

<b>Title</b>	<b>Planning Applications</b>
<b>To:</b>	<b>Planning Control Committee</b>
<b>On:</b>	<b>21 August 2012</b>
<b>By:</b>	<b>Development Manager</b>
<b>Status:</b>	<b>For Publication</b>

### Executive Summary

The attached reports present members with a description of various planning applications, the results of consultations, relevant policies, site history and issues involved.

My recommendations in each case are given in the attached reports.

### This report has the following implications

**Area Board/ Ward:** Identified in each case.

**Policy:** Identified in each case.

**Resources:** Not generally applicable.

**Equality Act 2010:** All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:  
 The elimination of discrimination, harassment and victimisation;  
 The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;  
 The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

**Human Rights:** All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, I have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council

under the Town & Country Planning Acts.

**Development Manager**

**Background Documents**

1. The planning application forms and plans submitted therewith.
2. Certificates relating to the ownership.
3. Letters and Documents from objectors or other interested parties.
4. Responses from Consultees.

FOR FURTHER INFORMATION ON THE CONTENTS OF EACH REPORT PLEASE CONTACT  
INDIVIDUAL CASE OFFICERS IDENTIFIED IN EACH CASE.

- 01 Area Board-Ward:** Ramsbottom + Tottington - Tottington **App No.** 54991  
**Location:** Land at the rear 353 and 365, including Beechwood Bungalow, Bury Road, Tottington, Bury, BL8 3DS  
**Proposal:** Outline application for residential development of 30 dwellings including details of access  
**Recommendation:** Approve with Conditions **Site Visit:** Y
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- 02 Area Board-Ward:** Radcliffe - East **App No.** 55003  
**Location:** Land at Spen Moor, Bury and Bolton Road, Radcliffe, Manchester, M26 0JZ  
**Proposal:** Outline - Residential development of 191 dwellings, creation of ecological enhancement ponds and access off Bury and Bolton Road  
**Recommendation:** Minded to Approve **Site Visit:** Y
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- 03 Area Board-Ward:** Whitefield + Unsworth - Unsworth **App No.** 55055  
**Location:** 142 Hollins Lane, Bury, BL9 8AW  
**Proposal:** Erection of 1 no. dwelling  
**Recommendation:** Minded to Approve **Site Visit:** N
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- 04 Area Board-Ward:** Whitefield + Unsworth - Unsworth **App No.** 55346  
**Location:** Land adjacent The Mount, 150 Hollins Lane, Bury, BL9 8AW  
**Proposal:** Erection of a new detached dwelling  
**Recommendation:** Minded to Approve **Site Visit:** N
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- 05 Area Board-Ward:** Ramsbottom and Tottington - Ramsbottom **App No.** 55359  
**Location:** Land to rear of 2-16 Hillside Road, Ramsbottom, Bury, BL0 9NJ  
**Proposal:** Demolition of redundant garages; Erection of 4 no. dwellings  
**Recommendation:** Approve with Conditions **Site Visit:** N
- 
- 06 Area Board-Ward:** Radcliffe - North **App No.** 55375  
**Location:** 2-4 Stopes Road, Radcliffe, Manchester, M26 3WP  
**Proposal:** A. Variation of condition No. 4 of planning permissions 50435 and 55036 to amend the opening hours from 0830 - 1930hrs Monday to Friday and 0900hrs on Saturdays.  
B. Variation of condition No.4 of planning permissions 50435 and 55036 to amend the opening hours to 1000 - 1600hrs Sundays and 1000 - 1400 Bank Holidays (Excluding Christmas Day and Easter Sunday)  
**Recommendation:** Split Decision **Site Visit:** N
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- 07 Area Board-Ward:** Radcliffe - East **App No.** 55386

**Location:** The Old Toll House, Brookbottom Road, Radcliffe, Manchester, M26 4HX  
**Proposal:** Retrospective application for change of use of land to residential and erection of wall/fence.  
**Recommendation:** Approve with Conditions **Site Visit:** N

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**08 Area Board-Ward:** Whitefield + Unsworth - Pilkington Park **App No.** 55405

**Location:** 137 Bury New Road & 33 Sefton Street, Whitefield, Manchester, M45 7ET  
**Proposal:** Retrospective planning application for a partially built wall and timber fence to rear of 137 Bury New Road and 33 Sefton Street.  
**Recommendation:** Approve with Conditions **Site Visit:** N

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**Ward:** Ramsbottom + Tottington - Tottington

Item 01

**Applicant:** Pennine and Rossendale Estates Limited

**Location:** Land at the rear 353 and 365, including Beechwood Bungalow, Bury Road, Tottington, Bury, BL8 3DS

**Proposal:** Outline application for residential development of 30 dwellings including details of access

**Application Ref:** 54991/Outline Planning  
Permission

**Target Date:** 03/08/2012

**Recommendation:** Approve with Conditions

**The Committee deferred the application to carry out a site visit on 21st August 2012 prior to determining this application.**

### **Description**

The site contains a bungalow (Beechwood Bungalow) in the north eastern corner, a small access track/road from Bury Road and a large grassland area. Beechwood bungalow is accessed from Beechwood Court, which serves 4 other properties.

There are mature trees around the boundary of the whole site and those on the western and northern boundaries are protected by Tree Preservation Orders. The grassland area is accessed via a short access road, which is located between 353 and 365 Bury Road and also serves as an access to No. 353 Bury Road.

The site is bounded on three sides by residential properties to the east, north east, south and west (fronting onto Bury Road).

The applicant seeks to demolish Beechwood Bungalow and obtain outline consent for residential development (30 dwellings) on the whole of the site with the means of access to the site taken from Bury Road. The appearance, layout, scale and landscaping of the site are reserved matters.

The only access would be provided by an existing access road, which is located centrally between 353 and 365 Bury Road. The indicative layout shows residential properties would be located on either side of the new road and would be of a mix of two storey and two storey dwellings with additional living accommodation in the roof space. All of the proposed dwellings can accommodate 2 parking spaces and 24 can accommodate an integral garage.

### **Relevant Planning History**

35651 - Residential development - 15 dwellings at land at 353 Bury Road, Tottington.

Refused - 30 May 2000. Appeal dismissed - 19 January 2001

The appeal was dismissed as the development would run counter to the aims of urban regeneration as set out in PPG3, which includes the maximisation of the use of previously developed land.

38930 - Use of land as gardens at land to rear of 353 Bury Road, Tottington. Approved with conditions - 19 April 2002

43323 - Outline residential development & demolition of 3 houses, including details of means of access to the site - approx 50 units at land to rear of 353 - 375 Bury Road, Tottington. Refused - 15 December 2004. Appeal dismissed - 13 April 2006

The appeal was dismissed as

- a substantial part of the site is not previously developed land and it would not meet any

of the exceptions in SPD7 and in the context of the oversupply, there were no grounds to justify the release of the site; and

- The loss of built heritage through the demolition of Beechwood House would detract from the quality of the area.

45496 - Access Road (retrospective) at land adjacent to 353 Bury Road, Tottington. Approved with conditions - 30 December 2005

Site of Beechwood bungalow

40078 - Demolition of existing bungalow and storage building. Erection of detached house with detached garage and tennis court at land at Beechwood Bungalow, Bury Road, Tottington. Approved with conditions - 23 January 2003

46607 - Detached double garage at 373 Bury Road, Tottington. Approved with conditions - 23 August 2006

Adjacent site

40933 - First floor extension with front and rear dormers; two storey extension at side; conservatory at side at 353 Bury Road, Tottington. Refused - 30 July 2003.

41462 - Two storey extension at side; first floor extension with front and rear dormers; conservatory at side (resubmission) at 353 Bury Road, Tottington. Approved with conditions - 8 December 2003

### **Publicity**

49 neighbouring properties (262 - 276 (evens), 333 - 353 (odds), Dentdale (365), 367 - 373 (odds), 379 Beechwood, New Beechwood, Beechwood Lodge, Bury Road; 2, 8 Beechwood Court; 34 - 40 (evens) Royds Close; 19 - 39 (odds), 25A Bowes Close) were notified by means of a letter on 10 May and a press notice was posted in the Bury Times on 17 May and site notices were posted on 17 May 2012.

A press notice will be published in the Bury Times on 12 July and site notices were posted on 3 July 2012 advertising the application as a departure.

A petition containing 160 signatures has been received objecting to the proposed development.

22 letters have been received from the occupiers of 34 Moorside Road, 114 Scobell Street, 402 Tottington Road, New Beechwood House, 266, 270, 274, 276, 282, 343, 351, 367, Dentdale (365), 367, 369, 373, 385, 387 Bury Road, 27, 33 Bowes Close; 5 Keld Close, which have raised the following issues:

- There are too many new houses in the area. What provisions are being considered for increase in traffic, new schools, play areas etc.
- Impact upon traffic flow along Bury Road.
- Existing traffic levels are dangerous. What traffic calming measures are being proposed along Bury Road?
- Previous applications to build houses on the site have been refused and dismissed at appeal.
- Other housing developments have been approved since the previous refusals - Olives Paper Mill, housing estate at Kirklees Street and permission has been granted on Scobell Street and Former Elton Cop Dye works on Walshaw Road, leading to increased traffic along Bury Road.
- The proposal would damage the ecology of the area.
- The applicant has a disregard for planning having knocked down a boundary wall and failed to replace it.
- The existing driveway at the side of the bungalow should have been made right following the rejection to build.
- Impact upon trees.
- Several applications have been made for residential development and all have been

refused.

An e-mail has been received from Councillor Gartside, who has raised the following issues:

- The proposal would have an adverse impact upon an already over congested Bury Road.
- The ability of primary schools to cope with the added demand for placements, which the proposal would cause.
- There are more suitable brownfield sites available.
- The proposal would have an adverse impact upon the local wildlife with the potential to remove trees.

The objectors and Councillor have been notified of the Planning Control Committee meeting.

### **Consultations**

**Traffic Section** - No objections, subject to the inclusion of conditions relating to driveway lengths, details relating to the means of access to the site, turning facilities and measures to restrict mud passing onto the adopted highway during construction.

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

**Wildlife Officer** - No objections, subject to the inclusion of conditions relating to bats and badgers.

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

**Environmental Health - Pollution Control** - Comments awaited and will be reported in the Supplementary Report.

**Waste Management** - No objections.

**Designforsecurity** - No objections to proposal.

**Performance & Housing Strategy** - Comments awaited and will be reported in the Supplementary Report.

**Baddac** - Suggest a condition relating to the proposed dwellings should be built to Lifetime Homes standards.

**Environment Agency** - Verbal comments received that a condition relating to surface water run-off should be included within any grant of planning permission.

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

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN1/6	Public Art
EN1/7	Throughroutes and Gateways
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/4	Wildlife Links and Corridors
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/5	Waste Water Management
EN8/1	Tree Preservation Orders
EN8/2	Woodland and Tree Planting
OL2/1	Development on Other Protected Open Land
OL3/1	Protection of Urban Open Space
RT1/1	Protection of Recreation Provision in the Urban Area
RT2/2	Recreation Provision in New Housing Development
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs

SPD1	Open Space, Sport and Recreation Provision
SPD4	DC Policy Guidance Note 4: Percent for Art
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

### Issues and Analysis

**Principle** - Bury's statutory housing targets are set out in the Regional Spatial Strategy for the North West (RSS) at 500 dwellings per annum between 2003 and 2021. In addition to this annual target, housing delivery in the Borough also needs to take account of the shortfall in completions in the past six years, which has only averaged around 280 per annum, mainly as a result of the prevailing housing market conditions.

Whilst the Government has indicated that it is seeking to remove RSS and its housing targets, they have not indicated when this will be done and, therefore, the RSS target remains the statutory housing target until such time as RSS is removed or it is replaced by a new target in Bury's emerging Local Plan. It is currently proposed that the new housing target in the Local Plan should be set at 400 dwellings per annum, which is currently timetabled to be adopted in 2014.

In the meantime, the National Planning Policy Framework should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. There is a particular emphasis, as in previous national planning guidance, to identify a rolling five year supply of deliverable housing land.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up with sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the five year supply calculations as many sites will take longer than five years to come forward and be fully developed out (e.g. some large sites could take up to ten years to be completed). As such, latest monitoring indicates that the Council is unable to demonstrate a five year supply of deliverable housing land (4.7 years with a 5% buffer applied in accordance with the NPPF) and this needs to be treated as a material factor when determining applications for residential developments.

Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, 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.

The proposed development is located within the urban area and within a residential area. As such, the proposed development would not conflict with the surrounding land uses and would be located in a sustainable location with good access to public transport and services.

The site contains a small area of previously developed land (Beechwood Bungalow), but the majority of the site is undeveloped (greenfield) land. Moreover the land that was occupied by the bungalow is also classed as greenfield following changes to legislation and the introduction of the NPPF. The NPPF states that brownfield land should be released before greenfield, but a lack of a five year supply is a reasonable justification to releasing greenfield sites, which would otherwise be suitable. Given that the site is in a sustainable location in the urban area and that there is a lack of a 5 year supply of housing within the borough, the proposed development would be acceptable and is in general accordance with national and regional planning policy and will help to contribute to meeting local housing targets. Therefore, the proposed development would be in accordance with Policy H1/2 of the Bury Unitary Development Plan and the NPPF.



**Design and impact upon the surrounding area** - The layout plan for the proposed development is indicative although the means of access to the site is fixed. The design and appearance of the proposed dwellings would be the subject of a future application. The indicative plan shows that 30 dwellings could be accommodated on the site and respect the aspect standards set out in SPD6. SPD6 provides guidance on aspect standards between residential properties and would be relevant in this case and is formally adopted Council Policy.

The proposed dwellings would be a mix of 2 storey and 2 storeys with rooms in the roof space (3 storey). There is a mix of dwellings in the surrounding area - bungalows, 2 storey dwellings and dormer bungalows, some of which are raised up from the road. Given the mix of properties and the differing heights both on the proposed development and in the surrounding area and the fact that the majority of the mature trees on the boundary of the site would be retained, the proposed development would not look out of place within the locality.

**Flood risk** - A Flood Risk Assessment was submitted as part of the application and states that the main risk is from surface water run-off (overland flow). There are numerous ways in which rainwater can be stored for later use, including infiltration techniques, rainwater attenuation into storage tanks and Sustainable Urban Drainage Schemes (SUDS). Given that the principle of the site is considered to be appropriate in land use terms, there would be a need to ensure that surface water run off is appropriately dealt with through the imposition of a planning condition. The Drainage Section has no objections, subject to the inclusion of a condition relating to surface water run off. On this basis, the site can be developed for residential use without increasing the flood risk to the site itself or other sites in the locality and the proposed development would be in accordance with Policy EN5/1 of the Bury Unitary Development Plan and the NPPF.

**Trees** - There are 13 trees along the northwestern boundary of the site and 1 tree on the southeastern boundary of the site, which are protected by a Tree Preservation Order. The tree survey states that 2 trees need to be removed due to their condition, regardless of the proposed development. The remaining trees would be unaffected by the proposed development and care should be taken when the detailed layout for the site is designed. Therefore, the proposed development would be in accordance with Policy EN8/2 of the Bury Unitary Development Plan.

**Ecology/bats** - Himalayan Balsam and Japanese Knotweed are present on the site and a condition requiring their removal would be included on any grant of planning permission.

**Bats** - Emergence bat surveys have been submitted and the Wildlife Officer has no objections to the proposal, but recommends that a precautionary emergence survey should be carried out prior to any demolition works and if the works are delayed beyond March 2013, further surveys should be carried out. Most of the trees at high risk of being used by bats are to be retained. As such, the report recommends that the root zones of the trees are protected during construction and this would be secured by a condition. Therefore, the proposed development would not have an adverse impact upon a protected species and would be in accordance with Policy EN6/3 of the Bury Unitary Development Plan and Section 11 of the NPPF.

**Parking and access** - The site would be accessed from the existing tarmac access located between Nos 353 and 365 Bury Road. There is good visibility at the junction and the Transport Statement concludes that any additional traffic can be accommodated at the junction and the surrounding area. The Traffic Section has no objections, subject to the inclusion of conditions relating to driveway lengths (which would be assessed at reserved matters stage), means of access to the site, turning facilities and measures to restrict mud passing onto the adopted highway during construction. Therefore, the proposed development would not be detrimental to highway safety.

The proposed development could meet lifetime homes standards and a condition requiring this would be included on any grant of planning consent. Therefore, the proposed development would be accessible and would be in accordance with Policy HT5/1 of the Bury Unitary Development Plan.

**Previous decisions** - As stated in the relevant history of the site, whilst there have been applications refused on the site and Appeals dismissed, these were all based on relevant Planning Policy decisions at that time. In particular, the National Policy on giving a priority to Brownfield development, the availability of housing supply at that time, a housing restrictions policy introduced by the Council (SPD 7) and in one instance, the loss of a property that is outside the current proposed site. The above report clearly indicates that there is a different planning climate to consider at the moment, which is based upon a clear National Planning Policy framework and the need to deliver housing locally.

**Flood risk** - The main issue relating to flood risk is that of surface water run-off. The Drainage Section has no objections to the proposal, subject to the inclusion of a condition relating to surface water drainage. Therefore, the proposed development would not be detrimental to flood risk, subject to condition control and would be in accordance with Policy EN5/1 of the Bury Unitary Development Plan and Section 10 of the NPPF.

**Planning obligations** - As the application is in outline, the standard contributions relating to affordable housing, recreation provision and Percent for Art would be ensured at reserved matters stage through the imposition of planning conditions.

**Departure** - The application was initially considered to constitute a Departure from the Unitary Development Plan and was subsequently advertised as such in the Bury Times and on site. However, further investigation as to the exact boundaries of the red edge shows that the site is unallocated and is not covered by any formal designations in the Unitary Development Plan. As such, Officers are satisfied that the application does not constitute a Departure from the Development Plan.

#### **Response to objectors**

The issues relating to housing supply, highways issues, ecology, impact upon trees, lack of play/recreational facilities and previous applications and appeals have been addressed in the report above.

A application (45496) was submitted to regularise the access road/driveway at the side of the bungalow and was approved in December 2005. The removal of a boundary wall would not require planning permission.

The provision of school places is a matter for the Education Department to accommodate. The Council is obliged not only to ensure sufficient provision for education but also housing supply. On this basis, the Local Planning Authority, in its preparation of the Core Strategy and the introduction of the Community Infrastructure Levy Regulations, is developing a local policy to secure such infrastructure contributions from developers. However, given the scale of this scheme, the Education Dept have confirmed that there are no objections to the scheme or consider that there would be any unacceptable demands that would arise from this development in this area in terms of school provision for the future population.

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

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

The proposed development would be acceptable in principle and would not have an adverse impact upon the amenity of the neighbouring properties. The proposed development would not be detrimental to highway safety and would not be a prominent feature in the streetscene.

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. This decision relates to drawings numbered H312/010, H312/005 D - Indicative site layout, access only., H312/001 A, H312/002 B, H312/003 A, H312/004 A 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 the policies of the Bury Unitary Development Plan listed.
4. No development shall commence unless and until:-
  - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
  - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
  - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
5. Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
 

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
6. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing

schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;

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

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

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

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

Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

8. Following the provisions of Condition 4 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved timescales; and  
A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

9. 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*) 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 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 National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

11. Provision for lifetime homes shall be incorporated into the development in accordance with a scheme to be submitted at reserved matters stage. The development shall then be carried out incorporating the measures in accordance with the approved scheme.  
Reason. To ensure that the development is fully accessible to disabled persons pursuant to Policies HT5/1 – Access for Those with Special Needs of the Bury Unitary Development Plan.
12. 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 Supplementary Planning Document - Open Space, Sport and Recreation Provision.  
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 Supplementary Planning Document - Open Space, Sport and Recreation Provision.
13. The development hereby approved shall include provision for affordable housing 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 as approved in writing by the Local Planning Authority.  
Reason. To ensure that the development would contribute to satisfying the need for affordable housing 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.
14. 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.
15. Full details of the proposed internal road layout, boundary treatment at the interface with the adopted highway on Bury Road and measures to abandon the existing vehicular access to Beechwood Bungalow shall be submitted at first reserved matters application stage.  
Reason. To secure the satisfactory development of the site in terms of highway safety pursuant to the following Policies of the Bury Unitary Development Plan:  
Policy H2/1 - The Form of New Residential Development  
Policy H2/2 - The Layout of New Residential Development  
Policy EN1/2 - Townscape and Built Design
16. There shall be no direct means of vehicular access between the site and Tottington Road other than the proposed site access indicated on approved plan reference H312/005 Revision D and in Appendix 8 of the submitted Transport

Statement reference WB/11226/TS.

Reason. To ensure good highway design in the interests of road safety pursuant to Policy H2/2 - The Layout of New Residential Development and Policy EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan.

17. The development hereby approved shall not be commenced unless and until the site access indicated on approved plan reference H312/005 Revision D and in Appendix 8 of the submitted Transport Statement reference WB/11226/TS has been implemented to at least base course level and to the written satisfaction of the Local Planning Authority. The approved access shall then be fully completed prior to occupation of the final dwelling.  
Reason. To ensure good highway design in the interests of road safety pursuant to Policy H2/2 - The Layout of New Residential Development and Policy EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan.
18. Provision shall be made within the site to the written satisfaction of the Local Planning Authority to enable vehicles to enter and leave the site in forward gear and shall subsequently be maintained free of obstruction.  
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of highway safety pursuant to Policy H2/2 - The Layout of New Residential Development and Policy EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan.
19. No development shall commence unless or until, details of 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 have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and maintained thereafter during the period of construction.  
Reason. To ensure that the adopted highways are kept free of deposited material from the ground works operations pursuant to Policy H2/2 - The Layout of New Residential Development and Policy EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan.
20. No demolition works shall commence unless or until a precautionary tree survey has been submitted to and approved in writing by the Local Planning Authority. Any demolition works shall be carried out in accordance with the Method Statement dated 13 July 2012. If demolition works are delayed beyond April 2013, a survey shall be conducted and the survey results established as to whether the buildings are utilised by bats or owls prior to demolition works commencing. All mitigation measures contained within the report dated 13 July 2012 or any subsequent report shall be fully implemented prior to commencement of the works and remain in situ on the site for an agreed period of time.  
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and Section 11 of the National Planning Policy Framework.
21. No development shall commence unless and until an assessment to indicate the level of activity by badgers in the vicinity of the site has been submitted to and approved in writing by the Local Planning Authority and an appropriate protection scheme with a Natural England license application secured, if required.  
Reason: In order to ensure that an active badger sett is protected from disturbance pursuant to Policy EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and Section 11 of the National Planning Policy Framework.
22. 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 approved by the Local Planning Authority. The scheme shall be implemented

and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

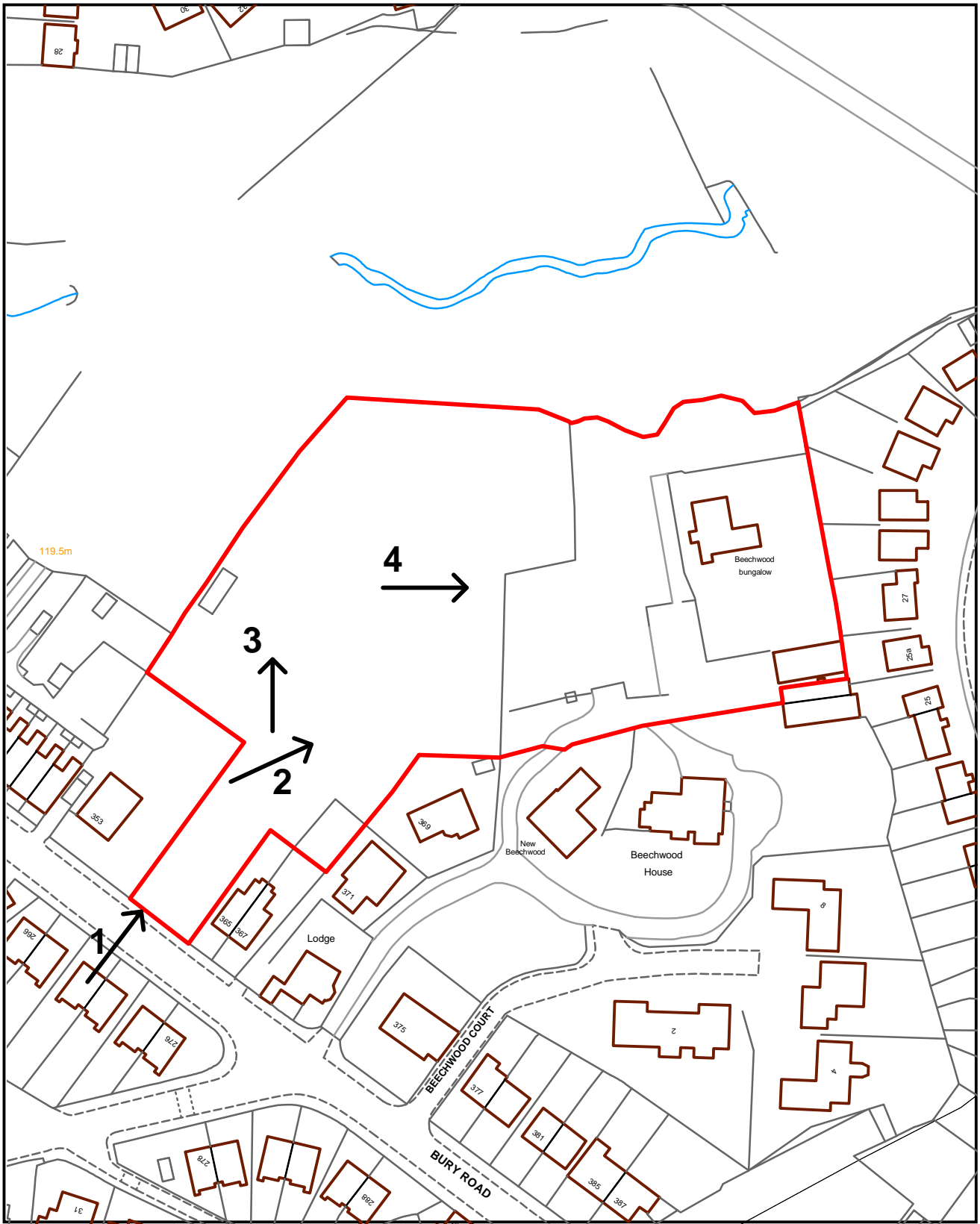
Reason. To reduce the increased risk of flooding and pursuant Chapter 10 of the National Planning Policy Framework and Unitary Development Plan Policy EN5/1 - New Development and Flood Risk.

23. 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.

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

# Viewpoints

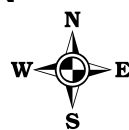


**PLANNING APPLICATION LOCATION PLAN**

**APP. NO 54991**

**ADDRESS: Land at the rear of 353 & 365 including Beechwood bungalow, Bury Road, Tottington**

**E D S**



**1:1250**

**(C) Crown Copyright and database right (2011). Ordnance Survey 100023063.**



Photo 1



Photo 2



Photo 3



Photo 4



Standards

Topsoil
Imported top soil to comply with BS3882:1994 Where topsoil is absent imported top soil shall be spread to a depth of 0.3m Within any tree protection areas, to minimize disturbance of tree roots during planting operations, topsoil shall be spread to a maximum depth of 0.15m over existing top soil

Planting

All nursery stock shall comply with BS 3936, Specification for nursery stock All site preparation, planting and post planting aftercare shall comply with 'Handing and Establishment of Landscape Plants' 1996 published by the committee for Plant Supply and Establishment. All stock to be planted at the sizes and densities stated in the planting schedule. All trees of a height greater than 1.5 metres shall be supported using a wooden stake of a top diameter not less than 50mm The tree stake shall be driven to a depth of not less than 0.5m The height of the stake above the ground level shall be equal to 1/3rd the height of the tree All staked trees shall be attached to the top of the stake with a single proprietary tree tie

Mulching

All planted ornamental stock shall be mulched with a coarse grade of part-composted wood-chip or bark mulch The mulch shall be spread to a depth of 50mm to a radius of 300mm around all shrubs and transplants and a radius of 500mm around all trees of a height greater than 1.0m

Shrub planting:

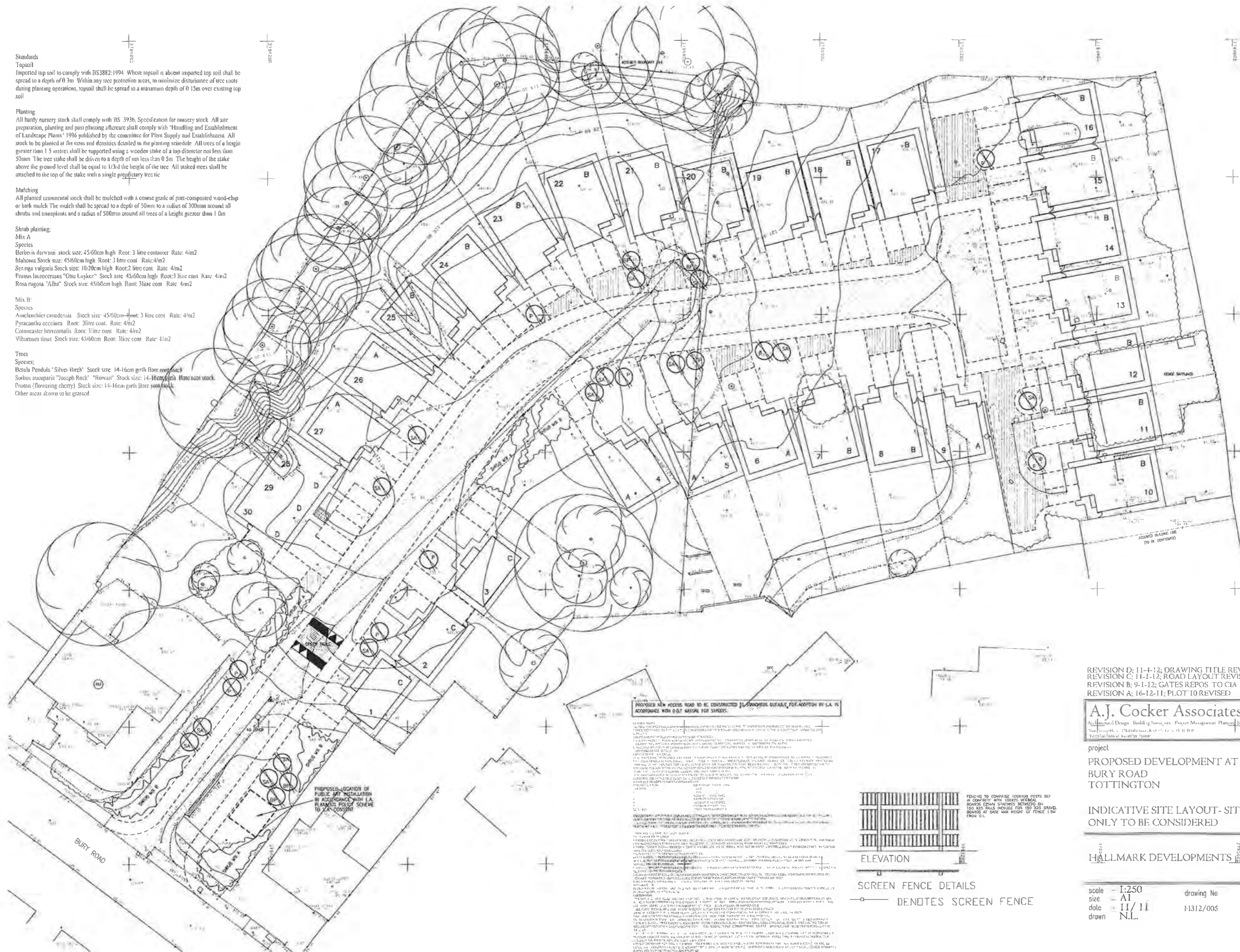
- Mix A
Species
Berberis darwinii Stock size: 45/60cm high Root: 3 litre container Rate: 4/m2
Mahonia Stock size: 45/60cm high Root: 3 litre cont. Rate: 4/m2
Syringa vulgaris Stock size: 10/20cm high Root: 2 litre cont. Rate: 4/m2
Prunus laurocerasus 'Omo Layer' Stock size: 45/60cm high Root: 3 litre cont Rate: 4/m2
Rosa rugosa 'Alba' Stock size: 45/60cm high Root: 3 litre cont Rate: 4/m2

Mix B:

- Species
Anemone pulsatilla Stock size: 45/60cm high Root: 3 litre cont Rate: 4/m2
Pyracantha coccinea Root: 3 litre cont. Rate: 4/m2
Cotoneaster horizontalis Root: 3 litre cont Rate: 4/m2
Viburnum tinus Stock size: 45/60cm Root: 3 litre cont Rate: 4/m2

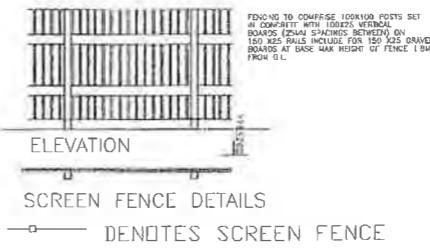
Trees

- Species:
Betula Pendula 'Silver Birch' Stock size: 14-16cm girth Bare root stock
Sorbus aucuparia 'Joseph Rock' 'Rowan' Stock size: 14-16cm girth Bare root stock
Prunus (flowering cherry) Stock size: 14-16cm girth Bare root stock
Other areas shown to be grassed



PROPOSED NEW ACCESS ROAD TO BE CONSTRUCTED TO ADJOINING SUBSISTANCE FOR ADJUTANT BY L.A. IN ACCORDANCE WITH D.O.T. MANUAL FOR SERVICES.

GENERAL NOTES
1. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE LOCAL AUTHORITY AND THE ENVIRONMENTAL AGENCY.
2. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE LOCAL AUTHORITY AND THE ENVIRONMENTAL AGENCY.
3. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE LOCAL AUTHORITY AND THE ENVIRONMENTAL AGENCY.



REVISION D: 11-4-12; DRAWING TITLE REVISED
REVISION C: 11-1-12; ROAD LAYOUT REVISED
REVISION B: 9-1-12; GATES REPOS TO CIA
REVISION A: 16-12-11; PLOT TO REVISED

A.J. Cocker Associates
Architectural Design, Building Services, Project Management, Planning Supervision
New England, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000

project
PROPOSED DEVELOPMENT AT
BURY ROAD
TOTTINGTTON

INDICATIVE SITE LAYOUT- SITE ACCESS
ONLY TO BE CONSIDERED

HALLMARK DEVELOPMENTS

Table with 3 columns: scale, drawing No, rev. Values: scale - 1:250, size - A1, date - 11/11, drawn - N.L., drawing No - H1312/005, rev - D.

**Ward:** Radcliffe - East

Item 02

**Applicant:** Peel Holdings (Land & Property) Limited

**Location:** Land at Spen Moor, Bury and Bolton Road, Radcliffe, Manchester, M26 0JZ

**Proposal:** Outline - Residential development of 191 dwellings, creation of ecological enhancement ponds and access off Bury and Bolton Road

**Application Ref:** 55003/Outline Planning  
Permission

**Target Date:** 02/07/2012

**Recommendation:** Minded to Approve

**A site visit is to be carried out for this application on 21/8/12 by the Planning Control Committee prior to making a determination on the application.**

**The application is Minded to Approve subject to the completion of a s106 agreement relating to the long term management of the site and immediately adjoining land for the purposes of ecological enhancement including land management; commuted sum contribution to the improve primary school education facilities, services and/or other provisions in the immediate catchment area in the vicinity of the site and the provision of a cycle route. In the event of the agreement not being signed and completed in a reasonable timeframe, delegated authority is sought by the Assistant Director of Planning, Environmental and Regulatory Services to refuse the application under delegated powers.**

### **Description**

The site known as Spen Moor is located off Bolton Road, Bury close to the Bury/Radcliffe border. The site frontage to Bolton Road is delineated by a high hedge circa 4m high behind which lies open land.

The application site is bounded by Bolton Road to the north, open land to the west and partly to the east, a brook follows the easterly boundary beyond which are residential gardens and properties belonging to Sunningdale Drive and Kenmoor Road. To the south is a former railway line that has since been closed for many years. To the west are open fields. In the middle of the application site are a row of residential properties known as Middle Spen Moor, which are excluded from the application site.

The application is seeking outline planning permission for 191 dwellings including the means of access. The site is 10.79ha in size and has been divided on the master plan proposals indicating two clear development areas, joined in the middle, next to a pond.

- Area A for housing. None of this land is within the Green Belt. Part of Area A is within a larger area designated as a Site of Biological Importance (SBI). This designation extends to the south beyond the former railway line.
- Area B is within the Green Belt and SBI. The SBI designation reflects the site as being a habitat for Greater Crested Newts (GCNs). The proposals in the scheme for this area are for ecological enhancement.

The access to the site would be taken directly from Bolton Road, opposite the Dil Se restaurant (formerly Jolly Carters public house). Revised emergency access proposals now propose a strengthened and widened foot way, which can accommodate fire and rescue vehicles should the need arise, at the access point into the site.

The proposals include a master plan with illustrative layout and other submitted documents comprise:

- Design and Access Statement
- Transport Assessment
- Ecology Reports
- Archaeological study
- Travel plan
- Preliminary risk assessment
- Illustrative design nature park
- Flood Risk Assessment
- Statement of Community Involvement
- Coal referral report
- Tree survey

### **Relevant Planning History**

07930/79 - Outline - 600 dwellings - Refused 28/11/79

10275/80 - Outline Residential Development - Refused 31/7/80

11696/81 - Outline Residential Development - Refused 21/5/81

36052 - Outline Residential Development 170 dwellings - Refused - 13/10/04 for the following reasons

1. The Council had identified sufficient housing sites at the time to meet RPG13 (Regional Planning Guidance for the North West) requirements and PPG3 - Housing and Policy H1/2 - Further Housing Development of the Bury Unitary Development Plan.

2. Conflict with the Habitats Directive and Conservation Regulations 1994 and Circular 02/2002 - New Guidance for Local Planning Authorities on European Protected Species and Changes in Licensing Procedures in terms of -

- The development is not required in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of social or economic nature and beneficial consequences of primary importance for the environment, and
- That there are satisfactory alternatives; and
- To accommodate the development proposed.

3. The proposals make insufficient contribution towards the provision of recreational open space within the development and therefore conflicts with policy RT2/2 - Recreational Provision within New Residential Developments of the Bury Unitary Development Plan and Development Control Policy Guidance Note 1 - Recreation Provision in New Residential Housing Development (May 2004).

4. The proposals do not make contributions to Public Art and as such the proposals conflict with Policy EN1/6 - Public Art of the Bury Unitary Development Plan and Development Control Policy Guidance Note 4 - Per Cent for Public Art (July 2003).

5. The proposals do not make contributions towards Affordable Housing and as such the proposals conflict with Policy H4/1 - Affordable Housing of the Bury Unitary Development Plan and Development Control Policy Guidance Note 5 - Affordable Housing Provision in New Residential Developments (January 2004).

6. The proposed development would result in the development of 'Other Protected Open Land' where residential development is not considered to be an appropriate form of development. As such the proposals would conflict with policy OL2/1 - Development on Other Protected Open Land of the Bury Unitary Development Plan.

### **Publicity**

394 properties were notified by letter on 3/4/12 and a press notice was published in the Bury

Times on 12/4/12. Site notices were erected on the site on 24/4/12. As a result of this publicity, 265 responses have been received comprising 1 in favour, 3 comments and 261 against and in addition to this, 1 petition has been received containing 3213 signatures.

All solicited and unsolicited supporters, comments and objectors were informed of the receipt of revised information, on 26th June 2012 providing 10 days inviting additional comments to be made. A full list of those consulted and those who have responded is available on the Council's website and in the working planning file.

A petition was provided by the Save Spen Moor campaign. The intention described on the covering letter was to generate enough signatures for the matter to be debated by the full Council. However, the heading of the petition stated *"In response to the planning application by Peel Holdings (Land and Property) Ltd (ref:55003) for 191 dwellings on land at Spen Moor, creation of ecological enhancement ponds, and access off Bury & Bolton Road, we, the undersigned local residents strongly oppose this proposal, and petition Bury Council to retain this area in its Core Strategy as 'other protected open land for development purposes'".* It has been concluded by the Local Planning Authority that signatures are likely to have been provided on the basis of the submitted planning application, whilst attempting to object to the future designation of the land through the core strategy process. Democratic Services declined to accept the petition in relation to a full Council debate matter on the basis of the petition being submitted in relation to this planning application. As such, the petition has been accepted and is duly reported within this report.

The table below provides a list of issues that people have raised and the frequency of the issue in correspondence.

<b>Comment Made</b>	<b>Frequency of comment in representations</b>
The proposal would lead to increased Traffic and would impact detrimentally upon Bury & Bolton Road and highway and pedestrian safety; and would generate additional congestion upon Bury & Bolton Road A58	78
Private rights of way would be affected	2
The proposals would Impact upon School place provision, where nearby schools are already under considerable pressure	25
There is already a Lack of medical facilities In the area	13
There would be a detrimental Impact on ecology, flora and fauna on the site. The proposal is within an important wildlife corridor, it is a Site of Biological Importance and the Habitats Directive must be considered.	33
Should develop brownfield sites first.	18
The proposal conflict with DP4, EM1 of the RSS and H1/2, EN5, EN6 and OL2 of the Bury UDP	2
Developing this Greenfield site would set a precedent	2
Impact upon human rights and the right to protect ones home and personal property/possessions	2
Will increase crime to the area	4
There would be a loss of privacy through overlooking existing houses	3
The houses would appear Overbearing because of levels differences in relation to existing properties on Sunningdale Close	3
Increased flood risk and impact upon existing banks of the stream	9
Applicant's lack of response to public questions arising from the consultation exercise they carried out. Lack of true consultation from Peel Holdings.	6
Lack of responsibility for the riparian ownership	1
Development would be close to trees that are intended to be retained, which may cause them to collapse through a change in ground conditions	1
The new access would compromise the pedestrian and vehicle crossing points and safety	10

The bat survey does not look at the nearby buildings	1
UDP Policies are up to date and relevant; NPPF provisions are contravened by the proposals	1
There would be a loss of open countryside, which currently serves as a valuable recreation amenity and a strategic gap break from the concentration of urban development	47
The development would create an Inability to secure boundaries of existing properties on Sunningdale Close	1
There is a legality to comply with the Council Resolution to designate the land as Other Protected Open Land	2
The Benefits do not outweigh the impacts arising from the development	1
There would be Insufficient ecological mitigation	3
The applicant owns other land with less sensitivities attached to it	1
Case law provides commentary on the need to ensure that appropriate land comes forward	2
The proposals would Increase the carbon footprint and add to Climate change	4
Should rejuvenate empty properties	2
There is a need for an independent traffic survey	2
There is an unprecedented level of public opinion against the proposal	2
Flats on the Rock are unoccupied therefore no need for housing; The Council's SHLAA still has sufficient housing provision	6
Detrimental impact upon existing utilities and services	7
Incorrect red and blue edge	7
Previous coal mining works affect the site	1
Detailed specific ecology objections received upon the lack of surveys and incorrect details contained within the ecology reports	2
The Ecology status of the site has been compromised reducing the site's current ecological importance. Local Councils are not working together on matters arising in other areas that should affect the consideration of this proposal	1
Nearby by shops will be lost as Nursing Home to be built on land when lease expires.	1
Covering Letter - Save Spen Moor Campaign - Oppose the proposal and petition Bury Council to retain this area in its Core Strategy as 'as other open protected and for development control purposes'.	3 x 1000 (petition). 1 x 224 (petition).
Ground not stable.	1
Loss of light and privacy, amenity	3
The proposal is out of character for the area. The buildings have a different architectural style	2
Houses will not sell	3
More suitable sites for this type of development.	2
Archaeology – Roman road should not be lost.	2
The site has limited sustainability credentials	1
Loss of visual amenity for occupiers bordering the site.	1
Why have newts been removed from the pond?	1
Loss of agricultural land.	1

Respondents have been informed of the Planning Committee site visit and meeting.

### Consultations

**Traffic Section** - The application has been submitted with a Transport Assessment and Transport for Greater Manchester (TfGM), Highway Forecasting and Analytical Services (HFAS) have reviewed the submitted documentation on behalf of the Council. Whilst it is accepted that the scheme will undoubtedly introduce additional traffic on to the highway network, as a principle, there are no objections to the main access point on to Bolton Road. Further discussion on traffic matters including the advice from the Traffic section are incorporated in the main report below.

**Drainage Section** - Formal response to follow. However it is understood that there are no objections subject to the imposition of conditions relating to foul and surface water regulation.

**Environmental Health Contaminated Land/ Air Quality** - No objections. Add standard conditions relating to prevention/remediation of contamination.

**Public Rights of Way Officer** - No objections in principle. However, there will be a need to consider the rights of way within and around the site and to ensure that the proposals provide access to the countryside. All Public Rights of Way (PRW) through the site should be given a formal surface and upgraded to bridleway/cycle way where they adjoin other highways that also offer countryside access. Where possible, the proposals should improve the PRW/increase the number of PRWs beyond the site and thus consider offering access to Elton Reservoir by foot, cycle and horse.

**Greater Manchester Ecology Unit** - The general level of survey is apparently adequate. However, there are a number of concerns about the surveys that have implications regarding the assessment and interpretation of the data. This relates in particular to amphibians (Great Crested Newt), which is a European Protected Species, population of the species, the reasons behind population decline presented within the reports, timing of surveys and the applicability of licensing requirements. Ecology and biodiversity matters are discussed further below and have updated this response accordingly.

**Natural England** - The proposal does not affect any statutory protected sites or landscapes, or has significant impacts on the conservation of soils, nor is the proposal EIA development. The presence of protected species is the reason for consultation. Standing advice on the issues surrounding protected species has been provided and other advice to Local Planning Authorities on 'reasonable likelihood' of Great Crested Newts being present, survey and mitigation. The application may provide opportunities to incorporate features into the design which are beneficial to wildlife and consideration should be given to securing biodiversity enhancement if minded to approve the proposals.

**Waste Management** - No objections in principle.

**Environment Agency** - No objections in principle. Add conditions relating to surface water run-off, the preservation of a buffer strip along Elton Brook, the submission of a landscape management plan and habitat creation scheme, the submission of details for a pond mosaic for wildlife and SUDS proposals, a methodology to remove Japanese knotweed and Himalayan balsam from the site, the need for a remediation strategy to deal with on site contamination that may be there.

**United Utilities (Water and Waste)** - No objections in principle subject to suggested conditions relating to the need for surface water being drained on a separate system and not being discharged into the combined sewer network and the need to ensure that a main waterline crossing the site still has access to it for maintenance.

**The Coal Authority** - No objections in principle subject to a planning condition, to require the intrusive site investigation works to be undertaken prior to commencement of development to any impacts arising from any areas of shallow mine workings or pit accesses are known and suitably resolved.

**Greater Manchester Fire and Rescue** - No objections in principle and the above proposal should meet the requirements for Fire Service access.

**Electricity North West Ltd** - No response received.

**The Ramblers Association (Bury)** - No response received.

**Baddac** - Access group would expect to see the development designed to lifetime home standards to ensure it creates a new neighbourhood available to all sections of the community. Access group are also concerned about the extent of extended shared driveways on the illustrative master plan. These are in effect streets without any pedestrian facilities with considerable scope for conflicts with moving/parked vehicles which would create difficulties for anyone with a mobility difficulties. Access group would ask that these problems be designed out of any future detailed scheme layout.

**The Canal Trust** - No objections subject to conditions relating to the discharge of surface water from the site, including arrangements for the maintenance of the Sustainable Urban Drainage System and details of measures to protect Elton Reservoir from any risk of pollution from contaminated surface water run-off both during construction and on completion of the development.



### Unitary Development Plan and Other Policies

H1/2	Further Housing Development
H2/2	The Layout of New Residential Development
H4	Housing Need
H4/1	Affordable Housing
EN1/1	Visual Amenity
EN1/6	Public Art
EN3	Archaeology
EN3/1	Impact of Development on Archaeological Sites
EN3/2	Development Affecting Archaeological Sites
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/1	Sites of Nature Conservation Interest SSSI's NNR's
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
EN8/1	Tree Preservation Orders
OL1	Green Belt
OL2/1	Development on Other Protected Open Land
OL4/1	Agricultural Land Quality
RT2/1	Provision of New Recreation Sites
RT2/2	Recreation Provision in New Housing Development
RT3/4	Recreational Routes
HT5	Accessibility For Those With Special Needs
HT6/1	Pedestrian and Cyclist Movement
HT6/2	Pedestrian/Vehicular Conflict
HT6/3	Cycle Routes
CF1	Proposals for New and Improved Community Facilities
EN8/1	Tree Preservation Orders
SPD1	Development Control Policy Guidance Note 1: Rec Prov
SPD2	Development Control Policy Guidance Note 2: Wildlife
SPD5	Development Control Policy Guidance Note 5: Housing
SPD7	DC Policy Guidance Note 7 - Managing the Supply of Housing
SPD4	DC Policy Guidance Note 4: Percent for Art
SPD12	Travel Plans in Bury
NPPF	National Planning Policy Framework
RSS 13	Regional Spatial Strategy for the North West

### Issues and Analysis

**Background** - Bury's draft Unitary Development Plan (UDP) sought to designate 'Part A' of the application site as Green Belt land when it was prepared in 1994. However, the site owners at the time objected to this proposal and argued that the site should be allocated for residential use instead.

In his consideration of this issue at the subsequent UDP Inquiry (11/10/1994 to 31/3/1995), the Planning Inspector took account of previous attempts to get the site designated as Green Belt as part of the Greater Manchester Green Belt Local Plan and also in the West Bury Local Plan. He noted that the proposal to designate the land as Green Belt in the West Bury Local Plan was formally quashed by the High Court in July 1984.

The Inspector also considered whether sufficient housing sites were identified to meet housing targets over the UDP plan period (up to 2001). He considered that the proposed UDP had identified enough land to meet the housing targets and, therefore, the application site was not needed to meet the housing targets over the plan period. As such, he did not accept the argument that the site should be allocated for residential land in the UDP.

However, the Inspector did comment that the site may be needed to meet longer term housing needs in the Borough and because of this, he recommended that it should be designated as Other Protected Open Land (OPOL) rather than Green Belt land. He implied that OPOL would need to be considered to meet future housing needs when the UDP was

reviewed.

The Council did not accept the Inspector's recommendation on this issue and sought to designate the land as Green Belt in the adopted UDP. However, this attempt was successfully challenged by the applicant at the Court of Appeal in 1999, which means that the land has no protection or legal status as Green Belt land.

Once the attempt to designate the land as Green Belt failed, there were no procedural means to then have the land designated as OPOL, in line with the Inspector's recommendation. The only way that the land could have had statutory status as OPOL would have been through a full review of the UDP.

In the meantime, the Council sought to give the land informal status as OPOL for development control purposes through a Council Resolution on 9th March 1999, with the intention to formally designate it as OPOL in a revised UDP. The landowner argued that this resolution did not give the land statutory status as OPOL in accordance with Planning Legislation and sought to test this through a planning application in 1999 (whereby they indicated that any refusal would have been appealed). The application was refused in 2004 for a number of reasons, which included issues around protected species being found on the site and housing supply issues (see relevant planning history). The applicant did not appeal this decision.

**Statutory Status of Application Site** - As part of the current planning application, the applicant argues that the land should not be treated as OPOL as it has not been formally designated as such through a proper statutory process. The applicant considers that little weight can be attached to the Council Resolution for development management purposes.

The Local Planning Authority has taken legal advice on the status of the Council Resolution and the status of the land as OPOL. The legal opinion clearly agrees with the applicant's assertion that the land does not have any statutory status as OPOL as the land was not formally designated as such through the adopted UDP, which remains the statutory development plan for the Borough. As such, the Local Planning Authority accepts the applicant's assertion that the land should not be treated as OPOL for the purposes of determining this planning application.

**Principle and Housing Policy** - It is clear that the application site should not be treated as OPOL in the determination of this planning application. However, if some material weight were to be applied to the Council Resolution in respect of treating this land as OPOL, then the application would need to be considered against Policy OL2/1 – Development on Other Protected Open Land. As residential development is not a land use that is listed as being appropriate under this Policy, there would be a clear conflict with this policy.

As the site is not allocated for residential use, it needs to be considered against Policy H1/2 (Further Housing Development). This Policy states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, avoids the release of peripheral open land, 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. As the application site falls outside the urban boundary and constitutes 'peripheral open land', it would, therefore, not be in conformity with this policy.

In addition to considering UDP policies, account also needs to be taken of other material considerations, including the National Planning Policy Framework (NPPF), which needs to be given considerable weight. This states in para.49, that '*housing applications should be considered in the context of the presumption in favour of sustainable development*'. It is accepted that the proposals would constitute sustainable development in principle terms. The NPPF also reinforces housing supply as a key consideration when determining residential applications. Bury's statutory housing targets are set out in the Regional Spatial Strategy for the North West (RSS) at 500 dwellings per annum between 2003 and 2021. In

addition to this annual target, housing delivery in the Borough also needs to take account of the shortfall in completions in the past six years, which has only averaged around 280 per annum, mainly as a result of the prevailing housing market conditions.

Whilst the Government has indicated (and as such is a material consideration) that it is seeking to revoke RSS and its housing targets, no specific date has been given for this and, therefore, the RSS target remains the statutory housing target until such time as RSS is removed or it is replaced by a new target in Bury's emerging Local Plan. A new target of 400 dwellings per annum is currently proposed, as set out in the Draft Core Strategy approved at Cabinet in November 2011, but this is not timetabled to be adopted until April 2014.

The emphasis in the NPPF stresses the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. There is a particular emphasis, as in previous national planning guidance, to identify a rolling five year supply of deliverable housing land, based on the statutory housing target.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up with sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the five year supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be completed). As such, latest monitoring indicates that the Council is unable to demonstrate a five year supply of deliverable housing land (4.7 years with a 5% buffer applied in accordance with the NPPF).

This is an important material consideration that has to be given significant weight in the determination of this application. The NPPF states in paragraph 49 that "*Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites*". Where policies are considered to be out-of-date there is a presumption in favour of approving schemes that constitute sustainable development, which is accepted. There have been a number of recent appeal decisions made by Planning Inspectors and the Secretary of State across the country that demonstrates the significant weight that is being attributed to this new guidance, whereby the lack of a five-year supply has outweighed local policies that seek to protect open countryside. It is considered, therefore, that on balance, the conflict with Policy H1/2 is outweighed by the lack of a five-year supply and the need to identify additional housing land in the short term.

The search for additional land for housing purposes is an area work that has already been on-going as part of the emerging Local Plan. As the emerging plan seeks to maintain and protect existing Green Belt boundaries, this search is focused on land within the urban area and between the urban area and the Green Belt.

As the application site is free from major development constraints and in one ownership, it is feasible that the scheme could be built out within the next five years and, therefore, make a significant contribution to the short term housing supply and the five-year supply calculations. The applicant has clearly indicated that the site is likely to be completed within this period as they are in advanced talks with interested national house builders, who are keen to develop out this viable site if planning permission is granted.

There is still a planning policy emphasis on releasing brownfield land before greenfield land but the lack of a five-year supply is a justification for releasing greenfield sites that would otherwise be deemed suitable, particularly in light of the NPPF and its provisions.

#### **Conclusion on Principle and Housing -**

- The legal advice received clearly identifies that the site should be treated as unallocated and undesignated for development control purposes;

- The main policy consideration on which to assess the proposal relates to the criteria in Policy H1/2, where there is a conflict as the site constitutes 'peripheral open land';
- This policy conflict needs to be considered against the need for additional short term housing land due to a lack of a deliverable five year supply of land;
- The lack of a five year supply is considered to outweigh the policy conflict and the principle of developing the site for housing is considered to be acceptable;
- This would be clearly in line with the new NPPF, which puts a particular emphasis on delivering more housing to meet growing demand as seen in recent appeal decisions;
- The release of this site would help contribute to the short term housing supply and is considered to be in general accordance with national and regional housing planning policy.

Even if weight were to be attached to the Council Resolution to treat this land as OPOL, the lack of a five year supply would outweigh this designation, particularly given the new policy emphasis in the NPPF for the presumption in favour of sustainable development. The fact that the policy framework for the emerging Local Plan is considering the release of OPOL if required to meet development targets adds weight to this position. It is also clear from previous Inspector decisions, in relation to the attempts to designate the land as Green Belt, that they considered that OPOL would eventually need to be re-assessed to determine if it was needed to meet longer term housing targets in the Borough (i.e. beyond 2001, when the UDP was envisaged to be reviewed).

**Access** - The application, whilst in outline, is seeking the principle of 191 dwellings together with the means of access from Bolton Road. Given the scale of the development and the fact that the access would be taken directly onto/from a key classified road, Transport for Greater Manchester (HFAS) has been commissioned to assess the submitted Transport Assessment (TA).

Whilst it is accepted that the main arterial route to/from Bury is busy, the applicant's submitted TA concludes that there is sufficient capacity on the road to accommodate additional traffic. As such there is no objection to the use of Bolton Road as a means of access into the site.

The proposals would incorporate a single access road in and out of the site on to Bolton Road. The plans indicate that a right turn lane would be accommodated within Bolton Road to ensure that free flowing traffic would still be able to pass vehicles that would be waiting to enter the site. In addition to this, the proposals show that the existing pedestrian refuge would be retained to continue to assist pedestrians to cross the road.

In assessing the submitted TA, HFAS have consulted the Greater Manchester Urban Traffic Control Unit (GMUTC) who has concluded that, based on the figures presented in the TA, the level of impact on nearby signals is unlikely to be significant and that no assessment of nearby signal installations is therefore required.

The Council's Traffic section raise no objections to this as a means of access in light of the foregoing, subject to the imposition of appropriate conditions.

**Emergency Access** - The proposals indicated that a secondary emergency access would be incorporated through the inclusion of a farm access track to the west of the site (farm track/Public Footpath No. 12, St Andrew's, Radcliffe). However, following consultation with the Fire and Rescue Service and as a principle objection from the Traffic Section, the reliance upon this access was deleted as an emergency access because it is an unadopted, unmade farm access track where its availability could not be ensured and its construction would not be suitable for large emergency vehicles to traverse.

In response to this, the applicant has, following an existing example of an emergency access solution to Kirklees Valley Miller Homes residential scheme, adopted an oversized foot way approach from Bolton Road with suitably constructed geo reinforced land to the side of the foot way, such that in the event of an obstruction within the highway, emergency

vehicles could still enter and leave the site. The GM Fire and Rescue Service and the Council's traffic section have raised no objections to this subject to a planning condition being imposed to ensure that constructional details of this matter and full extent of the proposal is provided to a standard that is sufficient to do as intended and implemented.

**The Existing Private Access** -The residential properties at Middle Spen Moor and Lower Spen Moor are located within or accessed through the development site. It is accessed by a private road located on the southerly side of Bolton Road, opposite Mile Lane. It is also classified as Public Footpath No 117, Bury/No. 15, St Andrew's, Radcliffe and is surfaced to a reasonable standard. As well as being a public right of way on foot, it currently forms the single private vehicular access to residential properties including Lower Spen Moor Farm.

The layout of the site is a reserved matter to consider at some future point should outline permission be granted. The current proposals were submitted with a master plan that indicated the proposed estate roads would cross this private means of access. It is therefore proposed to condition any consent to prevent the use of the private access by future occupants of the development.

**Other general Highways comments** - Whilst the position of the site access, provision of a right turn lane and its proximity to existing bus stops is acceptable, a planning condition should be imposed to secure the widening of the footway along Bolton Road and incorporating the raised pavement for pedestrians to board buses, together with impacts upon existing street lighting and street lighting requirements within the site. The visibility splays proposed will need to be provided on site when implemented, as reflected in the proposals, and relative to the standards contained within Manual for Streets through the imposition of an appropriate planning condition.

A Transport Assessment & Travel Plan has been submitted with the outline application, prepared in accordance with Dept for Transport guidance. The proposals discuss improvements towards sustainable travel objectives that would be able to be delivered by the development through the creation of public footpaths connecting into the wider rights of way network, the provision and facilitation of cycle route through the site and other land within the land owners control and footpath widening works, which would also incorporate works to the bus stop on Bury and Bolton Road. Planning conditions proposed in this report reflect these proposals.

**Archaeology** - Chapter 12 of the NPPF discusses conserving and enhancing the historic environment. There is a desirability to sustain and enhance significant heritage assets and recognises the importance that such assets can have in the social, economic and environmental development of an area. It therefore encourages that positive action be taken to draw upon the contribution made by the historic environment to enhance the distinctive sense of place.

UDP Policies EN3 - Archaeology and EN3/1 - Impact of Development on Archaeological Sites and EN3/2 - Development Affecting Archaeological Sites are relevant to the consideration of the proposals. The site contains no already identified archaeological evidence, no conservation areas or nationally listed buildings. The application is supported by a desk based archaeological study of the site and has provided a suitably detailed understanding of the planning policy framework, albeit without having taken on board the NPPF as this document post dates the application submission.

The study submission identifies that with the exception of locally listed buildings (the draft Local List), the greatest potential heritage for the site rests upon a moderate potential of Roman finds with a nil to low potential of prehistoric, Saxon or Medieval periods.

The evidence of surrounding known archaeological features gives a potential for Watling Street to be in the vicinity of the site, although some excavation in the past found no evidence. Instead, the study suggests that the likelihood of the existence of the route way would be relative to existing field boundaries, rather than clearly running through the site

itself. There would be some impact upon Higher Spen Moor, as a heritage asset, but this building is not a nationally listed building.

Following consultation with Greater Manchester Archaeological Unit, and in light of para.128 of the NPPF and local planning policy, other information held by the unit indicate some anomalies within the site identified through geophysics assessment. On this basis, there is a reasonable expectation of some archaeology to exist in the vicinity of the site and GMAU consider it appropriate to attach a planning condition to any grant of permission for a programme of archaeological evaluation through geophysics and trenching, with any features then being assessed further for their significance. Any significant findings can then be evaluated and then appropriately conserved.

**Recreation** - The Design & Access statement indicates 0.37 ha. of formal play space describing that it can be equipped and as well as 1.89ha of other informal recreational land which is consistent with UDP Policy RT2/2 and in particular SPD1. Detailed plans, layouts and calculations at the reserved matters stage will demonstrate full and useable on-site provision or where any under provision is indicated, suitable alternative provisions made to be made off-site.

*Cycle routes* - UDP policy RT3/4/2 and HT6/3/2 seeks to provide a cycle route passing along the southerly end of the site using the former railway cutting. However there is a portion of land, not in the applicants ownership immediately to the south and south east of the site within the former railway cutting. The applicant owns land either side of it. There have been discussions with the agent on how the applicant can facilitate east/west connections with the existing cycle ways, reflecting aims described within the submitted travel plan and provide connections to the wider countryside. The application site can provide a cycle route along its southerly boundary without affecting the provision of housing and by facilitating a full east/west connection across land within the applicant's ownership. The accommodation and facilitation of such links have been acknowledged by the applicant and can be secured through both planning conditions on the site at the reserved matters relating to the layout of the site, should outline permission be granted.

**Ecology** - The site comprises undeveloped land including a direct impact upon just under 4ha of the Spen Moor Site of Biological Importance (SBI) grade B, affected by UDP policy EN6/2 and indirect impact upon a Wildlife corridor as covered by UDP policy EN6/4. There is also the habitat of what was Great Crested Newt (GCN) breeding habitat until at least 2004 and maybe as late as 2008. Great Crested Newt are a protected species under the Habitats Directives and therefore is afforded European Protected status.

Since the application was submitted the National Planning Policy Framework has been published and come into effect. As part of this previous planning guidance has been rescinded including the primary biodiversity guidance under PPS 9 Biodiversity and Geological Conservation. However the new NPPF still enshrines the principles and hierarchy of sites protection (paragraph 113 and footnote 24 provisions of circular 06/2005). The NPPF also includes recognition for the importance of first protecting biodiversity resources in addition, to providing for enhancement. However, considerable emphasis is now also placed on the provision of biodiversity through a landscape scale approach as outlined in the Lawton Review (2010) and the White Paper (The Natural Choice 2011).

In Greater Manchester the 10 district authorities have been working to provide strategic policy at this scale and the AGMA documents on Green Infrastructure and Ecological Frameworks provide the evidence base for the approach adopted by individual districts. As part of the Ecological Frameworks document the application site falls within an area which is highlighted as one of the County's great crested newt areas.

Bury has taken forward this approach in its emerging Core Strategy and other supporting supplementary planning documents that are in formulation. It is recognised that the LDF process has been postponed by the re-publishing of a revised Core Strategy, as discussed in the addendum Planning Statement submitted by the applicant. However, the underlying principles and evidence base of the Greater Manchester Green Infrastructure and

Ecological Framework documents have been tested elsewhere in the county and been shown to be valid strategic documents. Therefore, although the district strategic policy *could* be considered to be unclear, the status of the application site as part SBI and part of the Green Infrastructure at a county level should be seen to carry weight in terms of biodiversity. The site contains a single pond, which had recorded information through survey data to be a breeding pond for GCN's. The status of this is discussed below.

The main ecological issues for the site are:

- The impact upon GCN, any population, their habitat and the need for a license application through Natural England;
- Ecological mitigation for land lost or affected by development that has current SBI status;
- The aims and objectives for the 'managed nature park' notwithstanding its size and location in line with the Mitigation and any other land that needs careful stewardship consideration that has direct relevance to the existing development site and/or that is within the applicant's ownership, such that the previous and existing ecological interest of the Spen Moor SBI ie birds, great crested newts, brown hare, aquatic invertebrates and hedgerows are fully considered;
- The presence of invasive plant species;
- Low numbers of bats utilise the site hedgerows for commuting and foraging. The developer has committed to retain and protect the existing hedgerows. There is therefore no reason to believe that there will be a breach of the Habitats Directive. As this is an outline application and bats are known to change their habits seasonally and overtime. Precautionary surveys prior to a full application will also be required

An ecological assessment of the site was provided by a suitably qualified and experienced ecologist as part of the application this included: numerous surveys and reports on amphibian surveys, water vole, habitat creation, invasive species report, nocturnal bat surveys, common bird and ground nesting birds and hedgerows and licence report. Additional ecological information supplied post the initial submission was re consulted upon as described within the publicity section above.

The application site has one pond (named pond 2 for the purposes of the application), which has a history of amphibian habitat for GCN and has been subject to numerous surveys over the years. It was/is a habitat for Bogbean and Greater Spearwort, which are rare in the Borough.

The applicant's ecologist has carried out a full survey of pond 2 for GCN's in 2009, 2010, 2011 and 2012. No breeding GCN's were recorded in ponds 1-4 by any of the methodologies used. GCN were recorded breeding pond 5 which lies just over 500m from the development site. Previous surveys by the developer had found GCNs in pond 1 in 1999 and pond 2 in 1999, 2000 and 2003.

A Bury Council funded survey found GCNs in pond 2 and a second pond, which is now drained not surveyed in 2009-2011 adjacent to pond 2 as well as pond 5 in 2004. ERAP has concluded from their survey data that gcn are now extinct on the development site as the nearest breeding pond is over 500m away. However, during the 2012 survey, submitted after the initial application report, a GCN was found in pond 2. This in itself does not mean an immediate 'no development' stance must be adopted, instead, it means that the site contains a European Protected Species and is a material planning consideration. Furthermore, it also calls into question whether there are more within the pond. The LPA re consulted on the additional ecological information.

The ecologists including the Council's own and GMEU are satisfied that the GCN population within the pond is likely to be low. Bearing also in mind the directives on policy from the NPPF, the sustainability of the GCN must be factored in. In doing this, where development would affect a protected species, the European Protected Species - Habitats Regulations 2010 impose a Three Tests Assessment comprising:

- The consideration of overriding public need for the development;
- The existence or not of any other satisfactory alternative; and
- No derogation of the protected species population (in this instance the GCN).

*Public Need* - As stated above, the Council's position in terms of housing provision is such that a five-year supply of deliverable housing land cannot be demonstrated. The NPPF clearly states that sufficient housing land needs to be identified to meet the short term housing targets. As the Council is obviously keen to ensure that Green Belt land is protected, it is important to ensure that suitable sites outside the Green Belt are considered. This site is not allocated or designated for any particular purpose and is considered suitable for development. The fact that the Borough needs to identify further deliverable housing sites is considered to be of overriding need for the release of this site.

*Satisfactory Alternatives* - The current Strategic Housing Land Availability Assessment provides a clear analysis of housing land within Bury and contains many potential housing sites within it. This forms the key part of the evidence base on which five year supply calculations are based and indicates that only there is only 4.7 years deliverable supply. The SHLAA does identify a number of potential sites that could come forward in the next five years and these *could* form satisfactory alternatives to the release of this site. However, many of these sites are still in use or have constraints attached to them and there is currently no indication that they will come forward in the short term. On the basis that this site is deliverable, has a willing landowner with interest from prospective developers and is considered to be a satisfactory alternative. It is accepted that there is no clear evidence that sufficient alternative sites will come forward to meet the short term housing needs.

*The derogation test* - It is evident from the submitted documentation with the application and from other surveys that have been carried out on the site, including the Council's, that the GCN population is considered to be very low on the development site. However, the proposed land management including land outside the application site and within the control and ownership of the applicant has shown that population decline can be reversed and the applicant is willing to ensure that this is the case. This will be achieved through a series of proposals to safeguard and enhance the existing population of newt including the reinstatement of previous known breeding ponds, pond creation and appropriate methodology for trapping, excluding and translocation of newts through licensed controls. The development would secure the long term future of this great crested newt population. The rationale and thinking behind the proposals have resulted from discussions between the applicant's ecologist, the Council's Ecologist and Greater Manchester Ecology Unit.

### **Other Ecology Matters**

*Water Voles* – A 2002 survey summarised within the supporting ecological report states as no conclusive evidence was found that they were present, though some possible evidence was found around ponds 4 & 5 and the stream running from Doffer Fold to Elton Reservoir. During pre-application discussions the GMEU had requested that a new water vole survey be carried out as the 2002 survey could no longer be regarded as recent enough to be regarded as reliable. A new survey was therefore requested prior determination, which has been done and reconsulted upon confirming that no water voles were found.

*Vegetation Survey* – There has been no phase 1 habitat survey or higher plant species list provided with the application, just descriptive paragraphs highlighting the key species and issues. As the three field in question are clearly improved and there would be little benefit in a botanical survey. The other habitats where impacts may occur are pond 2, sections of hedgerow and the stream valley. There is no reason to believe the hedges to be removed require a full ecological hedgerow assessment being straight and primarily hawthorn and elder. If the hedgerows do not qualify for protection under the hedgerow regulations. However hedgerows can also be protected for their historic relevance. In terms of pond 2 a full vegetation survey should be provided prior to any management proposals and it is proposed to do so within the s106 mitigation proposals. For the same reason the stream valley should also surveyed so that no existing interest is lost such as the remnant



woodland flora clearly evident such as bluebell, ransom, lesser celandine, pendulous sedge and greater stitchwort.

*Invasive species* – There was initially no mention within the original ecological surveys, of any schedule 9 part 2 species (plant species described within the Wildlife and Countryside Act 1981 as amended). Three were thought to be present on the site (Himalayan balsam, Japanese knotweed and variegated yellow archangel). Additional information was requested and was subsequently provided. The additional surveys confirmed the presence of Himalayan balsam and Japanese knotweed along the boundaries of the site. These will require some form of management and should be conditioned accordingly.

*Birds* – A bird survey was provided as part of the original assessment for the fields to be lost which indicated ground nesting bird interest recorded in 2000 and a supplementary reason for the SBI status had been lost. GMEU requested further information relating to surrounding farmland prior to determination, which has been supplied and also found that previous ground nesting bird interest has been lost. Information supplied by an objector confirmed generally agrees with loss of ground nesting birds from fields covered by the application but noted nesting interest in hedgerows and ground nesting bird interest south of the area covered by the applicants survey. As the loss of birds is relatively recent, probably reversible and one of the reasons for the SBI designation, some form of mitigation for birds will be required.

*Brown Hare* – These are a UK priority species, are on the site and are therefore a material planning consideration. No brown hare survey has been supplied but casual observations provided by both the applicant as part of the bird survey and local people, have provided evidence that they are present in land adjacent to and within the application site. The species being present on site has been acknowledged by the applicant's ecologist including and mitigation is readily available through environmental management. Further information is therefore required in order to inform the level of mitigation that may or may not be required within the s106 planning obligation in other land and linked through condition to on site provision, should the scheme be minded to approve by the Committee.

*Aquatic Invertebrates* – Pond 2 was identified as having a diverse aquatic invertebrate population in 1999 and 2000 and was one of the reasons for the SBI designation. No additional information was supplied as part of the original assessment, but as there were proposals to carry out major restoration of this pond, GMEU and Bury Council requested additional survey information. This has been supplied and confirmed that the pond still has some, but different invertebrate interest, which will need to be addressed as part of any mitigation scheme. However, the acknowledgment of this issue and the formulation of mitigation can be considered within the s106 planning obligation if the scheme is minded to approve by the Committee.

*Hedgerows* – The majority of the existing hedgerows will be retained, though some short sections will require removal in order to facilitate access around the development site. Mitigation is proposed in the form of new hedgerows along the railway boundary and by infilling existing gaps. This is welcomed. The hedgerows are also important to bats for foraging and commuting bats. Measures to prevent any indirect impacts via lighting will need to be addressed through detailed consideration at the reserved matters application stage through the imposition of a planning condition.

*Bats* – Bats have been shown to utilise the hedgerows for foraging and or commuting. The hedgerows however will be largely retained with only minor breaks where access roads pass through the hedgerow. In order to ensure these roosts are not further disrupted by lighting the applicant has expressed a willingness to avoid lighting adjacent to hedgerows but this would need to be considered at the layout stage of the planning process. No buildings within the site would be affected by the proposals. The bat report provides other recommendations including further precautionary surveys that will ensure there is no breach of the habitats directive with regards to this species.

*Long Term Management and Monitoring* - It is evident that the development can be

accommodated on the land and sit alongside ecological concerns. With appropriate controls through planning, ecological licensing and land management mechanisms, and given the issues on housing need and alternative sites, it is imperative that the ecological concerns are appropriately considered and incorporated. Given this situation the long term management of the site in terms of ecology need to be secured through the use of s106 agreement and also through the use of planning condition. The totality of ecological information and knowledge base that exists demonstrates that there is a clear willingness by the applicant to appropriately manage the land within the application site and land outside the application site within the applicant's control. Such measures would ensure the immediate balance of ecological importance of the site and would also provide opportunity to enhance ecological presence in the immediate vicinity.

The use of planning controls and planning obligations can ensure that the implementation process and periods after the development is occupied, ecology does not decline and indeed has the ability to thrive.

**Flood Risk** - The application is, due to its scale, accompanied with a flood risk assessment (FRA). The FRA has been reviewed by the Environment Agency (EA) and have they no concerns in principle. The control and discharge of surface water from the development will be the main issue that must be addressed in the detailed design layout for the site.

The assessment of proposed discharge rates is based on a site area that is more than is being proposed for development. The proposed discharge rate of 61 l/s is therefore too high. The Design and Access statement (page 14) outlines that the net development area less Sustainable Urban Drainage Scheme (SUDS) and play areas would be 5.83ha. Applying this area to the method of calculation in the SUDS manual for determination of Greenfield run-off gives a site discharge rate of 43 l/s (7.5 l/s/ha). Providing the detailed surface water drainage design is based on this figure rather than those in the FRA, the EA has no objections. Maintaining Greenfield run off rates would maintain discharges into the brook to the east of the site at current rates and thus not unduly affected in its position, function or capacity. On this basis, the EA have suggested conditions to control these matters and for the information to form part of the reserved matters at the detailed design stages, when the development is finalised.

**Education** - The application planning statement contains reference to the RSS policy L1 (Health, Sport, Recreation, Cultural and Education) that states that major development schemes, especially for housing, can bring demands upon existing local facilities including schools. The Government has made it clear that it is their intention to rescind the RSS, as described above. However, the applicant clearly and fully accepts the principle that the residential development can and in these circumstances add to existing school provisions in the vicinity of the site and has discussed the matter directly through the Local Planning Authority with the Director of Children's Services.

The Director of Children's Services has identified that schools in the Bury West/north Radcliffe area would be the likely schools to receive additional children from this development. Using accepted Audit Commission calculations and Dept of Education (DfE) cost guidance figures, the parties have been able to calculate and agree a commuted sum provision in a way to respond to the policy provision. On this basis a commuted sum for the amount of £67,759.00 would be provided by the developer to enable Director of Children's Services to directly assist nearby primary schools that would accommodate additional intake. This would be secured by way of a s.106 Agreement between the owners of the land and the Council.

**Footpaths Public Rights of Way** - The application site contains public rights of way and is also bounded by them. Following consultation with the Council's Public Rights of Way Officer, it is confirmed that there are no objections in principle to the proposals. However, there will be a need to consider the rights of way within and around the site and to ensure that the proposals provide access to the countryside. The application is currently in outline and as such there are no specific detailed proposals relating to the footpaths at present.

However, the master plan proposals are clearly seeking to indicate that the development intends to accommodate Public Rights of Way (PRW) through the site to provide access to the wider countryside and a planning condition is suggested to secure pedestrian routes through the site.

**Trees** - The site contains four Tree Preservation Order designations generally located around the peripheries of the site and the application is accompanied with an arboricultural report. Trees within each of the designations have been assessed for their quality, amenity value and also provided a consideration in terms of their position in relation to development potential within the site. Given their location, and on comparison with the current masterplan, it is clear that the development can avoid all of the protected trees and does show them all incorporated into amenity space. In amenity terms, the tree report considers that most of the trees have low to medium amenity value and this is not an unreasonable consideration. However, given that most of the trees are mature species they do provide a visual as well as ecological benefit around the peripheries of the site and wider landscape and therefore should be retained in future development. However as the principle is under consideration and means of access presently, the layout will need to accommodate the protected trees pursuant to EN8/1 of the UDP.

**Residential amenity** - The application is currently in outline and includes the means of access, but not the layout of the site. The residents near to the site raise issues of amenity and overbearing relationships of dwellings to their properties. There are differences in levels between properties along Sunningdale Close but there are significant intervening features such as protected trees, the brook, and other shrubbery and trees to existing non enclosed land and gardens separating existing residents properties from the site. Furthermore, given the extent of existing features and the indicative areas of amenity space within the master plan, minimum aspect distances are readily achievable to ensure that neighbourliness and privacy is maintained pursuant to H2/1 and H2/2.

**s106 requirements** - As stated above, the key fundamental issue to ecology rests upon the positive enhancement of existing ponds and their connectivity to the wider landscape and existing ecological features, that are important to flora and fauna. The applicant has demonstrated a number of provisions are essential to ecologically improve the wider landscape, within the applicant's control to ensure that proposals within the application site are successful. To deal with this issue, the proposals have:

- Designated high priority to re-colonise GCNs through improved land management;
- Embracing a license approach through Natural England to the re-colonisation of GCNs;
- Improve ecological connectivity from pond 2 to the wider landscape as a result of buffer strips of un-mown grass along hedgerows between pond 2 and other existing and proposed ponds;
- Commitment to de-fish ponds that have resulted in the loss of aquatic invertebrates;
- To adopt an Environmental stewardship approach to farming within the remaining SBI and adjacent farmland.
- The use of Reasonable avoidance measures in addition to Licensing controls;
- Land management for habitat creation suitable for Brown Hare and birds.

These factors rest with the control of land outside the application site, but within the applicant's ownership and control. As such, the use of a s106 planning obligation to secure these proposals together with appropriate timing mechanisms will enable the LPA to consider that the ecological impacts would be negligible and would make a significant improvement to the ecology of the immediate area. This would, in the Council's view, contribute and satisfy the ecology derogation test.

The other remaining items in the s.106 Agreement are the Education Contribution of £67,759.00 which shall be payable to the Council on first occupation of any residential dwelling constructed as part of the development and the provision of a cycle route crossing the applicant's land and the application site, the timing of implementation shall be required to be available at an appropriate time within the phasing of the development but in any event, prior to first occupation of any residential dwelling.

## 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;-

There have been many issues raised by objectors in respect of the proposals. These are tabled in the above report. The issues raised by objectors have been considered and where they relate to material planning considerations, these have been responded to within the report.

The application site has a long and complex history in terms of the designation of the site and ecological matters. However, following particularly close scrutiny of the steps that had been taken in the past by the Council, it is clear that the site does not have any statutory land allocation as Other Protected Open Land. In this instance therefore, the land needs to be considered against Unitary Development Plan Policy H1/2, a Regional Spatial Strategy (which could be revoked in due course) and housing allocations as well as the National Planning Policy Framework.

Considering the need to have a presumption in favour of sustainable development, deliverability and alternative sites available, the Council needs to ensure that it provides sufficient housing land to meet the growing needs of its population against its available land, take up and future provision. Given the detailed considerations described within this report, there is a compelling set of circumstances to support the proposed housing development in terms of public need and lack of suitable alternatives. With this in mind and given the ecological sensitivities of the site, there is an additional complexity of licensing and European Protected Species to consider. It is considered that the planning tests are met by the proposals and following the submission and reconsultation on additional ecological matters, there is a greater understanding of the ecology present on the site. The applicant has demonstrated that they would utilise their land holdings and manage this land in an appropriately sensitive way and enhance it to ensure that the derogation tests are not only met but exceeded through long term environmental management and pond creation/improvement. An appropriate management report would be required to sit within a legal planning obligation to secure this.

The proposals would not unduly impact upon public rights of way or traffic flows in the vicinity of the site and based upon information submitted, access would be suitably located and designed in an acceptable way confirmed through consultation with appropriate Traffic and Transportation consultees and with appropriate planning conditions.

The proposals have also considered the impact upon nearby education facilities in response to concerns raised by third parties and following on from discussions with the Council's Education Dept. It is considered that the proposals can, in line with the described Regional Spatial Strategy Policy, appropriately respond to additional demands that are likely to arise on local primary school provisions through a commuted sum, which has been duly arrived at through the use of accepted forecasting practices.

In terms of flood risk, the proposals are accompanied with a flood risk assessment and following consultation with statutory consultees and through the imposition of planning conditions, the proposals should have no worsening impact beyond the site and deal appropriately with water within the site itself.

Given the above report, it is considered that the proposals are acceptable, with appropriate planning conditions and accompanying s106 and that there are no other material considerations that outweigh this finding.

**Recommendation:** Minded to Approve

## 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. This decision relates to drawings numbered Red Line plan 20322 Dwg 01 rev D, Indicative Master Plan Dwg 20322 indd07 revision C, Barton Wilmore Planning Statement March 2012, ERAP Ecology report Mar 2012 and Grassland and Nesting Bird Survey Licence Report and appendices, Invasive Species Surveys, Report on Aquatic Invertebrate Survey, Newt Survey and Appendices June 2012, Water Vole Surveys, Habitat Creation Management and Managed Nature Park proposals, Version 2 Final Great Crested Newt Survey Report, Hedgerow proposals, Nocturnal Bat Surveys, Raw data survey sheets up to 1/6/12, , Landscape and Visual Impact Assessment March 2012, Barton Wilmore Statement of Consultation March 2012, Preliminary Risk Assessment by Leyden Kirby January 2012, Transport Assessment by Singleton Clamp ref NS/DR/11263/TA/4 and access layout drawing ref: SCP/11263/AP02 revision D, Interim Travel Plan by Singleton Clamp ref NS/DR/11263/TP/3, Tree Survey report by TPM Landscape dated February 2012, Archaeological Desk Based Assessment CgMs Consulting March 2012, Flood Risk Assessment by LK Consult Ltd March 2012. 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 the policies of the Bury Unitary Development Plan listed.

4. No development shall commence unless and until:-
  - 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 National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

5. Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and a Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural

environment.

6. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;  
The approved contamination testing shall then be carried out and validatory evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
7. Following the provisions of Condition 4 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved timescales; and  
A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
8. The development hereby approved shall include provision for affordable housing 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 and thereafter be maintained as approved in writing by the Local Planning Authority.  
Reason. To ensure that the development would contribute to satisfying the need for affordable housing 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.
9. The development hereby approved shall include recreational and cycle route provision that would be sufficient to be in accordance with Bury Unitary Development Plan Policies RT2/2 - Recreation Provision In New Residential Development and the associated Development Control Policy Guidance Note 1 Recreation Provision in New Housing Development and RT3/4/2 - Former Bolton to Bury / Radcliffe Railway Line and HT6/3/2 - Former Bolton to Bury / Radcliffe Railway Line of the Bury Unitary Development Plan.  
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 Recreation Provision in Housing Development.
10. 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.

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

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

12. No development approved by this permission shall be commenced until a scheme for the provision and implementation, of a surface water regulation system to regulate surface water run-off to no more than 43 litre/sec, has been approved by the Local Planning Authority. The scheme shall be implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.

Reason - To reduce the increased risk of flooding and pursuant Chapter 10 - Meeting the challenge of climate change, flooding and coastal change of the National Planning Policy Framework and Unitary Development Plan Policy EN5/1 - New Development and Flood Risk.

13. No development approved by this permission shall be commenced until details of the existing and proposed floor levels have been submitted and approved by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved details.

Reason - To reduce the increased risk of flooding and pursuant Chapter 10 of the National Planning Policy Framework and Unitary Development Plan Policy EN5/1 - New Development and Flood Risk.

14. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason - To ensure a satisfactory means of drainage and to reduce the increased risk of flooding and pursuant Chapter 10 of the National Planning Policy Framework and Unitary Development Plan Policy EN5/1 - New Development and Flood Risk.

15. No development or development-related ground disturbance shall take place until the applicant or their agents or their successors in title have secured the implementation of a programme of archaeological works and made available for consideration the results of that programme of works. The programme is to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by the local planning authority. The development shall not be occupied until the programme has been completed and reported upon in accordance with the approved WSI. The WSI shall cover the following:

1. A phased programme and methodology of site investigation and recording to include:

- geophysical evaluation survey consisting of i) gradiometry and ii) resistivity in 2 X 1ha blocks;

- targeted evaluation trenching ;
  - (depending upon the evaluation results and significance assessment), the targeted area excavation.
2. A programme of significance assessment to include:
    - analysis of the evaluation records and finds
    - production of an evaluation report to include an assessment of archaeological heritage significance
  3. Provision for publication and dissemination of the analysis and report on the site investigation.
  4. Provision for archive deposition of the report, finds and records of the site investigation.
  5. Nomination of a competent person or persons/ organisation to undertake the programme set-out within the approved WSI.

Reason - To assess the significance of the archaeological heritage interest in relation to human history pursuant to Unitary Development Plan Policies EN3/1 - Impact of Development on Archaeological Sites and EN3/2 - Development Affecting Archaeological Sites and Chapter 12 - Conserving and Enhancing the Historical Environment Natural Environment of the National Planning Policy Framework Paragraphs 128, 129, 131 and 141.

16. No development shall commence unless and until a land management plan relating to the application site has been submitted to and approved by the Local Planning Authority to demonstrate timings for implementation in relation to -
  - Vegetation clearance, and
  - A survey for Brown hare; and
  - The 'Managed Nature Park/Ecological Enhancement Area'.

The management plan shall include, where appropriate, timings for the points listed above to be carried out, mitigation, delivery, management and monitoring and shall be carried out in accordance with the approved details only.

Reason - To ensure that there is no undue impact upon nesting birds, Brown Hare and to ensure that the management of the nature park and ecological enhancement area is carried out, the extent of the management plan and that appropriate mitigation is implemented in a timely fashion with acceptable levels of aftercare pursuant to Unitary Development Plan Policy EN6/3 - Features of Ecological Value, EN6/4 - Wildlife Links and Corridors and Chapter 11 - Conserving and Enhancing the Natural Environment of the National Planning Policy Framework.
17. No development shall take place until a scheme for the provision and management of an 8 metre wide buffer zone alongside the Elton Brook shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:
  - Plans showing the extent and layout of the buffer zone, including cross-section detail.
  - Details of any retained or proposed new planting along the riparian corridor, including landscape schedule and a preference for native species.
  - Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term.



- Details of any proposed, fencing and lighting.
- Details of proposed new Sustainable Urban Drainage pond design and discharge arrangement to the brook to the north and easterly side of the application site.

Reason - Development that encroaches on a *watercourse* and has a potentially severe impact on their ecological value. The current stream corridor supports some oak/bluebell woodland and has steep eroding banks in sections. There should be avoidance of locating private amenity gardens along this corridor, as on opposite bank, which has had a deleterious effect on the stream corridor through use of inappropriate hard revetment, soft landscaping, and green waste tipping along side the brook pursuant to Unitary Development Plan Policy EN6/3 - Features of Ecological Value, EN6/4 - Wildlife Links and Corridors and Chapter 11 - Conserving and Enhancing the Natural Environment of the National Planning Policy Framework.

18. No development shall take place until full technical details for the SUDS ponds scheme, including timing for implementation, sections, construction methodology, maintenance and technical specifications has been submitted to and approved by the Local Planning Authority. The approved details only shall be implemented.  
Reason - To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site and to reduce the risk of flooding and ensure water management of the site pursuant to Unitary Development Plan Policies EN6/3 - Features of Ecological Value, EN6/4 - Wildlife Links and Corridors, EN5/1 - New Development & Flood Risk; and Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change and Chapter 11 - Conserving and Enhancing the Natural Environment and of the National Planning Policy Framework.
19. No development shall take place until a detailed method statement for removing or the long-term management / control of Japanese knotweed and Himalayan balsam on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include measures that will be used to prevent the spread of Japanese knotweed and Himalayan balsam during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.  
Reason - To prevent the spread of Japanese knotweed and Himalayan balsam, which are invasive species. Without it, avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy as set out in National Planning Policy Framework paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible and pursuant to Unitary Development Plan Policy EN6/3 - Features of Ecological Value, EN6/4 - Wildlife Links and Corridors.
20. Should development not be commenced before April 2013, further surveys and their frequency or re-surveying of water voles and of the pond(s) within the application site for great crested newts. The methodology and subsequent results of the surveys shall be submitted to the Local Planning Authority and these results shall inform the requirements for any mitigation or methodologies that are required from other planning conditions within this planning permission.  
Reason - To ensure that there is no undue harm upon any ecologically sensitive fauna or protected species within the site relying upon groundwater features pursuant to Unitary Development Plan Policy EN6/3 - Features of Ecological Value, EN6/4 - Wildlife Links and Corridors and Chapter 11 - Conserving and Enhancing the Natural Environment of the National Planning Policy Framework.

21. Notwithstanding the details indicated on approved plan reference SCP/11263/AP02 Revision D, full details of the following highway aspects shall be submitted at first reserved matters application stage:
- Proposed means of access to the site from A58 Bolton Road incorporating an emergency access parallel to the carriageway to a width, specification and position and details of the configuration of and any necessary amendments to the existing pedestrian refuge;
  - Proposed internal road layout incorporating an emergency access parallel to the carriageway to a width and specification and to a point within the development site so that no dwelling is located in excess of 250m from its terminal point including appropriate traffic regulation orders to prevent obstruction of the emergency access;
  - Measures to physically prohibit vehicular access from the site onto the unadopted access located adjacent to 575 Bolton Road (Public Footpath No. 117, Bury/15, St. Andrew's, Radcliffe) to ensure that all access to the site is taken only from the new access to be created onto Bolton Road;
  - Provision of turning facilities at the cul-de-sac to be created at the southerly end of unadopted access located adjacent to 575 Bolton Road (Public Footpath No. 117, Bury/15, St. Andrew's, Radcliffe);
  - Provision of a 2.0m wide adoptable footway on the southerly side of Bolton Road along the full northerly site boundary incorporating reprovision for the bus stop;
  - Repositioning of the existing 30mph terminal point, replacement of all affected illuminated signage, road markings and street furniture and implementation of the necessary traffic regulation order.

The details subsequently approved shall be implemented in accordance with the approved details and be available for use before the development is first occupied. Reason - To ensure that the provisions for highway and highway safety are implemented for within the scheme and pursuant to Unitary Development Plan Policies H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, HT6/1 - Pedestrian and Cyclist Movement and HT6/2 - Pedestrian/Vehicular Conflict and Chapter 7 - Requiring Good Design of the National Planning Policy Framework.

22. Before the development is commenced, details shall be submitted to and approved by the Local Planning Authority to cover measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations. The approved details shall be implemented and maintained thereafter during the period of construction unless otherwise agreed in writing by the Local Planning Authority. Reason. To ensure that the adopted highways are kept free of deposited material from the ground works operations pursuant to UDP Policy EC6/1 - Assessing New Business, Industrial and Commercial Development and H2/2 - The Layout of New Residential Development.
23. Details submitted as part of the reserved matters relating to the 'layout' of the site shall contain detailed proposals relating to any phasing of the development and construction, maintenance and management programme that would affect footpaths within the site for pedestrian use. The programme shall provide a clear statement, showing path construction and where applicable connectivity to extant Public Rights of Way that bound the site (it is not intended by this condition that these footpaths to be constructed maintained and managed should or should not become public rights of way, which is a matter dealt with under separate legislation). The development shall be carried out in accordance with the details so

approved and made available for pedestrian use on completion of the development or each phase of the development as the case may be and so retained for the lifetime of the development.

Reason - To ensure that the site maintains a permeable layout and good connectivity to the wider countryside pursuant to Unitary Development Plan Policies H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, HT6/1 - Pedestrian and Cyclist Movement and HT6/2 - Pedestrian/Vehicular Conflict and Chapter 7 - Requiring Good Design of the National Planning Policy Framework.

24. Prior to the commencement of development, full details of measures to protect Elton Reservoir from any risk of pollution from contaminated surface water run-off from the site both during construction and on completion of the development, including arrangements for the maintenance of oil interceptors in perpetuity, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and be made available for use pre construction commencement and be maintained in working order in accordance with the approved details.

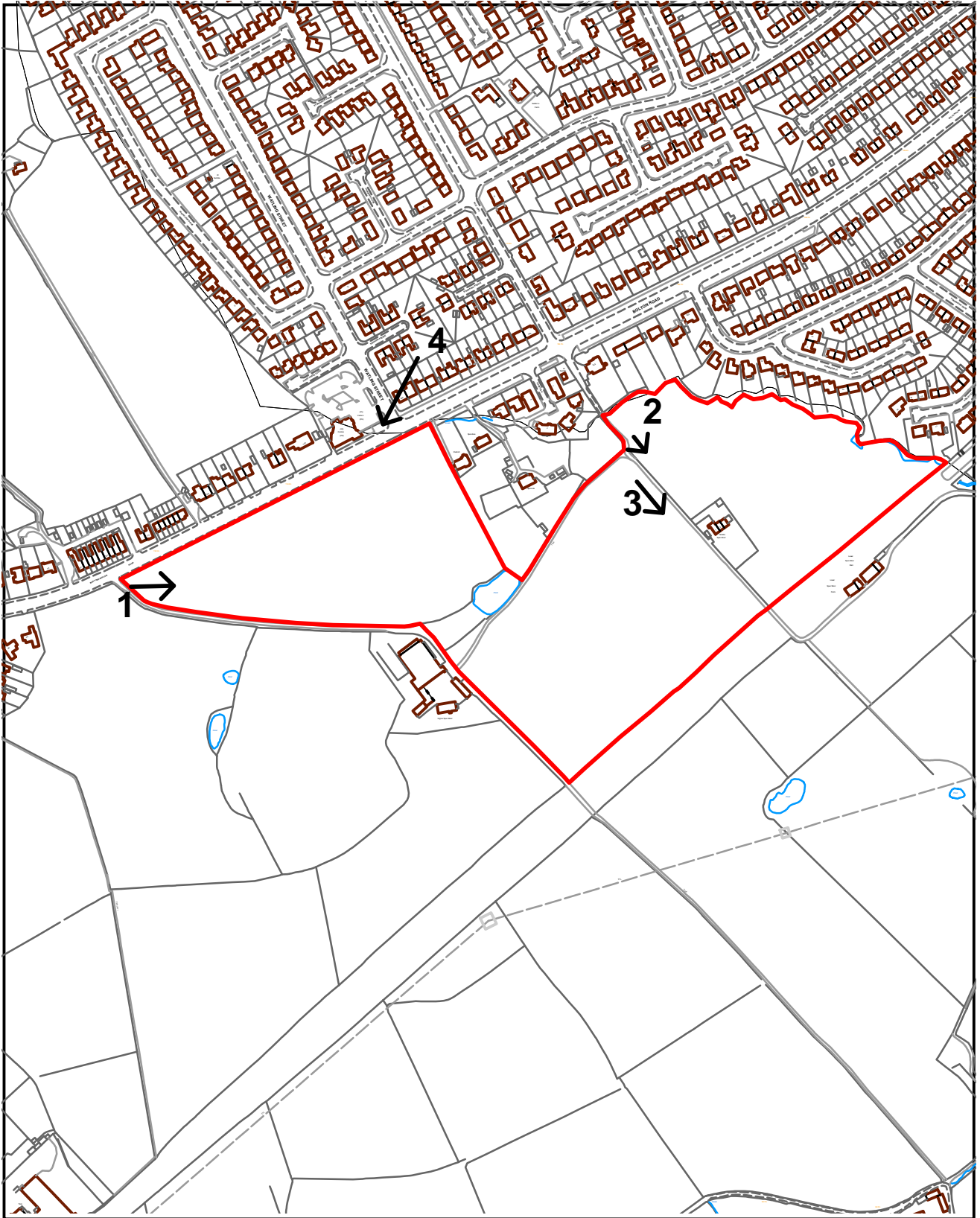
Reason - In order to prevent any adverse effect on the Elton Reservoir or Manchester, Bolton and Bury Canal Grade A Sites of Biological Importance, in accordance with Policy EN6/1 of the adopted Bury Unitary Development Plan.

25. The visibility splays indicated on approved plan reference SCP/11263/AP02 Revision D shall be implemented to the written satisfaction of the Local Planning Authority before the site access road is brought into use and subsequently maintained free of obstruction above the height of 0.6m.

Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety pursuant to Unitary Development Plan Policies H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, HT6/1 - Pedestrian and Cyclist Movement and HT6/2 - Pedestrian/Vehicular Conflict and Chapter 7 - Requiring Good Design of the National Planning Policy Framework.

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

# Viewpoints

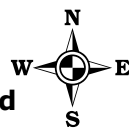


## PLANNING APPLICATION LOCATION PLAN

**APP. NO 55003**

**ADDRESS: Land at Spen Moor, Bury & Bolton Road  
Radcliffe**

**E D S**  
E D S



**1:5000**

Photo 1



Photo 2

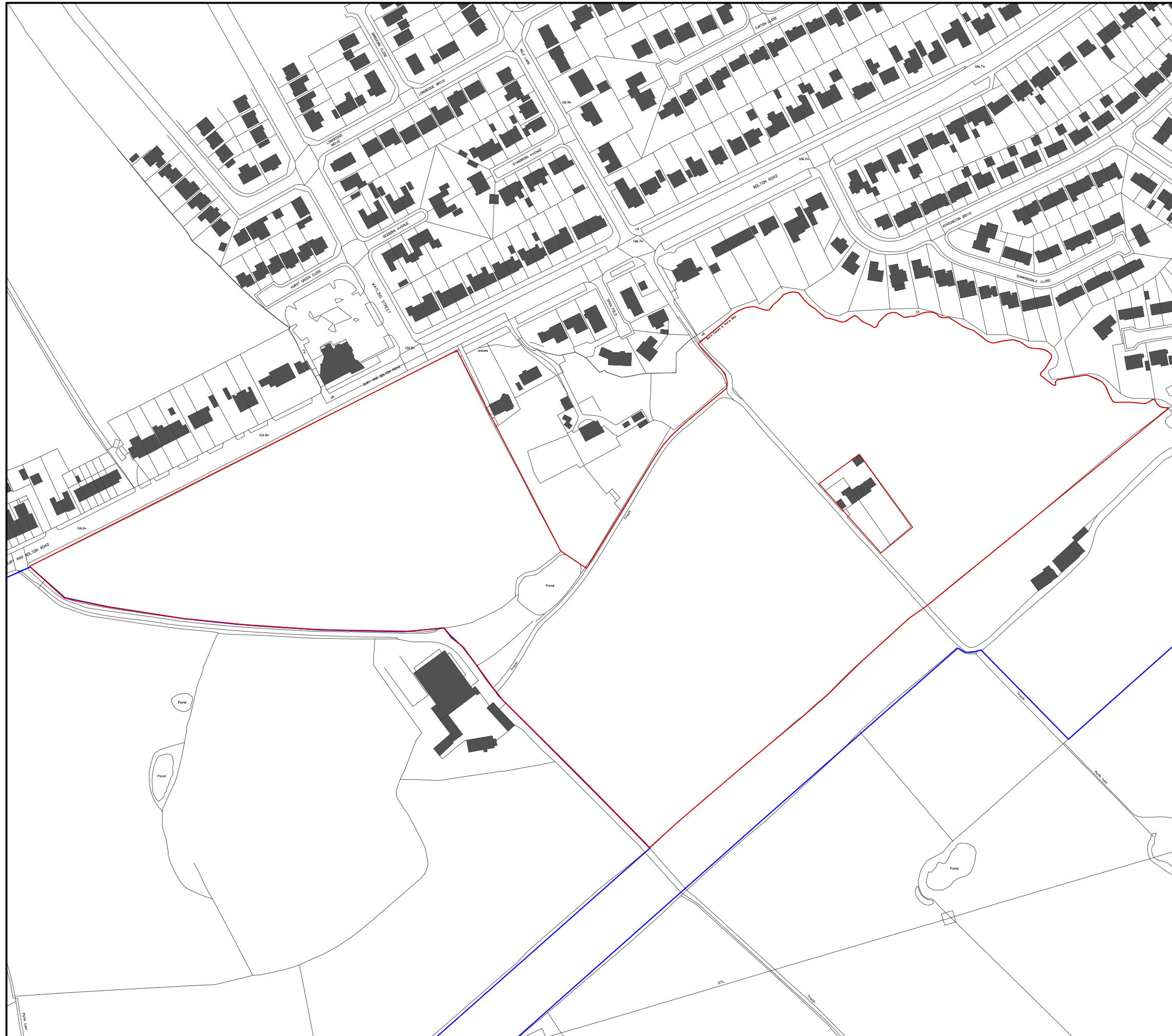


Photo 3



Photo 4





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Revision	Date	Drn	Ckd

Project  
**Spen Moor  
 Bury**  
 Drawing Title  
**Red Line Plan**

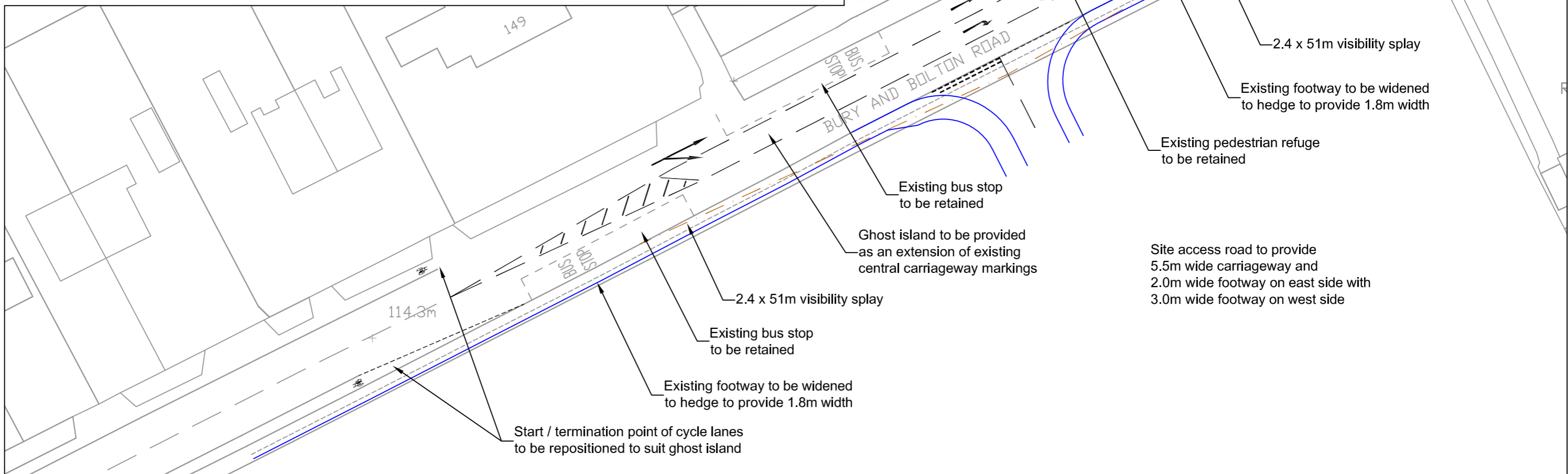
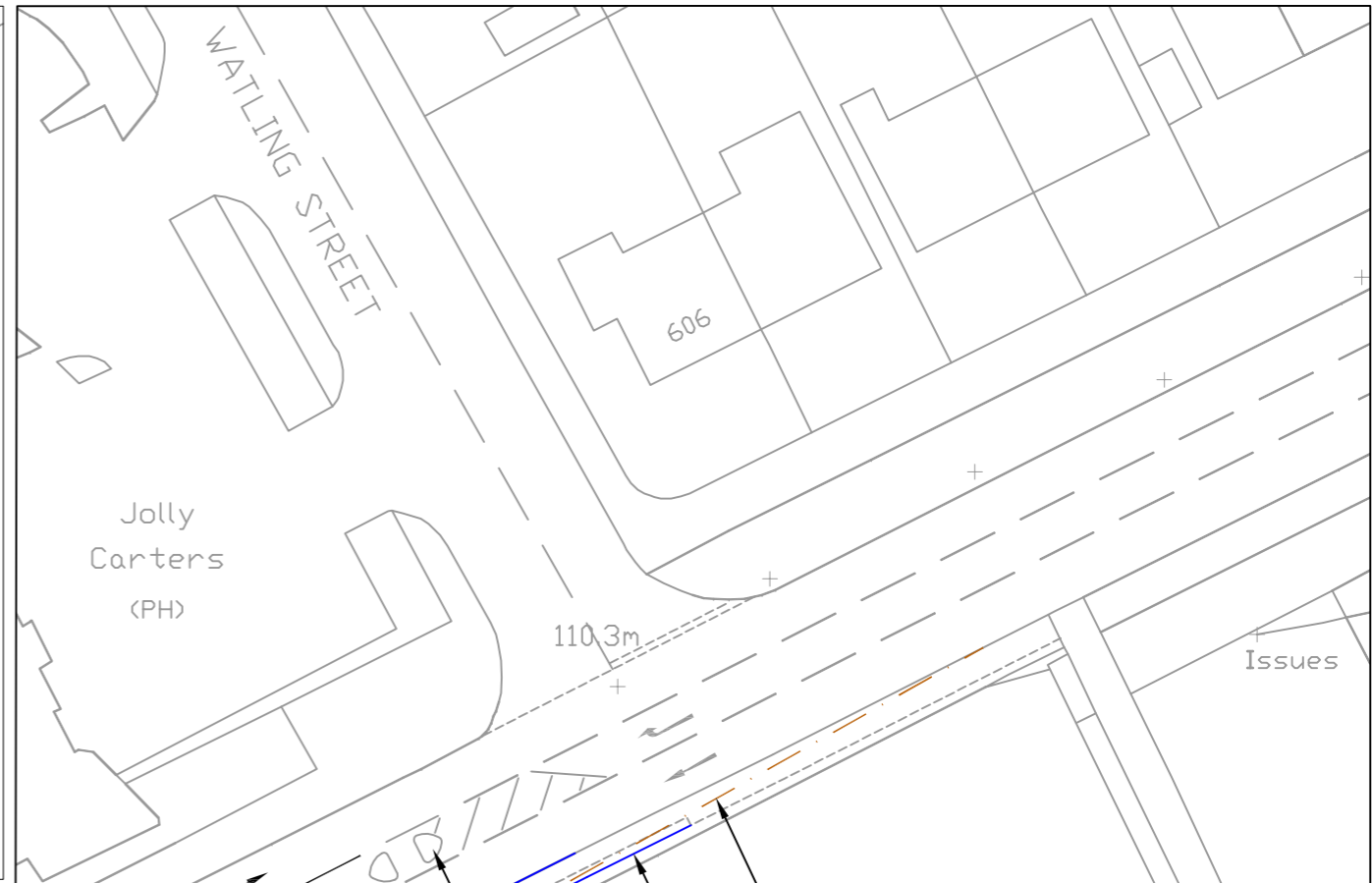
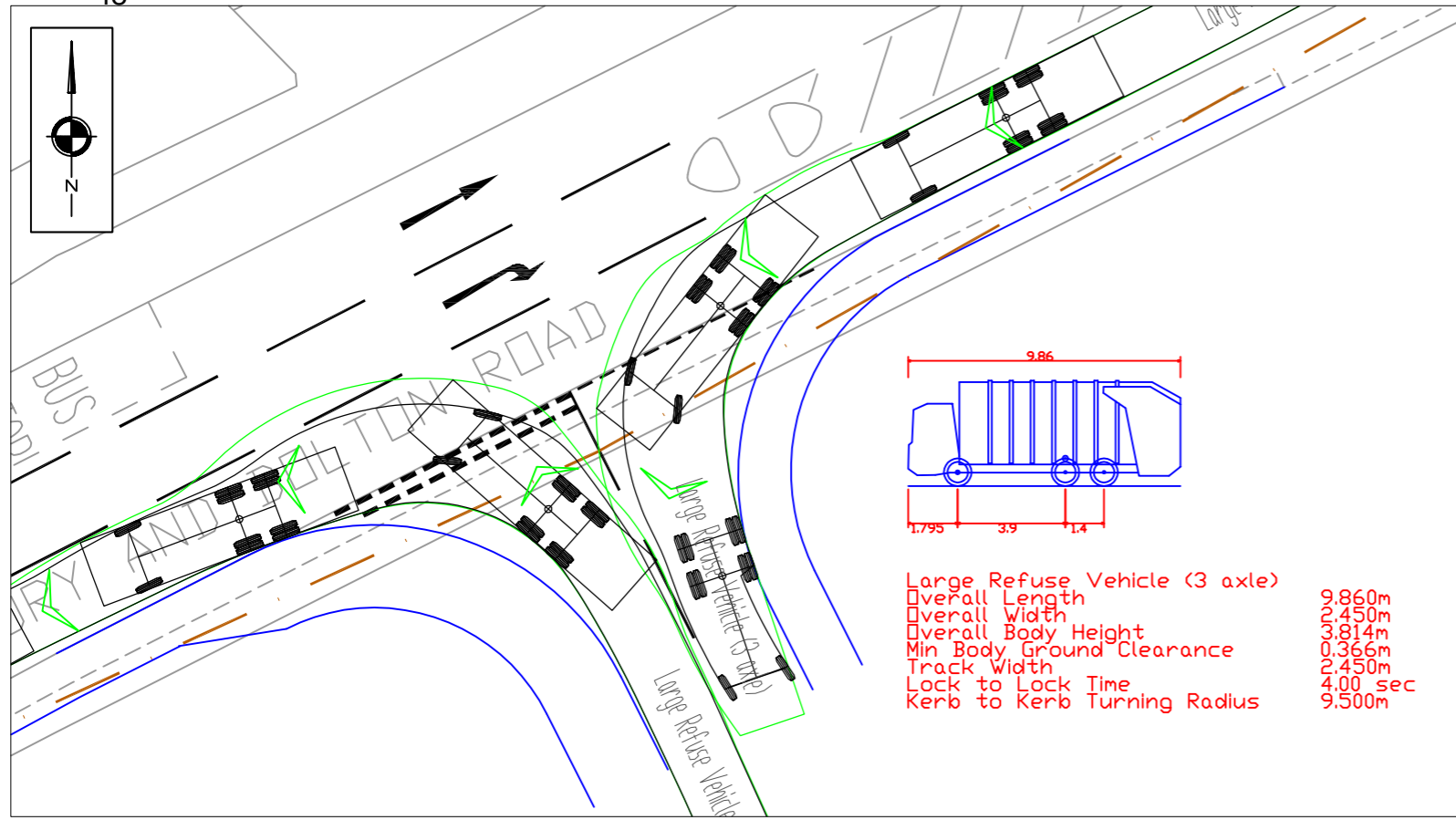
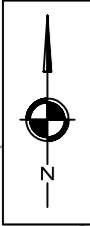
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Project No 20322	Drawing No 01	Revision D	



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Project Title  
**PROPOSED RESIDENTIAL DEVELOPMENT, SPEN MOOR FARM, BURY**

Drawing Title  
**PROPOSED SITE ACCESS**

Scale  
**1:500 @ A3**

Date  
**16.01.2012**

Approved/Unapproved  
**-**

By  
**NS**

Checked  
**DR**

Status  
**PLANNING**

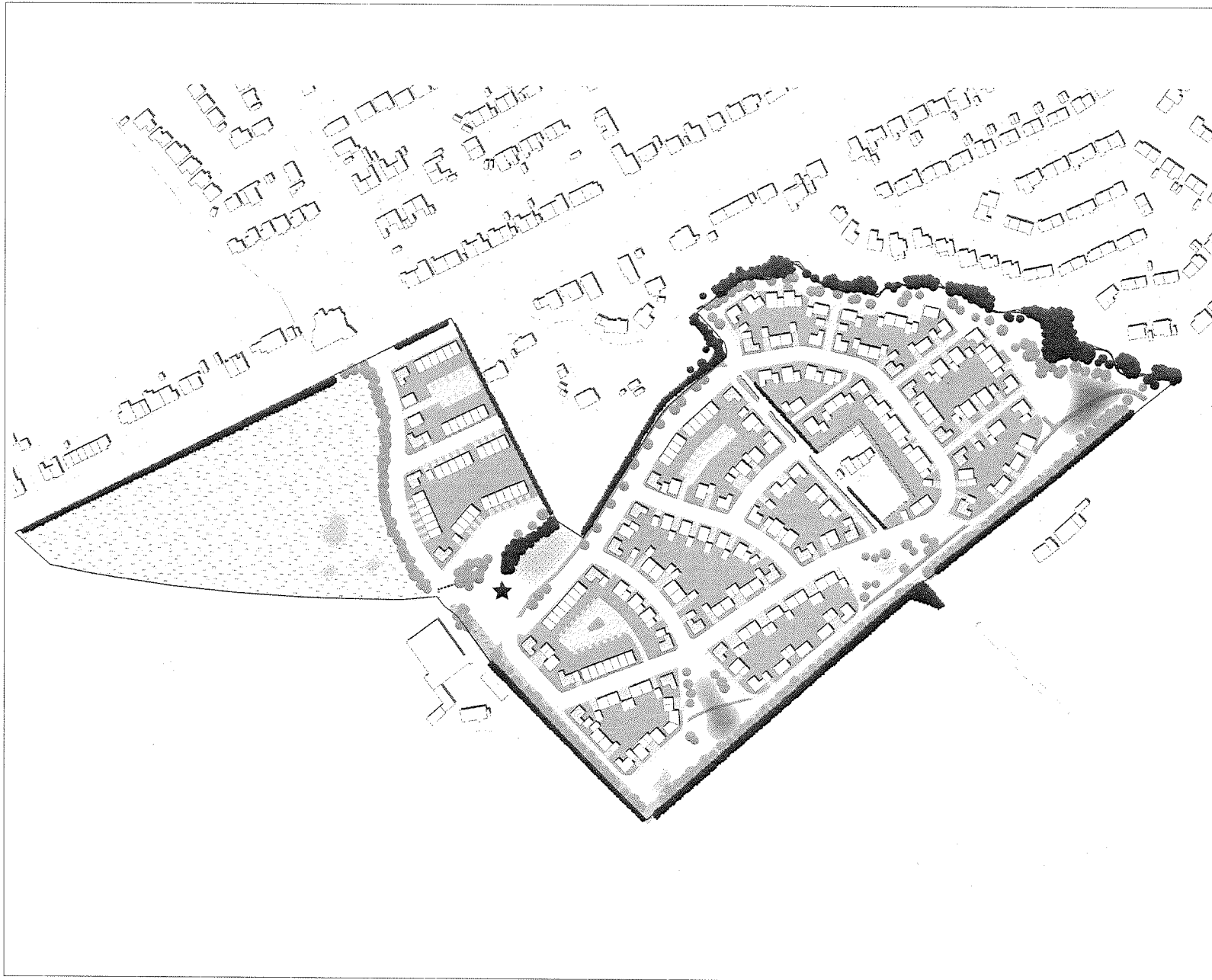
Rev	Description	Date	By
A	Reposition of site access	26.01.12	JC
B	Adjustment of existing road markings	20.02.12	IRW
C	Revised visibility splays and junction radii Addition of swept path analysis	21.03.12	IRW
D	Western footway widened to 3.0m along access road	31.05.12	DR

Drawing No.  
**SCP/11263/AP02**

Revision  
**D**



The scaling of this drawing cannot be assured



**LEGEND**

- Site Boundary
- Residential Building
- Key Building
- Key Gateway
- Secondary Gateway
- Formal Open Space
- Private Gardens
- Existing Planting/Hedgerow
- Proposed Planting
- Proposed Hedgerow
- Primary Road
- Shared Surface
- Footpath
- Parking
- ★ LEAP
- SUDS
- Ecology Pond
- Green Corridors
- Managed Nature Park
- Newt Tunnel
- Spenn Brook

Project  
**Spenn Moor**  
 Bury and Bolton Road, Bury

Drawing Title  
 Indicative Masterplan  
 FOR ILLUSTRATIVE PURPOSES ONLY

Date	Scale	Drawn by	Check by
26.06.12	N.T.S.	MW	CE
Project No	Drawing No	Revision	
20322	indd07	C	

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**Ward:** Whitefield + Unsworth - Unsworth

Item 03

**Applicant:** Mr D Robinson

**Location:** 142 Hollins Lane, Bury, BL9 8AW

**Proposal:** Erection of 1 no. dwelling

**Application Ref:** 55055/Full

**Target Date:** 21/08/2012

**Recommendation:** Minded to Approve

**It is recommended that this application is Minded to Approve subject to the signing and completion of a Section 106 agreement for recreation provision in accordance with SPD1. Should the S106 not be signed and/or completed within a reasonable period, it is requested that the application be determined by the Assistant Director of Planning, Environmental and Regulatory Services Division under delegated powers.**

### **Description**

The application site forms part of the garden area associated with No. 142 Hollins Lane, which is the end dwelling in a terraced row. The existing dwelling is rendered with a tile roof and access to the site is taken from Hollins Lane. There are 5 trees located within the garden area and include conifers and cherry trees.

The site is surrounded by residential properties to the north, south, east and west.

The proposed development involves the erection of a single detached dwelling on land adjacent to 142 Hollins Lane. The proposed dwelling would be two storeys in height with additional living accommodation in the roof space. The proposed dwelling would be constructed from brick, render and tile roof. A new vehicular access would be provided for the proposed dwelling with parking maintained for the existing dwelling.

### **Relevant Planning History**

Adjacent site

55346 - Erection of new detached dwelling at land adjacent The Mount, 150 Hollins Lane, Bury. Received - 6 July 2012.

### **Publicity**

The neighbouring properties were notified by means of a letter on 27 June 2012.

9 letters have been received from the occupiers of 51, 53, 55, 59, 61, 65 Church Meadow, which have raised the following issues:

- The proposed dwelling would overlook a private cul-de-sac.
- The existing trees act as a screen and should not be removed.
- The proposed dwelling would spoil the layout of the close and would not fit in with the area
- The removal of trees would affect drainage
- The proposed dwelling would lead to more traffic on a dangerous bend
- The proposed dwelling would be unacceptable in terms of size, width, height and noise
- The proposed dwelling would have an adverse impact upon the character of the existing terrace of dwellings
- The proposal would have an adverse impact upon over 40 species of birds, squirrels, foxes, hedgehogs and bats
- Impact upon property prices
- Impact of the proposal upon the culverted watercourse under the cellars of 123 - 142

Hollins Lane.

The objectors have been notified of the Planning Control Committee.

### **Consultations**

**Traffic Section** - No objections, subject to the inclusion of conditions relating to turning and parking facilities.

**Drainage Section** - No response received to date.

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

**Environmental Health - Pollution Control** - No response received to date

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

**Waste Management** - No objections.

**Designforsecurity** - No objections.

**United Utilities** - No objections.

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

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/6	Garden and Backland Development
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN5/1	New Development and Flood Risk
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8	Woodland and Trees
EN8/2	Woodland and Tree Planting
RT2/2	Recreation Provision in New Housing Development
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
SPD1	Open Space, Sport and Recreation Provision
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework
RSS 13	Regional Spatial Strategy for the North West
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value

### **Issues and Analysis**

**Principle** - Bury's statutory housing targets are set out in the Regional Spatial Strategy for the North West (RSS) at 500 dwellings per annum between 2003 and 2021. In addition to this annual target, housing delivery in the Borough also needs to take account of the shortfall in completions in the past six years, which has only averaged around 280 per annum, mainly as a result of the prevailing housing market conditions.

Whilst the Government has indicated that it is seeking to remove RSS and its housing targets, they have not indicated when this will be done and, therefore, the RSS target remains the statutory housing target until such time as RSS is removed or it is replaced by a new target in Bury's emerging Local Plan. It is currently proposed that the new housing target in the Local Plan should be set at 400 dwellings per annum, which is currently timetabled to be adopted in 2014.

In the meantime, the National Planning Policy Framework should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. There is a

particular emphasis, as in previous national planning guidance, to identify a rolling five year supply of deliverable housing land.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up with sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the five year supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be completed). As such, latest monitoring indicates that the Council is unable to demonstrate a five year supply of deliverable housing land (4.7 years with a 5% buffer applied in accordance with the NPPF) and this needs to be treated as a material factor when determining applications for residential developments.

Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, 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.

The proposed site is located within the urban area and is in a predominantly residential area. As such, the proposed development would not conflict with the surrounding uses. The proposal is in general conformity with national and regional planning policy and would help to contribute to meeting local housing targets. Therefore, the principle of the development is acceptable and would be in accordance with Policy H1/2 of the Bury Unitary Development Plan and Section 6 of the NPPF.

**Design and layout** - The proposed dwelling has been designed to include details from the existing terrace of properties, such as a bay window and banding between ground and first floors. The proposed dwelling would match the height of the adjacent dwelling (142 Hollins Lane) in terms of eaves and ridge. The proposed dwelling would be constructed from brick and render, which would match the adjacent rendered dwelling and the properties opposite similarly constructed in brick and render.

The proposed dwelling would be set back 8.4m from the front elevation of No. 142 Hollins Lane to protect the amenity to the existing bay window on the gable and to allow for parking and turning facilities to be provided. There would be space within the rear garden for bin storage and the level of amenity space would be acceptable for this size of dwelling.

Therefore, the proposed development would not be unduly prominent in the streetscene and would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

**Impact upon residential amenity** - SPD6 provides guidance on aspect standards between residential properties and would be relevant in this case.

The proposed dwelling would not impact upon light to No. 142 Hollins Lane due to its proposed position on site. There would be at least 21.8 metres to the dwellings at the rear (No. 53 & 55 Church Meadows) and at least 16.9 metres to the dwellings to the northwest (Nos 59, 61 & 63 Hollins Lane). The proposed development would be well in excess of the aspect standards within SPD6 and as such, would not have an adverse impact upon the amenity of the neighbouring properties.

**Trees** - There are 5 trees within the application site and a leylandii hedge along the northern boundary. Three of the trees, which are not protected, would be removed as part of the proposal and the applicant has agreed to replant these as part of the landscaping plan. Therefore, subject to conditions, the proposed development would not have an adverse impact upon the locality and would be in accordance with Policy EN8/2 of the Bury Unitary Development Plan.

**Highways issues** - The proposed development would create a second vehicular access adjacent to the access to the existing dwelling. Turning facilities would be provided for both properties and would enable a vehicle to enter and leave in a forward gear. The proposed access would be located on the outside of the bend off Hollins Lane and as such, appropriate visibility splays would be provided. The Traffic Section has no objections, subject to the inclusion of conditions relating to parking and turning facilities being implemented. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies EN1/2 and H2/2 of the Bury Unitary Development Plan.

**Parking** - SPD11 states that the maximum parking standards for a three bedroom dwelling is 2 spaces.

The proposed development would provide 2 parking spaces for the proposed dwelling and 2 parking spaces for the existing property. Therefore, the proposed development would comply with the parking standards and would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

**Planning obligations** - A payment of £3,421.33 is required for recreation provision in accordance with Policy RT2/2 of the Bury Unitary Development Plan and SPD1. This will be secured through a Section 106 agreement.

**Response to objectors** -

- The proposed dwelling would overlook its own driveway which is a usual arrangement for houses.
- Whilst some of the trees would be removed, a replacement planting scheme has been included as a condition.
- The site is not located in any formally designated ecologically sensitive location, and the ecology officer has raised no objection subject to a condition restricting the time of vegetation clearance.
- United Utilities have raised no objection to the application. An informative to the applicant has been included regarding drainage of the site.
- Impact on property price is not a material planning consideration.
- The objections that relate to traffic, layout and design have been covered in the above report.

**Summary of reasons for Recommendation**

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

The proposed development would be acceptable in principle and would not have a significant adverse impact upon the amenity of the neighbouring properties. The proposed development would not be unduly prominent within the streetscene nor would it be detrimental to highway safety.

There are no other material considerations that outweigh this finding.

**Recommendation:** Minded to Approve

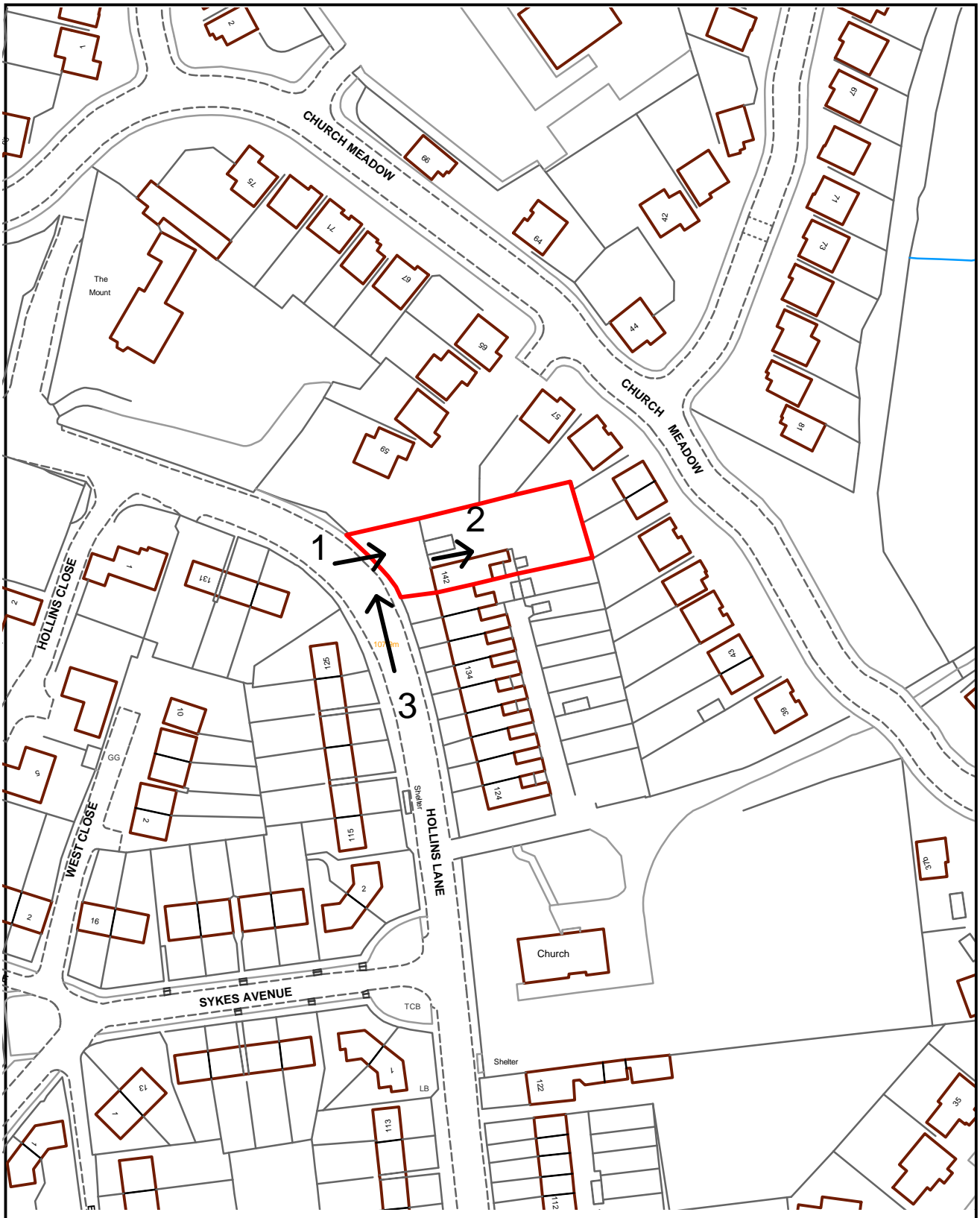
**Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 1036 01, 1036 02, Landscaping plan received on 2 August 2012 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 the policies of the Bury Unitary Development Plan listed.

3. Details/Samples of the (materials/bricks) to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials/bricks shall be used for the construction of the development.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. 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 National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
5. If during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales to the approval of the Local Planning Authority.  
Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
6. The turning and parking facilities indicated on the approved plans shall be provided prior to the dwelling hereby approved being occupied and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times  
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety.
7. Notwithstanding the details of tree planting submitted, details of the species and size of the replacement trees and their location within the application site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented not later than 12 months from the date the dwelling is first occupied. Any trees removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.  
Reason. To secure satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan.
8. No vegetation clearance shall be carried out on site between 1st March and 31st August inclusive in any year.  
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 National Planning Policy Framework Section 11 - Conserving and enhancing the natural

environment.

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



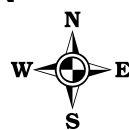
**PLANNING APPLICATION LOCATION PLAN**

**APP. NO 55055**

**ADDRESS: 142 Hollins Lane  
Bury**

**E D S**

**(C) Crown Copyright and database right (2011). Ordnance Survey 100023063.**



**1:1250**



Photo 1

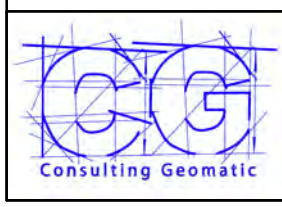
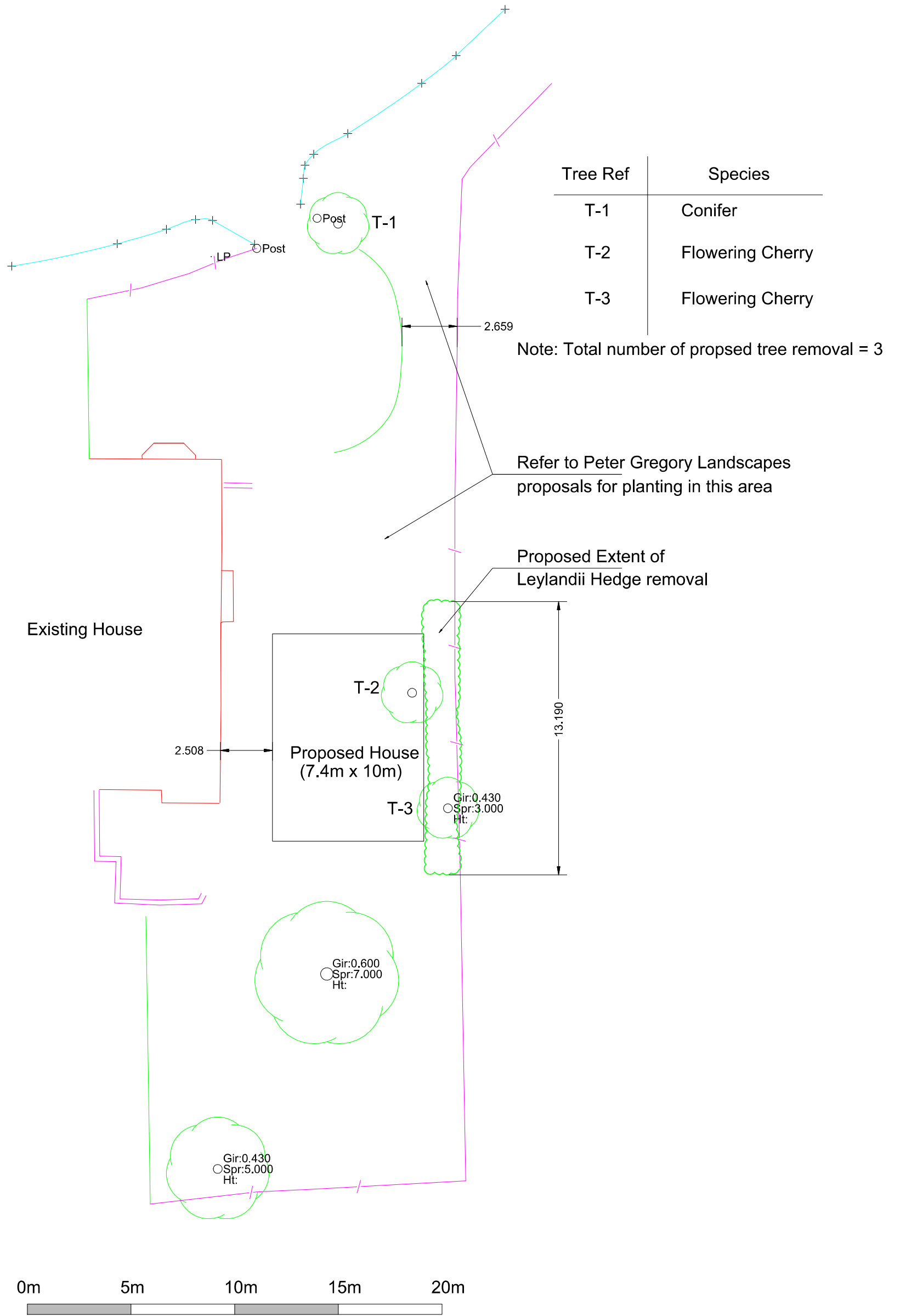


Photo 2



Photo 3





Project  
Mr and Mrs Robinson,  
142 Hollins Lane,  
Bury,

Drawing Title  
Proposed Tree  
Removal Survey

Scale: 1-200  
Date: 30-07-2012  
Status: Planning  
Drawn By: GB  
Dwg No 1036-02

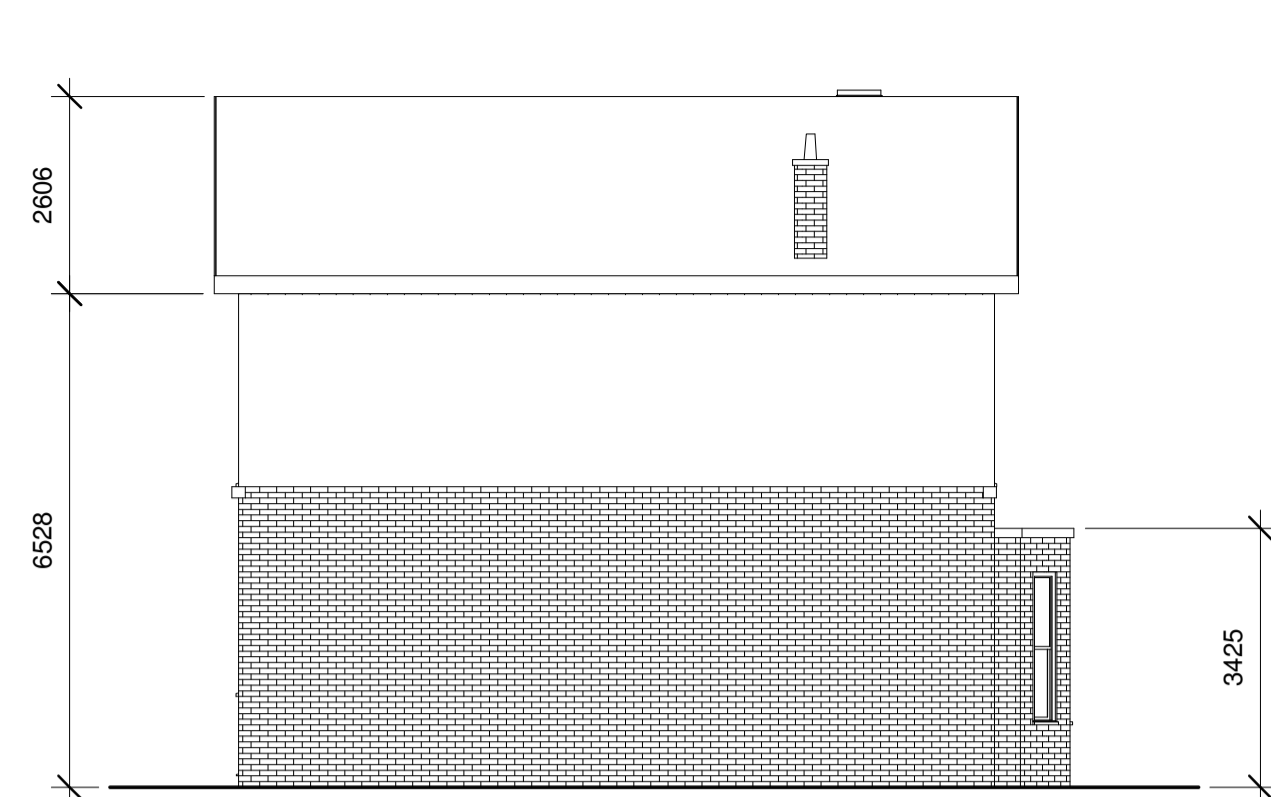
rev	details	date	by

Notes

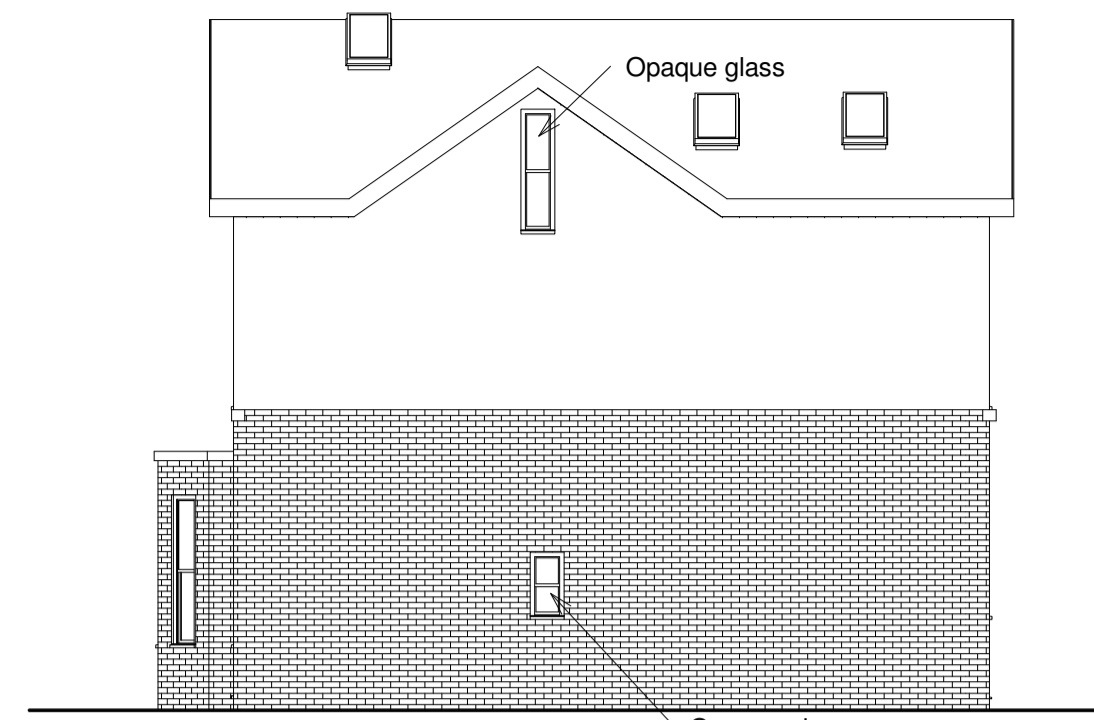
Please refer to Design and Access Statement for further details



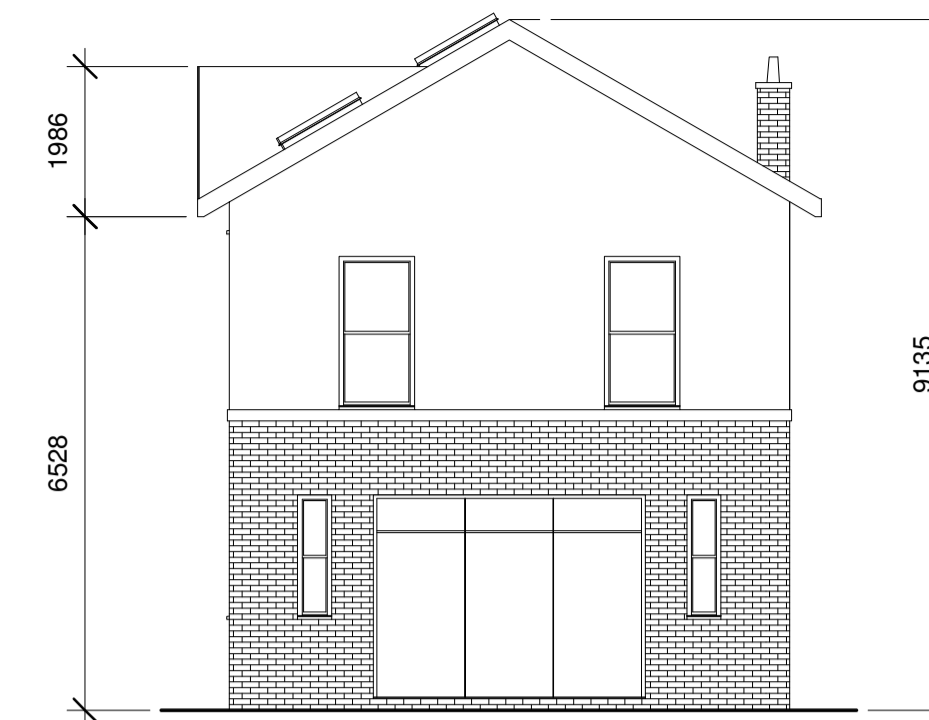
Front Elevation



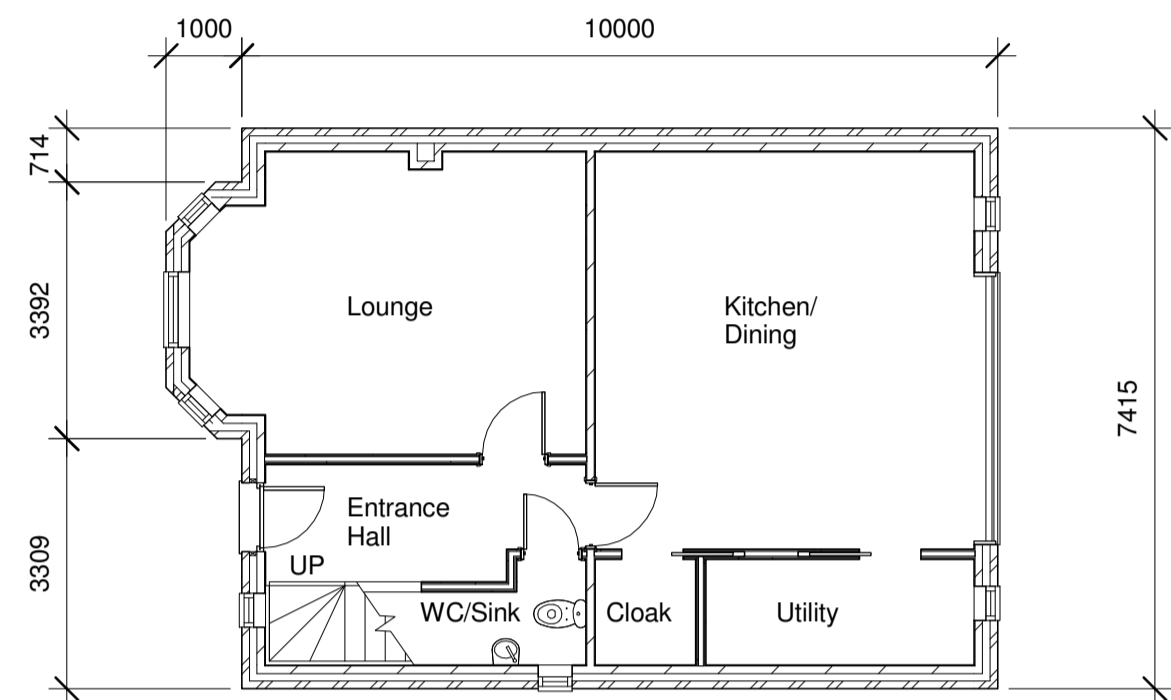
Side Elevation



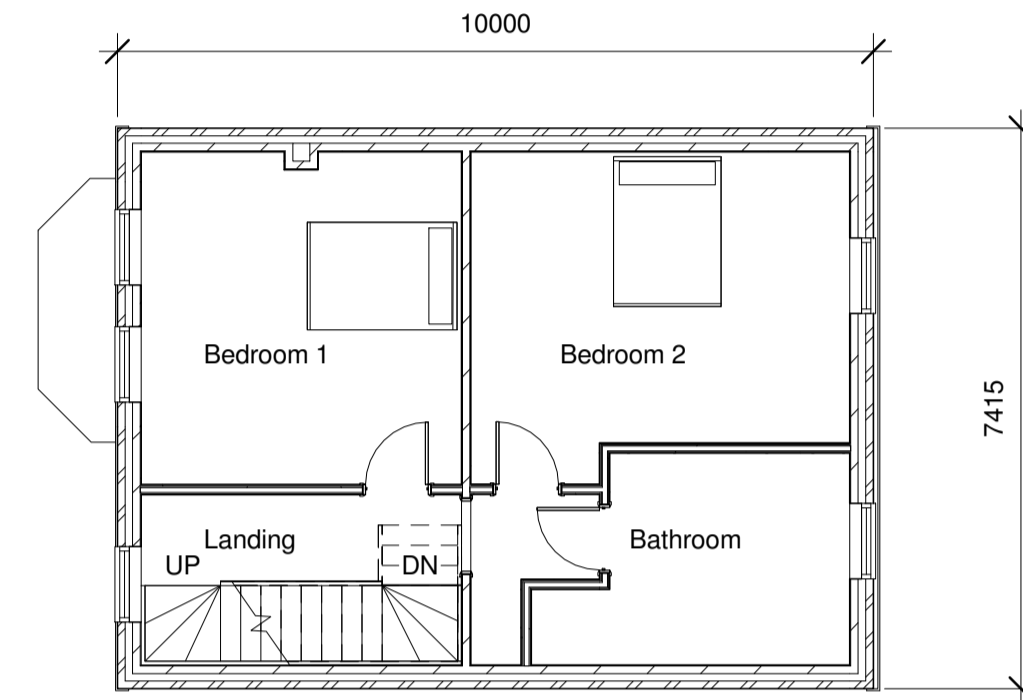
Side Elevation



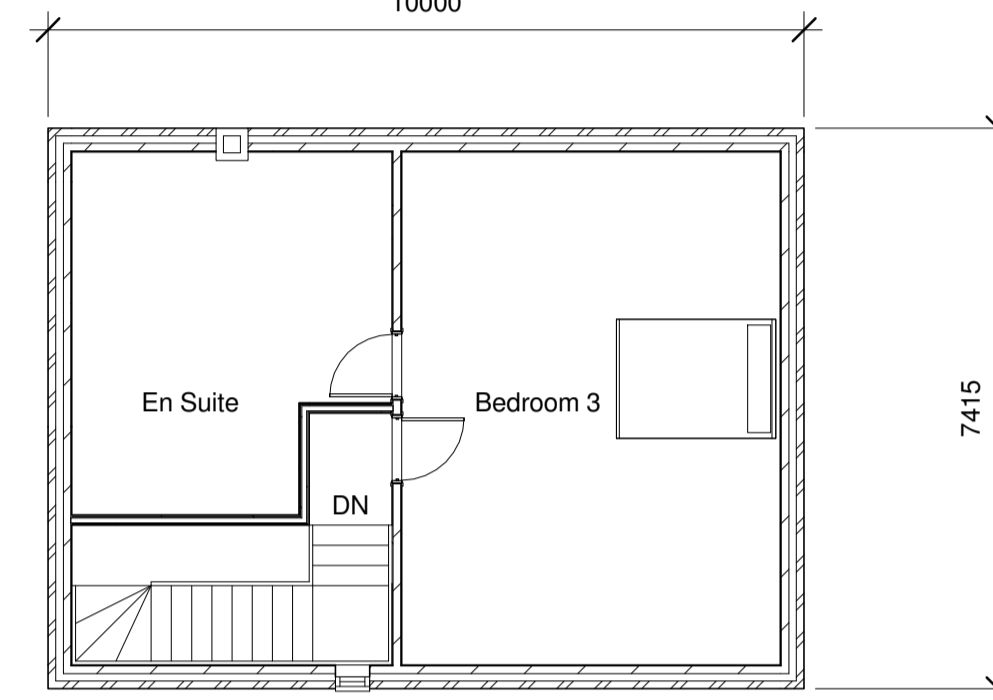
Rear Elevation



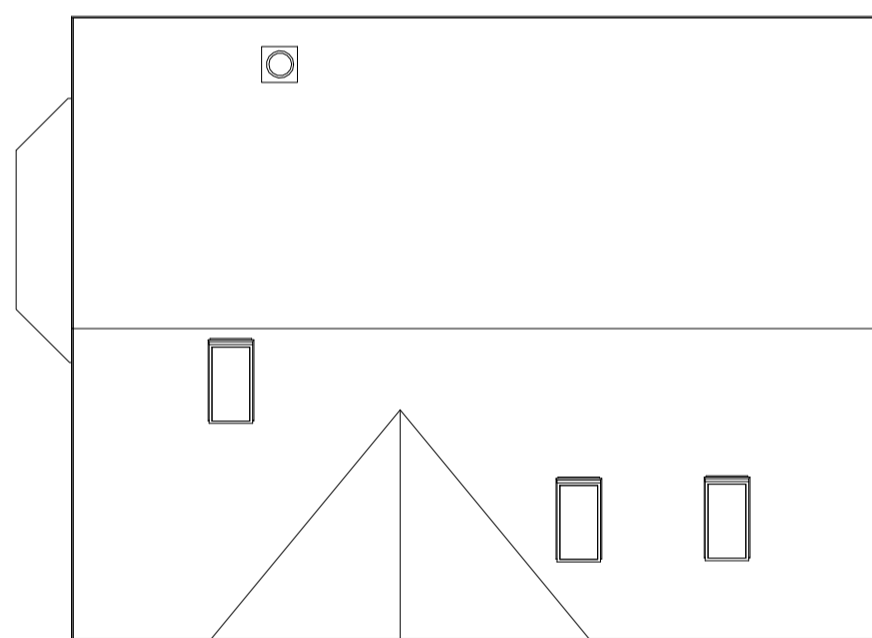
Ground Floor



First Floor



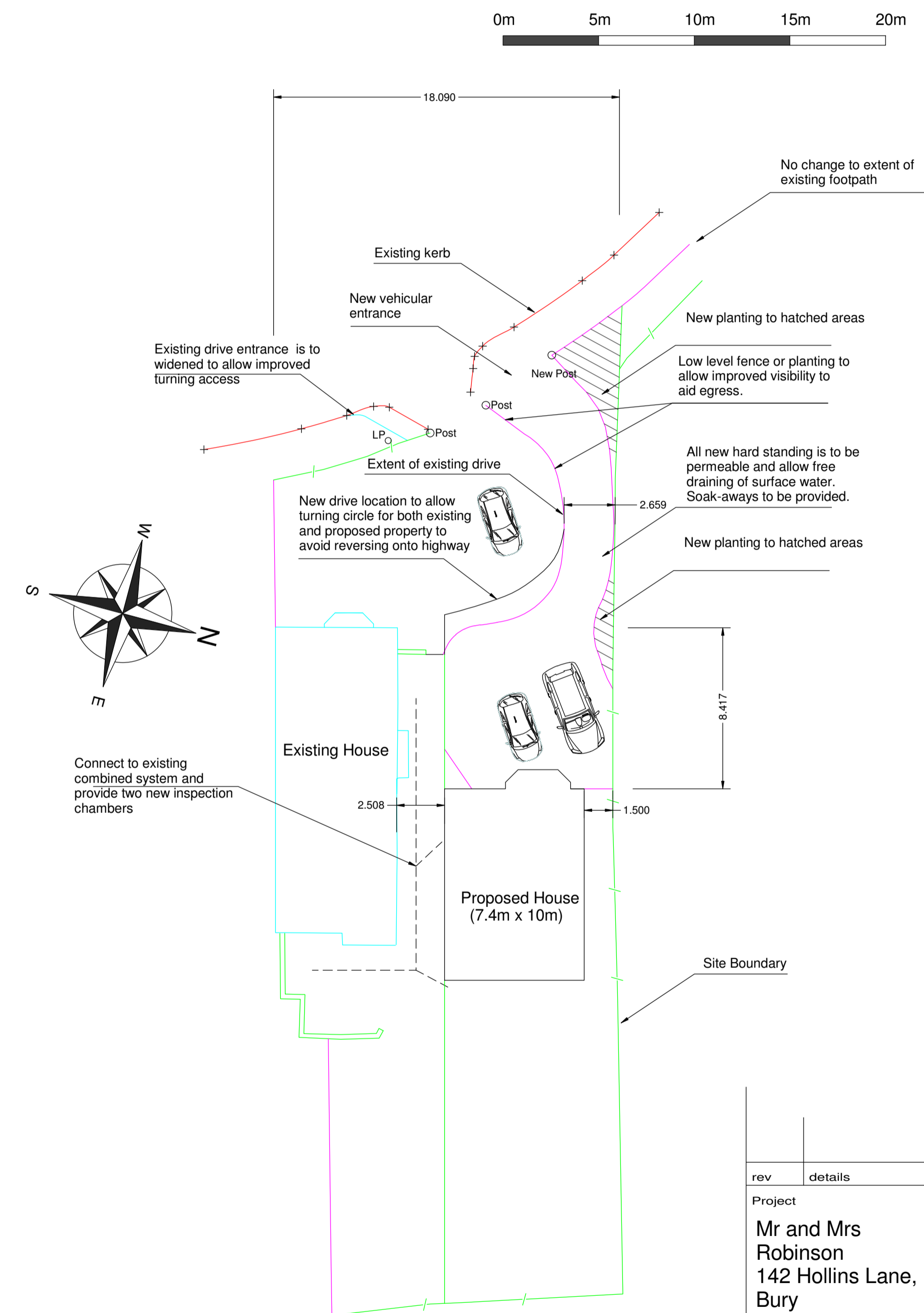
Second Floor



Roof Plan



Location Plan (1:1250)



Site Plan (1:200)

rev	details	by	date
Project <b>Mr and Mrs Robinson</b> 142 Hollins Lane, Bury			
Title <b>New Build,                      Proposed Plans and Elevations</b>		By GB Date 7/03/2012 Scale 1:100, 1:200, 1:1250	
Status Planning		Dwg No 1036	rev 01



6 The Close,  
 Atherton,  
 Manchester  
 M46 9GP  
 Tel: 01942 366006

**Ward:** Whitefield + Unsworth - Unsworth

Item 04

**Applicant:** Mr Riding

**Location:** Land adjacent The Mount, 150 Hollins Lane, Bury, BL9 8AW

**Proposal:** Erection of a new detached dwelling

**Application Ref:** 55346/Full

**Target Date:** 31/08/2012

**Recommendation:** Minded to Approve

**It is recommended that this application is Minded to Approve subject to the signing and completion of a Section 106 agreement for recreation provision in accordance with SPD1. Should the S106 not be signed and/or completed within a reasonable period, it is requested that the application be determined by the Assistant Director of Planning, Environmental and Regulatory Services Division under delegated powers.**

### **Description**

The application site forms part of the garden area associated with The Mount (150 Hollins Lane). The Mount is a detached, two storey dwelling, which is constructed from brick painted white and slate. The dwelling is located within the western half of the garden. There are a number of mature trees in the garden, which are located around the perimeter. 13 of these trees are protected by a Tree Preservation Order with 4 located within the application site. Access to the site is taken from Hollins Lane.

The site is bounded by residential properties to the north, south, east and west.

The proposed development involves the erection of a detached dwelling in the garden area of The Mount (150 Hollins Lane). The proposed dwelling would be two storeys in height and would be constructed from render with stone detailing and slate along with the proposed garage. Access would be taken from Hollins Lane and would be shared with the existing dwelling.

### **Relevant Planning History**

40223 - Single and two storey side extensions; single storey extensions at rear; balcony at rear of The Mount, Hollins Lane, Bury. Approved with conditions - 25 February 2003

LP/TPO/00059 - Fell maple tree (T9) and prune trees - 30% crown thin (T8, T10, T11, T12, T13) at 150 Hollins Lane, Bury. Granted - 6 July 2012.

Adjacent site

55055 - Demolition of garage and erection of 1 no. dwelling at 142 Hollins Lane, Bury. Received - 26 June 2012.

### **Publicity**

21 neighbouring properties (1, 127 - 131 (odds), 150, 152, Hollins Mount Farm, Hollins Lane; 59 - 75 (odds) Church Meadow) were notified by means of a letter on 6 July 2012.

1 letter of support has been received from the occupier of The Mount, which has raised the following issues:

- A stunning designed house and will improve the site at 150 Hollins Lane.

12 letters of objection received from the occupiers of 59, 61, 65, 67, 69, 71 Church Meadow which have raised the following issues:

- The house could potentially reduce light to their property.

- It would undoubtedly spoil views from the upstairs windows and there would be nothing but the back of a house to look at.
- The proposed trees near the border would make their house feel very dark and claustrophobic.
- There would be noise and disruption of the build on them, their neighbours and the abundance of wildlife that live in and around the proposed site build.
- The trees contribute to the character of the area.
- Impact of the loss of the trees upon drainage.
- The proposed access would be located on a bad bend, which has seen some serious collisions.
- Loss of privacy to the properties on Church Meadow.
- Impact of the proposal by reason of size, width, mass and noise.
- The proposed dwelling would have an adverse impact upon the character of the conservation area and area of Townscape Character.
- Cumulative impact of proposed dwelling in the garden of 142 Hollins Lane.

The objectors have been notified of the Planning Control Committee meeting.

### Consultations

**Traffic Section** - No objection subject to condition relating to parking and turning facilities.

**Drainage Section** - Comments awaited.

**Environmental Health Contaminated Land** - No objection subject to standard conditions.

**Waste Management** - Comments awaited.

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

**United Utilities** - No objection subject to conditions for the treatment of surface water and drainage. These have been included as informatives for the applicant.

### Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/6	Garden and Backland Development
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN5/1	New Development and Flood Risk
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8	Woodland and Trees
EN8/2	Woodland and Tree Planting
RT2/2	Recreation Provision in New Housing Development
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
SPD1	Open Space, Sport and Recreation Provision
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

### Issues and Analysis

**Principle** - Bury's statutory housing targets are set out in the Regional Spatial Strategy for the North West (RSS) at 500 dwellings per annum between 2003 and 2021. In addition to this annual target, housing delivery in the Borough also needs to take account of the shortfall in completions in the past six years, which has only averaged around 280 per annum, mainly as a result of the prevailing housing market conditions.

Whilst the Government has indicated that it is seeking to remove RSS and its housing targets, they have not indicated when this will be done and, therefore, the RSS target

remains the statutory housing target until such time as RSS is removed or it is replaced by a new target in Bury's emerging Local Plan. It is currently proposed that the new housing target in the Local Plan should be set at 400 dwellings per annum, which is currently timetabled to be adopted in 2014.

In the meantime, the National Planning Policy Framework should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. There is a particular emphasis, as in previous national planning guidance, to identify a rolling five year supply of deliverable housing land.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up with sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the five year supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be completed). As such, latest monitoring indicates that the Council is unable to demonstrate a five year supply of deliverable housing land (4.7 years with a 5% buffer applied in accordance with the NPPF) and this needs to be treated as a material factor when determining applications for residential developments.

Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, 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.

The proposed development is located within the urban area and is in a predominantly residential area. As such, the proposed development would not conflict with the surrounding uses. The proposal is in general conformity with national and regional planning policy and would help to contribute to meeting local housing targets. Therefore, the principle of the development is acceptable and would be in accordance with Policy H1/2 of the Bury Unitary Development Plan and Section 6 of the NPPF.

**Design and layout** - The proposed dwelling would be two storeys in height and the front elevation would be split into three sections. The middle section would be constructed from stone and the others in render with stone detailing (quoins and cills). The proposed materials and the windows, which provide a vertical emphasis, add interest and help to break up the elevations. The proposed dwelling would be screened from view by the stone wall and trees along the frontage. The proposed dwelling would not be unduly prominent within the streetscene and would be in accordance with Policies EN1/2, H1/2 and H2/2 of the Bury Unitary Development Plan.

The proposed garage would be constructed from render, stone quoins and slate and would be located to the west of the dwelling, thereby keeping the amount of hardstanding required to a minimum. There would be space within the proposed garage or in the rear garden for bin storage and the amount of amenity space would be acceptable. Therefore, the proposed development would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

**Impact upon residential amenity** - SPD6 provides guidance on aspect standards between residential properties and would be relevant in this case.

There would be over 27 metres between the proposed dwelling and Nos 67 - 71 Church Meadows and over 14 metres from Nos 59 and 61 Church Meadows. This would exceed the aspect standards of 20 metres and 13 metres respectively. There would be 12.7 metres between the existing dwelling and the proposed garage and 18.6 metres to the proposed dwelling. Therefore, the proposed development would comply with the aspect standards and would not have an adverse impact upon the amenity of the occupiers of the

neighbouring properties.

**Trees** - There are 15 trees within the application site and 4 of them are protected by a Tree Preservation Order. The trees along the frontage with Hollins Lane, which contribute to the streetscene, are to be retained.

One of the trees, labelled T13 on the tree plan, has been granted permission to be removed in July 2012 (LP/TPO/00059). Two protected trees and three smaller trees would be removed to facilitate the proposed development with 9 trees being retained on site, including a Copper Beech tree (T2). The trees to be removed are located within the site and do not contribute to the streetscene and there are no objections to their removal, subject to replants within the site. Therefore, the proposed development, subject to conditional control of tree protection measures and replants, would not have an adverse impact upon the streetscene and would be in accordance with Policy EN8/1 and EN8/2 of the Bury Unitary Development Plan.

**Bats** - A bat survey was submitted with the application, which states that the trees can be removed with low risk to bats under the supervision of a qualified bat worker. The Wildlife Officer has no objections to the proposal, subject to the inclusion of conditions relating to bats and nesting birds. Therefore, the proposed development would not cause harm to a protected species, subject to conditional control and would be in accordance with Policy EN6/3 of the Bury Unitary Development Plan and Section 11 of the NPPF.

**Highways issues** - The proposed dwelling would share the access from Hollins Lane with the existing dwelling. There is acceptable visibility and turning facilities would be provided for both the proposed and existing dwelling. The Traffic Section has no objections, subject to the inclusion of conditions relating to parking and turning facilities. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policy H2/2 of the Bury Unitary Development Plan.

**Parking** - SPD11 states that the maximum parking standards for a three bedroom dwelling is 2 spaces. The proposed development would provide 2 parking spaces for the proposed dwelling and 2 parking spaces would be retained for the existing dwelling. Therefore, the proposed development would comply with the parking standards and would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

**Planning obligation** - A payment of £3,421.33 is required for recreation provision in accordance with Policy RT2/2 of the Bury Unitary Development Plan and SPD1. This will be secured through a Section 106 agreement.

#### **Response to objectors**

- The issues relating to loss of light, loss of privacy, the design, size and mass of the proposed dwelling, the loss of trees and the impact upon highway safety have been dealt with in the above report. A condition would secure that trees would be replanted within the site to replace those removed, in a location to be agreed, and as such, there would not be a significant adverse impact upon drainage through the removal of the trees.
- The application site is not located within a conservation area.
- The loss of view from a dwelling and noise during construction are not material planning considerations and cannot be taken into consideration.

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

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

The proposed development is acceptable in principle and would not have a significant adverse impact upon the amenity of the neighbouring properties. The proposed development would not be unduly prominent within the streetscene nor would it be detrimental to highway safety.

There are no other material considerations that outweigh this finding.



**Recommendation:** Minded to Approve**Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 230512CP-01, TMU01 rev B, TMU02 Rev A, TMU03 Rev A, TMU05, TMU06, TMU07, TMU08, TMU09, TMU10 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 the policies of the Bury Unitary Development Plan listed.
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 National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
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 National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
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 validity 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 National Planning Policy Framework Section 11 - Conserving and enhancing the natural

environment.

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 National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
7. The development hereby approved shall be carried out in accordance with the recommendations of the bat survey report dated 26th June 2012.
 

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 National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
8. No vegetation clearance shall be carried out on site between 1st March and 31st August inclusive in any year.
 

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 National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment and the Protection of Nesting Birds, Wildlife & Countryside Act, 1981
9. Details/Samples of the materials to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials/bricks shall be used for the construction of the development.
 

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
10. 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.
11. The tree (T2 on Appendix 1B: Development Proposals), which is subject to a Tree Preservation Order, shall not be felled, lopped or topped before, during or after the construction period.
 

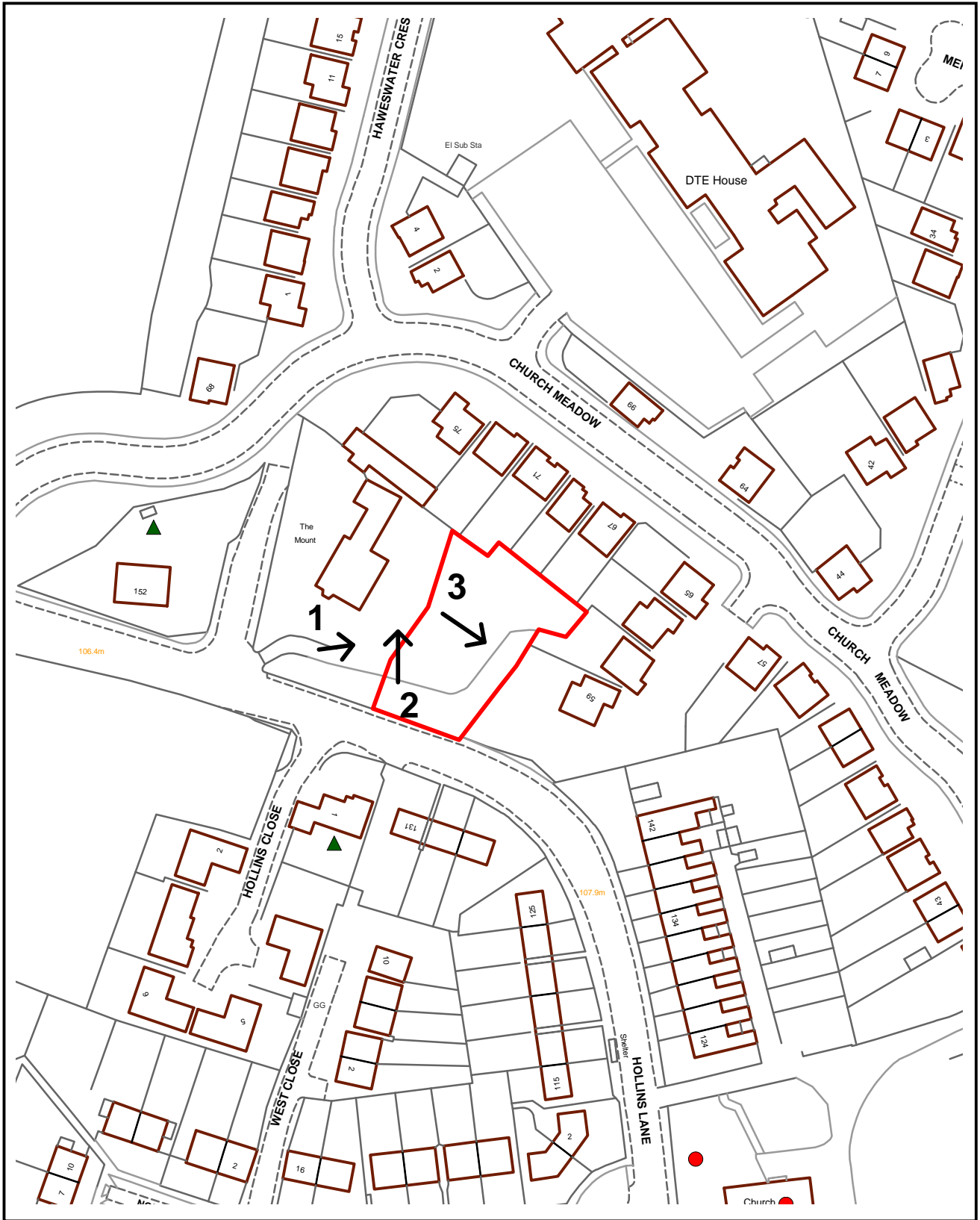
Reason. To avoid the loss of trees which are of amenity value to the area pursuant

to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

12. Notwithstanding the details of tree planting submitted, details of the species, size of the trees and their location within the application site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented not later than 12 months from the date the dwelling is first occupied. Any trees removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.  
Reason. To secure satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/1 -  
Policy EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan.
13. The turning and parking facilities indicated on the approved plans shall be provided prior to the dwelling hereby approved being occupied and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.  
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Bury Unitary Development Plan Policy HT6/2 - Pedestrian/Vehicular Conflict and EN1/2 - Townscape and Built Design.

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

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

**APP. NO 55346**

**ADDRESS: Land adj. The Mount  
150 Hollins Lane  
Bury**

**E D S**



**1:1250**

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Photo 1

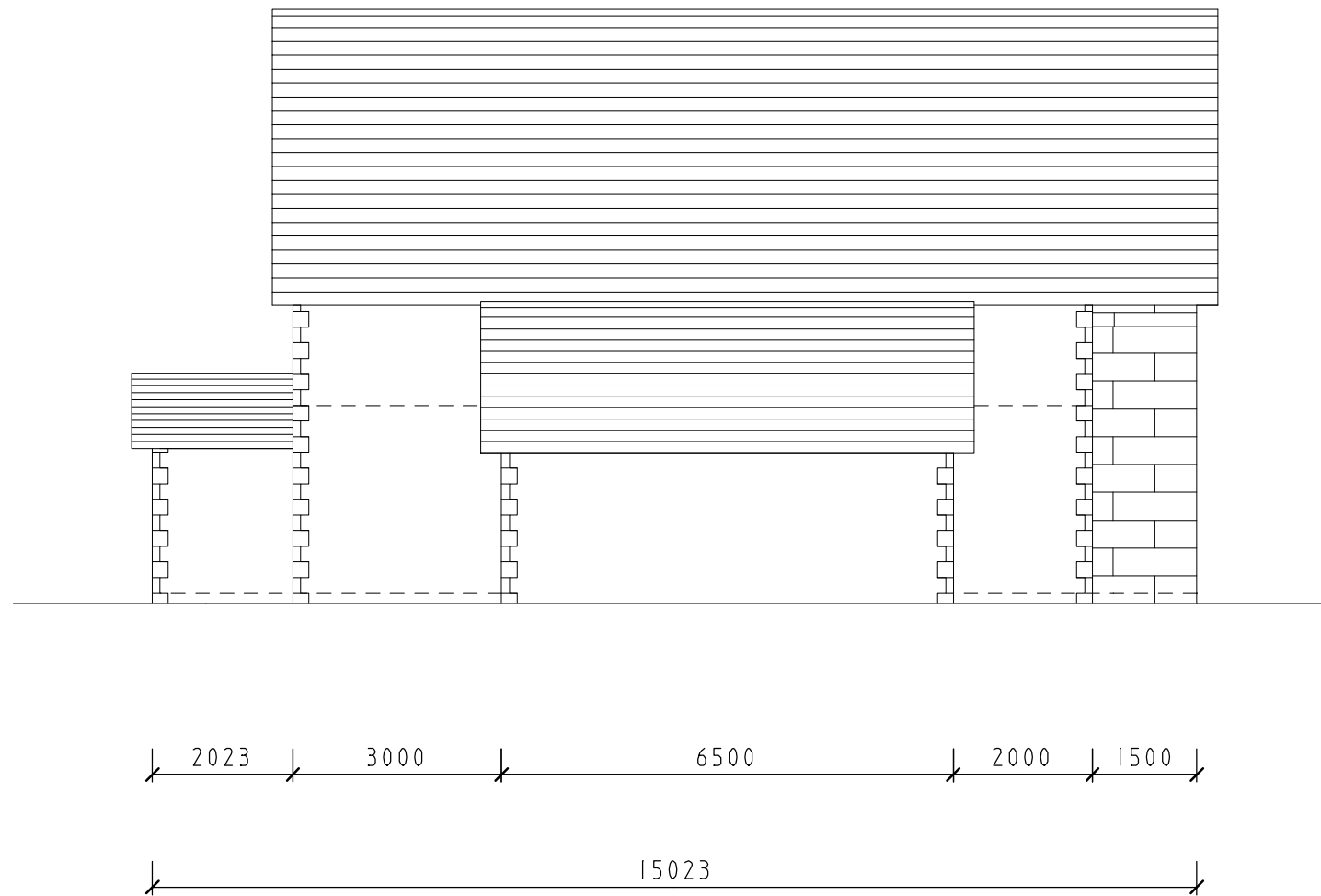


Photo 2



Photo 3





No.	Date	By	Contents
<b>Revisions</b>			
<b>Site Address</b>			
- The Mount 150 Hollins Lane Unworth Bury			
<b>Drawing Title</b>			
- West Side Elevation Proposed New Detached House			
<b>Scale</b>	<b>Date</b>	<b>Drawn by</b>	
- 1:100 @ A3	- June 2012	- KSW	
<b>LTW Developments Limited</b>			
Tibro Hus, Chapelton Road Bromley Cross Bolton Lancashire BL7 9AT			
<b>Org.No.</b>		<b>Rev.</b>	
- TMU07		-	



No.	Date	By	Contents
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**Revisions**

**Site Address**  
 - The Mount  
 150 Hollins Lane  
 Unworth  
 Bury

**Drawing Title**  
 - Rear Elevation  
 Proposed New Detached House

<b>Scale</b> - 1:100 @ A3	<b>Date</b> - June 2012	<b>Drawn by</b> - KSW
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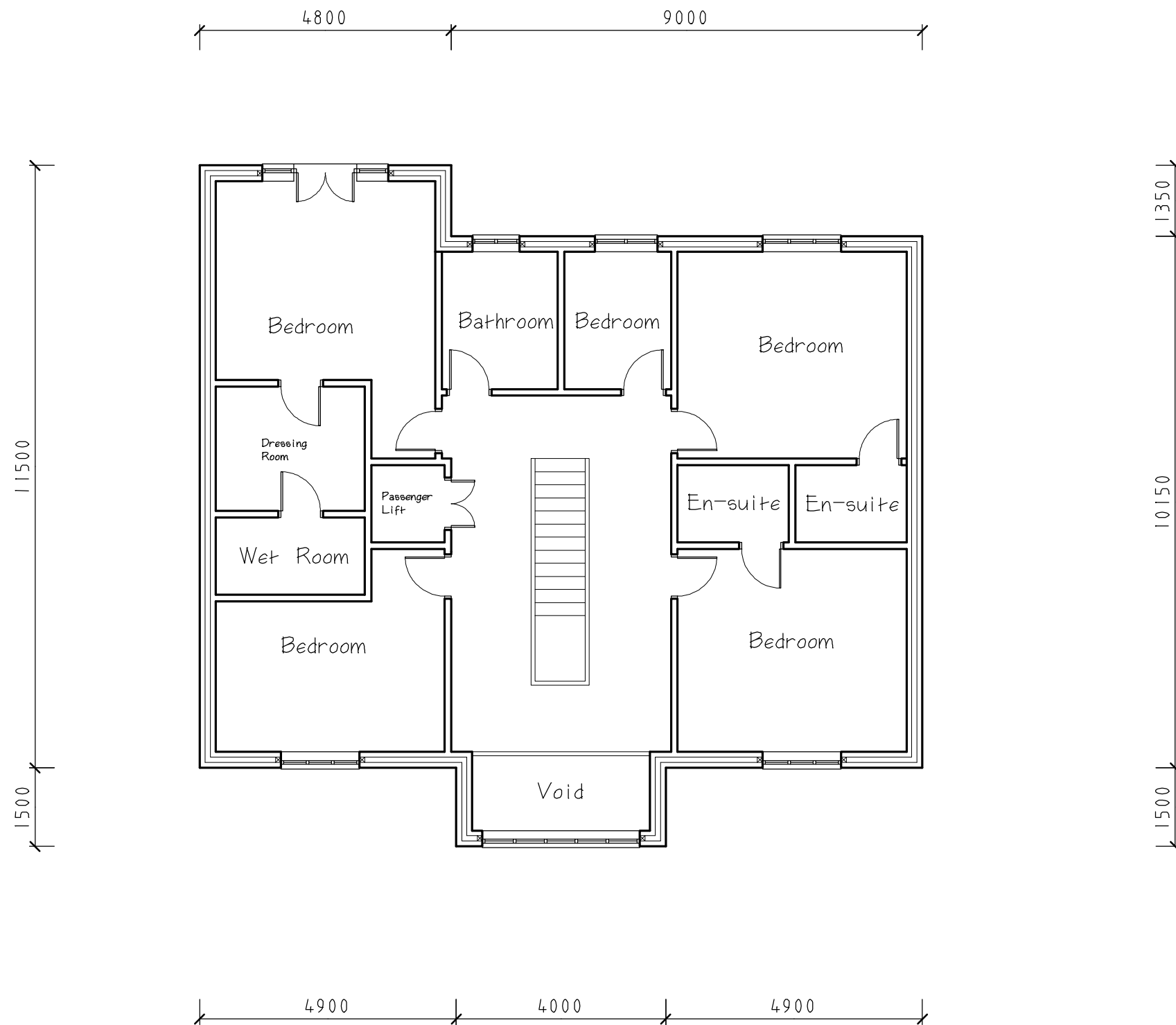
**LTW Developments Limited**  
 Tibro Hus, Chapelton Road  
 Bromley Cross  
 Bolton  
 Lancashire  
 BL7 9AT

<b>Drq.No.</b> - TMU06	<b>Rev.</b> -
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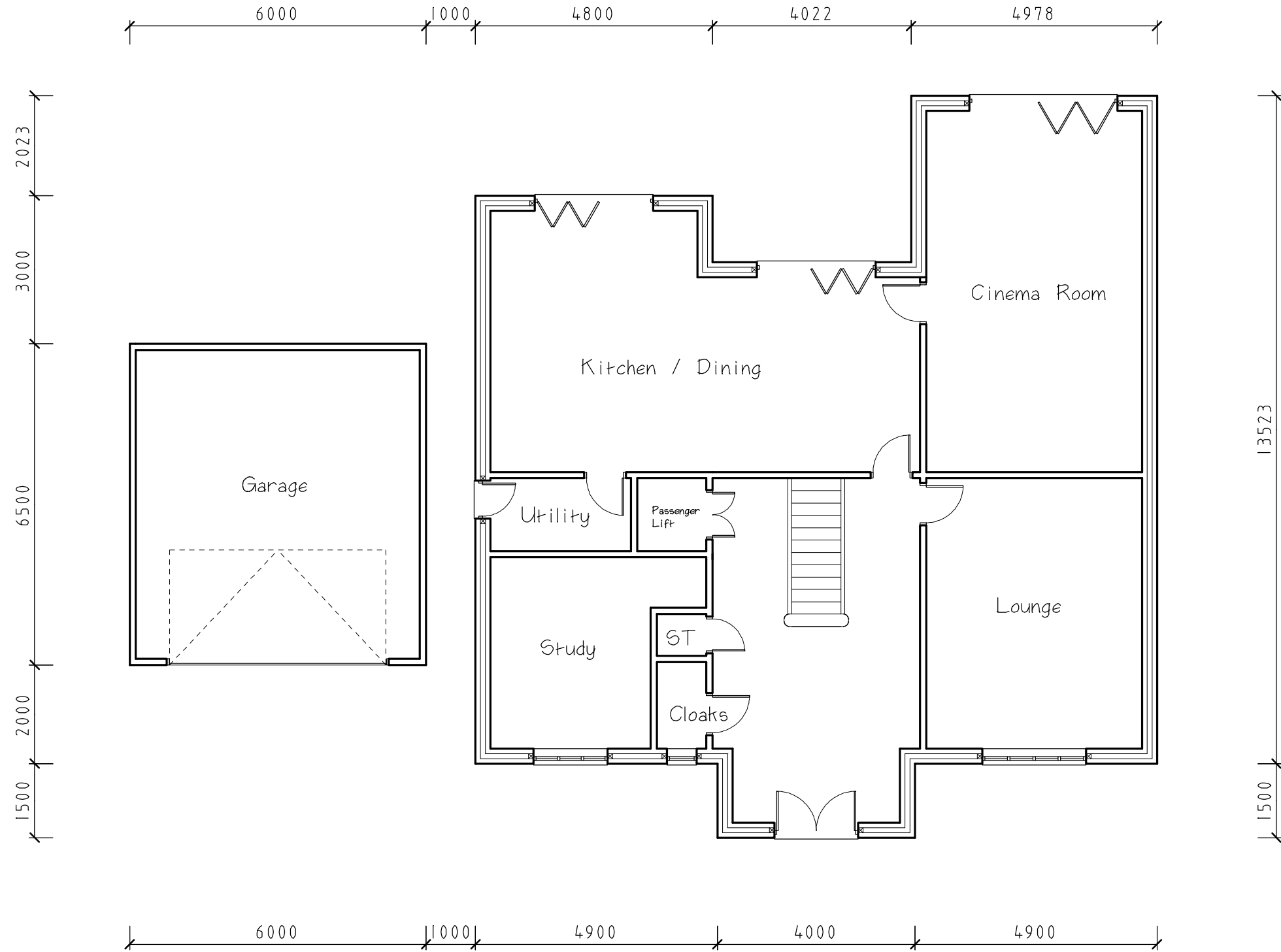




No.	Date	By	Contents
<b>Revisions</b>			
<b>Site Address</b>			
- The Mount 150 Hollins Lane Unworth Bury			
<b>Drawing Title</b>			
- Front Elevation Proposed New Detached House			
<b>Scale</b>	<b>Date</b>	<b>Drawn by</b>	
- 1:100 @ A3	- June 2012	- KSW	
<b>LTW Developments Limited</b>			
Tibro Hus, Chapelton Road Bromley Cross Bolton Lancashire BL7 9AT			
<b>Org.No.</b>	<b>Rev.</b>		
- TMU05	-		



No.	Date	By	Contents
<b>Revisions</b>			
<b>Site Address</b>			
- The Mount 150 Hollins Lane Unworth Bury			
<b>Drawing Title</b>			
- First Floor Layout Proposed New Detached House			
<b>Scale</b>	<b>Date</b>	<b>Drawn by</b>	
- 1:100 @ A3	- June 2012	- KSW	
<b>LTW Developments Limited</b>			
Tibro Hus, Chapeltown Road Bromley Cross Bolton Lancashire BL7 9AT			
<b>Org.No.</b>	<b>Rev.</b>		
- TMU10	-		



No.	Date	By	Contents
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**Revisions**

**Site Address**  
 - The Mount  
 150 Hollins Lane  
 Unworth  
 Bury

**Drawing Title**  
 - Ground Floor Layout  
 Proposed New Detached House

<b>Scale</b> - 1:100 @ A3	<b>Date</b> - June 2012	<b>Drawn by</b> - KSW
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**LTW Developments Limited**  
 Tibro Hus, Chapelton Road  
 Bromley Cross  
 Bolton  
 Lancashire  
 BL7 9AT

<b>Org.No.</b> - TMU09	<b>Rev.</b> -
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a	July 12	KSW	Moving House Forward By 1.5 metres
No.	Date	By	Contents

**Revisions**

**Site Address**  
 - The Mount  
 150 Hollins Lane  
 Unworth  
 Bury

**Drawing Title**  
 - Site Plan With Interface Distances  
 Proposed New Detached House

<b>Scale</b> - 1:400 @ A3	<b>Date</b> - June 2012	<b>Drawn by</b> - KSW
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**LTW Developments Limited**  
 Tibro Hus, Chapelton Road  
 Bromley Cross  
 Bolton  
 Lancashire  
 BL7 9AT

<b>Drq.No.</b> - TMU02	<b>Rev.</b> -
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**Ward:** Ramsbottom and Tottington -  
Ramsbottom

Item 05

**Applicant:** St Vincent's Housing Association

**Location:** Land to rear of 2-16 Hillside Road, Ramsbottom, Bury, BL0 9NJ

**Proposal:** Demolition of redundant garages; Erection of 4 no. dwellings

**Application Ref:** 55359/Full

**Target Date:** 05/09/2012

**Recommendation:** Approve with Conditions

### **Description**

The site is a triangular piece of land, formerly a garage colony, on the periphery of a residential housing estate and accessed off Hillside Road. The site is in an elevated position with land to the north and west designated as Green Belt and Area of Special Landscape. To the east and at a lower level are two storey blocks of houses and flats on Hillside Road. The site currently accommodates some single storey redundant garages, and there are a number of trees across the site. There is also substantial planting along the boundary to the west and to the rear of the houses on Hillside Road which abut the site. The proposal is for the demolition of the existing garages and redevelopment of the site for 4 dwellings. This would comprise of a row of 3 two storey terraced properties (2 bedroomed/4 person) and a bungalow (2 bedroomed/3 person). There would be 2 parking spaces for each property, with a bin store area and garden to the rear. Close boarded timber fences would separate the properties at the rear, with a retaining wall along the north and eastern boundary of the site. The development would be accessed from Hillside Road with proposals to make minor highways alterations.

The scheme seeks to provide family accommodation in the area and would comprise 100% affordable rented housing.

### **Relevant Planning History**

The proposal was developed following a number of pre-application discussions. The scheme is part of a nationwide programme to deliver the maximum number of affordable homes between 2011 and 2015. St Vincent's has secured a grant from the HCA to deliver this scheme for Bury, in accordance with agreed timescales in order to qualify for the funding.

### **Publicity**

32 letters sent on 12/7/2012 to properties at Nos 1-13 (odds) and 2-16 (evens) Hillside Road; 53 - 73 (odds) George Road; 2-8 (evens) Gleneagles Way; 2 Holden Avenue; 16 Carnoustie Drive.

One letter of objection received from No 52 George Street which raises the following issues:

- Concern there would be a negative impact on wildlife as there have been signs of deer and other wildlife in these woods;
- There is enough cars and traffic on this estate and very little room to park.

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

### **Consultations**

**Traffic Section** - No objection subject to conditions.

**Drainage Section** - No comments received to date.

**Environmental Health Contaminated Land** - No objection subject to conditions.

**Waste Management** - No objection.

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

OL1	Green Belt
EN9/1	Special Landscape Areas
EN1/2	Townscape and Built Design
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
HT2/4	Car Parking and New Development
EN6	Conservation of the Natural Environment
EN8	Woodland and Trees
H4/1	Affordable Housing
SPD6	Supplementary Planning Document 6: Alterations & Extensions
NPPF	National Planning Policy Framework
OL1/2	New Buildings in the Green Belt

### **Issues and Analysis**

**Principle** - Bury's statutory housing targets are set out in the Regional Spatial Strategy for the North West (RSS) at 500 dwellings per annum between 2003 and 2021. In addition to this annual target, housing delivery in the Borough also needs to take account of the shortfall in completions in the past six years, which has only averaged around 280 per annum, mainly as a result of the prevailing housing market conditions.

Whilst the Government has indicated that it is seeking to remove RSS and its housing targets, they have not indicated when this will be done and, therefore, the RSS target remains the statutory housing target until such time as RSS is removed or it is replaced by a new target in Bury's emerging Local Plan. It is currently proposed that the new housing target in the Local Plan should be set at 400 dwellings per annum, which is currently timetabled to be adopted in 2014.

In the meantime, the National Planning Policy Framework should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. There is a particular emphasis, as in previous national planning guidance, to identify a rolling five year supply of deliverable housing land.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up with sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the five year supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be completed). As such, latest monitoring indicates that the Council is unable to demonstrate a five year supply of deliverable housing land (4.7 years with a 5% buffer applied in accordance with the NPPF) and this needs to be treated as a material factor when determining applications for residential developments.

Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, 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.

UDP Policies H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development takes into consideration factors relating to the height and roof type of adjacent buildings, the impact of developments on residential amenity, the density and character of the surrounding area and the position and proximity of neighbouring properties. Regard is also given to parking provision and access, landscaping and protection of trees/hedgerows and external areas.

The proposed development would infill a backland site and would be located within a wider residential area. There is existing infrastructure in place to support the scale of the development and as such the principle is in general accordance with national and regional planning policy and will help to contribute to meeting local housing targets. The development will also redevelop an under-used garage colony in the area. Garage colonies are becoming less popular and when under-used often attract anti social behaviour or have a negative impact on the environment. The redevelopment of the site will bring benefits to both the area and the Borough as a whole. As such complies with the NPPF, RSS and UDP Policies H1/2 - Further Housing Development.

**Layout** - The proposed dwellings would front onto the access road, with plots 1-3 forming a short terraced row which would run from the western boundary and with the bungalow back towards the eastern corner of the site at an angle to the terraces. There would be 3 parking spaces located along the access road, with a further 5 spaces in front of the dwellings themselves. Each property would have a small garden and path to the front, with a private rear garden accessed down the side of the properties separated timber fencing to the rear. All bin store provision would be at the rear of the houses which would reduce clutter to the frontages and street scene.

The layout of the scheme has been designed to maximise the available use of the land whilst taking into consideration the topography and gradient of the site and would provide suitably sized accommodation and amenity areas. The dwellings would respect the position of the adjacent houses which back onto the site on Hillside Road, and would be adequately served by the existing access.

As such, the proposed layout is considered to be acceptable and would comply with UDP Policies H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development.

**Design and appearance** - The dwellings surrounding the site generally comprise 2 storey semi detached or small blocks of terraces or flats. The proposed development would generally reflect the residential character of the area, and materials of red faced brick and grey concrete interlocking roof tiles would match the existing external elevations of the existing houses.

The ridge height of the row of proposed terrace properties would have a gradual step down to acknowledge the levels difference on site. Each would have a recessed entrance and the size of the window openings are integral to the design to maximise light to the living accommodation. At the rear, the properties benefit from an outlook into private gardens and separated by boundary treatment.

The bungalow would continue the same design as the terraces, incorporating the pitched roof design, recessed entrance, and materials.

As such, the design and appearance are considered to be appropriate to the area and this type of small scale development and would comply with EN1/2 - Townscape and Built Design and H2/1 - The Form of New Residential Development.

**Impact upon residential amenity** - The houses which would be most affected by the development are Nos 2-16 Hillside Road and are positioned to the south and south east of the site. These dwellings are flats, in a 2 storey semi - detached arrangement and are set lower than the site. There is heavy tree planting along their rear boundary which currently screen the site from view.

The position and distance away of the row of terrace properties from those on Hillside would be such that there would not be any overlooking or privacy issues. The proposed bungalow on plot 4 would be the closest dwelling to these houses.

SPD 6 advises that a distance of 20m should be maintained between habitable room windows, 13m between a ground floor habitable room and 2 storey blank gable and 6.5m from a ground floor blank gable to a principle window. An additional 3m separation distance for each storey or levels difference would be required.

There would be a distance of 16m from the side elevation of the bungalow (blank elevation) to the rear elevations of Nos 2-8 Hillside ( 2 storey habitable rooms). With the difference in levels, and treating the bungalow as a 2 storey build, a distance of 9.5m would be required, and this would be easily achieved.

There would be a distance of 15m from the front corner of plot 3 to the rear of Nos 10-16 Hillside at the closest point, and no direct relationship between habitable room windows.

As such, there would be adequate separation distance and together with the substantial planting along the boundary, the proposals are considered not to have an adverse impact on the amenity of nearby residents and would comply with UDP Policies H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development.

**Parking and access** - The site is no longer a garage colony and has been vacant and overgrown for some time. It is not allocated for any parking at this time, and as such the proposed scheme would not result in a loss of local parking.

Supplementary Planning Document 11 - Parking Standards in Bury states the maximum parking provision required would be 2.5 spaces for 2 bed properties. The development proposed 2 spaces for each of the properties. However, these are maximum standards and given the type of accommodation proposed where car ownership is likely to be lower, the parking provision for each property is considered to be satisfactory.

The site would utilise the existing access from Hillside Road and would incorporate a turning head to allow the site to be exited in a forward gear.

As such, the proposals are considered to comply with UDP Policy H2/2 - The Layout of New Residential Development and HT2/4 - Car Parking and New Development.

**Green Belt** - UDP Policy OL1/2 - New Buildings in the Green Belt is relevant in that it allows for limited replacement or infill of sites, albeit in certain locations. Paragraph 49 of the NPPF carries significant weight in that housing applications should be considered in the context of presumption in favour of sustainable development. Paragraph 89 states that limited infilling of a previously developed site is not inappropriate development in the Green Belt, providing it would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Part of the site, along the north and western boundary, is in the Green Belt and Area of Special Landscape Value.

Some of the remaining garages are already located in this area of the site, and the edge of the plot 4 and the majority of plot 1 would also encroach into the Green Belt. The boundary of the proposed development would follow the boundary of the existing garage colony and it is judged that the garages form a defensible boundary to the Green Belt presently. Consequently it is considered that the proposal would not be significantly different to the existing situation as currently seen on the site today. The development would result in the limited infilling of it being a previously developed site and would comply with paragraphs 49 and 89 of the NPPF. As such, it is considered the development would not have a greater impact on the openness of the Green Belt.

**Trees** - A tree survey has been submitted which identifies the need to remove two groups of trees, which are identified as being of low quality and value, and 2 individual trees of poor quality which should be removed for sound arboricultural management. The position of these trees within the site and their quality are such that they provide little amenity value to the street scene and as such their removal is considered to be acceptable. Proposed replacement planting would be included as a condition to submit an overall



landscaping plan for the site.

Tree protection measures for those to be retained would be adopted whilst works took place and a condition would also be included to secure this. The proposals are therefore considered to be acceptable and would comply with EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

**Ecology** - The proposed development involves the demolition of the existing garages. The submitted bat survey concludes there is no roost potential or evidence of bats identified. There would be removal of vegetation on the site, and a condition would be considered appropriate to restrict the time of its clearance to avoid disturbance to nesting birds. As such the proposal would comply with UDP Policies EN6 - Conservation of the natural Environment and EN6/3 – Features of Ecological Value.

**Contributions** - The scheme as proposed would normally include either on site recreation provision or a commuted sum contribution to the value of £12,080.19 and it is proposed that these requirements be waived.

The financial constraints of the scheme are such that any financial contribution would jeopardise the development and the support offered by Housing Associations in terms of meeting the Borough's affordable housing needs as set out in the Council's Affordable Housing Strategy. Other Local Planning Authorities in the North West have chosen not to charge recreational payments for Affordable Housing Programme (AHP) developments. Given that AHP funded developments which are typically 100% affordable are far in excess of normal affordable housing requirements under planning policy, it is considered that this is a reasonable argument in this case to accept.

There are currently over 3,000 households on the Council's waiting list, and the provision of these new units will help to address this housing need. The Council will have 100% nominations rights to the first letting of these dwellings and 50% nominations rights on all subsequent lettings. Therefore, the development supports the aims of both the Affordable Housing Strategy and the over-arching Housing Strategy for the Borough.

It is considered that the benefits accruing from the development in terms of affordable housing outweigh the normal requirements for recreational open space, thereby justifying support for the scheme as submitted.

**Response to objectors** - There would be 2 parking spaces per dwelling and this is considered to be acceptable for the proposed scheme and would comply with policy guidance SPD11.

The site is on the periphery of an existing housing estate and given the open character of the land to the north and west, development of the site is considered not to have a detrimental impact on wildlife in the area.

### **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 on the amenity of the neighbouring properties or the future occupiers of the proposed dwellings and there would be no visual impact on the amenity of the area. The scheme includes adequate parking and will not adversely impact on highway safety issues. There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date

of this permission.

Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

2. This decision relates to drawings numbered Site location plan P3279-001 Rev E; Proposed site layout P3279-002 Rev D; Proposed layout plans P3279-003 Rev B; Proposed elevations P3279-004 Rev C; Proposed hard landscape plans P3279-005 Rev F; Proposed site sections P3279-006 Rev B; Topographical survey SSL:1:200:1:1; Design and Access Statement P3279 - May 2012 Rev A; Inspection and Assessment in Relation to Bats 5 July 2012; Tree Survey report tba architects May 2012, 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 the policies of the Bury Unitary Development Plan listed.

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 National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

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 National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

5. No vegetation or site clearance shall be carried out on site between 1st March and 31st August inclusive in any year.

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 National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment and the Protection of Nesting Birds, Wildlife & Countryside Act, 1981.

6. Details/Samples of the (materials/bricks) to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials/bricks shall be used for the construction of the development.

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

7. A landscaping scheme shall be submitted to, and approved in writing by, the Local

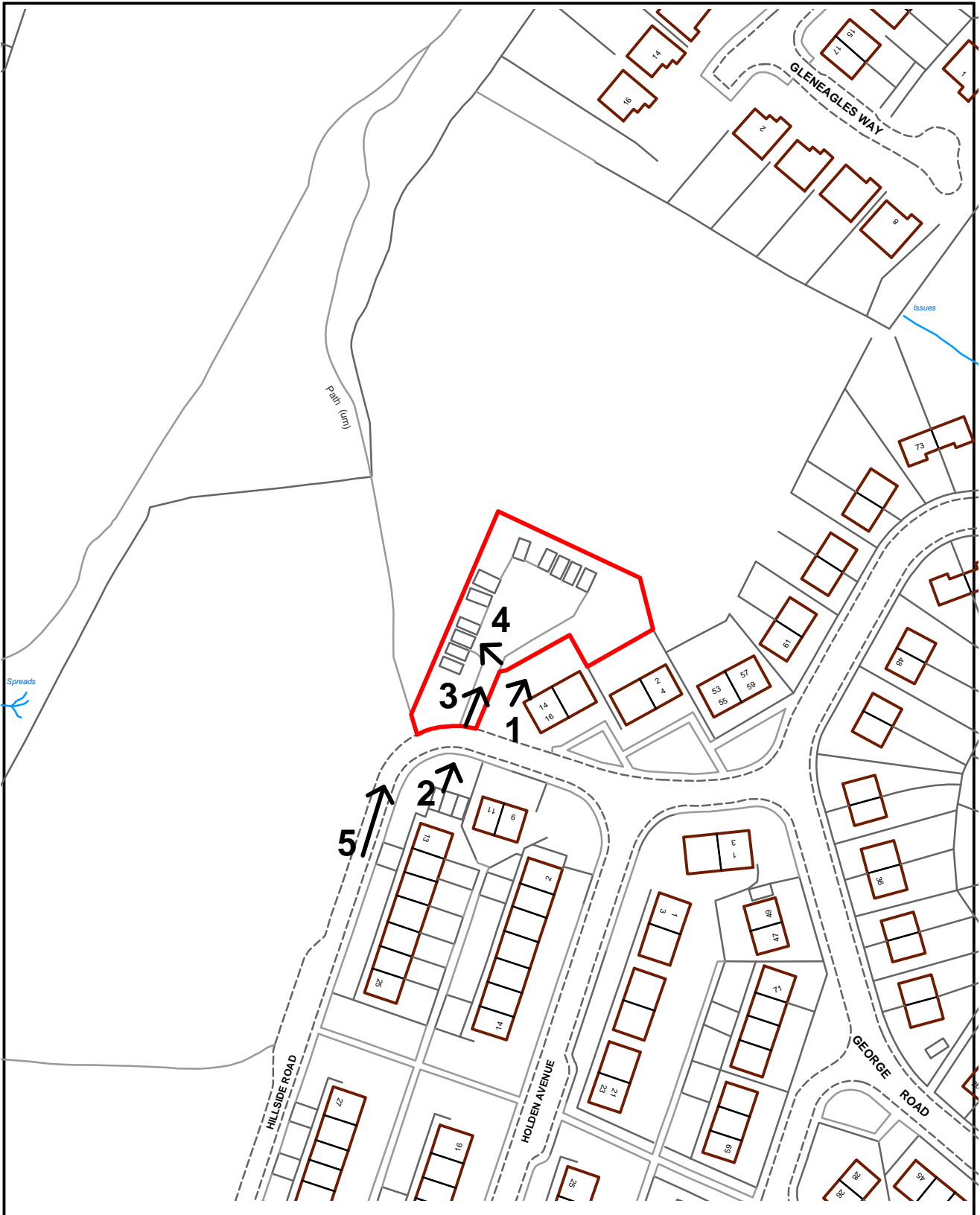
Planning Authority prior to the commencement of the development. It shall be implemented not later than 12 months from the date the building(s) is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced 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.

8. 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.
9. The development hereby approved shall only be developed by or on behalf of the applicant as an affordable housing scheme and each and every residential dwelling constructed as part of the scheme shall subsequently be occupied only and at all times as affordable housing, as defined in national planning policy.  
Reason - The proposed development has been granted given the particular circumstances of the applicant following a funding package from the Homes & Communities Agency (HCA) which provides an opportunity to promote increased affordable housing, but as a result a recreational contribution pursuant to Unitary Development Plan Policy RT2/2 (Recreation Provision in New Housing Development) and Supplementary Planning Document 1 (Open Space, Sport and Recreation Provision in New Housing Development) will not be provided. This condition is thereby to ensure that in order to make the development acceptable in planning terms, as a result of not making a recreational contribution the whole development shall instead contribute to satisfying the need for affordable housing provision.
10. The development hereby approved shall not be first occupied unless and until the extension of the adopted footway on and link to the development from Hillside Road indicated on approved plan reference P3279-005 Revision F and all footway remedial works have been implemented to the written satisfaction of the Local Planning Authority.  
Reason. To ensure good highway design in the interests of pedestrian safety pursuant to Bury Unitary Development Plan Policy HT6/2 - Pedestrian/Vehicular Conflict.
11. The turning facilities indicated on approved plan reference P3279-005 Revision F shall be provided before the development is first occupied and shall subsequently be maintained free of obstruction at all times.  
Reason. To minimise the standing and turning movements of vehicles on the adjacent highway in the interests of road safety pursuant to Bury Unitary Development Plan Policy HT6/2 - Pedestrian/Vehicular Conflict.
12. The car parking indicated on approved plan reference P3279-005 Revision F shall be surfaced, demarcated and made available for use before the dwellings hereby approved are occupied and thereafter maintained at all times.  
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

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

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

**APP. NO 55359**

**ADDRESS: Land at Hillside Road  
Ramsbottom**



**Planning, Environmental and Regulatory Services 1:1250**

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Photo 1



Photo 2



Photo 3



Photo 4

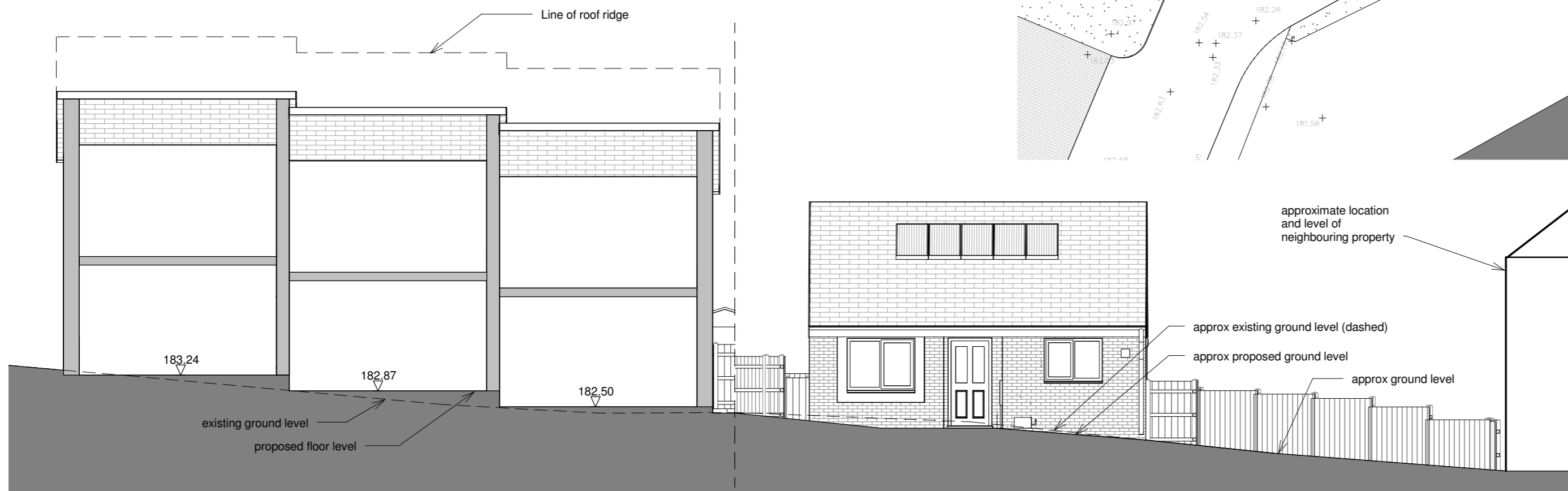
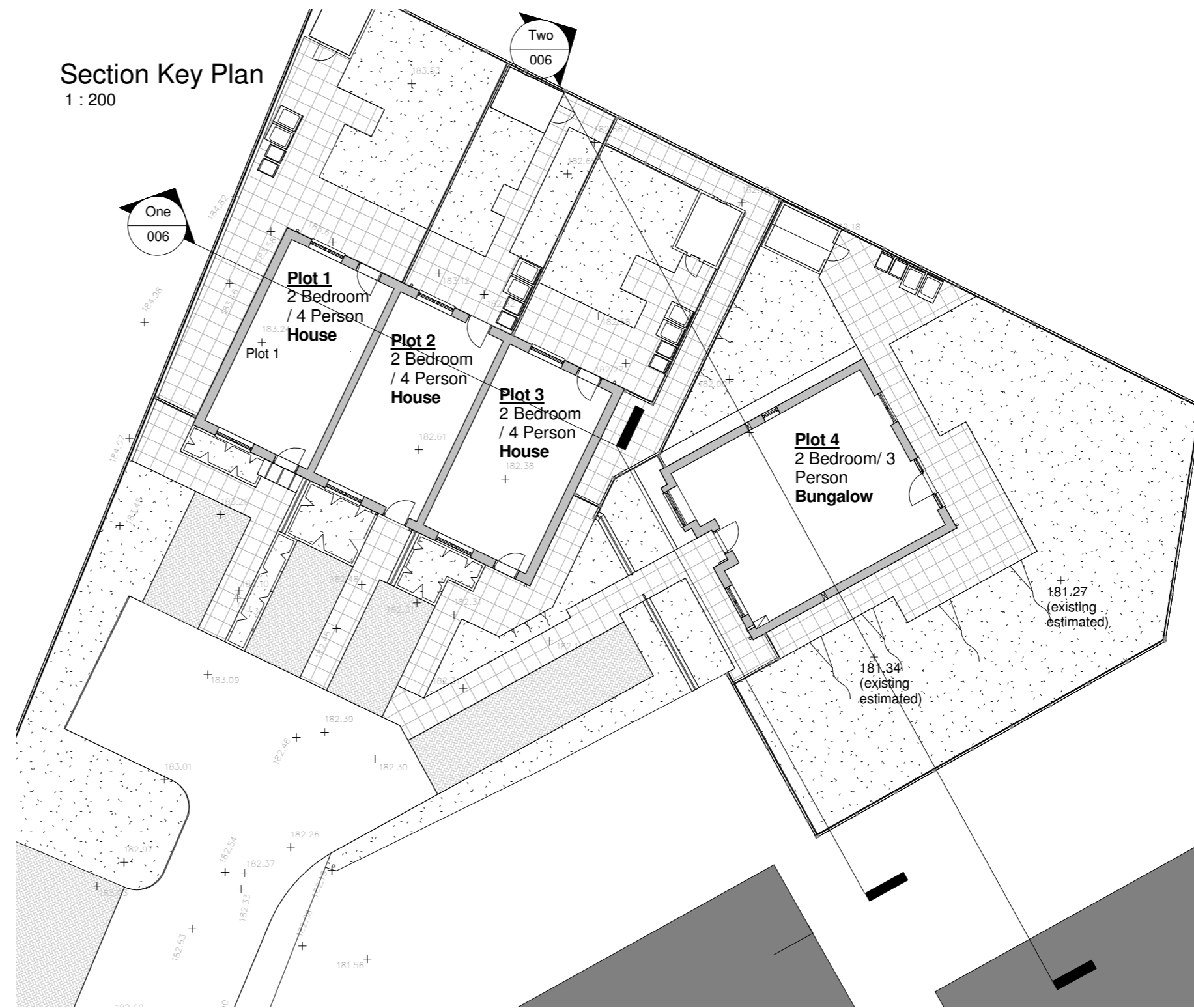


Photo 5

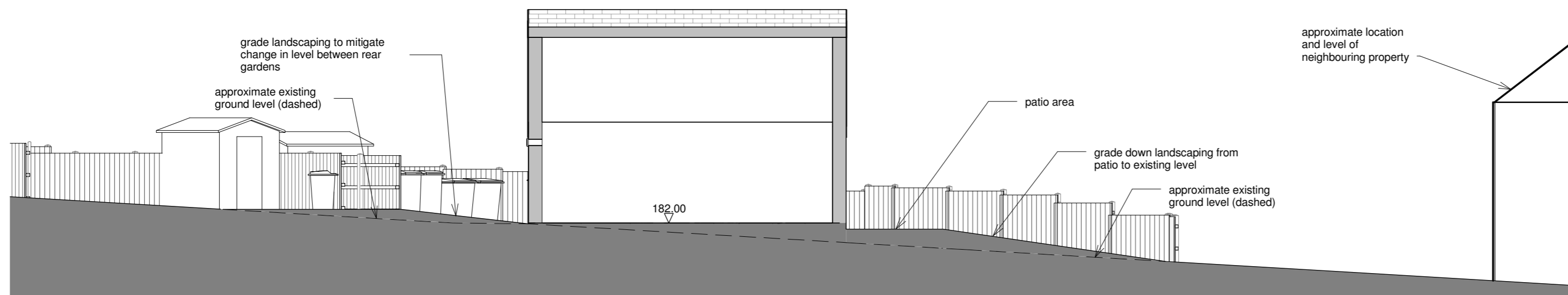




Section Key Plan  
1 : 200



Section One - Through Terrace to Neighbouring House  
1 : 100



Section Two - Through Bungalow to Neighbouring House  
1 : 100

Notes

The Contractor is to check all dimensions and conditions on site before commencing. Do not scale from this drawing.

This drawing remains the copyright of POZZONI LLP.

Scale Bars TO BE USED ONLY AS GUIDANCE

1:100	mm	1000	3000	5000	
1:200	mm	5000	8000		
1:500	M	5	15	25	
1:1250	M	10	30	50	70

Rev	Description	By	Date
B	Boundary amended following receipt of official title plan from client.		Date 12
A	Section line altered to show relationship between buildings more clearly.	SRW	14/06/12

Client: St. Vincent's Housing Association

Job: Hillside Road, Ramsbottom

Drawing: Proposed Site Sections

Dwg. No: P3279 - 006 Rev: B

Date: 23/04/12 Scale: As indicated @ A2

EMc SRW Approved

Feasibility Tender Construction

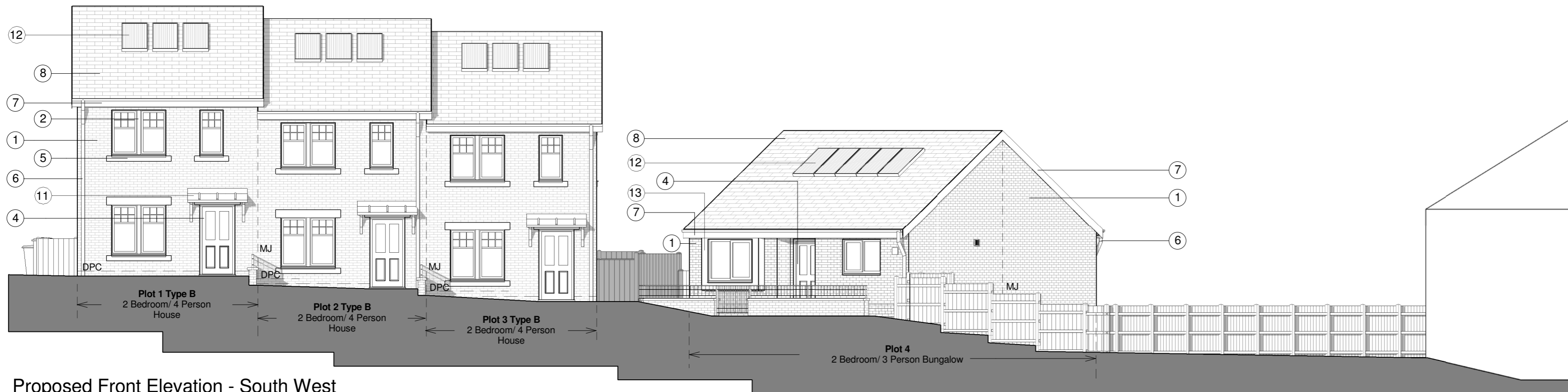
Design Contract As Built



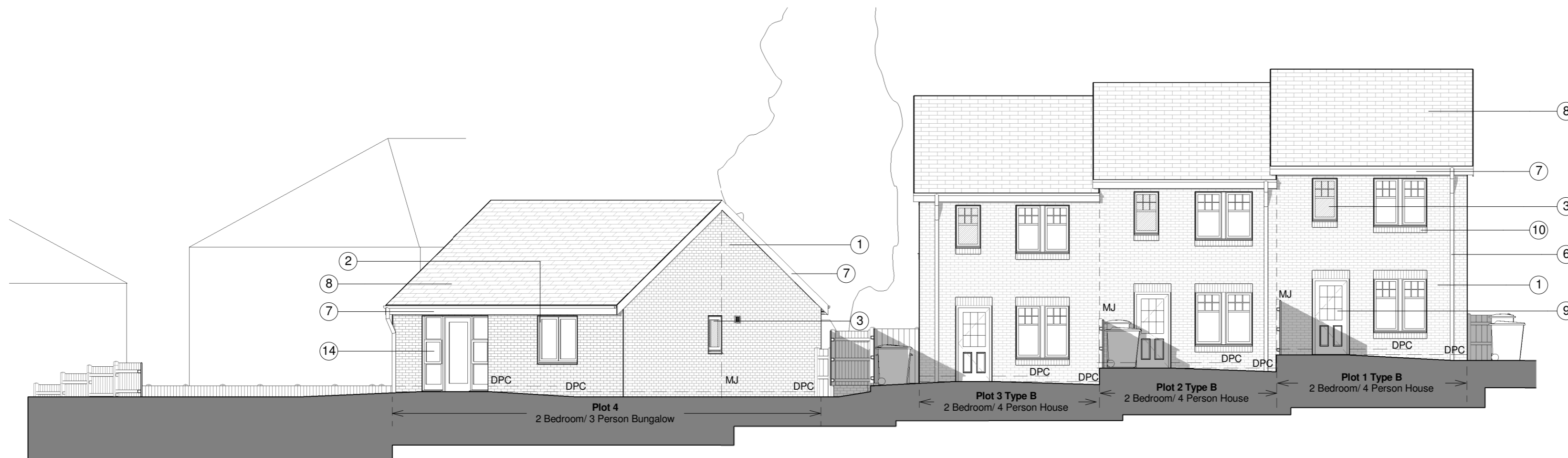
16 Bowling Green Lane London EC1R 0BD  
2 Woodville Road Altrincham WA14 2FH

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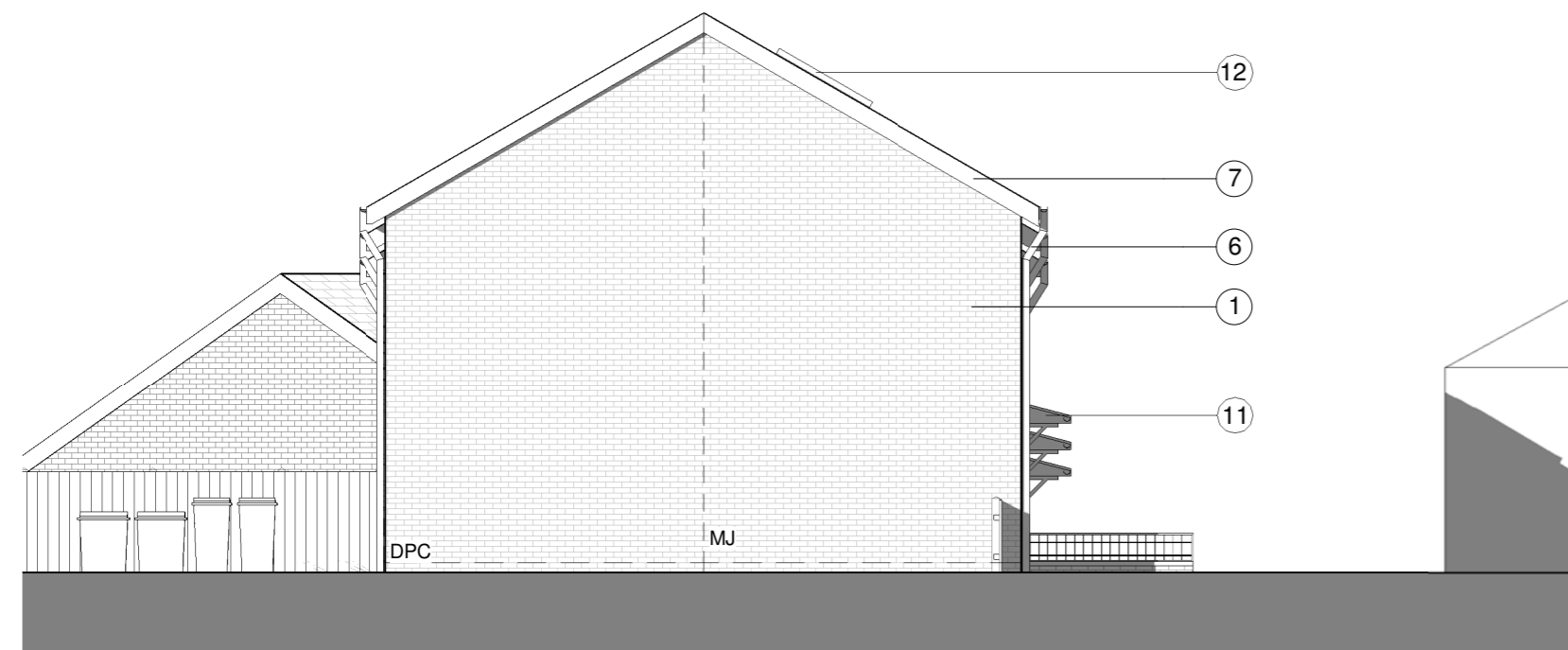
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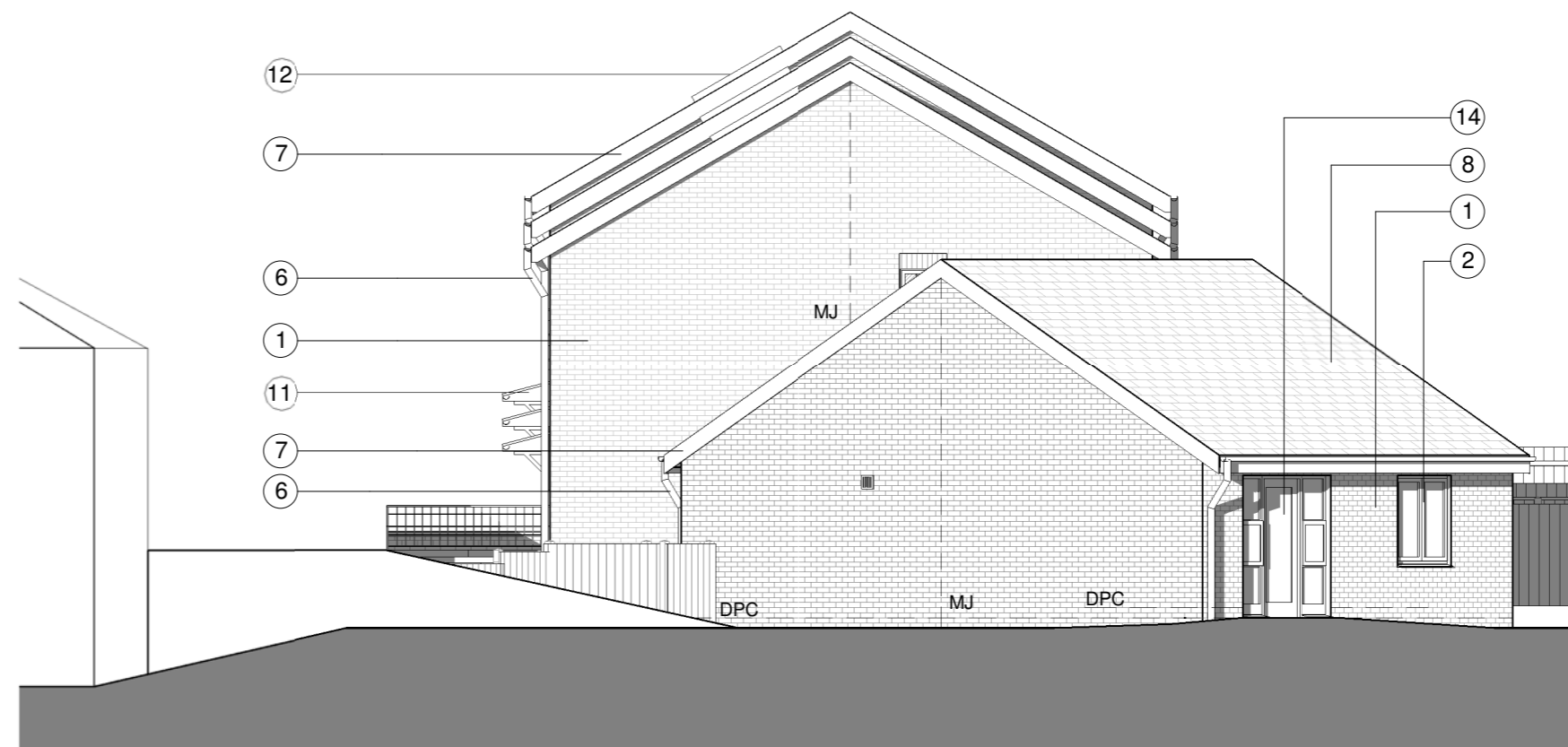
Proposed Front Elevation - South West  
1 : 100



Proposed Rear Elevation - North East  
1 : 100



Proposed Side Elevation - North West  
1 : 100



Proposed Side Elevation - South East  
1 : 100

Notes

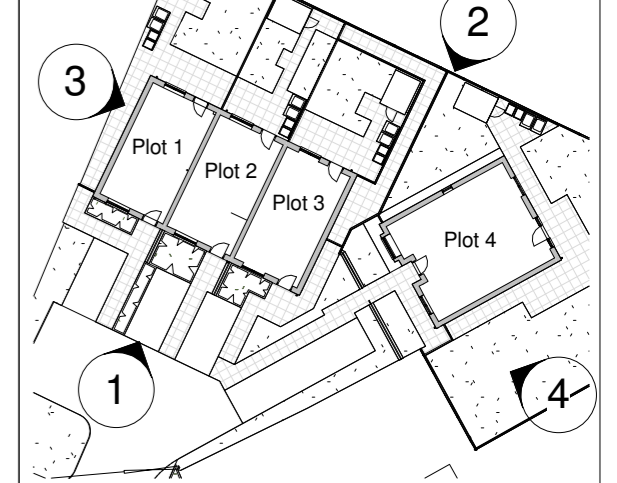
The Contractor is to check all dimensions and conditions on site before commencing. Do not scale from this drawing.

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Scale Bars TO BE USED ONLY AS GUIDANCE

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1:200	mm	5000	8000	
1:500	M	5	15	25
1:1250	M	10	30	50
			70	

KEYPLAN



Materials Key

1. Facing Brickwork - Red multi.
2. Windows - Secured by Design compliant U-PVC: White frames and glazing to BSEN 356 2000 Rating.
3. Windows - Secured by Design compliant U-PVC: White frames and obscure glazing to BSEN 356 2000 Rating P2A.
4. Doors - Front door, Secured by Design PAS 24 compliant composite door and glazing.
5. Lintel / Cill - Reconstituted stone.
6. Rainwater Goods - U-PVC: Black.
7. Fascias - U-PVC: White.
8. Roof tile - Grey concrete interlocking tile.
9. Doors - Rear door, Secured by Design PAS 24 compliant composite door and glazing.
10. Lintel / Cill - Red multi brick soldier course.
11. Canopies - timber structure and brackets. Covering to be zinc with cored rolls at centres to be confirmed.
12. Solar panels to be confirmed.
13. Aluminium projecting bay, colour TBC.
14. Doors - Rear door and combination frame, Secured by Design PAS 24 compliant composite door and glazing with glazing to BSEN 356 2000 rating P2A.

Note: Movement joints are indicative only and are to be in accordance with Structural Engineer's design.

C	Materials key amended. DPCs added.	SRW	14/06/12
B	Annotation altered.	SRW	18/05/12
A	Footpaths to front doors altered to allow for changes in level, terraces shown as split level, red boundary line amended.	SRW	03/05/12
Rev	Description	By	Date

Client: St. Vincent's Housing Association

Job: Hillside Road, Ramsbottom

Drawing: Proposed Elevations

Dwg. No.: P3279 - 004 Rev: C

Date: 01/03/12 Scale: As indicated @ A2

EMc 2D CoOrd KA Approved

Feasibility Tender Construction

Design Contract As Built

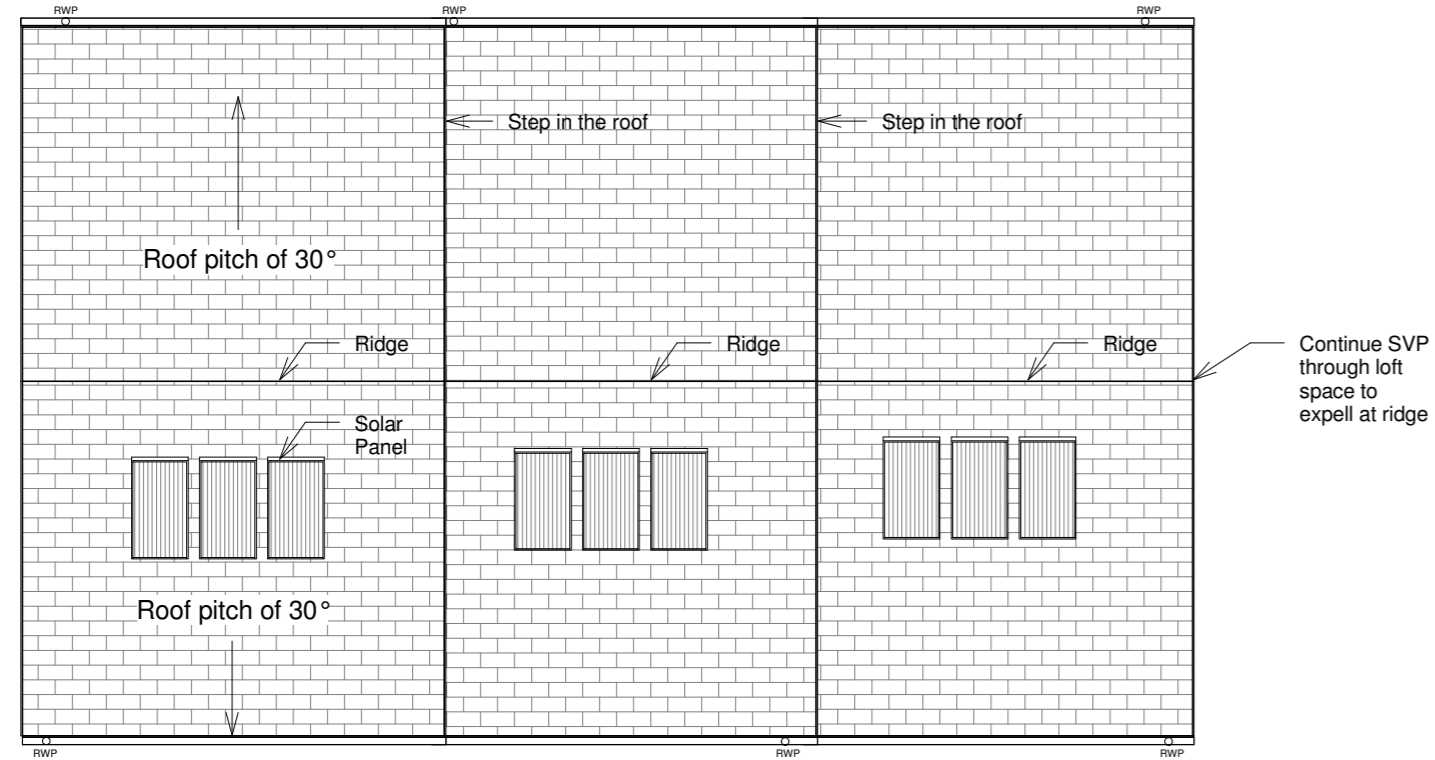
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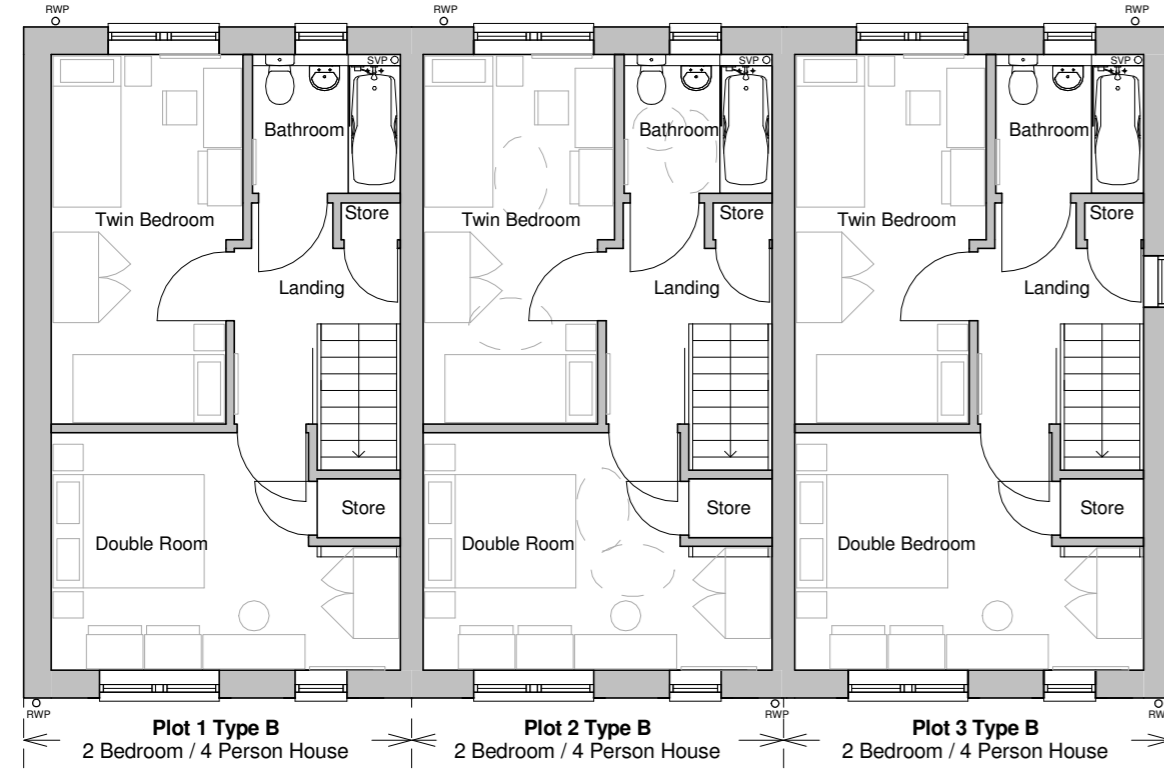
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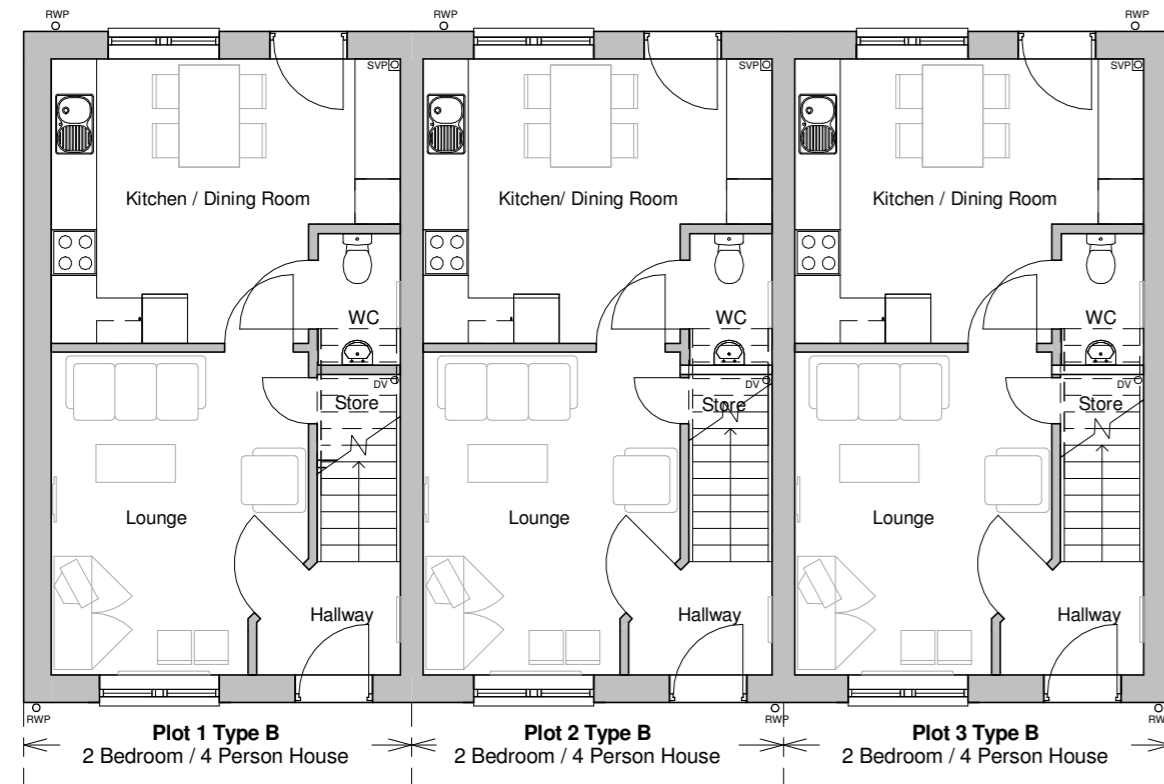
### Plots 1 to 3 House Plans



Plots 1 to 3 - Proposed Roof Plan  
1 : 100

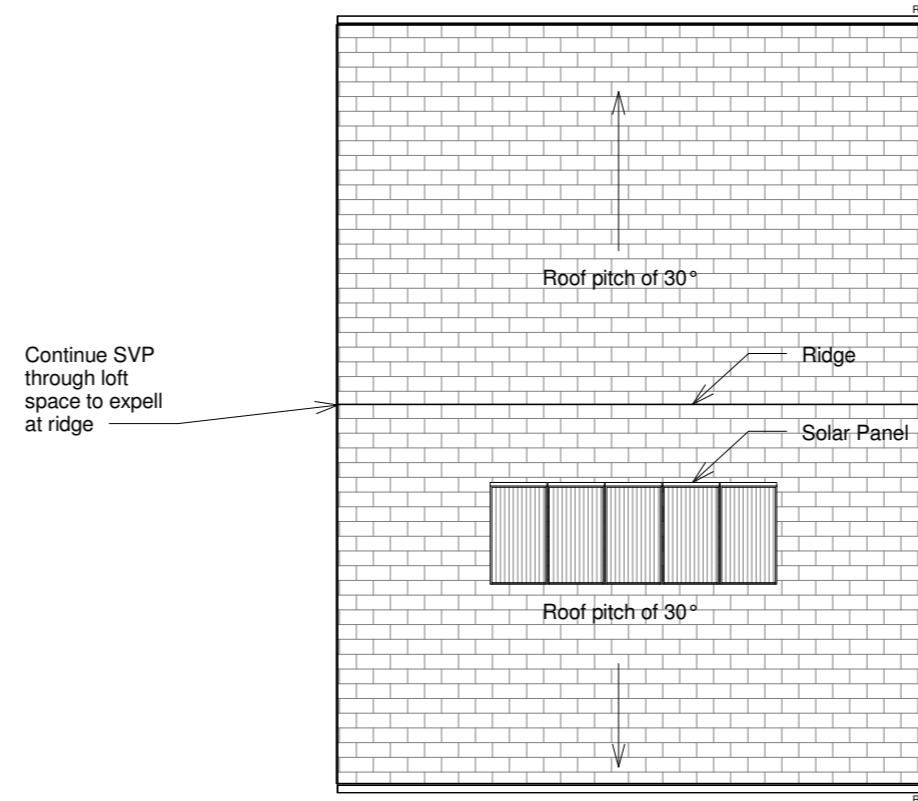


Plots 1 to 3 - Proposed First Floor Plan  
1 : 100

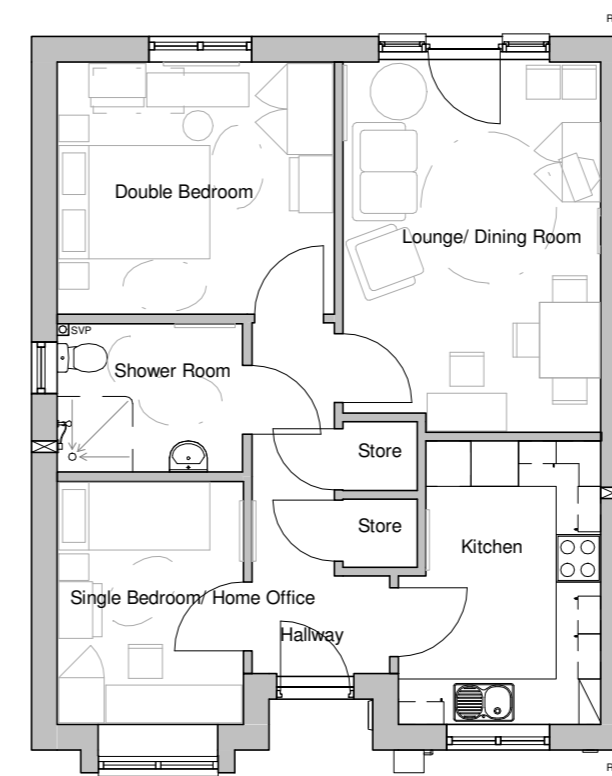


Plots 1 to 3 - Proposed Ground Floor Plan  
1 : 100

### Plot 4 Bungalow Plans



Plot 4 - Proposed Roof Plan  
1 : 100



Plot 4 - Proposed Ground Floor Plan  
1 : 100

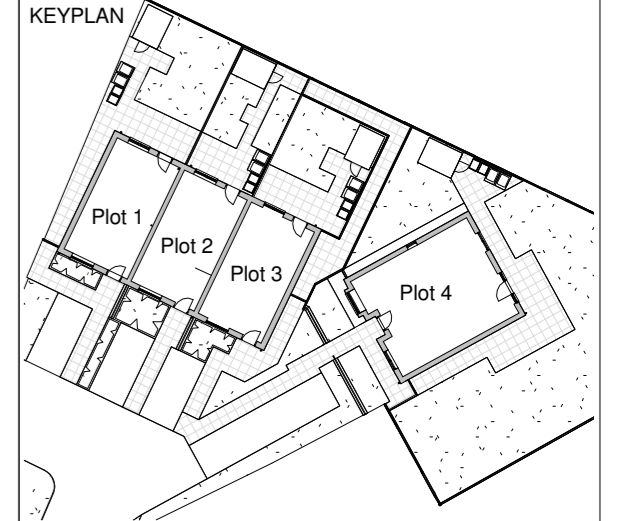
Notes

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1:200	mm	5000	8000	
1:500	M	5	15	25
1:1250	M	10	30	50
			70	



Rev	Description	By	Date
B	Room, RWP, SVP annotation added.	SRW	13/06/12
A	Footpaths to front doors altered to allow for changes in level, terraces shown as split level, red boundary line amended.	SRW	03/05/12

Client	St. Vincent's Housing Association		
Job	Hillside Road, Ramsbottom		
Drawing	Proposed Plans		
Dwg. No.	P3279 - 003	Rev	B
Date	01/03/12	Scale	As indicated @ A2
3D CoOrd	EMc	2D CoOrd	KA
Project Status	Feasibility	Tender	Construction
	Design	Contract	As Built



16 Bowling Green Lane  
London  
EC1R 0BD

2 Woodville Road  
Altrincham  
WA14 2FH

0202 787 0079  
architects@pozzoni.co.uk

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Retaining wall likely, confirmation of levels required

Boundary extent to all site based on A4 drawing as issued from the Chief Executive Department a Bury Council dated 16.03.2012 at a scale of 1:500



Notes

The Contractor is to check all dimensions and conditions on site before commencing. Do not scale from this drawing.

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Scale Bars TO BE USED ONLY AS GUIDANCE

1:100	mm	1000	3000	5000
1:200	mm	5000	8000	
1:500	M	5	15	25
1:1250	M	10	30	50 70

Key

Please note that all gates within boundaries are to be the full height of the fence/ railing adjoining.

	Existing trees to be removed		Shared road surface
	Areas of planting to be cut back or removed as necessary		All Driveways to be PCC block paviours laid in Herringbone pattern.
	Shed to house sufficient cycles to satisfy Code for Sustainable Homes ENE 8. Please note some sheds are built into the boundary structure.		All rear paving to be marshalls saxon buff yellow.
	Rotary dryer to satisfy Code for Sustainable Homes ENE 4		All front paving to be PCC saxon grey.
	Bins for waste and recycling (numbers assumed). Recycling provision is sufficient to satisfy Code for Sustainable Homes ENE 4		Grassed areas
			Gravel strip
			Low planting

Parking Provision: Plots 1 to 4: two parking spaces per unit (200%)

D	Boundary amended following receipt of official title plan from client.		Date 12
C	Note to bungalow removed.	SRW	13/06/12
B	Estimated levels added.	SRW	18/05/12
A	Footpaths to front doors altered to allow for changes in level, terraces shown as split level, red boundary line amended.	SRW	03/05/12

Rev	Description	By	Date
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Client: St. Vincent's Housing Association

Job: Hillside Road, Ramsbottom

Drawing: Proposed Site Layout

Drg.No. P3279 - 002 Rev D

Date 23/04/12 Scale 1 : 200 @ A3

3D CoOrd EMc 2D CoOrd SRW Approved

Project Status	Feasibility	Tender	Construction
	Design	Contract	As Built



16 Bowling Green Lane London EC1R 0BD  
2 Woodville Road Altrincham WA14 2FH

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Schedule of Accommodation

Plot	Type	Area
1	2 Bedroom 4 Person House	75 m <sup>2</sup>
2	2 Bedroom 4 Person House	75 m <sup>2</sup>
3	2 Bedroom 4 Person House	75 m <sup>2</sup>
4	2 Bedroom 3 Person Bungalow	62 m <sup>2</sup>

**Ward:** Radcliffe - North

Item 06

**Applicant:** Alcock Veterinary Services Ltd

**Location:** 2-4 Stopes Road, Radcliffe, Manchester, M26 3WP

**Proposal:** A. Variation of condition No. 4 of planning permissions 50435 and 55036 to amend the opening hours from 0830 - 1930hrs Monday to Friday and 0900hrs on Saturdays.

B. Variation of condition No.4 of planning permissions 50435 and 55036 to amend the opening hours to 1000 - 1600hrs Sundays and 1000 - 1400 Bank Holidays (Excluding Christmas Day and Easter Sunday)

**Application Ref:** 55375/Full

**Target Date:** 29/08/2012

**Recommendation:** Split Decision

### **Description**

The application relates to a two storey building on the corner of Stopes Road and Countess Lane. It has been operating as a veterinary practice since it gained approval for the change of use (from former shop) in September 2008. The change of use included the provision of an 8 space car park within the rear yard. The property is at the end of a row of terraced houses fronting Stopes Road with bungalows fronting Countess Lane to the rear. Across Countess Lane at No.2 is a detached general store with a flat above. To the south, across Stopes Road are houses.

The original change of use to the vets was approved in September 2008 with a condition restricting the hours of opening to:  
0830 -1930hrs Monday to Friday and 0900 - 1700hrs on Saturdays.

This applicant wishes to vary these times to:

0830 - 2000hrs Monday to Friday (30 minute later than previously approved)

0900 - 1700hrs Saturdays (Same as approved)

1000 - 1600hrs Sundays

1000 - 1400hrs Bank Hols (Excluding Christmas Day and Easter Sunday)

### **Relevant Planning History**

50435 - Change of Use from Shop to Veterinary Surgery - approved 23/10/2008

55036 - Change of use of first floor to veterinary surgery (Class D1); Two storey extension at rear - approved 24/05/2012

12/0324 - Breach of condition - operating hours - 04/07/2012

### **Publicity**

The following neighbours were notified Nos.1 - 15 Stopes Road (odd); 6 - 18 Stopes Road (even); 2, 3, 4 and 6 Countess Lane & 498 Bolton Road have been notified by letter dated 09/07/2012.

One objection received from the occupiers of No.6 Countess Lane who are concerned that the business has been in defiance of the hours since it was first opened and are creating parking problems around the site.

### **Consultations**

Environmental Health Pollution Control - No objection.

Traffic - No objection.

### Unitary Development Plan and Policies

EC4/1	Small Businesses
EN1/5	Crime Prevention
H3/1	Assessing Non-Conforming Uses
HT2/4	Car Parking and New Development
CF1	Proposals for New and Improved Community Facilities

### Issues and Analysis

**Hours of opening** - It is noted that the business has been opening as per the proposed opening hours since it opened. The applicant wishes to regularise these hours.

With regard to weekdays, the extra half hour at the end of the day is not considered significant and is unlikely to create any serious problems with regard to residential amenity.

Whilst it is not unusual for a veterinary practice to be open for a limited period on Sundays or bank holidays, it is considered that 10am - 4pm and 10am to 2pm respectively would be unacceptable by reason of the general activity associated with the use and the coming and going of customers in vehicles within what is predominantly a residential area particularly where there are attached neighbouring residential property. The problem is somewhat compounded by evidence that staff are parking on the hardstanding in front of the bungalow at No.3 Countess Lane which is immediately adjacent to another bungalow. Given this close relationship to a residential property, it is considered that there should be some respite from general activity associated with the business and as such, the original decision to restrict Sunday and Bank Holiday working should remain.

That part of the proposal to extend the original weekday opening hours is acceptable and would comply with UDP Policy EC4/1 Small Businesses and H3/1 Assessing Non-conforming Uses.

Whilst it is recognised that *some* form of Sunday opening may be acceptable, the hours proposed are considered excessive. Therefore that part of the proposal to extend the opening hours into Sunday and bank holidays is unacceptable and would conflict with UDP Policies EC4/1 Small Businesses and H3/1 Assessing Non-conforming Uses.

**Objection** - The neighbours, across Countess Lane at No.6 are concerned about vehicular activity and parking around the site, including the hardstanding in front of No.3 Countess Lane, the bungalow owned by the applicant. Whilst the parking provision within the site is not necessarily a cause for concern, the issue of disturbance caused on Sundays and Bank Holidays by customers, particularly within vehicles is, and is reflected in the split decision.

### Summary of reasons for Recommendation

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

The proposed weekday opening hours would allow the practice to operate a more effective service to the public without serious detrimental to the amenity of the neighbouring residents or highway safety. There are no other material considerations that outweigh this finding. The proposal complies with the Policies listed.

**Recommendation:** Split Decision

### Conditions/ Reasons

1. The activities associated with the use of the premises would, for those proposed Sunday and Bank Holiday opening hours, be seriously detrimental to the residential amenities of nearby residents by reason of the general disturbance generated by the coming and going of customers and their vehicles. The proposed development therefore conflicts with the following policies of the Bury

Unitary Development Plan:

EC4/1 Small Businesses and H3/1 Assessing Non-conforming Uses.

4. No work or other activity shall take place on the site on Sundays or Bank Holidays and all work and other activity on other days shall be confined to the following hours:-

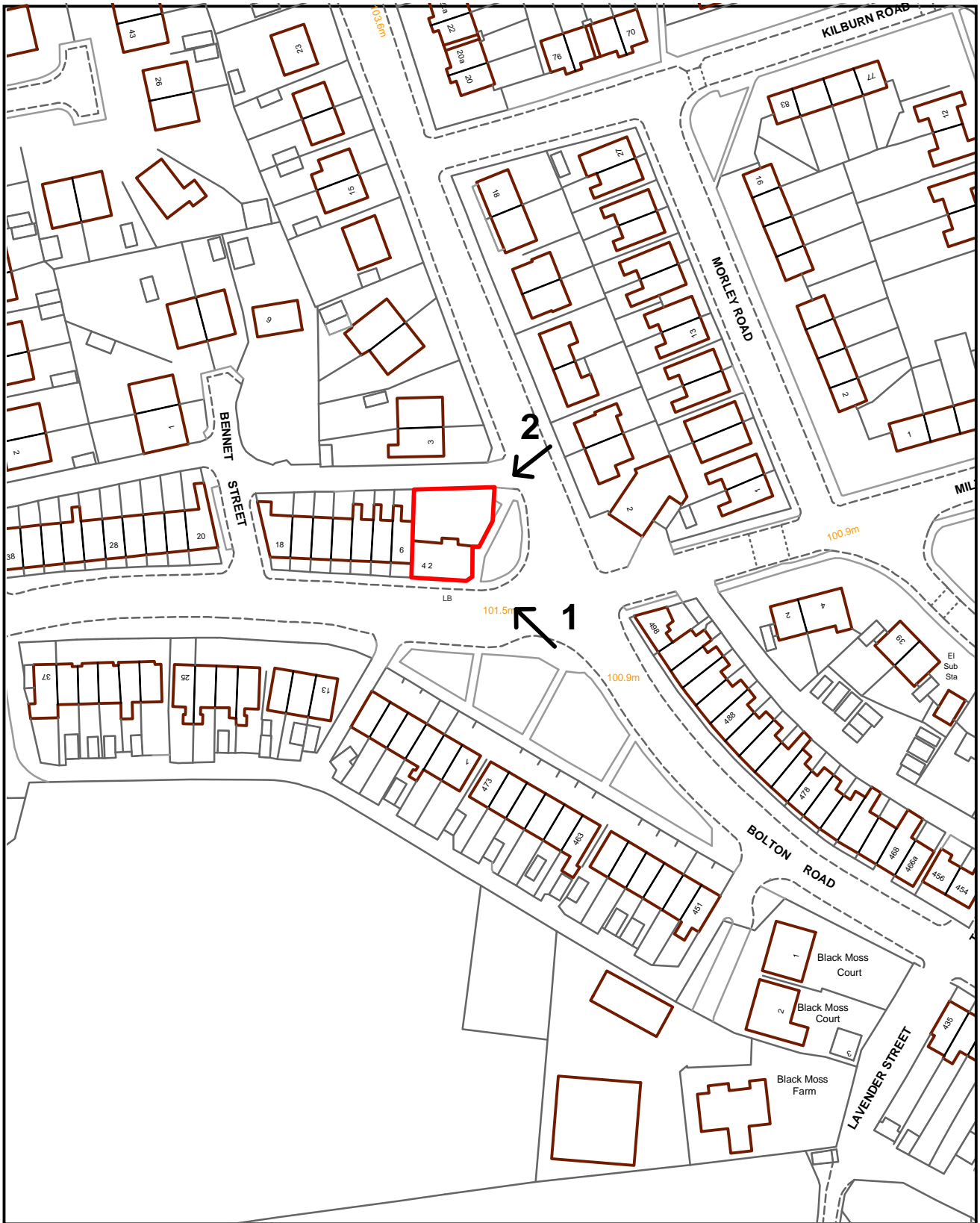
0830 - 2000hrs, Monday to Friday

0900 - 1700hrs Saturdays

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EC4/1 – Small Businesses, EN7/2 Noise Pollution and H3/1 – Assessing Non-Conforming Uses of the Bury Unitary Development Plan.

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

# Viewpoints



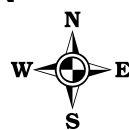
## PLANNING APPLICATION LOCATION PLAN

**APP. NO 55375**

**ADDRESS: 2-4 Stopes Road  
Radcliffe**

**E D S**

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**1:1250**



Photo 1



Photo 2



**Ward:** Radcliffe - East

Item 07

**Applicant:** Mr & Mrs Crosby

**Location:** The Old Toll House, Brookbottom Road, Radcliffe, Manchester, M26 4HX

**Proposal:** Retrospective application for change of use of land to residential and erection of wall/fence.

**Application Ref:** 55386/Full

**Target Date:** 05/09/2012

**Recommendation:** Approve with Conditions

### **Description**

The site relates to a converted barn on the corner of Brookbottom Road and Hardman Street. To the north, west and south are residential properties and to the east is open land which is designated as Green Belt. The area is accessed via an unmade unadopted road from Hardman Street.

The application is retrospective and seeks the change of use of a narrow 1m wide strip of land to the side of the property, to be included within the domestic curtilage. This land has been enclosed by a dwarf brick wall, 0.5m high which in itself does not require planning permission. However, an additional 0.7m high timber boarded fence has been erected on top of the wall (total height 1.2m) which require permission.

### **Relevant Planning History**

40694 - Change of use and extensions to barns to provide 2 no. residential properties - Approved 3/9/2003.

11/0567 - Change of use of land to residential - Enforcement Case, resulting in this application.

### **Publicity**

7 letters sent on 13/7/2012 to properties at Nos 1,3,5 Hardman Close; 27, 29 Brookbottom Road; Hardman Fold Cottage and Hardman Fold Farm.

9 letters of objection received from 12, Rigby Avenue; 3, Hardman Close; Hardman Fold Farm; 19, 21, 23, 27, 29 Brookbottom Road (2 letters) which raises the following issues:

- The wall has caused nothing but trouble since it was illegally built and is an accident waiting to happen;
- The wall was built into the highway and blocks the road causing an obstruction and restricts an already narrow through road;
- As a farmer, it restricts movement when using their tractor;
- The owner has never lived there and sees it as a financial investment that is more marketable with a side entrance;
- There has been no consideration for the general public let alone the immediate neighbours and residents on St Andrews Close;
- It is dangerous and the fence on top has already fallen off;
- It prevents 2 cars passing and endangers children playing in the area.

The objectors have been informed of the Planning Control Committee meeting.

### **Consultations**

**Traffic Section** - Non objection subject to a condition to reduce the height of the fence to provide suitable visibility splay.

## Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

HT6/2 Pedestrian/Vehicular Conflict

### Issues and Analysis

**Visual amenity** - The dwarf wall has been constructed of brick not dissimilar to that of the converted property. The timber boarded fence is a type which is commonly used as a boundary enclosure for residential dwellings and is similar to that of other boundary treatment in the immediate vicinity and in this semi rural location.

As such, the fence is considered to be appropriate to the dwelling and the surrounding area and complies with Unitary Development Plan Policy EN1/2 - Townscape and Built Design.

**Residential amenity** - The fence separates the site from the access road and as such no residential properties directly abut the structure. The house opposite, The Cottage on Hardman Street, is heavily planted with conifers to the front boundary and as such the fence is not visible from this property. Even so, given the height is 1.2m high, it is not excessive to cause any adverse harm to their outlook or visual amenity, and as such considered to comply with EN1/2 - Townscape and Built Design.

**Highways** - The change of use of the land involves a narrow strip, which is unadopted, and a road width of 6m at its narrowest point would still be maintained. Whilst the road serves properties on Brooksbottom Road, there is not a significant volume of traffic which uses it on a daily basis and as such the increase in area of land to the side is considered not to cause any highways safety issues.

The fence is 0.2m higher than that which would be allowed under Permitted Development, and which was approved at 1m high under the original application for the barn conversion (reference 40694). However, the Highways team have raised a concern that the position of the proposed fence, not the wall, causes some issues for visibility when exiting the application site. As such, a condition to lower some of the fence which runs from the driveway of the property along part of Brookbottom Road, the extent to which would be guided by manual for Streets Design, is considered to be reasonable and would alleviate any highway safety concerns.

**Response to objectors** - The issues raised with regard to highway safety and access have been covered in the above report.

The fence has been repaired since the objection was received.

### Summary of reasons for Recommendation

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

The proposed development would not have an adverse impact on the visual amenity of the area or be detrimental to the amenity of local residents. There would be no adverse impact on highways safety issues.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

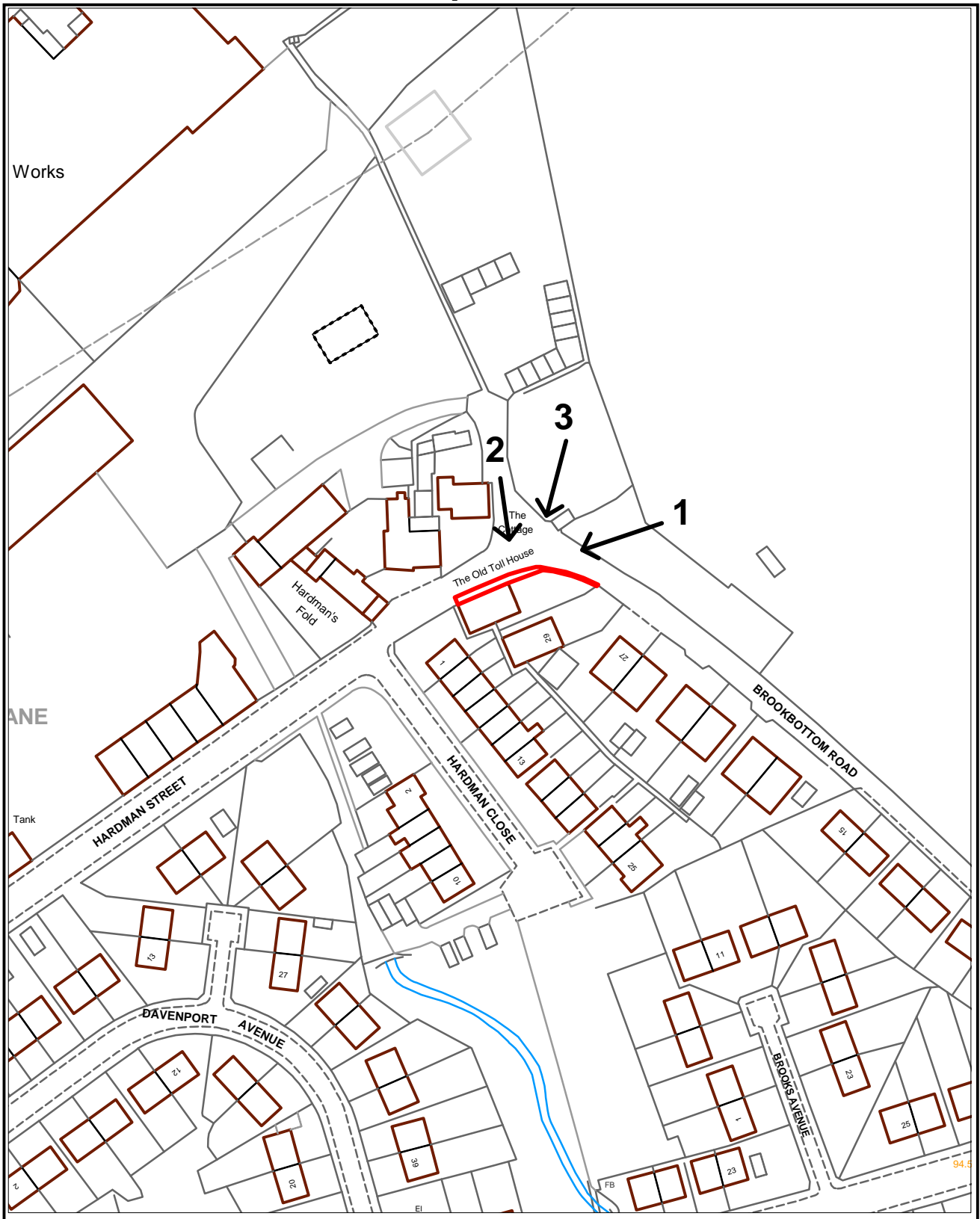
### Conditions/ Reasons

1. This decision relates to drawings numbered - Site and location plan 2018/01a; Proposed site plan and elevation 2018/02a 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 the policies of the Bury Unitary Development Plan listed.

2. A visibility splay measuring 2.0m by 11m shall be provided at the junction of the property's driveway with Brookbottom Road within 28 days of this permission and shall subsequently be maintained free of obstruction above the height of 0.9m Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety pursuant to Bury Unitary Development Plan Policy HT6/2 - Pedestrian/Vehicular Conflict.

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

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

**APP. NO 55386**

**ADDRESS: The Old Toll House  
Brookbottom Road  
Radcliffe**

**Planning, Environmental and Regulatory Services 1:1250**

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Photo 1



Photo 2

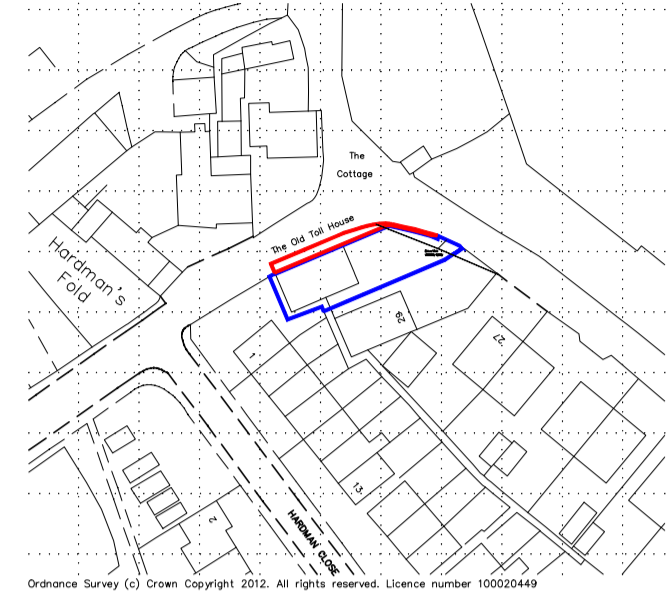


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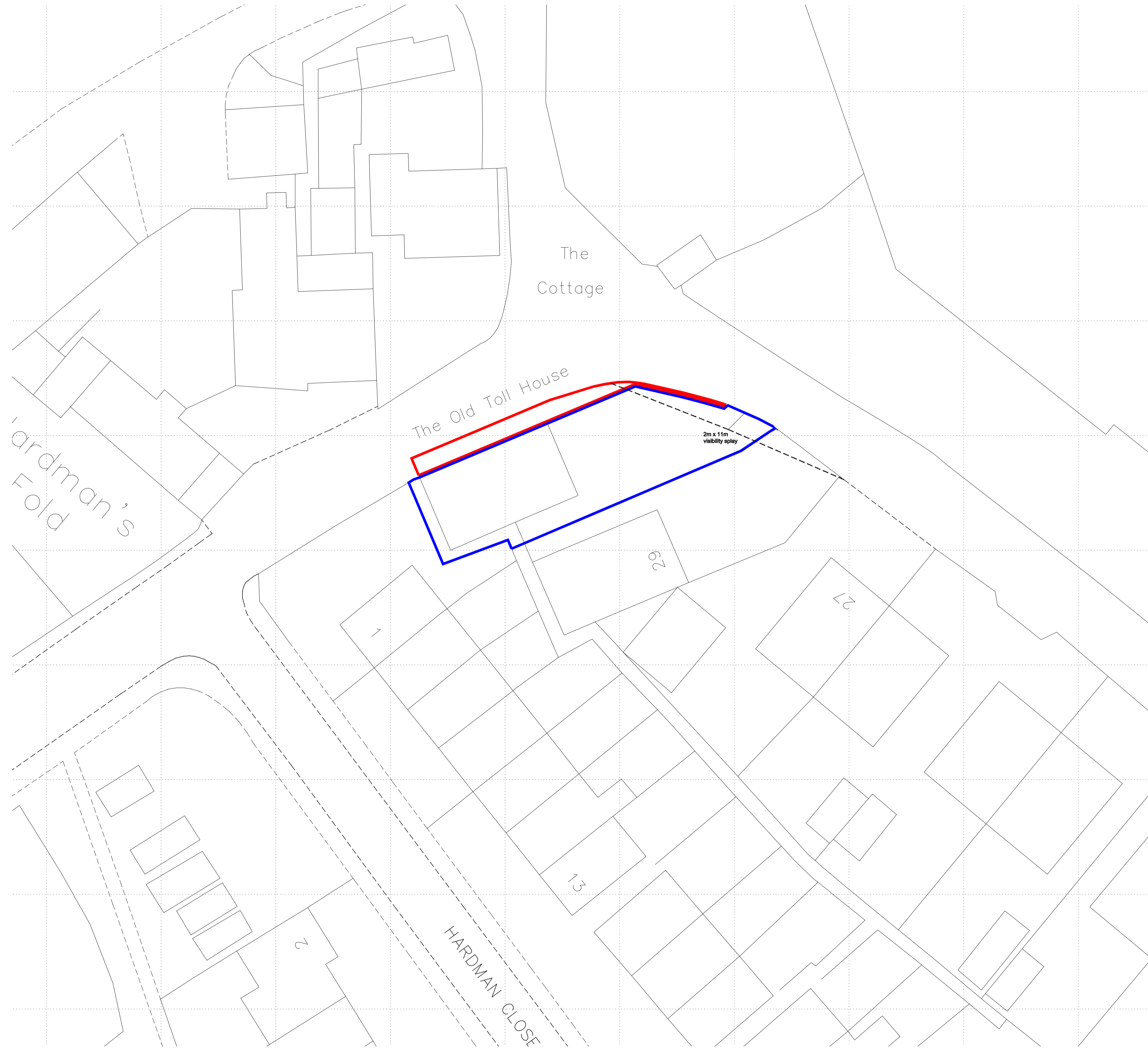
55386

Photo 3





**LOCATION PLAN 1:1250**



**SITE PLAN 1:200**

**SITE & LOCATION PLAN**

THE OLD TOLL HOUSE, BROOKBOTTOM ROAD, RADCLIFFE, M26 4HX

NOTES:

**APPLICANT:**  
MR & MRS. CROSBY

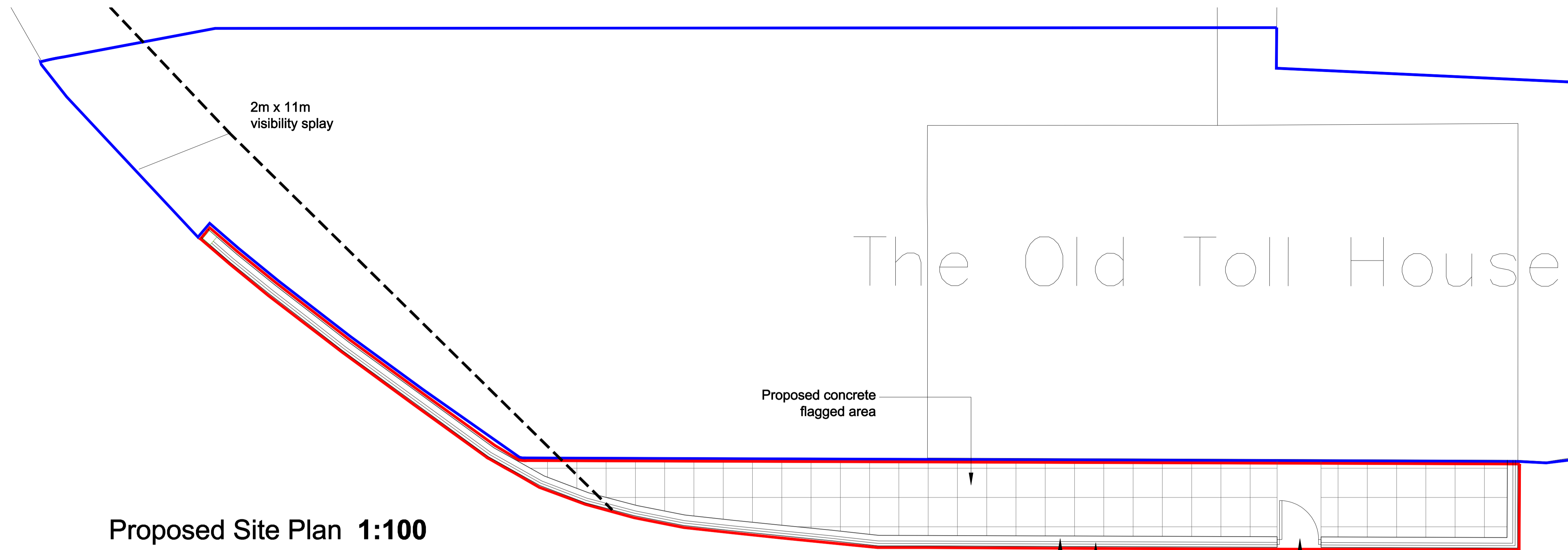
**PROJECT:**  
CHANGE OF USE OF LAND/  
ERECTION OF WALL/FENCE

**DRAWING TITLE:**  
SITE & LOCATION PLANS

<b>DATE:</b> 05/07/2012	<b>SCALE:</b> 1:200 & 1:1250
----------------------------	---------------------------------

**DRAWING No:**  
2018/01a





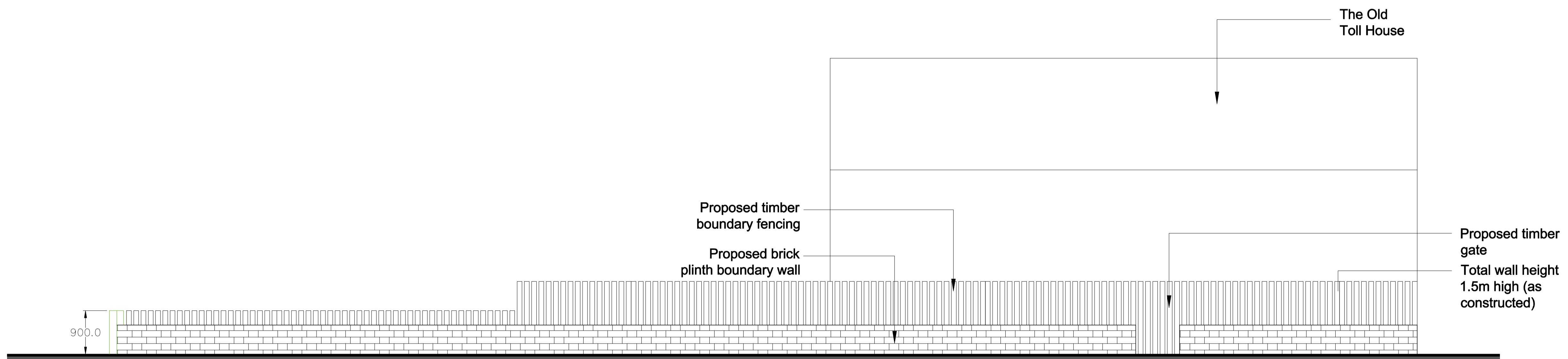
Proposed Site Plan 1:100

Proposed concrete flagged area

Proposed gate

Proposed brick plinth boundary wall

Proposed timber boundary fencing



Proposed North Elevation 1:100

The Old Toll House

Proposed timber boundary fencing

Proposed brick plinth boundary wall

Proposed timber gate

Total wall height 1.5m high (as constructed)

**PROPOSED SITE PLAN & ELEVATION**  
 THE OLD TOLL HOUSE, BROOKBOTTOM ROAD, RADCLIFFE, M26 4HX

<b>APPLICANT:</b> MR & MRS. CROSBY	
<b>PROJECT:</b> CHANGE OF USE OF LAND/ ERECTION OF WALL/FENCE	
<b>DRAWING TITLE:</b> PROPOSED SITE PLAN & ELEVATION	
<b>DATE:</b> 05/07/2012	<b>SCALE:</b> 1:50
<b>DRAWING No:</b> 2018/02a	

**Ward:** Whitefield + Unsworth - Pilkington Park

Item 08

**Applicant:** Mr Rashid

**Location:** 137 Bury New Road & 33 Sefton Street, Whitefield, Manchester, M45 7ET

**Proposal:** Retrospective planning application for a partially built wall and timber fence to rear of 137 Bury New Road and 33 Sefton Street.

**Application Ref:** 55405/Full

**Target Date:** 10/09/2012

**Recommendation:** Approve with Conditions

### Description

The application site is within Whitefield District Shopping Centre and encompasses two properties- the Mogul Restaurant at 33 Sefton Street and the adjacent dwellinghouse at 137 Bury New Road. There are residential properties to the rear/west and north with the telephone exchange to the south, across Sefton Street. Across Bury New Road is Victoria Park.

The proposal, which is part implemented, involves the erection of a 1.8m red brick boundary wall with railings between pillars along the rear boundary of the restaurant and 137 Bury New Road with the adjacent back street. There would be two access points into the restaurant car park and a single access into the domestic driveway/car parking area from the back street. In addition there would be a 1.8m timber fence along the shared side boundary separating the restaurant and dwelling.

### Relevant Planning History

Enforcement ref:12/0185 - Boundary wall - application received 11/07/12.

### Publicity

The following neighbours were notified by letter dated 19/07/12. 139 Bury New Road, Whitefield Telephone Exchange, 1 Wilton Street, 31 Sefton Street.

One letter of objection from the occupiers of 1 Wilton Street who state that;

- whilst they have no objection to the brick wall, they do not want to see the area to the rear of 137 Bury New road turned into a car park
- the dividing wall between 137 Bury New Road and the restaurant should be rebuilt to separate the two premises and screen the bins.

### Consultations

None relevant.

### Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
S1/3	Shopping in District Centres

### Issues and Analysis

**Use** - The respective restaurant and residential uses of the land would not change as a result of the wall and fencing and as such the proposal complies with UDP Policies and guidance listed.

**Visual amenity** - The proposed boundary wall and railings are considered to be acceptable

in terms of design and appearance and are in keeping with the red brick buildings in the immediate vicinity. The proposal therefore complies with UDP Policies EN1/2 and H2/3 and associated guidance.

**Residential amenity** - Given the height and position of the proposed walls and fences along the boundary, it is not considered that there would be any serious detrimental to the residential amenity of nearby neighbours.

The concern of the neighbour that the domestic parking area behind the house at 137 Bury New Road could become part of the larger restaurant car park is not so much of a concern in planning terms given that the proposed fence along the shared boundary would be maintained as a permanent barrier between the two properties and conditions attached that would ensure it remains in place and without any vehicular access through it.

**Objection** - The concerns of the neighbour to the rear of the site have been addressed above and would not warrant a reason for refusal given the proposed plans and conditions that would be attached to any approval.

### Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason for granting permissions can be summarised as follows;-  
The boundary wall and fencing is considered to be acceptable in terms of design and appearance and would not have any serious detrimental impact on residential amenity. There are no highway issues. There are no other material considerations that outweigh this finding.

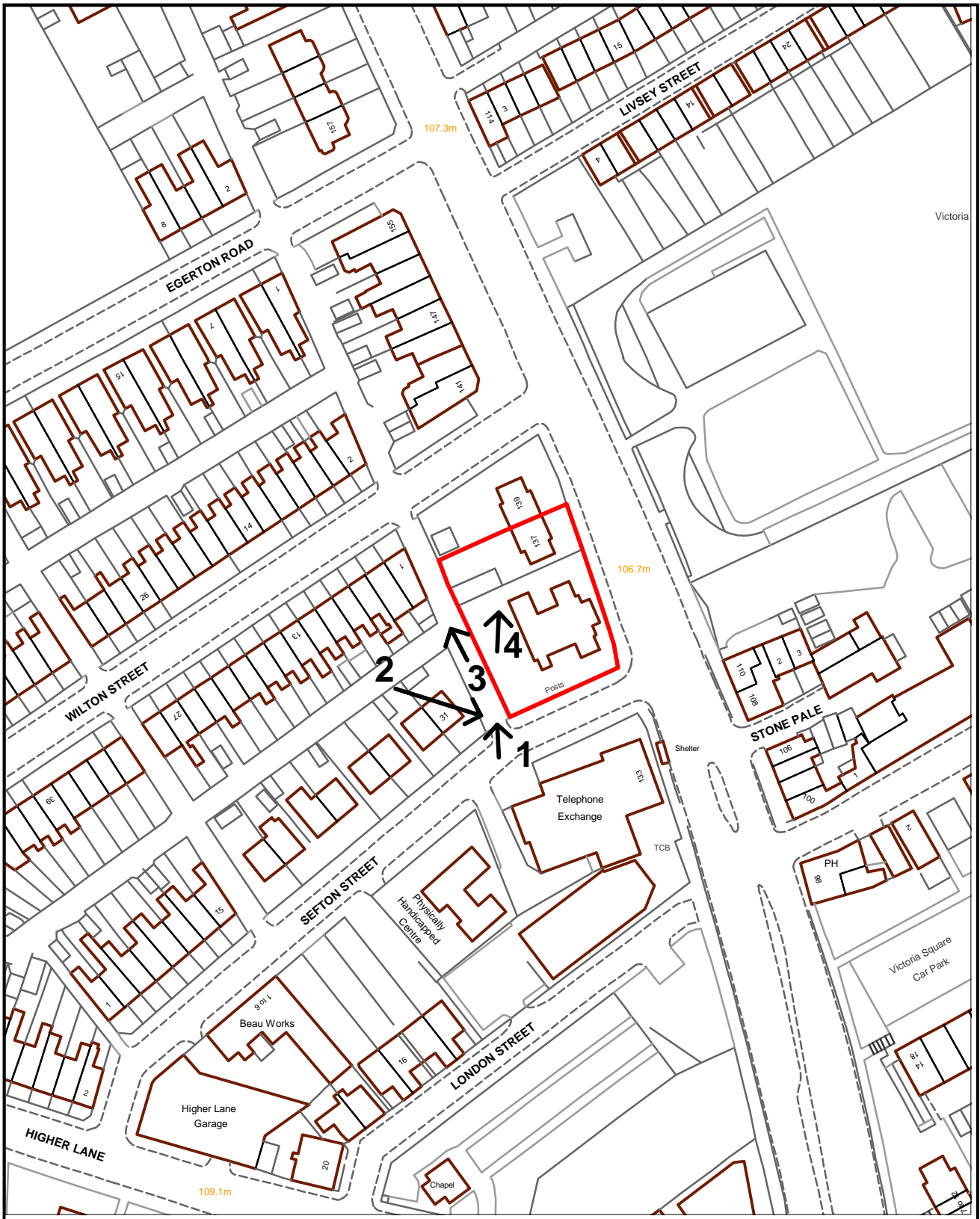
**Recommendation:** Approve with Conditions

### Conditions/ Reasons

1. This decision relates to drawings numbered L552/02 and 10rA 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 the policies of the Bury Unitary Development Plan listed.
2. The proposed 1.8m timber fence, indicated on plan L552/10rA, to be erected along the boundary between No.137 Bury New Road and 33 Sefton Street (Mogul Restaurant) shall be completed within two months of the date of this decision.  
Reason: In order to prevent commercial/customer parking at 137 Bury New Road and in the interests of residential amenity and highway safety pursuant to UDP Policies EN1/2 and H2/3 and associated guidance on extensions and alterations and HT2/4 Parking and New Development..
3. There shall be no vehicular access through any gate or opening between No137 Bury New Road and 33 Sefton Street.  
Reason: In order to prevent commercial/customer parking at 137 Bury New Road and in the interests of visual amenity pursuant to UDP Policies EN1/2 and H2/3 and associated guidance on extensions and alterations.

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

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

**APP. NO 55405**

**ADDRESS: 137 Bury New Road & 33 Sefton Street  
Whitefield**

**E D S**

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**1:1250**

Photo 1



Photo 2



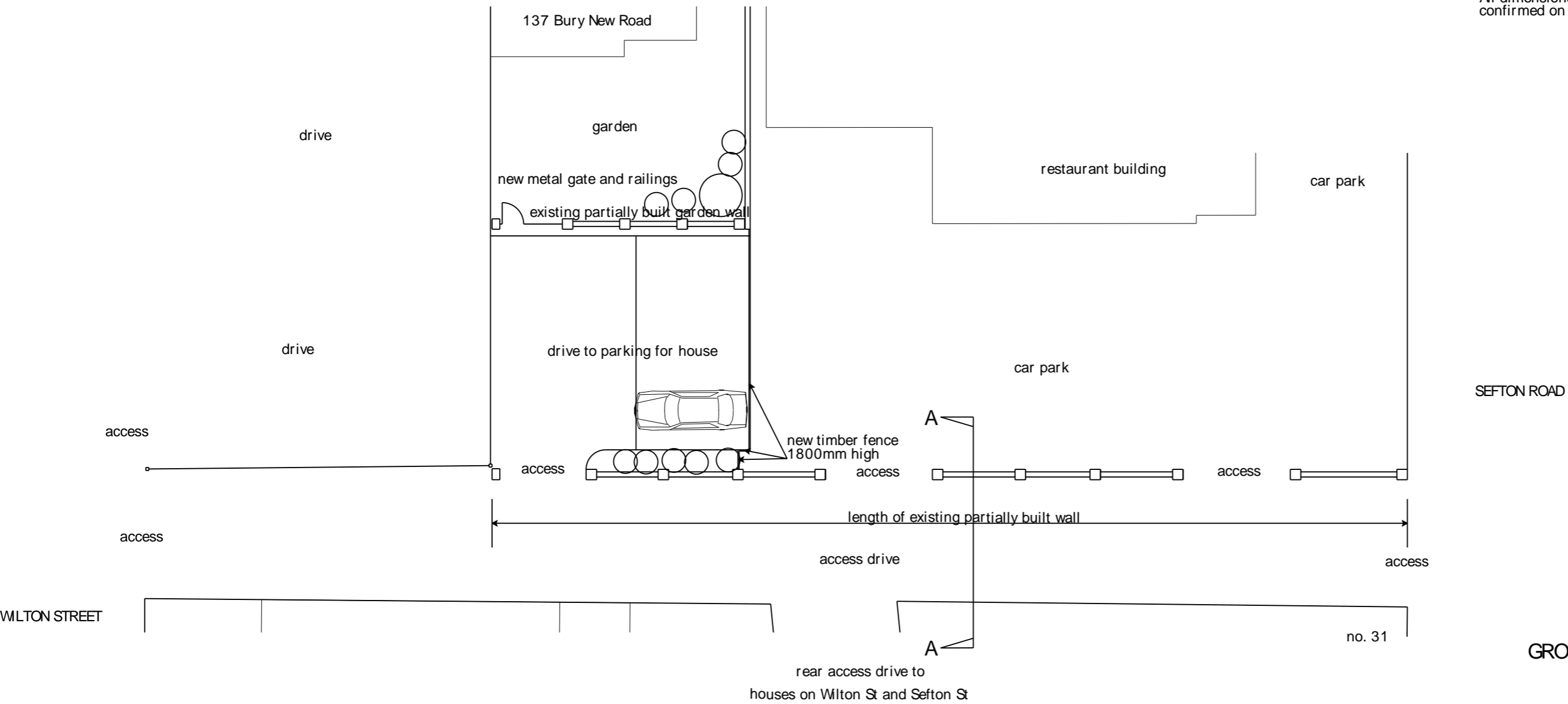
Photo 3



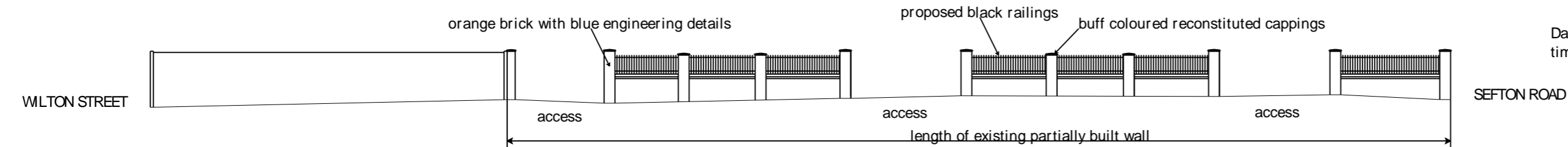
Photo 4



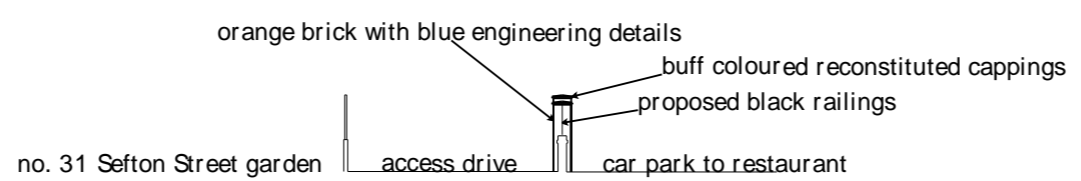
General Note: Do not scale off this drawing  
 All dimensions, levels, and positions of services to be confirmed on site prior to commencement of works



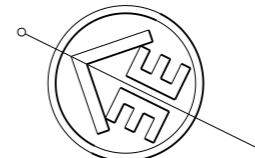
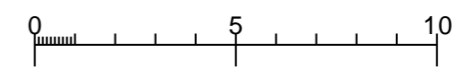
GROUND PLAN



WEST ELEVATION



SECTION A-A



Date 03-08-12 Revision A Additional information on timber fence between restaurant car park and house drive

<b>LEE ARCHITECTS LTD</b> 1/F Cypress House 3 Grove Avenue Wilmslow Cheshire SK9 5EG T 01625 527448 F 01625 521946 M 07710 539748 E info@leearchitects.co.uk copyright reserved	
CLIENT	Mr Rashid
PROJECT	33 Sefton Street Whitefield Manchester M25 6QQ
DRAWING Scheme A Plan and Elevations	
DRAWING NUMBER	L552 / 10rA
DATE	19-06-12 SCALE 1:200 @A3