

Applicant: Viridor

Location: Pilsworth South Quarry, Pilsworth Road, Bury, BL9 8QZ

Proposal: Vertical and lateral extension, re-phasing and enhanced restoration and ecological scheme at Pilsworth South Landfill within the consented site boundary

Application Ref: 53453/Full

Target Date: 07/03/2011

Recommendation: Minded to Approve

The application is Minded to Approve subject to a s106 Planning Agreement relating to the restoration of the site and the allowance of public access to the site following the restoration of the site. Should the agreement not be signed within a reasonable time, then delegated authority is sought for the Assistant Director of Planning, Environmental and Regulatory Services to determine the application.

Description

The application site comprises Pilsworth South Quarry, which is located to the approximately 2.5km east of Bury town centre and to the east of the M66 motorway. The site is bounded by Moss Hall Road and Pilsworth Road, that separates it from the former landfilling operation known as Pilsworth North.

The site is on the edge of the urban fringe, but is within Green Belt and an Area of Special Landscape Value, close to Pilsworth distribution estate and junction 3 of the M66. There is industry and agricultural land surrounding the application site and there are also sporadic farmsteads in the area. Housing is not predominant to the site but can be found on the Heywood side of the boundary to the north east. Jackson Fold Farm is the closest residence at some 60m from the site boundary and other cottages including The Boskins, Coal Pits Farm and Whippetree Cottage lie 235m and 400m east of the site boundary; whilst four dwellings known as Pilsworth Cottages are some 320m south of the site.

The planning application has been submitted with an Environmental Impact Assessment (ES) on to continue and extend both laterally and vertically, landfilling operations within an area that has been granted planning permission for mineral extraction and landfilling, granted initially under 33482/97.

39700/02 and 45528/05 extended landfilling operations (with the latter extending the mineral extraction) within the Pilsworth South area. A s106 agreement is currently in place to secure the restoration of the site to agriculture, woodland planting and the use of the land post restoration as amenity land with public access.

The sand and gravel mineral extraction operation is coming to an end in 2011 and there is no current intention to continue the extraction operation. The application seeks to continue landfilling operations and increase the amount of controlled waste brought into the site by up to 1.8 million cubic metres. This would result in the already consented landfilling operations increasing in height and also laterally along the southerly sides of the site. The consented infilling is expected to last up to 2023. The current proposals would extend this period to 2028 - including time taken to restore the site.

The application proposals state that the three main elements of the proposed development comprise:

- vertical and lateral extension;
- Re-phasing of the development of the landfill cells; and
- Enhanced restoration and ecological scheme.

The extension would result in the alteration of the approved landform such that the maximum post settlement height would be 140m AOD; approximately 8/10m higher than that currently approved. The lateral extension of the operations to the south and east immediately adjacent to the working landfill, would cover an area of 2.8ha, an area that is already used for on site activities including stockpiling, but not presently for landfilling.

The restoration proposals form part of a master plan that has now been revised and submitted as part of this application. The proposals consider the pre and post settlement landforms and drainage improvements area also included. Tree planting is proposed and public access and car parking is proposed to enable the area to become an informal recreation area. Footpaths and bridleways are shown to link in to off-site rights of way and the scheme includes biodiversity enhancements including hedgerow planting, and ponds.

Access to the restored area would be from Pilsworth Road some 80m east of junction 3 of the M66, in accordance with extant approvals.

Relevant Planning History

33482 - Extraction of sand and gravel and restoration to agriculture and nature conservation habitat using controlled waste - Approved 5/2/98.

39700 - Extraction of sand, restoration to agriculture, woodland and amenity land using controlled waste; demolition of Hill Top and Captains Farms and outline application for two single two storey replacement dwellings - Approved 17/8/04.

45528 - Extraction of sand and gravel from extension area prior to creation of approved landscape buffer zone including in part backfilling and restoration with controlled waste - Approved 1/3/06.

Publicity

The application was publicised as a major development; an application accompanied with an Environmental Statement and affecting a public right of way by site notices around the site on 25/1/11; Press notices were published in the Bury Times on 20/1/11 and 43 addresses were notified by letter in the vicinity of the site on 13/1/11. A full list of addresses can be found on the working file.

As a result of this publicity, 3 letters of objection (one with no address) and 2 comment letters have been received. Points include:

1 Balmoral Close

- Were not aware of the public meeting run by Viridor on 24 November 2010.
- The proposals would increase the amount of methane gas from the site, odour and impact upon health.
- There would be an impact upon property values.

371 Hollins Lane (x2 letters)

- Would create more noise and traffic pollution to the surrounding residential areas as well the stench from the waste.
- The landfilling operations keep being extended and extended which they disagree with.

Pilsworth Cottage

- Not against the historic permissions for landfilling but an extended time frame for more tipping would mean that they would have to look out and see an ugly mound of earth for longer.

The respondents have been notified of the Planning Committee Meeting.

Consultations

Traffic Section - No objections.

Drainage Section - No objections.

Environmental Health Contaminated Land/ Air Quality - No objections.

Environmental Health Pollution Control - No objections.

Public Rights of Way Officer - No objections

Wildlife Officer - No objections subject to conditions on the ecological enhancements and maintenance regime.

Greater Manchester Geological Unit - No response.

Environment Agency - No objections.

Greater Manchester Ecology Unit - No objections subject to conditions on the ecological enhancements and maintenance regime.

G M Archaeological Unit - No objections.

The Highways Agency - No objections.

Rochdale MBC - No comments received

Natural England - No objections.

Commission of Rural Communities - No objections.

Government Office for the North West (Secretary of State) - No objections.

Unitary Development Plan and Policies

OL1	Green Belt
MW1	Protection of Mineral Resources
EN9/1	Special Landscape Areas
RSS 13	Regional Spatial Strategy for the North West
RSS 13	Regional Spatial Strategy for the North West
OL1/5	Mineral Extraction and Other Dev in the Green Belt
PPS10	PPS10 Planning for Sustainable Waste Management
MW3	Waste Disposal Facilities
PPG2	PPG2 - Green Belts
EN1/1	Visual Amenity
MW4	Environmental Considerations for Waste Disposal Sites
MW4/1	Assessing Waste Disposal Proposals
MW4/5	Land Contamination
MW4/6	Standards of Restoration (Waste)
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
PPS9	PPS9 Biodiversity and Geological Conservation
EN7/3	Water Pollution
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
PPS25	PPS25 Development and Flood Risk
PPS5	PPS5 Planning for the Historic Environment
EN3	Archaeology
EN3/1	Impact of Development on Archaeological Sites
EN3/2	Development Affecting Archaeological Sites
EN3/3	Ancient Monuments
EN2	Conservation and Listed Buildings

Issues and Analysis

Principle - The site is an ongoing approved operation and the site forms part of the current planning permission area (refs. 39700/02 and 45528) for the extraction of mineral and backfilling with waste. Therefore there is already an established principle of landfilling within the site.

The proposals seek to increase the capacity of the site to accommodate a further 1.8 million cubic metres of material resulting in the height of the approved levels increasing by circa 8/10m as well as extending the footprint of tipping along the southerly part of the approved area to accommodate the additional capacity to be brought into the site. The detailed assessment of this additional material is below.

National Planning Policy

PPS10 Planning for Sustainable Waste Management sets out the role of the Development Plan Documents for waste and places emphasis on the allocation of sites suitable for new and enhanced waste management facilities. The ten unitary authorities of Greater Manchester have produced a joint Waste Plan document (JWDPD) for the region, which includes detailed development management policies and the identification of sites and

preferred areas for a range of waste management facilities required up to 2020 as part of the national requirements for plan, monitor and management of waste materials.

Recent developments to resolving waste within Bury and indeed Manchester has seen the continual refinement of recycling and sorting of waste, thus demonstrates an improving methodology of waste handling. Various applications and approvals have been given by the Council to facilitate this including sites at Radcliffe, Fernhill, Pilsworth north and south.

This proposal is seeking to further contribute towards the issue of residual non-hazardous waste. The capacity of sites within Manchester is limited in terms of sites available and the approved quantities of fill still available in relation to their approved maximum quantities. A direct response to this, in a regional and then local level, is found within the Regional Spatial Strategy; moreover through the requirements placed upon Planning Authorities to update their planning frameworks with the Local Development Strategies, the Joint Waste Development Plan Document has been produced. In Bury's case, this document enables a Manchester wide informed view to be taken.

Regional Spatial Strategy - policy EM13 identifies a need to deal with indicative capacity requirements for non-hazardous commercial and industrial waste and municipal waste up to 2020.

The document in recognising that there will still be a need to consider landfilling as an option to deal with non recyclable waste such as inert materials, the publication says that there is and will still be a need for future non-hazardous residual waste capacity within the region from 2011 and extensions to existing non-hazardous landfill sites offer the greatest potential for new landfilling capacity. Para. 9.35 recognises that large urban areas as the biggest producers of waste are unlikely to meet planning and other requirements for the development of waste facilities and opportunities need to be considered to accommodate more waste capacity than is otherwise planned for, where this would be consistent with RSS and Key Planning Objectives in PPS10. Pilsworth South is a consideration to accommodate additional capacity within the JWDPD, the most up to date regional planning policy provision on waste.

JWDPD - Consultation on the draft publication of this document has been completed and the plan has been deposited with the Secretary of State for independent examination. Whilst the document has not yet become the statutory plan it does carry significant weight in the determination process as a material consideration, given its advanced stage.

The plan shows that there is a limited supply of landfill sites within the district accepting waste;

- Pilsworth South Bury;
- Highmoor in Oldham; and
- Whitehead in Salford.

By 2023 all of these sites will have ceased to accept waste having either reached their capacity. In the cases of Whitehead and Highmoor, this will be by early 2014. As such the only site with capacity beyond this point is the Pilsworth site.

The JWDPD identifies a further need for 7.8 million cubic metres of non-hazardous residual waste disposal in Greater Manchester from 2012 to 2027. Therefore given this situation within Greater Manchester, and the fact that there is an acceptance that there will always be a need to deal with residual waste, the need for the additional capacity is demonstrated and accepted.

The critical factor in accepting the lack of other options currently and the well advanced stage of the Pilsworth North site (concerns otherwise centre upon disturbing an already restored landfill site), there is adequate infrastructure in place to allow continued operations and importantly, the cells within which waste is tipped needs to be created and constructed now in order to cope with the additional loading from the additional waste.

Local Policy - UDP policy OL1/5 - Mineral Extraction and Other Development in Green Belt, accepts that mineral extraction in the Green Belt need not be inappropriate providing it does not conflict with purposes of including land in the Green Belt, and high environmental standards are maintained and the site is well maintained.

The site is located within the Green Belt and Areas of Search for Minerals as designated in the UDP.

MW3 - Waste Disposal Facilities, considers that for new waste sites, including the extension of existing ones, the Council will have regard to the needs for waste disposal and the need to comply with other policies and proposals of the plan.

The application and supporting statements including the ES describes these criteria can be satisfactorily met.

Development Management of the Site - The UDP contains the following policies to control the effects from on-going proposals for waste sites.

MW4/1- Assessing Waste Disposal Proposals permits the extension of existing facilities subject to there being no unacceptable impact upon dwellings or other environmentally sensitive properties in terms of noise, dust, air pollution, smells or other nuisances. There should neither be an unacceptable effect upon land drainage or the water environment, appropriate traffic measures and not have an unviable impact upon agricultural land or historic buildings.

The policy goes on to include other material factors including impacts upon recreational land and uses, wider visual qualities, mineral deposits, effective screening ecology, gassing issues and restoration.

MW4/2 - Development Control Conditions (Waste) - considers that planning agreements and conditions shall be imposed to secure appropriate levels of controls throughout the waste operations and after care.

MW4/5 - Land Contamination - In considering new or extension to existing sites, measures shall be incorporated to ensure that risks are reduced from landfill gas.

MW4/6 - Standards of Restoration (Waste) - seeks to provide appropriate after use of former sites that have been subject to waste operations, the Council will ensure that after use for forestry, agriculture or amenity uses are of a standard that are appropriate and will be secured, after consultation with appropriate consultees, be subject to planning agreements or conditions.

The application together with its accompanying ES contains describes the measures that are in place that have been operating since the original commencement of the infilling of the site.

Airborne Impact Issues - Environmental impacts from the site in terms of atmospheric pollution are demonstrated within the ES and following consultation with the statutory consultees, all measures in place have improved over time and in accordance with the best practice. There are occasions when there are smells from the site. However, this is localised and infrequent. Atmospheric pollution and olfactory issues are maintained to a minimum through continual misters and spraying, which in addition to planning controls are covered through licence obligations with the Environment Agency.

In accordance with an approved methodology already operating within the Pilsworth North site, the proposals would continue to channel landfill gas through a developed system within the site to gas turbines. This is to ensure that air pollution is minimised in the long term from landfill gas. The gas turbines are used to generate power for the offices and Education

Centre. Viridor are currently participating in investigations as to whether the produced landfill gas could produce sufficient heat output to provide heat facilities for a town centre heating system as indicated within the Draft Local Development Framework Core Strategy. Currently, the position is that studies have been undertaken to determine feasibility and further work is required to determine the business case for such a proposal. Viridor have been requested to contribute to this process. Any provisions that are required within this process could form part of a s106 planning agreement and discussions are in progress on this matter.

These controls ensure that the site operates appropriately to comply with PPS23, EN7/1, EN7/2 and EN7/3.

Water Impact Issues - Existing infrastructure exists and has been operating within the site to prevent the site and surroundings being at risk from site pollution and impact upon the water environment. Sumps, pumps, collectors, receptors are maintained in operation within the site and through the use of settling lagoons and leachate blankets, water quality is maintained to enable discharge into water courses. Water must be clean enough to enable this and is under licence control.

The tipped area would be underlined with clay materials, geomembranes, leachate blankets and capping materials to control contamination. These proposals would be the most up to date method of dealing with landfill containment and would be satisfactory to prevent water pollution, and cross contamination through geological pathways.

Visual Impacts and After use - Visual impacts from the development have been considered within the ES given its Green Belt and Area of Special Landscape Value designation. The site would undoubtedly have a greater impact in the immediate vicinity of the site through the increase of the mound to a maximum height of 8/10m to a height of 140m AOD. The surrounding roadways are currently at a height of 117.0m AOD at the junction of Pilsworth Road and Moss Hall Road and 108m AOD at the south easterly corner.

However, the mounding would be graded and planted and as such the mound would be suitably screened. Longer distant views would not readily change as the increase in height would not be perceptible and would appear to assimilate into the surrounding rolling hill landscape.

The proposals for after use would be ensured by planning conditions and there is also a requirement within the s106 planning agreement. The reasoning behind putting this within the agreement is to ensure that should the immediate waste company go into difficulty, the parent company would be responsible for the completion of the site. This is further ensured through a bond that is required that is currently held by the Environment Agency, whom issue the licence, to ensure that the site can be capped, soiled and grassed in the event of financial failure of the company.

The site is to be opened up for general amenity use with pathways, seating, bridleways and planting. The scheme includes further ecological enhancement with additional ponds brought into the site, sand martin boxes and grasslands to diversify the habitat of the site. Ecology is discussed below.

Vehicle Movements - It is anticipated that following the cessation of mineral extraction, there would be a decrease in vehicles using the site. Currently, the site is consented for the following vehicle movements:

- 140 - dealing with waste; and
- 20 dealing with mineral extraction.

Within application 45528, 150 vehicles maximum on a daily basis were predicted dealing with both minerals and waste, this had therefore increased slightly. As the mineral extraction is ceasing the numbers will reduce in total and 140 vehicles per day at a maximum ought to occur. Given this situation, there is no expected increase in flow in vehicles on a daily basis

and therefore the impacts upon traffic and atmospheric pollutants, by default, will reduce.

Ecology - Greater Manchester Ecology Unit advise that there would be no greater ecological impacts from the extension of the works either in the vertical or lateral directions and the comments below relate to the proposals for restoration. They are also aware that this application is a further iteration of a restoration and landscape proposal which has been established by previous permissions.

The proposed restoration has incorporated more planting and detailing concerning the surrounding ponds following advice from officers where it was agreed that the best option was to look at creating a landscape that would benefit UK BAP species characteristic of farmland as survey information prior to the quarry commencing included skylark and there are unsubstantiated reports of brown hare to the south. It was also agreed that it would be appropriate to retain/provide alternative nesting for the sand martins that have colonised the site and that wetland habitat including open water for potential colonization by great crested newt would also be appropriate. The scheme would deliver these objectives.

EN6/4 Wildlife Links and Corridors, which is relevant to the site owing the M66 corridor and the Brightley Brook both designated under this policy and the provisions of the restoration scheme have sought to capitalise upon this relationship.

The various ecological surveys have been carried out including newt, badger, bird, vermin, bats, Biodiversity Action Plan species (skylark, tree sparrow, lapwing and reed bunting) have been carried out appropriately and further surveys are proposed and are required to maintain a high level of ecological understanding of the site and its surroundings. The conclusions relating to the various species and species groups covered within the ES as amended by additional information received 8/4/11 are acceptable.

There are invasive plant species on the site which is proposed to be managed by the developer and a scheme has been submitted to deal with this.

As such the proposals would comply with EN6/3, EN6/4 and PPS9.

Archaeology - The consent for the quarrying and previous proposals for landfilling have been subject to the considerations of heritage assets. EN3/1 and EN3/2 are the UDP Policies that consider this particular issue and Nationally, PPS5.

There are no conservation areas or listed buildings in the working area that affect or are affected by the development. More historic structures are located further afield from the site and have been previously assessed.

This proposal would have no further impact than has already been assessed and therefore there would be no change from a heritage point of view and no further mitigation is required.

Residential amenity - The closest residential property to the site is Jackson Fold Farm which is some 60m to the north. Existing vegetation screens the property from the landfill site and the proposed extraction/landfill activities would be within about 300m of them with the extension to the southerly side of the approved area, no worse than previously proposed.

By virtue of the distance involved and the intervening landscape buffer zone, it is not considered that the effects of quarrying and landfilling operations in terms of noise, dust, smell etc would be seriously detrimental to the amenities of the residents of the cottages. Moreover, the views of the proposed quarrying/landfill operations would be screened by the intervening landscape buffer zones when viewed from the property.

Impact on Pilsworth Fisheries - Pilsworth Fisheries are located approximately 25m away from the quarry site and 350m from the proposed landfill extension site. A landscape buffer zone has been being constructed within the former extraction/landfill site approximately 80m

away from the boundary with the fisheries. Although, the extraction/landfill activities would be closer to the fisheries (200m), due to the intervening landscape buffer zone, the site topography and geology, it is not considered that the proposal would have any detrimental effect on the fisheries with regard to drainage and water supply.

S106 - The previous workings and landfilling operations are subject to an existing agreement that makes provision for site working, monitoring, restoration and aftercare. It is a requirement for a further planning agreement to be entered into to equally ensure that the provisions of the application and the conditions contained within this recommendation are effective in the event of the immediate developing company ceasing to operate, and to ensure that the parent company and other successors in title, remain obligated to the proposals.

In terms of the heat network studies, a further commentary on this issue will be prepared for the supplementary agenda.

Statement of Community Involvement - On 8 and 9 November 2010, Viridor carried out an open evening at the site's Education Centre to demonstrate the nature of the proposals and to explain the application to anyone who may have an interest in the scheme. Residents on close to the operation and officers from the Council attended the session. Turn was reasonable and the information presented was informative. The presentation evening was publicised in the Heywood Advertiser and the Bury Times.

Response to Objectors - The issues raised by objectors and respondents have been included within the above report.

Conclusion - The proposals represent a significant difference to the already consented position of landfilling on the site. The proposals have adequately considered the material planning considerations from the development and have put forward mitigation, which if operated and carried out correctly should have no serious harm upon amenity, ecology, pollution or traffic concerns.

The accompanying Environmental Statement is sufficiently robust to determine the proposals in the immediate and long term and is considered to be satisfactory.

Given the above, proposals would comply with the policies described within the report and would not have serious long term impacts beyond the site itself.

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;-
It is considered that the application site is located on the periphery of the existing quarry and the proposed works would extend an already approved scheme in height and footprint, without undue impact beyond the site itself. The proposed works are not only acceptable in principle but also in terms of their visual and environmental impact. The works would not adversely impact on highway safety issues or amenities, noise, air pollution, ecology or archaeology. Appropriate controls can be incorporated through the imposition of conditions and furthermore by s106 planning agreement. The proposals would comply with National and Regional Planning Policy, Draft regional planning policy and local planning policies contained within the Unitary Development Plan. As such there are no other material considerations that outweigh this finding.

Recommendation: Minded to Approve

Conditions/ Reasons

1. The permission hereby granted is for a limited period only, namely for a period expiring on 31 December 2028, by which date the tipping of residual waste shall

have ceased and the site satisfactorily restored in accordance with planning conditions 3, 32 and 34 to 40 below, to the satisfaction of the Local Planning Authority unless in the meantime a further planning permission has been granted. Reason. For the avoidance of doubt and to accord with the terms of the application.

2. The land filling operations, associated soil stripping, overburden removal, soil and overburden storage, sand processing and restoration operations shall take place only within the area shown edged red on plan no. LE10698-EIA 1.2 attached to and forming part of this permission ref. 53453.
Reason. For the avoidance of doubt and to accord with the terms of the application.
3. Unless otherwise required by this permission or approved in writing by the Local Planning Authority, the working and restoration of the site shall be carried out in accordance with drawings, LE10698-EIA 4.14, LE10698-EIA 3.2 rev B and LE10698-EIA 3.3, accompanying written statements including Environmental Statement, Technical Appendices and correspondence dated 7 April 2011 submitted as part of planning application ref. 53453.
Reason. To accord with the terms of the application and to enable the Local Planning Authority to monitor the development pursuant to UDP Policies MW4/1 - Assessing Waste Disposal Proposals and MW4/2 - Development Control Conditions (Waste); and PPS9 - Biodiversity and Geological Conservation..
4. A visibility splay measuring 9 metres by 215 metres at the junction of the existing site access with Pilsworth Road shall be maintained free of obstruction above the height of 0.6 metres on land within the applicant's control.
Reason. In the interests of highway safety pursuant to UDP Policy MW4/1 - Assessing Waste Disposal Proposals.
5. The existing gates at the access referred to in condition 4 above which have been set back a minimum of 15 metres behind the highway boundary, shall be kept securely locked at all times other than those specified in condition 23 below.
Reason - In the interests of highway safety pursuant to UDP Policy MW4/1 - Assessing Waste Disposal Proposals.
6. There shall be no other vehicular access to the site other than that referred to in condition 4 above and which was constructed in accordance with the approved details forming part of previous planning application ref. 33482/97 and 45528.
Reason - In the interests of highway safety pursuant to UDP Policy MW4/1 - Assessing Waste Disposal Proposals.
7. Adequate turning/parking provision and wheel washing facilities shall be provided within the curtilage of the site. Wheel cleaning facilities shall be used as necessary by all vehicles leaving the site so as to prevent the deposition of mud or other extraneous materials on the highway.
Reason. In the interests of highway safety and amenities of the area pursuant to UDP Policy MW4/1 - Assessing Waste Disposal Proposals.
8. Prior to the commencement of operations, all available topsoil and subsoil shall be stripped from the following areas and stored separately in accordance with drawings indicating Phase works (Figure 7 to 22), submitted as part of previous planning application ref. 39700/02 as superseded by drawings ref. LE03283/010 to LE03283/014, submitted as part of planning application ref. 45528 unless otherwise agreed in writing:
 - a) all areas to be excavated, used for the storage of overburden, subsoil, or used for lagoon purposes.
 - b) all areas to be used for roads, offices, stores, fixed plant, plant storage

areas or for other purposes which could cause damage to soil, and

- c) all areas to be traversed by heavy vehicles and machinery not otherwise specified.

Reason. For the avoidance of doubt and to accord with the terms of the application pursuant to UDP Policy MW4/1 - Assessing Waste Disposal.

9. No materials other than topsoil, subsoil, overburden and minerals forming part of the extraction operations hereby permitted shall be stored or processed on the site without the prior approval in writing of the Local Planning Authority.
Reason. For the avoidance of doubt pursuant to UDP Policy MW4/1 - Assessing Waste Disposal.
10. No topsoil or overburden shall be sold or otherwise removed from the site without the prior written agreement of the Local Planning Authority.
Reason. For the avoidance of doubt and in the interest of proper site restoration pursuant to UDP Policy MW4/1 - Assessing Waste Disposal.
11. Unless otherwise approved in writing, the stripping and movement of topsoil and subsoil shall only be carried out during the period from April to September inclusive or when the soil is in a suitable moisture condition and the ground is sufficiently dry to ensure that topsoil will not be damaged by machinery passing over it and when it can be separated from subsoil without difficulty.
Reason. In the interest of proper site restoration pursuant to EN6/3 - Features of Ecological Value and EN6/4 - Wildlife Links and Corridors.
12. Topsoil, subsoil and soil making material mounds shall not exceed 3 to 5 metres in height as shown on drawings indicating Phase Works (Figure 7 to 22) submitted as part of previous planning application ref. 39700/02 and as shown on drawing ref. LE03283/012 as part of planning application ref. 45528, and shall be constructed with only the minimum amount of compaction necessary to ensure stability and shall be graded and seeded with a suitable grass seeds mixture throughout the period of storage, to the satisfaction of the Local Planning Authority.
Reason. In the interest of proper site restoration and amenities of the area pursuant to EN6/3 - Features of Ecological Value and EN6/4 - Wildlife Links and Corridors..
13. Mounds of topsoil, subsoil and soil making material shall not be traversed by heavy vehicles or machinery except during their construction or removal.
Reason. In the interest of proper site restoration and amenities of the area pursuant to EN6/3 - Features of Ecological Value and EN6/4 - Wildlife Links and Corridors.
14. The whole site shall be maintained in accordance with the aftercare management plan described within drawing LE10698-EIA 3.3 and master plan LE10698-EIA 4.14 rev B. A full specification of planting schedules, ecological monitoring program (including the removal of invasive species) and maintenance package shall be submitted within 3 months of the date of this permission and its implementation shall be carried out in accordance with the approved details as part of the restoration of the site.
Reason. In the interest of proper site restoration pursuant to UDP Policies EN6/4 - Wildlife Links and Corridors, MW4/2 - Development Control Conditions.
15. Throughout the period of working, restoration and aftercare, the operator shall:
- a) protect and support any waterbodies within the site edged red, ditch, watercourse or culvert passing through the permission area, or satisfactorily divert it and shall not impair the flow or render less effective drainage onto and from adjoining land.
 - b) provide for the collection, treatment and disposal of all water entering or

arising on the site, including any increased flow from the land to ensure that there shall be no pollution or siltation of watercourses by the approved operations.

Reason. To protect the existing watercourses from pollution and to enable the Local Planning Authority to monitor the development pursuant to UDP Policies EN6/4 - Wildlife Links and Corridors, MW4/2 - Development Control Conditions.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and subsequent amendments, no buildings, plant, structures or machinery, excluding conveyors, excavation machinery and vehicles and those buildings and plant shown on the approved plan nos. PS16 and PS17 forming part of the previous planning application ref. 33482/97 and 45528, shall be erected on the site without the prior written approval of the Local Planning Authority.
Reason. For the avoidance of doubt and in the interests of the amenities of the area pursuant to UDP Policies EN6/4 - Wildlife Links and Corridors, MW4/2 - Development Control Conditions.
17. All buildings shall be painted in a colour to be agreed with the Local Planning Authority within three months of the erection of the buildings. All buildings and plant shall be maintained thereafter to the satisfaction of the Local Planning Authority.
Reason. In the interests of the amenities of the area pursuant to UDP Policies EN1/1 - Visual Amenity, MW4/2 - Development Control Conditions.
18. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. When the hardstanding has ceased to be used it shall subsequently be removed from the site, unless otherwise approved in writing by the Local Planning Authority
Reason. To avoid pollution of land or watercourses as a result of the permitted development and pursuant to UDP Policy EN7/3 - Water Pollution and PPS25 - Development and Flood Risk.
19. Stockproof fencing with gates or cattlegrids at all opening shall be erected along either side of the access road and around all operational areas of the site wherever necessary, including the landscaping mounds and planting and shall be maintained to the satisfaction of the Local Planning Authority until the completion of restoration at which time they shall be removed unless previously agreed in writing by the Local Planning Authority.
Reason. In the interests of the amenities of the area pursuant to UDP Policies EN1/1 - Visual Amenity, EN6/4 - Wildlife Links and Corridors, MW4/2 - Development Control Conditions..
20. All existing hedges and trees forming part of the site boundary shall be preserved from damage, and the hedges, together with any other hedges within the site shall be cut and trimmed at the proper season and maintained in good condition to the reasonable satisfaction of the Local Planning Authority. Any such hedge or trees forming part of the site boundary that may be seriously damaged or removed or die during the course of or as a result of the operations hereby permitted shall be replaced with a plant of similar type in the next available planting season to the satisfaction of the Local Planning Authority.
Reason. In the interests of the amenities of the area pursuant to UDP Policies MW4/2 - Development Control Conditions (Waste), EN6/3 - Features of Ecological Value and EN6/4 - Wildlife Links and Corridors.
21. All existing screen planting shown on the submitted plan no LE10698 EIA 3.3, shall be maintained throughout the life of the operations to the satisfaction of the Local Planning Authority. Any trees or hedges damaged or failing shall be

replaced with a plant of similar type in the first available planting season following damage or failure to the reasonable satisfaction of the Local Planning Authority.
Reason. In the interests of the amenities of the area pursuant to UDP Policies EN1/1 - Visual Amenity, EN6/3 - Features of Ecological Value and EN6/4 - Wildlife Links and Corridors.

22. Working on the site in connection with the site subsequent restoration by tipping methods, the operation of all conveyors and site machinery, the servicing and maintenance of all vehicles and machinery shall take place only between 0700 to 1800 hours Monday to Friday, 0700 to 1300 hours on Saturday and there shall be no working on any Sunday or Public Bank Holiday unless previously agreed in writing with the Local Planning Authority.
Reason. In the interests of the amenities of the area pursuant to UDP Policy MW 4/2 - Development Control Conditions (Waste).
23. All internal combustion engines and other machinery used in connection with the operation and maintenance of the site including conveyors, shall be equipped with effective silencing equipment and maintained in an efficient condition at all times, as may be reasonably appropriate, to the satisfaction of the Local Planning Authority.
Reason In the interests of the residential amenities of the area and pursuant to UDP Policy MW4/2 - Development Control Conditions (Waste).
24. All reasonable measures shall be taken to ensure that the operations on the site do not give rise to nuisance by virtue of dust or windblown material including the watering of all haul roads and access road as necessary during dry weather conditions and the collection of any wind blown refuse on a weekly basis, to the satisfaction of the Local Planning Authority.
Reason In the interests of the amenities of the area pursuant to UDP Policy MW4/2 - Development Control Conditions (Waste).
25. No floodlights shall be used on the site without the prior written approval of the Local Planning Authority in respect of the design, height and layout of each lighting column.
Reason For the avoidance of doubt and in the interests of the amenities of the area pursuant to UDP Policies MW4/2 - Development Control Conditions (Waste) and EN6/4 - Wildlife Links and Corridors.
26. On completion of sand extraction from each phase as shown on Quarry phasing drawing ref. LE03283/010 of 45528, each phase shall be progressively backfilled as shown on Landfill phasing drawing ref. 10698-EIA 3.3 and in accordance with the revised restoration phasing drawing ref. LE10698-EIA 3.2, in a working method to be agreed with the Environment Agency prior to the commencement of tipping operations.
Reason To ensure that the tipping operations do not give rise to pollution or become a source of public or water pollutant nuisance pursuant to UDP Policy MW4/2 - Development Control Conditions (Waste).
27. Only the following types of waste and materials shall be tipped on the site:
- 1) Domestic, commercial, industrial and construction waste.
 - 2) Special and mineral waste.
 - 3) Such other materials as have been first approved in writing by the Local Planning Authority.
- Reason In the interests of proper site restoration and pursuant to UDP Policies MW4/1 - Assessing Waste Disposal Proposals and MW4/2 - Development Control

Conditions (Waste).

28. Unless otherwise required by the Environment Agency and approved by the Local Planning Authority, in the event of any leachate forming materials being tipped in any phase, in accordance with a Waste Management Licence, each phase shall be clay capped to a minimum thickness of 1 metre.
Reason. In the interests of proper site restoration pursuant to UDP Policies MW4/1 - Assessing Waste Disposal Proposals and MW4/2 - Development Control Conditions (Waste)..
29. Adequate measures, in accordance with the details submitted in the Environment Management Plan (Appendix 4-dated 25 July 2003) forming part of planning permission ref. 39700/02 and 45528, shall be taken for the drainage of the site and prevention of pollution by leachate to the satisfaction of the Local Planning Authority and the Environment Agency.
Reason. To avoid the pollution of land or watercourse as a result of this permitted development and pursuant to UDP Policies EN7/3 Water Pollution, MW4/1 - Assessing Waste Disposal Proposals and MW4/2 - Development Control Conditions (Waste); PPS25 Development and Flood Risk and PPS9 - Biodiversity and Geological Conservation.
30. Prior to the spreading of topsoil on any part of the site the subsoil surface shall be ripped in two directions at right angles with a heavy tinned implement to a depth of at least 250mm and any rocks, stones or other rogue objects in excess of 75mm on their surface, shall be removed from the site.
Reason. In the interests of proper site restoration pursuant to UDP Policies EN7/3 Water Pollution, MW4/1 - Assessing Waste Disposal Proposals and MW4/2 - Development Control Conditions (Waste); and PPS9 - Biodiversity and Geological Conservation.
31. The movement and respreading of subsoil, soil making materials and topsoil shall only be carried out during the period from April to September inclusive and when it is in a suitable dry and friable condition and in shall be carried out in accordance with a methodology to form part of the details to be prior to the commencement of final restoration.
Reason. In the interests of proper site restoration pursuant to UDP Policies EN7/3 Water Pollution, MW4/1 - Assessing Waste Disposal Proposals and MW4/2 - Development Control Conditions (Waste); and PPS9 - Biodiversity and Geological Conservation..
32. Within six months of the completion of tipping, clay capping where necessary and the spreading of subsoil and topsoil on each phase of the operations or as otherwise approved in writing, the land shall be restored to a condition fit for agricultural/woodland and amenity in accordance with the detail on plan LE10698/EIA 4.14 rev B and LE10698/EIA 4.15 submitted within the Design and Access Statement forming part of this permission.
Reason. In the interests of proper site restoration and to ensure completion of the development in accordance with the approved details pursuant to UDP Policies MW4/1 - Assessing Waste Disposal Proposals and MW4/2 - Development Control Conditions (Waste); and PPS9 - Biodiversity and Geological Conservation.
33. Within one year of the completion of the restoration of the site all buildings, plant and machinery used in connection with the operations hereby permitted shall be removed and the land concerned reinstated in accordance with LE10698/EIA 4.14 rev B and LE10698/EIA 4.15 to the satisfaction of the Local Planning Authority.
Reason. In the interests of the area and restoration of the site pursuant to UDP Policies MW4/1 - Assessing Waste Disposal Proposals and MW4/2 - Development Control Conditions (Waste); and PPS9 - Biodiversity and Geological Conservation.
34. In the event of the cessation of landfilling operations not reaching the approved

limits within this planning permission, that part of the site that has been worked shall be restored in accordance with planning conditions nos. 3 and 32 to the satisfaction of the Local Planning Authority.

Reason. In the interests of the area and restoration of the site pursuant to UDP Policies MW4/1 - Assessing Waste Disposal Proposals and MW4/2 - Development Control Conditions (Waste); and PPS9 - Biodiversity and Geological Conservation.

35. Within one year of the completion of the restoration of the site, the haulage access road connecting the site to Pilsworth Road shall be removed and the land reinstated to its original condition unless otherwise agreed in writing with the Local Planning Authority.

Reason. In the interests of the area and restoration of the site pursuant to UDP Policies MW4/1 - Assessing Waste Disposal Proposals and MW4/2 - Development Control Conditions (Waste).

36. Within three months of the completion of the restoration of the site or in the first available planting season following restoration, the site shall be landscaped in accordance with the approved landscaping scheme as indicated on plans LE10698/EIA 4.14 rev B and LE10698/EIA 4.15 and the planting schedules, maintenance provisions as required by planning condition 3 within this planning permission. All trees and hedges included in the landscaping scheme shall be retained, protected and maintained for a period of five years after planting during which period any tree or hedge that may become damaged or be removed or die shall be replaced with a similar plant in the next available planting season.

Reason. To ensure satisfactory development of the site pursuant to UDP Policies MW4/1 - Assessing Waste Disposal Proposals and MW4/2 - Development Control Conditions (Waste); and PPS9 - Biodiversity and Geological Conservation.

37. This decision relates to drawings and reports numbered/titled:
Environmental Statement and Non-Technical Summary December 2010;
Planning Application and Supporting Statement (Volume 1) December 2010;
Design and Access Statement (Volume 3) December 2010;
LE10698-EIA-4.15 **As amended by** LE10698-EIA- 4.14 rev B and LE10698-EIA-3.2 rev B;
LE10698-EIA-3.2 rev B;
LE10698-EIA-3.3;
LE10698-EIA- 4.1;
LE10698-EIA-4.14 rev B;
LE10698-EIA-4.2;
LE10698-EIA-4.3;
LE10698-EIA-4.4;
LE10698-EIA-4.5;
LE10698-EIA-4.6;
LE10698-EIA-4.7;
LE10698-EIA-4.8;
LE10698-EIA-4.9;
LE10698-EIA-4.10;
LE10698-EIA-4.11;
LE10698-EIA-4.12;
LE10698-EIA-4.13;
LE10698-EIA-4.16;
SH-RJK-LE10698-014 Response to BMBC post submission 070411;
SH-RJK-LE10698-014 Appendix 1 - Planning Policy & JWDPD;
SH-RJK-LE10698-014 Appendix 2 Leachate Management and Monitoring;
SH-RJK-LE10698-014 Appendix 3 - Performance Agreement Environment Agency 2005;

and the development shall not be carried out except in accordance with the drawings & reports hereby approved.

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

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

Ward: North Manor

Item 02

Applicant: Architectural Services

Location: Springside County Primary School, Springside Road, Bury, BL9 5JB

Proposal: Retention of temporary classroom (nursery unit) and associated toilet block for 3 years.

Application Ref: 53638/Full

Target Date: 08/04/2011

Recommendation: Approve with Conditions

Description

The application site is located in a residential area off Springside Road. The school boundary is on the fringe of the Green Belt boundary to the south and west, and part of the school site to the west lies within the River Valley. To the north and east are the residential properties on Springside Road and Sabden Close respectively. To the south and west of the school buildings are the playground and playing fields.

The application seeks the retention of a modular building and toilet block which currently accommodates the school's nursery unit. The unit was originally brought onto site in October 2009 whilst works were carried out to one of the main classrooms. Following completion of these works, the building was retained on site to be used by the nursery unit. The original nursery building has since been demolished in preparation for the new development which was approved at the Planning Control Committee in November 2010.

Due to financial uncertainties, this approved scheme has been temporarily delayed, with works expected to commence this year. The school are seeking to retain the modular building on site for an additional 3 years should the building programme be further delayed.

The modular building and toilet block are connected and sited to the south east of the main school building adjacent to the playing field. They are accessed via a set of steps and handrail, from a 1.2m wide path which runs alongside the school to the main entrance.

Relevant Planning History

52668 - New foundation unit with playgrounds & fencing. New main entrance, and relocation of bin store. Construction of link covered walkway in courtyard area. - Approve with Conditions 21/07/2010

53207 - Re submission of planning application 52668 to include a building for extended services attached to the new foundation unit. - Approve with Conditions 17/11/2010

10/0555 - Unlawful siting of a structure - Complain received 19/10/2010.

Publicity

22 letters sent on 16/2/2011 to Nos 9,11, 31-53 (odds) Springside Road, 2-16 (evens) Sabden Close.

One letter of objection received from No 14 Sabden Close which raises the following issues:

- The temporary classrooms are too close to the senior citizens bungalows on Sabden Close;
- The vibration from noise made from inside the buildings can be felt and heard in the rear gardens and make it unpleasant when in the gardens;
- There has been a build up of toys and equipment outside which is unsightly;
- The existing fence is in serious need of repair and dangerous for the children;
- The proposals would have a negative impact on local property prices;
- The temporary buildings would be better suited on the west side of the school.

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.

BADDAC - Raise the issue of accessibility to the unit for disabled users of the building.

Unitary Development Plan and Policies

CF1/1 Location of New Community Facilities

CF2 Education Land and Buildings

EN1/2 Townscape and Built Design

Issues and Analysis

Policies - Unitary Development Plan Policy CF1/1 - Location of New Community Facilities considers issues of proposals on residential amenity and local environment, scale and size of the development and access.

UDP Policy CF2 - Education Land and Buildings seeks to consider favourably proposals for the provision, improvement and dual use of educational facilities.

UDP Policy EN1/2 - Townscape and Built Design has regard to factors including external appearance and design of the proposal, relationship to the surrounding area and access.

Principle - The retention of the modular building is a temporary solution to enable the school to facilitate the nursery unit. As such, the proposal is considered acceptable subject to the considerations below.

Residential amenity - The modular building is sited 10m from the rear boundary of the nearest residential property, No 12 Sabden Close and 23m from the rear elevation of this property. There are windows on the side elevation which face onto the houses on Sabden Close. However, there are 2 intervening buildings consisting of a single storey garage and storage container on the school grounds as well as a boundary fence and some low level planting which restricts the potential for overlooking of the nearby residents.

Given the building is a temporary modular type comprising powder coated sheeting, it is not as effectively sound proofed from noise created within compared to that of a brick built structure. However, the building is in use during school hours only, and given the distance away from the residential properties on Sabden Close, is considered not to be significantly disruptive to the amenity of the local residents.

The proposal is therefore considered to comply with CF1/1 - Location of New Community Facilities.

Visual amenity - The modular buildings are located well within the school grounds and not highly visible structures when viewed from the entrance to the school grounds from Springside Road. Whilst they are visible from some of the properties on Sabden Close, they are single storey and partly screened by the intervening structures and boundary treatment.

Given they are of a temporary nature only, the buildings are considered acceptable and comply with UDP Policy EN1/2 - Townscape and Built Design.

Access - The modular accommodation is a temporary measure and at the time of the installation there was no requirement for an access ramp, which currently remains the case. However, should wheelchair or ambulant access be required in the future, the school would manage the individual needs of either pupils, staff or parents to ensure there is appropriate access provision.

Response to objector - The issues of impact on residential amenity and noise have been covered in the above report.

There are no proposals to replace the boundary fence as part of this application which is the responsibility of the school.

Property prices are not a material planning consideration.

The siting of the building was the only available location due to its proximity to drainage facilities.

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 portable cabins are of a temporary nature and considered to be acceptable in terms of their siting, and are not detrimental to the amenity of the nearby residents or impact on their visual amenity.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. This decision relates to drawings numbered Location Plan - KB02; KB SPRINGSIDE 130A 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 permission hereby granted is for a limited period only, namely for a period expiring on 30th April 2014, and the building and works comprising the development for which planning permission is hereby granted are required to be removed at the expiration of the said period and the land reinstated to its former condition within 3 months of the removal of the building, to the written satisfaction of the Local Planning Authority.
Reason. The development is of a temporary nature only pursuant to Bury Unitary Development Plan Policy CF1/1 - Location of New Community Facilities and CF2 - Education Land and Buildings.

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

Ward: Radcliffe - East

Item 03

Applicant: Cantt Pak Ltd

Location: Land at Bury Road / York Street, Radcliffe, Manchester, M26 2WH

Proposal: Outline planning for mixed use scheme including erection of 200 dwellings; new warehouse (7435 square metres) and land remediation and raising of land; raised emergency access to Bury Road; open space and car parking

Application Ref: 53645/Outline Planning
Permission

Target Date: 12/05/2011

Recommendation: Approve with Conditions

A site visit has been arranged for this item at the request of the Assistant Director of Planning, Environment and Regulatory Services.

Description

The application site covers 13.5ha and the majority of the land has been in use both in the past and currently for employment purposes. The site is located to the east of the River Irwell and the site is accessed off both York Street and also from a purpose built access road off Bury Road in Radcliffe.

The site comprises a collection of older industrial premises, which are currently in a poor state of repair (southerly half/York Street end) and an extant white goods distributor company called Expert Logistics, whom are within a large industrial unit within the northerly half of the site. The purpose built access road, from Bury Road serves this company.

To the west of the site is Bealy's Goit and Swan Lodge and York Street to the south comprises mainly residential properties. The river runs along the easterly and northerly boundary of the site and further to the north across the river is a primary school and an extensive residential area.

The application is in outline with all matters reserved except for access. The proposals are for a residential development for upto 200 dwellings on the southerly half of the site on the land that is currently occupied by the older industrial units and an extension of the Expert Logistics building comprising 7435sqm extension to the north of the existing building and a car park to the north of that.

The access into the residential area would be taken from York Street but would not connect through, for day to day purposes, to the industrial northerly part of the site. The scheme would retain the Bury Road access for Expert Logistics. There would be an emergency access available through from the residential area and footpath connections would link York Street, along the goit through to Bury Road.

To facilitate the development and for issues concerning flooding, the housing site would be raised by approximately 1.5m and the internal floor level of the warehouse extension would be some 2.0m above the existing ground levels.

The surrounding areas of the site would form part of the wider open space and would be planted and ecologically enhanced.

Relevant Planning History

47949 - 207 space car park for Expert Logistics - Approved 2/10/2007

Publicity

225 letters were sent to properties within York Street, Whitefield Road, Coniston Drive, Cardigan Drive, South Terrace, Bealy Avenue, Radcliffe Road, Keswick Drive, Dumers Lane, Birch Street, Seddon Avenue, Central Avenue, Bury Road, Selby Close, Ripon Close, Manchester Road, Clarence Avenue, on 18/2/11. A full list of the addresses can be found within the working file and on the Council's web site.

Site notices were erected on 22/2/11 and press notices were published in the Bury Times on 24/2/11.

As a result of this publicity two comment letters have been received.

Sustrans who says:

- The development will generate traffic and the surrounding roads are busy. There is a national cycle route 6 nearby on the canal and the development should contribute towards improving local connections to the network.
- Properties should be able to accommodate provision for buggies and cycles and estate roads should be limited to 20mph speed limits.

89 York Street - considers that 2 storey properties would be more suited to the site frontage given the existing houses opposite are two storey. Three storey units would be better on the easterly and westerly parts of the site. The writer has no objections in principle to the proposals.

Objection from 15 South Terrace - are concerned about the employment uses coming nearer to their property and the disturbance created from reversing beepers of transport vehicles, fork lift trucks operating on a 24 hour basis.

The respondents have been informed of the Planning Committee meeting.

Consultations

Traffic Section - Formal response awaited but have no objections in principle.

Drainage Section - No objections - add conditions to ensure appropriate drainage is provided.

Environmental Health Contaminated Land - No objections - add conditions to ensure appropriate remediation takes place.

Environmental Health Pollution Control - No objections.

Public Rights of Way Officer - No objections in principle. Details need to be provided at the reserved matters stage to ensure suitably connected routes are provided.

Waste Management - No objections.

Environment Agency - No objections subject to conditions relating to levels for flooding concerns and ecology.

Greater Manchester Police - design for security - No objections in principle, but have some reservations over pedestrian routes and emergency access through the industrial site, which may be potential for crime concerns.

United Utilities - No objections.

The Coal Authority - No objections.

Fire Service HQ Greater Manchester - Response awaited.

GMPTE - No objections.

Greater Manchester Ecology Unit - No objections subject to conditions relating to ecology.

G M Archaeological Unit - No objections.

The Ramblers Association (Bury) - No objections.

Manchester & High Peak Ramblers - No response.

Peak & Northern Footpaths Society - No response.

The Open Spaces Society - No response.

Baddac - No objections.

Unitary Development Plan and Policies

EC1	Employment Land Provision
EC1/1	Land for Business (B1) (B2) (B8)
EC2	Existing Industrial Areas and Premises
EC2/1	Employment Generating Areas
EC6/1	New Business, Industrial and Commercial
H1	Housing Land Provision
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN1/6	Public Art
EN5/1	New Development and Flood Risk
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN7/3	Water Pollution
EN9	Landscape
OL5/2	Development in River Valleys
OL5/3	Riverside and Canalside Development in Urban Areas
RT1/1	Protection of Recreation Provision in the Urban Area
RT2	New Provision for Recreation in the Urban Area
RT2/1	Provision of New Recreation Sites
RT2/2	Recreation Provision in New Housing Development
HT5/1	Access For Those with Special Needs
SPD1	DC Policy Guidance Note 1: Recreation Provision
SPD2	DC Policy Guidance Note 2: Wildlife Links & Corridors
SPD3	DC Policy Guidance Note 3: Planning Out Crime
SPD4	DC Policy Guidance Note 4: Percent for Art
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD7	DC Policy Guidance Note 7 - Managing the Supply of Housing
SPD16	Design and Layout of New Development in Bury
PPG13	PPG13 - Transport
PPS9	PPS9 Biodiversity and Geological Conservation
PPS23	PPS23 Planning and Pollution Control
RSS 13	Regional Spatial Strategy for the North West

Issues and Analysis

Principle

The application site lies within the the Dumers Lane Employment Generating Area (EGA) and is subject to Unitary Development Plan (UDP) Policies EC2/1 and EC2/1/9. Currently all the proposals are in outline except for the access, which is to be taken from York Street, with emergency access through the rear of the site (Expert Logistics).

Within the Dumers Lane EGA, the Council will only allow development for Business (B1), General Industrial (B2) and Warehousing (B8) uses. Other uses will only be allowed where they constitute limited development or do not substantially detract from the area's value for generating employment.

The Presented Case

The proposals are described as a mixed use development consisting of a large new warehouse unit of 7435 sqm for Expert Logistics to the north of the existing building and approximately 200 new dwellings with the surrounding land enhanced in a way for ecological purposes within the River Irwell corridor. The development site comprises 3.6ha of land.

Groundworks - Substantial groundworks are proposed to prevent flooding of the new warehouse and dwellings and to deal with existing contamination. The areas of the former Unifi Dyed Yarns would need to be remediated which is proposed for the housing and a method statement has been produced detailing how this would be done. The area for the industrial extension would not need to be remediated to the same extent as this land has had no former industrial use on it.

The land raising proposed would lift the site out of the 100 year flood zone (Zone 3a - highest risk) with the deposition of some 80,000 cubic metres of fill material consisting clean spoil from the creation of flood areas, partial demolition materials and imported fill. The resulting land raising would mean that the housing site would be elevated when compared to York Street to a level of 69.58m, thus 1.5m above York Street. The floodpaths surrounding the site and associated land would remain at a lower level thus would not create ponding areas upstream of the site. The proposed warehouse extension would also be elevated such that it did not flood and would have an internal floor level of 70.03m.

Economic and Employment Factors - The supporting documentation states that the employment premises of the former Unifi Dyed Yarns site -

- are beyond economic repair and refurbishment;
- that the redevelopment of the whole of the site for employment purposes would not be viable because of the land raising costs and the relatively modest rental incomes that would be achieved, resulting in a loss of some £3.9m;
- the redevelopment of the site on a mixed use basis ie some housing and some employment in particular because of the reduced quantum of housing development created would be insufficient to cross-subsidise the development units on the rest of the site, resulting in a loss of some £3.1m; and
- the development of the new warehouse unit for Expert Logistics would only be commercially viable if cross-subsidised from the level of housing suggested within the scheme proposals. A cross subsidy of some £744,000 would be required due to the high costs including works to raise ground levels and reduce flood risk issues.

As such the case considers that the development of the site for employment purposes would not come forward for employment provision in the foreseeable future and concludes that the proposals would not detract from the area's value as an EGA. Moreover, the scheme helps to ensure the retention of 200 full time employment jobs (FTE) and would lead to the creation of an additional 100 FTEs, which would significantly assist to the fundamental aims of the EGA designation.

In terms of limited loss of land for non employment purposes, the application argues that the amount of land for housing is relatively small in relation to the total area of the EGA; the housing is essential for the cross-subsidisation of the new warehouse facility which is for a key employment use within the EGA. As such the amount of residential development can be considered as limited development that contributes to the aims of the EGA and the Borough as a whole.

The application proposals would develop over land that is currently identified as a protected recreational facility. However, the facility has already been provided for elsewhere through the granting of planning permission for the existing car park and commuted sum associated with that development to reprovide the facility elsewhere.

Employment Extension - The proposals would also develop land that is currently outside the EGA and is within a designated River Valley, effectively land swapping and thus extending existing employment land beyond the existing allocation. Planning policy does not prohibit employment development within river valley policies, it specifically makes exceptions to allow the extension of an existing industry where economic and employment factors are of an overriding importance.

Council's Consideration on the Principle

Within the Dumers Lane EGA, the Council will only allow development for Business (B1),

General Industrial (B2) and Warehousing (B8) uses. Other uses will only be allowed where they constitute limited development or do not substantially detract from the area's value for generating employment.

In the Council's view, the scale of the residential alone is such that it cannot realistically be regarded as limited development. However, a balanced approach is required whereby the merits of the scheme as a whole are considered, taking into account the potential land use issues and employment opportunities that may arise.

Chapter 3 of the applicant's Planning Statement sets out the background to Expert Logistics highlighting that it is a very successful company that has seen significant growth in recent years. However, the company is said to be constrained by the lack of warehousing space on the Radcliffe site and the subsequent need to operate warehousing facilities in the Heywood area.

As a result, the Planning Statement specifies that Expert Logistics are looking to consolidate onto a single site and paragraph 3.6 of the Planning Statement goes on to specify that the company requires a new 7,500 sq.m. (81,000 sq.ft) warehouse unit that would need a minimum height of 20 meters in order to accommodate the most up-to-date warehousing and stacking technology. The proposal is seeking to meet these requirements with a new 7,345 sq.m. (79,000 sq.ft) warehousing unit that would be sited 6 metres to the north of the existing building and linked by an enclosed corridor that would accommodate forklift trucks.

A significant part of the applicant's case revolves around their assertion that the economic benefits of the proposal as a whole outweigh the loss of existing employment land resulting from the housing element. This is presented on two fronts:

- Firstly, from a land use perspective whereby the proposed extension to Expert Logistics involves land not currently designated as an EGA. Therefore, the proposal would, in effect, extend the employment area to the north, off-setting, to some extent, the loss of employment land on the former Unifi Dye Works site to the south;
- Secondly, the applicant points to the economic benefits that would result from the proposed extension to Expert Logistics. In particular, paragraph 3.7 of the supporting Planning Statement specifies that *'...the proposed development would ensure that a leading national distribution company stays in Bury; the existing 200 jobs are secured in the long-term; and an additional 100 jobs created over the next five years. If permission is not granted, it is likely that the Company would be forced to move out of Bury to find the expansion room it requires'*. This is re-emphasised in paragraph 5.4.7 which states that *'...Expert Logistics requires a new warehouse unit if it is to remain on the Radcliffe site. Without it, the company would be forced to relocate, especially as its current tenancy is coming to an end. If the proposal is allowed, the Company expects to create an additional 100 jobs on the site over the next 5 years. Without it, the existing 200 jobs are likely to be lost'*.

This is again stressed in paragraph 6.2.5 of the Planning Statement which specifies that *'As the warehouse facility would help retain 200 FTE jobs in the EGA, and leads to the creation of an additional 100 FTEs, it would significantly assist achievement of the fundamental aims underlying the EGA designation.'*

There is no guarantee that even if the development as proposed would ensure that Expert Logistics would remain on the site. They currently have 2 years left on their lease and would exercise their business discretion to determine whether or not to stay on the site in the longer term.

It is understood that the proposals will go some way to meeting their requirements and they are considering their existing business operations with options to include consolidation on a site, though there can be no firm commitment that it would be this site. Furthermore, the proposals are indicative, save the expressed floorspaces and as no details of the actual development in terms of layout have been submitted and how that would fit in with operations of Expert Logistics, it is not possible to ensure a commitment to this scheme by

them at this stage.

It is also understood that the company have also indicated that if they were to remain on the site, they would require a new warehouse of around 10,200 sq.m. (110,000 sq.ft). Notwithstanding any uncertainties with regard to the specific form and layout of a new warehouse, the current application makes provision for a 7,345 sq.m. warehouse which would, even on a purely floorspace basis, be inadequate for the purposes of Expert Logistics.

In conclusion, therefore, the proposal would result in an increase in the amount of employment land to the north of the existing Expert Logistics site and that this will, to some extent, off-set the loss of employment land to the south as a result of the housing.

However, there is scope to consider that the certainties of some of the assertions of the development for Expert Logistics particularly in terms of the certainty of job retention and creation are not cast in concrete. There are also doubts as to whether the scale of the extension would meet the expansion requirements of Expert Logistics.

Members will therefore need to carefully consider whether the proposal is acceptable in its own rights, irrespective of whether the extension to the Expert Logistics site would secure the long term retention of the company and the jobs associated with it.

If Members decide to approve the scheme, then it is important that the employment element of the scheme is realised and, as such, planning conditions should be attached to any approval requiring the employment element to be delivered prior to the commencement of any of the residential dwellings.

Housing Issues

UDP Policy H1/2 considers that housing can be accepted on sites provided that

- they are directed towards the urban area,
- where there is adequate infrastructure,
- avoids the loss of open or peripheral land,
- that the site is suitable in land use terms, and
- does not conflict with other policies of the UDP.

The site is within the urban area where there is existing adequate infrastructure. There are no objections in terms of drainage issues or any in principle objections from traffic in terms of infrastructure. The development of housing would not affect peripheral open land and in terms of the considerations of the spacing around the proposed housing for amenity purposes, would be compatible in land use terms with its neighbouring land uses.

H2/1 - The Layout of New Residential Development and H2/2 - The Layout of New Residential Development, provides the assessment criteria for detailed matters relating to height, appearance, density and character, aspects and finish materials. As the housing is currently in outline, these matters would be considered at a reserved matters stage. The issues concerning Access are dealt with below.

H4/1 - Affordable Housing - The scheme is submitted with an Affordable Housing statement, which effectively holds a position of negotiation in terms of the levels of affordable housing that could forward at the reserved matters stage. Detailed viability assessments have been submitted. However, given the outline nature of the development and that the quantum of residential development is stated as a maximum and that no housing developer is yet secured, matters relating to affordable housing provision would be dealt with by planning condition. This would enable issues relating to affordable housing to progress when further more specific details of housing provision, densities and viabilities are known.

Flood Issues

The application has been submitted with a Flood Risk Assessment in accordance with the provisions of PPS25 and includes the local considerations contained with the Strategic

Flood Risk Assessment.

It is a requirement that the development proposals adopt a sequential testing approach and the exceptions test. The Council's PPS25 Sequential Test for the Draft Publication Core Strategy assesses the availability of suitable land for development and concludes that land within zones 2 and 3 will need to be developed for housing and employment if the development aims of importance to the borough are to remain and be achieved. The reasons for this include regeneration benefits, economic and community reasons, including the ability to maintain objectives for affordable housing and business development across the Borough. The document also assesses whether land in flood zone 3a is sequentially required within the Radcliffe area and concludes that it is, as alternative sites for large scale housing and employment development "do not exist without encroaching into the Green Belt" and that "overall the results of the Sequential Test provide strategic justification for why development in Bury needs to occur within areas at risk of flooding".

The regeneration benefits that could be achieved from the redevelopment of the former Unifi Dying site, the Expert Logistics extension and additional land take and the considerations of the Core Strategy Sequential Testing are such that these developments cannot take place at this scale in this area and for these reasons it is considered that the test is complied with.

In consideration of the Exceptions Test, there are three issues to consider namely:

- the wider sustainability benefits,
- the redevelopment of previously developed land and
- whether the development would be safe.

The proposals would result in the retention of 200 FTE and the creation of an additional 100 FTE over the next 5 years, which would be in and close to residential areas where the employment pool would be close by and maintain a contributor to the local economy. As the site is within the 20% most deprived areas within England as demonstrated within the Indices of Multiple Deprivation, the development would score highly against this issue.

The scheme provides additional cycling and footpath routes, links into the wider green infrastructure, would provide additional housing choice and to a minimum of code 3 (as described within Weetwood FRA 2011). Moreover, the scheme would remove dilapidation and dereliction, provide opportunities for employment (including existing training opportunities provided by the retained employer) and is close to sustainable modes of transport.

Waters would be controlled through flood risk management, maintaining flows across the site and in the design of the the greenspace around the site would provide ecological enhancement, which is discussed in more detail below. Flood risk would be reduced and would result in the redevelopment of a brownfield site and as such is considered to comply with the exceptions test.

Landworks - In order to reduce on site and residual risks from the development there are a number of proposals within the scheme that would be implemented including:

- Land raising of the residential development such that it would be some 1.5m above York Street with the extension floor raised to 70.03m AOD;
- To raise the road levels within the residential development to 69.28 AOD;
- To provide a vehicular emergency access route from the residential development north through the site along Bealy's Goit such that it would be approximately 70.00m AOD; and
- Raise the new car park to the north of Expert Logistics to 69.35m AOD.

These levels would ensure that the site and the respective parts of the development would be in accordance with the Flood Risk Assessment and recommendations, which are accepted by the Environment Agency and would provide a 1 in 100 year plus climate change peak surface water level expected at the site plus a freeboard allowance for uncertainty.

The residential development would appear to be 'sat up' when compared to the existing dwellings on York Street. However, there would be sufficient separations available to ensure that there would be no undue impacts upon this street and properties fronting it.

These levels are considered to be appropriate and together with contingencies proposed for emergency access the raised levels would not unduly impact upon amenity beyond the site itself.

Displacement of Water and Residual Risks - The proposals would result in the way that water flows across the site in the event of flooding at both the 1 in 100 and 1 in 1000 years levels. The scheme presents a betterment for surrounding land to the south of the site including the residential properties on York Street and the modelled rates and directions of flows have been accepted by the Environment Agency. The reasoning for the better is that the development of the site would change the flows across the site and in many ways slow the flow rates down. This would ensure that water dissipates more readily rather than areas becoming inundated and unable to dissipate the water. On this basis the modelling and predictions together with the redevelopment of the site would result in an improved situation.

The Environment Agency have been consulted on the proposals and have raised no objections to the proposals.

Access

The application is seeking to use York Street as the main entrance into the site for housing, whilst Expert Logistics would retain the existing access from Bury Road. The application has been submitted with a Transport Assessment (TA) that determines that the use of York Street could accommodate the demands of access for the proposed housing density.

The TA has been subject to assessment by the Greater Manchester Transportation Unit and the conclusion is that York Street, as the main access into the site is acceptable. The TA currently argues that there is no need to signalise the junction of York Street with Dumers Lane. However, the key issue is that this premise is based upon this site coming forward before the already approved outline approved housing on the former Halls site (Property Alliance Group scheme), which itself has only outline planning permission with no full approval of details for access other than indicative proposals.

The Traffic Section agree to the proposals for York Street serving as the main access route into the site. However, the issue centres upon when traffic signalling is needed on the York Street/Dumers Lane junction, bearing in mind the approved Property Alliance Group scheme. A finalised response is awaited from the Greater Manchester Transport Unit and from the Traffic Section on this and this shall be reported within the supplementary agenda. It must be noted though that there is no objection in principle to the use of York Street as the access for the scale of development proposed.

Wildlife Corridor and Ecological Enhancement - The site lies within a designated Wildlife Corridor under Policy EN6/4. The application has been submitted with Ecological Assessments including bat survey and habitat enhancements.

The survey found no evidence of bats, but could not rule out occasional use owing to the number of buildings that are on the site. All the structures bar one, the covered reservoir, were assessed as having a low roosting potential. The buildings are, however, in a high risk location between a major water course and a mill pond.

The planning application is outline and there is no immediate proposal to demolish the buildings. There is therefore no immediate threat, even if present and a re-survey will be required prior to any full application as the current bats survey is from 2010 and likely to be no longer valid whenever a full application is submitted.

Section 5.5 of the supporting statement, makes a number of recommendations which is supported and should be conditioned. The full survey of the covered reservoir should be

carried out immediately in order to rule out (or in) its roost potential prior to a full application being submitted. There should also be a condition monitoring requirement until all the buildings are demolished.

Japanese knotweed, Himalayan balsam and giant hogweed are present on the site. Whilst total eradication along the banks of the Irwell would be unreasonable owing to re-colonisation from upstream, eradication of isolated stands away from the river bank should be possible. The ecological assessment notes that stands of invasive species may provide opportunities for otter to lie up and that a re-survey for otters should occur prior to commencement of any works. This can be conditioned.

There is no evidence that otters are utilising the site, but are now known to occur on the River Irwell. Paras 4.3.3/7.6.4/8.2.14/8.3.23 noted the need to ensure no otters are using temporary lying up spots along the riverbank during operations to remove invasive species. In addition the proposed riverside landscaping offers an opportunity to enhance the habitat for otter. Eg artificial halt. This can be conditioned.

Birds are present on site nesting within vegetation and buildings. Given the particularly location and extent of ecological issues, it is suggested that a condition be imposed to ensure that there would be no vegetation clearance or demolition shall be carried out on site between 1st March and 31st August inclusive in any year without full survey before hand having been carried out.

The proposed development would impact on a wildlife corridor policy (EN6/4), several features of ecological value (ponds, scrub, grassland) (EN6/3), and borders the Swan Lodge Site of Biological Importance (SBI) (EN6/2). A number of noteworthy species including nesting kestrel, amphibians and soft shield fern are also found on the site. In addition to the recommendations of the Ecological assessment which cover all of the above, it is also recommended that measures are also taken to benefit two other Biodiversity Action Plan (BAP) species, reed bunting a UK priority species present on the neighboring SBI and Black poplar a GM BAP species. It is questionable from the proposals whether there is a chance of maintaining the scrub habitats (W21, W22 and W23) as proposed and in any event, there are no strong views regarding which option of the two suggested is implemented for north of Expert Logistics. I.e Habitat Mosaic or flood meadow.

It is noted that the proposed mosaic though valuable in its own right is not analogous to the UK priority habitat, which is more along the lines of short ephemeral habitat with scattered tall ruderal, scrub and grassland i.e a Derelict industrial land. As such, in terms of the Habitat Mitigation, a condition should be imposed to also deal with the following matters:

- Details of replacement water bodies including location design, construction and landscaping;
- Details of proposed grassland, scrub, and woodland enhancement and creation for the entire site including large scale plan and species composition;
- Measures to protect and enhance the local amphibian population including timing of works and habitat creation;
- Specific species measures including kestrel nesting sites, translocation of soft shield fern, introduction of black poplars and habitat management for reed bunting;
- Measures to ensure the integrity of the wildlife corridor is maintained; and
- Buffering of the SBI.

Parking - Parking provision for Expert Logistics currently comprises a level car park area to the north of the existing building and a smaller car park to the south of the site near to the main office building.

Current provision is stated to be 150 spaces within the site. The proposals show indicatively that following the development of the extension a similarly scaled car park would be provided to the north of the extension. The provision increase the on-site provision is proposed to be capped to 200 spaces.

The *maximum* number of spaces for the Expert Logistics site when considered against SPD11 would be 210 spaces, and is based upon an assumption of 7435sqm extension and 13474sqm of existing building and a maximum provision of 1 space per 100sqm.

The proposals would therefore not exceed the maximum provision and would be close enough to the maximum provision so as not to cause undue concerns in terms of parking and the demands upon travel to and from the site. The documentation accompanying the application provides a travel plan framework for Expert Logistics and shows that measures to maintain the current levels of car borne visits to the site would be such that parking provision would be an appropriate amount.

Crime and Design - The application is predominantly in outline with the means of access sought. The comments from the Police are focused purely on the potential for crime without the regard of the wider benefits of the development through the interaction with the countryside. The details of the layout would incorporate footpath widths and planting specifications would also form part of the landscaping. As such these issues would be addressed at that time.

In terms of the access through the Expert Logistics site, this provision is an absolute emergency in that should access be blocked into the site from York Street, then another means of access would be available. The Expert Logistics site is currently a 24 hour operation with manned security and CCTV. Access through their site is monitored. Secondly, the applicants have both control and ownership of both sites and thus can ensure that the emergency access remains specifically for this purpose only. A planning condition can also ensure this in the event of interests in land ownership changing.

Summary of reasons for Recommendation

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

The development would make sufficient provision for employment purposes, reflectant of the Employment Generating Area designation on the basis of conditional controls restricting the development of the housing proposed on the site. The proposals would regenerate the area and in conjunction with the other proposals for ecological enhancement, the proposals would also enhance the wildlife corridor. The site is within a flood zone of high risk. However there are strategic reasons for considering the proposals in terms of the sequential and exceptions test of PPS25 and with the works proposed, the development has satisfactorily demonstrated that flood risk would be minimised to the site and lessened threats to existing housing. The scheme would provide additional housing within the borough and would be sufficiently able to accommodate up to the number of units proposed on the site. The development would comply with the Unitary Development Plan and its policies with the conditions proposed and there are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

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

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

2. Before the development is commenced, the applicant shall submit detailed plans and particulars to the Local Planning Authority, and obtain their approval under the Town and Country Planning Acts, of the following reserved matters; the layout, scale, appearance and the landscaping of the site.
Reason. To ensure the satisfactory development of the site and because this application is in outline only.
3. In relation to the phasing of the development, the site shall be developed in relation to the phasing of the three main elements of the proposals namely the ecology, employment development and housing development.
 - The phasing in relation to the ecology shall be implemented in accordance with the provisions to be satisfied within conditions 5 to 12 inclusive;
 - The phasing in relation to the remediation of the existing former Unify Dyeing Site and land raising thereto, shall be implemented in accordance with the provisions to be satisfied within conditions 5 to 11 inclusive;
 - No housing development shall commence unless and until the proposed extension to the north of the existing Expert Logistics building as been commenced and is constructed to at least eaves level; and
 - There shall be no occupancy of any dwellings unless and until the extension, car parking and servicing relating to the extension to the north of the existing Expert Logistics building as been completed.

The completion of the extension to the north of the existing Expert Logistics building and associated servicing shall be confirmed by an exchange of letters between the developer and the Local Planning Authority and the extension and its associated parts shall not be deemed to be substantially completed unless and until this is confirmed in writing by the Local Planning Authority.

Reason - to ensure that measures and mitigations are in place to deal with ecology and wildlife enhancement and to ensure that the employment proposals are brought forward at the earliest stage in relation to the case argued by the planning proposals and the designation of the land pursuant to UDP Policies EN6/3 - Features of Ecological Value, EN6/4 - Wildlife Links and Corridors, EC2/1 - Employment Generating Areas and PPS9 - Biodiversity and Geological Conservation.

4. As part of the submission of the first reserved matters, an Air Quality Assessment report of the impact of the development both during and after the construction phase on local air quality shall be submitted to and approved in writing by the Local Planning Authority. The report shall determine measures to minimise the impacts upon air quality arising from the development and the measures as approved shall be incorporated into the development.

Reason - The roads leading to the planned development are within the Air Quality Management Area (AQMA). The AQMA in this locality is an area predicted to exceed the objectives for nitrogen dioxide as detailed in the Air Quality Regulations 2000 and (Amendment) Regulations 2002. UDP Policy EN 7/1 - Atmospheric Pollution considers that it is a requirement that this development does not lead to, or significantly add to predicted exceedences of any of the objectives detailed in the Air Quality Regulations 2000 and (Amendment) Regulations 2002.

5. No development shall occur until the recommendations of the Update of Bat Survey – 22nd September 2010 and recommendations of section 5.5 of the Ecological Assessment Feb 2011 have been implemented in full unless otherwise approved in writing by the Local Planning Authority.
Reason - To ensure that appropriate steps are employed to mitigate any potential impacts upon bats, their roosts and wellbeing pursuant to PPS9 - Biodiversity and Geological Conservation and EN6/4 - Wildlife Links and Corridors.

6. Within 2 months of the date of planning permission hereby granted a bat monitoring program for the period prior to submission of a full application for the structures to be removed shall be submitted to and approved in writing by the local planning authority and these works shall be carried out in full.
Reason - Though the risk of bats being present is currently assessed as low, bats are highly mobile and may colonise the site. Colonisation would represent a material change in circumstances regarding the full or reserved matters applications; to ensure that appropriate steps are employed to mitigate any potential impacts upon bats, their roosts and wellbeing pursuant to PPS9 - Biodiversity and Geological Conservation and EN6/4 - Wildlife Links and Corridors.

7. No development shall commence until full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonia Japonica*, *Rouse Decraene*, *Polygonum Cuspidatum*) and Himalayan Balsam (*Impatiens Glandulifera*) and Giant Hogweed (*Heracleum Mantegazzianum*) including measures to ensure that no harm occurs to otters, 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 shall take place until an area of land has been defined and an otter habitat enhancement plan produced for otter that has been approved in writing by the Local Planning Authority. The scheme shall be submitted as part of the landscaping or layout reserved matter and shall be implemented in accordance with an approved timetable of implementation that shall form part of the details of the plan.
Reason - To ensure that appropriate steps are employed to mitigate any potential impacts upon otters their resting points, habitat and wellbeing pursuant to PPS9 - Biodiversity and Geological Conservation and EN6/4 - Wildlife Links and Corridors.

9. 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.

10. No development shall take place until a detailed biodiversity mitigation and enhancement proposal and master plan including avoidance, timing of implementation and habitat creation and enhancement has been submitted and approved in writing by the Local Planning Authority. The plan shall include:
 - Details of replacement water bodies including location design, construction and landscaping;
 - Details of proposed grassland, scrub, and woodland enhancement and creation for the entire site including large scale plan and species composition;
 - Measures to protect and enhance the local amphibian population including timing of works and habitat creation;
 - Specific species measures including kestrel nesting sites, translocation of soft shield fern, introduction of black poplars and habitat management for reed bunting;
 - Measures to ensure the integrity of the wildlife corridor is maintained; and
 - Buffering of the Site of Biological Importance.

Reason - To ensure that appropriate steps are taken to mitigate any potential impacts upon the ecological habitat and that the enhanced ecological biodiversity proposals are carried out pursuant to PPS9 - Biodiversity and Geological Conservation and EN6/4 - Wildlife Links and Corridors.

11. No development shall take place including demolition, earth works and site clearance until a plan for the protection of ecological features to be retained has been produced and implemented in accordance with details approved in writing by the Local Planning Authority.

12. No development shall take place until a biodiversity management and monitoring plan has been produced for the agreed biodiversity mitigation and enhancement plan and agreed in writing by the local authority. The plan will include:

- Monitoring of pond establishment and water levels
- Grassland mowing regimes
- Woodland establishment, beating up and thinning
- Monitoring of species with specific enhancement proposals such as otter, kestrel and soft shield fern.
- Monitoring of invasive species.

Reason - To ensure the longevity of the ecological enhancement areas pursuant to PPS9 - Biodiversity and Geological Conservation and EN6/4 - Wildlife Links and Corridors.

13. 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.

14. Following the provisions of Condition 13 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.

15. 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.

16. 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.

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

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

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

18. Following the provisions of Conditions 13 and 17 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.

19. Provision for lifetime homes and development of housing to a minimum of code Level 3 shall be incorporated into the development in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the development hereby approved commencing. The development shall then be

carried out incorporating the measures in accordance with the approved scheme.

Reason. To ensure that the development is fully accessible to disabled persons pursuant to Policies UDP policies HT5/1 – Access for Those with Special Needs, PPS25 - Development and Flood Risk (exceptions test) and SPD 16 Design and Layout of New Development.

20. 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.
21. 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
22. The development hereby approved shall include provision that would be sufficient to be in accordance with Bury Unitary Development Plan Policy H4/1 - Affordable Housing and the associated Development Control Policy Guidance Note 5 - Affordable Housing Provision In New Residential Developments. The approved details shall be submitted as part of the first reserved matters application relating to the housing proposals within the site and the approved provision shall be implemented prior to the first occupation of the residential element of the site or as otherwise agreed in writing by the Local Planning Authority.
Reason. To ensure that the development would contribute to satisfying the need for recreation provision pursuant to Bury Unitary Development Plan Policy H4/1 - Affordable Housing and the associated Development Control Policy Guidance Note 5 - Affordable Housing Provision In New Residential Developments.
23. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and the Flood Risk Assessment (FRA) from Weetwood (Ref 1510/FRA_v1.3 dated 4 February 2011), has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- details of exceedence event up to a 1 in 100 year including climate change allowance
- details of how the scheme shall be maintained and managed after completion

The scheme shall 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 prevent the increased risk of flooding, to improve and protect water

quality and ensure future maintenance of the surface water drainage system pursuant to PPS25 - Development and Flood Risk.

24. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) from Weetwood (Ref 1510/FRA_v1.3 dated 4 February 2011) and the following mitigation measures detailed within the FRA:
1. The external and internal levels are set as per sections 4.1.2 and 4.1.3.
 2. Identification and provision of safe routes into and out of the site to an appropriate safe haven as per section 4.1.4.
 3. The preparation of an emergency evacuation plan, including the registration with Floodline to receive a Flood Warning as per section 4.1.5.
 4. Flood-proofing measures as per section 4.3.

Reason -

1. To reduce the risk of flooding to the proposed development and future occupants;
 2. To ensure safe access and egress from and to the site;
 3. To ensure safe access and egress from and to the site;
 4. To reduce the impact of flooding on the proposed development and future occupants, all pursuant to PPS25.
25. The emergency access route through from the Expert Logistics site shall be so designed to ensure that it is capable of carrying fire tender vehicles to carry out emergency operations. Its specification and details relating to the construction, security of the route, and continued availability of the route to and from the Expert Logistics site shall also form part of the submitted details. The details for this element of the scheme shall be submitted as part of the reserved matter relating to the layout of the site.

The approved emergency route shall be available for use on first occupation of any dwellings and it shall be available for use at all times whilst the residential development is reliant upon this access for an emergency purpose.

Reason - To ensure that the emergency access route is delivered to serve the residential development hereby approved, pursuant to UDP Policies EN1/5 - Crime Prevention and H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan.

26. This decision relates to drawings/reports Weetwood Flood Risk Assessment Report; DTCP Framework Travel Plan Documents (Industrial Jan 2011) and (Residential Nov 2010), DTCP Appendices A to G, 75th Barton Wilmore report January 2011, CUBE Design and Access Statement rev C, Paul Nolan Report Feb 2011, Pioneer Affordable Housing Statement (2 Feb 2011), Crime Impact Statement (21 Jan 2011), PIN Property Land Raising Strategy (received 10 Feb 2011), Prospect Archaeology Report (January 2010), Statement of Community Involvement (Jan 2011), Celtic Geo-Environmental Assessments Vol 1 and 2 (Jan 2011) and (May 2007), Miller Goodall Noise Assessment (6 December 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.

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

Ward: Bury East - Redvales

Item 04

Applicant: EAST LANCASHIRE RAILWAY

Location: Locomotive Works, Baron Street, Bury, BL9 0TY

Proposal: Renewal of planning permission 49349 to carry out engineering fill operation prior to accommodating new rail track infrastructure

Application Ref: 53647/Full

Target Date: 13/05/2011

Recommendation: Approve with Conditions

Description

The application relates to a large area of open land (2.7 hectares), which is located immediately to the west of the existing East Lancashire Railway (ELR) line and complex of buildings at Buckley Wells. Baron Street forms the boundary to the north with playing fields beyond, which are used by Bury Grammar School (Girls). There is a narrow lane providing access to playing fields used by Bury Grammar School (Boys) to the west, with St Gabriels RC High School beyond.

The site was last used as allotments, but has been cleared leaving several mature trees on the westerly edge of the site. Most of the site is significantly below the level of the railway complex with a steep embankment supporting the line.

ELR have aspirations to further develop the Buckley Wells site into a Regional Heritage Railway Centre and a masterplan is being prepared to progressively develop the whole site. The overall proposals, however, have not yet reached the planning application stage.

Planning permission (48268) was granted in August 2007 by Planning Control Committee for the importation of fill (50,000 cubic metres) to raise the surface of the application site to that of the existing railway area. The fill would be brought to the site by rail. The increase in levels would be in the order of 5 metres (maximum) at the central point of the site and would be graded down to the edges.

Planning permission (49349) was granted in March 2008 for the same development, but without a restriction on the hours in which the material could be brought to the site.

The proposed development involves the extension of time to the above proposal. A source of railway ballast had been identified at the time of the grant of planning permission, but this material was not made available. The material to be deposited would be clean material, which is suitable for engineered fill. Also, since the economic downturn, the availability of funding has been reduced.

The Council is able to extend time limits to enable developers to extend extant planning permissions so there is a greater chance of implementing that permission. If a large number of permissions are not implemented and subsequently lapse, the consequences could have the effect of delaying an economic recovery. As such, the application is to be assessed in respect of any new material planning considerations since the original grant of planning permission.

Relevant Planning History

48268 - Engineered fill operations prior to accommodating new rail track infrastructure at Buckley Wells Locomotive Works, Baron Street, Bury. Approved with conditions - 22 August 2007.

49349 - Carrying out of an engineered fill operation prior to accommodating new rail track infrastructure without the restriction within condition 10 of planning permission ref 48268 that would limit the hours during which the importation of materials to carry out the operation can take place at Locomotive Works, Baron Street, Bury. Approved with conditions - 19 March 2008.

Publicity

159 neighbouring properties (Buckley Wells & District Residents Association; Trafalgar Hotel, 10, 12, 24 - 38 Manchester Old Road; 1 - 20, 22, 24 - 28, 30 Maudsley Street; Flats 1 - 9 Manzoor Building, Belle Vue Terrace; 1 - 5, 7, 9 Barker Street; 2 - 12 (evens), Laburnum House, 7, 16, 18, 20 Wells Street; Bury C of E High School, 2 Haslam Brow; 45 Moreton Street; 2 - 8 Olivant Street; 1, 6 Ascot Meadow; 1, 2, 6, 8 - 11 Parliament Place; 1 - 17, 19 - 55 (odds) Baron Street; 1 - 13 (odds) Bradford Terrace; Bury Grammar School (Girls), Bury Grammar School (Boys), St Gabriels High School, Bridge Road;) were notified by means of a letter on 16 February and a press notice was published in the Bury Times on 24 February. Site notices were posted on 1 March 2011.

Two letters have been received from the Bury Church C of E High School and one by e-mail with no address, which have raised the following issues:

- Large vehicles along Baron Street late at night would disturb residents and damage property.
- The lorries may be driven at high speed with no regard for the safety of school children.
- The impact upon air quality of relocating the diesel trains to Buckley Wells.
- The lorries should be made to pass along Bridge Road at night.
- East Lancashire Railway should undertake to make good any damage they cause.
- Concerned that noise during engineering works would disturb pupils during the examination period (mid May until end June).
- Would like assurances that noisy work would not take place during examination period.

The objectors have been notified of the Planning Control Committee.

Consultations

Environmental Health - Contaminated Land - No comments.

GMPTE - No comments.

Baddac Access - No comments.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN6/4	Wildlife Links and Corridors
EN7	Pollution Control
EN7/2	Noise Pollution
EN8	Woodland and Trees
EN8/2	Woodland and Tree Planting
RT4/6	East Lancashire Railway
MW4/1	Assessing Waste Disposal Proposals
MW4/2	Development Control Conditions (Waste)
MW4/4	Transport Routes for Waste Disposal Sites
PPS23	PPS23 Planning and Pollution Control
PPS25	PPS25 Development and Flood Risk

Issues and Analysis

Principle - The proposed development was granted planning permission in March 2008 and the applicant has not been able to commence as the economic downturn has limited the availability of funding and suitable material. As such, the material for the infill would be clean inert material.

Since planning permission was granted in March 2008, there have been no changes in national or local policy.

The site is a significant distance from the nearest residential properties which would sufficiently mitigate any detrimental impact on amenity due to the importation of the fill. If any adverse effects were to occur, these would be outweighed by the need to ensure that a suitable site can be prepared to facilitate a future Regional Heritage Railway Centre on the land.

Trees - There is a hedgerow and a number of mature trees along the northern and western boundaries of the site. The trees are considered to have amenity value and as such, a condition relating to protection measures would be included. Therefore, the proposed development would be in accordance with Policy EN8 and EN8/2 of the adopted Unitary Development Plan.

Response to objectors - It is proposed that the material would be brought to the site by rail and as such, it is envisaged that there would be no lorries driving to and from the site. The issue of damage to properties during the development is not a material planning consideration. However, if the material is brought to the site by rail, there should not be any damage to these properties.

The ELR have stated that it would not be possible to commit to no noise during the examination period. However, the proposed development would be unlikely to generate any noise in excess of the current railway activity on site. Also, the infilling works would take place at the western end of the site, which is a considerable distance from Bury Church High School. As such, the proposed development would not cause significant disturbance during the examination period.

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 is situated a significant distance away from the nearest residential properties which would sufficiently mitigate any detrimental impact on amenity due to the importation of the fill. If any adverse effects were to occur, these would be outweighed by the need to ensure that a suitable site can be prepared to facilitate a future Regional Heritage Railway Centre on the land.

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. The importation of used railway ballast hereby approved shall take place directly to the site by rail transport only and no material shall be imported by road.
Reason: In order to protect the residential amenities of the area and the amenity of the areas near the existing schools.
3. 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.

4. No deposition of material shall take place on the site unless and until a landscaping scheme has been submitted to, and approved in writing by, the Local Planning Authority. This scheme shall incorporate such suitable planting that would mitigate for the impact of the development on a Wildlife Corridor that occurs within a part of the site. It shall be implemented not later than 3 months from the date that the engineered fill operation has been completed or within the first available planting season thereafter and the Local Planning Authority shall be notified in writing of the date of the completion of the fill operation as soon as practicable thereafter. Any trees, shrubs and hedges included in the landscaping scheme shall be retained, protected and maintained for a period of five years after planting during which period any tree, shrub or hedge that may become removed, die or become severely damaged or severely diseased shall be replaced by a tree, shrub or hedge of a similar size and species to that originally required to be planted in the next planting season 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, EN6/4 - Wildlife Links and Corridors and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

5. The type of waste and materials that shall be deposited on the site shall consist only of inert material, which has been demonstrated as being suitable for use. In particular, any biodegradable materials, plastics, timber, metal or paper wastes or any putrescible material shall be strictly excluded.

Reason: In the interests of proper site restoration and to ensure that only clean, non-polluting materials are used, to prevent the pollution of the land and water environment pursuant to Policy EN7 of the Bury Unitary Development Plan and PPS23.

6. Unless otherwise approved in writing by the Local Planning Authority, the deposit of trackbed ballast on the site shall be carried out and the site restored in such a manner as to ensure that the final restored levels of the site are in accordance with the details and cross-sections shown on drawings numbered DL81/003 rev C, DL81/004/1 Rev B, DL81/004/2 Rev B, DL81/004/3 Rev B and forming part of this permission.

Reason: In the interests of proper site restoration and to accord with the terms of application.

7. No materials shall be imported, stored or placed at the site until a suitable plan for the assessment, verification and management of the imported materials has been submitted to and approved in writing by the Local Planning Authority (LPA). This plan shall include:

- Full details and specifications of the infilling works;
- proposals for the preparatory works for the receiving land area (this to include any remediation of existing contamination and management of existing Japanese Knotweed);
- proposals for contamination testing of imported materials including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment and should include solid and leachable contamination) and source material information;
- proposals for the screening of invasive species within imported materials, such as Japanese Knotweed which are known to be prevalent along railway lines.
- proposals for the quarantine of suspected contaminated materials;
- actions to be taken where allowable contaminant concentrations have been exceeded or other non-compliance (e.g. rejected at site or treatment on site);
- proposals for dealing with unexpected contamination;
- proposals for the mitigation of pollution/nuisance from site works;
- proposals for monitoring and verification reporting of the infilling engineering

works in terms of land contamination (including ground gas and ground water assessment) and suitability for use;

- Timescales for which the infilling engineering works will be carried out.

The approved plan shall then be implemented in full. Any deviations or alterations to the plan shall require the written 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. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans with the rate of run-off limited to 7.5 litres/second/hectare.

Reason: To reduce the increased risk of flooding and pursuant to Planning Policy Statement 25 - Development and Flood Risk.

9. All hedges and trees forming part of the northerly and westerly site boundaries shall be preserved from damage, and these hedges shall be maintained in good condition to the reasonable satisfaction of the Local Planning Authority. Any such hedges or trees forming part of the site boundary that may be seriously damaged or removed or die during the course of or as a result of the operations hereby permitted shall be replaced with a plant of similar type in the next available planting season to the satisfaction of the Local Planning Authority.

Reason: In the interests of the amenities of the area pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EN1/2 - Townscape and Built Design

Policy EN8 - Woodland and Trees

10. Working on the site, excluding the associated rail movements, shall not take place outside the following hours: 0700 hours to 1800 hours on Monday to Friday, 0700 to 1300 hours on Saturdays and there shall be no such working on Sundays or public bank holidays.

Reason: In order to protect the amenities of the area pursuant to Policy EN7/2 - Noise Pollution of the Bury Unitary Development Plan.

11. No materials shall be imported, stored or placed at the site unless and until the date for the commencement of the infilling works has been submitted in writing to the Local Planning Authority. The infilling works shall thereafter take place for a period not exceeding six months beginning from the date on which the first inputs of fill material are deposited on the site, unless planning permission has previously been granted to extend this period.

Reason: To ensure that the development does not become a long term source of intrusion or nuisance in the locality in the interests of the amenities of the surrounding area.

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

Ward: Bury East

Item 05

Applicant: Pennine Care NHS Foundation Trust

Location: Fairfield General Hospital, Rochdale Old Road, Bury, BL9 7TD

Proposal: Construction of a single storey woodland tree house

Application Ref: 53660/Full

Target Date: 11/04/2011

Recommendation: Approve with Conditions

Description

The site is located to the north east of Pennine House, which is used jointly by the older persons day unit and the Children and Adolescent Mental Health Service (CAMHS) unit.

The site contains a bank of mature trees to the north and north east with residential properties and open fields beyond. There are hospital buildings to the south and west.

Planning permission was granted in 2010 for alterations to Pennine House, which formed part of the Trust's 5 year development strategy to improve mental health services for young children and adolescents.

The proposed development involves the erection of a single storey timber building, path, access ramp and fencing within the wooded area to the north of Pennine House. The building would be circular, with a floorspace of 40 square metres and would be used for a variety of purposes including family visits, relaxation and as an educational facility. 2.4 metre high paladin fencing would be erected around the site. The project is part financed by a grant from the King's Trust.

Relevant Planning History

52172 - Two storey extension; Alterations to ground floor and refurbishment of building entrance at Pennine House, Fairfield Hospital, Rochdale Old Road, Bury. Approved with conditions - 1 April 2010

52688 - Construction of a new gravity foul sewer to replace an existing sewer at Fairfield Hospital, Rochdale Old Road, Bury. Approved with conditions - 16 August 2010.

Publicity

67 neighbouring properties (1 - 11, 13 - 17 (odds) Summit Close; Smethurst Hall Farm, Smethurst Hall Cottage, Hazel Dean, Smethurst Hall Stables, Smethurst Hall House, Beechwood, 1A, 2 - 4, 6 - 22, 24, 26 Smethurst Hall Road; 1 - 16, 18, 20 Bamford Close; 452 Rochdale Old Road; 1 - 3, 5 Riders Gate) were notified by means of a letter on 18 February. One letter has been received from the occupiers of 8 Bamford Close, which has raised the following issues:

- The hospital is overdeveloped and there should be enough space within the hospital grounds to build this.
- The proposed development is too close to residential properties.
- The proposed development would impact upon woodland.

The objector has been notified of the Planning Control Committee.

Consultations

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

Environmental Health - Contaminated Land - No comments.

Wildlife Officer - No objections, subject to the inclusion of a condition relating to nesting birds.

Designforsecurity - No objections.

Baddac - Seek clarification of the details of the approach path and ramp and seek handrails.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8	Woodland and Trees
EN8/2	Woodland and Tree Planting
CF1/1	Location of New Community Facilities
CF2	Education Land and Buildings
RT1/2	Improvement of Recreation Facilities
HT5/1	Access For Those with Special Needs
PPS9	PPS9 Biodiversity and Geological Conservation

Issues and Analysis

Principle - Policy CF1/1 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
- the scale and size of the development
- accessibility by public and private transport.
- the needs and requirements of the disabled.

Policy CF4 states that improvements to existing healthcare facilities will generally be looked on favourably by the Council.

The proposed development would improve the facilities for the Children and Adolescent Mental Health Service (CAMHS) at Pennine House. The proposed development would be of an appropriate scale and the unit would be accessible by public and private transport. The other issues relating to the impact upon residential amenity and the needs of the disabled will be discussed later in the report. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policies CF1/1 and CF4 of the adopted Unitary Development Plan.

Impact upon the surrounding area - The proposed building would be circular and would be used in connection with the CAMHS unit at Pennine House. The proposed building is set into the slope and an ramp would provide access. The proposed building would be constructed from timber with a green roof and would not be unduly prominent within the streetscene.

A 2.4 metre high palasade fencing would be erected around the perimeter of the site with planting to soften the appearance of the fence. This would match the existing fencing at the hospital. A condition relating to the provision of a landscaping plan would be added to any grant of permission.

The proposed building would be located to the east of Pennine House. There would be 36 metres between the residential properties on Smethurst Hall Road and the proposed development. These residential properties are at a higher level and the band of trees between the building and the dwellings would be retained. There would be no openings within the elevation that faces the dwellings. Therefore, the proposed development would not have an adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policies CF1/1 and EN1/2 of the adopted Unitary Development Plan.

Trees - A tree survey has been submitted with the application, which states that the trees within the immediate vicinity of the proposed building are self seeded and are of poor quality. As such, there are no objections to the removal of these trees. The trees to the north and south of the building would be retained and the provision of tree protection measures would be conditioned. Therefore, the proposed development would be in accordance with Policies EN8 of the adopted Unitary Development Plan.

Access - The agent has confirmed in a e-mail that the proposed path and ramped access would be a minimum of 1:20 in gradient and handrails would be provided to the ramped access. This would be secured by a condition. Therefore, the proposed development would be accessible and would be in accordance with Policies CF1/1 and HT5/1 of the adopted Unitary Development Plan.

Response to objectors - The site is located within the hospital grounds and is in close proximity to Pennine House, who would use the facility. As such, there are no objections to the location of the proposed development. The remaining issues have been addressed in the main report.

Summary of reasons for Recommendation

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

The proposed development is acceptable in principle and would not have an adverse impact upon the amenity of the neighbouring properties. The proposed development would not be unduly prominent within the streetscene.

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 8411/17, 8411/18, 8411/19, 8411/20 C, 8411/21 C, 8411/22 C, 8411/23 C, 8411/24 C, 8411/25 C, 8411/26 C, 8411/27 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. The external finishing materials for the proposal hereby approved shall be as stated on the plans and application form, unless otherwise agreed in writing with the Local Planning Authority.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. 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.
5. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. It shall be

implemented not later than 12 months from the date the building(s) is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

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. No development shall commence unless or until full details of the path (gradient and materials), the gradient of the access ramp and the provision of hand rails to the ramp have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before the building is brought into use.

Reason. To ensure the development is fully accessible pursuant to Policy CF1/1 - Location of New Community Facilities and Policy HT5/1 - Access for Those with Special Needs of the Bury Unitary Development Plan.

8. No development shall commence unless or until details of foul and surface water drainage aspects have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before the building is brought into use.

Reason. To ensure a satisfactory means of drainage pursuant to Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan.

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

Ward: Whitefield + Unsworth - Besses

Item 06

Applicant: Mr David Jennings

Location: Unit 2, Albert Close Trading Estate, Whitefield, Manchester, M45 8EH

Proposal: Extension at side and rear (resubmission)

Application Ref: 53705/Full

Target Date: 28/04/2011

Recommendation: Approve with Conditions

Description

The building is currently a vacant warehouse/office unit within an established industrial estate in Whitefield. It comprises of a mix of brickwork and cladding with the entrance and roller shutter door for servicing purposes on the front elevation facing other units in the estate.

It is sited in the north east area of the estate and accessed via Albert Close. The site is enclosed by a paladin mesh fence with 2 gated openings in the north and western sides.

To the north are houses and flats on Naden Walk whose rear elevations face the site and are separated by Albert Close. To the east are houses on Waterdale Drive.

The application is for an extension to the western elevation which would comprise of a new entrance, reception and warehouse space at ground floor and office accommodation at a mezzanine level. It would be 25m long by 6m wide and the same height as the existing building. The extension would be clad to match the building. The warehouse on the rear elevation of the building would be taken down and re-built on the same footprint to the same height as the existing building. This extension would be used as a training room.

The proposal includes a new 6m wide access gate to the existing opening into the site. The car park would be formally demarcated for 22 spaces including 2 disabled spaces.

The proposal seeks to create a larger office area to accommodate the relocation of staff into this site and provide additional warehouse and storage space.

Relevant Planning History

44394 - Two storey extension at front - Refused on loss of servicing and car parking - 31/05/2005

53478 - Single storey extension at side; First floor extension at front - Refused on inadequate servicing and insufficient information on access arrangements -18/02/2011

Publicity

49 letters sent to properties at Nos 1-39 (odds) Naden walk; 2-20 (evens) Waterdale Drive; Adjacent Units on Albert Close Trading Estate, Whitefield.

One letter of objection received from No 7 Naden walk which raises the following issues:

- Concerns in relation to traffic, vehicle and access points in proximity to their property given the increase in staff;
- There is a kitchen proposed in the existing building which would create waste, require bin storage;
- The site is presently unkempt and rubbish attracts vermin which may increase if the unit were to involve a food use;
- Objections raised to the previous application (ref 53478) should be referred to. The points raised were - extension would block light; there would be an increase in traffic;

the proposed gates would result in more traffic near their house; increase in pollution; impact on their privacy; parking problems as a result of the increase in staff.

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

Consultations

Traffic Section - No objection subject to conditions.

Drainage Section - No objection.

Environmental Health Contaminated Land - No objection subject to conditions.

Design for security - No objection.

BADDAC - Seek alteration to main entrance door opening and clarification of level access.

Unitary Development Plan and Policies

EC6/1 New Business, Industrial and Commercial

EN1/2 Townscape and Built Design

HT2/4 Car Parking and New Development

HT4 New Development

EC3/1 Measures to Improve Industrial Areas

PPS23 PPS23 Planning and Pollution Control

HT5/1 Access For Those with Special Needs

SPD11 Parking Standards in Bury

Issues and Analysis

Policies - Unitary Development Plan Policy EC3/1 - Measures to Improve Industrial Areas states that the Council will seek to improve the condition and appearance of buildings, improve access, servicing and parking and promote good standards of design to generally improve the appearance of the area.

EC4/1 - Small Businesses considers that proposals for small businesses will be acceptable when the scale of development is appropriate to and the use is compatible with the surrounding area.

EC6/1 - Assessing New Business, Industrial and Commercial Development assesses proposals with regards to scale, size, density, layout, access and parking, impact on neighbours and safety of employees and visitors.

EN1/2 - Townscape and Built Design seeks a high standards of design for proposals and takes into consideration access, parking and servicing provision.

Principle - The proposal to extend the building to create additional office accommodation and storage for the existing storage and warehousing business would be acceptable in principle subject to alterations to the access, servicing and parking arrangements.

The proposals comply with UDP Policies EC3/1 - Measures to Improve Industrial Areas and EC6/1 - Assessing New Business, Industrial and Commercial Development.

Design and appearance - The proposed extensions would be no higher than the existing ridge and the southern extension would incorporate a new glazed entrance to the front elevation. The proposed extensions would match the existing building in terms of design and materials and are appropriate to the industrial estate environment.

As such, the proposal is considered to comply with UDP Policies EN1/2 - Townscape and Built Design and EC3/1 - Measures to Improve Industrial Areas.

Highways issues - Access into and out from the site would remain as existing, but the entrance would be widened with a 6m wide sliding gate to accommodate HGV delivery vehicles. The position of the proposed extension does not raise any issue in terms of how the site is serviced and the highways team have raised no objection to the proposals.

As such, the proposals are considered acceptable and comply with UDP Policy EC3/1 - Measures to Improve Industrial Estates and HT2/4 - Car Parking and New Development.

Parking - Based on the use of the building as an office and warehouse/storage, Development Control Policy Guidance Note 11 requires a maximum standard of 1 space per 35 sq m and 1 space per 100 sq m respectively. On this basis, a maximum of 18 parking spaces would be required. The proposed layout plan demonstrates there would be 22 parking spaces provided within the site. As such, the proposal complies with the Council's Parking Standards.

Residential amenity - There would be a distance of 12.5 m from the rear elevation of the proposed extension to the nearest residential property, No 16 Waterdale Drive. Given the existing building is 11.3m away from this house, there are no proposed windows in the rear elevation which would overlook any residential properties and there are trees planted along the shared boundary which afford some screening to the site, the position of the proposal is considered to be no more detrimental to the amenity of this property than the current situation.

In these respects, the height, size and position of the extensions are considered to be acceptable and not to be detrimental to the amenity of the local residents.

The proposal complies with UDP Policy EC6/1 - Assessing New Business, Industrial and Commercial Development.

Disabled Access - Revised plans have been submitted which show a leaf and a half door to the front entrance and provision of a disabled toilet. The proposal complies with HT5/1 - Access for those with Special Needs.

Response to objector - There are no proposals to change the access arrangements to and from the site which remain as existing. Whilst additional staff would be deployed to the site, sufficient parking would be provided.

The proposed kitchen area is for staff welfare purposes and does not form part of the proposed extension to the building and there is adequate existing external space for bin storage provision.

The proposed extension would be 45m from their property and being on the opposite side of the site would not be visible to these occupiers.

Summary of reasons for Recommendation

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

The proposed development is of an acceptable standard which would be in keeping with the character of an established Industrial Estate and would not harm the amenities of neighbouring residents. The scheme includes adequate parking provision and would not adversely impact on highway safety issues.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 2752-01; 2752-03; 2752-02 Revised

proposed elevations and floor plan received 22-3-2011; 2752-04 Revised site plan and red edge Rev A received 22-3-2011 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 Preliminary Risk Assessment report to assess the actual/potential ground gas / landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority.
 - Where actual/potential ground gas/landfill gas risks have been identified, a detailed site investigation(s), ground gas monitoring and suitable risk assessment(s) shall be submitted to, and approved in writing by the Local Planning Authority;
 - Where remediation / protection measures are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
4. 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.
5. The development hereby approved shall not be brought into use unless and until the access improvements in the form of the provision of wider sliding gates indicated on approved plan reference 2752-04 Revision A have been implemented to the written satisfaction of the Local Planning Authority, unless otherwise agreed in writing with the Local Planning Authority.

Reason. To ensure adequate access arrangements to the site for articulated vehicles and to minimise the standing and turning movements of vehicles on the highway in the interests of highway safety pursuant to Unitary Development Plan Policies EC3/1 - Measures to Improve Industrial Areas and EC6/1 - Assessing New Business, Industrial and Commercial Development.
6. The car parking indicated on approved plan reference 2752-04 Revision A shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the extensions hereby approved being brought into use and thereafter maintained at all times, unless otherwise agreed in writing with the Local Planning Authority.

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

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

Ward: Prestwich - Holyrood

Item 07

Applicant: Turning Point Building Futures Limited

Location: Leigh Bank 4 Glebelands Road, Prestwich, Manchester, M25 1NE

Proposal: Variation of condition no. 2 of planning permission 52762 - Approved drawings to allow alterations to single storey extensions at rear

Application Ref: 53720/Full

Target Date: 29/04/2011

Recommendation: Approve with Conditions

Description

The application relates to a large detached red brick Victorian house known as Leigh Bank on a residential street of similarly styled properties and located within Poppythorn Conservation Area. There is a driveway to the side and a large garden to the rear.

The premises has been providing residential care services for adults with alcohol and drug problems since 1974. The average length of stay for residents, who will have completed a detoxification programme prior to their stay, would be 3-6 months.

Turning Point, the organisation that runs the service, was awarded a grant to carry out alterations to improve access, therapy and enable service users to build relationships with their families. The previous application, approved in September last year, was a consequence of this funding. This revised proposal requests approval for alterations to the new single storey building at the rear.

The main difference between the previous approval and this application is that the rear extension would be moved away from the shared side boundary with No.6 Glebelands Road by 740mm. The east elevation of the existing outhouse would be retained, with additional coping, to form the boundary wall. The gap left between the extension and the boundary wall would be secured by a timber gate. The height of the extension would be no higher than that already approved by the previous application.

Relevant Planning History

52762 - Partial demolition of single storey outbuilding and erection of new single storey extension to link to main house - Approved 15/09/2010

00679/E - Proposed single storey rear extension link to outbuilding - Enquiry completed 17/06/2010

50461 - Single storey extension at rear - Approved 26/11/2008

Publicity

Neighbours at 1-5(odd) and 6-10(even) Glebelands Road, 1, 3 and 7 Newlands Drive, 24-30(even) Poppythorn Lane, 1-7 Poppythorn Court and notified by letter dated 7/03/2011. Site notice and Press Notices posted in Bury Times.

The immediate neighbour at No.6 Glebelands Road objects on the following grounds:

- Knocking down the existing outbuilding will reduce security as it would make his property more accessible to burglary.
- The scheme goes against the principles of the conservation area.

The resident at No.6 Poppythorn Court states that the use of the property as a residential car home increases noise and disturbance and causes parking problems.

Both objectors have been notified of the Planning Control Committee.

Consultations

Conservation Officer - No objection.

Baddac Access - No objection.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
CF3/1	Residential Care Homes and Nursing Homes

Issues and Analysis

Principle. The principle of the use and extension of the premises has been accepted by the previous application, approved in September last year and complies with UDP Policy CF3/1 Residential Care Homes and Nursing Homes.

Visual Amenity. The proposed alterations to the approved scheme involve the single storey extension at the rear and are not considered to have a significant impact on visual amenity or the character of the conservation area. As such the proposal is considered acceptable and complies with UDP Policies EN1/2, EN2/1 and EN2/2 in relation to visual amenity and character of the conservation area.

Residential Amenity. Given that the building would be moved away from the boundary with the attached neighbour, outlook from this property would be slightly improved.

Security. The security concern expressed by the attached neighbour with regard to the gap created along the boundary is not considered to be a valid reason to refuse the application, particularly as there is a kitchen window overlooking the space and a timber gate at the end, restricting free access.

Disabled Access. There are no serious concerns with regard to disabled access. As such the proposed scheme is acceptable and complies with UDP Policy HT5/1 Access for those with Special Needs.

Traffic. The alterations do not have a material impact on the proposed parking and access arrangements, approved by the previous application.

Objections. The concerns raised by the objectors are addressed above and do not constitute sustainable reasons for refusal.

The revised scheme would not have a significantly detrimental impact on the character of the conservation area or amenity of neighbours and as such is considered acceptable and complies with the policies listed.

Summary of reasons for Recommendation

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

In design terms the extension is in keeping with the existing building and conservation area. The additional space created would not lead to a significant intensification of the use of the premises where the residential amenity of neighbours is threatened. There are no other material considerations that outweigh this finding and as such the proposal is considered to be acceptable and complies with UDP policies listed.

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 2301.002/A, 003/A, 004/A, 005, 006/E, 020/S, 021/E, 022/E, 026/F, 027/K, 028/G and 029C 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 and hardsurfacing, including the proposed driveway, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. The proposed new communal area within the extension shall not be used as a bedroom without the prior written consent of the Local Planning Authority.
Reason. To control the intensity of the use of the site in the interests of residential amenity pursuant to UDP Policy CF3/1- Residential Care Homes.
5. The car parking indicated within the approved scheme shall be surfaced, demarcated and made available for use prior to the extension hereby approved being occupied and the parking shall thereafter maintained at all times.
Reason. To ensure adequate off street car parking provision in the interests of road safety and residential amenity pursuant to policies HT2/4 - Car Parking and New Development and CF3/1 - Residential Care Homes and Nursing Homes of the Bury Unitary Development Plan.
6. Before the first occupation of the extension hereby permitted the rooflights on the east elevation of the extension shall be non-opening and shall be permanently retained in that condition thereafter.
Reason. To reduce noise outbreak and protect the amenity of adjoining occupiers pursuant to UDP Policy CF3/1 Residential Care Homes and Nursing Homes.

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

Ward: Bury East

Item 08

Applicant: Mr H Khan

Location: George And Dragon Public House, 415 Rochdale Old Road, Bury, BL9 7TB

Proposal: Change of use of public house into 3 no. dwellings with 1 no. new dwelling at side

Application Ref: 53723/Full

Target Date: 03/05/2011

Recommendation: Approve with Conditions

Description

The property is a currently vacant public house with living accommodation above which has closed due to insufficient trade. The building fronts Rochdale Old Road and a traffic signal controlled junction opposite the main entrance to Fairfield Hospital. Roughhill Lane runs to the east of the building and is a single lane road that provides access to the pub car park at the rear and residential properties along this lane. Beyond the car park is an area of overgrown land which is separated from the site by a low wooden picket fence. To the west of the site is a residential property, No 413 Rochdale Old Road.

The building is a detached structure and constructed in stone with a slate roof and dates from the second half of the 19th Century. Although not Listed, the building has some historic character, particularly on the front elevation, which has a distinctive two storey turret bay feature. To the rear is a single storey brick built extension.

It is proposed to convert the public house into 3 houses and erect an additional dwelling within the existing yard area at the side of the building adjacent to No 413. Three of the units including the new dwelling would be 2 bedroomed (units 2-4) and the larger unit (unit 1) would be 3 bedroomed.

There would be limited external alterations and existing window and door openings would be utilised. A window would be modified to provide a doorway to units 1 and 2 and an additional side window inserted at 1st floor to unit 1.

The front of the new house would be designed to match the existing building using natural stone, with the front elevation set back to create a lower ridge height than the existing building.

There would be a communal amenity area at the rear with steps leading up to the car park with parking for 7 vehicles. Access to the car park would not be altered. It is proposed to erect a boundary fence between the car park and the land behind. The junction to Roughhill Lane would be widened and a footpath provided.

Relevant Planning History

No relevant history.

Publicity

25 letters sent on 9/3/2011 to Nos 393-413, 445-453 (odds) Rochdale Old Road; 1-6 (evens) Rough Hill Lane; 2,4,6 (evens) Rectory Lane.

Five letters of objection received from No 445 Rochdale Old Road and Nos 1&2, 4, 5, 6 Roughhill Lane which raises the following issues:

- No objection to the principle of residential development, but concerns about the levels of traffic entering and exiting Rough Hill Lane onto Rochdale Old Road;
- The single track should be widened to a entry/exit and traffic lights moved nearer to the

- pub to avoid accidents;
- Boundary treatment should be appropriate to the area;
- The parking provision does not seem adequate;
- The mature hawthorn hedge along Roughhill Lane should be maintained and is a haven for wildlife;
- With reference to the potential future development at the rear, what would be the access arrangements and parking provision;
- Space needs to be allocated for bin storage.

One letter of support received from No 405 Rochdale Old Road with the following comments:

- Converting the pub into cottages will provide housing and reduce the risk of the building becoming a pub/shop/restaurant which could cause more noise and disruption.
- Considers the integrity of the building would not be damaged by the proposed changes.

Respondents have been informed of the Planning Control Committee meeting.

Consultations

Traffic Section - No objection subject to conditions.

Drainage Section - No objection.

Environmental Health Contaminated Land - No objection subject to conditions.

Environmental Health Pollution Control - No objection subject to inclusion of a soundproof condition.

Waste Management - No objection.

BADDAC - Seek clarification of lifetime homes standards.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/4	Conversions
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
PPS23	PPS23 Planning and Pollution Control
EN7/2	Noise Pollution

Issues and Analysis

Policies - Unitary Development Plan Policy H1/2 - Further Housing Development - has regard to factors including the need to direct development toward the urban area, the availability of infrastructure, the avoidance of release of open land, the suitability of the site with regard to amenity, environment and surrounding land uses.

UDP Policy 2/1 - The Form of New Residential Development considers factors which include height and roofs, impact on residential amenity, density and character of the area, position and proximity of neighbouring properties and materials.

UDP Policy H2/2 - The Layout of New Residential Development considers factors which include parking, access, need for calming measures, density, space between dwellings, landscaping, protection/provision of trees and hedgerows, open space, design for safety and security and public rights of way.

UDP Policy H2/4 - Conversions should have regard to the impact on the amenity of neighbouring properties, general character of the area, amenity of occupants, effect of external alterations on the street scene, parking and servicing requirements.

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.

Appearance and Design - The proposals involve minimal alterations to the external appearance of the building. The turret feature would be retained as part of unit 1. A new doorway for unit 2 would replace a window, and a blocked doorway to unit 3 re-opened. The new attached dwelling, unit 4 would be built in coursed natural stone with a natural slate roof similar to the existing building. The proposed dwellings would have the appearance of a row of 4 terrace cottages and would reflect the design of other terrace properties on Rochdale Old Road and Roughhill Lane.

As such, the proposal is considered acceptable and would comply with UDP Policy 2/1 - The Form of New Residential Development, H2/4 - Conversions and EN1/2 - Townscape and Built Design.

Layout - There would be little change to the external layout of the site, apart from the erection of the additional dwelling in the existing service yard area. Bin storage provision would be located in the car park. The steps from the communal yard area to the car park would be maintained. Parking spaces would be demarcated along the rear boundary of the site with a new 1.5m high fence separating the site from the piece of land behind.

In terms of layout of the houses, units 1,2 and 3 would be 2 up/2 down cottage style, with the bigger house, unit 4 benefiting from the additional floor space of the single storey rear extension.

The layout of the development would afford the properties adequate parking , access and external areas as well as acceptable internal space and as such complies with UDP Policies H2/2 - The Layout of New Residential Development and H2/4 - Conversions.

Access - Access into the site would be as the existing arrangement off Roughhill Lane. This road is a single track width and is traffic light controlled. The stop line for vehicles waiting to turn out of Roughhill Lane onto the main road is some 25m from the junction. This highways arrangement as existing has served the 6 houses and pub on this lane.

The proposed development would intensify the use of this junction at peak periods, compared to a pub which may experience higher levels of traffic but at more off peak times. As such, it is considered that works are required to widen the junction which would involve using land adjacent to the eastern elevation of the building to create a pedestrian footpath. The works would be paid for by the applicant and the Highways team has recommended a Grampian condition as part of the planning approval. This is acceptable to the applicant.

The proposal would therefore comply with UDP Policies HT6/2 - Pedestrian/Vehicular Conflict and H2/2 - The Layout of New Residential Development.

Parking - Development Control Policy Guidance Note 11 - Parking Standards in Bury requires a maximum of 1.5 spaces per 2 bed unit and 2 spaces per 3 bed unit in a high access area. This equates to a total of 6.5 spaces for the development. It is proposed to provide 7 spaces . The site is in a high access area the parking provision is considered to be adequate and complies with Policy Guidance Note 11.

Residential amenity - The proposed new dwelling would be positioned adjacent to the side elevation of No 413 Rochdale Old Road. There is a 2nd floor window on the side elevation of this property which would directly face the new dwelling. This window appears to be to an attic bedroom. Supplementary planning Document 6 - Alterations and Extensions to Residential Properties states there should be a minimum distance of 6.5m between a principal window and a blank elevation. A distance of 8m would be maintained and as such the proposal accords with policy guidance. In addition, there are 2 velux roof lights on the rear elevation of No 413 which provide most of the light to this room and as such the position of the new dwelling is considered not to have a detrimental impact on amenity to this house.

Given the nature of the proposed use, there is less likely to be an issue in terms of noise or

disturbance associated with residential dwellings compared to a public house. As such, the change of use is considered not to have a detrimental impact on the adjacent neighbours and the proposal would comply with H2/1 - The Form of New Residential Development.

Inclusive Access - The application makes reference to internal features being designed to lifetime homes standards as far as possible. Due to existing site constraints, it is often not possible to expect conversions of properties to be able to achieve this and is more likely to be attributed to new build houses. As such, it is considered in this instance not to be a necessary requirement of this application.

Response to objectors - Revised plans have been received which has removed the adjacent site edged blue and does not form any part of the application. Any future development of this site would be subject to a separate planning application and considered on its own merits.

- It is proposed to widen Roughhill Lane to facilitate additional traffic.
- The hedgerow and trees would not be affected by the proposals.
- Bin storage would be provided within the car park area.
- Parking standards have been applied and comply with Policy Guidance.

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 impact on the character of the surrounding area. It would not impact on the amenity of local residents and would not be detrimental to highway safety. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings - Location plan and existing ground floor plan dwg 1; Proposed site plan and existing 1st floor plan dwg 2A; Existing front and rear elevations dwg 3; Existing side elevations dwg 4; Proposed ground floor plan dwg 5A; Proposed 1st floor plan dwg 6A; Proposed front and rear elevations dwg 7A; Proposed side elevations dwg 8A 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 of the proposed new dwelling shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. No development shall take place unless and until a scheme to provide and install suitable and sufficient soundproofing between dwellings has been submitted to and approved by the Local Planning Authority. The levels of acoustic insulation to be provided shall be, as a minimum, those deemed to be acceptable and specified as standards of construction in current Building Regulations. Such works that form the approved scheme shall be completed before the development is brought into

use.

Reason. In the interests of residential amenity pursuant to Unitary Development Plan Policy EN7/2 - Noise Pollution.

5. Notwithstanding the details indicated on the submitted plan references 2A & 5A, no development shall commence unless and until full details on a topographical survey base of the proposed improvements to the adjacent Rough Hill Lane/Rochdale Old Road arm of the signalised junction, provision of a footway on the easterly side of Rough Hill Lane and the reinstatement of the redundant vehicular access onto Rochdale Old Road to adjacent footway levels have been submitted to and approved in writing by the Local Planning Authority. The highway works subsequently approved shall be implemented to the written satisfaction of the Local Planning Authority before the dwellings are first occupied, unless otherwise agreed in writing with the Local Planning.
Reason. To ensure good highway design in the interests of road and pedestrian safety and to maintain the integrity of the adopted highway pursuant to Unitary Development plan Policies HT6/2 - Pedestrian/Vehicular Conflict and H2/2 - The Layout of New Residential Development.
6. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to dwellings hereby approved being occupied and thereafter maintained at all times, unless otherwise agreed in writing with the Local Planning Authority.
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.
7. 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.
8. Following the provisions of Condition 7 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
9. Following the provisions of Condition 7 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved timescales; and
A Site Verification Report detailing the actions taken and conclusions at each

stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

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

Ward: Bury East

Item 09

Applicant: Bury Grammar Schools

Location: Bury Grammar Girls School, Farraday House, Bridge Road, Bury, BL9 0HG

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

Application Ref: 53726/Full

Target Date: 29/04/2011

Recommendation: Approve with Conditions

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 a 'bridge link' and 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.

52491 - Extension to Bury Grammar School (Girls) to provide new lecture theatre and sixth form social area at Bury Grammar School (Girls), Bridge Road, Bury. Refused - 14 December 2010.

The application was refused as the proposed development would obscure the boys entrance and a lack of detail in relation to the restoration of the entrance.

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 7 March 2011.

There has been no response to date.

Consultations

Traffic Section - No response.

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 response.

Conservation Officer - No objections.

Wildlife Officer - No objections

Waste Management - No response.

Designforsecurity - No objections.

Baddac - Seek a total of 4 disabled parking bays. Seek clarification of the levels on the approach to the car park and the provision of integrated seating within the auditorium.

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

EN8/2 Woodland and Tree Planting

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

PPS23 PPS23 Planning and Pollution Control

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.

English Heritage decided not to nationally list the building, but recognised the historic importance of the building at a local level. 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 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 lower 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. The proposed development would obscure the view of the existing bay window detail on the corner of the building but this would not have a significant adverse impact upon the character of the building. 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 are 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 main school building has a strong symmetry and balance in its appearance. There are two entrances to the school on the Bridge Road elevation with steps up to a 'bridge' link. 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 revised 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 proposed development would result in the removal of the flat roofed extension on the frontage, which is welcomed.

The proposed extension has been relocated some 2 metres to the north compared to 52491 and now follows the building line of the existing flat roofed extension. As such, the proposed glazed element would not have any greater an impact upon views of the main school elevation than the existing extension. The proposed glazed structure would be of a modern design but would not detract from character and appearance of the main school building.

As the proposed extension has been relocated some 2 metres to the north, the boys entrance and the bridge link would remain visible in an open and prominent position. As such, the strong symmetry and balance in the appearance of the building is retained.

The proposed development includes alterations to the internal area behind the entrance including the removal of the office and modern access stair at first floor level, which would allow this area to be opened up to its full height. The original ceiling cornices and stone balustrade would be reinstated. The existing entrance would retain the appearance of an entrance, which would maintain the importance of one of the key elements in the make up of the facade of the building. The proposed development would make a positive contribution and would better reveal the importance of this heritage asset. The Conservation Officer has no objections to the proposal.

CONCLUSION - The proposed development has addressed all of the concerns from the previous scheme and would not detract from the character and appearance of the existing building. The internal restoration works would make a positive contribution and would better reveal the importance of the heritage asset. Therefore, the proposed development would be in accordance 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 10.6 metres between the existing residential properties and the proposed lecture theatre (single storey) and 21 metres to the two storey element of the extension. The proposed building would be partially screened by 1.5 metre high brick walls (to Tenterden Street) and as such, 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 on Bridge Road in terms of the permanent finish and a concern that the foundations of the proposed extension would encroach under the building. However, these issues would be addressed by conditions.

Parking provision - SPD11 states that the maximum parking standards are 1.5 spaces per classroom. Currently, there are a total of 73 spaces on the two car parking areas, which are located to the north of the tennis courts and the north of the main school building.

The proposed development would result in the loss of 15 spaces. However, an additional 13 spaces would be provided in the parking area to the north of the tennis courts, which would lead to a loss of 2 spaces overall. The site is located close to the town centre and has good access to public transport. The proposed lecture theatre may be used for public performances, but these would take place in the evening or weekend, when all the parking spaces would be available.

Therefore, the proposed development would provide an acceptable level of parking 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. The applicant has agreed to the provision of removable seating within the auditorium and this issue would be covered by Building Regulations. The agent has also confirmed that the levels on the entrance from the car park would be no greater than 1:20. This would be secured by a condition along with the provision of a further 2 disabled parking spaces within the car park. Therefore, the proposed development would be accessible for all and would be in accordance with Policy HT5/1 of the adopted Unitary Development Plan.

Summary of reasons for Recommendation

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

The proposed development is acceptable in principle and would not have an adverse impact upon the amenity of the neighbouring properties. The proposed development would be acceptable in terms of design and would not have an adverse impact upon the character or appearance of the building. The proposed development would not be detrimental to highway safety.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 4 March 2011 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. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
9. No development shall commence unless or until a plan indicating the provision of 4 disability parking bays has been submitted to and approved in writing by the Local Planning Authority. The approved spaces shall be laid out and made available for use prior to the building hereby approved being occupied and thereafter maintained.
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 development shall commence unless or until full details of the gradients from the car park to the entrance, including details of any ramps and handrails, have been submitted to and approved in writing with the Local Planning Authority,. The approved details shall be implemented prior to the building hereby approved being brought in to use.
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.
11. No development shall commence unless or until full details of the restoration of the staircase and entrance hall have been submitted to and approved in writing by the Local Planning Authority. The work shall then be carried out in complete accordance with those details.
Reason. In order to preserve features of special architectural or historic interest pursuant to the following Policies of the Bury Unitary Development Plan:
Policy EN1/1 - Visual Amenity
Policy EN1/2 - Townscape and Built Design
12. A landscaping scheme, including details of boundary treatments, 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.
13. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building hereby approved being brought into use.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
14. The highway improvements indicated on the submitted plan (Proposed car park plan) shall be implemented in full before the building hereby approved is first brought into use.
Reason. To ensure good highway design in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary

Development Plan.

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

Reason. To ensure that the adopted highways are kept free of deposited material from the ground works operations pursuant to Policy CF1/1 - Location of New Community Facilities of the Bury Unitary Development Plan.

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

Ward: Prestwich - Sedgley

Item 10

Applicant: Waldon Telecom on behalf of Vodafone Ltd

Location: Prestwich Service Station, 19 Bury Old Road, Prestwich, Manchester, M25 0EY

Proposal: Prior notification for 14.8 m high streetworks pole including 3 antennae and equipment cabinets

Application Ref: 53747/Telecom Determination **Target Date:** 05/05/2011
(56 Days)

Recommendation: Prior Approval Required and Granted

Description

The site is located on land to the rear of a petrol filling station. The filling station forms part of a local shopping centre on Bury Old Road. There is a canopy and shop building, with a car wash business located at the rear of the shop. The shop is located centrally within the site, with a large hardstanding behind. There are mature trees along the western boundary.

There are residential properties to the north and west of the site and there are commercial properties to the east. There are a series of outbuildings and mature trees to the south of the site.

The proposed development would involve the installation of a 15 metre high monopole with 3 antennae and 1 equipment cabinet. The equipment would be located adjacent to the southern boundary towards the rear of the site.

Relevant Planning History

42819 - Prior approval determination - 14.7 metre high streetworks pole style telecommunications structure accommodating 3 no. antennae and 2 equipment cabinets at site outside 19 Bury Old Road, Prestwich. Refused - 13 July 2004

The application was refused as the proposed mast would be detrimental to visual amenity by virtue of the height and position of the column and would add to the clutter on the street.

Publicity

181 neighbouring properties within 150 metres of the site were notified by means of a letter on 11 March and site notices were posted on 11 March 2011.

Three letters have been received from the occupiers of 131 Albert Avenue, 7A Park Hill and 12 Ravensway, which have raised the following issues:

- A similar proposal was defeated by local residents three years ago.
- Impact of the proposal upon health, particularly people who are EMF sensitive
- Potential danger of a mast on the forecourt, especially as the use of mobile phones is not permitted at petrol stations.
- Impact on the character of the area.

The objectors have been notified of the Planning Control Committee.

Consultations

Traffic Section - No objections.

Environmental Health - Pollution Control - No response.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

EN1/10 Telecommunications

EN7 Pollution Control

S1/5 Neighbourhood Centres and Local Shops
HT4 New Development
PPG8 PPG8 - Telecommunications

Issues and Analysis

Health issue - Current government guidance (PPG8) with respect to health risk, states that providing such proposals meet the ICNIRP guidelines, local authorities should not consider those aspects or any concerns about them, any further. In this case, the applicant has indicated that the proposal would meet the ICNIRP guidelines through the submission of a certificate.

Supporting information - The agent has provided a list of 6 sites including installations on existing buildings and structures and streetwork installations. These sites were discounted as either the site provider was not interested, the installation would be visually prominent, the site was outside of the search area or the site would not provide the required level of coverage. Sufficient information has been provided to justify the need of the proposed development in terms of improved coverage for the site. Therefore, the proposed development would be in accordance with Policy EN1/10 of the adopted Unitary Development Plan.

Impact upon the surrounding area - The proposed equipment would be located towards the back of the site, adjacent to a metal container, with a two storey building to the south. The proposed mast would be viewed against the backdrop of the existing two storey building and would be painted grey. The proposed mast would be similar in appearance to a streetlight and as such, would not be a prominent or visually intrusive feature in the streetscene.

The proposed mast would not be directly overlooked by the properties fronting onto Bury Old Road and would be some 41 metres from the rear elevation of the residential properties on Albert Avenue. As such, the proposed development would not have a significant adverse impact upon the amenity of the occupiers of the residential properties.

Highways issues - The proposed development would be located against the boundary and would not impact upon parking and servicing at the site. The Traffic Section has no objections to the proposal. Therefore, the proposed development would be in accordance with Policy EN1/10 of the adopted Unitary Development Plan.

Response to objectors - The previous application for telecommunications was refused as the site was directly opposite a number of residential properties and was prominent within the streetscene. The current proposal is in a different location and would not have an adverse impact upon the visual amenity of the area nor a significant adverse impact upon the amenity of the nearby residential properties.

ICNIRP guidelines take into account the effects of electric magnetic fields (EMF). The proposed development complies with the ICNIRP guidelines and as such, would not have an adverse impact upon human health.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-
Having due regard to both National and Local Policy, in particular Policy EN1/10 (Telecommunications), it is considered that the proposed development is acceptable in relation to health and safety issues, due to the submission of the relevant certificate under ICNIRP. The proposed apparatus would not be unduly prominent in the streetscene. Therefore, the proposed development is considered to be acceptable. There are no other material considerations that outweigh this finding.

Recommendation: Prior Approval Required and Granted

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 100 B, 200 B, 300 B, 400 B, 500 B and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. The colour of the mast and related equipment hereby approved shall be as indicated on the application form and approved plans, unless otherwise agreed in writing with the Local Planning Authority.
Reason. In the interest of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and Policy EN1/10 - Telecommunications of the Bury Unitary Development Plan.

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

Ward: Bury West - Church

Item 11

Applicant: Mr Keith Talbot

Location: Land off Elton Vale Road, adjacent Elton Vale Reservoir (Parker's Lodges), Bury

Proposal: Erection of 5 dwellings (4 to be used as holiday lets); visitor centre and store/toilet block; creation of car park and associated landscaping

Application Ref: 53763/Full

Target Date: 11/05/2011

Recommendation: Approve with Conditions

Description

The application site covers 0.4 hectares and was part of a former bleach works. The bleach works was located to the south of the site at a lower level and the application site was separated from the main site by a brook. The site is generally flat but slopes down to the brook. The site consists of unmanaged grassland and trees on the boundaries and is used for informal car parking. The site is accessed from a narrow single track lane to the east of the site, which connects with Melrose Avenue.

The site of the former bleach works (to the south of the brook) is currently undergoing redevelopment for 16 residential dwellings and these dwellings are accessed from Elton Vale Road. As part of the Morris Homes development, a access road and bridge would be constructed to allow access to the reservoir. The reservoir, which also forms part of a Site of Biological Interest, is located to the west of the site and there are allotments to the east. There are more residential dwellings to the north east and playing fields to the north.

The proposed development involves the provision of a water bailiff's cottage with a integral visitor centre/booking office, 4 holiday let cottages and a store/toilet block. The proposed cottage and holiday lets would be single storey. The holiday lets would be either 1 and 2 bed properties. All the buildings would be constructed from reclaimed brick and slate. There would be two accesses to the site. Day visitors would use the single track access to the east of the site, which is known as Diggle Lane. Visitors to the holiday lets would use the new bridge and road through the Morris Homes development. There would be no through route.

Relevant Planning History

42354 - Visitors centre with living accommodation and car parking; alterations to access from Melrose Avenue at Elton Vale Reservoir, off Melrose Avenue, Bury. Withdrawn - 25 November 2004

44502 - Water bailiff's cottage, disabled anglers' facility and anglers' car park at Elton Vale Reservoir, off Melrose Avenue, Bury. Refused - 28 June 2005

Adjacent site

48809 - 15 detached dwellings at Elton Vale Works, Elton Vale Road, Bury. Refused - 29 May 2008

The application was refused as there was an oversupply of housing within the Borough and the proposed development did not provide any affordable housing.

51623 - Residential development - 16 No. dwellings at Former Elton Vale Works, Elton Vale Road, Bury. Approved with conditions - 10 March 2010

Publicity

34 neighbouring properties (216 - 222 (evens) Ainsworth Road; 1 - 4 Foulds Avenue; 2 - 8 (odds), 12, Elton Grange, Elton Vale, Elton Grange Farm, Stable Cottage, Apartments 1 - 7

Elton House, Elton Villa, Elton Cottage, Elton Vale Road; 10 - 18 (evens) Greenway Close; 5, 8, Sandhurst Close; Elton Vale Sports Club; Morris Homes, Morland Road) were notified by means of a letter on 17 March and a site notice was posted on 17 March 2011.

5 letters have been received from the occupiers of 9 Stainforth Close, Elton Grange Farm; Apartment 4, Elton House; Elton Cottage, Elton Vale Road, 11 Garstang Drive, which have raised the following issues:

- The proposed buildings could easily be transformed into dwellings.
- Impact upon the Green Belt.
- The proposed access along Elton Vale Road cannot accommodate any further traffic
- Impact of noise during construction
- Impact of the proposal upon the future occupiers of the dwellings on the Morris Homes development.
- The future occupiers of the dwellings on the Morris Homes development should be consulted.
- Impact on additional traffic and construction traffic on a quiet cul-de-sac.
- The access road through the Morris Homes site is a private road. Who would pay for any damage caused by construction traffic.

The objectors have been notified of the Planning Control Committee.

Consultations

Traffic Section - Queries relating to width of access road, bridge, sprinklers and access from anglers car park.

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 response.

Landscape Practice - No objections, subject to the inclusion of a condition relating to a landscape management plan.

Wildlife Officer - No objections, subject to the inclusion of conditions relating to vegetation clearance, Himalayan Balsam and the maintenance of the wildlife corridor.

Environment Agency - No objections, subject to the inclusion of conditions relating to a landscape management plan and Himalayan Balsam.

Design for security - No objections.

Waste Management - No response.

GM Fire Officer - Comments to be reported in the Supplementary Report.

Baddac - Seek provision of a disabled space. Access to the holiday lets should be clarified.

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN5/1	New Development and Flood Risk
EN6/2	Sites of Nature Conservation Interest LNR's
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
EN7	Pollution Control
EN7/5	Waste Water Management
EN8	Woodland and Trees
EN8/2	Woodland and Tree Planting
EN9	Landscape
RT3/2	Additional Provision for Recreation in the Countryside
RT4/3	Visitor Accommodation
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs

HT6/2	Pedestrian/Vehicular Conflict
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD 9	Conversion and Re-use of Buildings in the Green Belt
PPS23	PPS23 Planning and Pollution Control

Issues and Analysis

Principle - The site is currently unallocated in the Unitary Development Plan.

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 RT4/3 states that the Council will encourage and support proposals for development which would extend the range of visitor accommodation in the Borough. Any development will be assessed against the following factors:

- the appropriateness in terms of the design, scale and setting and the effect on the character, quality and visual amenity of the locality;
- the provision of satisfactory access;
- ability to accommodate the necessary car parking, service areas and landscaping in the site.

The proposed development would involve the provision of 5 dwellings, of which 4 would be used as holiday let cottages. The proposed development is bounded by residential dwellings to the north and south and as such, would not conflict with the surrounding land uses. The proposed development would widen the range of visitor accommodation within the borough. The proposed development would be appropriate in terms of scale and the other issues will be discussed later in the report. Therefore, the proposed development is acceptable in principle and would be in accordance with Policies H1/2 and RT4/2 of the adopted Unitary Development Plan.

Impact upon surrounding area - The proposed water bailiff's cottage would be single storey with rooms in the roof space and all the other proposed buildings would be single storey. The proposed building would be traditional in terms of design and would be constructed from reclaimed brick and grey slate. Therefore, the proposed buildings would not be unduly prominent within the locality.

SPD6 provides guidance on aspect standards between residential properties and would be relevant in this case. There would be at least 48 metres between the proposed holiday let cottages and the dwellings on the Morris Homes development to the south, which would be well in excess of the distance within SPD6. Therefore, the proposed development would not have an adverse impact upon the amenity of the neighbouring residents.

Trees - A tree survey has been submitted as part of the application. A number of trees are to be removed and these are either of poor quality or are self seeded trees. As such, there are no objections to their removal. The proposed site plan indicates that trees, native shrubs and hedgerows would be planted on the site, including the opposite bank of the brook. The proposed planting would help to screen the proposed development from view. The Landscape Practice has no objections to the scheme, subject to the inclusion of a condition relating to a landscape management plan. Therefore, the proposed development would be in accordance with Policy EN8 of the adopted Unitary Development Plan.

Ecology - An Ecological Assessment has been submitted as part of the application. The report concludes that although the site borders a site of biological interest (SBI), there would be no direct impact upon it. The report recommends that measures should be undertaken to ensure that the reservoir and Elton Brook are not contaminated during construction and this would be secured by a condition. Overall, the site contains little ecological value but the woodland and trees provide potential shelter and foraging habitat for a range of species of birds, mammals, amphibians and invertebrates.

The Wildlife Officer has no objections to the scheme, subject to the inclusion of conditions relating to vegetation clearance, Himalayan Balsam and a landscaping plan to ensure the maintenance of the wildlife corridor. Therefore, the proposed development would not have an adverse impact upon the SBI or any features of ecological value and would be in accordance with Policy EN6/2 and EN6/4 of the adopted Unitary Development Plan.

Flood Risk - A Flood Risk Assessment has been submitted as part of the application. The FRA states that the proposed development is located within Flood Zone 1. Surface water run off would be restricted to the existing run off rate and additional water storage would be provided. Any new surface water run off would drain to Elton Brook. The Environment Agency has no objections to the scheme, subject to the inclusion of conditions relating to a landscape management plan and Himalayan Balsam. Therefore, the proposed development would not have an adverse impact upon flood risk and would be in accordance with Policy EN5/1 of the adopted Unitary Development Plan.

Highways Issues - The site is accessed from the narrow track along Diggle Lane, which is currently used by anglers visiting the site. This access would continue to be used by day visitors to the site. As the use of the access is not being intensified, this would be acceptable.

A second access would be formed and would connect to the road serving the dwellings on the adjacent Morris Homes site. The proposed access road would be 4.5 metres wide and a bridge would be constructed to allow access over the brook. This would be the main access to the site for the holiday let cottages and for the water bailiff's cottage. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policy H2/1, H2/2 and RT4/2 of the adopted Unitary Development Plan.

Parking - There is no equivalent standard within SPD11 for holiday let accommodation. As a guide, the maximum parking standards for a 1 bed dwelling is 2 spaces per unit, 2 bed dwelling is 2.5 spaces per unit and a 3 bed dwelling is 3 spaces per unit. This equates to 12.5 spaces.

The proposed development would provide 12 spaces for the holiday lets and a further 8 spaces for day visitors. As such, it is considered that the level of parking is acceptable and would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

Response to objectors - The proposed buildings would be used as holiday lets and a condition restricting occupancy of these units has been included. The Green Belt boundary is located along the northern boundary of the site and as such, the site is not located within the Green Belt. Morris Homes were notified as part of the initial publicity. As the dwellings are not occupied, it was not possible to notify these people.

The issues of access and the impact upon the occupiers of the residential dwellings have been dealt with in the main report. The issues of noise during construction, construction traffic and potential damage to a private road are not material considerations.

Summary of reasons for Recommendation

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

The proposed 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 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 1738_01, 1738_03, 1738_04, 1088 05A, 1088 06A, 1088 07A 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. 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.

7. 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.

8. 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.

9. 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

10. No development shall commence unless or until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens) shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall include the following:

- detail the extent and type of new planting, including planting schedule, that shall be largely based on native species,
- Details of maintenance regimes;
- Details of any new habitat created on site, including proposed new reedbed;
- Details of treatment of site boundaries and/or buffers around Parkers Lodge SBI and Elton Brook.

The approved landscape management plan shall be carried out as approved unless otherwise agreed in writing with the Local Planning Authority.

Reason To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site pursuant to the following policies of the Bury Unitary Development Plan:

Policy EN6/2 - Sites of Nature Conservation Interest (Local Nature Reserves and Grade B & C Sites of Biological Importance)

Policy EN6/4 - Wildlife Links and Corridors

11. The units of accommodation (Nos 1 - 4) shall not be let to or occupied by any one person or group of persons for a continuous period of longer than 3 months in any one year and in any event shall not be used as a permanent residential accommodation. The letting records for the units of holiday accommodation shall be kept by the applicant and produced for inspection by the Local Planning Authority on an annual basis.

Reason. To ensure the buildings are retained in use as holiday accommodation pursuant to Policy RT4/3 - Visitor Accommodation of the

Bury Unitary Development Plan.

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

Ward: Whitefield + Unsworth - Pilkington Park

Item 12

Applicant: Mr Sidney Gilman

Location: Land Adjacent To 59 Ringley Road, Whitefield, M45 7LH

Proposal: Erection of detached garage (Resubmission of 53131)

Application Ref: 53804/Full

Target Date: 17/05/2011

Recommendation: Approve with Conditions

Description

The site forms part of the private garden of 63 Ringley Road, although it does not adjoin the house itself, being situated adjacent to the neighbouring property (No.59). There is a paved parking area fronting Ringley Road with a grassed area banked up behind a brick retaining wall. There is an existing timber shed on the site and there is a group TPO No. 33, on trees on the adjoining garden to the east. The nearest protected tree is a mature Ash which is approximately 4.3m off the side boundary, within the garden of 11a Kibworth Close. There are two conifer trees at the front and two small apple trees within the garden at the rear. The adjacent property at No.59 Ringley Road has been extended to the side and there is a footpath running between the site and the gable of this property.

It is proposed to excavate the garden land, level with the paved area at the front and site a brick built garage running 16m back from the front of the site into the rear garden area. The garage would be 4.2m wide with an eaves height of 2.4m and a natural slate pitched roof rising to 3.6m. The two conifer trees at the front and two small apple trees would be removed to accommodate the new building. The foundations closest the side boundary would be set away from the boundary to reduce the impact of the scheme on tree roots of the protected trees within the adjacent garden.

Relevant Planning History

53131 - Detached garage - Refused 21/12/2010 on grounds that the foundations of the garage would interfere with the roots of the protected tree on adjacent land.

Publicity

Immediate neighbours notified by letter dated 24/03/2011. One objection from the occupiers of 5 Gresham Close. Their concerns are:

- It appears unusually long for a domestic garage.
- It may not be used as a domestic garage.
- Hope that work will not affect their rear boundary fence.
- Trees to be removed will affect birds and wildlife.

The occupier of No.61 Ringley Road has stated he has no objection to the proposal. The objector has been notified of the Planning Control Committee.

Consultations

Traffic Section - No objection.

Landscape Practice - No objection subject to foundations being 'hand dug'.

Wildlife Officer - No objection.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design
EN8 Woodland and Trees
EN8/1 Tree Preservation Orders
EN8/2 Woodland and Tree Planting

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury

Issues and Analysis

Use. The land to which the application relates is used as domestic garden ground although separated from the applicant's own house by the immediate neighbours. The siting of a domestic garage is therefore acceptable in principle.

Visual Amenity. Although long, the proposed garage, when viewed from Ringley Road, would not appear out of keeping with the street scene. Given that the new building would be set down from the existing raised garden, the building would be effectively screened from neighbouring properties to the south and east by boundary hedging and fencing. The immediate neighbours at No.59 would view the garage over the existing 1.5m brick boundary wall and communal passageway running between their garden and the site.

Impact on Trees. As there is a TPO protecting the trees a precautionary approach has been taken by the owner and two test pits have been dug on the site to help assess the impact any excavation would have on the roots of the protected Ash tree 4.5m to the east, within the garden of the adjacent property (11a Kibworth Close). On the basis of the findings, and at the suggestion of the Landscape Practice, the foundations of the garage have been set in from the side boundary to help protect the root plate of the tree. Given the distance to the tree and the special foundations, which would be hand dug, it is not considered that the proposed garage would cause serious and long term harm to the tree with the inclusion of a condition requiring the hand digging of the foundations. The loss of two small apple trees within the garden area and two conifers at the front of the site would not have a significant impact on the character of the locality. The proposal therefore complies with UDP Policies EN8/1 relating to trees and Policy H2/3 Alterations and Extensions and supporting guidance Note 6 relating to domestic extensions and alterations.

Residential Amenity. The proposed garage, although extending some 7.m past the rear elevation of the adjacent neighbour at No.59, would not have a seriously detrimental impact on the amenity of that neighbour given it is set off the boundary to the north east, would have a relatively low profile that complies with the 25 degree rule set out in the Council's adopted guidance on alterations and extensions. In reducing the level of the ground overlooking of the neighbour at No.59 would be significantly reduced. In respect to residential amenity, the proposal complies with H2/3 Alterations and Extensions and SPD6.

Parking and Access. As the front of the site is used for parking already, the location of a domestic garage on the site does not raise any serious highway safety concerns. It is considered appropriate to attach a condition preventing the garage being used for any other purpose than parking. The proposal would comply with Policy H2/3 and guidance on both domestic alterations and parking and SPD6.

Objection. The concerns of the neighbour to the rear in respect to the size and use of the garage have been addressed above. As the garage would be set 6m away from the rear boundary, it would not affect the shared boundary fence. The loss of the two small apple trees and two conifers would not have a significant impact on wildlife given the remaining trees in the TPO adjacent.

The proposal is considered to be acceptable and complies with UDP policy and guidance.

Summary of reasons for Recommendation

This application was determined having regard to UDP Policies EN1/2 Streetscape and Built Design and H2/3 Alterations and Extensions and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties. Planning permission has been granted because the proposals accord with the policy and guidance in that the design is of

an acceptable standard which would not adversely affect the character of the area nor the amenity of nearby residents, and would not adversely impact on highway safety issues. There are no other material planning considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to revised drawings numbered 9/10, received 01/04/2011 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. The external finishing materials for the proposal hereby approved shall match those of the adjacent dwellinghouse.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. The proposed garage shall only be used for the purposes of car parking and shall not be used for any other purpose without the written approval of the Local Planning Authority.
Reason. To ensure adequate car parking provision is retained pursuant to Policy H2/3 -Extensions and Alterations of the Bury Unitary Development Plan and Associated DC Guidance Note 6- Extensions and Alterations.
5. 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 EN8/1– Tree Preservation Orders of the Bury Unitary Development Plan.
6. No trees, unless indicated otherwise on the approved plans, shall be felled, lopped or topped before or during the construction period without the previous written consent of the Local Planning Authority.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
7. Beneath all areas of the canopies of the trees excavations and all construction work for the proposal hereby approved must be 'hand-dig' only. No storage of materials or equipment or use of the area by vehicular traffic allowed.
Reason: To safeguard the vascular and anchoring root systems of the trees 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

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

