garage would ease the parking and manoeuvring problems.
- Repositioning of the bin store would be closer to the front entrance, thereby improving access.
- The proposed garage would provide a secure area to park a vehicle, which could not be used by other visitors

Two letters of objection have been received from the occupiers of No. 33 Glebelands Road and No. 36 Orford Road, which have raised the following issues:

- The proposed development would block access to the shared driveway, over which the occupiers of No. 33 Glebelands Road and No. 36 Orford Road have a right of access
- The proposed development would have an adverse impact upon the outlook from No. 36 Orford Road

### **Consultations**

Highways Team - No objections

Environmental Health – No comments

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

H2/3	Extensions and Alterations
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
SPD6	DC Policy Guidance Note 6: Alterations & Extensions

### **Issues and Analysis**

Impact upon surrounding area - The proposed development involves the addition of a garage to the existing row of three garages and the relocation of the bin store. The proposed development is considered to be appropriate in terms of height, form and scale as the proposed garage would match the existing garages in terms of appearance and size. It is considered that the as the proposed garage would be located towards the rear of the site, that it would not be unduly prominent in the street scene.

The proposed development would involve the relocation of the existing bin store to an area between the existing garages and the apartment building. The proposed bin store would be located much closer to the main entrance of the building, which would represent a substantial improvement as some residents are elderly or disabled. The design and access statement states that the proposed bin store would be screened and it is proposed to seek details of this screen via a condition. Therefore, it is considered that the proposed development is in accordance with Policies H2/3 and EN1/2 of the adopted Unitary Development Plan.

Residential amenity - There is a three metre high hedge which runs along the northern boundary of the site and stops approximately 1 metre from the boundary with No. 33 Glebelands Road. As a result, it is considered that the outlook for Nos. 34 and 36 Orford Road would not substantially change. In any case, the proposed development would be 9 metres from the rear elevation of the properties on Orford Road, at the closest point, which would accord with the aspect standards within DCPGN6.

As stated above, it is proposed to screen the relocated bin store, which would be adjacent to the apartment building. It is considered that, subject to conditional control, there would not be a significant adverse impact upon the amenity of the occupiers of Highfield Court. Therefore, it is considered that the proposed development is in accordance with Policy H2/3 of the adopted Unitary Development Plan and DCPGN6.

Highways Issues - The proposed development would not result in the loss of any parking spaces at the site and would have no impact upon the servicing arrangements. The proposed relocation of the bin store would still allow for access by Waste Management Services. The highways team has no objections to the proposal. It is considered that the proposed development would not be detrimental to highway safety and would accord with Policies HT2/4 of the adopted Unitary Development Plan.

Objections - The two letters of objection refer to a right of access across the driveway, which leads from Glebelands Road to the boundary with No. 33 Glebelands Road. This is a private legal matter between the residents of the adjacent properties and the occupiers of Highfield Court and is not a material planning consideration.

### **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 terms of height, scale and design and would not be unduly prominent in the street scene. The proposed development would not have a significantly adverse impact upon residential amenity and would not be detrimental to

highway safety.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

**Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 11 December 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 external finishing materials for the proposal hereby approved shall match those of the existing garages.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. Prior to the commencement of the development hereby permitted, details of a screen for the proposed bin store shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented  
Reason: In the interests of visual amenity pursuant to the following policies of the Bury Unitary Development Plan:  
Policy EN1/1 - Visual Amenity  
Policy EN1/2 - Townscape and Built Design

For further information on the application please contact **Helen Longworth** on **0161 253 5322**

**Ward:** Radcliffe - East

Item 07

**Applicant:** Magnum Whiteline

**Location:** 1ST FLOOR, 16 CHURCH STREET WEST, RADCLIFFE, M26 9SQ

**Proposal:** CHANGE OF USE FROM OFFICE TO PRIVATE HIRE BOOKING OFFICE

**Application Ref:** 49246/Full

**Target Date:** 29/01/2008

**Recommendation:** Approve with Conditions

**Description**

The proposal relates to a two storey mid terraced commercial property within the prime shopping area on the eastern edge of Radcliffe town centre. There is an estate agent on the ground floor and the upper floor is used as office space. No.18 is a photographic studio with a flat above and No.14 is a vacant shop. There is a wide public footway to the front with double yellow lines on this part of the road.

The proposal is to have a private hire booking office on the first floor. There would be no public access to the office which would take telephone calls and direct hire vehicles to pick ups. There would be a maximum of two staff working in the office at any one time and there are no facilities on the premises for drivers. Hours of operation would be from 8am to 11pm daily.

**Relevant Planning History**

None relevant.

**Publicity**

Immediate neighbours - The owner of a number of properties on Church Street West has objected on grounds that there are enough taxi ranks in the area and will add to existing parking problems.

**Consultations**

Traffic - No objection.

Environmental Health - No comments to date.

Policy - No objection.

**Unitary Development Plan and Policies**

HT2/8 Taxi and Private Hire Businesses

S2 Control of New Retail and Non-Retail Development

S2/2 Prime Shopping Areas and Frontages

**Issues and Analysis**

Principle - A use such as a private hire booking office is not considered to be unusual in a town centre location. Given the need for a wide variety of services in the town centre, the principle of such a use is considered to be acceptable subject to it satisfying particular criteria related to highway issues, parking and amenity.

Unitary Development Plan Policy HT2/8 - Taxi and Private Hire Businesses states that:

Proposals for taxi or private hire businesses will be looked upon favourably, providing that the following criteria are satisfied:

a) adequate car parking facilities are provided for the needs of employees and vehicles used in connection with the business



b) it will not have an unacceptable adverse effect on the amenities of neighbouring residents or occupiers:

c) it will not have an unacceptable adverse effect on the local highway network, in terms of road safety and traffic circulation in particular.

The use of taxis and private hire cars accounts for a substantial amount of passenger movement across a wide section of the community. The provision of operational bases for such businesses is, therefore an important element of the transportation infrastructure and these issues are covered below:

Parking and highway issues - The applicant states that the majority of customers would be picked up from home, Asda and surrounding town centre shops without the need for cars to visit the office. Given the number of employees (max 2) and the fact that the location within the town centre is very sustainable and served by public transport and local public car parks, the need for employee parking is not considered necessary in this case.

Amenity - The proposed operation would rely on telephone booking and radio control thus reducing the potential problems that arise from disturbance caused by public visiting the premises and being picked up by vehicles outside. Given the size of the operation, its location at first floor level and the lack of customer or driver facilities it is not likely to cause serious harm to residential amenity.

Objection - The issues raised by the objector have been addressed above. A condition preventing drivers from calling at the office to wait, pick up customers or take refreshments is deemed appropriate in this case. In this town centre location it is considered that there are sufficient safe public parking areas for drivers to take a break etc.

The proposal is considered to comply with Unitary Development Plan policy.

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

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;- The proposal is considered to be appropriate within Radcliffe town centre and would not seriously affect the amenity of local residents or highway safety. The proposal complies with UDP policies listed. 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 4th December 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. No private hire vehicles belonging to the applicant or those belonging to freelance drivers operating through the radio control at the premises, shall visit the office

hereby permitted for the purposes of waiting or taking orders and instruction, collecting clients or for the purpose of taking refreshment.

Reason. In the interests of residential amenity and highway safety pursuant to UDP Policy HT2/8 Taxi and Private Hire Businesses.

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

**Ward:** Radcliffe - North

Item 08

**Applicant:** Alan M Seddon

**Location:** FOLD MILL, BRADLEY LANE, BRADLEY FOLD, RADCLIFFE, BL2 6RR

**Proposal:** INSTALLATION OF ROLLER SHUTTER DOORS, CREATION OF BUNDS AND RELOCATION OF ENTRANCE GATE & FENCE (RETROSPECTIVE APPLICATION)

**Application Ref:** 48411/Full

**Target Date:** 04/01/2008

**Recommendation:** Refuse

**Description**

The application concerns an extensive industrial building formerly occupied by one company but which, more recently, has been sub-divided and now contains three separate businesses. A planning permission granted in 2001 for a change of use from the original Class B2 (general industrial) to allow B1 (business) and B8 (storage and distribution) as well as well as Class B2 activity.

The area surrounding the mill to the west, east and south is predominantly residential, whilst to the north there is mainly open land. The premises is bounded to the east by Bradley Lane, to the north by Browns Road and to the south-west by a narrow unmade lane from Bradley Lane to Browns Road. This lane is a definitive right of way and is privately owned by another party. On the same side of the lane as the mill there are two blocks of residential properties including a terrace of seven houses and a pair of houses. The mill boundary borders these two areas of residential land on three sides.

The application has been submitted retrospectively in order to regularise three developments that occurred at the mill earlier this year. These include the installation on of a new roller shutter entrance door to the mill on its southerly side and large enough for deliveries by HGV's; changes to an established security fence and double gates to the unmade lane by setting the double gates to a new line further back from the lane and splaying the section of 2.5m high steel palisade fence near the lane to suite the new gates position. The third item are bunds about 1.8m high that were created next to the boundary on the south westerly side from surplus material when the surface area within the mill was scraped back. The plans include an indication that hawthorns would be planted on two of the three bunds, including next to the pair of houses and close to the altered entrance.

The submitted plans also show that there would be areas of car parking and hardstanding within the open areas on the westerly and south-westerly sides of the mill which are close to the unmade lane and part of Browns Road. However, these are not part of the application as they can be constructed under "permitted development" rights for an industrial property.

The applicant has commenced using the westerly side of the mill where the changes have been made for his pets supplies business which would involve manufacturing. He has stated that he intends to being in 90 - 100 staff from his premises elsewhere. This use of the building is in accordance with its lawful use which includes Class B1 (business), Class B2 (general industrial) and Class B8 (storage and distribution). The developments stem from the sub-division of the mill, whereby the other two occupiers area and would be utilising accesses from Bradley Lane and Browns Road on the easterly and northerly sides of the premises respectively. The split for the applicant's business on the westerly half necessitates new access and servicing arrangements, hence the splay for the entrance to facilitate HGV access off the unmade lane with the new service entrance door having been created on this side. The mounds were created from work in preparation for new car parking

and hardstandings also on this side of the building. Overall, the applicant wishes to achieve a situation whereby he is able to operate his business in the westerly half of the mill completely independently of the other units. The sub-division of the mill that has been carried out does not need planning permission as long as the activities in each unit are within one of the three permitted use classes referred to in the first paragraph..

Planning permission is required for the amended gates and fencing because of their height as a means of enclosure. However, to form a new means of vehicular access to a non classified road such as the unmade lane does not need an application for planning permission as it is "permitted development".

The mill has had, for a substantial period, four established vehicular entrances. Two of these, including the ones on Bradley Lane and Browns Road have always been well used. The other two on the unmade lane have been much less used as the premises have been serviced primarily from the other side. The southerly one of these is where the gate and fencing have been relocated and hence are the subject of the application.

The commencement of the development activity at the mill resulted in the issuing of a Temporary Enforcement Notice in June 2007. This expired with no breach having been identified.

### **Relevant Planning History**

C/19575/87 - Stores building. Approved on 28th May 1987.

35096/99 - Erection of water tank and pump house. Approved on 21st April 1999.

35141/99 - Alterations to Browns Road access, new loading bay and service area. Approved on 21st April 1999.

37712/01 - Change of use of existing building from Class B2 (general industrial) to a mixed use including B1 (business), B2 (general industrial) and B8 (storage or distribution). Approved on 27th July 2001.

A Temporary Stop Notice was issued on 21st June 2007 requiring the cessation of the excavation of soils, creation of mounds, turning heads, roadways and the importation of bricks and hardcore. This notice expired after 28 days no breach having been identified.

### **Publicity**

78 properties in Bradley Lane, Bradley Fold Farm Cottages, Browns Road, Boundary Drive and Starmount Close were notified on 19th November 2007. Site notices were displayed from 22nd November 2007 and a press notice was published.

48 responses have been received all of which are objections. These are from addresses at 9 Aldford Grove, 1, 4, 6, 12, 18, 20, 34, 49, 63 and 75 Boundary Drive, 26 and 28 Bradley Fold Cottages, 12 Bradley Fold Farm Cottages, 47, 49, 84, 90 and Queens Hotel on Bradley Lane, 4, 10, 18, 32, 34, 45, 47 and 49 Browns Road, 32 Burghley Drive, 33 Chiswick Drive, 17 and 37 Claydon Drive, 16 Denton Road, 9 Duxbury Avenue, 8 and 6 Heaton Road, 19 Kentsford Drive, 1 Kenyon Road, 12 Launceston Road, 19 Montgomery Way, 17 Newark Avenue, 20 Newhall Avenue, 7 Okehampton Close and 3 Tiverton Close.

In addition, the correspondence from 45 Browns Road includes 57 signatures supporting that objection from residents at 3, 14, 74 and 78 Boundary Drive, 32 Bradley Fold Cottages, 73 and 75 Bradley Lane, 1, 14, 16, 41 Browns Road, 1 Burghley Drive, 21 Donnington Road, 11 High Beeches, 9 and 10 Kentsford Drive, 5, 3 and 7 Kenyon Road, 2 and 6 Newark Avenue, 2 Old Oak Close, Starmount House and 2 Starmount Close. There are also a number of e-mail addresses with the postal address not given.

The main concerns raised are as follows:

- Increased traffic using Bradley Lane, a busy but narrow main road.
- Use of Bradley Lane and the land by more HGV's could cause structural damage to houses.
- Use of the mill for pet food products could create unacceptable smells.

- Unsightly nature of the site.
- Disturbance from intrusive lighting.
- Noise from HGV's using the unmade lane and from loading and unloading.
- Detriment to wildlife. A wildlife study should be carried out to help assess the impact of 24 hour working.
- HGV's using the unmade lane could damage back fences and enter their garden.
- Loss of value/salability of property.
- Loss of privacy through HGV drivers being able to overlook their fence.
- Potential damage to a gas main running under the unmade lane.
- The unsatisfactory turning facility at the junction of the unmade lane with Bradley Lane causes HGV's to mount the pavement and is a risk to pedestrians.
- Risk to pedestrians through HGV's using the unmade lane which is a definitive right of way.
- Use of the access from the lane should be restricted to a normal 5 day week and daytime only.
- The bunds are higher than the 1.75m stated in the application.
- What is being done to prevent contamination of their land from materials in the bunds?
- What provision would there be to prevent dust from vehicles.
- Would noise from vehicles, loading and unloading and the use of the roller shutter doors be monitored and would the opening of the roller shutter doors be allowed to occur 24 hours a day and 7 days a week? Working on such a basis would blight the lives of nearby residents.
- The poor state of the applicant's facility in Little Lever shows how they do business in terms of environmental and neighbour relations.
- The creation of hard standings and car parks will cause drainage problems.
- The Committee should carry out a site visit to see what a serious impact this is already having on residents.
- External storage would result in serious safety and security concerns plus light and noise pollution.
- This has become a residential area and placing a major manufacturing site in the middle would be a disaster waiting to happen.
- Concern about the damage done by the removal of trees that has occurred.
- Possibility of more on street car parking occurring with 40 car parking spaces being provided for 110 employees. There is already a lot of such parking occurring.
- The applicant is using the lane for access to the mill despite its owners having told him not to do so.
- The bunds are very unsightly and have created a drainage problem on the lane and flooding of the Farmhouse property in bad weather.
- Danger to children using the play area near the Queens public house from HGV's using the unmade lane.
- Do not want the same type of noise and disturbance as when Dorma were operating at the premises.
- Health hazard caused by noise, odour, vermin and other pests. Possible risks from the manufacturing process about which the applicant should provide more information.
- The scheme is being submitted so that the applicant can make additional profits by sub-letting the front of the building but he could operate a perfectly successful business from the front without implications for the neighbours.
- Why has the applicant been permitted to create a new access or to alter an existing one despite having been issued with a stop notice?
- The application form says that the applicant does not intend to fell any trees but he has already done this.
- A prosecutable offence has occurred with the loss of nesting owls due to the felling of the trees.
- The application is unclear about loading, unloading and turning facilities for

vehicles.

- The bunds were created to save the cost of disposing of rubble to landfill and not to protect residents from noise.
- External storage at the mill should be strictly controlled as is the case at the applicant's Little Lever premises.
- Ambient noise level tests should be carried out prior to business commencing in accordance with the permission granted in 2001 for a mixed business use.
- The frontage to the premises already looks a mess and the concern is that this will happen at the rear.
- The Council has taken insufficient action to control the applicant's activities at the premises.
- The mill has become a magnet for vandals. It should be demolished and all the industry relocated to the Bradley Fold Industrial Estate.

### **Consultations**

Highways Team - Recommend refusal for the reasons that the development would lead to the intensified use of sub standard access which would be detrimental to the safety of users of a public footpath, the applications and plans contain insufficient information to ensure that the applicant can secure access to the site from the highway network and to assess the adequacy of the proposed resultant parking and servicing arrangements.

Drainage Team - No objections.

Environmental Health - Recommend a land contamination condition concerning any imported materials.

Environment Agency - No objections.

GMP Architectural Liaison - No comments.

Landscape Practice - The hawthorn planting needs to be broken up by other indigenous hedgerow planting, including small trees. A proper specification needs to be provided for the planting material and the earth bunds need a more detailed examination for their stability.

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

EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN7/2	Noise Pollution
EN9	Landscape
EC2/1	Employment Generating Areas
EC6/1	New Business, Industrial and Commercial
H3/2	Existing Incompatible Uses
HT6/1	Pedestrian and Cyclist Movement

### **Issues and Analysis**

Planning Status of the Development - The submitted plan shows, in addition to the implemented roller shutter doors, bunds and fencing/gates, also areas of car parking and hardstanding to be provided. The creation of car parking and hardstanding surfaces at an industrial premises is classed as "permitted development" and thus can be carried out without the need to obtain planning permission. Therefore, consideration of the application can only take into account the elements for which planning permission is required to be obtained ie. the roller shutter doors, bunds and fencing/gates.

The applicant has sub-divided the mill into units and would be carrying out a manufacturing process in a part of the building. Neither of these activities involves a change of use of the premises and therefore, it can be carried out without the need for planning permission.

To utilise an existing access point does not involve development. In this case planning permission is needed for the fencing and gates as they are adjacent to a highway used by vehicular traffic and are over 1m in height.

Design and Appearance - The roller shutter doors and the fencing/gates are of a typical industrial scale and appearance. The roller shutter doors are in a bright metallic finish that contrasts with the light blue cladding on adjoining part of the mill. They are set well back from the site boundary (about 30m at the closest point) and can be viewed from the unmade lane through the fencing and gates but at a significant distance (about 100m). Thus, they have a limited visual impact outside the site but are of a sufficient scale to be a material change to the appearance of the building and thus require the obtaining of planning permission. The gates and fencing are a galvanised palisade type similar to other mill boundary fencing on this side of the premises.

The main visual impact of the mounds has been the loss of vegetation that this work has entailed. However, there was no Tree Preservation Order involved. Since their creation the mounds have generally grassed over and now create a partial buffer feature next to the boundary. The application shows details of planting of two of the mounds with hawthorn. However, the Landscape Practice is concerned that the planting should not be just of one species and recommends mixed species indigenous hedgerow planting, including a few selected trees with a proper specification needing to be provided, as the information provided is insufficient. One of the bunds is next to the residential boundary at 12 and 14 Farm Cottages but the submitted plan shows that only a small length of this bund would be planted leaving the rest with inadequate screening of these properties from the mill following the loss of the previous buffer planting.

Access Issues - The new roller shutter doors on a part of the Mill where there was no previous entrance and the splay back of the fencing and gates have created a situation whereby it is possible for deliver vehicles, including HGV's, to access the industrial unit along the unmade track. The splay has improved their ability to enter the premises from the access point in question. Thus, once the industrial activity becomes more fully established, there would be much more use of the lane by HGV's than has previously been the case. The lane is used as a public footpath and its narrowness and condition would render it more difficult and hazardous with more commercial using it, particularly for pedestrian users. Entering the lane by large vehicles would also be very unsatisfactory giving the constraints of the junction with Bradley Lane. Therefore, the Highways Team has recommended that the application should be refused as these elements of the development are not acceptable from a highways safety point of view.

The Highways Team has also cited the lack of sufficient information regarding how the applicant can secure access to the site from the adjacent highway as a second reason for refusal. However, the applicant does not control the lane and the proposals do not involve any changes to it. The application needs to be considered on the basis that traffic accessing the premises via the lane would be using it in its present condition.

The third reason for refusal recommended by the Highways Team is that there is insufficient information to assess the adequacy of the car parking and servicing arrangements. However, the creation of areas of car park and hardstandings is "permitted development" and the use for industrial purposes does not need planning permission. The application, therefore, should be considered solely in terms of the merits of the three elements that are being applied for.

Residential Amenity - On the opposite side of the unmade lane along the length that the additional delivery traffic would utilise to service the building via the altered entrance gates and new roller shutter doors there are existing houses with private rear gardens right up to the lane. There are also houses situated next to the Mill boundary in this vicinity. The intensified use of the lane by HGV's and the much more intensive use of the land within the mill boundary for vehicle manoeuvring and loading/unloading would cause undue noise and disturbance to the affected residents.

One of the bunds has been created next to 12 and 14 Farm Cottages. It is not an unduly unsightly feature following the natural growth of vegetation but further planting is necessary

to restore the original screening by trees and shrubs. As indicated in the Design and Appearance section above better details of the planting and more variety of species are necessary.

It is understood that water run off from the mounds is creating ponding on adjacent land and the application does show any drainage measures to prevent this problem from occurring.

Ownership - The lane is in a separate private ownership and no alterations to it are involved. The legal status of the applicant in regard to using it for access needs to be resolved between the parties and should not be treated as a material consideration in determining the application. The owners of the lane have been notified and, at the time of writing, no formal comments had been received from them.

The Objections - 48 objections have been received from surrounding residents. Some residents may not be fully aware that the Council is not in a position through planning powers to control the industrial use of the mill, its sub-division or the provision of areas of hardstanding and car parks associated with the industrial activity, as well as the use of the unmade lane for access or the use of or creation or alteration to means of access to the site. However, the concern about the intensified use of the lane and previously quiet back of the mill which would be enabled by the relocated fencing and gates and the new roller shutter doors are a planning matter that can be properly taken into consideration in dealing with the application. Concern about the effect of the bunds in terms of visual effect, impact on land drainage is also a valid planning consideration. The loss of trees they resulted in has already occurred and these were not protected by a Tree Preservation Order. This aspect can, however, be taken into consideration through requiring appropriate re-landscaping.

**Recommendation:** Refuse

#### **Conditions/ Reasons**

1. The roller shutter doors and relocated entrance gates would result in the intensification of the use of sub-standard accesses, which would be detrimental to the safety of users of Public Footpath No. 23, Christ Church, Radcliffe and the surrounding highway network. The development, therefore, conflicts with the following policies of the Bury Unitary Development Plan:  
EC6/1 - Assessing New Business, Industrial and Commercial Development.  
HT6/1 - Pedestrian and Cyclist Movement.
2. The roller shutter doors and relocated entrance gates would lead to an intensified use close to residential properties of the narrow unmade lane by delivery vehicles and the manoeuvring and the loading/unloading of these vehicles on a much greater scale than previously on areas within the curtilage of the mill adjacent to residential properties. These developments would cause significant noise, disturbance and general activity that would be seriously detrimental to the residential amenities of the nearby occupiers. The proposed development, therefore, conflicts with the following policies of the Bury Unitary Development Plan: EC6/1 - Assessing New Business, Industrial and Commercial Development, EN7/2 - Noise Pollution & H3/2 - Existing Incompatible Uses.
3. The details of the proposed landscaping treatment shown to the bunds are inadequate in terms of their species mixture, the planting specification and, in the case of the bund adjacent to nos. 12 and 14 Farm Cottages, the extent of the treatment. The development, therefore, conflicts with the following policies of the Bury Unitary Development Plan:



EC6/1 - New Business, Industrial and Commercial Development  
EN1/2 - Townscape and Built Design  
EN1/3 - Landscape Provision  
H3/2 - Existing Incompatible Uses  
EN9 - Landscape.

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

**Ward:** Radcliffe - North

Item 09

**Applicant:** Mr & Mrs P Horrocks

**Location:** SUNNY BANK, ARTHUR LANE, AINSWORTH, BL2 5PN

**Proposal:** FORMATION OF GATED ACCESS TO AGRICULTURAL LAND/STABLES

**Application Ref:** 48715/Full

**Target Date:** 18/12/2007

**Recommendation:** Approve with Conditions

### **Description**

The application seeks permission to form a new access point from Arthur Lane into the small paddock in which there is a timber stable block. The only existing access into the paddock is from the grazing pasture to the east which in turn has access to Delph Lane further to the east or to the narrow brick paved access road which serves both the applicant's house and the neighbouring property, Belmont House.

Due to access difficulties through the shared access and Delph Lane the applicant seeks a separate access from Arthur Lane. The new access would require the removal of a section of hedging (approx 34m) to allow the appropriate visibility splays. A new hedgerow would be planted along the back of the visibility splays on either side which would be grassed. A timber post and rail fence would be erected at the back of the new hedge and a gate would be positioned across the new entrance, set back about 3m from the back of the footway. The existing sycamore tree to the north of the new access would be retained and three new trees would be planted in the south west corner of the paddock. The access would be surfaced with an interlocking mesh to allow porous surface for grass to grow.

### **Relevant Planning History**

19542 - New access drive - Refused 19/5/1987

20086 - Stable Block - Approved 17/9/1987.

### **Publicity**

Immediate neighbours and site notice posted - Ainsworth Community Association has written stating they have concerns about highway safety, the new access point being close to the junction with Bury Old Road and an existing exit on Arthur Lane.

One letter has been received from the occupier of Craigside on Arthur Lane, stating that the access is needed to ease disruption caused by movement of agricultural machinery and livestock to and from the surrounding fields.

### **Consultations**

Traffic - No objection subject to appropriate visibility splays, surfacing and turning.

Landscape - No objection subject to protection measures around the existing sycamore tree to the north of the access point.

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

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

OL4/7 Development Involving Horses

OL7/2 West Pennine Moors

SPD10 Planning for Equestrian Development

EN1/1 Visual Amenity

EN8/2 Woodland and Tree Planting

EN9/1 Special Landscape Areas

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

## **Issues and Analysis**

**Green Belt** - Policy OL1/5 Mineral Extraction and Other Development in the Green Belt states that development will not be appropriate unless it maintains the openness of the Green belt and does not conflict with the purposes of including land within it. Supplementary guidance Note 8 New Buildings and Associated Development in the Green Belt supports this advice. A previous application for a new access drive from Arthur Lane was refused in 1987 on green belt and highway grounds. In terms of the impact on the Green Belt the previous scheme in addition to lacking detail, involved a substantial access road and turning circle linking up to the dwellinghouse at Sunny Bank. In terms of Green Belt the nature and scale of the new road was considered to be contrary to Green Belt policy. The proposal which is subject to this application is of a different nature and scale. It would be primarily used to serve the adjacent paddocks and would not have a seriously adverse impact on the openness of the Green Belt. The highway issues are dealt with later in this report

EN9/1 Areas of Special Landscape states that development should be sympathetic to its surroundings and unduly obtrusive development will not be permitted in such areas. This is supported by UDP policy OL7/2 West Pennine Moors.

UDP Policy OL4/7 Development Involving Horses and associated guidance indicates that development associated with equestrian pursuits would be considered acceptable where it would not have an adverse effect on the appearance of the rural area.

Given the modest scale of the development and the proposed landscaping measures, the proposal would not have a detrimental impact on the openness of the green belt or character of the Area of Special Landscape/ West Pennine Moors.

**Design and appearance** - Policy EN1/1 Visual Amenity states that development will not be permitted where it would have a detrimental impact on areas such as the Green Belt or Special landscape. As stated above, it is not considered that the proposal would be seriously detrimental to the character or visual amenity of the area given that the new hedge would be an effective replacement to that lost due to the visibility splays. In addition to retaining the existing sycamore, the three new trees on the site would enhance the amenity of the area by helping to screen the existing stables as they are viewed from Arthur Lane as one approaches from the south.

**Ecology** - There is no significant threat to features of ecological importance. The revised plans indicate that the porous surfacing material should help protect the existing sycamore tree next to the entrance. This will be covered by an appropriate condition.

**Traffic** - It should be noted that the previous application for an access in 1987 lacked important information with regard to visibility splays and for this reason it was refused on grounds that it was detrimental to highway safety. If relevant information had been submitted at the time it may not have been a concern on highway grounds. The current application is more detailed and contains sufficient information for it to be assessed properly. On assessment the traffic team consider that the new access would not have a serious and detrimental impact on highway safety along this part of Arthur Lane.

**Comments** - the issues of highway safety has been dealt with above in the section on Traffic.

## **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 access would not have a detrimental impact on the openness of the green belt or character of the area. No serious impact on the residential amenity of neighbouring properties. The proposal

complies with the policies and guidance listed. 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 P1522/FW/07/1, 2 and 3 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 visibility splays indicated on the revised plan ref P1522/FW/07/3A shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use and subsequently maintained free of obstruction above the height of 0.6m  
Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety.
4. The proposed surfacing and turning facilities indicated on the revised plan ref P1522/FW/07/3A shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use and subsequently maintained free of obstruction at all times.  
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of highway safety and in the interests of visual amenity.
5. The development hereby approved shall not commence unless and until a scheme of protection for all trees to be retained on site in accordance with BS 5837:2005 "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.
6. The landscaping scheme, including the replanted hedge and proposed new trees shall be implemented within the first planting season after the substantial completion of the proposed access; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.  
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to UDP Policy OL1/5 Mineral Extraction and Other Development in the Green Belt and EN8/2 – Woodland and Tree Planting.

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

**Ward:** Radcliffe - North

Item 10

**Applicant:** Mrs B Jackson

**Location:** 39 BURY OLD ROAD, AINSWORTH, BOLTON, BL2 5PF

**Proposal:** CHANGE OF USE OF AGRICULTURAL BUILDING TO DOG BOARDING KENNELS

**Application Ref:** 48822/Full

**Target Date:** 18/12/2007

**Recommendation:** Approve with Conditions

### **Description**

The site comprises of a semi-detached property that has land at the side and rear where detached agricultural type buildings are located. The site cover 1 hectare and is surrounded by open agricultural land edged by a hawthorn hedge and fence.

The proposal is to change the use of a detached agricultural building to a dog boarding kennel and the provision external exercise runs. The building is approximately central of the site but at the edge of the cluster of buildings. Also alteration of part of the detached building nearest to the road to a reception/office.

41 Bury Old Road, attached to the site is approx. 25m away from the proposed kennel building with mature trees and a wooden stable building between.

The nearest residential properties to the west are approx. 45m away across an open field. To the north is Arthur Lane Nursery.

### **Relevant Planning History**

24690 – Animal shelter & storage shelter – Approved Conditionally 02/08/1990

35723 – Single storey, first floor and two storey extensions to side and rear to form granny flat – Approved Conditionally 23/11/1999

42338 - Conversion of existing outbuilding to 2 holiday homes and extensions to front and rear - Refused 13/05/2004, Appeal Dismissed

43666 – Renewal of 35723 granny flat – Approved Conditionally 10/01/2005

45837 – Conversion of outbuilding to 2 bed holiday home Approved Conditionally 17/03/2006

All the above relate to the detached building adjacent the road where it is proposed that the reception/office would be.

### **Publicity**

The immediate neighbours were written to on the 02/11/2007. A letter of objection has been received from the Ainsworth Community Association which has raised the following issue:

- Noise and nuisance to neighbours
- Amount of traffic being generated and number of parking spaces

### **Consultations**

Highways Team – No objection

Drainage Team – No objection

Environmental Services – No objection subject to a noise condition

## **Unitary Development Plan and Policies**

OL1/4	Conversion and Re-use of Buildings in the Green Belt
EN9/1	Special Landscape Areas
EC4/1	Small Businesses
EN7/2	Noise Pollution
EN8/2	Woodland and Tree Planting
EN1/2	Townscape and Built Design

## **Issues and Analysis**

**Principle** – The site is within the Green Belt where there is a presumption against development unless it accords with the requirements of Bury UDP Policy OL1/4 – Conversion and Re-use of Buildings in the Green Belt and Development Control Policy Guidance Note 9 – Conversion of Building in the Green Belt (DCPGN 9). The building is considered to be of permanent and substantial construction that is capable of conversion without major reconstruction. Also, the use of dog kennels is regarded as an acceptable small business/farm diversification within a rural area that will contribute to the local economy.

Therefore the proposal accords with the requirements of Policy OL1/4 and DCPGN 9 and is deemed acceptable in principle. The proposal is further considered for its impact on the following issues:

**Highway Safety** – The entrance to the site is an existing larger than average vehicular access point into a tarmac area that is large enough to accommodate 3 parking spaces directly adjacent the proposed reception area. Given the sporadic nature and limited number of the visitors to the proposal this is considered acceptable in terms of highway safety pursuant to Bury UDP Policy No OL1/4 - Conversion and Re-use of Buildings in the Green Belt.

**Impact on Green Belt/Visual Amenity** – The roof of the building is to be upgraded from asbestos cement sheets to grey uPVC coated steel sheets and the walls cement rendered to standardise the materials on all the elevations. The proposal includes the formation of outdoor mesh runs on the north and south elevations that will be seen mainly against the existing building. Also a 7m x 12m exercise area directly to the south of the detached building and west of a row of mature trees that is to be enclosed by a 1.2m high post and rail timber stock proof fence and landscaped by a native hedge. Given the limited effect on the openness of the Green Belt and the rural nature of the fence and hedge the proposal is judged to be acceptable pursuant to Bury UDP Policy No OL1/4 - Conversion and Re-use of Buildings in the Green Belt.

**Residential Amenity** – The main consideration of the proposal on residential amenity is the issue of noise and disturbance. The hours stated in the application for the kennels to be open for the deposit/collection of dogs are 08:00hrs to 18:00hrs. The building is to be insulated for sound on the walls and ceiling to stop noise nuisance emanating from inside the building. Given the location of the kennel building these particulars are regarded as sufficient to safeguard the residential amenity of the occupiers of the adjacent dwellings from excessive disturbance and noise nuisance from visitors and barking from inside the kennel building and a condition is to be imposed to ensure this. Also the applicant is agreeable to a condition limiting the time the dogs are allowed into their outdoor runs and the exercise area to between 08:00hrs and 18:00hrs to limit the possibility of noise nuisance from these areas. Given the above the proposal is considered acceptable in terms of possible noise nuisance pursuant to Bury UDP Policy No EN7/2 – Noise Pollution.

**Comments on Representations** – The issues of traffic/parking and noise/nuisance have been dealt with in Highway Safety and Residential Amenity issues 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 representations and consultation responses, in particular Unitary Development Plan Policies OL1/4 - Conversion and Re-use of Buildings in the Green Belt, EN9/1 - Special Landscape Areas and EN7/2 – Noise Pollution, it is considered that the proposed development will not harm the openness of the Green Belt, the character of the area, the amenities of the occupiers of the adjacent residential properties, impact on highway safety issues nor cause demonstrable harm to other interests of acknowledged importance.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings received on 27/11/2007 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.
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 to provide and install appropriate sound insulation has been submitted to and approved in writing by the Local Planning Authority. The levels of acoustic insulation to be provided shall be, as a minimum, those deemed to be acceptable and specified as standards of construction in current Building Regulations. Such works that form the approved scheme shall be completed before the proposed dog kennels are brought into use.  
Reason. To reduce nuisance from noise to the occupiers of the adjacent residential properties pursuant to Bury UDP Policy EN7/2 - Noise Pollution.
5. The proposal hereby approved shall not be open for the dropping off and collection of dogs outside the hours of 08:00hrs and 18:00hrs.  
Reason. To safeguard the residential amenity of the adjacent residential properties pursuant to Bury UDP Policy EN7/2 - Noise Pollution.
6. No dogs shall have access into the outside runs or use the outdoor exercise area outside the hours of 08:00hrs and 18:00hrs.  
Reason. To safeguard the residential amenity of the adjacent residential properties pursuant to Bury UDP Policy EN7/2 - Noise Pollution.
7. The maximum number of dogs allowed to be kennelled at any one time is 18.

Reason. To safeguard the residential amenity of the adjacent residential properties pursuant to Bury UDP Policy EN7/2 - Noise Pollution.

8. The emergency exit door shown on the proposed layout plan shall be kept shut at all times except for use in times of emergency.  
Reason. To safeguard the residential amenity of the adjacent residential properties pursuant to Bury UDP Policy EN7/2 - Noise Pollution.
9. The car parking indicated on the approved plans shall be demarcated in a method to be agreed in writing with the Local Planning Authority. The demarcated car parking spaces shall be made available for use to the written satisfaction of the Local Planning Authority prior to the use hereby approved commencing and thereafter maintained at all times.  
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
10. The landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the exercise area is first brought into use. 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..

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



**Ward:** Radcliffe - West

Item 11

**Applicant:** Wain Homes N W Ltd

**Location:** FORMER BANKFIELD MILL, HARPER FOLD ROAD, RADCLIFFE

**Proposal:** RESIDENTIAL DEVELOPMENT - 18 UNITS

**Application Ref:** 49296/Full

**Target Date:** 20/03/2008

**Recommendation:** Approve with Conditions

### **Description**

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

The site is surrounded on all sides by housing, comprising bungalows to the north and two storey semis elsewhere and a foot way runs along the westerly side of the site within a wide area of open space, which is protected recreation provision. To the south of the site, there is a group of trees, 5 of which are protected by a Tree Preservation Order.

The application under consideration is for the provision of 18 two storey and three storey dwellings. Following the previous refusal of the application (48482), plots 10 and 11 have been changed from three storey to two storey dwellings. Access will be from a single access road into the site from Harper Fold Road and is in the same position approved under the previous outline and reserved matters applications.

### **Relevant Planning History**

38783 – Residential development (outline) at Bankfield Mill, Pitt Street, Radcliffe. Refused – 28 March 2002

The application was refused due to insufficient information

39383 – Outline residential development at Bankfield Mill, Pitt Street, Radcliffe. Approved with conditions – 23 October 2002

44609 – Reserved matters: residential development – 18 dwellings at Bankfield Mill, Pitt Street, Radcliffe. Approved with conditions – 27 July 2005

45142 – Erection of 3 No. blocks of 3 storey apartments (42 in total) (outline) at Bankfield Mill, Pitt Street, Radcliffe. Refused 28 October 2005

Appeal dismissed 4 August 2006

The application was refused as it would lead to overdevelopment, by reason of the massing and extent of the apartment blocks and the additional traffic would be detrimental to highway safety and residential amenity.

48482 – Residential development – 18 dwellings at former railway track, off Ainsworth Road, Radcliffe. Refused – 23 November 2007

The application was refused as it was considered that plots 10 & 11 (both three storey dwellings) would have an adverse impact upon the residential amenities of the occupiers of Pitt Street due to their size, height and siting.

### **Publicity**

The neighbouring properties on Far Hey Close (1 – 3), Harper Fold Road (48, 50 – 62, 63 – 79 (odds), 72), Limefield Road (4 – 18 (evens), 30, 32, 34), Pitt Street (1 – 15 (odd)), Sunraker, Saralea, Llanris, Cherry Trees), Leafold Close (19, 21) and Crossfield Close (25, 27, 32, 34) were notified by means of a letter on 21 December and a press notice was

published on 3 January. Site notices were posted on 21 December. One letter has been received from the occupiers of No. 16 Limefield Road, which has raised the following issues:

- A objection to three storey dwellings as the estate comprises mainly bungalows and two storey dwellings

### **Consultations**

Highways Team – No objections, subject to the inclusion of conditions relating to visibility splays and parking arrangements.

Drainage Team - No objections

Environmental Health - No objections to the proposal, subject to the inclusion of conditions relating to contaminated land

Waste Management - No response to date

Radcliffe Area Board – No response to date

Landscape Practice - No response to date

GM Police Architectural Liaison - No objections in principle, subject to minor observations in relation to lockable gates to properties and the need to define private space

Fire Officer – No response to date

Policy - No response to date.

BADDAC - Recommend an advisory in relation the requirements of the DDA.

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

H1/1	Housing Land Allocations
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN8	Woodland and Trees
RT1/1	Protection of Recreation Provision in the Urban Area
RT2/2	Recreation Provision in New Housing Development
HT2/4	Car Parking and New Development
HT4	New Development
SPD1	DC Policy Guidance Note 1:Recreation Provision
SPD6	DC Policy Guidance Note 6: Alterations & Extensions
SPD7	DC Policy Guidance Note 7 - Managing the Supply of Housing
PPS23	PPS23 Planning and Pollution Control

### **Issues and Analysis**

Principle - The proposal involves the erection of 18 dwellings on the application site, which is located off Pitt Street.

Policy H1/1 states that the application site, amongst others, is considered to be suitable for residential development, as outline permission was granted for the proposal in March 1991. The planning history demonstrates that there is a valid planning consent on the site for 18 dwellings. It is considered that the proposal would not add to the numbers of residential units in the borough and the principle of residential development on the site is established. Therefore, the proposal is in accordance with Policy H1/1 of the adopted Unitary Development Plan and DCPGN7.

Siting, design and layout - Policy H2/1 states that all new residential development should make a positive contribution to the surrounding area and should have regard to the heights and roof types of adjacent buildings, the position and proximity of neighbouring dwellings and the density and character of the surrounding area.

Policy H2/2 of the Unitary Development Plan states that the new residential development should demonstrate acceptable standards of layout including, adequate parking available, suitable landscaping and open space.

The proposed development incorporate a mix of properties, including 10 no. two storey detached dwellings, 1 no. two and a half storey detached dwelling and 7 no. three storey dwellings. It is considered that the mix of properties is acceptable. A local resident has objected to the three storey dwellings. However, the proposed scheme incorporates more two storey dwellings than the previous approval and the three storey dwellings are located in similar locations to the previously approved scheme.

The aspect distances between the proposed dwellings (plots 2 to 6) and the existing dwellings on Limefield Road are in excess of 30 metres. There would be a minimum of 22 metres between plot 1 and the existing properties on Harper Fold Road and over 24 metres between the proposed dwellings (plots 13 to 18) and the existing dwellings on Harper Fold Road.

There is an existing dormer extension at Cherry Trees at first floor level on the western end of the southern elevation, which relates to a bedroom. The ground floor windows on this elevation are all secondary or non-habitable windows and would be partially screened by the proposed 1.8 metre fence. There would be 13 metres between Cherry Trees and plot 9, which is considered to be acceptable as the proposed dwelling would be opposite the roof of the existing dwelling and there would be no adverse impact upon privacy for the occupiers of Cherry Trees. There would be a distance of 20 metres between plots 10 and Cherry Trees and the proposed dwelling on plot 11 has been rotated to ensure that the windows do not face Cherry Trees. There s 18 metres between the existing properties on Pitt Street and plots 10 and 11. As a result, it is considered that the proposed development would not impact adversely upon the amenity of the neighbouring properties. Therefore, the proposed development is in accordance with Policies EN1/1 and EN1/2 and complies with the aspect distances as contained in DCPGN6.

The site plan indicates that all the proposed dwellings have generous side or rear gardens, which would be bounded by 1.8 metre high, close boarded fencing. It is considered that the proposed close boarded fencing would keep the garden areas secure and would reflect the existing boundary treatments in the locality. Therefore, it is considered that the proposed development is in accordance with Policy EN1/5 of the adopted Unitary Development Plan.

Trees - A tree survey report was submitted as part of the application, as the site contains a number of trees. Eight of the seventeen trees identified in the report are protected by a Tree Preservation Order and are labeled T1 to T8 in the report. The site was surveyed in 2002 by the Landscape Practice and it was considered that none of the other trees on site were worthy of protection and the submitted report confirms this.

The tree report states that trees T4 and T5 (both protected by the TPO) would have to be removed as they are diseased and potentially unsafe, and trees T2 (protected by the TPO), G1 and T17 would have to be removed in order to accommodate the proposed development. The only protected tree to be removed in order to accommodate the proposed development is T2, which is of low amenity value and has a low life expectancy. The Landscape Practice has no objections to this protected tree being removed, subject to the tree being replaced and this would be secured via a condition. The remaining tree, which have to be removed to accommodate the proposed development (T17 and G1) are not worthy of protection and it is considered that their removal would not be detrimental to the amenity of local residents.

Trees T4 and T5 (both protected by TPO) may have to be removed as they are diseased and potentially unsafe, but their removal is not required to facilitate the proposed development. Therefore, the removal of these trees would be subject to a TPO application.

The Landscape Practice has no objections to the proposal, subject to the inclusion of

conditions relating to the replacement planting, landscaping scheme and protection measures for the remaining protected trees during construction. Therefore, it is considered that the proposed development would not conflict with the aims of Policies EN8/1 and EN8/2 of the adopted Unitary Development Plan.

Parking issues - It is considered that there are adequate turning and parking facilities for the 18 properties, in the form of garages and driveways and the visibility splays are satisfactory. The highways team has no objections to the proposal. Therefore, it is considered that the proposed development would not have an adverse impact upon highway safety and is in accordance with Policies HT2/4 and HT4 of the adopted Unitary Development Plan.

Contribution - The scale of the development requires that provision should be made towards off-site recreational provision under Policy RT2/2. In view of this, the applicant has entered into a planning agreement to pay a commuted sum to the value of £16,031.05.

### **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 the proposed development is appropriate in terms of design, scale and layout. The proposed development would not look out of place within the locality, subject to conditional control and would not be detrimental to highway safety.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered Location plan, 07/097/1000 Revision L (received on 9 January 2008), Chatsworth House Type, Chatsworth SA House Type, Longshaw House Type, Nelson House Type, Warren House Type, Scott House Type, Trevithick House Type, Croft (F) House Type, Newbury House Type, Bowmere House Type, GA-02, AD(10)01, SF/3, S07/203, 3225.01 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. A minimum of 5 working days written notice shall be provided to the LPA of intended commencement of the development. The notification of commencement shall include a timetabled schedule of the intended tree protection measures in accordance with BS 5837:2005 'Trees in Relation to Construction' and tree works. Any subsequent variation of the timetable shall be subject to further written notice.  
Reason - To ensure that the development is carried out in accordance with the approved plans, to protect trees which are of amenity value on the site and

pursuant to Policies EN8/1 – Tree Preservation Orders and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

5. No trees protected by Tree Preservation Order, other than T2, shall be felled, lopped or topped before or during the construction period without the previous written consent of the Local Planning Authority.  
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
6. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. It shall be implemented not later than 12 months from the date the building(s) is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.  
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
7. Prior to commencement of the development hereby permitted, details of the siting, size and planting medium of the replacement tree(s) (*Carpinus Bettulus Frastigiata* or *Carpinus Bettulus Fransfontaine*) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented  
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.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed in the dwellings in plots 10 and 11.  
Reason: To protect the residential amenities of the occupants of adjoining properties.
9. The development hereby approved shall not be first occupied unless and until the road markings and illuminated signing associated with the priority give way and build-out on Harper Fold Road affected by the new access have been altered/relocated or replaced to the written satisfaction of the Local Planning Authority.  
Reason. To ensure good highway design in the interests of road safety
10. The visibility splays indicated on approved plan reference 07/797 1000 Revision L shall be implemented to the written satisfaction of the Local Planning Authority before the development is first occupied and subsequently maintained free of obstruction above the height of 0.6m.  
Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety.
11. The turning facilities indicated on the approved plan reference 07/797 1000 Revision L shall be provided before the development is first occupied.  
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety.
12. The car parking indicated on the approved plan reference 07/797 1000 Revision L shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the building(s) hereby approved being occupied.

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

13. A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

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

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

15. 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, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

For further information on the application please contact **Helen Longworth** on **0161 253 5322**

**Ward:** Ramsbottom + Tottington - Tottington

Item 12

**Applicant:** Bury MBC

**Location:** WHITTLES FARM, TURTON ROAD, TOTTINGTON, BL8 3QQ

**Proposal:** REPLACEMENT OF EXISTING SEPTIC TANK WITH KLARGESTER BIODISC SEWAGE TREATMENT PLANT

**Application Ref:** 48944/Full

**Target Date:** 14/01/2008

**Recommendation:** Approve with Conditions

### **Description**

The application site is located within the grounds of Whittles Farm, which is also in the green belt. Whittles Farm is a converted barn building, which is attached to a terrace of three cottages. The residential properties are accessed by a single track access to the north of the properties and links to Turton Road. There is a garden area immediately to the east of the converted barn with a driveway and parking facilities beyond.

The existing septic tank is located in a walled/fenced area adjacent to the road and driveway and is located some 5 metres from the converted barn. The existing septic tank was in place prior to the conversion of the barn to a residential use in 1989 and serves the three terraced cottages (1, 2 & 3 Whittles, Turton Road), which has an outlet into a culvert. The converted barn is served by a separate septic tank, which is located approximately 27 metres to the east of the converted barn and the proposed septic tank would only serve the occupiers of Nos. 1, 2 & 3 Whittles.

Currently, there is unsatisfactory treatment of the sewage before the effluent is released into the watercourse. The Environmental Health team has been involved for several years and a notice under Section 59 of the Building Act 1984 was served upon the occupiers of 1, 2 & 3 Whittles, due to the unsatisfactory drainage arrangement and requiring replacement or repair of the existing tank. However, this has now expired and the provisions of the Act enable the Local Authority (Environmental Health) to carry out the necessary works in default. Therefore, Bury MBC are undertaking the works in default under Section 99 (2) of the Building Act 1984. The costs will be recovered from the recipients of the original notice.

The proposal would involve the replacement of the existing septic tank with a biodisc sewage treatment plant, which would enable the discharge to be released into the culvert, subject to consent by the Environment Agency.

### **Relevant Planning History**

#### **1, 2, & 3 Whittles**

No planning history

#### **Whittles Farm**

22389 – Conversion of barn to dwelling at Whittles Farm, Turton Road, Tottington.  
Approved with conditions – 25 May 2005

23438 – Conversion of barn to dwelling at Whittles Farm, Turton Road, Tottington.  
Approved with conditions – 9 November 1989

#### **Building Regulations**

FP/07/1508 – Installation of sewage treatment plant at Whittles Farm, Turton Road, Tottington. Approved - 14 December 2007

## **Publicity**

The neighbouring properties were notified by means of a letter on 28 November and site notices were posted on 6 December. One letter has been received from the occupiers of Whittles Farm (the converted barn), which has raised the following issues:

- The landowner would not allow the replacement of the existing tank with a larger noisier tank
- The position of the proposed tank would be closer to Whittles Farm and this would be contrary to Building Regulations.

## **Consultations**

Drainage Team – Declined to comment as they are the applicant for the application.

Environmental Health – Contaminated land - The proposed development is within an area where surrounding properties are served by private water supplies. Therefore, it is advised that care is taken so as to prevent any potential contamination of the drinking water supplies in the area.

Noise – No objections. If the sewage treatment plant is operated correctly, there should be no noise issue as the units are designed for silent running.

Environment Agency - No objections to the proposal, subject to the inclusion of a condition, regarding a scheme for the disposal of foul drainage to the sewage treatment plant.

## **Unitary Development Plan and Policies**

EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
EN7/3	Water Pollution
EN7/5	Waste Water Management
EN9/1	Special Landscape Areas
OL1/5	Mineral Extraction and Other Dev in the Green Belt
OL7/2	West Pennine Moors
PPG2	PPG2 - Green Belts

## **Issues and Analysis**

Principle - The proposed development would be located in the green belt and in an area of special landscape.

Policy OL1/5 states that within the green belt other development, not including buildings, will be inappropriate unless it maintains openness and does not conflict with the purposes of including land in the green belt and in the case of mineral extraction, a high environmental standards will be maintained and the site restored. If the development does not comply with the above, then it will be inappropriate development and harmful to the green belt. Any proposal which is considered to be inappropriate will only be permitted in very special circumstances.

Policy OL7/2 states that throughout the area known as the West Pennine Moors, the Council will control development so as to reduce any detrimental effects on the important character of the area. In particular regard will be had to the effect upon agriculture, water catchment, landscape character and ecological and geological features

Policy EN9/1 states that in the special landscape areas, any development permitted will be strictly required and will be sympathetic to its surroundings in terms of visual impact. Unduly obtrusive development will not be permitted in such areas.

The proposed development involves the replacement of a septic tank within an existing walled and fenced area within the curtilage of Whittles Farm, despite serving the adjacent cottages (1, 2 & 3 Whittles Farm). The proposed tank would be approximately 0.4 metres above ground level and as it would be located within the walled and fenced area, would not



be unduly prominent within the locality. The proposed development would not have an adverse impact upon the openness of the green belt or the character of the West Pennine Moors and the special landscape area. Therefore, the proposed development is considered to be in accordance with Policies OL1/5, OL7/2, EN1/2 and EN9/1 of the adopted Unitary Development Plan.

Pollution - Under the current arrangements, there is little or no treatment of the waste prior to its release into the adjacent culvert, which is detrimental impact upon the water quality in the locality. This is especially important as the residential properties in the locality are served by private water supplies. The proposed development would treat the waste, thereby enabling the discharge to be released into the culvert safely, subject to the relevant consents from the Environment Agency. The Environment Agency has no objections to the proposal, subject to the inclusion of a condition relating to the disposal of the foul drainage. It is considered that the proposed development would improve the water quality in the surrounding area and would be in accordance with Policies EN7/3 and EN7/5 of the adopted Unitary Development Plan.

Residential amenity - The proposed tank would incorporate an electric motor for the treatment of the sewage and the occupiers of Whittles Farm are concerned with the potential noise impact. It is considered that the potential noise level from the proposed tank would be minimal, as the proposed treatment plant is designed for silent running, providing it is operated correctly. The pollution control team within Environmental Health has no objections to the proposal and it is considered that the proposed development would not have a significant adverse impact upon the amenity of the neighbouring residents.

Response to objection - The objection from the occupiers of the Whittles Farm refers to the Building Regulations and whether the proposed septic tank, which is circular as opposed to rectangular, would comply. Under the Building Regulations, there is a minimum distance from residential dwellings for new installations. However, where there is an existing septic tank, providing the new installation is no closer than the existing tank, then this is deemed acceptable under Building Regulations. The current tank is 5 metres from Whittles Farm and it is proposed to place a condition, stating that there should be a minimum of 5 metres separation from the proposed tank to the residential property of Whittles Farm. Therefore, it is considered that the proposed development would not have an adverse impact upon the occupiers of the adjacent dwelling and would accord with Policies EN7/2, EN7/3 and EN7/5 of the adopted Unitary Development Plan. The objector also refers to noise impact, which is dealt with 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 proposed development would not have an adverse impact upon the openness of the green belt or the character of the West Pennine Moors. The proposed development would not be unduly prominent in the locality and would not have an adverse impact upon residential amenity. The proposed development would result in an improvement in the water quality 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 layout drawing received on 19 November 2007 and the Klargestor Biodisc Information Pack received on 29 November 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 distance of 5 metres shall be maintained between Whittles Farm (dwelling) and the sewage treatment plant.  
Reason: For the avoidance of doubt and in the interests of residential amenity.
4. No development approved by this permission shall be commenced until a scheme for the disposal of foul drainage to the sewage treatment plant has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into such use until such treatment plant has been constructed and completed in accordance with the approved plans.  
Reason: To prevent pollution of water environment.

For further information on the application please contact **Helen Longworth** on **0161 253 5322**

