

Ward: Bury East - Redvales

Item 01

Applicant: Elan Homes Ltd

Location: PILOT MILL, ALFRED STREET, BURY, BL9 7EJ

Proposal: RESIDENTIAL DEVELOPMENT - 50 DWELLINGS, ACCESS ROADS, CAR PARKING, FENCING AND ASSOCIATED LANDSCAPING (RESUBMISSION)

Application Ref: 51576/Full

Target Date: 27/10/2009

Recommendation: Minded to Approve

This application is Minded to Approve subject to the signing and completion of a s106 Agreement for Affordable Housing, Recreation Provision and Per Cent for Public Art. Should the agreement not be signed and completed within a reasonable timescale, then it is requested that Delegated authority be granted to the Chief Planning Officer to refuse the application.

Description

The application involves an area of 0.89ha formerly occupied by Pilot Mill with car parking and unused areas. It is now separated from the mill by Heras fencing following the grant of planning permission last year for residential development. The location is immediately to the south of the mill and on the easterly side of Alfred Street. The large five storey mill is mostly on the northerly side of its associated land. Its car parks are next to the frontage and northerly boundary. There is a servicing and parking area for large delivery vehicles next to the building on its southerly side and this extends up to the boundary with the application land.

Full planning permission was granted on the land on 21st May 2008 for a residential development of 70 dwellings. This includes 32No. 3 storey town houses on the westerly half of the site nearest to Alfred Street and 38 apartments in two 4 storey linked blocks on the easterly portion. This development was commenced and a block of town houses has been built on the Alfred Road frontage. The current applicant has acquired the site following the liquidation of the previous development company and the application involves a major revision of the development apart from the completed frontage section.

The application includes a part of the previously approved and developed scheme on the frontage of Alfred Street where two blocks have been completed. The remainder of the proposed scheme would consist entirely of houses rather than houses and flats as with the approved scheme.

The proposals involve 10 pairs of semi detached properties (20 in total) and 5 rows of terraced properties (19 in total). Two rows of terraced dwellings (11 in total) are included within the application site frontage to Alfred Street, which are already built. The dwellings would predominantly be two storeys in height, with the exception of 7 terraced units at the far easterly end of the site, which would be three storeys.

The layout of the site comprises a linear access road running west/east from Alfred Street terminating in a cul-de-sac. Parking is largely in curtilage parking with the exception of three parking courts.

Relevant Planning History

33185/97 - Outline residential development for 17 dwellings and landscaping. Approved on 18th December 1997.

41468/03 - Outline single storey warehouse (Class B8) and amended layout of existing parking and service area. Approved on 17th December 2003.

46495 - Outline residential development. Approved on 27th September 2006.

49229 - Residential development. Approved on 21st May 2008.

50974 - 53 dwellings - Withdrawn 20th April 2009 - due to concerns over the layout

Publicity

Site notices were erected on 12 August 2009 and a Press notice was published in the Bury Times on 28th July 2009. 99 properties were notified on 28th July 2009. These include the following addresses:

123 -137, 128 -138, 166A -210 and Antler Ltd, Pilot Works, Alfred Street
13 and 15 Topping Street,
56 – 72 and 113 – 121 Cornwall Street,
1 – 17 and 2 - 16 Wiltshire Close,
1 – 19 and 2 - 28 Hampshire Close.
Colliers CRE, 1 Marsden Street, Manchester

As a result of this publicity, no objections have been received. The item is presented to Members on the basis of the scheme involving 50 dwellings, which exceeds the scheme of delegation.

Consultations

Traffic Section - no objections.

Drainage Section - No objections.

Environmental Health (Contaminated Land/ Air Quality) - No objections. Land contamination mitigation conditions are recommended.

Environmental Health (Pollution Control) -No objections received.

Public Rights of Way Officer - No objections but is concerned that the development could lead to pressure from the prospective residents to close or alleygate the public footpath that runs on the southern boundary of the site because the path would be to the rear of proposed houses and the residents may feel threatened by the presence of the path.

EDS, Waste Management - No objections received.

Environment Agency - No objections.

Greater Manchester Police - designforsecurity - No objections. Some observations are recommended to be passed on to the applicant.

Baddac - Concerns that Lifetime Homes criteria is not included within the scheme.

Rochdale MBC - No response

Unitary Development Plan and Policies

H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H3/2	Existing Incompatible Uses
H4/1	Affordable Housing
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN1/6	Public Art
EN4	Energy Conservation
EN4/1	Renewable Energy
EN4/2	Energy Efficiency
EN6/4	Wildlife Links and Corridors
EN7/2	Noise Pollution
RT1/1	Protection of Recreation Provision in the Urban Area
OL5/1	Designation of River Valleys
HT5/1	Access For Those with Special Needs
OL5/3	Riverside and Canalside Development in Urban Areas
SPD1	DC Policy Guidance Note 1:Recreation Provision
SPD2	DC Policy Guidance Note 2: Wildlife Links & Corridors
SPD3	DC Policy Guidance Note 3: Planning Out Crime
SPD4	DC Policy Guidance Note 4: Percent for Art
SPD5	DC Policy Guidance Note 5: Affordable Housing
PPS1	PPS1 Delivering Sustainable Development

Issues and Analysis

Principle – The principle of residential development has been established because of the current planning permission for such development on the site.

The residential density of 56 units per hectare is sufficient to provide for a efficient use of the land and achieves the minimal level set down in PPS3.

Design and Layout - The scheme has been through a number of revisions since planning permission was granted on the site. The layout has had difficulties with the legibility of the scheme where very high densities were sought. However, as the density has dropped, the layout concerns have eased. The proposal is seeking a linear arrangement along a single access spine road through the site.

This layout makes the legibility very straight forward, which is re-inforced through clear footways running along the side of the main access road. The car parking would be located 'nose in' to the curtilages off from the main access road, interspersed with banks of trees. The dwelling mainly overlook the entire street to maintain good levels of passive surveillance thus ensuring an active street scape.

Boundary to Antler Mill - The original approval for the development of residential dwelling on this site comprised an outline permission with a 10m wide buffer strip (46495 in 2006). The residential development approved (49229 in 2008) had narrowed the buffer strip to 4m in width with properties as close up to the boundary feature as plots 12 and 50 shown in the current proposals. The boundary itself would be formed by a 2.5m high mound with a 1.5m high fence on top.

The current proposals now indicate that a 1.0m high mound would be created with a 3.0m high acoustic fence. This has arisen through comments made by the Planning Committee when they considered the approved scheme, although there was no directive to amend the fencing. The fencing is of a height that would provide acoustic insulation to the residential scheme and no objections have been raised by the Environmental Health Pollution Control Team to the proposals.

A stepped platform has been created on the top of the mound to enable access for maintenance to the fence should the need arise to the residential properties and the mound would be planted with trees. There is a need for the trees to be carefully considered given that the width of the mound and its level platform is restricted.

Parking - The proposals are providing 88 spaces for 50 units. SPD11 considers the site to be within a high access area and provision between 1.5 and 2 spaces per unit as a maximum. The scheme would provide parking on the basis of 175%, which is midway between the parking limits and on the provision shown, maintains a balance to ensure that the street is not over dominated by vehicles, whilst still maintaining good levels of parking. It is considered that the proposals comply with the SPD.

There is a concern over the parking court to the easterly end of the site in so much as it is 'tucked' away behind the houses with limited natural surveillance. The end dwellings have had windows inserted in the side gables to assist passive surveillance. However, it is felt that this area is still isolated. In response to this concern, the applicant is willing to accept a planning condition to require lighting and gating to be provided. The gating details would need to be agreed and ensure that users can park in this area without fear of threat or crime.

Residential Amenity - Aspect distances to properties on the opposite side of Alfred Street are generally in line with SPG6 standards and, therefore are acceptable. In terms of the housing to the south in Alfred Street, Wiltshire Close and Hampshire Close, these are situated beyond a strip of open land about 12m wide and as the development is two storeys

in terms of this relationship the aspect distances of 23.4m are more than adequate.

In terms of the rear to side relationships of the existing new dwellings to the side gables of the new dwelling on plot 17, some 19.3m would be provided, which would exceed the minimum of 16m normally sought. Primary to primary elevations between the northerly row of terraces to plots 12-16 would be 25m, , which would exceed the minimum of 23m normally sought.

The aspect distance from the side gable to plot 16 to the houses to the south would be 15.1m. This distance would exceed the minimum of 13m normally sought. Primary facing elevations would be between 21.0m and 23.0m, which again exceeds the minimum of 20m normally sought.

Given the above, the proposals would comply with the Council's aspirations for aspect distances.

Secure Design - In terms of the natural surveillance issues raised by GMP the situation is compatible to that on the currently approved scheme. The majority of the car park areas shown are, in fact, overlooked by properties. As mentioned above one area is not well considered and this has been highlighted to the agent. Proposals for its enclosure and lighting should be secured through the imposition of a planning condition.

River Valley/Wildlife Corridor - The easterly boundary is set to a line beyond which Policies OL5/1 and OL5/3 River Valleys/Riverside Development apply. The River Roch with a riverside footpath is only a short distance away in this direction. This is also the edge of a Wildlife Corridor (Policy EN6/4). There would be no direct access into the riverside area from the site. However, the footpath beyond the southerly boundary of the site provides good access from the Alfred Street frontage.

The site boundary on the easterly side has, just beyond it, a wide zone of thick vegetation before the more open riverside area is reached. This would act as a natural buffer to the development that is outside the application site and is not affected. No extra treatment should be required here as part of the development. Two block of three storey town houses have rear gardens about 7m long ending at this boundary where there would be a development boundary fence (1.8m high timber boarded fence) to the boundary with the river valley and Wildlife Corridor land.

Sustainable Development - Any planning permission should include a condition requiring the development to meet the Code for Sustainable Homes of a pass rate greater than zero. This could be secured through the imposition of a planning condition.

S106 Heads of terms - The development is of a scale to require a s106 agreement to deal with the policy issues described below. It is understood that the agreement is in hand and is progressing satisfactorily at this stage. There are no disagreements concerning the provisions from the applicant's point of view and it is anticipated that the agreement will be ready by the time the item is considered by the Planning Committee.

Recreation Provision - No significant recreational open space is to be provided within the layout. However, to secure compliance with policy RT2/2 the applicant is willing to complete a s.106 Agreement requiring the payment of a commuted sum payment of £46,003.80 towards off site provision. This method of satisfying the requirements of the policy should only be acceptable for developments of 50 units or under. In the circumstances, the s106 contribution would be acceptable in terms of covering the RT2/2 recreation provision requirement.

Public Artwork – The applicant is willing to complete a s.106 Agreement to make a £23,924.22 contribution towards artwork provision in the Borough and thus satisfying the requirements of Policy EN1/6.

Affordable Housing - 12 units would be provided to meet the requirements of Affordable Housing provision pursuant to UDP Policy H4/1 and the accompanying SPD5. This is to be secured through a s.106 Agreement.

Summary of reasons for Recommendation

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

The layout, design and external appearance of the development is acceptable. There would be adequate protection for residents from the mill. The development would make satisfactory provision for affordable housing, recreational requirements, amenity space, public artwork and car parking.

There are no other material considerations that outweigh this finding.

Recommendation: Minded to Approve

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. No further housing development shall take place unless and until the acoustic buffer comprising the mound and acoustic fencing has been carried out and completed in accordance with plan numbers NW-AS-001 Rev R and MV-CS-001 Rev A unless otherwise agreed in writing with the Local Planning Authority. The fencing and mound shall then be maintained in the approved position whilst it serves the development.
Reason - To ensure that an effective noise mitigation barrier is provided between the development site and the adjacent mill site to protect the residential amenities of future occupants of the housing site pursuant to Bury Unitary Development Plan Policy EN7/2 - Noise Pollution and PPS24 - Planning and Noise.
3. No development approved beyond plot 11 by this permission shall be commenced until a scheme for the provision and implementation, of a surface water regulation system and a scheme to dispose of foul and surface water drainage has been approved by the Local Planning Authority. The scheme shall be implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
Reason. To reduce the increased risk of flooding and to prevent pollution of the River Roch pursuant to PPS25 - Development and Flood Risk.
4. Prior to the development hereby approved commencing:
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential contamination and/or ground gas risks have been identified, 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.
5. Following the provisions of Condition 4 of this planning permission, where

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

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

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

- Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;
- A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.

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

8. No development shall commence unless and until a Preliminary Risk Assessment report to assess the actual/potential ground gas / landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority.

- Where actual/potential ground gas/landfill gas risks have been identified, a detailed site investigation(s), ground gas monitoring and suitable risk assessment(s) shall be submitted to, and approved in writing by the Local Planning Authority;
- Where remediation / protection measures are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

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

9. 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.

10. Notwithstanding the details on the submitted plans, no development shall take place unless and until the details of the nature, colour and texture of all highway related surfaces have been submitted to and approved by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.
Reason: To ensure the satisfactory development of the site and in the interests of visual amenity pursuant to PPS1 - Delivering Sustainable Development and Bury Unitary Development Plan Policy EN1/2 - Townscape and Built Design.
11. No development beyond plot 11 shall take place unless and until the details of the exterior lighting have been submitted to and approved in writing by the Local Planning Authority. The approved details only shall be carried out as part of the implementation of the scheme.
Reason: In the interests of crime prevention, amenity and to ensure a satisfactory development of the site pursuant to Bury Unitary Development Plan Policy EN1/5 - Crime Prevention and H2/2 - The Layout of New Residential Development.
12. The development shall be carried out in accordance with the Code for Sustainable Homes standards and shall achieve a rating greater than zero. No development shall take place unless and until an appropriate assessment certificate has been submitted to the Local Planning Authority
Reason: To secure the sustainability principles of the development of the site pursuant to the provisions of PPS1 - Climate Change Supplement (2007) and Policies EN4 - Energy Conservation, EN4/1 - Renewable Energy, EN4/2 - Energy Efficiency of the Bury Unitary Development Plan.
13. 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.
14. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the extension hereby approved being brought into use.
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.
15. No development beyond plot 11 shall commence unless and until details relating to the gating and lighting of the external carpark to the east of plot 43 has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the car park is made available for use.
Reason - To ensure that the car park is safe and that its users are not vulnerable to attack pursuant to Bury Unitary Development Plan Policy EN1/5 - Crime Prevention.
16. Provision for lifetime homes shall be incorporated into the development in accordance with a scheme to be submitted to and approved in writing by the Local

Planning Authority prior to the development hereby approved commencing. The development shall then be carried out incorporating the measures in accordance with the approved scheme.

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

17. No further housing development shall take place unless and until details relating to the acoustic fence in terms of its construction, elevational appearance and materials has been submitted to and approved in writing by the Local Planning Authority. The approved details only shall then be implemented as part of the overall approved scheme.

Reason - To ensure that an effective noise mitigation barrier is provided between the development site and the adjacent mill site to protect the residential amenities of future occupants of the housing site pursuant to Bury Unitary Development Plan Policy EN7/2 - Noise Pollution and PPS24 - Planning and Noise.

18. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008, or as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.

Reason - To ensure that inappropriate developments do not occur due to the constrained relationships between dwellings pursuant to UDP Policies H2/2 - The Layout of New Residential Developments.

19. Subject to conditions 10 and 11, this decision relates to drawings numbered , NW-AS-001 Rev R (Planning Layout and Floor Levels), MV-Loc-001, MV-CS-001 Rev A, MV-KENT Rev A, MV-MELROSE Rev B, MV-ORFORD Rev B, MV-TD2 Rev A, MV-TD3 Rev A, MV-TS3 Rev A, MV-TD4-1 Rev A, MV-TD-2 Rev A, MV-3S2 Rev A, MV-3D2-2 Rev A, MV-SS01 (1-11) Rev A, MV-SS-03 (12-16) Rev A, MV-SS-04 (17-28) Rev A, MV-SS-05 (29-38) Rev A, MV-SS-06 (39-43) Rev A, MV-SS-07 (44-50) Rev A, MV-SS01 Rev A, EXT WORKS FENCE E-01 Rev A, EXT WORKS FENCE E-04 Rev A, EXTERNAL WORKS WALL E-03 Rev A, EXT WORKS E-12 Rev A and the site location plan and topographical survey plan received on 20th February 2008 and the development shall not be carried out except in accordance with the drawings hereby approved.

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

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

Ward: Radcliffe - West

Item 02

Applicant: Guinness Northern Counties

Location: ST JOHNS COURT, NEW ROAD, RADCLIFFE, M26 1NJ

Proposal: ERECTION OF FENCE TO DUKE STREET BOUNDARY

Application Ref: 51597/Full

Target Date: 13/10/2009

Recommendation: Approve with Conditions

Description

The application site is St John's Court and comprises of residential flats which front Radcliffe New Road. There are existing pedestrian entrances to the front of the buildings with vehicular access to the rear off Duke Street. The site is elevated at the rear, with mature planting and trees along Duke Street which partly screen the flats from this road.

The application is for the erection of a fence to part of the Duke Street boundary, to the rear of flats 101-106, and continue round the perimeter of St John's Court into the site. The overall length of the new fence would be approximately 74m. The fence would be a paladin mesh type 2.13m high and powder coated green to match the existing colour fronting Radcliffe New Road.

The proposal is in response to residents requests to restrict access to this area of the site which is used as a cut through, and also to reduce fly tipping, vandalism and anti-social behaviour which has occurred as a result of it being open. The fence is intended to prevent ready access through the site and would not restrict access via the properly laid out roads and footpaths.

Relevant Planning History

48584 - Erection of boundary fence - withdrawn due to lack of information 5/12/2007.

49410 - Erection of new boundary fencing - approved at the Planning Control Committee 19/03/2008.

Publicity

Neighbours at 1-7 (odds) and 2-28 (evens) Duke Street and all residents of St John's Court (Flats 1-112) were notified on 19/08/2009.

A letter of objection has been received from Flat 6 St John's Court which raised the following issue:

- Do not want to be railed off and the fence is not needed
- There is no trouble currently and hardly see strangers passing through

The objector has been informed of The Planning Control Committee Meeting.

Consultations

Traffic Section - no objections.

Greater Manchester Police - designforsecurity - no objections to revised mesh fence type.

Environmental Health Contaminated Land - no comments received to date.

BADDAC - no comment to make.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

EN1/5 Crime Prevention

Issues and Analysis

Policy - Unitary Development Plan Policy EN1/2 - Townscape and Built Design assesses proposals which would have an impact on the character and visual amenity of an area with regards to the relationship of the proposal to the surrounding area and design in relation to its height, scale, density and layout.

UDP Policy EN1/5 - seeks to encourage development proposals which are environmentally sensitive in design and aimed at discouraging crime, with particular attention to the location of footpaths and access points.

Design - Whilst the proposed mesh type fence would probably not be acceptable to the frontage along Radcliffe New Road, which is a highly visible and used throughroute to the town, it would be less prominent at the rear of the site, particularly as it would be set against the backdrop of mature planting and trees within the site area. It is considered not to have an adverse effect on the visual amenity of the street scene and would comply with EN1/2 - Townscape and Built Design.

Residential amenity - The proposed fence would be 10m from the rear elevation of flats 101-106 and 15m from the side of flats 107 to 112. There is a substantial planting along the edge of Duke Street and into the site which would screen part of the fence from these flats. Although it would be visible from some of the flats, the fence is of a "see through" nature and green in colour would reduce the impact on the outlook of the occupiers of these flats. Flats 1 to 6 would be 35m from the nearest part of the fence and would as such a sufficient distance away not to affect the outlook of these residents. It is regularly used in residential areas and typically around schools. The proposal would comply with H2/2 - The Layout of New Residential Development.

Access - Access into St John's Court would not be affected by the position of the proposed fence, and the existing footpaths and vehicular access would remain as existing. The Traffic Section do not raise objections to the proposal as there would be no impact on intervisibility. The proposal complies with HT6/2 - Pedestrian/Vehicular Conflict.

Security - The proposal is not intended to section off the whole of the area adjacent to residential flats Nos 107-112, but to improve security and reduce the ease of casual fly tipping and access to the site from Duke Street. The police raise no objection to the proposal. Given the rationale behind the proposal, it complies with EN1/5 - Crime Prevention.

Response to objector - The application form states that consultation with residents of the flats was been carried out prior to submission of the application. No 6 would not be within close proximity to the area concerned and does readily relate to the issues concerned. With regards to the objections raised, these have been covered in the report above.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-
The proposed fence is of a design and scale which would not harm the character of the area nor detrimentally effect the residential amenity of the occupiers of the flats to which the development serves. The scheme would not adversely impact highway safety issues. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

2. This decision relates to drawings numbered 2843/02A; 2843/03; Specification and Schedule of Works February 2009, Revised Design and Access Statement dated 30/9/09 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.

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

Ward: Radcliffe - East

Item 03

Applicant: Christina's Palace Ltd

Location: 76-78 WATER STREET, RADCLIFFE, M26 4DF

Proposal: CHANGE OF USE OF REAR OF GROUND FLOOR AND FIRST FLOOR OF NO. 78 AND GROUND FLOOR AND FIRST FLOOR OF NO. 76 FROM RETAIL (CLASS A1) TO MASSAGE PARLOUR (SUI GENERIS) WITH NEW FRONT ENTRANCE TO NO. 76 AND NEW ACCESS AT REAR TO NO. 78

Application Ref: 51669/Full

Target Date: 04/11/2009

Recommendation: Approve with Conditions

Description

The site comprises of a double fronted A1 retail shop, Nos 76-78 Water Street, Radcliffe and is allocated in the Unitary Development Plan as a Local Shopping Centre - S1/4. It is within a row of mixed uses with a commercial repair garage immediately to the rear. There is an access road to the rear with an existing rear entrance to No 76. There are roller shutters on the front elevation and an entrance door to Water Street.

It is intended to split Nos 76 and 78 into two separate units. The proposal would maintain A1 retail use to No 78 and part of the frontage of No 76. There would be a change of use of the rear of the ground floor and first floor of No 78, and ground floor and first floor of No 76 from retail to massage parlour (sui generis). There would be a new front entrance created for access to No 76 and new access at the rear to No 78 to the retail unit. There would be separate bin storage provision for Nos 76 and 78 within a lobby area at the rear of the premises.

Relevant Planning History

48476 - Proposed conversion from shop into male health salon - Refused 11/10/2007. Appeal dismissed 21/11/2008 on the detrimental impact on the vitality and viability of the shopping centre and the negative impact on the character and appearance of the area.
50997 - Change of use of part the rear of the ground floors and 1st floors to non retail (health/leisure use). Withdrawn - Invalid 24/04/2009
08/0012 - Enforcement Case. Notice served. Appeal dismissed 7/07/2008

Enforcement History

There has been previous enforcement action involving unauthorised use of the premises. An Enforcement Notice was issued in respect of an unauthorised material change of use from retail (Class A1) to massage parlour (Sui generis). An appeal was made against this notice and was dismissed on 7/7/2008. Following continual use of the premises, the owner was prosecuted in court and as a result found to be in breach, with the penalty of a fine. At this time the applicant say that the use has ceased operating and have resubmitted fresh proposals seeking to regularise the use of the building for a mix retail and massage parlour use. The issues raised with this are discussed below.

Publicity

Twenty three neighbours notified at Seddon Close, Victoria Street, Melton Street, Montgomery Way, Claydon Drive, Knowles Street, Water Street, Ainsworth Road. Four letters of objection received from Ainsworth Road Garage, 4 Ainsworth Road, No 88 Water Street, 115 Victoria Street and 74A Water Street, which raised the following comments -

- Customers to the application premises constantly using the forecourt of the garage

- business as access to the rear of the premises
- Customers to the application premises use the garage forecourt to park
- Had to install CCTV to monitor incidents which has caused distress to both employees and customers to the garage business
- Female employees from the application premises show disregard and no common decency when entering their workplace
- A brothel has no place in a busy family area where children from junior and senior schools pass
- There is no public access across the business forecourt to the rear of No 76, 78 Water Street
- Why are so many customers and employees not using the front entrance?
- This is a regeneration area and local people are trying to improve the area
- No necessity or justifiable reason for another massage parlour
- The premises are not a legitimate business
- The use is inappropriate for this location
- Object to the new rear access door near to their business
- Layout suggests the retail units may form part of the use proposed at the rear which would be prominent to such a public and busy part of the area.

The objectors have been informed of The Planning Control Committee Meeting.

Consultations

Traffic Section - no objections.

Drainage Section - no comments received to date.

Planning Policy - no objections.

Greater Manchester Police - designforsecurity - no objections.

British Waterways - no comments received.

Baddac Access Officer - access details required.

Unitary Development Plan and Policies

S1/4	Local Shopping Centres
S2/4	Control of Non-Retail Uses in All Other Areas
EN1/2	Townscape and Built Design
HT5/1	Access For Those with Special Needs
HT2/4	Car Parking and New Development
EN1/5	Crime Prevention

Issues and Analysis

Principle - The retail unit falls within a Local Shopping Centre, Policy S1/4 as defined in the Bury Unitary Development Plan. The essence of the policy is to maintain and enhance local shopping centres, encouraging the provision of a range of shopping facilities that are required to serve purely local needs, with the main emphasis on consolidation and enhancement of existing retail provision.

UDP Policy S2/4 - Control of Non Retail Uses in all other areas seeks to take into account -

- appropriate scale, character of the proposals;
- non-retail would not result in over concentration of non retail units;
- length of time the unit has been vacant;
- there is alternative local shopping facilities nearby;
- that a display window is retained or provided where appropriate;
- access is provided;
- adequate parking/servicing.

Following the appeal, the Inspector considered there to be two main issues in connection with the appeal. Firstly the impact on the vitality and viability of the Local Centre and secondly, the character and appearance of the area.

Vitality and Viability

Policy S2/4 - Control of Non-Retail Uses in all Other Areas, (a) considers whether the

proposal would be appropriate in scale and character to the requirements of the area and to serve purely local needs. The area has a mix of business types and part of the application premises would contribute to the A1 uses in the area, in terms of supporting the vitality and viability of the centre. The sui generis use would be located to the rear of the premises and at first floor which would have minimal perception to the street frontage. As such, the proposal is considered to be appropriate to the needs of the area and would comply with S2/4 and S1/4.

Criteria (b) of S2/4 is concerned with the over-concentration of non A1 uses. The Inspector at the appeal concluded that the loss of the three A1 units would reduce the attractiveness of this part of the local centre. This current application differs from the appeal insofar as the retail frontage would now be predominantly retained (85%) and would involve significantly less retail floorspace being lost to non A1 use. Given that the frontage is for the most part retained in a potentially active A1 use, it is considered that the Inspector's concerns have been addressed.

Criterion (c) concerns the length of time that the premises have remained vacant. The appellant justified the proposed change of use from A1 by the length of time the premises had been vacant and that there had been no outside interest to maintain the shop within retail use. The Inspector at the appeal was concerned that the appellant submitted no evidence to show the premises had been actively marketed for A1 use. Given this current application involves the retention of a significant amount of A1 use, there is no requirement to present such evidence,

Character of the Area

Criterion (e) of S2/4 requires that a display window is retained where appropriate. Under previously operation, the ground floor windows were shuttered or screened and the Inspector was concerned that this led to an unattractive appearance that was harmful to the character of the area. This matter has been addressed through the proposed retention of an A1 frontage with potentially active display windows. Although there are roller shutters along the frontage, these are existing and there are no proposed changes to this element of the shop front.

It is considered that the current application represents a marked improvement on the situation that existed at the time of the previous appeal. The retention of the majority of the frontage in A1 use preserves retail floor space and potentially maintains an active retail function that would not have an adverse impact on the nature and character of the local centre. As such, the proposal would comply with S1/4 - Local Shopping Centres and S2/4 - Control of Non - Retail Uses in All Other Areas.

Residential amenity - The adjacent shop unit, No 80, is a completely separate unit with A1 retail use at ground floor and residential accommodation above. It has its own entrance to the front and rear. Whilst there would be some disturbance associated with the use, particularly in the evening with customers entering and leaving the premises, it would not generate enough activity to cause a nuisance to the area. In addition, the premises are located within a local shopping centre where it is anticipated there would be a certain amount of activity within the area. As such, the proposal is considered to comply with S1/4 - Local Shopping centres.

Car parking - The premises are located within a local shopping centre, which seeks to serve the needs of local people within walking distance. Parking would be available in the public car park directly opposite the premises. As such, there would be no requirement to provide customer parking. The traffic section have no objections to the proposal. It would comply with HT2/4 - Car parking and New Development.

Access - There is an existing entrance into the retail unit No 78, and there are no proposals to alter this access. A new level entrance would be formed to the front elevation to No 76. The proposal complies with HT5/1 - Access for Those with Special Needs.

Bin storage and servicing - There would be a new doorway created to the rear of the retail unit No 78 for access to the bin store area which would be contained internally within the lobby area at the back of the premises. There is an existing access to the rear of No 76 and internal bin store area. There would be adequate bin store provision for both units and the proposal would comply with UDP Policy 2/4.

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 change of use would not be detrimental to the vitality and viability of the Local Shopping Centre nor harm the character and appearance of the area. The scheme will not adversely impact on highway safety issues.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered JHA/CPAL/PL.01/02 Rev A/03/04 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
4. The massage parlour use shall commence unless and until the ground floor retail shop provision is provided and made available for use, pursuant to Unitary Development Plan Policies S1/4 - Local Shopping Centres and S2/4 - Control of Non-Retail Uses in All Other Areas.

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

Ward: Radcliffe - North

Item 04

Applicant: Thwaites Brewery Ltd

Location: LAND BETWEEN 150 AND 122 STOPES ROAD, RADCLIFFE, M26 3TW WITH REAR ACCESS VIA WELLINGTON INN

Proposal: ERECTION OF 2 SEMI-DETACHED DWELLINGS (RESUBMISSION)

Application Ref: 51694/Full

Target Date: 12/10/2009

Recommendation: Approve with Conditions

Description

The application site measures 0.05ha and lies on the north side of Stopes Road. The site has two components, the main development site that would accommodate the pair of semi-detached houses and the access track to the rear.

The main housing plot comprises a rectangular piece of vacant land measuring 0.03ha between 122 and 150 Stopes Road. The site is overgrown, generally level and is bounded on three sides by a timber boundary fence. The boundary with No.150 remains open.

The proposed access track would be formed by laying a specialised Netpave polythene grid which sits on the surface of the existing grass and requires no sub-structure and therefore no excavation. This would link the site to the existing access track that runs adjacent to the Spice Cottage restaurant and onto Stopes Road.

There are residential properties on the north side of Stopes Road with commercial and industrial premises on the south side. Land to the north is open countryside and classed as Green Belt. No.122 Stopes Road is a two storey end terraced property with a conservatory on the side. No.150 is a two storey property with two secondary windows on the gable at ground floor level and a stairwell window at first floor.

The proposed houses would have conventional design with pitched slate roof and brick/render elevations. Each would have a small pitched roof dormer on the Stopes Street frontage allowing accommodation within in the roof space. Windows would be traditional timber sash and case style. Each house would have a private access path leading to a rear garden. The garden areas would be bounded by 1.8m timber fence and have two parking spaces with access to the proposed track which would run west behind the rear of 150-154 Stopes Road and the Spice Cottage restaurant.

Relevant Planning History

51044 - Erection of two semi-detached houses - Withdrawn 06/05/2009

This application has come forward as a result of negotiations with the Planning Department.

Publicity

Immediate neighbours at 92 to 122 (even) and 150 to 156 (even), Genes is House and Wellington Works, Stopes Road were notified by letter dated 24/08/09 and site notice posted 1/09/2009 - One letter of objection has been received from the occupier of 100 Stopes Road who has raised the following issues:

- The proposed access is from a track which the applicant, Thwaites Brewery does not control. Additional vehicles using this track would increase possible conflict with other traffic accessing the fields to the rear.
- Part of the site, which includes part of the access is an Agricultural Holding.
- Residents would park and turn within the Green Belt.

The objector has been informed of the Planning Control Committee meeting.

Consultations

Traffic Section - No objection.

Drainage Section - No objection.

Environmental Health - No objection subject to contaminated land investigations.

Landscape Practice - No comment.

GMP designforsecurity - No comment.

Bolton MBC - No comment.

Baddac - No objection.

Unitary Development Plan and Policies

EN1/1 Visual Amenity

EN1/2 Townscape and Built Design

H1/2 Further Housing Development

H2/1 The Form of New Residential Development

H2/2 The Layout of New Residential Development

HT2/4 Car Parking and New Development

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

EN8/2 Woodland and Tree Planting

Issues and Analysis

Green Belt Policy - UDP Policy OL1/5 Mineral Extraction and Other Development in the Green Belt states that other development, not including buildings, will be inappropriate unless it maintains the openness of the Green Belt and does not conflict with the purposes of including land within it. That part of the site within the Green Belt comprises the access track to the parking spaces at the rear of the housing plots. Given that the track would not be sealed, the proposed 'Netpave' covering that would not have a particularly detrimental impact on the openness of the Green Belt. The proposed track would however require the loss of eight trees, three close to the new entrance and a further five to the rear of the housing plot. These trees are in generally poor condition and it is considered that their loss would not have a materially detrimental impact on the character of the area particularly as they form part of a larger group of trees around the existing paddock. The applicant has stated that replacement trees could be planted along the track to compensate. This would be required by an appropriate landscaping condition.

Housing Policy - UDP Policy H1/2 - Further Housing Development relates to sites not identified specifically within the UDP. It states that sites should be within an urban area with available infrastructure and be suitable in terms of amenity and surrounding residential land uses. Given the nature and scale of development and the fact that the site lies just within the urban area with available infrastructure, it is considered that the principle of residential development on the site is acceptable in terms of H1/2.

Design and Appearance - UDP Policies H2/1 and H2/2 relate to the form and layout of development. Although there is a mix of housing styles in the vicinity the design and form of the proposed development, with conventional pitched roofs and brick/rendered elevations, would not be out of character with the general character of the streetscape and as such complies with policy H2/1 in this regard.

In terms of layout, the development reflects the surrounding properties whilst making provision for off-street parking. The new houses would be set back slightly into the site to allow some defensible space at the front. The proposed boundary fencing, enclosing the rear garden areas is considered appropriate. The parking areas at the rear would be acceptable given that they would not encroach upon the adjacent Green Belt. The proposed access track, which would not be sealed, would not have a particularly detrimental impact on the character or openness of the Green Belt.

In terms of aspect standards, there are no issues raised as all habitable room windows

face across Stopes Road or into the rear garden areas. at the front as the houses face across Adelphi Street towards the martial arts school. The two windows facing the proposed new building at ground floor on the side of No.150 Stopes Road are secondary windows and therefore afford limited weight in terms of residential amenity. The conservatory on the side of No.122 is a later addition and is not seriously affected by the proposal.

Trees - It is considered appropriate to require replacement tree planting along the boundary of the proposed access track to screen the proposed parking area.

Objection - Given the limited additional traffic generated by two houses, it is not considered that the proposal would lead to a serious conflict with other users of the existing track to the west. The applicant (Thwaites Brewery) has stated that they do own this access track.

With regard to part of the site being an agricultural holding, the applicant has completed an amended Agricultural Holding Certificate and the development will not impact adversely on the operation of the agricultural holding.

With regard to parking on the access track within the Green Belt, given that each house would have two allocated spaces it is considered unlikely this would occur on a regular basis. On occasions when this would occur, the restricted area involved together with proposed tree planting would mitigate any visual impact on the Green Belt.

Highways - Given the scale of development the proposal would not have a materially detrimental impact on the surrounding roads or highway safety. The on-site parking provision of two spaces per dwelling is considered to be sufficient and complies with UDP policy HT2/4 Car Parking and New Development and associated Supplementary Planning Guidance Note 11 - Parking Standards in Bury.

The proposal is considered to comply with the relevant UDP Policies listed.

Summary of reasons for Recommendation

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

The new houses are in keeping with the character of the area and would not have a detrimental impact on the amenity of the neighbours or adjacent Green Belt. Parking is adequate and there are no highway safety issues. The proposed access track would not have a detrimental impact on the character or openness of the Green Belt. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings 1191-01/C, 1191-02/E, 08/1191/03/B and 39-09-2 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory

development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

4. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008, or as subsequently amended, no development shall be carried out within the terms of Classes A to H of Part 1 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed below.
5. A tree planting scheme, showing native trees, their size and method of planting together with the exact positions of planting, shall be submitted to and approved in writing by, the Local Planning Authority prior to the commencement of the development. The approved tree planting shall be implemented not later than 12 months from the date the first house is complete; and any trees removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees 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 EN1/1 - Visual Amenity and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
6. Prior to the development hereby approved commencing:
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill 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/landfill 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/protection measures is/are 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, ground gas and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
7. Following the provisions of Condition 6 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the 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.
8. All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:
 - Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;
 - A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.

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

9. Following the provisions of Condition 6 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved 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 alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

10. The access works indicated on the approved plans shall be implemented to the written satisfaction of the Local Planning Authority before the development is first occupied.

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

11. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the extension hereby approved being brought into use.

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

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

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 05

Applicant: Daniel Thwaites plc

Location: EAGLE AND CHILD, 3 WHALLEY ROAD, RAMSBOTTOM, BL0 0DL

Proposal: CREATION OF CAR PARK EXTENSION AND DECKING AREA WITH
ASSOCIATED LANDSCAPING

Application Ref: 51699/Full

Target Date: 02/11/2009

Recommendation: Approve with Conditions

Following a request from a member of the Planning Control Committee the Chief Planning Officer has arranged a Committee site visit prior to the meeting.

Description

The site contains a detached building, which is currently used as a public house. The building is located at the junction of Peel Brow, Whalley Road and Manchester Road. There is a car park to the south of the building, which is accessed from Peel Brow. There is a ramped access to the west of the pub, which leads to grassed area.

Whalley Road is located to the east of the site, with residential properties beyond. Whalley Road is at a higher level than the application site. Peel Brow is located to the south of the site, with residential properties and allotments beyond. Residential properties, which front onto Cheshire Court are located to the west of the site. These dwellings are at a lower level.

The proposed development involves the creation of a car park to the north of the public house on the existing grassed area. The car park would use the existing access off Peel Brow and would be accessed via the existing ramp along the western boundary. An additional 23 spaces would be provided. The existing patio area to the west of the pub would be removed. A small decked area would be provided between the public house and the eastern boundary with Whalley Road.

Relevant Planning History

47962 - Increase in height to part of existing terrace and erection of roof over at Eagle & Child, 3 Whalley Road, Shuttleworth. Approved with conditions - 25 May 2007.

Publicity

The neighbouring properties (2 - 18 (evens) Cheshire Court; 180 & 192 Peel Brow; 1 South Street; 6 - 22 (evens) Whalley Road) were notified by means of a letter on 8 September 2009. 7 letters have been received from the occupiers of 6, 8, 10, 12, 14 Cheshire Court, 14 Whalley Road & 180 Peel Brow, which have raised the following issues:

- Impact upon privacy of the neighbouring residents
- Light from the headlights would shine into residential dwellings
- Increase in noise levels
- Inaccurate plans
- Prefer low level lighting instead of floodlights on masts
- Impact upon property prices
- There is ample on-street parking

The objectors have been notified of the Planning Control Committee.

Consultations

Traffic Section - No objections, subject to the inclusion of conditions relating to highway improvements and car parking.

Baddac - Request 2/3 disabled bays are located as near as practicable to the bottom of the existing ramp.

Unitary Development Plan and Policies

EC6/1	New Business, Industrial and Commercial
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN7/2	Noise Pollution
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
SPD11	Parking Standards in Bury
PPS25	PPS25 Development and Flood Risk

Issues and Analysis

Design & impact upon the surrounding area - The proposed decked area would be screened by the existing retaining wall along Whalley Road and the existing building to the west. As such, the proposed development would not be visible from Manchester Road. There would be no significant increase in noise levels and therefore, no significant adverse impact upon the amenity of the neighbouring residents.

The land for the proposed car park is some 3 metres lower than Manchester Road, which is marked by a retaining wall. Residential dwellings are located on the opposite side of Manchester Road and taking into account the difference in levels, there would not be a significant adverse impact upon the amenity of the occupiers of these dwellings.

The proposed car park would be some 2.5 metres higher than the dwellings on Cheshire Court. A grassed strip of at least 1 metre would be created along the boundary with Cheshire Court and the plans indicate that a 2.1 metre high boundary fence would be erected along this boundary. The proposed fence would be a close boarded fence and would match the existing fence on top of the wall on the western boundary. As such, the proposed fence would not be unduly prominent within the street scene. As a safety precaution, a barrier would be erected between the proposed parking spaces and the boundary with the dwellings on Cheshire Court. The proposed development would involve lighting the car park and low level bollard lighting has been proposed. On balance, the provision of a boundary fence and the use of low level lighting would ensure that the proposed development would not have a significant adverse impact upon the amenity of the occupiers of the dwellings on Cheshire Court.

Drainage and levels - The proposed car park would be surfaced using Tarmacdry. Tarmacdry is a porous asphalt, which allows rainwater to percolate through into a porous granular reservoir layer. This layer acts as a store and discharges the water at a controlled rate into the subsoil. The use of Tarmacdry would capture and control the release of surface water, thereby reducing the risk of flooding to the properties on Cheshire Court. Therefore, the proposed development would be in accordance with Policy EN5/1 of the Bury Unitary Development Plan and PPS 25.

Currently, the land slopes slightly from east to west and drops by approximately 1 metre to the boundary with the dwellings of Cheshire Court and therefore, water drain from east to west. However, tarmacdry would be used for the surfacing of the car park, which would allow water to drain through and would be released into the ground at a controlled rate. Therefore, the proposed development should not change the surface water run off at the site. A 2.1 metre high fence would be erected along the boundary with the dwellings on Cheshire Court, which would restrict overlooking into the rear gardens. The proposed fence would be 0.3 metres above the height of the existing fence. Therefore, the proposed development would not have an adverse impact upon the amenity of the occupiers of the nearby dwellings.

Highways issues - The proposed car park would be accessed from the existing access from Peel Brow and would utilise the existing ramped access, which is single track, along

the boundary with Cheshire Court. The proposed development would involve the removal of the existing patio to widen the access and reduce the section of one way flow to a minimum, which is welcomed. The Traffic section has no objections to the proposal and it would not be detrimental to highway safety. Therefore, the proposed development would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan.

With regard to parking provision, there is no equivalent use in SPD11. However, SPD11 states that the maximum parking standards for a restaurant use would be required to provide 1 space per 7 square metres of public floor area. This would equate to 26 spaces. The proposed development would provide 23 spaces, including 2 disabled bays, giving a total of 28 spaces. The proposed development is located at the junction of Peel Brow and Manchester Road and as such, it is not possible for any vehicles to park on the surrounding roads. Therefore, in this case, the over provision of parking by 2 spaces would be acceptable. The proposed development would not be detrimental to highway safety and would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

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 a significant adverse impact upon the amenity of the neighbouring residents 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, site plan, 708.01 B, 708.02 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 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.
4. The development hereby approved shall not be brought into use unless and until the following access and highway improvements have been implemented to the written satisfaction of the Local Planning Authority:
 - Removal of the existing stone wall to the easterly side of the site access at its junction with Peel Brow and replacement with open balustrade to match existing;
 - Removal of the existing patio on the easterly side of the access and widening as indicated on the approved plans;

- Reinstatement of the redundant access onto Whalley Road to adjacent footway levels.

Reason. To ensure the intervisibility of the users of the site and the adjacent highways and to minimise the standing and turning movements of vehicles on the highway in the interests of road safety and to ensure good highway design in the interests of pedestrian safety.

5. The car parking indicated on the approved plans shall be surfaced using Tarmacdry as indicated on plan 708.01B and demarcated to the written satisfaction of the Local Planning Authority prior to the car park being brought into use.

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

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

Ward: North Manor

Item 06

Applicant: Mr Crossley

Location: LAND ADJACENT TO 13 WINDSOR CLOSE, GREENMOUNT, BL8 4DE

Proposal: ERECTION OF NEW DWELLING (RESUBMISSION OF PLANNING APPLICATION 51007)

Application Ref: 51704/Full

Target Date: 21/10/2009

Recommendation: Approve with Conditions

In view of the nature of this "back land" scheme the Chief Planning Officer has selected the application for a Committee site visit prior to the meeting.

Description

The site comprises the rear/side garden of No.13 Windsor Close which is situated at the head of a residential cul-de-sac. The building plot would be surrounded on all side by dormer bungalows. The garden area is bounded by a timber fence and hedging. There is an Ash tree and conifer adjacent to the western boundary, the former within the grounds of No.15 Windsor Close and a mix of smaller trees and shrubs on the rear boundary with properties on Vernon Road.

The detached dwelling would have a footprint positioned within the side garden area of the existing dormer bungalow. The main dormered section of the new dwelling would be sited adjacent to the side gable of No.13 and have a maximum ridge height of 6.2m. The dormer would be on the rear roof plan and face the rear garden boundary at a distance of approximately 11.8m. The single storey section would project out along the shared side boundary with No.15 Windsor Close approximately 7m. The eaves height of the single storey element would be 2.5m with a ridge height of 3.9m.

The new dwelling would have a red brick finish and roof tiles to reflect the surrounding properties. It is indicated that access would be along the side boundary with No.15 onto the head of Windsor Close. A small landscaped area would be formed to the east of the bungalow and there would be some ornamental planting down the eastern boundary. Stone flags would run between the new house and the southern boundary and a 1.8m timber fence would separate the garden boundary of the new house with No.13.

Relevant Planning History

51007 - Erection of New Dwelling - Refused 03/04/2009. The reasons are summarised:

1. Overdominant and intrusive within the backland area.
2. Overlooking by dormer windows.
3. Lack of amenity space.
4. Inconsistencies in plans.
5. Lack of information with regard to land contamination.

The current application is as a result of negotiations following this refusal.

Publicity

The following neighbours notified by letter dated 3/09/2009. Nos 9,11,14,15,16 and 18 Windsor Close, 2,4 and 6 Caernarvon Close, 36-44 (evs) Vernon Road. Tottington and District Civic Society and Councillor Higgin were also notified.

The occupiers of seven nearby properties have objected. The properties in question are 15 and 18 Windsor Close, 4 and 6 Caenarvon Close, 40 and 42 Vernon Road. Tottington and

District Civic Society and Councillor David Higgin (North Manor Ward) have also objected. The grounds of objection are as follows:

- The proposed two storey house would be too big for the site and therefore constitute overdevelopment of the site and would be out of character with the surrounding area.
- The new building would overshadow and reduce sunlight into neighbouring properties to the detriment of the amenity of the neighbours.
- Poor design and layout.
- A new access would reduce parking at the head of the cul-de-sac.
- The new house would be too close to the boundary with neighbours.
- The loss of garden and increase in hardstanding will result in more surface water.
- There is encroachment onto neighbouring land without the appropriate certificate.
- Plans are misleading and omit existing trees and real boundaries or proposed boundary treatment.
- No existing or proposed levels.
- An existing Ash tree would be affected by the proposal.
- Access would be inadequate and unsuitable for emergency vehicles.
- There is a culvert beneath the garden of No.13 Windsor Close. The proposal would increase drainage problems in the locality.
- Where would the bins be stored?

Two letters of support have been received from the occupiers of Nos.8 and 11 Windsor Close, stating that the proposal would help satisfy demand for accommodation in the locality and would not have a detrimental impact on surrounding properties.

Consultations

Traffic Section - No objection.

Drainage Section - No objection.

Environmental Health - No objection subject to contaminated land assessment conditions

Baddac - No comment.

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
H2/6	Garden and Backland Development
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
SPD6	DC Policy Guidance Note 6: Alterations & Extensions
EN7	Pollution Control
SPD11	Parking Standards in Bury
PPS23	PPS23 Planning and Pollution Control

Issues and Analysis

Policy - The principle of a single dwelling within an existing urban area is in principle acceptable is subject to various design and criteria highlighted within three main UDP policies. H2/1 states that new development will take account of neighbouring properties, reflect the density and character of an area and respect residential amenity of neighbours.

H2/2 requires any proposal to demonstrate acceptable standards of layout, including access and parking, space about dwellings, landscaping and trees.

H2/3 refers to domestic extensions and alterations but contains useful guidance on aspect standards that the Council applies to new residential development.

H2/6 relates specifically to garden and backland development and highlights criteria such as density and character of the surrounding area, impact on local environment and access.

General guidance on design and layout is contained with Supplementary Guidance Note

No.16, adopted in October 2008 and SPD No.6 sets out various aspect standards applied to new development.

Siting and Design - The main bulk of the proposed dormer bungalow would be positioned between the gable of the applicant's house and the blank gable of the immediate neighbour at No.15. The single storey rear section projects into the rear garden area but a significant area of rear garden is retained for private amenity space. In terms of its general position within the cul-de-sac, the building would not be particularly incongruous as it is set back from the main frontage and would appear to be of a similar design to other dormer bungalows in the immediate vicinity. Unlike the previous proposal the new dwelling would be set away from the rear boundary with properties fronting Caernarvon Close and Vernon Road. Where the building runs along the boundary with No.15 the height is reduced so not to appear overdominant.

The design of the proposed dwelling in isolation is not considered to be out of keeping with the properties surrounding the site. The flat roof dormer on the rear is not an ideal design however given the number of flat roof dormers at the rear of surrounding properties, this is not a serious concern. The external finishing materials of red brick and roof tile would be acceptable and in keeping with surrounding properties. In terms of siting and design the proposal is considered to be acceptable in reference to UDP Policy.

Residential Amenity - The main habitable lounge, dining and bedroom room windows would face onto the rear garden area and would not appear to cause undue overlooking. The bedroom windows at ground and first floor face towards the rear boundary at a distance of approximately 10m whilst the ground floor patio windows face the new boundary with No.13 at an angle at a distance of approximately 7-8m. Window to window distances to properties on Vernon Road would be close to 30m and this is considered acceptable and well above the 20m minimum stated in our adopted guidance.

The office window to the front, being a 'non-habitable room' could be obscure glazed to reduce overlooking into the front garden and secondary lounge window at No.15 although the impact on the amenity of the occupiers of No.15 would be considered negligible.

Access and Parking - In terms of parking highway safety there is no objection to the scheme from the Traffic Section. Whilst there may be concerns from residents, government guidance suggests that one off-road space for parking is sufficient for a development of this size.

Trees - Whilst the loss of the existing conifer tree on the side boundary is not a cause for concern, the Ash tree within the garden of No.15 Windsor Close and adjacent to the same boundary is. The proposed building has been moved away from the Ash tree since the previous refusal and is now at a sufficient distance away so as not to cause a concern with regard to its long term health.

Objections - Many of the concerns of the neighbours have been addressed above. Concerns about building over an existing culvert or land drain are understandable but there are no records on this and building regulations state that the onus would be on any developer to ensure that any such drains are protected. Concerns such as disruption during construction is not planning consideration but would be addressed by Environmental Health regulations.

Summary of reasons for Recommendation

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

The new house is in keeping with the character of the area and would not have a detrimental impact on the amenity of the neighbours. There are no parking or highway safety issues. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

2. 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.
3. This decision relates to Revised drawing 09.01.01G and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
4. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
5. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008, or as subsequently amended, no development shall be carried out within the terms of Classes A to H of Part 1 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed below.
6. Before the first occupation of the extension the front ground floor office window shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Development Control Policy Guidance Note 6 - Alterations and Extensions to Residential Properties.
7. Prior to the development hereby approved commencing:
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill 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/landfill 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/protection measures is/are 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, ground gas and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
8. Following the provisions of Condition 7 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the 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.

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

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

- Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;
- A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.

Reason. To secure the satisfactory development of the site in terms of human health, 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 **Tom Beirne** on **0161 253 5361**

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 07

Applicant: Abbey National PLC

Location: ABBEY NATIONAL, 29 BOLTON STREET, RAMSBOTTOM, BL0 9HU

Proposal: REPLACEMENT SIGNAGE INCLUDING FRONT EXTERNAL LIT FASCIA SIGN &
INTERNALLY LIT BOX SIGN & CASH MACHINE SIGN

Application Ref: 51723/Advertisement

Target Date: 29/10/2009

Recommendation: Approve with Conditions

Description

The premises is the Abbey National Building Society located in Ramsbottom Conservation Area. It has an existing illuminated fascia and projecting signs and the application is for replacement signage with the new company name of Santander.

The fascia sign is 5m long and 0.8m high positioned 2.6m from ground level. The background is red with white lettering and the illumination by means of external trough lighting. Other replacement signage includes the head panel above the ATM and window vinyls.

Relevant Planning History

45264 - Externally illuminated projecting sign - Approve with Conditions 09/11/2005

43135 - Externally illuminated shop fascia sign and projecting sign - Approve with Conditions 24/09/2004

Publicity

Notification letters were sent to 32 - 48 and 23,25,31-37,37A,39 - 43 Bolton Street, 2 & 2A Smithy Street, 37 & 39 Back Square Street. A site notice was posted on 08/09/09 and a press notice placed in the Bury Times on 10/09/09.

An objection has been received from the Ramsbottom Heritage Society who are concerned that the sign is of a modern appearance and inappropriate with excessive illumination. They consider that the application should be disallowed giving the opportunity to regain a more traditional frontage and improve the visual impact on the street.

The objectors have been notified of the Planning Control Committee.

Consultations

Traffic Section - recommend conditions regarding the luminance level and the external lighting.

Conservation Officer - comments that whilst this large and bold fascia sign is not completely appropriate within the context of Ramsbottom there are no sustainable policy or design reasons to resist the current proposals.

Baddac - no objection.

Unitary Development Plan and Policies

EN1/9 Advertisements

Issues and Analysis

Policy EN1/9 relates to adverts and signage and states that proposals should have regard to the character of the locality, scale of the existing building and land use.

Amenity - the signage is a standard type commonly seen on shops and located appropriately in the area above the shop front where it not considered to harm the amenity of the Conservation Area or those occupiers of adjoining properties.

Safety - the signage is set well away from the highway and positioned where it will not cause hazard to motorists or pedestrians.

Response to the objection - the signage would be not be visually different from that as existing with only a change to the company name. Although the signage is a modern design it is located on a row of commercial properties and seen in connection with other signage on the row. The luminance of the fascia sign is controlled by means of condition the projecting sign is as existing. As such there is no justified reason to recommend the application for refusal.

The proposal would comply with Unitary Development Plan Policy EN1/9 - Advertisements.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The luminance of the fascia sign shall not exceed 800 cd/m².
Reason. To avoid undue distraction to traffic in the interests of road safety, and to protect the amenity of adjoining occupiers pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.
2. The direction, fixing and colour of the external lighting shall be to the satisfaction of the Local Planning Authority.
Reason. To avoid undue distraction to traffic in the interests of road safety, and to protect the amenity of adjoining occupiers pursuant to policies EN1/9 - Advertisements of the Bury Unitary Development Plan.

For further information on the application please contact **Jane Langan** on **0161 253 5316**

Ward: Bury West - Elton

Item 08

Applicant: William H Howard Ltd

Location: 1 BOLHOLT TERRACE, BURY, BL8 1PP

Proposal: CHANGE OF USE OF 1ST FLOOR FROM CLASS B1 (OFFICE) TO CLASS C3 (RESIDENTIAL)

Application Ref: 51726/Full

Target Date: 03/11/2009

Recommendation: Approve with Conditions

Description

The site is an end terrace property that has previously been converted from residential to Class B1 – Office Use with 7 car parking spaces. The proposal is to convert the first floor to a self-contained residential flat with a designated car parking space at the front of the building. There are no proposed changes to the external appearance of the building.

The adjacent property on the row is also a Class B1 – Office, with the rest of the row remaining in residential use. To the rear of the site is a detached dwelling. To the front of the site is the Bolholt Industrial Estate with the Bolholt Hotel to the side.

Relevant Planning History

043362 – Change of use to offices, single storey extension at rear and creation of 7 car parking spaces – Approved Conditionally 19/01/2005

Publicity

Surrounding neighbours notified by letter dated 15/09/2009 at Bolholt Hotel, Maymount, 5-11 Bolholt Terrace, Prospect House, Rayholme House and Units 1-6 & 16-18 Bolholt Industrial Estate all off Walshaw Road – 1 letter of objection from the occupiers of 3 Bolholt Terrace. The concerns are summarised below:

- Noise and disturbance from the residents creating a problem during working hours.
- There is a current rat problem at 1 & 3 Bolholt Terrace and creating habitable living space should be avoided.
- Any alterations works should make allowance of their working hours of 07:30 to 19:00 to avoid noise and disturbance.

A letter has been received from the applicant in reply to the above that states the tenancy agreement will contain a clause regarding noise and nuisance and as their own offices are below they would deal with any problem immediately. Also, the plan does not involve any major changes and any work will be carried out at weekends.

The objector has been informed of the Planning Control Committee Meeting.

Consultations

Traffic Section – No objection

Drainage Section – No objection

Environmental Health – No objection subject to condition regarding the sound proofing of party walls.

BADDAC – No objection

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

H1/2 Further Housing Development

H2/1 The Form of New Residential Development

HT2/4 Car Parking and New Development
EN7/2 Noise Pollution
SPD11 Parking Standards in Bury

Issues and Analysis

Principle – The property was originally built as a residential dwelling and still retains the appearance as such in the row of terraced properties. Therefore the principle of conversion is considered acceptable pursuant to Bury UDP Policy H1/2 – Further Housing Development. However the proposal needs to be further assessed on the following issues:

Visual Amenity – There are no external alterations and as the property maintains the appearance of a residential dwelling the proposal is considered to have no impact on the character of the street scene. Therefore the proposal is considered acceptable in terms of visual amenity pursuant to Bury UDP Policy H2/1 - The Form of New Residential Development.

Residential Amenity – The adjacent property has been converted to offices (Class B1) use with office hours of 07:30 to 19:00. The property to the rear and the rest of the row remain in residential use.

The standard condition for the soundproofing of all party walls is recommended to ensure that the proposed flat complies with current regulations to reduce the potential for noise nuisance.

Therefore given the above condition on sound insulation the proposal is considered acceptable in terms of residential amenity for both the surrounding properties and the future occupiers of the flat pursuant to Bury UDP Policy H2/1 - The Form of New Residential Development.

Parking – The proposal includes the provision of a dedicated parking space for the flat. This complies with the requirements of Bury UDP Policy HT2/4 - Car Parking and New Development and Development Control Policy Guidance Note 11 - Parking Standards in Bury

Comments on Representations

Noise and disturbance has been addressed in Residential Amenity above. The issues of rats and construction noise are not a matter for the planning decision making process.

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 of an acceptable standard which would not adversely affect the character of the area nor the amenities of neighbouring residents. The scheme will not adversely impact on highway safety issues.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings received on 15/09/2009 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of

design pursuant to Bury UDP Policy EN1/2 - Townscape and Built Design.

3. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the building hereby approved being occupied.
Reason: To ensure adequate off street car parking provision in the interests of road safety pursuant to Bury Unitary Development Plan Policy HT2/4 - Car Parking and New Development.

4. No development shall take place unless and until a scheme to soundproof the floor/ceiling between the ground floor and the first floor flat, which shall be in accordance with standards of construction specified in current Building Regulations, has been submitted to and approved by the Local Planning Authority. Such works that form the approved scheme shall be completed before the development is brought into use.
Reason: To protect the residential amenities pursuant Bury UDP Policy EN7/2 - Noise Pollution.

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

Ward: Radcliffe - East

Item 09

Applicant: Mr S Sivvery

Location: LAND AT ADELPHI STREET/ALMA STREET RADCLIFFE

Proposal: ERECTION OF 2 NO. SEMI-DETACHED DWELLINGS

Application Ref: 51727/Full

Target Date: 29/10/2009

Recommendation: Approve with Conditions

Description

The site comprises a rectangular plot measuring 0.01ha on the western side of Alma Street. The site is overgrown and has been vacant for a number of years but was last used for garaging. The area is predominantly residential in character. Immediately to the north is a plot of land, bounded by a timber fence, housing a domestic garage and timber shed. To the east, across Alma Street, is a two storey detached house. To the west are the rear of properties fronting Ainsworth Road and the unadopted rear access road. Across Alma Street is a two storey brick building used as a martial arts school.

It is proposed to construct a pair of semi-detached houses on the site. The houses would have conventional design to match the surrounding residential pattern. Each would have a small pitched roof dormer on the Alma Street frontage allowing accommodation for an additional third bedroom in the roof. The main elevations would be in red brick with stone heads and cills. The roof would be pitched and constructed in slate. Each house would have a private rear yard area with a bin store and off-road parking for one car with access onto Alma Street to the east and the back street on the western boundary. The rear yard areas would be bounded by 1.8m brick wall with timber panelling.

Relevant Planning History

None relevant.

Publicity

Immediate neighbours notified by letter dated 10/9/2009 at 34 and 34a Alma Street, 174, 176 and 206-214 Ainsworth Road, 1-3 Adelphi Street and 1 Meadowcroft.

One letter of objection has been received from the occupier of 210 Ainsworth Road whose concerns are as follows:

- Loss of light.
- Overlooking.
- Loss of views to the rear.

The objector has been informed of the Planning Control Committee meeting.

Consultations

Traffic Section - No objection.

Drainage Section - No objection.

Environmental Health - No objection subject to ground contamination assessment.

GMP designforsecurity - No objection.

Baddac - No objection.

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

EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
SPD6	DC Policy Guidance Note 6: Alterations & Extensions
EN7	Pollution Control
PPS23	PPS23 Planning and Pollution Control
SPD11	Parking Standards in Bury

Issues and Analysis

Policy - UDP Policy H1/2 - Further Housing Development relates to sites not identified specifically within the UDP. It states that sites should be within an urban area with available infrastructure and be suitable in terms of amenity and surrounding residential land uses. Given the urban nature of the site and scale and nature of development, it is considered that the principle of residential development on the site is acceptable in terms of H1/2.

Design and Appearance - UDP Policies H2/1 and H2/2 relate to the form and layout of development. The design and form of the new housing with pitched roofs and flat frontages, reflects the simple local vernacular of the terraced houses on surrounding streets and as such complies with policy H2/1 in this regard.

In terms of layout, the development reflects the surrounding 'urban grain' whilst making provision for off-street parking. The new houses would be set back slightly into the site to allow some defensible space at the front and accommodate adequate visibility splays. The proposed boundary treatment, enclosing the rear garden areas would be similar to other properties in the vicinity and considered appropriate.

In terms of aspect standards, there are no issues raised at the front as the houses face across Adelphi Street towards the martial arts school. On the proposed rear elevation closest to the back boundary, an obscure first floor bathroom window and a ground floor kitchen window face towards the garage site and do not raise any overlooking issues or would necessarily prevent any future development of this site.

Facing the gable of the proposed houses to the west, No.206 is approximately 12m away but has a non-habitable kitchen at ground floor which is considered acceptable. No.34a Alma Street lies approximately 19m to the east and faces the rear of the site. In terms of normal aspect standards, these distances are considered to be acceptable and comply with policy and general guidance.

Objection - The occupier of No.210 Ainsworth Road raised concerns about overlooking, overshadowing and loss of views. With regard to the two former issues, the impact of the development does not appear to have a serious affect on the privacy or light given the scale and their position of the new houses in relation to his property. The loss of views cannot be considered a material consideration although outlook from that property would not be so seriously affected as to warrant refusing the application.

Highways - Given the modest scale of development and the fact that the site has had garages on in the past, the proposal would not have a materially detrimental impact on the surrounding roads or highway safety. The on-site parking provision of one car per dwelling considered to be sufficient and complies with UDP policy HT2/4 Car Parking and New Development and associated Supplementary Planning Guidance Note 11 - Parking Standards in Bury.

Servicing - Bins would be kept within the yard areas and serviced from roads either side of the site.

Contaminated Land: Given the site history, contaminated land conditions are considered to be appropriate.

The development complies with the relevant UDP policies listed above.

Summary of reasons for Recommendation

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

The new houses are in keeping with the character of the area and would not have a detrimental impact on the amenity of the neighbours. Parking is adequate and there are no highway safety issues. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to revised drawings 1 and 2A, received 02/10/2009 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008, or as subsequently amended, no development shall be carried out within the terms of Classes A to H of Part 1 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed below.
5. Prior to the development hereby approved commencing:
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill 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/landfill 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/protection measures is/are 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, ground gas and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
6. Following the provisions of Condition 5 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the 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.

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

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

8. Following the provisions of Condition 5 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved 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 alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

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

Ward: North Manor

Item 10

Applicant: Bury Council

Location: LOWER GREEN, OFF MOUNT PLEASANT, NANGREAVES, BURY

Proposal: INSTALLATION OF A SMALL CHILDREN'S PLAY AREA (RESUBMISSION OF PLANNING APPLICATION 51575)

Application Ref: 51731/Full

Target Date: 03/11/2009

Recommendation: Approve with Conditions

In view of the significant number of representations both for and against this proposal the Chief Planning Officer has arranged a Committee site visit prior to the meeting.

Description

The site is the north-east part of a recreation field within the Mount Pleasant Conservation Area that is bounded to the east and south by a mature tree line. It is to the south of the two rows of stone cottages, 35-40 and 41-50 Mount Pleasant that are Grade II Listed Buildings. There is a tarmac footpath down to the northern edge of the site from outside 35 Mount Pleasant and another un-made path along the southern edge of the site accessed from a small residents parking area to the east of the site.

The proposal is for the installation of four pieces of play equipment on the field and two picnic benches. The surface below the proposed equipment and under the access paths across the field is Grass-mat a rubber mesh that holds soil and can be seeded to maintain the appearance of grass whilst being hardwearing to withstand the foot traffic.

Relevant Planning History

51575 – Installation of children's play area – Withdrawn prior to decision for further consultation and negotiation.

Publicity

Site notice posted 10/09/2009 and a press advert placing in The Bury Times on 17/09/2009. 33 surrounding neighbours notified by letter dated 10/09/2009 at 1-6 inc, 16, 28, 30-50 inc Mount Pleasant and Mill Yard House, all Nangreaves.

Eleven letters of objection have been received from the occupiers of 2, 16, 40, 41, 43, 44, 47, 48 Mount Pleasant, Nangreaves and 15 Hillside Crescent, Bury. Their concerns are summarised below:

- There is no need for an expensive play area as the existing greens are well used along with the surrounding woodland. Why not use the money to create an opportunity for real disadvantaged children.
- There are only 25 children resident at Mount Pleasant between the ages of 1 and 12.
- The proposal includes seating and will attract undesirable older youths into the area who will litter, cause vandalism.
- The two rows of houses overlooking the green chose to live there for the quiet, open aspect not to view a noisy children's playground and social focal point for village adults.
- Nangreaves is a Conservation Area. The Conservation Area Appraisal and Action Plan makes no mention of play areas being required or contemplated.
- Can it be confirmed that a responsible Council employee will inspect the site daily or any financial liability devolved to Mount Pleasant residents.
- The area will not be as safe with a municipal park there.

- The proposal states it is to *offer an opportunity to take risks, both physically and intellectually* does this mean Bury Metro is prepared to establish an unmanaged area that provides an opportunity for up to 13 year olds to take 'physical risks'.
- It will encourage the minority of residents who have children to regard the village green as their own so toys will be left out.
- Barely enough parking for the residents without the influx of families from outside the village.
- The value of the houses facing the proposed play area will be reduced.
- There has been no proper consultation with the residents.
- The proposal indicates the play area is aimed at up to 13 year olds and not the 11 years as the residential had been told.
- The residents of Nangreaves were never given the opportunity of a democratic vote or given a chance to express their views on this project unlike the residents in Lancaster Avenue, Ramsbottom where Six Town Housing asked for comments.
- The nearest houses should have been consulted long ago.

A petition of support with 27 signatures and 13 letters of support have been received from 3, 12, 30, 35, 38, 45, 50, 53, 57, 69 & 80 Mount Pleasant, Nangreaves. The reasons for support are summarised below:

- The design is well thought out and the natural materials blend into the surroundings.
- It will be an excellent facility for all the members of the village.
- It creates a good opportunity to encourage children to play out, socialise and learn important life skills.
- I would be a lucky boy if I had a park in front of my house.
- Please may we have a park, we will respect it and keep it clean and tidy.
- If we had somewhere to play we would be outside more and wouldn't make as much noise in front of people's house.
- This facility has been wanted by the majority of villagers for a number of years.
- It will stop the need of ferrying children to Nuttall or Clarence Park both a good 2 miles away.

The objectors and supporters have been informed of the Planning Committee.

Consultations

Environmental Health – No objection subject to conditions regarding possible land contamination.

BADDAC – No objection

GMP design for security – No objection

Conservation Officer – No objection

Unitary Development Plan and Policies

EN2/2	Conservation Area Control
OL1/2	New Buildings in the Green Belt
EN9/1	Special Landscape Areas
EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
RT1/1	Protection of Recreation Provision in the Urban Area
RT1/2	Improvement of Recreation Facilities
CF1/1	Location of New Community Facilities
SPD11	Parking Standards in Bury

Issues and Analysis

Principle – The site is part of a field that, whilst not an identified recreation provision on the Proposals Map of the saved Bury UDP, has by virtue of the time it has been used as a 'village green' gained the classification as a recreation provision. The whole of the Mount Pleasant Conservation Area is within the Green Belt and Area of Special Landscape where the presumption is against development unless it is for agriculture and forestry or essential sport or outdoor facilities which preserve the openness of the Green Belt.

Therefore the proposal for the proposal of a play area, an outdoor recreational facility is considered acceptable in principle pursuant to Bury UDP Policy RT1/1 - Protected Recreation Provision in the Urban Area and RT1/2 – Improvement of Recreation Facilities and an appropriate type of development pursuant to Bury UDP OL1/2 - New Buildings in the Green Belt subject to being further assessed for the following issues:

Effect on Conservation Area and Visual Amenity – The site is within the Mount Pleasant Conservation and in a field that has two rows of Grade II Listed Buildings to the north. The position of the proposed play equipment has been selected to minimise any visual impact on the surrounding area. There is a shelter belt of mature trees directly to the east and to the south so the play equipment is seen against this natural backdrop and not in isolation or on a skyline. The maximum height of any of the play equipment is 3.2m and made mainly of wood which will weather to silver over time. The paths to and under the individual pieces and picnic benches are to be ‘reinforced’ by a product called Grassmat. The use of Grassmat maintains the appearance of grass whilst creating a durable ground for increased foot wear.

The installation of play equipment in the 'Village Green' will enhance the character of the area by providing facilities for the local children. As such it will improve the living standards of the residential within the Conservation Area.

Therefore the siting, design and scale of proposal is considered to be acceptable in terms of visual amenity pursuant to Bury UDP Policies EN1/2 - Townscape and Built Design; EN2/2 - Conservation Area Control and OL1/2 - New Buildings in the Green Belt.

Siting - All play areas are assessed against The Six Acre Standard of the National Playing Fields Association which sets the minimum standards for outdoor playing space. In this case there are four pieces of play equipment in the play area. This means the proposal is classed as a Local Equipped Area for Play (LEAP) under The Six Acre Standard. These standards require a LEAP to be sited over 10m away from the nearest dwelling. The nearest dwelling is over 20m away and therefore is considered acceptable pursuant to Bury UDP Policies RT1/1 - Protection of Recreation Provision in the Urban Area; RT1/2 - Improvement of Recreation Facilities and CF1/1 - Location of New Community Facilities

Residential Amenity – By the nature of the proposal there will be some noise from the children using the play equipment. However the nearest residential property to a piece of play equipment is over 20m away behind the shelter belt of mature trees and the nearest residential property which can see the play area is over 35m away. The proposal is for the provision of an outdoor play facility in accordance with the recommended principles of Play England to provide a challenging play area for the local community. Therefore the proposal is considered acceptable in terms of residential amenity pursuant to Bury UDP Policies EN7/2 - Noise Pollution; RT1/1 - Protection of Recreation Provision in the Urban Area; RT1/2 - Improvement of Recreation Facilities and CF1/1 - Location of New Community Facilities

Traffic Generation and Car Parking Provision – The proposal does not include any additional car parking provision. This is due to the number of play equipment being minimal and the location of the play area in an isolated community and intended for the use of the local residents and their visitors. Therefore the proposal is considered acceptable in terms of traffic generation and car parking provision pursuant to Bury UDP Policy CF1/1 - Location of New Community Facilities and Development Control Policy Guidance Note 11 - Parking Standards in Bury.

Comments on Representations

Bury Council's Green Space Audit has identified that the community does not have any play provision. The siting and size of the play area is considered to be appropriate for the needs of the local community and is not designed to cater for members of the public from outside the Nangreaves area.

The existing use of the field as a 'village green' means that it is already used as a play area. The leaving of toys on the green is a matter for the parents of the children who currently use it.

The design of the play area is in accordance with the recommended principles of Play England.

Parking has been dealt with in Issues and Analysis above.

The value of properties is not a material consideration for this planning application.

This application is for the proposal as submitted and the consultations required by the Town & Country Planning Act and carried out for this planning application are listed in Publicity above. The other consultations that have been carried out by the Parks and Countryside, Childrens Services and Local Area Partnership sections of the Local Authority and the local Mothers Group prior to this planning application being submitted are a separate matter and not part of the decision making process for this 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 proposed development is a proposal that will not harm the appearance of the Grade II Listed Building and Mount Pleasant Conservation Area, the openness of the Green Belt nor the character of the surrounding area. It will not affect the amenities of surrounding residents nor adversely impact on highway safety issues.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings received on 08/09/2009 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. Prior to the development hereby approved commencing:
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill 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/landfill 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/protection measures is/are 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, ground gas and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
4. Following the provisions of Condition 03 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.

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

Ward: Ramsbottom + Tottington - Tottington

Item 11

Applicant: Mr & Mrs D Butterworth

Location: LAND ADJACENT TO 8 PEEL VIEW, TOTTINGTON, BL8 3EP

Proposal: 1 NO. SEMI DETACHED BUNGALOW (RESUBMISSION) ATTACHED TO NO. 8 PEEL VIEW

Application Ref: 51766/Full

Target Date: 06/11/2009

Recommendation: Approve with Conditions

Description

The site comprises the side garden of a detached bungalow located at the end of a short cul de sac. The 9 bungalows on this cul de sac are a mix of detached and semi detached and are of the same age and style. The site backs onto open land that is designated as Green Belt and part of the existing garden area of No. 8 is in this area. The rear boundary is formed by a fence with a number of mature trees and substantial shrubs.

The proposal is to build a semi-detached bungalow on the side garden and attached to No. 8. The bungalow will have 3 bedrooms with one located in the roof space and lit by a dormer on the rear elevation. A parking space is to be provided to the front of the property and a conservatory is proposed on the rear elevation. Materials proposed are brick, white render and grey flat tiles are proposed.

Relevant Planning History

51766 - Proposed detached dormer bungalow. Withdrawn by applicant to allow negotiations with Council. August 2009.

Publicity

Immediate neighbours at 1 to 9 Peel View, 5 and 7 Sunnywood Drive were written to on the 15th September and 3 letters of objection have been received from No's 1, 3, & 5 Peel View. The objections can be summarised as follows:

- insufficient parking is being provided
- will make parking situation in area worse to the detriment of highway safety
- bungalow will project forward of establishing building line and is out of character
- site is too small for the size of bungalow
- loss of outlook from properties opposite
- loss of amenity from overlooking of new windows on the front
- been misled by owner about his intension's to extend the existing bungalow as a granny flat, not build a new one

The objectors have been informed of the Planning Control Committee

Consultations

Traffic Section - No objections

Drainage Section - No objections subject to standard informative's

Environment Health Contaminated Land/ Air Quality Team - No objections subject to standard conditions.

Baddac Access - no comments

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
H2/6	Garden and Backland Development
OL1/2	New Buildings in the Green Belt
HT2/4	Car Parking and New Development
EN7	Pollution Control
SPD11	Parking Standards in Bury
PPS23	PPS23 Planning and Pollution Control
PPS3	PPS3 - Housing

Issues and Analysis

Policy - there are a number of policies relevant to this site but the key policy is H2/6 - Garden and Backland Development .

In terms of H2/6 the main issues are:

- the concentration of such development in the surrounding area
- the relative density of the proposal to the surrounding area
- the impact on neighbouring properties and the local environment
- access arrangements

Similar developments - In this case there are no other similar developments in the area
Density - the bungalow will be on a plot area of 255 sq m, leaving 255 sq m for the existing bungalow at 8 Peel View. This compares with average plot sizes of 300 sq m. Despite the plot being smaller it is not so small as to be inappropriate to the setting and will allow sufficient land for both parking and private amenity space.

Impact on neighbours - Whilst the new building will have some impact on neighbours it has an aspect standard of 22m between the proposed front windows and those on No. 5 opposite and this exceeds the adopted standards of the Council. There will be some loss of outlook from the properties opposite, but given the separation distances of 22m it is not considered that this is unacceptable in terms of this policy.

Access and Parking - the site contains a 2 off road parking spaces which complies with the maximum standard of 1.5 spaces as recommended in DCPGN 11 - Parking Standards in Bury. In addition the existing property also has a widened driveway to provide 2 spaces. The access is at the end of the cul de sac and the highways team have no objection to its position. The highway is of sufficient width to allow a car to maneuver into and out of the space and as such is acceptable. The applicant has indicated that the driveways will be constructed of permeable materials and a condition is recommended requiring details of these to be supplied.

Consequently the proposal complies with UDP Policy H2/6.

Design - The property is similar in design to that of the existing bungalows in the cul de sac. Whilst is set forwards of the existing bungalow by is set 2.025m it will not project so far in front of the building as to look out of place or incongruous. The front elevation is brick and the majority of the remaining walls of the building are to be white rendered with flat grey roof tiles. The general simplicity of the design and the choice of materials ensures that it complies with UDP Policy H2/1 - The Form of New Residential Development in terms of its design.

Residential Amenity - The main aspects of the property are to the front and rear. There are no properties at the rear and it would overlook open fields. The property at the front is 22 m from the front elevation and as such meets the aspect standards of the Council. The rear of the property is 'in-line' with that of the existing bungalow at No. 8 and as such there will be no impact on them. Whilst the proposed bungalow will result in the loss of a hedge at the front of the site this is not considered to warrant refusal of the application in terms of the loss of residential amenity on the street. Consequently, the proposal complies with UDP Policy H2/1 in this aspect.

Green Belt - Part of the existing garden area in the Green belt but none of the proposed new bungalow is on land designated as such. The bungalow is in a residential setting and as such will not impact on the openness or character of the Green Belt. The applicant has

agreed to a condition taking away permitted development rights from both the building and the garden area to ensure that there is no encroachment onto the Green belt land by any buildings. As such the proposal will not be contrary to UDP Policy OL1/2 - New Buildings in the Green Belt.

Objections - The issue of parking in new development and particularly people not using provided spaces and parking on the highway is a common problem. Both Government Recommendations in PPS 3 - Housing and our own Parking Standards indicate that maximum provisions should be made. This means that on street parking is a fact of all residential developments and not a reason for refusing permission. All the other issues raised in objections have been dealt with in the analysis above with the exception of the applicant misleading the neighbours. Unfortunately, this is not a planning matter and as such would not warrant refusal of permission.

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 assessed the application against the listed National and Unitary Development Plan Policies, particularly Policy H2/6 - Garden and Backland Development, it has been found that the proposal accords with these policies providing that conditions are imposed removing permitted development rights to prevent encroachment into the Green Belt. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 01 and 02 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. Prior to the development hereby approved commencing:
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill 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/landfill 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/protection measures is/are 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, ground gas and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

5. Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the 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.
6. Detailed design features shall be incorporated into the proposed building, as shown necessary by the site investigation, to alleviate risks to the written satisfaction of the Local Planning Authority. A comprehensive construction design shall be incorporated to prevent the ingress of landfill gas, to be agreed in writing with the Local Planning Authority before work commences.
Reason To alleviate any possible risk associated with the production of landfill gas in accordance with the recommendations of the Environment Agency pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan.
7. Following the provisions of Condition 4 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved 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 alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
8. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008, or as subsequently amended, no development shall be carried out within the terms of Classes A to H of Part 1 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed below.
9. Full details of the proposed driveways showing the materials and method of construction of permeable surfaces, 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 1 month from the date the new property is occupied 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.

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

