

Ward: Bury East

Item 01

Applicant: Bury Grammar Schools

Location: Bury Grammar Girls School, Bridge Road, Bury, BL9 0HH

Proposal: Extension to Bury Grammar Girls School to provide new lecture theatre and sixth form social area

Application Ref: 52491/Full

Target Date: 30/08/2010

Recommendation: Refuse

The application was deferred from the November Planning Control Committee for a site visit.

Description

The Bury Grammar Schools are located fronting onto Bridge Road, with the girls school to the east and the boys school to the west. The girls school provides education from nursery age to sixth form. The girls' school building, dates from 1900 and was built over a period of 7 years. This building is constructed from red brick with stone detail and a slate roof. It is symmetrical in appearance and has two entrances onto Bridge Road, which are located between the ground and first floor levels, accessed by steps. There are two flat roofed extensions, which are adjacent to both entrances on either side of the main elevation. These are two storeys in height and are constructed from red brick.

Vehicular access to the site is located near the junction of Tenterden Street and Jubilee Way and leads to two car parks. One parking area is located between the tennis courts and the boundary of the site and the main car park is located between the school building and Tenterden Street.

The proposed development includes the demolition of one of the existing two storey flat roofed extension and to construct a series of extensions to the existing building comprising:-

- a glazed single storey extension to provide a separate entrance for the sixth form;
- a lecture theatre
- a two storey glazed element as the main entrance and staff offices.

The glazed single storey extension would be at ground floor level along Bridge Road. This extension would provide a separate entrance for the sixth form as well as a social and dining area.

The proposed lecture theatre would be located at the corner of Tenterden Street and Bridge Road, on the existing staff car park. It would be 4.5 metres in height at its highest point and an access would be provided from the car park. It is however, set at a lower level compared to Bridge Road, with its upper third visible to the street.

The two storey glazed element would be located at the back of the footway on Bridge Road and would be used as the main entrance to the school and would provide a connection between the lecture theatre and the old school. There would be a basement level, which would not be visible from Bridge Road and would contain changing and toilet facilities for the lecture theatre. The ground floor would contain the entrance foyer, reception and the staircase and lift with office accommodation at first floor level.

The proposals have arisen as the school considers that the existing sixth form facilities are poor and inadequate for modern standards. It is hoped that the provision of improved facilities would lead to an increase in student numbers.

Relevant Planning History

31783 - Two storey junior school extension at Bury Grammar School (Girls), Bridge Road, Bury. Approved with conditions - 28 March 1996

46018 - Two storey linked building to form kindergarten and pre-school (revised scheme) at land off Bridge Road, adjacent to Bury Grammar School, Bury. Approved with conditions - 5 June 2006

00219/E - Extension to Bury Grammar School (Girls)

The Planning Officers wish to make it clear that support was shown to the scheme during pre-application discussions, with some areas of concern to be addressed.

Publicity

19 neighbouring properties (19 - 31 (odds) Walshe Street; 40 - 50 (evens), Bury Grammar School (Boys), Units 1 & 2 The Old County Court, Tenterden Street; Bury Magistrates Court, 72 - 74 Tenters Street) were notified by means of a letter on 6 July and site notices were posted on 7 July 2010.

As a result of this publicity no comments have been received.

Negotiations with applicant

A letter was received from the applicant on 10 November, in response to the original committee report. The letter was some three pages in length and included three appendices - a letter from the agent, dated 22 September, a report on the impact of the proposals on the existing building by a historic buildings surveyor and a letter from the architect. These comments are summarised below:

The applicants wish to express disappointment that the recommendation is one for refusal as they consider the scheme to be entirely appropriate. It is noted that there have been no objections from residents or other third parties, nor any objections from statutory consultees. Furthermore, there is a clear acceptance that the proposal is essential to the provision and improvement of educational facilities within the Borough.

The scheme was submitted following receipt of positive feedback from the Senior Planning Officer, who confirmed that "in general the new building appears to work well within the streetscene and does not dominate the existing school buildings."

The design issues were raised in an e-mail one week before the application was due to be determined. The report largely ignores the fact that the Council's Conservation Officer has not objected to the scheme and believes it to be generally acceptable.

It is considered that the report has grossly over-stated the heritage significance of the building and those aspects of the building which would be affected by the proposal. The school and its advisors believe that the scheme has been carefully designed to enhance the appearance of the building and respect its more traditional features, whilst ensuring that the new facility serves its purpose and addresses issues related to the existing building. The School has commissioned an independent review of the building and the impact of the proposals by a historic buildings surveyor. His comments include:

"The school was built between 1900 and 1907 to the design of William Venn Gough of Bristol. Gough's name is not well known nationally, and Professor Andor Gomme's guide to Bristol architecture suggests that his architectural abilities may have been questionable:

"William Venn Gough cannot have been anyone's favourite architect but he was employed so widely that it is impossible to ignore him."

"I (historic buildings surveyor) do not agree with the suggestion in the Committee report that public views of the bay window at the corner of Tenterden Street, of the former Boys' school entrance and of the symmetrical Bridge Road facade are of key importance, when all three elements are to be retained in a setting of a higher design quality than at present. Nor do I agree that the proposed two storey glazed structure would be '*an overly strident intrusion*'. It is treated as a separate but linked element in a modern style replaces the brick box that currently disfigures the facade, and overcomes one of the architectural shortcomings of the present Bridge Road elevation: that it is the main facade but lacks an obvious main

entrance."

The report highlights a number of amendments that have been put to the agent, but have been rejected. Although the suggested changes appear straightforward, these amount to fundamental matters which would undermine the whole design of the building. The report concludes by stating that the agent was "offered an opportunity to amend the scheme but has decided to keep the scheme as submitted, with no changes". This statement is misleading and prejudicial as it ignores that the submitted scheme was the result of various changes in response to pre-application negotiations.

Consultations

Traffic Section - Concern relating to the loss of parking spaces and these should be re-provided. There is a lack of detail regarding the interface of the proposed works and the existing public highway.

Drainage Section - No objections.

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

Environmental Health - Pollution Control - No objections, subject to the inclusion of a condition relating to noise.

Conservation Officer - The proposal has developed through the pre-application process and has a number of benefits - the removal of two extensions along the frontage and the provision of a improved and more usable forecourt around the sixth form area.

The design and scale of the proposed building is quite challenging, particularly around the entrance area. There has been extensive deliberation about the workings of the building in this area and the agent as tried to balance competing requirements. While the current scheme is, in terms of bulk, as challenging as the scheme proposed during pre-application proposals, its reliance on large glazed areas will soften its impact.

The extension meets the original building at the northern end, close to one of the original entrances. Further detail relating to the restoration of the features and the works to close off the original entrance are required.

Waste Management - No response.

GM Police - designforsecurity - No objections.

English Heritage - Comments to be reported in the Supplementary Report.

Unitary Development Plan and Policies

EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN7	Pollution Control
EN7/2	Noise Pollution
HT2/4	Car Parking and New Development
HT2/6	Replacement Car Parking
HT4	New Development
HT5/1	Access For Those with Special Needs
CF1/1	Location of New Community Facilities
CF2	Education Land and Buildings
Area	Bridge Road/Buckley Wells
BY2	
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
PPS5	PPS5 Planning for the Historic Environment

Issues and Analysis

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

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

- The needs and requirements of the disabled

Policy CF2 states that the Council will consider favourably proposals for the provision, improvement and dual use of educational facilities.

Area BY2 states that the Council will consider favourably proposals for the enhancement of the Bridge Road/Buckley Wells area of the town centre for education, residential, car parking and railway related uses.

The proposed development would provide additional and improved educational facilities for sixth form students at the school. As such, the proposed development would be essential to the provision and improvement of educational facilities within the borough. The proposed development would be accessible by public and private transport and is in close proximity to the town centre. The issues of size and scale, traffic generation, car parking and access for disabled people will be discussed later in the report. However, the proposed development would be acceptable in principle and would be in accordance with Policies CF1/1, CF2 and Area BY2 of the adopted Unitary Development Plan.

Design - PPS5 is clear in that the protection of 'heritage assets' should be seen in a much wider context, with consideration given to unlisted buildings located outside of the conservation areas.

The existing school building is not Nationally listed but is on the draft local list of historic buildings and the application has been dealt with on this basis. The buildings were built over a period of 7 years from 1900 and comprise Accrington brick buildings, with decorative stone windows, with mullions, fine tracery work, door surrounds and stone banding between the ground and first floors. All of the elevations are well designed, symmetrical and balanced in appearance. As such, the building contributes greatly to the streetscene and historic character of the area.

The architect, William Venn Gough (1846 - 1918) designed several prominent buildings in Bristol. Many of his designs are listed buildings of Grade II and Grade II*, including Cabot's Tower, Queen Square House and Colston's Girls School. He also designed the Kay Memorial in Bury town centre, which is Grade II listed. It is considered that there is a possibility that the school building could be worthy of becoming nationally listed itself. In light of this and the disagreement between and comments have been sought from English Heritage on this matter.

DESIGN PRINCIPLES & CONCEPTS - The following paragraphs have been taken from the applicant's Design and Access Statement:

"The aim is to provide a distinctive building that relates well to the surroundings, whilst also providing a design solution, which integrates with the adjacent school buildings and reflects old and modern construction types and aesthetics. The solution has also sought to achieve a high level of flexibility in how the building can be used by different groups during and outside of normal school hours."

"The overall scale of the new development reflects the constraints of the site area and the need for a efficient compact design layout, which utilises the existing topography of the site taking account of the different site levels. Furthermore, the scale of the building allows it to appear as a feature within a predominantly two storey area, without being dwarfed by the surrounding development. The design and appearance of the new extension is intended to be modern, contrasting and contemporary whilst remaining in tune with the existing school building."

The proposed extension is split into three main elements - the glazed entrance at ground floor along Bridge Road, the lecture theatre and the two storey glazed element.

GLAZED ENTRANCE - The single storey extension at ground floor level would be predominantly glazed with brick piers and a central canopy. The proposed extension would retain the vertical feel and the rhythm of the openings above and the curved canopy detail would reflect the detail above the clock on the existing building. Four of the windows within the existing building would be removed to allow access into the proposed extension, but the majority of the existing window openings would be retained. The proposed extension would be a modern addition and it is considered that its design would not detract from the character and appearance of the existing building.

LECTURE THEATRE - The proposed lecture theatre is of an acceptable modern design, which respects the original building. There is a concern that the proposed extension would restrict the public views of the existing bay window detail on the corner of the existing building. To alleviate this concern, it would be preferred if the building would be rotated towards Bridge Road, so that the existing bay window detail would be unaffected by the proposal. However, the agents consider that this would require a fundamental design change and would not entertain this suggestion. This amendment would be acceptable from the Local Planning Authority's point of view. The proposed extension would connect to the existing building at ground floor level only and a conservative mix of materials would be used at this point, comprising brick and stone. The connection at ground floor level only, allows for the re-instatement of a window in the old building, which is currently obscured by the existing two storey extension.

The materials for the proposed lecture theatre include glazing, red brick and render, with panels of artwork inserted as a relief. Overall, the mix of materials and colours would help to break up the elevations and add interest and there is no objections from the Local Planning Authority to these.

The majority of the lecture theatre would be located below street level on Bridge Road. As such, it would be partially screened from view by the existing boundary walls on Tenterden Street. The proposed lecture theatre element would be appropriate in terms of its bulk and massing.

TWO STOREY GLAZED ELEMENT - The proposals include a new glazed entrance area at Bridge Road level and office accommodation above. Changing facilities would be provided at basement level, making use of the differing levels in the site, but this element would not be visible from Bridge Road.

The applicant has undertaken pre-application discussions and on an earlier scheme, it was considered that the large office section would block the views of the main school elevation. The agent has addressed this issue with the separation of the two storey glazed element from the existing school, which now links at ground level only.

Pre-application comments can help to improve a scheme, but it is important to note that officers cannot pre-judge the application. Any advice is given in good faith and cannot represent the department's views. The pre-application comments were positive in response to the impact upon the general streetscape and the removal of the flat roofed extension on the frontage was welcomed.

The issue is now whether this amendment is sufficient. On assessment, it is considered that the proposed glazed element would still obscure the main school elevation unsatisfactorily, particularly when viewing the buildings from the junction of Bridge Road and Tenterden Street.

The main school building has a strong symmetry and balance in its appearance and as such, the addition of the proposed glazed element would result in an overly strident intrusion creating an unbalanced appearance. A suggestion from the Local Planning Authority was that this should be a single storey building, as the two storeys adds bulk to the design of the extension, preventing the views of the main school building. This in turn exacerbates the unbalanced appearance, to the detriment of the character of the building.

There are two entrances to the school on the Bridge Road elevation with steps up to them. The entrances are positioned in between the ground and first floor of the main school building and are constructed from stone with pillars supporting a arched doorway. The words 'boys entrance' are carved into the stone, with a series of windows above and a coat of arms carved into the top section. The other entrance is a copy of this with the words 'girls entrance'. These form part of the history of the building and contribute to the architectural quality of the building.

The existing boys entrance would be obscured from view by the proposed two storey glazed element, specifically the entrance lobby and by the office above. The proposed development would extend beyond the building line of the existing extension and when stood directly opposite the entrance, it would not be visible.

Not only would the existing entrance be obscured, but it would no longer be used as an entrance, which would reduce its importance in the context of the main elevation. As such, the proposed development would neither make a positive contribution to or better reveal the significance of the heritage asset. Therefore, the proposal would be detrimental to the visual amenity and character of the building, by the loss of one of the key elements in the make up of the facade of the building.

It has been put to the agent to reduce the glazed element in size, so that it would not project beyond the building line of the existing two storey extension. However, the applicant considered this to require a fundamental re-design of the building and has declined to do so.

During the pre-application discussions, the detail of the restoration of the original entrance was discussed. No supportive conclusions were reached on this and it was requested that additional detail in relation to the treatment internally and externally should be submitted with the application. Despite, this request, it is still unclear as to how the original entrance would be treated and it appears from the plans, that it would be retained as a window, with brickwork underneath. It should be noted that this would not be used as an entrance and would appear to 'hover' in mid air, further reducing the importance of this historic entrance.

CONCLUSION - There are some elements of the proposed extensions which are acceptable, which have been clearly stated to the agent. However, there are specific concerns in connection with the two storey glazed element, which would dominate and therefore detract from the appearance of the existing building, due to its position, size, bulk and massing. The loss of the original entrance would also be detrimental to the balance of the front elevation and would have a significant adverse impact upon the character and visual amenity of the building. It is acknowledged that the proposed extensions have gone through at least four revisions during the pre-application process, each of which have had design and positioning issues. However, further changes are required during the application to enable Officers to recommend approval to the scheme that is formally before us. The agent was offered an opportunity to amend the scheme, but has decided to keep the scheme as submitted, with no changes, as they consider that any changes would have a fundamental impact upon the overall design. The agent has not quantified or qualified the statement with regard to the suggested changes being fundamental and undermining the whole design of the building. Therefore, the proposed development would conflict with Policies EN1/1, EN1/2 and CF1/1 of the adopted Unitary Development Plan and PPS5.

Impact upon surrounding area/residential amenity - SPD6 provides guidance on aspect standards between residential properties and would be relevant in this instance. There would be 23 metres between the existing residential properties on Tenterden Street and the proposed lecture theatre. The proposed building would be 4.5 metres in height above Bridge Road level and is partially screened by 1.5 metre high brick walls (to Tenterden Street), this distance would be acceptable. Therefore, the proposed development would not have an adverse impact upon the amenity of the neighbouring properties in terms of loss of light or privacy.

Bats - A bat survey was submitted as part of the application and found that the extensions can be demolished with negligible risk to roosting bats. The Wildlife Officer has no objections to the proposed development. Therefore, the proposal would not have an adverse impact upon a protected species and would be in accordance with Policy EN6/4 of the adopted Unitary Development Plan.

Highways issues - The access point to the car parks within the girls school would be retained and would remain as they are in positional terms, close to the junction of Tenterden Street and Jubilee Way. The proposed plans indicate that the entrance gates would be located further back into the site, to allow a larger turning area into the existing car park, which is located next to the tennis courts.

The Traffic Section states that there is a lack of information relating to the interface of the proposed works and the adopted footways in terms of the permanent finish. However, this could be secured with a condition.

Parking provision - SPD11 states that the maximum parking standards are 1.5 spaces per classroom, which would equate to 114 parking spaces based on the senior school, junior school and kindergarten.

There are currently 129 parking spaces and 16 would be lost by the proposed development. This would leave 113 parking spaces left and as the SPD required 114 as a maximum for the site, the resultant parking provision would be an acceptable level of parking provision.

The site is located close to the town centre and has good access to public transport. The proposed extension may be used for public performances, but these would take place in the evening or weekend, when all the parking spaces would be available.

The proposed development would result in the loss of 16 parking spaces in total from the main car park. As the surrounding streets are controlled by a residents parking scheme, the Traffic Section are concerned that existing users of this car park would be displaced and would park on the adjacent streets. A plan has been provided, which indicates that these additional cars can be accommodated within the school site. Therefore, on this basis the proposed development would provide an acceptable level of parking provision and would not be detrimental to highway safety. The proposal would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

Access issues - The existing school building is constructed on a variety of levels and currently, there is no level access. The proposed development would provide level access into the buildings and the provision of a lift and platform lift would allow level access to the majority of the school. The provision of the disabled toilets is welcomed. Therefore, the proposed development would be accessible for all and would be in accordance with Policy HT5/1 of the adopted Unitary Development Plan.

Council's response to applicant's letter - When the application was formally submitted and the department's view was being formulated, the concerns relating to elements of the design are detailed in the main report. These concerns were raised verbally in a meeting prior to the validation of the application and again in a telephone conversation on 16 August. Following a meeting to discuss the issues relating to the application, comments were sent by e-mail to the architect on 24th August. A meeting was held with the applicant on 7 October to discuss these issues and any potential amendments to the application. As such, the concerns have been conveyed well before the determination process and in a consistent manner expressing concern.

In light of the pre-application discussions that had taken place, the positive views expressed at that time and the current position of the Officer's recommendation to refuse, the application is being presented to the Planning Control Committee for consideration.

The remainder of the comments have been addressed in the main report.

Summary of reasons for Recommendation

Recommendation: Refuse

Conditions/ Reasons

1. The proposed two storey glazed extension at the front of the site would neither be appropriate to, nor sympathetic with the existing structure, and would be detrimental to the visual amenity of the area, by reason of its height, size and position. The proposed development therefore conflicts with Policies HE7, HE8, HE9 and HE10 of PPS5 - Planning for the Historic Environment and the following policies of the Bury Unitary Development Plan:
Policy EN1/1 - Visual Amenity
Policy EN1/2 - Townscape and Built Design
Policy CF1/1 - Location of New Community Facilities
2. The proposed two storey glazed extension would unacceptably obscure the boys entrance, which is a significant feature on a building of local architectural quality, from view to the detriment of the building's balance, appearance, historic character and interest. The proposal therefore conflicts with Policies HE7, HE8, HE9 and HE10 of PPS5 - Planning for the Historic Environment and the following policies of the Unitary Development Plan:
Policy EN1/1 - Visual Amenity
Policy EN1/2 - Townscape and Built Design
3. The application and submitted plans contain insufficient information in relation to the restoration of the boys entrance, to enable the impact of the proposal upon a building of historic character to be properly assessed. Therefore, the proposed development would be conflict with PPS5 - Planning for the Historic Environment and the following Policies of the Bury Unitary Development Plan:
Policy EN1/1 - Visual Amenity
Policy EN1/2 - Townscape and Built Design

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

Ward: North Manor

Item 02

Applicant: Mr Coxen

Location: Melrose, Hawkshaw Lane, Hawkshaw, Bury, BL8 4LD

Proposal: Demolition and replacement of existing dwelling (resubmission of 52310): detached garage/store, waste treatment system and domestic oil store.

Application Ref: 53079/Full

Target Date: 10/11/2010

Recommendation: Approve with Conditions

This application was deferred from the November Planning Control Committee for a site visit.

Description

The property is a detached two storey house with integral garage siting within a large garden plot of approximately 0.065ha. It is red brick at ground floor level and rendered to the first floor and has a suburban character. Access to the property is via a single track unmade road from Hawkshaw Lane, located to the east. The site is bounded by open countryside to the north, west and east with houses forming the settlement of Hawkshaw to the south. There are trees and shrubs along the northern and eastern boundaries.

The proposal involves demolishing the existing house and constructing a replacement dwelling in a similar location within the plot. It is also proposed to site a detached double garage with store to the side of the new house. A domestic oil store would be at the rear of the garage and a new water treatment plant would replace the existing septic tank within the corner of the field, adjacent to the entrance.

The replacement house would be two storey with a gabled roof and have a footprint of approximately 135sqm, compared with the existing footprint of 102sqm (120sqm including the former conservatory). The proposed roof would be pitched to a height of 8.2m although the base level would be reduced by 0.5m. It would be finished in coursed stone with stone heads and cills and a slate roof.

The proposed detached double garage/garden store would be located between the house and the eastern boundary and have a footprint of approximately 48sq.m. It would be constructed in coursed stone with a slate pitched roof to a height of approximately 3.8m.

The applicant has submitted a Design and Access statement which includes a summary of calculations with regard to increases in floorspace and volume between existing and proposed houses. In terms of floorspace, there would be an increase of approximately 42sq.m (19%). The volume increase would be approximately 216cu.m (32%). It is recognised that the difference between the floorspace and volume figures is due in part to the fact that the ground floor level has been lowered and the roof changed to a gable rather than a hip, both of which increase volume without adding floorspace. It should also be noted that the applicant's calculations include the conservatory that has already been demolished.

The existing house is currently served by a septic tank, situated within the adjacent field, to the south west of the house. It is the intention to replace the existing septic tank with a new Klargest BioDisc tank and sample chamber (approx diameter 2m) in a similar location. Foul drainage would be connected into the treatment plant and surface water would drain into an outflow pipe beyond the sample chamber. The treated waste water would then link into the existing culvert that, according to the applicant, runs along the back of gardens of properties on Quarlton Drive, into the mains drain along Bolton Road.

The proposed oil tank would be situated at the rear of the proposed garage and the water supply would be obtained from the well below the stone built water supply hut within the front garden.

Relevant Planning History

52310 - Demolition and replacement of existing dwelling - Withdrawn 29/04/2010

50264 - Porch & First Floor Extension At Front, Single Storey Extension With Chimney At Side, Two Storey And Single Storey Extension At Rear - Approved 09/09/2008

48275 - Two Storey Extension at Rear; Two Storey Extension at Side; Detached Garage at Front - Refused 24/07/2007

23027 - First floor extension over garage - Approved 06/06/1089

22653 - First floor extension over garage - Approved 25/07/1089

08/1326 Building Regs approval for double garage and store - Approved 6/01/2009

Publicity

Press advert in Bury Times 23/9/2010 and Site notice posted 24/9/2010. The following neighbours were notified by letters dated 8/9/2010 and 11/10/2010(amended plan).

Holcombe Hey farm, 2, 4 and 6 Tonge Fold Cottages, Kenyon's Farm, 1 and 7 Hawkshaw Lane, 6 -12(evens), 29, 31 Quarlton Drive.

The occupiers of No 2 Quarlton Drive have expressed concerns that the proposed drainage arrangements would have a detrimental effect on the structural integrity of there property.

Eleven representations received from residents at 2, 6, 8, 10, 12 and 29 Quarlton Drive, 1 Hawkshaw Lane, Kenyons Farm, Bramley Fold Farm, 4 Tonge Fold and Tonge Fold Cottage. Objections and concerns are summarised below:

The majority of representations were raised the issue of drainage:

- The application contains insufficient information with regard to proposed drainage arrangements.
- The new house with extra bathrooms is not suitable for the proposed drainage system.
- Concerns that the proposed drainage system is inadequate and would lead to excessive water run off into gardens on Quarlton Drive.
- The clay soil means that surface water would not drain adequately but run off on surrounding land.
- Inadequate foul water drainage may increase pollution of the existing watercourse and nearby properties.
- The new treatment system would require more room than the existing septic tank and permission would not be given for this.
- Permission would also not be given for the electricity link to the proposed treatment plant.
- The applicant has no legal rights to run a surface water drain into the adjacent field.

The residents at Bramley Fold Farm, Nos2 and 29 Quarlton Drive raised concerns about the visual impact of the scheme, the effect on the Green Belt.

- The proposal is contrary to Green belt policy in that it represents an increase of more than 30% of the volume of the original house.
- The proposed garage is too large and would be incongruous within the Green Belt.
- It appears that the applicant will have to fell a number of trees to fit the garage in, increasing the impact of the scheme.
- The new house would be unsightly and would be more visible in winter.
- Concerns about heavy construction traffic using the access road and compromising road safety and damaging.

Detrimental impact of the development on the existing public footpath running along the access road from Hawkshaw Lane.

The residents of Bramley Fold Farm also raised concerns:

- The application should not have been validated due to lack of information.

- Initial plans submitted showed the boundary and trees incorrectly drawn.
- The position of the proposed oil store in relation to a nearby watercourse and the potential for pollution.

Consultations

Traffic Section - No objection.

Drainage Section - No objection subject to drainage details being submitted and approved by the Local Planning Authority prior to commencement of development. .

Environmental Health - No objection subject to conditions relating to the installation of the proposed water treatment plant.

Public Rights of Way - No objection.

Baddac - No objection.

United Utilities - No objection.

SecurebyDesign - designforsecurity -

Environment Agency - No objection subject to conditions.

Landscape Practice - No objection subject to tree protection measures.

The objectors have been notified of the Planning Control Committee.

Unitary Development Plan and Policies

OL1	Green Belt
OL1/2	New Buildings in the Green Belt
EN1/1	Visual Amenity
EN1/11	Public Utility Infrastructure
EN7	Pollution Control
EN7/3	Water Pollution
EN7/4	Groundwater Protection
EN7/5	Waste Water Management
EN8	Woodland and Trees
EN9/1	Special Landscape Areas
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
OL7/2	West Pennine Moors
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD16	Design and Layout of New Development in Bury
PPS1	PPS1 Delivering Sustainable Development
PPG2	PPG2 - Green Belts
PPS3	PPS3 - Housing
PPS23	PPS23 Planning and Pollution Control
PPS25	PPS25 Development and Flood Risk

Circular 03/99 Planning Requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development.

Issues and Analysis

Policy - Regional Spatial Strategy (RSS) - On 10 November, the High Court found that the Communities Secretary acted unlawfully in unilaterally revoking of the system of Regional Spatial Strategies in England. Therefore, the Regional Spatial Strategy (RSS) is a material consideration in the determination of this application.

The RSS has been revised since the previous application and the Council no longer has an oversupply of housing. As such, SPD7 has been relaxed and there is no requirement to provide 100% of affordable housing. The current application should be assessed against current policies and as such, 25% of the dwellings should be affordable. Whilst the RSS remains in place and is a material consideration in the assessment of planning applications, in respect to what is a replacement dwelling, it is not considered that the proposal conflicts with the strategy.

National Policy Guidance - Planning Policy Statement 1 (PPS1) supports the reuse of previously developed land and encourages high quality design. Guidance on Green Belts, set out in PPG2, sets out criteria for new buildings in the Green Belt and advises that the openness and visual amenities of the Green Belt should not be detrimentally affected. Whilst recognising that a replacement dwelling can be acceptable in the Green Belt it should not normally be materially larger than the one it replaces.

Further national advice within PPS3 Housing emphasises quality of design, housing mix and need as well as sustainability and the effective and efficient use of land.

PPS23 Planning and Pollution Control advises that the impact on water quality is capable of being a material consideration in so far as it may affect land use. With the co-operation of the Environment Agency and other relevant water and sewerage undertakers, the Local Planning Authority should be satisfied that any development would not result in pollution of water resources. UDP Policies EN7/3 Water Pollution, EN7/4 Groundwater protection and EN7/5 Waste Water Management reflect advice within PPS23 and indicate that proposals that have an unacceptable impact on water quality and/or do not have satisfactory arrangements for the disposal of foul sewage and surface water discharge.

Development Plan Policy - UDP Policy H1/2 Further Housing Development states that in assessing applications for residential development regard should be given to the need to direct development towards the urban area thereby avoiding the release of peripheral open land, the suitability of the site in terms of land use and amenity and other policies and proposals of the UDP.

UDP Policy OL1/2 New Buildings in the Green Belt accepts that replacement dwellings can be acceptable if the dwelling is of an appropriate size. Development Control Guidance Note 8 - New Buildings and Associated Development advises that where a replacement dwelling is proposed the new dwelling should reflect the original dwelling in terms of massing, siting and area of footprint, height and should not be materially larger than the one it replaces. A new dwelling that is disproportionately larger or differs materially in position or footprint to the existing house would only be permitted in 'very special circumstances' and only after the applicant has demonstrated why in these circumstances permission should be granted.

The proposed replacement dwelling is in a similar position to the original house, and although it is larger, it is not disproportionately so. Moreover the new house would have a more appropriate appearance within the surrounding countryside and is not particularly prominent within the landscape, being partly screened by boundary planting and not occupying a high point within the locality. As such the replacement dwelling would not have a significantly detrimental impact on the openness and visual amenity of the Green Belt and complies with policy and guidance.

Approved Extensions - It should be noted that approval was given to extend the existing property in 2008. Although there are differences in design, the approved scheme, if implemented, would result in a house of generally similar proportions to that of the proposed replacement house. The main differences between the extended house and the new house would be the addition of a gabled, rather than hipped, roof and an slightly increased overall house width (approx 1m). It is also noted that the replacement house sits lower on the site than the existing house and includes the detached garage.

Design - The design of the proposed replacement dwelling with its coursed natural stone walls and slate roof would be more appropriate than the existing house with its rather suburban mix of red brick and render. The overall massing and design of the proposed dwelling is considered to be appropriate and consistent with its semi-rural location on the edge of Hawkshaw. In this sense, the proposal would improve the character and appearance of the Green Belt and Area Special Landscape.

Openness of Green Belt - The applicant argues that the proposed replacement house would not have a detrimental impact on the openness of the Green Belt as the increase in

the volume of the new house would not represent a disproportionate increase over the existing house within the meaning of Green Belt Policy. It is noted that advice within PPG2 and the council's own guidance on development with the Green Belt is not prescriptive in terms of precise percentages. Whilst there are general guidelines, the real test is whether the proposal has a detrimental impact on the character and openness of the Green Belt.

The main figures in terms of the increases in volume are as follows:

Existing house including conservatory - 684.31cu.m

Replacement House - 901.14cu.m (31.7% increase over existing)

Replacement House with garage - 1045.14cu.m (52% increase over existing)

Even taking into consideration previous extensions to the house, the additions to the volume of the replacement dwelling would not be disproportionate or have a detrimental impact on the character and openness of the Green Belt. The existence of trees and shrubs on the eastern boundary and around the rear garden helps to screen the site from the east/Hawkshaw lane and trees to the south, along the access road would screen it from the south and houses on Quarlton Drive. Due to the replacement house being set at a lower ground level, its overall height would be lower than the existing house. It is also noted that, in terms of bulk and prominence, the new house would not appear to have a materially greater impact within the landscape than the existing house.

The addition of the double garage between the house and the eastern boundary would, if it is taken as part of the replacement house, take the increase in the size of the development to beyond what would be considered 'non material' as set out in UDP Policy OL1/2 New Buildings in the Green Belt. However there are mitigating factors that reduce the impact of the garage on the openness of the surrounding Green Belt. Firstly, the garage, in its proposed location, would be well screened by the house and tree and shrub planting along the eastern boundary. Even in the Winter months the trees would serve to veil the development to significant extent. In addition to the screening, the garage would be set down in relation to the house and built close to where there were previously two large greenhouses, within the side garden area.

It is also noted that the applicant, has gained Building Regulations approval in January 2009 for a similar sized garage that could be built under the existing permitted development rights should the existing house remain on the site. Whilst this would not be a major determining factor in terms of the current proposal, the applicant is arguing that this 'fall back' position is a material consideration.

On balance, it is considered that the proposal is acceptable and does not conflict with Green Belt policies and guidance.

Trees - A report on the trees along the eastern boundary was submitted and it is concluded that the trees, given their distance to the development, would not be adversely affected. It is recommended however that root protection measures are implemented prior to work commencing. This would be a condition of any approval, should the proposal be deemed acceptable. In this respect the proposal complies with policies relating to new development and trees.

Traffic - As the house is a replacement, the traffic section has no objection to the existing access road and the proposed in-out driveway is considered acceptable. With regard to concerns about construction traffic, this would be controlled by existing highway regulations and private property law. With regard to emergency vehicles accessing the site, the situation would be no different than it is at present.

Public Footpath - There is an existing public footpath running from Hawkshaw Lane, along the access road and continuing in a north westerly direction. It is considered that this would not be seriously affected by the development as it is outside the curtilage of the proposed house. Any diversion or blocking up of the footpath would not be allowed without permission from the Council following the necessary consultation procedures.

Domestic Oil Storage - With regard to the storage of oil for heating, the installation of oil tanks would be subject to Building Regulations approval and the Control of Pollution Regulations which ensures appropriate measures such as secondary containment systems/bunds are in place to prevent any leakage. It is considered appropriate to attach a condition requiring details of its appearance to be submitted prior to commencement of development and an informative making the applicant aware of current regulations.

Drainage - It is apparent from representations received, there is concern from neighbours about drainage from the site and the possibility of increasing flood risk and pollution to local water sources.

With regard to foul sewage, the proposed replacement Klargester BioDisc tank is a modern system that would be cleaner and more efficient than the existing old septic tank which could be utilised with the existing house. The replacement treatment tank would be located in a similar location to the existing septic tank, north west of the entrance, and have a overall diameter of approximately 2m.

With regard to surface water drainage, drains would take run off from roofs to a connection running off from the new BioDisc tank and the driveway to the front would be constructed of permeable hardcore with a rolled stone finish. This arrangement would be acceptable from a strictly drainage point of view and should not result in excessive discharge from the site although there are objections from the occupier of Bramley Fold Farm who states that the applicant has no rights to drain surface water into their field. Likewise the resident of Bramley Fold Farm states that the applicant has no rights to site the new Biodisc treatment tank where it is proposed as it would take up more land than the existing septic tank and involve running a power cable to it from the house.

Whilst drainage is clearly a material consideration in the planning process, legal disputes over whether an applicant has a right to replace an existing septic tank with a new sewage treatment system, with an electric power connection, are more difficult to discern. On the basis that agreement over siting of any drainage system could, in principle, be overcome, the issues regarding neighbour's 'rights' are private matters and not considered material to the determination of the application. It should be noted that a condition can be attached to any approval that requires drainage details to be submitted to and approved by the Local Planning Authority prior to commencement of development. Further to this, a condition can be added that prevents the occupancy of the dwellinghouse unless and until the replacement sewage treatment system is installed and operating satisfactorily.

Whilst there are no objections from related bodies, as a precautionary measure and in the light of Circular 03/99 Planning Requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development, it has been requested that applicant submit a full drainage assessment based on advice within the circular. The information received as a result of this request will be reported to the Planning Control Committee within the supplementary report.

Objections - Most of the concerns raised by neighbours have been addressed in the above report. The objections to the validation of the application have been assessed and it is considered that the application was properly registered. With regard to claims that the application and plans are incorrect, it is important to state that, at least initially, information is taken in good faith and as in this case, where necessary, the application and plans have been amended.

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 replacement dwelling and garage would not have a detrimental impact on the character and openness of the Green belt, West Pennine Moors and Special Landscape Area. There

would be no serious harm to residential amenity, highway safety and there are no serious drainage concerns. The proposal therefore acceptable 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 1:1250 location plan and drawings numbered S:01B, Sk6:01/A, Sk6:03, Sk6:02B 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, retaining walls and areas of hardstanding 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 UDP Policy EN1/1 Visual Amenity.
4. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008, or as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed below.
5. The proposed garage shall not be converted to additional living accommodation without the written approval of the Local Planning Authority.
Reason. To ensure adequate car parking provision is retained pursuant to Policy H2/2 Layout of New residential Development and OL1/2 New Buildings in the Green Belt
6. The development hereby approved shall not commence unless and until a scheme of protection for all trees to be retained on site in accordance with BS 5837:2005 "Trees in Relation to Construction" has been submitted to and agreed in writing by the Local Planning Authority. The development shall not commence unless and until the measures required by that scheme have been implemented, to the written satisfaction of the Local Planning Authority and all measures required by the scheme shall continue until the development has been completed.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
7. The development hereby approved shall not commence until a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved before the dwelling hereby approved is first occupied.
Reasons: To prevent pollution of the water environment pursuant to UDP Policy 7/3 Water Pollution and PPS23 Planning and Pollution Control.
8. Prior to first occupation of the dwelling hereby approved, the Klargester Biodisc treatment tank shall be installed, commissioned and operating satisfactorily and connected to the culvert as indicated in drawing Sk6:03 If there is any discharge to

land, surface or groundwater then a discharge consent complying with all legislative regulations would be required.

Reason: To prevent pollution of the water environment pursuant to UDP Policy EN7/3 Water Pollution, EN7/4 Groundwater Protection, EN7/5 Waste Water Management and PPS23 Planning and Pollution Control.

9. The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved before commencement of development.

Reasons: To prevent pollution to any watercourse pursuant to UDP Policy EN7/3 Water Pollution and PPS23 Planning and Pollution Control.

10. Prior to commencement of development, details of the design and installation of the proposed oil storage tank shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to occupation of the dwellinghouse.

Reason - To ensure that the oil storage tank is designed and installed correctly in the interests of visual amenity and environmental protection pursuant to UDP policies EN1/1 Visual Amenity and EN7/3 Water Pollution.

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

Ward: Ramsbottom + Tottington - Tottington

Item 03

Applicant: Mr Michael Purrett

Location: Former Roach Packing Case Company, Scobell Street, Tottington, Bury BL8 3DT

Proposal: Outline application for residential development all matters reserved

Application Ref: 53170/Outline Planning
Permission

Target Date: 30/12/2010

Recommendation: Approve with Conditions

This application is being presented to the Planning Control Committee meeting because the recommendation is contrary to previous decisions on appeals

Description

The site is a 0.59ha site with the main frontage on Scobell Street. To the north, west and east of the site are residential dwellings and The Royal Pub is immediately to the east of the site. To the south is Scobell Street and across that is open land.

The site is currently occupied by a number of buildings formerly occupied by the Roach Packing Case Company, but they have been vacant from 2004 according to the supporting details. Since this time the buildings within the site have continually deteriorated due to their vacant nature, weathering and vandalism.

The site is covered entirely by hardstandings for open storage and servicing areas with 2663 sqm of buildings, comprising -

- 230 sqm of office accommodation,
- 1181sqm production area,
- 1252 sqm ancillary storage.

The application is seeking outline planning permission for residential use of the land. No densities are being sought at this time. Matters of access, layout, appearance, scale and landscaping are not being sought at this time and are reserved for a future reserved matters application.

Relevant Planning History

01721 - Erection of cover to storage area - Approved - 13/6/75

07780 - Portacabin for office use - Approved - 5/4/79

16643 - first floor extension over existing offices - Approved - 17/1/85

17359 - Extension to existing storage shed - Approved - 19/9/85

25354 - Erection of sawdust shed - Approved - 24/1/91

27567 - Extension to form manufacturing area - Approved - 8/6/92

27621 - Single storey WC extension - Approved - 8/10/92

31543 - Two storey extension - Approved - 20/12/95

36547 - Relocation of oil tank; 2.7m high fence and single storey extension - Approved - 5/7/00

42101 - Outline Residential Development - Refused 14/4/04 - **Appeal Dismissed** 21/6/05

44149 - Outline Residential Development - Refused - 13/4/05

49334 - Outline Residential Development including means of access to the site from Scobell Street - Refused - 20/2/08 - **Appeal Dismissed** 22/01/2009

Publicity

The application has been publicised through the erection of site notices, dated 12/10/10; a press notice, which was published in the Bury Times on 14/10/10 and also by letters sent to

Morris Homes, Butcher & Barlow (Walshaw Estates), 2 - 32 Deacons Crescent, 2 & 4 Moss Side, 226 - 276, 278 - 288, 301 - 329, 308 - 322, 331 - 353, 363 - 387, 533, Paul Anthony Commercials, Hill Post Office Bury Road, 308 - 318 Tottington Road, 2 - 6, 21 - 31, 29a, 114, 128, 147, 149 Scobell Street, Beechwood, Beechwood Lodge and 2 Beechwood Court 10 & 12 Leemans Hill, 1 - 23, 2 - 36 Camberley Close.

As a result of this publicity, 4 letters/emails have been received supporting the application from 343 Bury Road, 10 Camberley Close, 10 Deacons Crescent, 2 Moss Side. These comments can be summarised as follows:

- Welcomes residential development. The development should represent surrounding properties ie houses not flats.
- Supports this application as the current packing plant is an absolute eyesore, and as the application states has been subject to vandalism on a number of occasions. However, the application does not state the number of dwellings anticipated and therefore would like it to be noted that we would object to any flats being built, and also an overpopulation of houses on small plots which would cause a big increase in traffic flow on Scobell Street and an already very busy Tottington road.
- The site at present is a hazard to children and adults alike. The fire services are called to the premises nearly every week and the building is infested with pigeons and other vermin including drug addicts so building houses can only be an improvement.

In addition, 2 letters/emails have been received from 252 Bury Road, 114 Scobell Street with comments, which can be summarised as follows:

- Questions what is the development going to be, numbers and what is to happen with the asbestos roofs/structures and the culvert on the site at present.
- Does not wish to see apartments being built.

The respondents have been notified of the Planning Control Committee Meeting.

Consultations

Traffic Section - An acceptable access could be provided off Scobell Street and recommends conditions concerning detailed technical specifications for visibility splays.

Environmental Health Contaminated Land - Suggest planning conditions to ensure that contamination matters are appropriately dealt with before, during and after implementation.

Waste Management - No objections at this outline stage.

BADDAC - No Comments at this stage.

Environment Agency - Response to be reported. However, the EA had no objections to the previously refused scheme on flooding grounds.

Design for Security - They have provided comments on the indicative layout, which at this time is not a matter for consideration. They comment that the indicative layout would give rise to concerns in the areas where the public rights of way are located and how boundary treatments relate to these features adjoining the site. Additionally, they comment on the importance of lighting and the details of landscaping so as not to promote crime within or surrounding the site.

GM Fire Service - No objections in principle. Access and cul-de-sac conditions should be in accordance with adopted standards and that sufficient water is made available for fire fighting purposes.

United Utilities - They have no objection to the proposal providing that the site is drained on a separate system, with foul drainage only connected into the foul sewer. Surface water should drain to the private watercourse crossing the site.

Unitary Development Plan and Policies

EC2/2	Employment Land and Premises
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H3/2	Existing Incompatible Uses
H4/1	Affordable Housing
EN1/6	Public Art

EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
RT2/2	Recreation Provision in New Housing Development
HT2/4	Car Parking and New Development
SPD1	DC Policy Guidance Note 1: Recreation Provision
SPD4	DC Policy Guidance Note 4: Percent for Art
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD11	Parking Standards in Bury
SPD14	Employment Land and Premises
EN9	Landscape
PPS9	PPS9 Biodiversity and Geological Conservation
PPS23	PPS23 Planning and Pollution Control
PPS25	PPS25 Development and Flood Risk

Issues and Analysis

Principle - The Council had successfully defended 2 appeals for residential development on this site on the key issues of the loss of employment land and the development of an oversupply of housing.

Given that the site has an established employment use, any planning application that would involve the loss of the employment use is determined against UDP Policy EC2/2. Under this Policy, development will not be allowed where it would result the loss of an employment site unless it can be clearly demonstrated that the land and premises are no longer suited, in land use terms, to continued employment use. Where this can be demonstrated, the Council will give consideration to other uses provided that they accord with other policies of the Plan.

Consideration of the suitability of the site in land use terms goes beyond assessing the condition of the premises. It is important to also consider whether employment is an appropriate use for the site.

The debate as to whether the site was suitable in land use terms was identified as being one of the main issues at the 2005 appeal against the Council's refusal of planning permission for residential development on the site. In paragraph 20 of his report, the Inspector presiding over this appeal concluded that "...the site remains suitable in land use terms for continued employment. Accordingly, the proposal would be contrary to the UDP". There has been no change in circumstances since the appeal that would render the site to be unsuitable in land use terms and, as such, employment is still considered to be an appropriate land use for the site. A similar view was taken in 2008 when the Inspector considered that the onus was placed upon the developer to prove a lack of suitability of the site moving away from an employment use and that even with the deteriorating state of the buildings, the site could be used for employment purposes and indeed contributes to 'a range' of employment sites.

Furthermore, the site has recently been appraised as part of the Bury Employment Land Review and this too has concluded that, from a land use perspective, the site remains suitable for continued employment use.

Supplementary Planning Document 14 – Employment Land and Premises (SPD14) -

In September 2007, the Council formally adopted SPD14. The SPD sets out the Council's intended approach towards planning applications proposing the redevelopment of employment land and premises in the Borough. It supports the aims of UDP Policy EC1 which is concerned with the provision of employment land and Policy EC2/2 which relates to existing employment land and premises outside the defined Employment Generating Areas.

The note recognises that the Borough contains a significant amount of older industrial

premises, some of which are in secondary locations and which may not necessarily be suitable for modern business requirements. SPD14 recognises that although such sites may not represent high quality and prestigious employment sites, they do, nevertheless, fulfil a vital role in providing more affordable accommodation.

The SPD goes on to specify that the Council's starting point will be to retain all employment land and premises that are considered suitable, in land use terms, to continued employment use. However, SPD14 does allow for a greater degree of flexibility if it can be clearly shown that the retention of the site is not currently economically viable to retain and that there is currently no demand for the site for re-occupation by an alternative employment use. Where this can be demonstrated, consideration should be given to a mixed use proposal that incorporates an element of employment use. Where this is also inappropriate or unviable, consideration may be given to alternative uses subject to a one-off payment to compensate for the loss of the employment resource. This payment would then be used to bring forward employment opportunities elsewhere.

The previous two applications/appeals on this site included attempts to demonstrate that the retention of the site in employment use was not viable. However, these attempts were considered to be fundamentally flawed. The site has again been marketed for a significant period in the lead up to this latest application. This latest attempt is more robust and the site has been offered on realistic terms. There has been no substantive interest from anyone wishing to retain the site in employment use and it is accepted that currently, there is unlikely to be demand for the site.

Viability appraisals have been carried out on the potential of site for redevelopment for new employment uses in whole or in part and based upon two given scenarios that reflect typical development approaches for employment usage. The appraisals demonstrate even if a land value of zero is assumed, the appraisal demonstrates that this site is not viable for employment development.

As a result of the marketing and the viability appraisals, it is considered that there is currently no realistic prospect of the site coming forward for employment purposes.

The limited size of the site means that achieving a mixed use scheme that would deliver any significant employment opportunities would not be possible and this is, therefore, considered to be an inappropriate option for the site.

Consequently and in accordance with the approach set out in SPD14, consideration may be given to alternative uses subject to a one-off payment to compensate for the loss of the employment resource. The requirement for a one-off payment would be secured at the detailed reserved matters stage through a Section 106 planning agreement. At this outline stage, a condition should be imposed to secure this payment.

Housing Land/Supply - The site is a previously developed site in terms of PPS3 and is surrounded by residential development. The site is readily accessed by adequate infrastructure and as such the use of housing for this site is an appropriate one.

On 10 November, the High Court found that the Communities Secretary acted unlawfully in unilaterally revoking of the system of Regional Spatial Strategies in England. Therefore, the Regional Spatial Strategy (RSS) is a material consideration in the determination of this application.

The RSS has been revised since the previous application and the Council no longer has an oversupply of housing and the Council should aim to deliver 500 dwellings per year. As such, the development of site for housing would contribute towards this provision and as such the development would comply with H1/2.

Details - The application is in outline at this stage and all matters are reserved as such, the Layout, access, appearance, landscaping and scale are matters that would be considered

at a future reserved matters stage.

There are indicative plans that show that the site can be accessed from Scobell Street and be laid out in a suitable way to accommodate public rights of way around the site. However the plans are for information purposes only and not subject to this application.

Ecology - The site has been recently surveyed by a licensed ecologist and the findings are that all of the buildings have a low potential for bat roosting. The brick built building could have potential if the building is open following vandalism. It was not at the time of the survey. The submitted report suggests that roofing materials are carefully removed prior to structural demolition. This should be conditioned accordingly.

Publicity - The comments of support are noted. The details of the types of properties to be built on site would be determined at the reserved matters stage.

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 site has been demonstrated that its retention for employment usage alone is no longer viable and it is therefore considered no longer suitable for employment purposes. The site is within the urban area and is adequately served by existing infrastructure. Therefore the site's redevelopment for residential purposes subject to the conditions specified and with suitable employment provision pursuant to SPD14 is considered acceptable and would under these circumstances comply with Unitary Development Plan Policies and there are no other material considerations to outweigh this view.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. Before the development is commenced, the applicant shall submit detailed plans and particulars to the Local Planning Authority, and obtain their approval under the Town and Country Planning Acts, of the following reserved matters: access, layout, scale, appearance, and landscaping.
Reason. To ensure the satisfactory development of the site and because this application is in outline only.
2. Applications for approval of reserved matters must be made not later than:
 - the expiration of three years beginning with the date of the grant of outline planning permission; and
 - that the development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

3. This decision relates to the reports received on Application documents received 27 September 2010 viability assessments dated 22 November 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.
4. 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.

5. The development hereby approved shall not commence unless and until details and provision has been made to the Local Planning Authority for the loss of employment land and premises that would be be in accordance with Bury Unitary Development Plan Policy EC2/2 - Employment Land and Premises Outside Employment Generating Areas and the associated Supplementary Planning Document - Employment Land and Premises.
Reason - To ensure that the development would contribute towards satisfying the need for employment provision pursuant to Bury Unitary Development Plan Policy EC2/2 - Recreation Provision In New Residential Development and the associated Supplementary Planning Document - Employment Land and Premises.
6. The development hereby approved shall include provision that would be sufficient to be in accordance with Policy H4/1 - Affordable Housing of the Bury Unitary Development Plan 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 affordable housing pursuant to Policy H4/1 - Affordable Housing of the Bury Unitary Development Plan and the associated Development Control Policy Guidance Note 5 - Affordable Housing Provision in New Residential Developments.
7. 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
8. No development shall commence until full details of a scheme for the eradication and/or control of any Japanese Knotweed (*Fallonica Japonica*, *Rouse Decraene*, *Polygonum Cuspidatum*) prent within the site is submitted to and approved in writing by the Local Planning Authority. The approved management plan shall include a timetable for implementation. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority.
Reason. To ensure that the site is free from Japanese Knotweed in the interest of UDP Policy EN9 - Landscape.
9. No clearance of vegetation or demolition work shall take place within the site between 1st March and 31st August inclusive in any year unless otherwise agreed in writing by the Local Planning Authority.
Reason: Birds on the nest are protected and in order to ensure that clearance of

buildings or vegetation does not occur unless it is proven that birds are not present, pursuant to Policy EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and PPS9.

10. The roofs and structural demolition shall be carried out in accordance with the recommendations in section 5.0 - 5.5 of the M Prescott report dated 16 May 2010, unless otherwise agreed in writing with the Local Planning Authority. Should demolition not take place April 2011, the a re-survey shall be undertaken and demolition shall then be carried out in accordance with the findings and mitigation presented at that time.
Reason: In order to establish the upto date status of bats within the site that are a protected species and to ensure their protection pursuant to Policy EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and PPS9.
11. No development shall commence unless and until:-
 - 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.
12. Following the provisions of Condition 11 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.
13. 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.
14. 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.

15. Following the provisions of Condition 11 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.

16. No development approved by this permission shall be commenced unless and until a scheme for the provision of surface water drainage works and foul drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal pursuant to Policy EN5/1 - New Development and Flood Risk of the Bury Unitary Development Plan and PPS25.

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 vehicle 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 adapted highways are kept free of deposited material from the ground works operations.

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

Ward: Whitefield + Unsworth - Pilkington Park

Item 04

Applicant: Mr John Rogers

Location: Land at 10 Eight Acre, Whitefield, Manchester, M45 7LW

Proposal: 1 No. detached dwelling

Application Ref: 53184/Full

Target Date: 25/11/2010

Recommendation: Approve with Conditions

Description

The site forms part of the garden curtilage of No 10 Eight Acre, a 2 storey detached property within a cul de sac setting. No 10 has been previously extended with the addition of a 2 storey side extension and conservatory on the side. There is a detached garage towards the rear of the site. The adjacent property, No 8 is also detached and has a driveway at the side adjacent to No 10. A boundary fence separates the 2 properties. To the rear are houses on Sunningdale Avenue, which are some 25m away from the rear boundary of the site.

The proposal involves the demolition of the conservatory and detached garage to No 10 Eight Acre, and the erection of a single dwelling in the remaining garden area in between No 10 and No 8. In terms of accommodation, the house would be traditional in design and layout and similar to the surrounding dwellings. The ridge height of 6.4m would be similar to the 2 adjacent houses, and brickwork and roofing materials comprising of tiles would be similar to other houses on the cul de sac.

A new drive for 2 cars would be provided for the existing house adjacent to the drive of No 12. The existing drive would be utilised by the new property and would be widened to accommodate 2 cars.

Relevant Planning History

None

Publicity

10 letters sent to Nos 7,8,9,11,12,13, Eight Acre, Nos 14,16,18, Sunningdale Avenue and No 21 Sergeants Lane on 6/10/10.

One letter of objection received from No 7 Eight Acre with the following comments:

- Insufficient parking;
- The development compromises the nature of Eight Acre and the Old Hall Estate by cramming into limited space;
- Not in-keeping with surrounding properties due to its dimensions.

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

Consultations

Drainage Section - No objection.

Traffic Section - No objection.

Environmental Health Contaminated Land - No objection subject to condition.

Waste Management - No objection.

Designforsecurity - No objection subject to recommendations to secure the property.

Unitary Development Plan and Policies

PPS3 PPS3 - Housing

EN1/2 Townscape and Built Design

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/6	Garden and Backland Development
HT2/4	Car Parking and New Development
PPS23	PPS23 Planning and Pollution Control
SPD16	Design and Layout of New Development in Bury
RSS 13	Regional Spatial Strategy for the North West

Issues and Analysis

Policy - On 10 November, the High Court found that the Communities Secretary acted unlawfully in unilaterally revoking of the system of Regional Spatial Strategies in England. Therefore, the Regional Spatial Strategy (RSS) is a material consideration in the determination of this application. The RSS states that the Council should aim to deliver 500 dwellings per year and the development of the site would contribute towards this provision.

The principle of a single dwelling within an existing urban area is acceptable in principle subject to criteria relating to layout and design in accordance with Unitary Development Plan Policy Guidance.

H1/2 - Further Housing Development states that regard should be given to the need to direct development towards the urban area thereby avoiding the release of peripheral open land, the suitability of the site in terms of land use and other policies and proposals of the Plan.

H2/1 - The Form of New Residential development states that new development will take account of neighbouring properties, density and character of the area and external appearance.

H2/2 - The Layout of New Residential Development requires proposals to demonstrate acceptable standards of layout including parking, access, density and landscaping.

H2/6 - Garden and Backland Development has regard to the concentration and relative density of development in the surrounding area, impact on neighbouring properties and the local environment and access arrangements.

The site is in a sustainable location within the urban area, existing infrastructure and in a residential area. The principle of residential development is acceptable, subject to details of the scheme.

It is pertinent to note that the Planning Control Committee at its November meeting confirmed that proposals that involved garden development would be assessed on their individual merits.

Siting and Design - The existing property appears to have been built on a site that was two plots when the estate was laid out. As such, the proximity of the new property to the adjacent dwellings would be no different to that which already exists to the surrounding properties. The proposed dwelling would be positioned between the gable of the applicant's house and the blank gable of the immediate neighbour at No 8 and would be set back from the main frontage by 5.7m. The roof line would follow that of the 2 adjacent properties and therefore maintain symmetry and rhythm within the street scene.

There would be a distance of 9m from the rear elevation of the new dwelling to the rear boundary and 30m from the rear elevation to the property behind which would maintain adequate privacy distances, as well as providing sufficient private amenity space.

In terms of design, the proposed dwelling is considered to be in keeping with the properties surrounding the site, given that there is a mix of house types including dormer bungalows and 2 storey detached houses. The external finish would be brick and concrete roof tiles

although samples would be requested for approval following grant of permission as the application does not specify type and colour.

In terms of siting and design, the proposal is considered acceptable and complies with Unitary Development Plan Policies H2/1- The Form of New Residential Development, H2/2 - The Layout of New Residential Development and H2/6 - Garden and Backland Development.

Residential amenity - Separation distances to habitable room windows to the properties at the rear would be 30m which exceeds minimum aspect distance of 20m. There would be no habitable room windows in the gable which would overlook either of the adjacent houses and the proposed dwelling would project no further than 2m beyond the rear elevation of No 10.

Boundary treatment to No 8 would be maintained and it is considered there would be no detrimental impact on the residential amenity of this property. Boundary treatment to No 10 would be a 1.2m high 'waneylap fence'.

The proposal complies with UDP Policies H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development and H2/6 - Garden and Backland Development.

Access and Parking - There would be 2 parking spaces provided for the existing and 2 spaces for the proposed dwelling. A number of houses of similar size on the cul de sac have converted their garages to residential accommodation and paved over front gardens to provide off street parking. The proposed parking arrangements would be no different to other properties in the area and as such this arrangement is considered acceptable. Guidelines suggest that 2 off road spaces are sufficient for a development of this size and location. The Traffic Section have not raised an objection to the scheme. As such, the proposal is considered to comply with UDP Policies HT2/4 - Car parking and New Development and DCPG Note 11 - Parking Standards in Bury.

Response to Objector - Concerns regarding parking issues have been discussed in the report above. In terms of size and position of the house, the site is large enough to accommodate residential development without detriment to the character or amenity of the surrounding area. On assessment of planning policies, the development complies with policy and there is no reason to consider the proposals are unacceptable.

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 dwelling would be in keeping with the character of the area and would not have a detrimental impact on the amenity of the neighbours. The scheme includes adequate parking provision and will not adversely impact on highway safety issues. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings - Existing site elevations sheet 1; Existing site plan sheet 2; Proposed site elevations sheet 3 Rev 1; Proposed site plan sheet 4 Rev 2; Proposed house elevations and plans sheet 5 Rev and the development shall not be carried out except in accordance with the drawings hereby approved.

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

3. No development shall commence unless and until the replacement parking facilities for the existing dwelling indicated on the approved plan reference Sheet 4 Revision 2 have been provided to the written satisfaction of the Local Planning Authority.

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

4. The car parking indicated on the approved plan reference Sheet 4 Revision 2 shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the dwelling 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.

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

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

6. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.

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

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

Ward: Bury East - Redvales

Item 05

Applicant: Thumbs Up (Bury) Ltd

Location: Thumbs Up (Bury), Greenfields, Dumers Lane, Bury, BL9 9UT

Proposal: Demolition of existing warehouse and erection of a research and development and recycling building (Class B2)

Application Ref: 53186/Full

Target Date: 31/12/2010

Recommendation: Approve with Conditions

Description

The application site comprises an existing building fronting onto Dumers Lane and forms part of the Thumbs Up Industrial premises.

The surrounding areas contain both employment uses and residential development. To the immediate west there is the O2 call centre and large modern Birthday building and on the opposite side of Dumers Lane there are new industrial units. The residential development is located to the north east and east on Whitefield Road and Wellfield Close, and across Dumers Lane to the south. Directly to the north there is a further large area of disused land that is owned by Thumbs Up but is not part of their operational site.

The application seeks the demolition of an existing warehouse and erection of a research and development and recycling building. The existing building is 630 sq m in area with a ridge height of 7.8m. The proposed building would be 2767 sq m, equating to a net additional gross increase of 2137 sq m with a ridge height of 7.7m. The building would be finished externally in metal cladding similar to that of the other units on site.

The new building is intended to be used for 2 purposes;

- as a Research and Development Centre (R and D) to include the design, trialling and sampling of new products;
- to re-house and expand the Company's recycling and regeneration process.

Both of these elements require large pieces of machinery which has dictated the size of the proposed building.

The new building would also be used to accommodate machinery whilst necessary maintenance works are carried out to the existing manufacturing unit.

Relevant Planning History

45522 - Change of use of existing warehouse (Class B8) to manufacturing (Class B2) and associated building works including installation of six 14 metre high silos - Approve with Conditions 21/12/2005

47585 - Extension to existing factory - Approve with Conditions 18/4/2007.

52211 - Change of use of open land to service yard; creation of hardstanding and erection of 2.3m high security fence - Approve with Conditions 25/05/2010

Publicity

Notification letters sent to 11-47 (odds) Dumers Lane, Units 1-6 Bracken Trade Park, and O2 Dumers Lane notified on 6/10/10.

Press Advert posted in The Bury Times on 28/10/10.

One e-mail of objection received (no postal address) which raises the following:

- There are a lot of HGV's that leave Thumbs Up this causing noise and believe it or not shaking to our dwelling - should this planning application go through there will be further vehicles coming and going from this location causing more disruption to residents in the

location;

- Issues with workers parking outside residents houses causing problems to local residents which could be made worse by the proposal.

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

Consultations

Traffic Section - No objection.

Drainage Section - No objection.

Environmental Health Contaminated Land - No objection subject to conditions.

Wildlife Officer - Satisfied with the results of the bat survey.

Environment Agency - No objection in principle but comment the application lacks detail in relation to the submitted Flood Risk Assessment. The proposed development would only be acceptable subject to conditions.

Designforsecurity - No comments received to date.

Baddac Access Officer - No comments to make.

Environmental Health Pollution Control - No objection subject to condition to provide a noise survey to establish ambient noise levels.

Unitary Development Plan and Policies

EN7/2 Noise Pollution

EC2/1 Employment Generating Areas

EC1/1 Land for Business (B1) (B2) (B8)

EN1/2 Townscape and Built Design

EN5/1 New Development and Flood Risk

EC6/1 New Business, Industrial and Commercial

PPS23 PPS23 Planning and Pollution Control

Issues and Analysis

Principle - The site is within an Employment Generating Area and designated Employment Land. The development would constitute an extension to an existing factory building and information has been submitted regarding the manufacturing needs and expansion of the company. The building is required to house large machinery as part of the R and D element of the business as well as accommodating operational machinery for the re-processing and re-cycling unit. The building would be of economic importance to the company and would enable it to compete in the worldwide market and secure the future wellbeing of the business and its employees.

The development would clearly conform to the designation of the site as an Employment Generating Area and as Employment Land which seek to support the local economy and protect local industry. The application also states that 12 additional jobs would be created as a result of the development.

As such, the proposal complies with Unitary Development Plan Policies EC2/1 - Employment Generating Areas and EC1/1 - Land for Business (B1), General Industrial (B2) and Warehousing (B8).

Siting, Scale and Appearance - The design is partly dictated by the functional requirement to house large machinery for both the R and D and recycling elements of the proposals. The building would be similar in appearance and materials to the existing warehouses on site, using a two-tone cladding system in blue and light grey. The roof would comprise of roof lights and a row of smoke vents either side of the ridge. The building would be typically characteristic of the existing manufacturing site and would reflect the nature of the surrounding industrial businesses.

The building would replace an existing building which currently fronts Dumers Lane and would therefore only be visible from the terrace houses diagonally opposite from an oblique angle. Whilst the proposed building would be bigger in footprint than the existing, it would be marginally lower in height and similar in scale to the units opposite. It would also be

smaller than the adjacent O2 building which is 3 storey in height and covers a much larger footprint.

The majority of the new floorspace would be created between the application site and the manufacturing behind, and as such the increase along the frontage of Dumers Lane would not be significantly different to the existing building and the trees would be retained to provide screening.

When viewed from the street, and from the public domain the proposed building would be seen within the backdrop of other industrial buildings in the Thumbs Up site and the surrounding commercial setting, and as such the building is considered to be acceptable in scale, siting and appearance and would comply with UDP Policy EN1/2 - Townscape and Built Design.

Residential Amenity - The building would be approximately 30m from the nearest residential properties on Dumers Lane. These houses are diagonally opposite and would not directly face the new building and there would be no overlooking or privacy issues.

Most of the industrial activity is focused towards the centre and rear of the site in the other 3 units which would remain the case. Activity associated with the new building would be contained internally, and all vehicular openings and door entrances would be on the north east or north west elevations which are set within the Thumbs Up site, and not fronting Dumers Lane. The new building would also enclose the existing outdoor storage area thereby reducing noise and activity which would be to the benefit of local residents.

A condition has been imposed to ensure there would be no increase in noise from the proposed building and a survey is required to be submitted by the applicant.

Given the orientation of the building and relationship to the nearest residential properties, the proposal is considered not to have a detrimental impact on the amenity of local residents and complies with UDP Policy EN1/2 - Townscape and Built Design.

Flood Risk - A Flood Risk Assessment was submitted with the application. Whilst the Environment Agency have not objected to the principle, more information is required for a scheme to regulate surface water run-off, a scheme to deal with risks associated with contamination on site and a verification report demonstrating completion of the necessary works. Submission of this information would be a condition of any approval recommended by the Environment Agency.

Car Parking and Servicing - The new building would facilitate works on site which are currently carried out elsewhere off the premises by another company and subsequently delivered to Thumbs Up. As such, it is anticipated vehicle movements would be reduced by the provision of the new building and facility.

There are two car parks on the premises for staff with 128 spaces in total. 54 spaces are in regular use by staff during the day, which is 24% of the total provision. The spare capacity is therefore 74 spaces or 58% of the total car parking provision.

The objector has raised parking as an issue in the area and suggests that very often employees park outside local residents houses. There is no evidence this is from Thumbs Up employees, given there are other commercial businesses in the area and there is no reason to assume staff would not use the company's designated car parks.

Thumbs Up also employ a large number of local people, who either walk or use public transport to get to work.

The highways team have raised no objection to the proposed development.

As such, the delivery and parking arrangements are considered acceptable and would

comply with UDP Policy HT2/4 - Car Parking and New Development..

Response to Objector - The issues raised on parking, servicing and noise have been covered in the issues in the above 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 proposed development would be in accordance with the policies of an Employment Generating Area and would not adversely impact on the amenities of the surrounding residents or impact on highway safety issues.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 51/2010/0598 - 101; 01 B; 02 B; 03 B; 04 B; 05 B; TU-20 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. No development shall commence unless and until:-
 - 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 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. The development hereby permitted shall not be commenced until such time as a scheme to regulate surface water run-off has been submitted to, and approved in writing by, the local planning authority.

The scheme shall show compliance with the section 4.6 of the SFRA User Guide and be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason. To reduce the risk of flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

9. Noise from the proposed activity/development hereby permitted shall not increase the prevailing ambient noise levels as measured at the boundary of the site. The ambient noise levels shall be determined by survey, by the applicant, to the satisfaction of the Local Planning Authority and a copy of the survey report shall be provided to the LPA before any development takes place. For further information, the applicant is advised to contact the Environmental Services Division of the Local Authority.

Reasons. To protect the amenities of occupiers of nearby properties pursuant to Unitary Development Plan Policy EN7/2 - Noise Pollution.

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

Ward: North Manor

Item 06

Applicant: Mr & Mrs J Tattersall

Location: 39 Rowlands Road, Summerseat, Bury, BL9 5NF

Proposal: 1 No. detached dwelling with integral garage; Wall, railings and gates to front

Application Ref: 53199/Full

Target Date: 09/12/2010

Recommendation: Approve with Conditions

Description

The site has a road frontage of 24m and a depth of 33.5m. There are a number of ornamental trees and shrubs on the site and the garden is currently bounded by a low 'suburban' wall to the front and a variety of fences to the rear and the original bungalow was demolished a number of months ago.

The site is set amongst existing development and to one side there is a 'farm' building of stone which has been converted to residential, to the other a row of two storey terraced properties which are brick built. The opposite side of the road has a variety of inter war and new detached properties of 2 storeys and the land at the rear is open farm land. The land slopes upwards along Rowlands Road from the terraced properties to the 'barn' conversion by 1.5m.

The proposal is for a two storey 6 bedroom property with a double garage. 3 of the 6 bedrooms are located in the roof of the property, 1 above the garage and 2 above the main house. These rooms are lit via dormer windows on the front and rear elevations. The proposed materials for the property are hand made brick, natural slate with stone headers and cills to the windows. The house is very traditional in style and located on the foot print of the previous bungalow. It will be 20.5m in width (including the attached garage) and 13.3m in depth including the single storey rear dining room. The property will be set 8.4m back from the highway. The front boundary onto Rowland's Road will be a traditional brick and railing wall (similar to that on the terraced properties adjacent) and the rear of the rear garden boundary will be formed by a 1.8m high close boarded timber fence.

Relevant Planning History

50194 - DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF DETACHED DWELLING WITH INTEGRAL GARAGE - Approve with Conditions 22/08/2008

50198 - CONSERVATION AREA CONSENT FOR DEMOLITION OF EXISTING BUNGALOW. - Approve with Conditions 22/08/2008

551291 - APPLICATION TO REMOVE CONDITION 6 FROM PLANNING APPROVAL

50194 (NO FENCES, GATES OR OTHER MEANS OF ENCLOSURE TO BE CONSTRUCTED TO THE FRONT GARDEN ONTO ROWLANDS ROAD WITHOUT THE PRIOR WRITTEN CONSENT OF THE LOCAL PLANNING AUTHORITY)

(RESUBMISSION) - Approve with Conditions 10/06/2009

Publicity

As the application is in a Conservation Area a press notice was placed in the Bury Times on 21st October and on the same date a site notice was posted. In addition neighbours at The Rowlands, 31 to 47 (odd) and 42 to 46 (even) Rowland's Road have been consulted.

One objection has been received from the owner of No. 47 (the adjacent neighbour to the east) and this can be summarised as follows:

- The property will have a detrimental impact on our residential amenity due to its height which will be above the trees on our boundary.
- The dormer windows will increase this impact

- The increase in the width of the property over the approved house will give the effect of a brick wall which will detract from our garden area.

The objector has been informed of the Planning Control Committee.

Consultations

Traffic Section - No objections

Borough Engineer - No objections

Environmental Health Contaminated Land- No objections

Conservation Officer - No objections

Waste Management - No objections

designforsecurity - No objections

Baddac - No objections

Unitary Development Plan and Policies

OL1 Green Belt

EN1/2 Townscape and Built Design

EN2/1 Character of Conservation Areas

EN2/2 Conservation Area Control

OL5/2 Development in River Valleys

EN9/1 Special Landscape Areas

H1/2 Further Housing Development

H2/1 The Form of New Residential Development

H2/2 The Layout of New Residential Development

PPS23 PPS23 Planning and Pollution Control

Issues and Analysis

Principal - as the site already has a full valid permission for a new house and this is an amendment to the type of property to be erected. As such the principal of redevelopment has already been accepted in terms of Unitary Development Plan Policy H1/2 - Further Housing Development.

Setting and design - The site is located in a Conservation Area and as such the impact of the new dwelling on the CA is important. The proposed dwelling is traditional in style using traditional materials. Whilst it is set back from the street the provision of a traditional wall and railing boundary detail matching that of the terraced property to the west will add to the character of the area. The house 'steps down' the site so that the ridge line adjacent to the terraced properties is some 2m lower and where it is adjacent to the barn conversion the ridge is slightly higher (0.3m) but as it is set over 9m from this property and there is a tree screen between the two properties it is not considered that this will be so out of place as to warrant refusal on streetscape grounds. Generally speaking the new property sits well in the plot and relates well in its massing and scale, to the character of the CA and as such will not be contrary to UDP Policy EN2/2.

Trees - the trees on the site are ornamental garden species and not indigenous to the area. The Conservation Officer and Councils Arboriculturist have both assessed the trees at the pre-application stage and found that they did not add value to the CA and were not worthy of retention. As such a tree report was not requested and the loss of them will not impact adversely on the CA and as such will not be contrary to UDP Policy EN2/2.

Frontage - an integral part of the character of the CA are the frontages to the properties. Unfortunately, there have been a number of recent developments that have involved 'suburban' walls and gates and in this case the applicant has indicated a more traditional wall and railing detail to match that of the terraced properties adjacent and as such this is welcomed.

Residential amenity - The building has been positioned on the existing plan of the bungalow on the site. The distances between to properties opposite and the front habitable room windows are 64m and as such comply with the councils aspect standards. The buildings either side of the site have no habitable room windows overlooking the site and similarly the new property has no habitable room windows on the side elevations.

Regarding the terraced property to the west - The new property will extend beyond the rear of the terraced property adjacent to the west by 2.5m and if a 45 degree line is drawn

from the habitable room window in this property it will not hit the new building and as such it will accord with the Councils standards.

Regarding the barn conversion to the east - The proposed 2 storey portion of the house adjacent to No. 47 will extend 7m to the rear of the barn conversion and the dining room portion will be 3m to the rear of that, giving a total of 10m of wall close to the boundary. The gable wall of No 47 is set 7m from the boundary of the site and 9m at the closest from the gable of the new house which is 2m from the joint boundary. If a 45 degree line were drawn from the nearest habitable room window in the barn it would again miss the new dwelling. In addition the 'barn conversion' has a garage and a number of mature trees on the boundary with the site and is set higher. The mature trees on the boundary of the site would partially screen the new house. Being north west of No. 47, the massing of the building will have some impact on the property, especially as this property only has a relatively small rear garden of 9.5m in depth but it is considered that the separation of 9m from the main house and the planting on the boundary of No. 47 will mitigate this impact to such an extent as to not warrant refusal. As such it is considered that the application will accord with both UDP Policies H2/1 with regard to its impact on residential amenity and is acceptable.

Highways and parking. The driveway remains as for the previous bungalow on the site. It will have a length of 9.3m and a double garage is to be provided. This together with other land this allows space for the parking of at least 4 vehicles. SPD 11 on Parking Standards requires a maximum of 3 spaces for houses with 4 beds or more and as such the scheme exceeds these requirements.

Objection. The issues over the impact on the neighbouring property have been dealt with in the main body of the report.

Summary of reasons for Recommendation

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

The replacement dwelling reflects the character of the Conservation Area within which it is located and the proposal accords with the Councils standards on aspects and impact on adjacent properties.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 09/113/P01 Rev C and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the brick, natural stone and natural slate shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials shall than be used in the construction of the property.
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.

6. The turning facilities indicated on the approved plans shall be provided before the dwelling is first occupied and shall thereafter be maintained.

Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of highway safety and to accord with Unitary development Plan Policy H2/2 - The Layout of New Residential Development.

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

Ward: Prestwich - Sedgley

Item 07

Applicant: Mr Choudhry

Location: 46-48 Bury Old Road, Prestwich, Manchester, M25 0ER

Proposal: Demolition of 2 no. detached dwellings. Construction of new apartment building comprising of 14 no. apartments with associated underground parking, and amenity space.

Application Ref: 53205/Full

Target Date: 11/01/2011

Recommendation: Minded to Approve

It is recommended that this application is Minded to Approve subject to the signing and completion of a Section 106 agreement for recreation provision in accordance with Policy RT2/2 of the adopted Unitary Development Plan and DCPGN1. Should the agreement not be signed and completed within a reasonable period, it is requested that the application be determined by the Development Manager.

Description

The site consists of two detached dwellings, which are located on the corner of Castle Hill Road and Bury Old Road, Prestwich. The dwellings are in an elevated position and are constructed from red brick with a tiled roof. There are a number of mature trees along the frontage to Bury Old Road and there is a 1 metre high stone wall, with a 2 metre timber fence on top. The site slopes upwards from Bury Old Road and there are currently two accesses onto Bury Old Road and an access onto Castle Hill Road.

Castle Hill Road forms a crossroad with Kings Road and Bury Old Road. There is a local shopping centre opposite the site, with a layby for parking, which is accessed close to the Kings Road junction. There are residential dwellings to all other boundaries.

The proposed development involves the demolition of the two detached properties and the erection of a single building for 14 apartments. The parking would be provided at basement level (ground level to Bury Old Road) with three floors of apartments above.

The parking area would be accessed from Castle Hill Road via a ramped access and pedestrian access would be provided from Bury Old Road.

Relevant Planning History

None relevant.

Publicity

36 neighbouring properties (34, 36, 50, 52 (Islamic Centre and Mosque) 39 - 63A Bury Old Road (odds); 1 - 11 (odds), 2A, 2B, 2C Castle Hill Road; 6, 9 Woodthorpe Court) were notified by means of a letter on 13 October and a press notice was published in the Bury Times on 28 October. Site notices were posted on 15 October.

15 letters have been received from the occupiers of 1, 2a, 2b, 2c, 5, 7, 9, 11, 15, 17 Castle Hill Road; 45, 49A, 50 Bury Old Road; 38 Poppythorn Lane and 67 Park Road, which have raised the following issues:

- Impact upon parking
- Increase in noise to the area
- Impact upon privacy when using garden
- Impact upon light.
- The proposal would have an adverse impact upon the junction of Bury Old Road and

Castle Hill Road

- The scale of development would encourage on-street parking
- Disruption to wildlife
- Disruption to local residents during construction
- No demand for the properties
- The proposed balconies would overlook residential gardens
- Impact of the proposal on pedestrian safety
- Impact upon noise
- A three storey development would be out of character with the area
- The position of the entrance to the car park would be detrimental to highway safety.
- The worshippers at the Mosque have no option but to park in Castle Hill Road and the proposal would add to congestion.
- Impact upon the trees along the frontage

The objectors have been notified of the Planning Control Committee.

Consultations

Traffic Section - Raise concerns due to the increase in the number of vehicles, which would use the Castle Hill Road/Kings Road/Bury Old Road junction and its subsequent impact upon highway safety.

Drainage Section - No objections.

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

Waste Management - No objections.

Design for security - Concern that the entrance at first floor at the rear is recessed and should be brought forward to prevent area being misused.

Baddac - No objections, subject to the inclusion of a condition relating to lifetime homes.

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
H4/1	Affordable Housing
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN1/6	Public Art
EN1/7	Throughroutes and Gateways
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN8	Woodland and Trees
EN8/2	Woodland and Tree Planting
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
HT6/2	Pedestrian/Vehicular Conflict
SPD1	DC Policy Guidance Note 1: Recreation Provision
SPD4	DC Policy Guidance Note 4: Percent for Art
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
PPS9	PPS9 Biodiversity and Geological Conservation
PPS23	PPS23 Planning and Pollution Control

Issues and Analysis

Principle - Policy H1/2 states that the Council will have regard to various factors when

assessing a proposal for housing development, including the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

Policy H2/6 states that the Council will not permit the loss of private gardens for infill development unless such proposals can be shown not to adversely affect the character and amenity of the area.

The proposed development is located within the urban area and within a residential area. As such, the proposed development would not conflict with the surrounding land uses. The proposal would be classified as being on previously developed land as part of the land forms the gardens to the two dwellings. However, two dwellings are located on the site, giving the appearance of the site being built out and as such, there are no objections to the principle of development.

It is pertinent to note that the Planning Control Committee at its November meeting confirmed that proposals that involved garden development would be assessed on their individual merits. Therefore, the proposed development would be in accordance with Policies H2/1 and H2/6 of the adopted Unitary Development Plan.

On 10 November, the High Court found that the Communities Secretary acted unlawfully in unilaterally revoking of the system of Regional Spatial Strategies in England. Therefore, the Regional Spatial Strategy (RSS) is a material consideration in the determination of this application. The RSS states that the Council should aim to deliver 500 dwellings per year and the development of the site would contribute towards this provision. Therefore, the proposed development would be in accordance with Policies H2/1 and H2/6 of the adopted Unitary Development Plan and Policy L4 of the Regional Spatial Strategy.

Design and impact upon surrounding area - The proposed building would be four storeys in height, when viewed from Bury Old Road, as the site slopes upwards towards No. 2A Castle Hill Road. The proposed building would be 2 metres higher than the adjacent dwelling (No. 50 Bury Old Road) and would be 1.4 metres higher than the existing dwellings on site. The smaller third floor further reduces the bulk and massing of the proposed building. This floor would be 6.2 metres from the boundary with the adjacent property and as such, the proposed building would be lower than the existing dwellings at the boundary. Therefore, the height of the proposed building is acceptable, when viewed in the streetscene.

The proposed building would be of a modern design and would be constructed using brick with an aluminium louvre screen and aluminium window frames. The roof would be a 'green roof', which would be covered with vegetation. The proposed materials and the use of recessed areas adds interest to the elevations. The smaller third floor further reduces the bulk and massing of the proposed building.

1.5 metre high timber boarded fencing would be located between the existing dwellings and the proposed site. The existing stone wall would be retained along Bury Old Road and a 1.5 metre high brick wall would be constructed along the boundary with Castle Hill Road. The proposed boundary treatments would match the existing boundary treatments in the locality and would be acceptable.

The entrance at first floor level at the rear would be recessed some 1 metre from the main elevation. The door would be located centrally within this area, which is 4.25 metres wide and would be visible. This entrance would be solely for the residents to access the amenity space at the rear of the building. As there is no public access to this point, this entrance would be acceptable.

750 square metres of amenity space would be provided at the rear of the site, which would be acceptable in terms of size.

The bin store would be located on the Castle Hill Road elevation and would be a brick built structure. The Waste Management Section has no objections to the proposal.

Therefore, the proposed development would not be unduly prominent within the street scene and would be in accordance with Policies EN1/2, H2/1 and H2/2 of the adopted Unitary Development Plan in this respect.

Impact upon residential amenity - SPD6 provides guidance on aspect standards between residential properties and is relevant in this case. There would be 21 metres from the front elevation of 1 Castle Hill Road to the gable of the proposed building. At this point, the building would be two storeys in height and would exceed the aspect distance of 20 metres.

The proposed building would project some 5 metres past the rear elevation of No. 50 Bury Old Road. However, the proposed building would not obstruct the 45 degree line when drawn from the corner of the building. When drawn from the corner of No. 2A Castle Hill Road, the 45 degree line would cross the proposed building at a distance of 19.5 metres, which would be in excess of the aspect distance of 16 metres. As such, the proposed building would not have a significant adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policies H2/1 and H2/2 of the adopted Unitary Development Plan.

Highways issues - There are currently two accesses onto Bury Old Road and one onto Castle Hill Road, which serve the two dwellings. The proposed development would be solely accessed from Castle Hill Road and the two other accesses would be closed.

The Traffic Section has raised a concern relating to the increase in the number of vehicles for 14 apartments, which would use the Castle Hill Road/Kings Road/Bury Old Road junction and its impact upon highway safety.

The proposed development would result in an increase in the number of vehicles accessing Castle Hill Road. However, Castle Hill Road connects to Park Road and therefore, some of these vehicles may not use the Castle Hill Road/Bury Old Road junction. In addition, the application presents a number of benefits. The two existing accesses onto Bury Old Road would be closed and the existing boundary treatment on the Bury Old Road frontage would be lowered to 1.5 metres. Also, the position of the boundary wall along the frontage would be pulled back behind the line of the visibility splay, which would also have the benefit of widening the pavement. Therefore, on balance, the proposed development coupled with the improvements would not be detrimental to highway safety and would be in accordance with Policies H2/1 and H2/2 of the adopted Unitary Development Plan.

Bats - A bat survey has been submitted as part of the application and states that no evidence was found that would suggest that the dwellings had been used by bats. The survey goes on to state that the demolition of the buildings would not result in the loss of high value bat potential. The Wildlife Officer has no objections, subject to the inclusion of a condition relating to bats and nesting birds. Therefore, the proposed development would not have an adverse impact upon a protected species and would be in accordance with Policy EN6/3 of the adopted Unitary Development Plan.

Landscaping/Trees - A tree survey was submitted with the application. The site is overcrowded in terms of tree canopies with inappropriate conifer planting and there are a number of self seeded and undermanaged trees. As such, it is accepted that some removals are required to ensure the long term survival of the trees. The trees to be removed are of poor quality and there is no objection to this. Additional trees would be planted in the frontage and this would be secured via a condition. Therefore, the proposed development would be in accordance with Policy EN8 of the adopted Unitary Development Plan.

Parking - SPD11 states that the maximum parking standards should be a maximum of 1.5 spaces per 2 bed units and 1 space per 1 bed unit, which equates to 19 spaces.

The proposed development would provide 19 spaces, including one disabled bay. One concern is how visitors would access these spaces. The agent has confirmed that the parking area would be accessed by a visual and audio remote control system with a keypad, which would connect to each apartment. Visitors would be able to stop off the highway and call the apartment to gain access. As such, the proposed development would comply with the maximum parking standards and would allow access for visitors. Therefore, the proposed development would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

Access issues - The proposed development would provide level access to the building from Bury Old Road and a lift would connect to all floors, including the parking area. A disabled parking bay has been located in close proximity to the lobby. The Design and Access statement indicates that all the apartments would be built to lifetime homes standard and 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.

Planning Obligations

A contribution of £16,693.60 is sought for recreation provision in accordance with Policy RT2/2 of the adopted Unitary Development Plan and SPD1. A draft of the agreement has been sent to the applicant's solicitors.

Response to objectors - The issues relating to disruption to local residents during construction, in terms of noise, is not a material planning consideration. However, this issue is covered by the Environment Protection Act.

The entrance to the car park is in the same position as the existing access to the dwelling and is located 38 metres away from the Castle Hill Road/Bury Old Road junction. As such, the access to the car park would not be detrimental to highway safety.

The remaining issues have been dealt with in the report above.

Summary of reasons for Recommendation

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

The proposed development is acceptable in principle and would not have a significant adverse impact upon the amenity of the neighbouring residents. The proposed development would not be unduly prominent within the streetscene and would not 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 drawings numbered 1343 E(100), 1343 E(200), 1343 E(201), 1343 E(202), 1343 E(203), 1343 E(300), 1343 P(100) C, 1343 P(101) C, 1343 P(102) C, 1343 P(103) D, 1343 P(104) A, 1343 P(200) C, 1343 P(202) D, 1343 P(203) D, 1343 P(300) A, 1343 P(400) 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. The approved materials shall be used in the approved scheme.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

4. No development shall commence unless and until:-
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
 - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
5. Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
6. Following the provisions of Condition 4 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
7. 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.
8. A landscaping scheme, including details of tree planting, 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.

9. Provision for lifetime homes shall be incorporated into the development in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the development hereby approved commencing. The development shall then be carried out incorporating the measures in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

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.

10. No demolition works shall take place, unless a licensed bat person is present. If bats or evidence of a roost is found during the supervised works, then demolition should cease until a European Protected Species Licence (EPSL) has been granted.

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 PPS9 - Biodiversity and Geological Conservation.

11. The development hereby approved shall not be first occupied unless and until the highway improvements indicated on approved plan reference 1343P(100) C have been implemented to the written satisfaction of the Local Planning Authority.

Reason. To ensure good highway design in the interests of highway safety and to accord with Bury Unitary Development Plan Policy H2/2 - The Layout of New Residential Development.

12. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building hereby approved being first 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 and SPD11.

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

Ward: Radcliffe - North

Item 08

Applicant: Mr R Osborne

Location: 1 Bankfield Close, Ainsworth, Bolton, BL2 5QZ

Proposal: Division of 1 dwelling into 2 dwellings; Two storey extension at side

Application Ref: 53250/Full

Target Date: 27/12/2010

Recommendation: Approve with Conditions

Description

The application relates to a semi-detached dormer bungalow at the corner of Bankfield Close and Broomfield Close. Ainsworth village is washed over by the Green Belt and a Special Landscape Area. The immediate vicinity of the site is characterised by similar styled dormer bungalows. The property has been previously extended to the side and has a gable end facing, and an existing 1.8m timber fence adjacent to, the footpath on Broomfield Close. Access is from Bankfield Close.

It is proposed to extend and split the existing property into two separate units. This would be done by extending the property 3.3m to the side, towards Broomfield Close. The extension would run from front to rear (7.9m) and include extended dormers at the front and rear. The finishing materials (red brick and tile) would match the existing house. The existing access would be widened to facilitate an additional parking space in the front garden. Access to the middle property would be via a gated pedestrian walkway along the rear boundary.

Relevant Planning History

00675/E - Proposed two storey side extension - Enquiry completed 15/06/2010

49494 - Garage Extension at Side and Reposition of Existing Fence. - Approved 03/04/2008

Publicity

Surrounding neighbours at 23-37(odd), 26 and 28 Broomfield Close and 3 Bankfield Close were notified by letters dated 3rd and 9th November. Residents at Nos.28 and 31 Broomfield Close and No.3 Bankfield Close have objected in addition to objections from Ainsworth Community Association. Objections are as follows:

- A new property would worsen on-going parking problems in the estate.
- The additional access would increase vehicle movements on the estate.
- Increased overlooking at the rear.
- Additional surface water run-off would increase flood risk.
- The path along the rear boundary would pose a security risk for residents at No.28 Broomfield Close.
- Creating a quasi-semi would be out of keeping with the properties on the estate.
- Overdevelopment.
- Approval would create a dangerous precedent within the estate.

The objectors have been notified of the Planning Control Committee.

Consultations

Traffic Section - No objection.

Drainage Section - No objection

Environmental Health - No objection.

designforsecurity - No objection

Wildlife Officer - No objection.

Baddac Access - No objection.

Unitary Development Plan and Policies

OL1/3	Infilling in Existing Villages in the Green Belt
EN9/1	Special Landscape Areas
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
HT2/4	Car Parking and New Development
RPG13	Regional Planning Guidance for the North West
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD11	Parking Standards in Bury
PPS1	PPS1 Delivering Sustainable Development
PPS3	PPS3 - Housing
PPG2	PPG2 - Green Belts

Issues and Analysis

Policy - Policy H1/2 - Further Housing Development states that the Council will have regard to various factors when determining a proposal for residential development including the availability of infrastructure, the suitability of the site, the nature of the local environment and the surrounding land uses.

Policy OL1/3 relates to sites that are within existing villages that are within the Green Belt and states that infill development will be permitted provided it is in scale with the village and would not adversely affect its character and surroundings.

The application site, whilst being washed over by the Green Belt and Area of Special Landscape, is within an existing settlement and as such the proposed development would be appropriate in land use terms and would not conflict with the surrounding uses. Furthermore it is considered that there is adequate infrastructure to support the development. Subject to compliance with other policy considerations, the proposed development would be in accordance with Policies H1/2 Further Housing Development and OL1/3 Infilling in Existing Villages in the Green Belt.

The details and layout of the application will need to be considered against the criteria listed in Policies H2/1 - Form of New Residential Development and H2/2 -Layout of New Residential Development as well as guidance provided in SPD16 -Design and Layout of New Development.

Policy H2/1 and H2/2 relate to the form and layout of residential development. Although Policy H2/1 The Form of New Residential Development sets out factors to be assessed, including

- height and roof style,
- impact on residential amenity,
- density and character of the locality,
- position in relation to neighbours and materials to be used.

H2/2 The layout of New Residential Development relates to layout and states that proposal should take account of;

- car parking and access,
- density,
- space between dwellings,
- landscaping,

H2/6 Garden and Backland Development states that proposals should have regard to

- the concentration of such development in the surrounding area,
- the relative density of the proposal to the surrounding area,
- the impact on neighbours and the local environment and

- access arrangements.

It is pertinent to note that the Planning Control Committee at its November meeting confirmed that proposals that involved garden development would be assessed on their individual merits.

UDP Policy EN1/2 relates to general design of a new build on the streetscene and states that proposals should not have an adverse impact on the character of the townscape.

Visual Amenity - The proposed new dwelling would extend naturally across the plot from the existing house in the same building style. At the nearest point there would be a gap of 2m to the back of the footway along Broomfield Close and this would widen to 3m at the front. Given its proposed siting, design and enhanced boundary treatment, the new house would not appear out of keeping with its surroundings. Given the nature of the proposal and the reduction in the residential plot, it is considered appropriate to remove 'permitted development' rights by condition. The development would not conflict with housing policies H2/1, H2/2, H2/6 and general design policy EN1/2.

Residential Amenity - The proposed new gable wall, with a small obscure glazed WC window, would be approximately 16m away from the front of 33 Broomfield Close at its closest point. This distance is considered to be acceptable particularly given that the gable angles away and would not be a full two storeys in height and exceeds the 13m minimum aspect standard.

A new ground floor dining room window and a first floor bathroom window would look over the rear garden towards the neighbour at No.28 Broomfield Close. There would be a separation distance of approximately 20m between the properties and this complies with the Council's aspects standard. There are no overlooking issues to the front.

Given its siting the new dwelling would not have a detrimental impact on the residential amenity of neighbours and as such would comply with UDP housing policy H2/6 Garden and Backland Development.

Traffic - Both the existing and new dwellings would each have a single parking space within the front garden. Adopted parking standards state that a maximum of 1.5 spaces per dwelling should be provided for each dwelling. There is unrestricted parking in front of the site and as such there would be space for visitor parking on the highway. There may be parking issues within the estate due to high car ownership but it would not be reasonable to refuse the proposal on parking grounds as the scheme complies with adopted standards. The existing lamppost would require repositioning and this would be at the expense of the applicant. The proposal is considered to be acceptable in terms of UDP policies current guidance.

This is considered acceptable in terms of the Council's current parking standards set out in Supplementary Guidance Note 11 - Parking Standards in Bury.

Objections - The concerns of residents with regard to appearance, overlooking and parking have been addressed within the report. With regard to surface water run off, this is unlikely to be a cause for concern as surface water run off would be to the existing drainage system in compliance with current Building Regulations. It is not considered that the pedestrian access path along the rear boundary would result in serious security problems as it is likely that the gate would be locked and the area overlooked from surrounding properties. With regard to setting a precedent, each application is assessed on its own merits.

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 dwelling is considered appropriate within the site and surroundings and there are no serious parking, visual or residential amenity issues. The proposal complies with UDP Policies listed. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered Sheet 1, 2 3, 4(revised) and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008, or as subsequently amended, no development shall be carried out within the terms of Classes A to F of Part 1 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed below.
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 commencement of development, details of the proposed boundary hedge shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full to the satisfaction of the Local Planning Authority.
Reason - To secure the satisfactory development of the site and in the interests of the visual amenities of the area pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
6. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;
The approved contamination testing shall then be carried out and validatory evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
7. 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.

8. The dwelling hereby approved shall not be first occupied unless and until the new footway crossing and driveway indicated on the approved plans have been provided and affected street lighting column replaced and relocated to the written satisfaction of the Local Planning Authority.

Reason. To ensure adequate off-street car parking provision in the interest of road safety and to maintain the integrity of the street lighting on the adjacent highway.

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

Ward: Bury East - Redvales

Item 09

Applicant: Cassidy + Ashton Group Ltd

Location: Laburnum House, Wells Street, Bury, BL9 0TU

Proposal: 1 No. detached dwelling (Resubmission of 52716)

Application Ref: 53321/Full

Target Date: 29/12/2010

Recommendation: Approve with Conditions

Description

The site forms the southern, lower section of the garden of Laburnum House which is on the corner of Wells Street and Haslam Brow. The mature garden site measures 0.089ha in area and has a number of mature trees along its boundary with Haslam Brow and also along the shared side boundary with No.1 Bradford Terrace on Wells Street, situated to the west. A number of these are subject to tree preservation orders. To the east, across Haslam Brow are detached houses and to the south is Bury Church High School. Haslam Brow is the main access to the school and has only one footpath along its western side. The boundary along Haslam Brow is comprised of a 2-2.5m stone wall.

The proposed house would be a two storey, detached property with an additional accommodation in the roofspace. The ground floor footprint would measure 10.6m by 7.4m. It would have a traditional design with a pitched slate roof, with a ridge height of 9.5m, and brick elevations with a stone course and stone heads and cills. The main front and rear aspects would face north and south over the new front and rear gardens. windows on the gable ends would be obscure glazed WC and landing windows.

A new vehicular and pedestrian access would be opened onto Haslam Brow, through the existing stone wall which would be splayed out to provide a visibility splay. There would be a turning area in front of the house to allow forward exit from the site.

The majority of the private garden area would be to the side/east and rear/south of the new house. The new curtilage would be separated from the remaining garden of Laburnum House by a 1.8m high timber panelled fence.

The tree survey, submitted with the application, indicates that two Holly trees on the site of the proposed entrance and one multi-stemmed Sycamore in poor condition would be removed. A number of other trees would be lopped or pruned as part of a management plan.

Relevant Planning History

52716 - Detached Dwellinghouse in Rear Garden - Refused 6/7/2010

50255 - Two Storey Extension to Rear Elevation; Alteration to Roof Area to Create 2nd Floor Accommodation Including Dormers to Front and Rear - Approved 04/09/2008

46946 - Conservatory Extension and Conversion of Loft to Extra Bedrooms Incorporating Front and Rear Dormers - Approved 23/11/2006

05789 - Outline Application for Three Flats (Three storey Block)

Publicity

Surrounding neighbours notified by letter dated 9/11/2010 at Nos.1,3,7 and 11 Bradford Terrace, Wells Street, Haslam Bank Cottage, Nos.1,2,5 and 7 Haslam Brow, Bury Church of England School and 68 Kidmore Road, Reading. Seven letters of objection have been received from 1, 3 and 11 Bradford Terrace, 2 and 7 Haslam Brow, 68 Kidmore Road, Reading (on behalf of 1 Bradford Terrace) and Bury C of E high School. Objections can be

summarised.

- The proposed house is higher than the previous proposal which was refused.
- The proposed house would overlook the garden areas of neighbouring properties.
- The proposed new access would be dangerous particularly as there is only one footpath along the road, opposite an existing driveway and the road is poorly lit.
- Haslam Brow serves as the main entrance to Bury C of E High School and is also an access for Derby High School and as such any new access point would increase road hazards for pupils and other road users.
- Overdevelopment of the site.
- There has been enough development at Laburnum House.
- The development would adversely affect existing trees.

The objectors have been notified of the Planning Control Committee.

Consultations

Traffic Section - No objection subject to conditions.

Drainage Section - No objection.

Environmental Health - No objection subject to conditions.

Landscape Practice - No objection subject to tree protection measures.

Baddac - No objection.

designforsecurity - No objection.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN1/11	Public Utility Infrastructure
EN7	Pollution Control
EN7/3	Water Pollution
EN8	Woodland and Trees
EN8/1	Tree Preservation Orders
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
SPD16	Design and Layout of New Development in Bury
SPD11	Parking Standards in Bury
PPS1	PPS1 Delivering Sustainable Development
PPS3	PPS3 - Housing
PPS23	PPS23 Planning and Pollution Control

Issues and Analysis

Housing Policies - Policy H1/2 - Further Housing Development states that the Council will have regard to various factors when determining a proposal for residential development including the availability of infrastructure, the suitability of the site, the nature of the local environment and the surrounding land uses.

The application site is within the urban area of Bury and as such the proposed development would be appropriate in land use terms and would not conflict with the surrounding uses. Furthermore it is considered that there is adequate infrastructure to support the development. Subject to compliance with other policy considerations, the proposed development would be in accordance with Policy H1/2.

The details and layout of the application will need to be considered against the criteria listed in Policies H2/1 - Form of New Residential Development and H2/2 -Layout of New Residential Development as well as guidance provided in SPD16 -Design and Layout of New Development.

Policy H2/1 and H2/2 relate to the form and layout of residential development. Although Policy H2/1 The Form of New Residential Development sets out factors to be assessed,

including

- height and roof style,
- impact on residential amenity,
- density and character of the locality,
- position in relation to neighbours and materials to be used.

H2/2 The layout of New Residential Development relates to layout and states that proposal should take account of;

- car parking and access,
- density,
- space between dwellings,
- landscaping,

H2/6 Garden and Backland Development states that proposals should have regard to

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

It is pertinent to note that the Planning Control Committee at its November meeting confirmed that proposals that involved garden development would be assessed on their individual merits.

UDP Policy EN1/2 relates to general design of a new build on the streetscene and states that proposals should not have an adverse impact on the character of the townscape.

Visual Amenity - The site, with a variety of trees and substantial stone wall forming the boundary along the whole length of Haslam Brow, is a significant feature within the locality. As such any new house would have to be located within the site without appearing overdominant, incongruous or having a seriously adverse impact on trees.

The proposed house is of a traditional design with brick walls, stone courses and a slate roof and does not appear out of keeping with the site and surroundings. Whilst the ridge is higher than that previously refused, the new house has a smaller footprint and a more appropriate massing and design that sits better within the site. It is also noted that the site is set down from Laburnum house and other properties on Wells Street by approximately 2m and would also be well screened by existing boundary planting. In terms of visual amenity the new dwelling would not have a seriously detrimental impact on the character of the locality however, to ensure any future development on the site is appropriate, it is considered appropriate to remove permitted development rights by condition. The development would comply with UDP policies H2/1, H2/2, H2/6 and general design policy EN1/2.

Residential Amenity - To the north, Laburnum House and the immediate neighbour at No.1 Bradford Terrace is approximately 24m away. To the east, across Haslam Brow, No.5 Haslam Brow is approximately 17m away through the boundary planting. All proposed habitable room windows in the new house face north, across the new drive and south, across the rear garden and as such there is no significant overlooking issues.

Given the position of the proposed house in relation to the occupiers of residential properties on Wells Street and at Laburnum House, it is not considered that there would be any residential amenity issues arising and as such the proposal complies with UDP H2/1, H2/3 and H2/6.

Trees - Since submission, the position of the house has been revised slightly to take the house away from the boundary with No.1 Bradford Terrace where there is an Ash and a Lime tree. This would afford greater protection to the trees during building works which would, in any case, be required by the standard tree protection condition. Whilst the house

moves closer to the Lime tree on the Haslam Brow side, it is considered that this tree would not be significantly affected given it would be approximately 7.7m away from the new gable. Given the relationship to surrounding trees, the proposal does not conflict with UDP housing policies H2/2, H2/6 or specific woodland and tree policies EN8 and EN8/1.

Parking and Access - The proposal includes parking and turning for at least one car and this is considered to be sufficient and complies with the Council's parking standards set out in Supplementary Guidance Note 11 - Parking Standards in Bury.

Haslam Brow is an adopted highway that a footpath down one side (adjacent to the site). Whilst it is recognised that it forms the main access to Bury Church High School and also serves as access to some pupils from Derby High School, the Traffic Section does not have any objections to the new access point subject to adequate visibility splays. With regard to traffic issues, the proposal is therefore acceptable and complies with UDP Policies relating to traffic and residential development H2/2 and H2/6.

Contaminated Land - Desk Study and Preliminary Risk Assessment Report was submitted with the application and it is considered that in principle, residential development on the site is acceptable subject to appropriate contaminated land conditions attached to any decision notice.

Objections - The objections raised by neighbours and the school have been addressed within the report.

For the reasons stated above the proposal is considered to be unacceptable and contrary to the UDP policies and guidance listed.

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 dwellinghouse is considered to be appropriate within the site and surroundings, would not have a detrimental affect on residential amenity and there are no highway safety concerns. The proposal complies with UDP Policies listed. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to Drawings 7684-11/B, 12/B and 13 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, the boundary walls and areas of hardstanding shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008, or as subsequently amended, no

development shall be carried out within the terms of Classes A to G of Part 1 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.

Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed below.

5. No development shall commence unless and until:-
 - 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. 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.
8. The development hereby approved shall not be first occupied unless and until the footway improvement works and boundary wall alterations indicated on approved plan reference 7684 11 Revision B, incorporating the reduction in height of part of the existing boundary wall to a maximum of 0.9m, have been implemented to the written satisfaction of the Local Planning Authority.

Reason - To ensure good highway design in the interests of pedestrian safety and to ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety.
9. The turning facilities indicated on the approved plan 7684/11RevB shall be provided before the development is brought into use and shall subsequently be maintained free of obstruction at all times.

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

10. 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.
11. No trees subject to a Tree Preservation Order, unless indicated otherwise on the approved plans, shall be felled, lopped or topped before, during or after the construction period without the previous written consent of the Local Planning Authority.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/1 – Tree Preservation Orders of the Bury Unitary Development Plan.
12. The development hereby approved shall not commence unless and until a scheme of protection for all trees to be retained on site in accordance with BS 5837:2005 "Trees in Relation to Construction" has been submitted to and agreed in writing by the Local Planning Authority. The development shall not commence unless and until the measures required by that scheme have been implemented, to the written satisfaction of the Local Planning Authority and all measures required by the scheme shall continue until the development has been completed.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
13. The development hereby approved shall not commence until a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved before the dwelling hereby approved is first occupied.
Reasons: To prevent pollution of the water environment pursuant to UDP Policy 7/3 Water Pollution and PPS23 Planning and Pollution Control.
14. Before the first occupation of the proposed dwelling hereby permitted, the windows on the west/gable elevation shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/1 - The Form of New Residential Development and H2/6 Garden and Backland Development.

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

Ward: Bury West - Church

Item 10

Applicant: Gemini Hair Studio

Location: 57 Belbeck Street, Bury, BL8 2PX

Proposal: Externally illuminated sign with cover (resubmission)

Application Ref: 53323/Advertisement

Target Date: 30/12/2010

Recommendation: Approve with Conditions

Description

The application relates to an established hairdressers at the Ainsworth Road end of Belbeck Street. The existing blue strip light is attached to the frontage and lights up the existing fascia sign (3.2m by 760mm) from above. The site adjoins a residential house at No.59 Belbeck Street which has a lounge window closest to the shopfront.

Following a recent refusal of planning permission for the strip light (80/100cd/m²) without a cover, the applicant now proposes to enclose the light and sign from above and to the sides by a cover. The polycarbonate cover would have a matt black interior and a black gloss exterior finish and would extend out from the wall 60mm at the top, chamfering down to 35mm at its base.

Relevant Planning History

52998 - Externally illuminated fascia sign (retrospective) - Refused 20/09/2010
52999 - 2 Shutters to front elevation, 1 grill to side elevation, 2 shutters at rear (retrospective) - Approved 20/09/2010.

Publicity

Immediate neighbours at 55, 59 and 60 Belbeck Street and 113 and 115 Ainsworth Road notified by letter dated 10/11/2010. One letter of objection from the adjoining neighbour at No.59 Belbeck Street whose concerns are as follows:

- The light is inappropriate in terms of its blue colour.
- The light should not be on outside business hours.
- The proposed cover would be unsightly on the frontage.

One letter of support has been received from the occupier of 113 Ainsworth Road (opposite).

The representees have been notified of the Planning Control Committee.

Consultations

Traffic Section - No objection.

Environmental Health - No objection.

Unitary Development Plan and Policies

EN1/9 Advertisements

Issues and Analysis

Visual Amenity - Although Belbeck Street is generally residential in character, the site is a well established hairdressers within a neighbourhood shopping centre, mostly on Ainsworth Road. Given the shop is within an existing shopping centre, a fascia sign with some form of illumination would be expected and not be out of keeping on this part of Belbeck Street.

Whilst the fascia sign, being of average proportions, is considered to be acceptable on the shopfront, the blue strip light above the sign, without a cover to limit light spillage, would

appear incongruous and have a detrimental impact on the residential amenity of the attached neighbour. It was for this reason that the previous scheme was refused. This resubmission now includes a proposed cover which encloses the strip light on three sides and it is considered to be of an appropriate design and would reduce glare from the light to an acceptable degree. The blue colour itself, although not common, is not considered to be particularly incongruous. In terms of visual amenity the proposal is considered to comply with EN1/9 Advertisements.

Residential Amenity - Although the strip light would remain as existing, it is considered that the proposed cover would focus the light source and reduce light spillage significantly. Given the proposed cover and the limitations on hours of illumination (0800-1900hrs Monday to Saturday), the impact on the residential amenity, particularly with regard to the immediate neighbour at No.59, would be mitigated to an acceptable degree. The proposal is considered to comply with EN1/9 in this respect.

It is considered that the light source is more focused on the signage with less spillage and would not have a seriously detrimental impact on visual and residential amenity. As such the proposal is considered acceptable and would comply with UDP Policy EN1/9 Advertisements.

Objections - The concerns of the neighbour have been addressed in the above report.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. This decision relates to drawings received 4th November 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 lighting unit shall not be turned on outside the following hours of working: 0800 - 1900hrs Monday to Saturday.
Reason. In the interests of residential amenity pursuant to UDP Policy EN1/9 Advertisements.
3. The proposed cover shall be fitted in such a way to avoid direct glare from the strip light into nearby residential properties to the satisfaction of the Local planning Authority.
Reason. In the interests of residential amenity pursuant to UDP Policy EN1/9 Advertisements.

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

Ward: Bury West - Elton

Item 11

Applicant: IG & A Slater

Location: Land between St James Avenue and Stewart Street, Bury, BL8 1SU

Proposal: Erection of 2 no. dwellings (resubmission)

Application Ref: 53342/Full

Target Date: 07/01/2011

Recommendation: Approve with Conditions

Description

The site consists of a triangular piece of land, which is located at the end of Stewart Street. Walshaw Brook passes through the site diagonally. The site slopes gradually from Stewart Street towards the rear of the site. The site is currently enclosed with 2 metre high paladin fence.

There are residential dwellings to the northwest and southwest and Woolfold Trading Estate is to the northeast. There are playing fields to the south east with a nursery beyond.

The proposal involves the provision of two semi-detached dwellings, which would front onto Stewart Street. The dwellings would be three storeys in height, with the third floor in the roofspace. There would be dormers on the front elevation and rooflights on the rear. The proposal also includes the diversion of the existing culvert, which flows through the site. Vehicular access to the site would be from St James Court and parking would be located here.

Relevant Planning History

39868 - Erection of 16 residential flats at land between No. 17 Whitelegge Street and No. 32 St James Avenue, Tottington. Refused - 20 December 2002.

40181 - Erection of 16 residential flats (resubmission) at land between 17 Whitelegge Street and 32 St James Avenue, Tottington. Approved with conditions - 30 October 2003

44844 - Residential development - 3 storey block of 6 no apartments at land at Stewart Street. Refused - 5 October 2005

51304 - Residential development - two storey block of 4 no apartments at land to the north and east of Stewart Street, Bury. Refused - 2 September 2009

52971 - Erection of 2 no. dwellings at land between St James Avenue and Stewart Street, Bury. Withdrawn - 4 October 2010

Publicity

63 neighbouring properties (1 - 5 (odds), 11 - 15 (odds), 23 - 27 (odds), 28 - 30, 36 Stewart Street; 11 - 17 (odds), 14, 30, Maid Marions Sandwich Shop, Bolton Car Centre, Whitelegge Street; 2 - 4, 9 - 19 (odds), 21- 33 (odds) St James Court; Unit 4, 17 St James Avenue, Units 4, 7 - 10, 20B, 21, 24A, 26 Woolfold Industrial Estate) were notified by means of a letter on 15 November 2010.

Two letters have been received from the occupiers of 25 & 27 Stewart Street, which have raised the following issues:

- Impact upon traffic and highway safety
- The proposed dwellings would be an eyesore
- Disruption during construction
- Danger to children playing in the street

The objectors have been notified of the Planning Control Committee.

Consultations

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

Drainage Section - No objections, subject to the inclusion of a condition relating to foul and surface water drainage.

Environmental Health - Contaminated Land - Comments to be reported in the supplementary report.

Environmental Health - Pollution Control - No objections.

Wildlife Officer - No objections, subject to the inclusion of conditions relating to bats, nesting birds and Himalayan Balsam.

Waste Management - No objections.

Environment Agency - No objections, subject to the inclusion of a condition relating to details of the culvert structure, wetland habitat creation and contaminated land.

Designforsecurity - No objections.

United Utilities - No objections, subject to the inclusion of a condition relating to surface water drainage.

Baddac - No comments.

Unitary Development Plan and Policies

PPS25	PPS25 Development and Flood Risk
PPS9	PPS9 Biodiversity and Geological Conservation
EN7/5	Waste Water Management
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
HT2/4	Car Parking and New Development
EN1/2	Townscape and Built Design
EN5/1	New Development and Flood Risk
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
EN8	Woodland and Trees
HT2/4	Car Parking and New Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury

Issues and Analysis

Principle - Policy H1/2 states that the Council would have regard to various factors when assessing a proposal for housing development, including the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

There are a number of residential properties in close proximity to the site and as such, the proposed development would not conflict with the surrounding land uses. There would be adequate infrastructure available. There is evidence of previous workings of a mill on site and as such, the site is considered to be previously developed land. Therefore, the principle of residential development is acceptable on the site and would be in accordance with Policy H1/2 of the adopted Unitary Development Plan.

Design and impact upon the surrounding area - The proposed dwellings would be three storeys in height with the third floor in the roofspace. The dwellings would be approximately 0.6 metres lower than the existing properties on Stewart Street, which would reduce the prominence of the buildings in the streetscene. The design of the dwellings has been changed to create a more vertical emphasis. There would be two dormers on the front elevation and would not occupy a disproportionate amount of the roof. The proposed dormers would line up vertically with the openings on the front elevation and as such, would be acceptable. A bay window detail has been added to the design, which would match that of the existing dwellings opposite. The proposed dwellings would be constructed from brickwork with timber boarding detail and concrete roof tiles, which would match the existing

properties in the locality.

Amenity space would be provided at the front and rear of the site and would be acceptable in terms of size. Level access would be provided to the front entrance, with steps leading to the rear garden. A small patio area would be provided at the rear of the dwelling, with steps leading to the main garden, to overcome the difference in levels.

Therefore, the proposed development would be in accordance with Policies H2/1 and H2/2 of the adopted Unitary Development Plan.

Impact upon residential amenity - The proposed dwellings are set on an angle and would overlook the parking area at St James Court. As such, the proposed dwellings would not overlook the properties on Stewart Street.

There would be one window to a habitable room in the gable elevation, which would relate to a bedroom. However, this opening would be a secondary window and a condition would be placed on any consent to ensure that it is obscure glazed. Therefore, the proposed development would not have an adverse impact upon the amenity of the occupiers of the neighbouring dwellings.

Ecology - A ecology report has been submitted as part of the application. The report states that the main ecological issues with the site are the potential for bats in the culvert (although the site itself has low potential for use by bats), the likely presence of nesting birds on site and the presence of Himalayan Balsam. The report goes on to recommend that a bat survey is undertaken prior to the commencement of development at an appropriate time of year (April to September). This would be controlled by the inclusion of a condition on any grant of planning consent. The Wildlife Officer has no objections, subject to the inclusion of conditions relating to Himalayan Balsam and nesting birds. The Environment Agency has no objections, subject to the inclusion of a condition relating to a landscaping plan, to ensure that the landscaping would not harm the existing wetland habitat. Therefore, the proposed development would be in accordance with Policy EN6/3 of the adopted Unitary Development Plan.

Flood risk/culvert - There is an existing culvert running through the site that would need to be diverted to accommodate the dwellings on site. Details of the route, levels and methods of construction have been submitted as part of this application. The Environment Agency has no objections, subject to the inclusion of conditions relating to levels and the culvert structure. Therefore, the proposed development would not have an adverse impact in terms of flooding and would be in accordance with Policy EN5/1 of the adopted Unitary Development Plan and PPS25.

Highways issues - Vehicular access to the site would be taken from St James Court with pedestrian access to Stewart Street. The existing timber boarded fencing at the back of the parking area would be removed to allow access. The Traffic Section has no objections, subject to the inclusion of conditions relating to highway improvements, boundary treatments and parking.

Parking - SPD11 states that maximum parking standards for a 4 bed dwelling is 4 spaces, which equates to 6 parking spaces. The proposed development would provide 4 parking spaces for the proposed dwellings and 1 additional space for use by the existing residents of St James Court. The site is located within a high access area and has good access to public transport. On this basis, the parking provision would be acceptable and would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

Response to objectors - The vehicular access and parking to the proposed dwellings would be accessed from St James Court and as such, there would be no additional traffic using Stewart Street. Disruption during construction is not a material planning matter, but this issue would be covered by the Environment Protection Act.

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 unduly prominent within the streetscene and would not be detrimental to highway safety. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered Location plan, 1002 04 C, 1002 08 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. Development shall not commence until details of foul & surface water drainage aspects have been submitted to and approved by the Local Planning Authority.
Reason. To secure the satisfactory disposal of foul and surface water pursuant to Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan.
5. Prior to the removal of the tree(s) permitted by this approval, a survey shall be conducted, and the survey results established as to whether the affected trees are utilised by bats or owls. A programme of mitigation shall be submitted to and approved in writing by the Local Planning Authority and all mitigation measures shall be fully implemented prior to the commencement of the works and to remain in situ on the site for an agreed period of time.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan.
6. 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 PPS9 - Biodiversity and Geological Conservation.
7. No development shall commence until full details of a scheme for the eradication and/or control of Himalayan Balsam (*Impatiens Glandulifera*) is submitted to and approved in writing by the Local Planning Authority. The approved management plan shall include a timetable for implementation. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and

submitted to the Local Planning Authority.

Reason. To ensure that the site is free from Japanese Knotweed and Himalayan Balsam in the interest of UDP Policy EN9 - Landscape

8. No development should commence unless and until full details of suitable boundary treatment/measures to prevent vehicle encroachment from the existing and proposed parking spaces adjacent to Stewart Street have been submitted to and approved in writing by the Local Planning Authority.
Reason. To ensure good highway design in the interests of pedestrian safety pursuant to Policy H2/1 - the Form of New Residential Development and Policy H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan.
9. The development hereby approved shall not be first occupied unless and until the highway improvements indicated on the approved plans, incorporating the provision of a footway at the cul-de-sac end of Stewart Street and all necessary remedial works, have been implemented to the written satisfaction of the Local Planning Authority.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy H2/1 - the Form of New Residential Development and Policy H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan.
10. The new and reallocated car parking spaces indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the 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 and SPD11.
11. The development hereby permitted shall not be commenced until such time as details of the proposed culvert structure and channel diversion works have been submitted to, and approved in writing, by the Local Planning Authority. The scheme shall include details of the proposed ground levels along the line of the culvert to and be constructed and completed in accordance with the approved details.
Reason. To reduce the risk of flooding to the proposed development and ensure that the drainage regime of the watercourse is maintained pursuant to Polict EN5/1 - New Development and Flood Risk of the Bury Unitary Development Plan and PPS25 -Development and Flood Risk.
12. A landscaping scheme, including full details of the species to link to the wetland habitat, 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 and to mitigate the impact of the development upon biodiversity interests pursuant to PPS9 - Biodiversity ad .

