

Ward: Bury West - Elton

Item 01

Applicant: Bury MBC - Planning Division

Location: WOOLFOLD GAP RECREATIONAL ROUTE, BURY

Proposal: EXTENSION OF THE EXISTING KIRKLEES TRAIL, FROM BRANDLESHOLME ROAD TO REAR OF 12 PICKERING CLOSE; WORKS INCLUDE PROVISION OF 3M WIDE PATH; STREET LIGHTING, LAND SHAPING, CONSTRUCTION OF NEW BRIDGE, AND ASSOCIATED WORKS

Application Ref: 51876/Full

Target Date: 26/02/2010

Recommendation: Approve with Conditions

Description

The site consists of the former railway line, which stretches from the rear of No. 12 Pickering Close and passes to the north of the dwellings on Stockton Drive. The line then crosses Kirklees Brook and continues to the south of the properties on Bankhouse Road and Brandle Avenue to Brandlesholme Road. The site is occupied by many trees, some of which are self seeded.

The former Olives Paper Mill is located to the south of the site, which is currently undergoing redevelopment for housing. Part of the application site is part of the Kirklees Brook Site of Biological Interest.

The proposed development is the final part of the Kirklees Trail. The trail currently stretches from Tottington to Greenmount and the proposed development would form an extension of 1 kilometre from the rear of Pickering Close to Brandlesholme Road.

The Trail was originally developed as a walk along the Tottington to Greenmount section of the former Holcombe Brook railway line in the late 1970s and was improved and extended as part of the National Cycle Route with funding from the North West Development Agency in 2000/2002.

The proposed extension formed part of a national bid (Sustrans Connect 2) to the Big Lottery Fund, which aimed to complete missing links in important pedestrian and cycle routes. The bid was determined using a public telephone vote and Sustrans' Connect 2 won with 42% of the vote. Sustrans have 5 years to deliver the Connect 2 programme. The Executive authorised the use of Compulsory Purchase Powers to acquire the land in March 2008. The Compulsory Purchase Order was served in May 2009 and a public inquiry was held in November 2009. The objections were based on the precise boundaries and not the principle of the Order. A decision is expected shortly.

The proposal involves land reshaping, the introduction of street lighting and the provision of a bridge over the Kirklees Brook. The proposed development would offer a route into Bury town centre for commuters, shoppers or students avoiding the busy Crostons Road. This section will be partly funded by a private developer as a requirement of planning permission for a residential development.

Relevant Planning History

None relevant.

Publicity

204 neighbouring properties (Keld Close, Hawes Close, Pickering Close, Stockton Drive, Darlington Close, Foxfield Close, Ingleton Mews, Olive Bank, Woolfold Paper Mill, Tottington Road, Bleakley Street, Mill Lane, Hall Street, Rowans Street, Brandlesholme Road, Stafford Street, Brandle Avenue, Bankhouse Road, Cleadon Drive South, Throstle

Grove, Kirkburn View, Whitburn Drive, Hebburn Drive) were notified by means of a letter on 30 November 2009. A full list of the addresses can be found in the working file. A press notice was published in the Bury Times on 10 December. Site notices were posted on 10 December.

As part of the publicity for the funding bid, leaflets encouraging voting were distributed to every pupil in every school within reach of the valley and e-mails were sent to Council staff to make people aware. The outcome of the public vote was reported in May 2008 edition of Our Voice. As part of the bid, the Friends of Kirklees Valley group was established in 2007 to discuss this project and other potential projects in and around the valley. This group has met on a quarterly basis.

7 letters have been received from the occupiers of 11, 25 Brandle Avenue; 2, 4, 10 Pickering Close; 69, 75 Bankhouse Road, which have raised the following issues:

- The bridge would be visible from the rear of the property, which would devalue the house.
- The proposal would encourage anti-social behaviour
- Is there a need to light this section of the trail
- Would the trail be accessible for disabled people
- No objections, subject to motorcycles not using the route
- Lighting of the trail would be detrimental to wildlife
- Proposed path is very close to the perimeter fence (2 Pickering Close & 25 Brandle Avenue)
- Prefer the trail to be unlit as per the existing trail
- Full screening using dense hedges and mature trees (3 - 4 metres in height) should be provided
- Boundary fences to residential properties should be upgraded

The objectors have been notified of the Planning Control Committee.

Consultations

Traffic Section - No objections, subject to the inclusion of a condition relating to provision of a Toucan crossing.

Drainage Section - No objections.

Environmental Health Contaminated Land - No objections, subject to the inclusion of conditions relating to contaminated land and Japanese Knotweed.

Environmental Health Pollution Control - No response.

Public Rights of Way Officer - No response.

GM Police - designforsecurity - No objections in principle and welcome the lighting, although the levels could show better uniformity.

GM Ecology Unit - No objections, subject to the inclusion of conditions relating to method statement, vegetation clearance, further surveys and Japanese Knotweed.

British Waterways - No comments.

Baddac - Welcome the proposal and the access control measures.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN5/1	New Development and Flood Risk
EN6/1	Sites of Nature Conservation Interest SSSI's NNR's
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
EN7	Pollution Control
EN7/2	Noise Pollution
EN8/1	Tree Preservation Orders
EN8/2	Woodland and Tree Planting
OL1/2	New Buildings in the Green Belt
OL5/2	Development in River Valleys

RT3/3	Access to the Countryside
RT3/4	Recreational Routes
HT4	New Development
HT5/1	Access For Those with Special Needs
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
PPG2	PPG2 - Green Belts
HT6/3	Cycle Routes

Issues and Analysis

Principle (Green Belt) - PPG 2 establishes a presumption against inappropriate development, including new buildings, within the Green Belt. There are several exemptions, including development required for essential facilities for outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Proposals for development, which do not fall into one of the above categories is inappropriate development and will only be permitted in special circumstances.

Policy OL1/2 states that the construction of new buildings within the Green Belt is inappropriate development unless it is for agriculture, essential facilities for outdoor recreation, limited extension or dwellings and for other uses of land, which would preserve the openness of the Green Belt.

The proposed development involves the provision of a recreational route and footbridge along the former railway cutting and would provide essential facilities for outdoor recreation. As such, the proposed development would be appropriate within the Green Belt. The proposed footbridge would be located in the same position as the former Woolfold viaduct, which was demolished in 1974 and would consist of 5 spans sitting on piers. The proposed footbridge would be relatively small in terms of its dimensions and would not have a significant adverse impact upon the openness of the Green Belt. Therefore, the proposed development would be in accordance with Policy OL1/2 of the adopted Unitary Development Plan and PPG2.

Principle (Recreational route) - Policy RT3/3 states that the Council will seek to improve and extend opportunities for all to gain access to the countryside by

- maintaining, improving and, where appropriate, extending the existing networks of Public Rights of Way, footpaths, bridleways and cycleways
- improving facilities for the mobility impaired
- creating new access points and areas of public access

Policy RT3/4 states that the Council will seek to establish a network of designated recreational routes to provide access for pedestrians, cyclists and horse riders.

The proposed development would extend the established Kirklees Trail and would provide a new footpath for use by pedestrians and cyclists. The proposed development would also allow for better access for the mobility impaired. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policies RT3/3 and RT3/4 of the adopted Unitary Development Plan.

Design & impact upon surrounding area - The proposed footpath would be a three metre wide path, which would be constructed from tarmac, which would match the existing section of the Kirklees Trail. A plan indicating the position of the existing trees has been submitted and the proposed development would involve some clearance of the trees and vegetation along the line of the proposed path. The Landscape Practice has no objections to the proposal, subject to control over the removal of the trees and the replacement planting. It is proposed to secure this via a condition. Therefore, the proposed development would not have an adverse impact upon the visual amenity of the area and would be in accordance with Policies EN1/2 and EN8/2 of the adopted Unitary Development Plan.

The proposed bridge would be constructed from steel with 5 spans sitting on twin concrete

piers. The proposed bridge is functional in appearance and reflects the design of the original Woolfold viaduct, which was demolished in 1974. The proposed bridge would be used for pedestrians and cyclists and a low level route would be provided for use by horses. The proposed footbridge would be acceptable in terms of design and appearance and would be in accordance with Policy EN1/2 of the adopted Unitary Development Plan.

The proposed path would be lit using 6 metre high streetlight columns. The proposed development forms part of a national bid to the Big Lottery Fund to complete missing links in important pedestrian and cycle routes to enable people to travel to shops, school and work in a sustainable way. As such, the proposed path would be used by pedestrians and cyclists in the winter months, which would require the path to be lit to encourage greater use. GM Police have welcomed the provision of streetlighting and have no objections to the proposed development. Therefore, the proposed development would not have an adverse impact in relation to anti-social behaviour and would be in accordance with Policy EN1/5 of the adopted Unitary Development Plan.

Impact upon residential amenity - The proposed development would be between 7 and 8 metres from the rear boundaries of the residential properties on Bankhouse Road and Brandle Avenue and 6 - 10 metre from the rear boundaries of the dwellings on Stockton Drive. The proposed path would be at a lower level than the dwellings and given the distances involved, the proposed development would not have a significant adverse impact upon the amenity of the occupiers of the neighbouring dwellings in terms of loss of privacy and noise.

The proposed path would be 2 metres away from the rear boundaries of the dwellings, which front onto Pickering Close. The proposed path would be 1.1 metres above the level of the dwellings, which may result in a loss of privacy. However, there would be between 23 metres and 36 metres from the proposed path to the dwellings and given the distance involved there would not be a significant adverse impact upon the amenity of the occupiers of these dwellings in terms of loss of privacy and noise. Therefore, the proposed development would be in accordance with Policies EN1/2 and EN7/2 of the adopted Unitary Development Plan.

Ecological issues - The site lies within the Kirklees Valley, which is a Grade A Site of Biological Interest (SBI) and an ecological assessment has been submitted as part of the application. The proposed development is restricted to the south of the disused railway and the former crossing of the Kirklees Brook and the majority of this area consists of low value or commonly occurring habitats.

The construction of the proposed bridge and associated piers would have a temporary impact upon the SBI, which would be of a low magnitude and could be mitigated through sensitive restoration and mitigation. The risk of temporary disturbance through sediment, spillage and vibration could be prevented through good working practices and the submission of a method statement would be secured through a condition.

No built structures would be removed as part of the proposal and the existing trees have a low potential for roosting bats. Badgers have been recorded within the valley and the Kirklees Brook is suitable to support the water vole and otter. A survey of the site for badgers, water voles and otters should be undertaken prior to commencement and this would be secured via a condition. Greater Manchester Ecology Unit has no objections to the proposal, subject to the inclusion of conditions relating a ,method statement and nesting birds. The overall ecological impact of the proposed development upon the valley is low and therefore, the proposed development would be in accordance with Policies EN6/1 and EN6/3 of the adopted Unitary Development Plan.

Access issues - The proposed path would be three metres wide and would be used by pedestrians, cyclists and horse riders on some sections. Vehicular access would be provided from Brandlesholme Road and Darlington Close for maintenance only. Access would be restricted to these users by the provision of vehicular access barriers and A frame

squeeze stiles. The A frame squeeze stiles would still allow access for wheelchair users and the mobility impaired and BADDAC has no objections to the scheme. Therefore, the proposed development would be accessible for all and would comply with Policies HT5/1 and HT6/3 of the adopted Unitary Development Plan.

Response to objectors - The issue of impact upon property prices is not a material planning consideration and cannot be taken into consideration. The trail would be accessible for disabled people. Vehicle access barriers and A frame squeeze stiles would restrict access to motorcycle users. It is envisaged that the trail would be utilised by pedestrians and cyclists on their way to and from school and work and therefore, the trail would be lit during the winter months. There is a low potential for bat roosts within the development site and the lighting of the trail may affect some species of bat, but not others. As the proposed path follows the backs of dwellings, where there is garden and security lighting, the proposed development would not result in a significant increase in the level of light in the locality. Therefore, the proposed development would not have a significant adverse impact upon the wildlife. The existing trees and vegetation would be retained in accordance with the approved plan ref DL86/020, which would provide screening to the residential properties. A condition requires the submission of a landscaping plan, including details of replacement planting to be submitted and implemented.

Summary of reasons for Recommendation

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

The proposed development would be acceptable in principle and would not have a significant adverse impact upon the amenity of the neighbouring residents. The proposed development would be accessible for all 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 DL86/007, DL86/008, DL86/009, DL86/010, DL86/011, DL86/012, DL86/013, DL86/014, DL86/015, DL86/016, PDI.11.12 Sheet 1, PDI.11.12 Sheet 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 and finishes to be used on the bridge shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The approved details shall be implemented as part of the development.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. A minimum of 5 working days written notice shall be provided to the LPA of intended commencement of the development. The notification of commencement shall include a timetabled schedule of the intended tree protection measures and tree works. Any subsequent variation of the timetable shall be subject to further written notice.
Reason - To ensure that the development is carried out in accordance with the approved plans, to protect trees which are of amenity value on the site and pursuant to Policies EN8/1 – Tree Preservation Orders and EN8/2 – Woodland

and Tree Planting of the Bury Unitary Development Plan.

5. Only the trees identified on approved plan DL86/020 shall be removed, unless otherwise agreed in writing with the Local Planning Authority.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
6. Prior to commencement of the development hereby approved, a landscaping plan, including details of any replacement planting shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented not later than 12 months from the date the path is first brought into use; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
7. No works shall be carried out to the trees that would disturb nesting birds between 1st March and 31st August inclusive in any year unless otherwise agreed in writing with the Local Planning Authority.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and PPS7 – Nature Conservation.
8. No development shall commence unless or until a method statement has been submitted to and approved in writing by the Local Planning Authority. The method statement should include:
 - Proposals for the eradication of Japanese Knotweed and the control of Himalayan balsam.
 - Proposals for the ecological enhancement of the land, including diversification of the cutting/embankment habitats, enhancement of the acid grasslands, heathland and flushes.
 - Details of how possible harm to habitats along the route would be minimised during worksThe approved scheme shall be implemented in full prior to the path being brought into use.
Reason. In order to ensure that no harm is caused to a Site of Biological Importance pursuant to policies EN6/1 - Sites of Nature Conservation Interest and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and PPS7 – Nature Conservation.
9. No development shall commence unless or until a survey has been conducted and the survey results established as to whether badgers are present along a 30 metres wide corridor along the proposed path. The results of the survey and a programme of mitigation shall be submitted to and approved in writing by the Local Planning authority. All mitigation measures shall be fully implemented prior to the commencement of the works and remain in situ on the site for an agreed period of time.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and PPS7 – Nature Conservation.
10. No development shall commence unless or until a survey has been conducted and the survey results established as to whether the banks of the Kirklees Brook are colonised by water voles and otters. The results of the survey and a programme of

mitigation shall be submitted to and approved in writing by the Local Planning authority. All mitigation measures shall be fully implemented prior to the commencement of the works and remain in situ on the site for an agreed period of time.

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

11. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall not be commenced unless and until full details of proposals to provide a Toucan crossing on Brandlesholme Road and tie the cycle track alignment into it have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is brought into use, unless otherwise agreed in writing by the Local Planning Authority.

Reason. In order to ensure good highway design in the interests of highway safety

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

Ward: Radcliffe - West

Item 02

Applicant: Bury Metro - Childrens Services

Location: RADCLIFFE HIGH SCHOOL, SCHOOL STREET

Proposal: FULL PLANNING FOR CONSTRUCTION OF A NEW PRIMARY SCHOOL FOR CHILDREN WITH SPECIAL EDUCATIONAL NEEDS TOGETHER WITH THE CONSTRUCTION OF ASSOCIATED PARKING AND EXTERNAL PLAY AREAS; OUTLINE PROPOSALS TO DEVELOP THE REMAINING HIGH SCHOOL SITE FOR HOUSING

Application Ref: 52038/Full

Target Date: 11/03/2010

Recommendation: Approve with Conditions

Description

The application site comprises the former Radcliffe High School Site and its grounds, which covers 4.9 hectares and lies to the north west of the town centre.

The site is still in use as a school and currently houses one year of school pupils. When they leave it is intended that the school be vacated and it would be amalgamated with the Coney Green (east campus).

The site is surrounded by a builders yard to the north, the Bury, Bolton and Manchester Canal to the west and residential areas to the east and south. Surrounding buildings are predominantly two storeys in height.

The application has arisen following assessment of the existing Millwood School on Fletcher Fold, to ensure compliance with current educational standards and needs for children with special educational needs. The existing school provides for children between 0 and 11 and the ranges of special educational needs vary including medical and complex needs, sensory impairment, autism and severe learning disability. The existing Millwood school was originally built as a training centre and despite adaptations and alterations, the existing site does not meet the needs of the pupils, families, staff and visiting professionals.

The application is a hybrid planning application, where it is seeking full planning permission for a new school for 'Millwood', an 80 place special educational needs school, on the current playing fields area of the former Radcliffe High School (2.3ha) and outline planning permission on the site of the existing Radcliffe High School itself (2.6ha).

The proposed school would be a single storey building and located to the west of the site. It would be contemporary in its design and would be laid out having a central hub for access into the school with 3 classroom arms extending off it. The floor plans indicate that there would be 14 classrooms, hydrotherapy room, staff and training rooms, soft play rooms, hall and dining room, dry and wet change areas, hygiene areas and library.

Visitor and staff car parking would be to the east of the school with 105 parking spaces. Some 85 full time staff would be employed and 10 part time staff. There is also a need to provide for visiting professionals.

The majority of the school pupils arrive by minibus (usually 16 seater) and the scheme has therefore accommodated bus servicing space and drop off. The main vehicular entrance to the school would be from School Street using a separate in/out arrangement. The main play space would be to the west of the school. The surrounding areas would be landscaped and a multi use games area would be located to the north east corner of the site.

The remainder of the site is seeking outline planning permission for residential development. All matters are reserved for subsequent approval. The proposals for this part of the have been submitted with a Masterplan, that indicates that the site could accommodate up to 130 dwellings and sets a series of design principles to guide the future development of this part of the site should planning permission be granted.

Relevant Planning History

45673 - Outline Residential Development - Approved - 14/09/07

Publicity

477 properties were consulted directly by letter on 16 December 2009. The properties consulted comprised the housing within the surrounding streets including School Street, Ulundi Street, Victoria Street, Coomassie Street, Canalside, Pendle House, Apex Works, Holly Bank mill, Scotson Fold, Eton Place, Hutchinson Way, Mulberry Close, Green Street, Hindle Street, Wolsey Street, Windley Works, Abden Street, Lord Street, Radcliffe Building Supplies, Victoria Day Nursery and Radcliffe Life Long Learning.

Site notices were erected on and press notice was published in the Bury Times on.

As a result of this publicity, 1 letter of comment has been received from D Catlin - no address is given. The only comment was that the street names on a particular plan were incorrect. However, there was no objection made to the proposals. This respondent has been informed of the Planning Control Committee meeting date.

Consultations

Traffic Section - No objections.

Public Rights of Way - No objections.

Drainage Section - No objections.

Environmental Health Contaminated Land - No objections subject to standard conditions to deal with contaminated land matters.

Environmental Health Air Quality - The roads leading to the planned development are within the Air Quality Management Area. The scheme needs to ensure that it would not significantly exceed the objectives of the Air Quality Regulations. However, as this site has been

Environmental Health Pollution Control - No comments received.

Waste Management - No objections.

Environment Agency - Object to the scheme as there is currently insufficient information concerning the risks proposed to shallow groundwater and its management.

United Utilities (Water and Waste) - No objections.

United Utilities (Electricity) - No objections but there is a need to pass on an informative concerning the proximity of the development to distribution equipment and thus ensure appropriate levels of access are maintained.

GMPT - No objections. Attach conditions relating to the need for travel plan initiatives to be secured.

British Waterways - No objections subject to standard conditions relating to the prevention of materials entering into the canal from construction, the approval of fencing details and to seek a contribution from the development towards the maintenance of the canal towpath.

Sport England - No objections in principle. There is a need to ensure that a planning mechanism is in place to ensure that the replacement playing field provision and other sports facilities are delivered prior to the loss of the existing.

Chief Fire Officer - No objection.

Baddac - Millwood SEN - the access group welcome and support this development and the needs of disabled pupils appear to be well thought out. Would like to see details of level thresholds/approaches to the building entrances.

Outline Residential - access group welcome the apparent commitment to lifetime homes in the design guide document and would expect to see this carried through to the completed development. The shared space streets will need careful design to take account of the

needs of visually impaired people.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN10/2	Riverside and Canalside Improvement in Urban Areas
EN6/4	Wildlife Links and Corridors
EN1/6	Public Art
EN3/1	Impact of Development on Archaeological Sites
EN3/2	Development Affecting Archaeological Sites
RT2/2	Recreation Provision in New Housing Development
SPD2	DC Policy Guidance Note 2: Wildlife Links & Corridors
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD4	DC Policy Guidance Note 4: Percent for Art
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H4/1	Affordable Housing
RT1/1	Protection of Recreation Provision in the Urban Area
RT1/2	Improvement of Recreation Facilities
RT1	Existing Provision for Recreation in the Urban Area
RT2/3	Education Recreation Facilities
CF1/1	Location of New Community Facilities
SPD1	DC Policy Guidance Note 1: Recreation Provision
EN1/5	Crime Prevention
PPG17	PPG17 - Planning for Open Space, Sport and Recreation
PPS3	PPS3 - Housing
HT5/1	Access For Those with Special Needs
RSS 13	Regional Spatial Strategy for the North West
SPD16	Design and Layout of New Development in Bury

Issues and Analysis

Principle - The 'Three Sites Masterplan' document guided the amalgamation of both the former Radcliffe High School (RHS) and Coney Green (CG) on to a single site on the former East Lancashire Paper Mill (ELPM). Given the complexities involved in such proposals the Master plan went through a consultation process and became adopted as a material planning consideration.

The new amalgamated school proposals on the former ELPM site has the benefit of an extant full planning permission (ref 45598) and the former RHS site and CG benefits from extant planning permission for outline residential development (refs 46573 and 45672) respectively. As such the principle of development on the Radcliffe High School site has already been accepted.

The current proposals are seeking to maintain an educational facility on the former RHS site and some land for housing. Policy CF1/1 considers that proposals for new and improved community facilities are acceptable providing there is no adverse impact upon -

- residential amenity,
- the local environment,
- from traffic generation,
- that there is suitable access, servicing and that the needs for the disabled are properly considered, and
- that the development of an appropriate size and scale.

Policy CF2 states that favourable consideration will be given to proposals for the provision, improvement and dual use of educational facilities.

Part of the development would be to retain an educational facility and locate it within a residential area and would be a single storey development. As the site already contains an educational facility, and considering the recent approval for housing, the principal of a new/replacement school and residential development is established.

The consideration of the details of the development are below.

New School

Community Involvement - In the design stages of the proposals, public consultation has taken place outside the planning application process, undertaken by the applicant. This took place throughout October and November 2009 at Radcliffe Library and Civic Hall with information leaflets, feedback leaflets and information shown on the Millwood website. There has also been continual design amendments through constant dialogue between the school, governors, pupils and the Council through meetings and presentation days. This process and design amendments resulting from the consultation can be seen within the Design and Access Statement.

Siting, Design and Appearance - Policy EN1/2 seeks to ensure that developments contribute to the Borough's townscape and Built Design. Policy CF1/1 looks at the impacts of a community development upon the immediate area.

It would be located further away from existing residential properties than the current school is and would maintain an area of land around it such that the built form would not be hard up to any existing or proposed residential development.

The building would be single storey in height and in its form, the school's central hub would provide a clear legible point of arrival, with the classrooms running in a westerly direction from the hub, towards the canal at the rear. The hub would also be a focal point when viewed at the easterly end of Chard Street and as such the design concept has grasped good design principles. Additionally, the siting of the building would enable car parking to be located to the front of the site between the school and the land intended for residential development further maintaining a good distance between the residential land and the school building.

The development would on the front elevation comprise a zinc cladding system, render, metal decked roof and brickwork inter spaced within the elevations. The appearance would be modern and contemporary in design. The car park mass would be broken up with landscaping and permeable surfacing.

Given the above, the proposals are considered to be acceptable and would not conflict with UDP Policies.

Ecology and Trees - In terms of ecology, the application has been submitted with an ecological assessment. In terms of the school, the buildings offer little potential for bats as a habitat. The surrounding trees on the site does have some merit and potential for bats. The proposals are seeking to retain the trees along School Street and the canal boundary. The proposals include details of tree protection measures, which are to be in accordance with British Standards. This would assist in the sustainability credentials of the development and importantly, the trees do potentially have some relevance to bats and birds as a foraging/roosting/nesting feature. As such, a planning condition should be imposed to deal with their ecological relevance.

There is a known Great Crested Newt pond 80m to the west of the site across the canal and there is a potential for water voles to be in the area. It is not impossible for the site to have been used by newts and an up to date survey needs to be carried out.

The scheme is seeking a special needs school and many sites have been investigated to accommodate the development. The scale of the development is such that no other sites have been able to accommodate the needs. This is a special development to provide for a much needed use to the Borough. This development would become a sole facility for dealing with special needs both mentally and physically. As such there is considerable public need for the development. In terms of ecological derogation, the submitted survey indicates no immediate seen evidence of ecology on the site but there is potential. With

appropriate mitigation, derogation of any species could be mitigated against. The application report recommends that further survey works are done before any development is carried out. There is no disagreement with this and the development should be conditioned to reflect this.

Car Parking and Access - The scheme has been submitted with a Transport Statement. The proposals are seeking to create a new in/out arrangement off School Street and make provision for 105 car parking spaces.

Visitor and staff parking would be located to the east of the site entrance. In terms of the Council's SPD11 – Car Parking Provision in Bury, the provision within the development would be sufficiently provided for.

The guidance requires parking levels to be

- 1.5 spaces per class
- 1 space per 10 full time members of staff minimum.

This would mean as a *minimum* some 46 spaces would be needed based upon the described staffing levels. However, it is understood from the Education Dept that each child requires at least 1 assistant with one class teacher. The likelihood of car parking demands based upon staffing provisions will be significant. Parking pressures are furthered by the need to accommodate visiting professionals including nurses, medical professionals, physiotherapists and other medical helpers. As such higher levels of parking are proposed compared to a 'standard school'. This is considered to be an exceptional case for higher levels of parking provision.

A school Travel Plan has been submitted and seeks to build on existing travel plan used by the school. These measures include cycling provision, showers and changing, use of upto date information and technologies to encourage and co-ordinate travel and information sharing. These measures are intended to reduce the reliance upon the private car. Some 15 covered cycle spaces would be provided and motorcycle provision. This provision is in accordance with the maximum standards contained within SPD11 and a planning condition should be imposed to ensure the delivery of the proposed measures.

The development anticipates that up to 15 minibuses a day would arrive and 6 dedicated minibus drop off points are incorporated into the development in addition to lay bys. The design of the road circulation space would be such that minibuses would not have to carry out awkward manoeuvres within the site or in close proximity to the site entrances, the school entrance or general parking areas, which would minimise the degree of vehicular and pedestrian conflict and compliance with HT6/2.

Security – The application has been submitted with a Crime Impact Statement pursuant to UDP Policy EN1/5 and SPD3. The report supports the proposals and makes recommendations to ensure that the scheme incorporates appropriate levels of security measures. This includes fencing, lighting, lock types and relevant British Standards. A 2.4m high boundary palladin fence would be provided, which is similar to many other school sites within the Borough. The development is seeking to meet Secured by Design Status. A CCTV strategy is to be developed for the school and the details of this can be secured through a planning condition.

Lighting - Lighting will be proposed within the development both from a landscaping point of view but also in terms of security. Lighting would be used to provide a means of enhancing the legibility of the site as well as uplighting tree canopies. No finalised details have been submitted. However, there is a clear intention within the proposals for lighting and its usage and the details of this can be secured through a planning condition.

Sport England – There is no objection to the proposals. However, they are concerned to ensure that the existing sports facilities and areas are not lost and are replaced as envisaged within the Three Sites Master plan proposals. On the application 45673 for

residential development on the RHS site, Sport England agreed with the imposition of a planning condition requiring alternative provision for lost recreation facilities to be made available for use elsewhere before allowing development to take place on RHS. Discussions with Sport England have confirmed that this approach is acceptable again.

The school development will have to 'fit in' to the Three Sites Master Plan proposals in terms of sports replacements or other contingencies would have to be developed. Further discussions are to take place on this between the Education Dept and Sport England. Despite this, the Education Dept accepts this methodology to deal with this issue.

Disabled Access and Accessibility - 6 disabled parking spaces would be provided within the scheme for use by staff and visitors alike. These would be located close to the entrance of the school. The school would have true level access and a uniform floor level throughout. Given the nature of the school, the intention of the development would be to comply with British Standards, Building Regulations and Disability Discrimination Act criteria throughout. BADDAC were involved in the design stages of the development and their advice has been incorporated into the scheme. BADDAC have confirmed no objections to the proposals. The development would comply with HT 5/1.

Sustainability - The proposals state that the proposals have incorporated principles of sustainability throughout the design process. Locally sourced materials are to be used wherever possible. The siting and footprint of the building has been considered to make best use of solar gain to all aspects of the school. Initial BREEAM assessment indicates that the development will achieve a "Very Good" rating as a minimum. Renewable energy would be incorporated into the development including ground source heat pumps, solar collectors and a combined heat and power installation to hydrotherapy and reception areas. A target carbon reduction of 60% would be achieved against the current Building Regulation minimum of 28%. A planning condition should be imposed to ensure that the intentions of these measures are delivered and to minimise the potential of drifting away from the BREEAM rating intended.

Flood Risk – The scale of the development is such that a flood risk assessment has had to be carried out. Currently there is an objection from the Environment Agency based upon the possibilities of ground water to move contaminants to a shallow water position, which may affect dependant surface water bodies. An appropriate construction methodology is being discussed with the Environment Agency to ensure that appropriate infiltration drainage systems do not mobilise contamination and there is sufficient attenuation capacity to protect shallow water. An update shall be provided on this issue.

British Waterways – the approval of development on the site has potential to increase usage of the towpaths along the canal side. British Waterways have suggested that a condition be imposed to require a developer to contribute towards this cost. There are precedents for this in the area and indeed the approval of residential development under 45673 included such provision.

As the site includes a replacement school, essentially this aspect of the development is maintaining an existing educational use on to the site and presents no gain or increase in demands upon the canal. However in terms of the residential element of the development, this would clearly represent an increase in demand and as such it is to this part of the development that the contribution towards the canal improvements should be directed. This has been discussed with Education Dept and is agreed as a reasonable consideration in relation to planning requirements.

Housing

Principle - UDP Policy H4/1 and RSS Policy L4 requires residential development to be directed towards the urban area to avoid the release of peripheral land and to ensure that the Council makes provision for up to 500 dwellings per year.

The site has an already established principle for residential development on the land

following the approval of 45673 for up to 200 dwellings. The scheme proposes to use the eastelry half of the site for residential development and permission is sought in outline only with all matters subject to subsequent reserved matters. Given the history and location of the site, the principle of residential development is established.

Density - The site is some 2.6ha in size and the indicative proposals show that approximately 130 units could be developed at a density of 56 dwellings per hectare. PPS3 gives an indication that between 30 to 50 dwellings per hestare should be achieved on land. The indicative scheme includes a mix of all types of housing including terraced, semi detaches and apartments. Although the scheme is above the upper guidance figure, the provision of 56 dwellings per ha is not considered to be excessive and can be achieved showing a clear integration and reflection of the surrounding residential context. As such the density is considered to be acceptable.

Master plan - The scheme has been submitted with a design Master Plan and seeks to guide subsequent reserved matters applications in terms of heights, scales, aspects, locations, parking and access. In addition to these, the scheme advocates provision for Lifetime Homes, shared street surfacing, landscaping and the delineation of private/public space to reduce the perception and fear of crime. In devising the Master Plan, the document has taken on board National and Local Planning Policy and also good examples of urban design guidance to provide the ability to deliver a high standard of layout, design and integration. Given this situation the design guidance principles for the residential development should be conditioned and carried through to any subsequent reserved matters. With appropriate following through, these intentions would ensure compliance with local planning policies H2/1, H2/2 and SPD 16 Design and Layout of New Development in Bury.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-
The redevelopment of this site in a comprehensive way with regard to the associated design guides with the development proposals would be a major regeneration step for Radcliffe. The scheme would deliver a much needed community educational facility and additional special educational needs for the Borough. Further, controls and redevelopment of the site with re-provision of playing field facilities would ensure that there would be no overall loss of provision to the area. The development with appropriate conditions would comply with the Regional Spatial Strategy for the North West and Policies of the Unitary Development Plan and there are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. **FULL PLANNING PERMISSION - SCHOOL**
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 drawings and reports numbered/named School Travel Plan, Crime Impact Statement; Design and Access Statement for School and Design Guide for the Residential Development, Tree Survey, Geoenvironmental Appraisal, Ecological Assessment, Transport Assessment Addendum, 0001, 02, 0002, 0003 rev 3, 4901 rev 1, 0004 rev 1, 0005 rev 1, 0006 rev 1, 0007 rev 1, 0008 rev 1, 0009, 4901, 4902, 4903, H001, H002, H003, and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of

design pursuant to policies of the Bury Unitary Development Plan listed below.

4. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
5. Prior to the 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. 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.
8. All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:
 - Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;

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

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

9. 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.
10. The car parking, cycle parking and provision for two wheeled motorised vehicles shall be provided and area for this provision shall be surfaced, demarcated and made available for use as indicated on the approved plans and as otherwise agreed in writing with the Local Planning Authority prior to the development 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.
11. The development shall be carried out in accordance with BREEAM (Building Research Establishment, Environmental Assessment Methodology) sustainability standards and/or the North West Sustainability Checklist for Developments. This should achieve a rating of very good/good practice and deploy low and zero carbon technologies (LZC's) to achieve a 10% improvement over the Target Emission Rate (TER) for Carbon Dioxide as defined by 2006 Building Regulation Standards unless otherwise agreed in writing with the Local Planning Authority. No development shall be carried out unless and until an appropriate assessment has been submitted to the Local Planning Authority and has been approved and the development shall not be carried out other than in accordance with the approved assessment.
Reason - To meet the requirements of PPS1 (Climate Change Supplement, 2007) and RSS for the North West - Policies DP9, EM18 and SPD 16 (Design and Layout of New Development).
12. Prior to the commencement of development, details relating to the proposed boundary treatment for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details only shall be implemented as part of the approved development.
Reason - To secure the satisfactory development of the site and in the interests of the visual amenities of the area pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
13. No development, building work or demolition shall take place unless and until a desk study, scoping report for a watching brief and a program of archaeological works have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out in accordance with the approved scoping report unless otherwise agreed in writing by the Local Planning Authority.

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

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

unless and until alternative playing field provision has been made available for use to the written satisfaction of the Local Planning Authority.

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

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

Reason. To ensure that the adopted highways are kept free of deposited material from the ground works operations pursuant to UDP Policy EC6/1 - Assessing New Business, Industrial and Commercial Development and H2/2 - The Layout of New Residential Development.

16. Notwithstanding the provisions indicated on the approved plans, a hard and soft landscaping scheme, including the provisions relating to planting along the canal boundary of the site, 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.

17. No development shall take place unless and until a scheme of ecological surveys relating to bats and amphibians together with a detailed methodology for mitigation proposals have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with approved methodology and mitigation proposals, which shall include timing for implementation and maintenance only unless otherwise agreed in writing with the Local Planning Authority.

Reason - To ensure that there is no undue impact upon any protected species that may utilise the site pursuant to PPS9 - Biodiversity and Geological Conservation and Unitary Development Plan Policy EN6/3 - Features of Ecological Value.

18. No works shall be carried out to the trees that would disturb nesting birds between 1st March and 31st August inclusive in any year unless otherwise agreed in writing with the Local Planning Authority.

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

19. Prior to the occupation of the site, details of a Travel Plan the details of which shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the provision of suitable shower, changing and locker facilities. A Travel Plan Co-ordinator for the site shall be appointed and their details shall be submitted in writing to the Local Planning Authority. A survey of staff shall take place within 3 months of opening and a full written Travel Plan shall be prepared and submitted within 6 months of opening for approval by the Local Planning Authority. Upon each 12 month anniversary from occupation a review statement of implementation shall be submitted together with a programme of implementation incorporating any agreed changes of the travel plans with the Local Planning Authority.

Reason - In order to deliver sustainable transport objectives pursuant to PPG13-Transport.

20. **OUTLINE PLANNING PERMISSION - RESIDENTIAL**

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

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

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

22. Before the development is commenced, the applicant shall submit detailed plans and particulars to the Local Planning Authority, and obtain their approval under the Town and Country Planning Acts, of the following reserved matters; the layout, scale, appearance, access thereto and the landscaping of the site.

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

23. This decision relates to drawings and reports numbered/named Design Guide for the Residential Development, Tree Survey, Geoenvironmental Appraisal, Ecological Assessment, Transport Assessment Addendum, 0001, 0002, 4902, H001, H003, 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.

24. 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.

25. Following the provisions of Condition 24 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.

26. 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.

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

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

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

28. Following the provisions of Condition 24 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.

29. The residential development shall be carried in accordance with the design principles contained within the Residential Design Guide and the details of these principles shall be fully described as part of the reserved matters.

Reason - To ensure that the development provides a high standard of design and pursuant to UDP Policy H2/1 - The Form of New Residential Development, H2/2 -

The Layout of New Residential Development and SPD16 - Design and Layout of New Residential Development in Bury.

30. Provision for lifetime homes shall be incorporated into the development in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters for 'siting' and 'design'. The development shall be carried out in accordance with the approved scheme.
Reason - To ensure that the development is fully accessible to disabled persons pursuant to Policies HT5/1 – Access for Those with Special Needs of the Bury Unitary Development Plan.
31. The development hereby approved shall include an element of public art that would be sufficient to be in accordance with Bury Unitary Development Plan Policy EN1/6 - Public Art and the associated Development Control Policy Guidance Note 4 Per Cent for Public Art.
Reason - To ensure that the development would contribute to satisfying the need for public art pursuant Bury Unitary Development Plan Policy EN1/6 - Public Art and the associated Development Control Policy Guidance Note 4 Per Cent for Public Art.
32. The development hereby approved shall include an element of recreational provision that would be sufficient to be in accordance with Bury Unitary Development Plan Policy RT2/2 - Recreation Provision In New Residential Development and the associated Development Control Policy Guidance Note 1 Recreational Provision in New Housing Development.
Reason - To ensure that the development would contribute to satisfying the need for recreation provision pursuant to Bury Unitary Development Plan Policy RT2/2 - Recreation Provision In New Residential Development and the associated Development Control Policy Guidance Note 1 Recreational Provision in New Housing Development
33. The development hereby approved shall include provision that would be sufficient to be in accordance with Bury Unitary Development Plan Policy H4.1 - Affordable Housing and the associated Development Control Policy Guidance Note 5 - Affordable Housing Provision In New Residential Developments. The approved details shall be submitted as part of the first reserved matters application relating to the housing proposals within the site and the approved provision shall be implemented prior to the first occupation of the residential element of the site or as otherwise agreed in writing by the Local Planning Authority.
Reason. To ensure that the development would contribute to satisfying the need for recreation provision pursuant to Bury Unitary Development Plan Policy H4.1 - Affordable Housing and the associated Development Control Policy Guidance Note 5 - Affordable Housing Provision In New Residential Developments.
34. The development shall not be commenced until a written scheme of works for improvements to the canal frontage of the site and associated infrastructure shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the canal frontage improvements have been completed in accordance with the approved scheme and programme unless otherwise agreed in writing by the Local Planning Authority.
Reason – To improve public access and usage of the canal and its environment pursuant to UDP Policies EN10/2 – Riverside and Canalside Improvement in Urban Areas and OL5/3 – Riverside and Canalside Development in Urban Areas.
35. Before the development is commenced, details shall be submitted to and approved by the Local Planning Authority to cover measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations. The approved details shall be implemented and maintained thereafter during the period of construction unless otherwise agreed in writing by the Local

Planning Authority.

Reason. To ensure that the adopted highways are kept free of deposited material from the ground works operations pursuant to UDP Policy EC6/1 - Assessing New Business, Industrial and Commercial Development and H2/2 - The Layout of New Residential Development.

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

Ward: Ramsbottom + Tottington - Tottington

Item 03

Applicant: Mr Richard Hindle

Location: LAND AT WHITTLES, TURTON ROAD, TOTTINGTON, BL8 3QQ

Proposal: ERECTION OF AGRICULTURAL BUILDING (RETROSPECTIVE)

Application Ref: 52082/Full

Target Date: 23/02/2010

Recommendation: Approve with Conditions

Description

The site is an existing agricultural small holding occupying an area of land accessed via Turton Road (B6213). The land is designated as Green Belt and is a Special Landscape Area. Access to the site is shared by occupiers of Whittles Cottages, approximately 40m to the south, and Whittles Farm and Higher Barn Farm further along the track to the east.

The land contains various agricultural buildings comprising a tin clad and concrete sheeted buildings to the west of the site and various smaller out buildings and sheds within the farmyard area.

There is an extant planning permission (ref 48619) granted in 2007 for the erection of a general purpose agricultural building which would replace 2 other agricultural buildings to the north of the site and reduce the other large building (25m x 9.75m) by 3m in area. This has not yet been implemented but the applicant intends to start building work in the summer of 2010 before permission expires in September.

The building applied for under this permission is currently utilised for the housing of livestock and storage of straw and machinery until the applicant implements the consent granted under 48619. Until the approved development is complete, the applicant states their farming business would be too constrained without this additional accommodation.

The proposed development is on the footprint of an existing building, which was 4m in height to the eaves and had a mono-pitched roof. The applicant has since increased the height of this building to an eaves height of 5.8m, changed the ridge to a central apex at a height of 6.4m and installed an internal 3.5m hay loft. This application seeks to regularise this height increase, complete the development by fully enclosing the side walls and installing rainwater disposal pipes.

Relevant Planning History

40885/03 - Raising eaves height by 1.5m to existing barn - Approved 22/7/2003.
48619 - Erection of general purpose agricultural building - Approved 21/11/2007.
09/0122 - Enforcement Case against unauthorised structure - 19/3/2009.

Publicity

Neighbours notified at Fletcher's Farm, Nos 1, 2, 3 Whittles, Whittles Farm, Higher Barn Farm, Whittles Cottage Farm, all on Turton Road.

Objection received from No 3 Whittles, which raises the following issues:

- Did not object to the previous application (reference 48619) as one building to replace the other eyesores was preferable.
- No new building work has started on application reference 48619.
- The proposed building is much higher than the original and is in direct line of sight of their home, and overshadows their stable yard and garage.
- There are no gutters on the roof and their stable yard suffers the extra rainwater run off

from the roof of the building.

- Their field is badly affected by rainwater from the roof.
- The whole construction looks unstable.
- That the building would be removed once the new build is completed seems far fetched.
- Is there any guarantee this would happen and be controlled via a condition?
- The applicant's pig rearing business has resulted in unbreathable smells and rats.
- Dilute pig manure drains into their garden.

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

Consultations

Traffic Section - No objections.

Drainage Section - No objections.

Environmental Health Contaminated Land - No comments to make.

Unitary Development Plan and Policies

OL1/2 New Buildings in the Green Belt

OL7/2 West Pennine Moors

EN9/1 Special Landscape Areas

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

OL4/5 Agricultural Development

EN7 Pollution Control

Issues and Analysis

Policies - Unitary Development Plan Policy OL1/2 - Development in the Green Belt states that new buildings in the Green Belt are inappropriate unless it is related, amongst other things to agriculture.

OL4/5 - Agricultural Development - Development which requires permission will be permitted provided they are sited and designed to minimise visual impact on the landscape, relate well to existing farm buildings and not have an unacceptable impact on the amenity of neighbouring dwellings.

EN9/1 - Special Landscape Areas states that development will be strictly controlled and is required to be sympathetic to its surroundings in terms of visual impact.

Development Control Policy Guidance Note 8 - New buildings and Associated Development in the Green Belt offers supplementary guidance on siting and visual design, scale and form, materials and colour and surroundings.

The development has enabled the applicant to utilise the building as an additional storage area for the housing of livestock and straw to serve his farming business, until the building granted consent under reference 48619 has been realised. The building is already existing and used for agricultural purposes. It is positioned adjacent to other agricultural buildings and does not compromise the openness of the Green Belt in terms of its position or height.

As such, the proposal relates to development within an agricultural setting and complies with Green Belt Policy in principle, subject to details of siting and appearance, and impact on residential amenity.

Siting and Appearance - The building to which the proposal relates is located within an existing farm complex, close to other existing agricultural buildings. It adjoins the existing livestock building and does not exceed the height of the surrounding buildings. It is of a typical design for a livestock house, with concrete block wall at the base and profiled sheeted tin walls to the eaves, and would not appear incongruous or out of place within the landscape given its relationship to the other farm buildings in the site. However, its appearance would be improved if the building was timber clad on the external elevations, particularly when viewed from the residential properties opposite. The applicant is in agreement with this and will make this change to the original proposals. Revised plans have

been requested to show these elevational changes and the Planning Committee will be updated on this within the supplementary agenda.

In terms of long range views, the site is not particularly prominent and public views of the building are restricted from Turton Road by existing buildings and boundary hedging along Turton Road. As such there are no concerns in this regard.

The proposal represents only limited extension within the existing yard area. It is within an existing group of farm buildings and is used exclusively for the purposes of agriculture. The visual impact on the landscape is minimal and the design and materials are compatible with those of the surrounding structures. As such, the proposal complies with the criteria set out in UDP Policies OL1/2, OL4/5, EN9/1 and DCPG Note 8.

Residential amenity - The nearest residential properties are Whittles Cottages, 40m away to the south of the building, and are separated from the site by the access road. The building is visible from these cottages. However, it is considered that the additional height of 1.8m would not adversely impact the outlook of these houses, particularly as it would not be any higher than the adjoining building and clustered within a compact complex.

The building is already used to house livestock and the increase in height of it facilitates the storage of feed and hay for the animals. As such, the development has not intensified farming activity on the site to a degree which would be problematic to nearby residences, given the distances between the building and these houses.

As such, the proposal complies with OL4/5 - Agricultural Development and is acceptable.

Drainage - The applicant intends to fit guttering to the eaves of the building, which has been requested to be shown on the elevation and roof plan. This would transport the rainwater to a storage tank at the south west corner of the building. The storage tank will feed into the livestock drinking system and will have an overflow outlet into the down spout which discharges into an existing grate cover on the applicant's property. The Drainage team have raised no objection to the application. As such, the proposal complies with EN7 - Pollution Control.

Objection - The objections which relate to smells, manure drainage and rats are bi-products associated with a farm business. There are existing controls that deal with such matters within the Environmental Pollution Acts and are not strictly within the controls of planning to regulate. The increase in the height of the building has been dealt with within the report and it is concluded that there would be no additional harm as a result of the development. The other objections raised are 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 increase in height to the existing agricultural building does not detrimentally impact on the openness of the Green Belt or the character of the surrounding area. It does 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. This decision relates to the revised roof plan dated 27/01/2010, received on 28/01/2010, and revised proposed elevations dated 4/2/2010 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.

2. The eaves guttering and rainwater pipes shown on revised drawings dated 27/1/2010 (received 28/1/2010) shall be fixed to the building within 28 days of the date of this permission hereby approved. The guttering and rainwater pipes shall then be maintained in a good state of repair until use of the building ceases.
Reason. To ensure adequate drainage from the building within the site pursuant to Unitary Development Plan Policies OL4/5 - Agricultural Development and EN7 - Pollution Control.

3. The external elevations of the building shall be clad in timber boarding and painted a colour to be agreed by the Local Planning Authority, details of which shall be submitted to the Local Planning Authority within 28 days of the date of this approval. The approved scheme only shall be implemented within 56 days and then be maintained in good repair until the use of the building ceases.
Reason. - In the interests of visual amenity and to ensure a satisfactory development pursuant to Unitary Development Plan Policies OL1/2 - New Buildings in the Green Belt, OL4/5 - Agricultural Development and Development Control Policy Guidance Note 8 - New development and Associated Development in the Green Belt.

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

Ward: Whitefield + Unsworth - Pilkington Park

Item 04

Applicant: Mr & Mrs R Hayman

Location: Land at side of 44 Hillingdon Road, Whitefield, Manchester, M45 7QN

Proposal: New detached dwelling

Application Ref: 52125/Full

Target Date: 25/02/2010

Recommendation: Approve with Conditions

Description

The site comprises the garden area of a detached bungalow which is on a corner site at the junction of Hillingdon Road and Ferndale Avenue, Whitefield. The properties to the north on Ferndale Ave are bungalows whilst those on the opposite side of the road are two storey houses. The site currently has boundary of a high beech hedge on to Ferndale Avenue and a 1.8m high concrete post and board fence on the boundary with the existing properties.

The proposal is for a single two storey dormer style dwelling in the rear/side garden of the existing bungalow with a new vehicular access being formed onto Ferndale Avenue. The proposed dormer dwelling has 3 bedrooms, a lounge and study and a large kitchen/dining area. Parking space has been provided for 2 cars on the driveway and the building would be constructed of brick and render main walls with a tiled roof.

Relevant Planning History

45131 - ERECTION OF 1 NO. DETACHED TWO STOREY HOUSE - Refuse 24/10/2005 and Appeal dismissed. This application was at the time of the Housing Restrictions Policy being in place and in addition it was for a larger property on the site. The Inspectorate dismissed the Appeal and supported the policies upon which the decision was based. Following the change in the Housing Restrictions Policy the owner of the site has come forwards with a smaller dwelling on the site which is in accordance with the Policies of the Council.

45609 - DETACHED GARAGE - Approve with Conditions 23/02/2009

Publicity

15 neighbours have been written to at 25 to 27 (odd) and 48 to 58 (even) Ferndale Avenue and 41 to 49 Hillingdon Road on the 7th January 2009. A 3 letters have been received raising objections and passing comments from 42 Hillingdon Road and 56 and 58 Ferndale Avenue. These can be summarised as follows:

- The house on the site would be overdevelopment and give a feeling of overcrowding
- Creation of a new drive close to the bend would be of detriment to highway safety
- Position of property on the site will not fit in with the others in the street
- Another property will detrimentally affect the character of the area
- Increase in traffic will cause a danger
- Building could disturb other properties in the area and the land is unstable with drainage problems.

The objector has been informed of the Planning Control Committee.

Consultations

Baddac - no objections

Traffic Section- no objections subject to a condition on the maintenance of a visibility splay.

Drainage Section - no objections

Environmental Health Contaminated Land/ Air Quality - no objections subject to

standard conditions

Waste Management - no objections

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
PPS3	PPS3 - Housing

Issues and Analysis

Principal – The site comprises part of the garden of 44 Hillingdon Drive which is a detached bungalow. The bungalow already has a vehicular access point onto Ferndale Ave and it is intended that be retained for the existing property. A single storey flat roofed extension at the side of the existing bungalow is also to be demolished. Given that the site is within an established residential area and will have a road frontage it appears to comply with UDP Policy H1/2 and PPS 3 Housing in terms of its acceptability as being used for residential purposes. As such it then needs to be assessed against UDP Policy H2/6 - Garden and Backland Development.

Garden and Backland Development - Policy H2/6 sets out 4 criteria against which proposals should be assessed, namely:

a. The concentration of such development in the surrounding area

There are no garden/backland developments in the immediate area and as such the proposal accords with this criteria.

b. the relative density of the proposal to the surrounding area

The plot itself is some 418 sq m, has a depth of 19m and an average width of 22m which is large enough to accommodate a property. This compares with the adjacent property at 29 Ferndale Avenue that has a plot size of 364 sq m, opposite at 54, 312.5 sq m and 56 opposite at 432 sq m. Other sites in the area have plot sizes in the order of 600 sq m. Given the fact that the adjacent property and those opposite are of a similar plot size it is not considered that this scheme would be contrary to this criteria, even though there are larger plots sizes in the area.

c. the impact on neighbouring properties and the local environment and

Impact on neighbouring properties - The layout of the proposed dormer bungalow means that a minimum of 22m is maintained between the habitable room windows of the properties opposite and the main habitable room windows.

The ridge on the property will be 0.5m higher than No. 44, but due to Ferndale Avenue sloping up at this point on the road, it will be 1.2m lower than the ridge on No. 29. Its position on the site together with it being set at a lower level means that whilst there will be some effect on the light on the rear garden of No. 29 it is not considered to be so serious as to warrant refusal, especially as No. 29 has an attached garage on the boundary with this site that projects beyond the rear wall of the proposed property. The property will have a rear garden depth of 7m and the ground floor habitable room windows will face at the blank gable of No. 44 Hillingdon Road.

Impact on local environment - This side of Ferndale Ave is characterised by detached bungalows, many with dormer windows at first floor. Many of these bungalows have brick and render finishes with tile roofs. The bungalow itself would be set on the building line established by No. 44 Hillingdon Road and at a similar angle to Ferndale Avenue as No. 29 the neighbouring property. A new low 0.9m high boundary wall is to be built on the street frontage in part and the side and rear garden will continue to be screen by the existing beech hedge. As such it is considered that the property would not be contrary to this criteria.

d. access arrangements.

A double width drive is to be provided with two parking spaces and a visibility splay of 2.4m by 25 can be accommodated on the site. The existing high hedge that blocks visibility will be

removed where it obstruct visibility and as such it is considered that the proposal will not be contrary to this criteria.

Having carefully assessed the 4 criteria set out in UDP Policy S2/6 it is considered that the development is in accordance with that Policy and is acceptable.

Comments - The issues of highways, design and impact on the character of the area have been dealt with in the body of the report. The issue of land stability and drainage is a matter for Building Regulations and whilst the objector has had some problems on his site, there are no records of any other problems in this area.

Summary of reasons for Recommendation

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

The application has been assessed against the appropriate policies of Government PPS 3 - Housing and of the Council, H1/2 Further Housing Development as well as Policy H2/6 Garden and Backland Development contained within the Unitary Development Plan and it has been found to be in accordance with those policies and as such is acceptable. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 1 and 2b and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. A visibility splay measuring 2.5 metres by 25 metres shall be provided at the junction of the driveway with Ferndale Avenue to the written satisfaction of the Local Planning Authority before the development is brought into use and shall subsequently be maintained free of obstruction above the height of 0.9m
Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety and to conform with UDP Policy H 2/6 - Garden and Backland Development.
5. Prior to the commencement of development, details relating to the proposed boundary treatment for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details only shall be implemented as part of the approved development.
Reason - To secure the satisfactory development of the site and in the interests of the visual amenities of the area pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

6. 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. 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.
9. All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:
- Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;
 - A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.
- Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

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

Ward: Bury East

Item 05

Applicant: Bury Council

Location: Land at Avondale/Athlone Avenue, Bury

Proposal: Creation of a play area

Application Ref: 52127/Full

Target Date: 10/03/2010

Recommendation: Approve with Conditions

Description

The site is a vacant piece of land formerly used as a garage colony. It is surrounded on three sides by the residential properties on Avondale Avenue, Athlone Avenue and Marquis Avenue. To the south of the site is St Johns Primary School. There is a vehicular access point off Avondale Avenue to the north and pedestrian footpath to the south of the site that links Marquis Avenue to Athlone Avenue around the edge of the school.

The proposal is for a play area with a cableway, tunnels, slides and swings, on the southern half of the site. The remaining area levelled and grassed for possible future community use. A new path from the access point on Avondale Avenue is proposed to link with the existing path at the south end of the site.

This application is one of a number of 'Playbuilder' play area schemes funded by the Government Department for Children, Schools and Families throughout the borough. One of the first of these scheme was the proposal at Nangraves which was presented to the Planning Control Committee in October last year.

Relevant Planning History

None

Publicity

Surrounding neighbours notified by letter dated 14/01/2010 at 11-43 Athlone Avenue, 1-33 Marquis Avenue, 19-25 Avondale Avenue and St. John's Primary School

One letter of objection has been received from the occupiers of 29 Athlone Avenue, Bury. There concerns are summarised below:

- Could be put to better use either as a large play area for the school or car park for the teachers as there is already a large park off Walmersley Road.
- It would encourage gangs of youths drinking late at night and use the surrounding gardens to get rid of their rubbish.

One letter of support has been received from the occupiers of 17 Marquis Avenue. Their reasons for support are summarised below:

- It will make good use of the land

The objector and supporter have been informed of the Planning Control Committee.

In addition to our statutory notifications, public participation in the scheme started in 2008 and it has been developed by Childrens Service in conjunction with Team Bury since that time.

Consultations

Traffic Section – No objection

Environmental Health – Recommends conditions regarding possible land contamination

BADDAC – No objection

GMP designforsecurity – Raised no objection.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design
CF1/1 Location of New Community Facilities
RT2/1 Provision of New Recreation Sites
SPD11 Parking Standards in Bury

Issues and Analysis

Principle – The site is piece of vacant land in the middle of a residential estate directly next to the local primary school. It was last used as a garage colony site prior to 2008. Bury UDP Policy RT2/1 – Provision of new Recreation Sites states the Council will give favourable consideration to proposals involving the provision of additional recreational facilities. Therefore the proposal for a play area, an outdoor recreational facility is considered acceptable in principle subject to being further assessed for the following issues:

Traffic Generation and Car Parking Provision – The vehicular access point to the site has been gated and locked since 2009 so the site has not been available for general parking provision since then. The parking that was available in the garage colony has been spread around the surrounding estate by the creation of parking bays at the front of most of the houses.

There is an access agreement with a disabled person to access the land to be able to park in their own back garden which is being terminated to facilitate this proposal with the total agreement of that person to use the land for a play area. Alternative arrangements is being put in place for them to park at the front of their property at no expense to themselves.

The proposal does not include any parking provision. This is a local recreational facility for use by the surrounding residents who live within walking distance of the site or are children/families that attend the adjacent primary school the proposal is considered acceptable and that it will not have any impact in terms of traffic generation and car parking provision and as such it accords with Bury UDP Policy CF1/1 - Location of New Community Facilities and Development Control Policy Guidance Note 11 - Parking Standards in Bury.

The site was a garage colony but the last use ceased over 2 years ago. Currently there is only one property that has a short term access agreement over the site for the parking of their car in their rear garden. This agreement is to be terminated and new off street parking is to be provided for the resident in their front garden.

Visual Amenity – The development of the site as a grassed play area with play equipment constructed of natural materials is considered to improve the appearance of the former garage colony land. There is no boundary fencing around the play area itself to allow free access to and through the site via the existing pathways. However, in conjunction with Six Towns Housing if any of the garden fences at the rear of the surrounding houses are in need of repair they will be replaced by 1.8m high fence. Therefore the proposal is considered acceptable in terms of visual amenity pursuant to Bury UDP Policies RT1/2 - Improvement of Recreation Facilities and CF1/1 - Location of New Community Facilities.

Siting/Residential Amenity - 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 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 back gardens of the adjacent dwellings area 10m in length with the items of play equipment sited at least 6m from any boundary. Therefore the proposal meets the required standards of separation distance between the play equipment and the surrounding houses.

The proposed play area is designed to be use by children up to 13 years in age. The

playground is a neighbourhood recreational provision and it is expected that the local community will take ownership the play area. The site is visible from the first floor windows of the surrounding residential properties and the site will be inspected daily by the Council and Police Community Support Officers will regularly patrol the area. It is considered that these patrols together with the increased use of the site will make the area safer and less likely to have problems with anti social behaviour.

Given the above the proposal is considered acceptable in terms of siting and residential amenity pursuant to Bury UDP Policies RT1/2 - Improvement of Recreation Facilities and CF1/1 - Location of New Community Facilities.

Comments on Representations – Each application has to be considered for what is proposed and not on what else the land can be used for. The issue of youths using the site has been addressed in Residential Amenity above.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-
The proposed development is a proposal that will not harm the appearance 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 12/01/2010 as modified by the letter from David Johnston dated 18th January 2010. The development shall not be carried out except in accordance with the details 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 any construction work commencing on the play area hereby approved details for new access gates on the Avondale Avenue entrance shall be submitted to and approved writing by the Local Planning Authority. The approved gates shall then be installed and remain in situ whilst the approved play area remains in position.
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 04 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.

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

Ward: Radcliffe - East

Item 06

Applicant: Caring Homes Group

Location: 17 New Road, Radcliffe, Manchester, M26 1LS

Proposal: Change of use from hostel to residential care home incorporating two storey rear extension and conservatory to side; Two parking spaces to driveway

Application Ref: 52131/Full

Target Date: 02/03/2010

Recommendation: Approve with Conditions

Description

The application site consists of a large detached property, which occupies an elevated position on New Road, Radcliffe. The building is currently vacant and was previously used as a women's refuge. The building is a two storey property, with an existing two storey extension to the rear. The building is located centrally within the site, with gardens surrounding the building. There is a driveway and level area to the north of the building.

There are residential properties located to the south of the site and Coronation Park is located to the north and east. There is a cemetery to the west and beyond are more residential properties.

The proposal involves the change of use of a hostel (sui generis use) to a residential care home for people with learning disabilities (Class C2). The proposed care home would provide care for 6 adults on a ratio of 1 member of staff to 2 people on a 24 hour basis.

The proposed development would include a two storey rear extension to square off both corners. The proposed two storey extension would measure 2.8 metres by 5 metres and would be 7.7 metres at its highest point. The proposed conservatory would be located on the eastern elevation. The proposed conservatory would measure 4.1 metres by 4.6 metres and would be 4.1 metres in height at its highest point.

Relevant Planning History

51806 - Change of use from hostel (sui generis) to residential care home (C2); two storey extension at rear and conservatory at side at 17 New Road, Radcliffe. Withdrawn - 9 December 2009.

The application was withdrawn as there was insufficient information in relation to access for disabled people.

Publicity

9 neighbouring properties (20 - 36 New Road (evens)) were notified by means of a letter on 11 January 2010 and site notices were posted on 14 January. One letter of objection has been received from the occupiers of 30 New Road, which has raised the following issues:

- Impact of the proposal upon parking.
- 2 parking spaces would be inadequate for the proposed use.

The objector has been notified of Planning Control Committee.

Consultations

Traffic Section - No objections in principle. Confirmed verbally

Drainage Section - No objections.

Environmental Health Contaminated Land - No objections, subject to the inclusion of conditions relating to contaminated land.

Waste Management - No response

Baddac - No comment

GM Police - designforsecurity - No objections.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
CF1/1	Location of New Community Facilities
CF3/1	Residential Care Homes and Nursing Homes
SPD11	Parking Standards in Bury

Issues and Analysis

Principle - Policy CF1/1 states that the proposals for new and improved community facilities will be considered with regard to:

- Impact upon residential amenity and the local environment
- Traffic generation and car parking
- The scale and size of the development
- Accessibility by public and private transport
- The needs and requirements of the disabled

Policy CF3/1 states that residential care homes will be located in residential areas and will be permitted where they do not conflict with the amenity of the adjoining areas.

The proposed development would re-use an existing building and would be appropriate in terms of scale and size. The proposed development would be located within a residential area on the edge of Radcliffe town centre and would be accessible by public transport. The applicant has submitted a letter from the Primary Care Trust in support of the application as there is a need for this facility within the Borough. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policies CF1/1 and CF3/1 of the adopted Unitary Development Plan.

Design - The proposed two storey extension would be located to the rear and would square off the building. The proposed extension would maintain the floor levels of the existing extension and would be lower than the main building. The proposed extension would be of a traditional design and would be subservient to the original building. The proposed extension would be constructed from red brick, with a tiled roof, which would match the materials of the existing building. The proposed conservatory would be of a typical design and would be constructed from red brick with upvc window frames. The proposed conservatory would be set back from the front elevation by 7.8 metres and would not be unduly prominent in the locality. Therefore, the proposed extensions would be in accordance with Policies CF1/1 and EN1/2 of the adopted Unitary Development Plan.

Impact upon the surrounding area - The proposed conservatory would be located on the eastern elevation and would be of a typical design. The proposed conservatory would be 2.3 metres from the boundary with Coronation Park and would be screened by the existing fencing along the boundary.

There would be a bedroom window at first floor level in the eastern elevation of the proposed extension. Coronation Park is located to the east of the site. In order to prevent overlooking and loss of amenity, a minimum distance of 10 metres should be provided from the proposed bedroom window to the boundary of the application site.

There is an existing window in this elevation, which also serves a bedroom. There would be 8.5 metres from the proposed window to the boundary of the site, While this would be below the recommended minimum of 10 metres, the proposed development would not worsen the situation. Also, Coronation Park is designated as protected recreation space and it is unlikely that the site would come forward for redevelopment. Therefore, the proposed development would not have an adverse impact upon residential amenity and would be in accordance with Policies CF1/1 and EN1/2 of the adopted Unitary Development Plan.

Highways issues - The proposed development would be accessed from the existing driveway to the north of the building and the Traffic Section has confirmed verbally that there are no objections in principle.

SPD11 states that the maximum parking standards for a care home would be 1 space per 4 beds and the proposed development should be providing a maximum of 1 space. The proposed development would provide 2 parking spaces. The overprovision of parking would be acceptable in this instance as the additional parking space would ensure the building is accessible for disabled people. Therefore, 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.

Access issues - The existing building is located some 3 metres above the adjacent roads. There is an existing ramped access at the front of the property, which is very steep, due to the difference in levels. The previous application was withdrawn so the issue of access to the site could be properly investigated.

It is not possible to improve the access arrangements at the front of the property, due to the difference in levels and the space available for a ramped access. The applicant provided details of a ramped access at the side of the building, which would have been accessible. However, the proposal would require significant underpinning and piling of the building, which would be unviable.

There is an existing ramped access to the north of the building, which would be used as a driveway and leads to a level area. Two parking spaces would be provided in this area and level access would be provided from this area into the building. A bedroom and disabled toilet would be provided at ground floor level. Given the special circumstances, the proposed access arrangements would be acceptable and the proposed development would be in accordance with Policy HT5/1 of the adopted Unitary Development Plan.

Response to objectors - The issues raised by the objector have been addressed in the main report.

Summary of reasons for Recommendation

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

The proposal is acceptable in principle and would not have an adverse impact upon residential amenity. The proposed development would not be prominent within the street scene nor would it 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 03, 04D 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. 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.

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

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

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

Ward: Bury East - Redvales

Item 07

Applicant: Mr Khan

Location: 18 Parkhills Road, Bury, BL9 9AX

Proposal: Change of use from launderette (Sui Generis) to shop (Class A1); Installation of new shop front

Application Ref: 52139/Full

Target Date: 05/03/2010

Recommendation: Approve with Conditions

Description

The site is comprised of a single storey brick built mid-terraced building within a row of commercial premises that constitutes Parkhills Local shopping Centre. Currently vacant, the previous use was a launderette which falls within its own 'sui generis' use class. There is a small rear yard with pedestrian access to the back street. No.16 is a Glaziers and No.16 is a hot food take-away. No.1 Parkhills Road, opposite is a dwellinghouse.

It is proposed to change the use of the premises to an A1 shop and install a new shopfront and security shutters. Internally the shop floor area measures approximately 65sqm and the rear yard 17sqm. The existing shopfront is old and rather run down in appearance with timber framed windows and a ceramic clad stall riser. The front door is recessed and located to the side of the frontage adjacent to No.20. The new shopfront would have a central door, flush with the frontage with level access and full height windows on either side. The existing brickwork pediment above the fascia would be white rendered. The existing solid galvanised steel security shutters, recently installed, would be removed. There are no specific hours of opening proposed.

The application does not include any signage.

Relevant Planning History

None relevant.

Publicity

The neighbours notified by letter dated 13/1/2010 are listed below.

Conservative club, Back Parkhills Road South, 1 - 3 (odds) and 10 - 22(evens) Parkhills Road, 62 - 74(evens) Brierley Street and Parkhills Car centre, Manchester Road.

One letter of objection from the proprietor of Fishpool Post Office at 10-12 Parkhills Road. The objection relates to:

- the increase in the number of shops offering similar services and goods within the shopping centre thereby reducing consumer choice.
- the increase in competition.

The objector has been notified of the Planning Control Committee.

Consultations

Greater Manchester Police - No objection.

Traffic Section - No objection.

Drainage Section - No objection.

Environmental Health - No objection.

Baddac - No objection.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

EN1/5	Crime Prevention
EN1/8	Shop Fronts
S1/4	Local Shopping Centres
S2/1	All New Retail Proposals: Assessment Criteria
S2/5	New Local Shopping Provision
S4/1	Retail Development Outside Town and District Centres

Issues and Analysis

Shopping Policy - As the premises form part of the Parkhills Road Local Shopping Centre as defined under UDP Policy S1/4. The application would be assessed under UDP Policy S2/1 All Retail Proposals which states that the Council will support new retail development within existing shopping centres, enhance the vitality and viability of a centre and are accessible by and would encourage use of public transport.

Policy S3/3 states that the council will encourage the improvement of centres in order to promote their regeneration and Policy S4/1 Retail Development Outside Town and District Centres supports proposals that are required to serve local needs.

Given the above policies, it is considered that a shop of this size within this centre would add to the facilities on offer to the local population and as such would be encouraged. It is particularly welcome to be able to support a change of use to an A1 retail shop rather than a hot-food take-away that could raise significant amenity issues.

Visual Amenity - Policy EN1/2 Townscape and Built Design states that favourable consideration should be given to proposals that are in keeping with the surrounding area. In this respect the proposal, with its new shopfront, would be acceptable as it would be in keeping with the character of the centre and an improvement to the frontage both in terms of design and enabling the removal of the existing solid galvanised shutter. As such the proposal complies with UDP Policy EN1/2.

Residential Amenity - The application does not propose specific opening hours. Although there is a dwellinghouse across Parkhills Road, the shop would be located within an existing commercial centre on a busy road and it is not considered a restriction on opening hours is necessary.

Parking and Access - There is on street parking in front and opposite the row of shops although a significant proportion of customers, it is anticipated, would be local and therefore come on foot. Parking provision is considered to be acceptable.

Servicing - Servicing provision would be as existing, via the front or rear entrances. Refuse would be stored within the rear yard and collected from the back road.

Objection - Another A1 shop within the centre is likely to increase consumer choice rather than reduce it and is supported by shopping policies referred to above. Increasing competition between shops within the centre and is not considered material to the consideration of the application.

The proposal is considered to be acceptable and complies with the 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 proposed change of use would not detrimentally affect the viability and vitality of the existing centre or impact on the residential amenity local residents. The new shopfront is in keeping with the locality and complies with UDP Policies listed. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 8/01/2010 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. The existing roller shutter and housing box on the front elevation shall be removed to the satisfaction of the Local planning Authority prior to the first occupation of the proposed shop unit.
Reason: In the interests of visual amenity pursuant to EN1/2 Topwmscape and Built Design.

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

Ward: Radcliffe - East

Item 08

Applicant: Six Town Housing

Location: Bridgefield Walk Car Park, Radcliffe, Manchester, M26 2SF

Proposal: Siting of single storey modular building for community base (resubmission)

Application Ref: 52151/Full

Target Date: 12/03/2010

Recommendation: Approve with Conditions

Description

The application site was previously in use as a garage colony and the garages have since been demolished. There are residential dwellings to all boundaries of the application site and there is a parking layby at the rear of the dwellings, which front onto Bridgefield Street.

The residential dwellings to the west of the site are approximately 1 metre higher than the application site and there is a three metre high wall along the rear boundary. The dwellings, which front onto Bridgefield Street are approximately 2 metres lower than the application site and there is a 2 metre high fence or wall along the rear boundary.

The proposal involves the erection of a modular building and would be used for community based activities, such as police and councillor surgeries. The proposed building would measure 15 metres by 4 metres and would be 3 metres in height. A ramped access would be provided to the entrance.

Relevant Planning History

52069 - Siting of single storey modular building for community base at Bridgefield Walk car park, Radcliffe. Withdrawn - 11 January 2010.

The application was withdrawn as there was insufficient information with regard to the siting and location of openings within the building.

Publicity

The neighbouring properties were notified by means of a letter on 18 January and site notices were posted on 18 January. Two letters have been received from the occupiers of 49 Bridgefield Street, which have raised the following issues:

- The proposed building is located on the edge of the estate
- Impact upon anti-social behaviour and noise
- Impact upon parking provision
- Loss of privacy

The objector has been notified of the Planning Control Committee.

Consultations

Traffic Section - No objections

Drainage Section - No objections.

Environmental Health Contaminated Land -No objections, subject to the inclusion of conditions relating to contaminated land.

GM Police - designforsecurity -

Baddac - No objections. Prefer to see a larger platform (1500x 1500mm) and handrails should be provided.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

EN1/5 Crime Prevention

EN7/2	Noise Pollution
HT2/4	Car Parking and New Development
HT2/6	Replacement Car Parking
HT5/1	Access For Those with Special Needs
CF1/1	Location of New Community Facilities
SPD6	DC Policy Guidance Note 6: Alterations & Extensions
SPD11	Parking Standards in Bury

Issues and Analysis

Principle - Policy CF1/1 states that proposals for new and improved community facilities will be considered with regard to:

- impact upon residential amenity and local environment
- traffic generation and car parking
- the scale and size of the development
- suitability of the catchment area in relation to that community
- the needs and requirements of the disabled.

The proposed development would be located in close proximity to the local community and would be appropriate in terms of size and scale. The other issues will be discussed later in the report. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy CF1/1 of the adopted Unitary Development Plan.

Design/impact upon surrounding area - The proposed building would be a modular building and would be 15 metres by 4 metres and would be 3 metres in height. The proposed building would be acceptable in terms of height, form and scale.

There would be no openings on the rear elevation and the proposed development would not have an adverse impact in terms of loss of privacy. Due to the difference in levels, the existing 3 metre high wall would screen the proposed building. Therefore, the proposed development would not have an adverse impact upon the amenity of the occupiers of the dwellings on Bridgefield Walk.

There would be 10 metres between the proposed building and the rear elevation of the properties on Bridgefield Street, which are approximately 1 metre lower than the application site. There would be 1.9 metres from the base of the building to the bottom of the proposed openings, which would be at a high level. The proposed windows would be at a high level and would not have an adverse impact upon the amenity of the occupiers of the dwellings on Bridgefield Street. Therefore, proposed development would be in accordance with Policies EN1/2 and CF1/1 of the adopted Unitary Development Plan.

Highways issues - The proposed building would be located on the site of the former garage colony. The site is well located in relation to local residents, who would use the facility and therefore, no additional parking has been proposed. There is an existing parking layby at the rear of the dwellings, fronting onto Bridgefield Street, and access would be maintained to these parking bays. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policy CF1/1 of the adopted Unitary Development Plan.

Access issues - The proposed development would include a ramped access, which would have a gradient of 1:20. Baddac have welcomed the provision of the ramped access, but have requested that the platform at the top of the ramp should be larger and handrails are provided. This would be secured via a condition. Therefore, the proposed development would be accessible for all and would be in accordance with Policy HT5/1 of the adopted Unitary Development Plan.

Summary of reasons for Recommendation

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

The proposed development is acceptable in principle and would not have an adverse impact

upon the amenity of the neighbouring residents. The proposed development would not be prominent in the street scene nor would it be detrimental to highway safety. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 14 January 2010 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Prior to the commencement of the development hereby approved, full details of the access ramp, including details of handrails shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the building being brought into use and shall be maintained thereafter.
Reason. To ensure that the development is fully accessible to disabled persons pursuant to Policy HT5/1 - Access for Those With Special Needs of the Bury Unitary Development Plan.

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

Ward: Bury West - Church

Item 09

Applicant: Mr A Haris

Location: DIL SE RESTAURANT, 207 BURY AND BOLTON ROAD, RADCLIFFE, M26 4JY

Proposal: DEMOLITION OF RESTAURANT AND ERECTION OF 15 DWELLINGS
(RESUBMISSION)

Application Ref: 51934/Full

Target Date: 16/02/2010

Recommendation: Minded to Approve

Referral back to Planning Committee to add two additional conditions

This is a formal procedural matter required to add two additional conditions to a development proposal that the Planning Committee has already determined that they were Minded to Approve.

The item is not being presented to the Planning Committee to reconsider the principle or the development proposals again, but it is requested that two planning conditions are added.

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
H4/1	Affordable Housing
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/4	Street Furniture
EN1/5	Crime Prevention
EN1/7	Throughroutes and Gateways
EN3/1	Impact of Development on Archaeological Sites
EN3/2	Development Affecting Archaeological Sites
EN3/3	Ancient Monuments
EN6/3	Features of Ecological Value
EN7/2	Noise Pollution
EN8	Woodland and Trees
RT2/2	Recreation Provision in New Housing Development
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
SPD1	DC Policy Guidance Note 1: Recreation Provision
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD6	DC Policy Guidance Note 6: Alterations & Extensions
SPD7	DC Policy Guidance Note 7 - Managing the Supply of Housing
SPD11	Parking Standards in Bury
PPG24	PPG24 - Planning and Noise
PPG16	PPG16 - Archaeology and Planning

Report

This planning application was presented to the Planning Control Committee on 19 January 2010 and it was agreed by Members that the application be Minded to Approve subject to the completion of a Section 106 agreement, relating to the provision of affordable housing and recreation provision.

Following the committee meeting, Greater Manchester Archaeological Unit (GMAU) have responded to the consultation, albeit late, but nevertheless potentially important. GMAU have no objections to the proposal and have recommended the inclusion of two conditions requiring a programme of building recording prior to the demolition of the restaurant building and a programme of archaeological recording works prior to the commencement of the groundworks. This is due to the close proximity of the site to potentially, Watling Street, a key Roman road.

There is no certainty at this stage that such archaeological remains exist and this is confirmed by the Sites and Monuments Record. However, there *may* be a potential and Planning Policy Guidance Note 16 and UDP Policy EN3/1 considers that where archaeology may exist, the Planning process can use development opportunities to excavate for and record findings, if any are found.

The suggested conditions have been put to and accepted by the developer as a reasonable and relevant requirement.

The Section 106 agreement and its requirements have been agreed and will be completed by the date of the committee meeting.

Recommendation - As such the recommendation is to accept the additional conditions listed as Nos 18 & 19 below, as recommended by GMAU.

Summary of reasons for Recommendation

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

The proposed development is acceptable in principle and would not have an adverse impact upon the amenity of the neighbouring residents. The proposed development would not be prominent in the locality nor would it be detrimental to highway safety.

There are no other material considerations that outweigh this finding.

Recommendation: Minded to Approve

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 20 November 2009 and the site & section plans received on 4 January 2010 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Prior to the 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 3 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the 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.
5. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to 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.
6. All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:
 - Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;
 - A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
7. Following the provisions of Condition 3 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. 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.

9. The development hereby approved shall not commence unless and until details of foul & surface water drainage aspects have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in full prior to the occupation of the dwellings.
Reason. To ensure the satisfactory disposal of foul and surface water from the proposed development pursuant to Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan.
10. No development shall commence unless and until a survey to establish whether the building is utilised by bats and a programme of mitigation has been submitted to and approved in writing by the Local Planning Authority. All mitigation measures shall be fully implemented prior to the commencement of the works and remain in situ on the site for an agreed period of time.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and PPS7 – Nature Conservation.
11. No development shall commence unless and until a acoustic attenuation scheme including full details of acoustic glazing and acoustically treated ventilation shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the dwellings hereby approved.
Reason. To protect the amenity of the occupants of the dwellings once the development hereby approved is occupied pursuant to Policy EN7/2 - Noise Pollution of the Bury Unitary Development Plan.
12. Notwithstanding the turning head details and access & parking arrangements indicated on the approved plans, the development hereby approved shall not be commenced unless and until full details of the provision of adequate turning facilities within the curtilage of the site to enable refuse collection vehicles to enter and leave the site in forward gear have been submitted to and approved in writing by the Local Planning Authority. The arrangements subsequently approved shall be fully implemented prior to first occupation of the dwellings and shall subsequently be maintained free of obstruction at all times.
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Policy H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan.
13. Notwithstanding the details indicated on the approved plans, the development hereby approved shall not be commenced unless and until full details of the boundary treatments to Bury & Bolton Road, Watling Street and Hurst Green Close have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented as part of the development.
Reason. In the interests of visual amenity and to ensure the intervisibility of the users of the site and the adjacent highway in the interests of road safety pursuant to Policies EN1/2 - Townscape & Built Design and Policy H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan.
14. The development hereby approved shall not be first occupied unless and until the access improvement works, including the reinstatement of the redundant accesses onto Watling Street, indicated on the approved plans have been implemented to an agreed specification and to the written satisfaction of the Local Planning Authority.
Reason. To ensure good highway design in the interests of pedestrian safety

pursuant to Policy H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan.

15. Visibility splays measuring 4.5 metres by 70 metres shall be provided at the junction of the site access with Watling Street to the written satisfaction of the Local Planning Authority before the development is first occupied and shall subsequently be maintained free of obstruction above the height of 0.6m.
Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety pursuant to Policy H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan.
16. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the dwellings hereby approved being occupied.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
17. Before the development is commenced, details shall be submitted to and approved by the Local Planning Authority to cover measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations. The approved details shall be implemented and maintained thereafter during the period of construction unless otherwise agreed in writing by the Local Planning Authority.
Reason. To ensure that the adopted highways are kept free of deposited material from the ground works operations pursuant to Policy H2/2 - The Layout of New Residential Development.
18. No development, building work or demolition shall take place unless and until a desk top study and building survey, including measured floorplans, elevations and a detailed photographic description and a detailed written description, has been submitted to and approved in writing by the Local Planning Authority.
Reason. To make a record of buildings and features of archaeological interest pursuant to Policies EN3/1 – Impact of Development on Archaeological Sites, EN3/2 – Development Affecting Archaeological Sites and EN3/3 – Ancient Monuments of the Bury Unitary Development Plan.
19. No development, groundworks or demolition shall take place unless and until details of a scoping report for a watching brief and a program of archaeological works have been submitted to and approved in writing by the Local Planning Authority. The approved programme of works shall be implemented and the report shall be submitted to and approved in writing by the Local Planning Authority.
Reason. To make a record of buildings and features of archaeological interest pursuant to policies EN3/1 – Impact of Development on Archaeological Sites, EN3/2 – Development Affecting Archaeological Sites and EN3/3 – Ancient Monuments of the Bury Unitary Development Plan.

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

