

Ward: Bury East

Item 01

Location: LAND AT KAY GARDENS MARKET STREET BURY

Proposal: TEMPORARY SITING OF POST OFFICE CABIN FOR A PERIOD OF 6 MONTHS

Application Ref: 45014

App Type: Full

Statutory Expiry Date: 17 October 2005

Recommendation: Minded to Approve

Members are requested to consider the principle of the development and if it is acceptable, to delegate powers to Officers to agree the detail of the scheme.

Description

The application site forms part of the paved area of Kay Gardens directly in front of The George public house and the listed Kay Monument. The site is flat and paved with square flags and is enclosed by pedestrian guard rails. The site is immediately adjacent to the emergency access route to Princes Parade.

Relevant Planning History

There are no previous planning applications for similar development on this site.

Proposal

The applicant is seeking a temporary consent for a six month period.

The overall footprint of the cabin would be 13.6 metres wide by 4.7 metres deep. However, the cabin itself is essentially one large rectangle, 11.8 metres wide by 2.5 metres deep with a smaller section which slides out from one side to form the overall depth of 4.7 metres.

The cabin is self-contained including the counter, a small kitchen area, reception area, post box and emergency generators. The cabin includes a disabled access ramp with a cover.

Publicity

Press advertisement published in the 1st September issue of the Bury Times, site notice posted 26th August 2005 and 29 occupiers of nearby properties notified - no responses received.

Consultations

Borough Engineer - Drainage - No objections. Highways - has requested additional information on how the cabin will be delivered to site, clarification of its siting and that the cabin would not block the emergency access to Princes Parade. Information requested at meeting with agent on 8th September and is awaited.

Borough Environmental Services Officer - comments awaited.

Unitary Development Plan and Policies

S1	Existing Shopping Centres
S2/1	All New Retail Proposals: Assessment Criteria
EN1/2	Townscape and Built Design
EN2/2	Conservation Area Control
EN2/3	Listed Buildings

Issues and Analysis

The main considerations of the application are:-

- the impact of the proposal on the character and the setting of the Listed Kay Monument and the Bury Town Centre Conservation Area
- whether the proposal meets the criteria of retail policy
- highway safety.

The applicant proposes a time limited consent for a period of 6 months and hence the cabin would not be a permanent addition that would affect the Listed monument or the Conservation Area. The proposed cabin would be sited on an existing flagged area which can be replaced and made good once the cabin has been removed. As such the proposal is considered not to harm the character, setting and appearance of the Listed monument or Conservation Area.

The agent will be submitting the details requested by the Borough Engineer with regard to highway issues.

The disabled access into and out of the cabin has been raised as an issue because the ramp and entrance into the cabin would not comply with current requirements. Again these details have been requested from the agent and are awaited.

The proposal is considered to accord with retail policy in principle.

The proposal is in many ways unacceptable but is a measure necessary for the early restoration of the Post Office facility to the town centre. It is important that this is viewed as a temporary solution only and that the Post Office should be advised that a permanent solution be sought without delay. With this in mind a planning condition is recommended requiring submission of a progress report on a permanent solution after 3 months and thereafter monthly.

Summary of reasons for Recommendation

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

The proposal would not harm the character or setting of the Listed Kay Monument, the character or appearance of the Bury Town Centre Conservation Area, would not conflict with retail policy nor be detrimental to highway safety and would provide adequate disabled access.

There are no other material considerations that outweigh this finding.

Recommendation: Minded to Approve

Conditions/ Reasons

1. Permission is hereby granted for a limited period only, namely for a period expiring 6 months from the date that the cabin hereby approved is first occupied, and the building, works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued at the end of the said period and the land reinstated to its former condition unless a valid application is received by the Local Planning Authority for its retention.
Reason. The development is of a temporary nature only.
2. That within 3 months of the first occupation and thereafter after each month the applicant shall submit to the Borough Planning and Economic Development Officer a progress report in respect of the relocation of the Post office to a permanent site within Bury Town Centre.

For further information on the application please contact **Adrian Harding** on **0161 253 5322**

Ward: Bury East

Item 02

Location: 32 MANCHESTER ROAD, BURY, BL9 0SX

Proposal: CONVERSION OF CELLAR TO PROVIDE ADDITIONAL BEDROOM TO FLAT ONE

Application Ref: 45101

App Type: Full

Statutory Expiry Date: 13 October 2005

Recommendation: Approve with Conditions

Description

The application relates to a recent approval for 4 flats under 44487 which itself was a resubmission following the refusal of a planning application for five flats by Planning Control Committee on 12 April 2005.

The property is a very large end terraced house with main elevations onto both Manchester Road and Belle Vue Terrace. It has a single storey extension at the rear. There is an existing vehicular access and parking space at the side. It is situated almost opposite to the access to the public car park on Belle Vue Terrace. There are waiting restrictions on Manchester Road and residents only parking on Belle Vue Terrace.

As approved under 44487, it is intended to convert the building to only four flats without the one in the roof space proposed under 44097. The current proposal seeks the addition of a bedroom and en-suite in the basement for Flat 1 with bedroom two at ground floor level. The total number of flats remains four.

As before, the plans show four parking spaces accessed off Belle Vue Terrace with vehicles able to enter and leave the site in forward gear.

Relevant Planning History

- 26331/91 - Change of use to day nursery refused in December 1991.
- 44097 - Application for conversion to five flats refused in April 2005 because:-
- There is insufficient car parking provided within the site to comply with the Council's parking requirements in respect of the proposed development. This would lead to additional on street car parking detrimental to the residential amenities of the area. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan: H2/4 - Conversions.
- 44487 - Application for conversion to four flats approved by Committee 24th May 2005.

Publicity

Neighbours have been notified as before and to date one objection has been received from the resident of 11 Belle Vue Terrace objecting on the grounds that the scheme represents piecemeal development to achieve planning permission for the originally refused application by stealth. He continues to object on grounds of lack of parking as he thinks that each flat could generate 2 or 3 cars plus visitors in an area where there are problems with the residents parking scheme. The hedge which was conditioned by the previous approval to be

kept down remains unkempt.

Consultations

Borough Engineer - response awaited.

Borough Environmental Services Officer - response awaited.

Unitary Development Plan and Policies

H2/4 Conversions
Area Bridge Road/Buckley Wells
BY2

Issues and Analysis

The reduction in the number of units from 5 to 4 under application 44487 ensured that there is one car parking space per flat which is in accordance with the Council's parking requirements. The proposed development would not increase the number of flats but would transform a 1 bedroomed flat into a 2 bedroomed unit and it is considered that this will not compromise the parking arrangements at the site.

The conversion of the building to flats is in accordance with UDP Policy conversion will not adversely affect the external appearance of the building.

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 will not harm the character of the area nor the amenities of neighbouring residents. The scheme includes adequate parking provision and will not adversely impact on highway safety issues. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than five 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 546/1, 546/2 & 546/3 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.
3. The removal of the hedge and lowering of the boundary wall indicated on the approved plan shall be implemented before the development is first occupied and the wall shown hatched shall subsequently be maintained free of obstruction above the height of 0.75 metres.
Reason To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety.
4. The car parking indicated on the approved plans 546/1 shall be surfaced,

demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the building hereby approved being occupied 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 **Adrian Harding** on **0161 253 5322**

Ward: North Manor

Item 03

Location: LONGSIGHT SERVICE STATION, LONGSIGHT ROAD, TOTTINGTON, BL8 4DB

Proposal: REDEVELOPMENT OF EXISTING PETROL FILLING STATION

Application Ref: 44720

App Type: Full

Statutory Expiry Date: 26 August 2005

Recommendation: Approve with Conditions

Description

The application site lies to the west of Longsight Road, Holcombe Brook. It is roughly square-shaped and is occupied by a Total Service Station selling fuel along with a small shop, jetwash and car wash facilities.

The site is immediately adjoined by residential development to the north and west but is bounded by Longsight Road to the east and Canon Lewis Hall to the south. The site lies within the urban area as defined by the UDP.

Relevant Planning History

44310 - proposed the redevelopment of the site by re-aligning the petrol pumps, erecting a larger replacement shop and relocating the car wash. The application sought to operate the service station 24 hours a day. The application was withdrawn by the applicant before it would have been refused on the grounds of insufficient information and harm to residential amenity with regard to noise and disturbance.

Proposal

The proposal is for the redevelopment of the site by re-aligning the petrol pumps, erecting a larger retail unit and relocating the car wash. The current application has been revised by reducing the opening hours to 07:00 - 23:00 hours Monday to Saturday and 08:00 - 22:00 on Sundays. The application also includes adequate details of the elevations of the proposed retail unit, Car Wash and brick plant store.

The retail shop and office will be 3.9 metres in height and project 6 metres beyond the rear and 2.9 metres forward of the adjoining bungalow. The plan shows the 45 degree line from the adjoining dwelling's main habitable room on the front elevation.

A new canopy is proposed which would be 5.5 metres high and measure 9 metres wide by 23.6 metres deep.

The applicant was requested to submit additional information and revised plans to confirm the hours of operation of the proposed ATM, to revise the location of the ATM, to ensure adequate disabled access around, into and within the building, to plot on the plan where the

proposed floodlighting would be located and to iron-out errors on the plans.

The additional information and revised plans were received on 11th August 2005 which confirms that the hours of operation of the ATM would be limited to those of the petrol station, the ATM would be set lower to accommodate wheelchairs users and would be covered by 24-hour CCTV surveillance. The site would be on a shallow gradient gradually rising to the level access into the shop which seeks to be DDA compliant. The bollards are now shown as being spaced 1.25 metres apart. The floodlights would be attached to the car wash and the errors previously shown on the plans have been corrected.

Further revised plans were been received on 24th August 2005 detailing the vent pipes to the underground storage tanks, details of the bin store, car wash plant store to be constructed in brick.

Publicity

20 adjoining occupiers notified - 4 letters received objecting to the proposal on the following grounds:

- Noise and disturbance
- Proximity of the development to residential properties, especially the dustbins
- The ATM would lead to vehicles arriving 24 hours a day
- Loss of trees
- Increased traffic
- No need for improved services of this nature in this locality.

Neighbours and consultees were reconsulted on 8th September 2005 regarding both sets of plans - no responses received as at 12th September 2005. Any adverse reaction will be reported to Committee.

Consultations

Borough Engineer - Drainage - No objection. - Highways - recommends two conditions to secure the improvements to the highway and car parking proposed.

Borough Environmental Services Officer - recommends conditions covering contaminated land and that the ambient noise levels from the site shall not be raised above the present levels.

GM Police - state that the ATM should be relocated to a more easily visible location to benefit from natural surveillance opportunities from passersby on Longsight Road.

Unitary Development Plan and Policies

S2/1 All New Retail Proposals: Assessment Criteria

Issues and Analysis

The main considerations of the application are the impact of the proposal on visual and residential amenity and acceptability as a new retail development with regard to location and the accessibility of the development.

The proposal would not harm the visual amenity of the street scene nor the nearby Green Belt and is therefore considered acceptable in terms of visual amenity.

The scheme, in terms of noise and disturbance, would now open during more sociable

hours than the previous application with the hours of operation of the ATM also being limited to these. The proposal has deleted all external condenser units and would not affect the light, privacy or outlook of the adjoining occupiers. The floodlighting would be subject to condition limiting its hours of operation and the direction in which it would be fixed. No adverse comments have been received from Environmental Health to suggest the bin storage would be unacceptable. As such, the redevelopment is considered to be acceptable in terms of residential amenity.

Retail policy in the UDP seeks to promote new retail floorspace in existing town, neighbourhood and local centres. The proposed enlargement of the shop associated with the petrol filling station would result in an increase in floor space of 79 sq m from 46 sq m to 125 sq m. Whilst this is a significant increase it is not considered to be of a scale which would threaten the viability of the nearby Local or Neighbourhood Centres. The location of the development is considered acceptable in terms of retail policy.

The development would now make adequate provision for the mobility impaired and would not conflict with any other criteria of policy S2/1 of the UDP. As such the proposal would be acceptable and is recommended for approval.

The location of the ATM has not been altered, however, additional security measures such as CCTV are now proposed. The location of the ATM may have caused increased noise and disturbance if located closer to the road. The hours of operation of the ATM would also now be restricted to those of the shop which should reduce its impact on nearby residents and improve security.

The objections received from nearby residents are considered not to raise any additional issues over those already discussed and are insufficient to outweigh the recommendation for approval.

Summary of reasons for Recommendation

The proposal would not harm visual or residential amenity nor conflict with retail policy and is therefore recommended for approval.

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 scheme would not harm visual or residential amenity and would not conflict with retail policy criteria embodied in the Bury Unitary Development Plan.

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 five 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 2929-08 rev 1, 2929-06 rev 3, 2929-07 rev 4, and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of

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

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

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

4. The hours of operation of the shop, floodlighting and ATM hereby approved shall be limited to 07:00 to 23:00 Monday to Saturday and 08:00 to 22:00 on Sundays and Bank Holidays.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/1 - All New Retail Development of the Bury Unitary Development Plan.

5. The development hereby approved shall not first be occupied unless and until the access improvements indicated on approved plan No. 2929-06 rev 3 have been implemented to the written satisfaction of the Local Planning Authority.

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

6. The car parking indicated on the approved plans 2929-06 rev 3 shall be surfaced, demarcated and made available for use prior to the building hereby approved first being occupied.

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

7. Prior to the development hereby approved commencing:

- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
- Where actual/potential contamination and/or ground gas risks have been identified, a detailed site investigation and suitable risk assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority;
- Where remediation is required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.

8. Following the provisions of Condition 7 of this planning permission, where remediation is required, the approved remediation strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the conclusions and actions taken at each stage of the works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.

Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.

9. The proposed floodlighting attached to the car wash building hereby approved shall be fixed in such a manner as to avoid shining directly into the windows of nearby dwellings.

Reason: To protect the amenities of occupiers of adjoining and nearby dwellings.

For further information on the application please contact **Adrian Harding** on **0161 253 5322**

Ward: Prestwich - Holyrood

Item 04

Location: LAND AT CORDHEY FARM CORDHEY LANE PRESTWICH M25 2RP

Proposal: CREATION OF FISHING POND; ERECTION OF STEEL FRAMED AGRICULTURAL BUILDING FOR LIVESTOCK ACCOMMODATION & STABLES

Application Ref: 44951

App Type: Full

Statutory Expiry Date: 29 September 2005

Recommendation: Approve with Conditions

Description

The application relates to open countryside between Prestwich and Simister Village. The main part of the site would be in a slight depression amongst the fields on the north side of Heywood Road between St Margerets Primary school and Cordhey Farm, Cordhey Lane. To the north, the land starts to rise gradually to the M62 Motorway. To the west the land rises to a wooded area immediately to the north of the primary school. There is a electricity pylon close to the boundary of the site to the west.

The proposal involves the construction of a fishing pond measuring approximately 84m by 34m. The depth of the pond with two islands, would be 1.5m deep. The pond would be fed by an existing stream running north south across the site.

To the east of the pond the agricultural livestock and stable building would measure approximately 18m by 12m. The walls would comprise concrete blocks to 2.7m and timber boarding to the eaves (4.2m). The pitched roof would be fibre cement to a ridge height of 6m. The building would house cattle and horses throughout the year. The new building would be required to house livestock displaced from less suitable accommodation at Cordhey Farm to the east. This property has an existing permission for conversion to residential use. By incorporating five stable units into the livestock building the applicant/farmer would attempt to diversify activities on the land. However should this element not prove economically viable, the farmer would have the option of using the whole building for livestock.

Access to the pond and livestock building would be via a new stone surfaced track running from Heywood Road, opposite Parrenthorn High School. A timber post and wire fence and hawthorn hedge would run alongside the access track. The track would lead into a car park for 14 vehicles.

Relevant Planning History

N/A

Publicity

Surrounding properties and site notice - On letter of objection from the occupier of 2 Simister Lane. objections are summarised.

1. Anglers would increase parking problems.
2. They have had problems with people using shotguns to shoot birds. This may add to the

problem.

Consultations

Borough Engineer (Traffic) - No objections subject to conditions.
Borough Engineer (drainage) - No objections.
Environmental Health - No objection subject to contamination desk study.
Ecology - No objection.
Environment Agency - No objection in principle.
GM Ecology Unit - No objection
Highways Agency - No objection.
National Grid - No comment to date.

Unitary Development Plan and Policies

OL1 Green Belt
OL4/1 Agricultural Land Quality
OL1/2 New Buildings in the Green Belt
OL4/4 Agricultural Diversification
OL4/7 Development Involving Horses
OL4/5 Agricultural Development
EN1/1 Visual Amenity
EN6 Conservation of the Natural Environment
RT2/1 Provision of New Recreation Sites
RT3 Recreation in the Countryside
RT3/2 Additional Provision for Recreation in the Countryside

Issues and Analysis

The siting of a fishing pond in this location is considered to be appropriate and conforms with the above Unitary Development Plan Policies relating to development in the countryside. The new pond, which would be let to Broughton Angling Club, would enhance the existing recreational facilities within the area whilst providing a new wetland wildlife resource and landscape feature.

The new livestock building and stables would allow cattle and horses to utilise the immediate grazing land and be housed throughout the year. The mix of horses and livestock in the same building, whilst not common, is not unusual and is part of the applicant's farm diversification programme. Whilst a more traditional timber stable building would be more appropriate in this setting, it is considered that the single larger building would allow more flexibility for the farmer and that the use of the building can be controlled by an appropriate condition.

The visual impact of the proposed new access track leading from Heywood Road into the site and the parking area adjacent to the pond is mitigated by the fact that the track is stone surfaced and would be bounded by a hawthorn hedge. The area around the pond and the islands within it would be landscaped and soften the impact of both the building and the car park. The disabled car parking space with a level approach to the nearest fishing peg.

The eastern boundary of the site is approximately 120m from the nearest dwellinghouse on Cordhey Lane. Views from this property would be across the field and partly obscured by planting on the boundary. Views from houses on Parrenthorn Rd are obscured by heavy planting on land to the north of St Margerets Primary School.

The objection received is not supported in view of the proposed parking facilities within the scheme which should reduce parking problems.

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 development would not seriously harm the amenity of surrounding residents or visual amenity of the locality.
The new fishing pond would improve facilities for outdoor recreation in the area and create a new wetland wildlife resource and landscape feature.
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 five 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 1171/DESIGN and 1171/SECTION and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the livestock/stables building shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. If during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales to the approval of the Local Planning Authority.
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
5. A landscaping scheme, including all boundary treatment 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 land and building is first utilised; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

6. No more than 50% of the floor area of the proposed new building shall be given over to stables or uses ancillary to the stabling of horses.
Reason: In order to retain control over the use of the building in the interests of amenity.
7. No development approved by this permission shall be commenced until, a scheme for the containment and storage of manure, has been approved by the Local Planning Authority. Such a scheme shall be constructed and completed, in accordance with approved plans and retained thereafter.
Reason: To prevent the pollution of the environment pursuant to Policies H3/1 – Assessing Non-Conforming Uses and OL1/2 – New Buildings in the Green Belt of the Bury Unitary Development Plan.
8. Prior to commencement of development a survey shall be conducted, and the survey results established as to whether the existing watercourse is utilised by water voles. Should voles be found, a programme of mitigation shall be submitted to and approved in writing by the Local Planning authority. All mitigation measures shall be fully implemented prior to the commencement of the works and remain in situ on the site for an agreed period of time.
Reason. In order to ensure that no harm is caused to a water voles pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and PPS7 – Nature Conservation.
9. The visibility splays indicated on the submitted plans shall be implemented to the written satisfaction of the Local Planning Authority before the development 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.
10. The access improvements indicated on the submitted plans shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use.
Reason. To ensure good highway design in the interests of road safety.
11. The turning facilities and hardstanding area indicated on the approved plans shall be provided before the development is brought into use and shall subsequently be maintained free of obstruction at all times.
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety.
12. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

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

Ward: Prestwich - Holyrood

Item 05

Location: 38 & 38B BURY OLD ROAD, WHITEFIELD, M45 6TF

Proposal: CHANGE OF USE FROM CLASS A5 (HOT FOOD TAKEAWAY) & CLASS B1 (OFFICES) TO CLASS A3 (RESTAURANT); ALTERATIONS TO SHOP FRONT & CANOPY & SINGLE SIDED REAR EXTENSION (RESUBMISSION)

Application Ref: 44968

App Type: Full

Statutory Expiry Date: 16 September 2005

Recommendation: Approve with Conditions

Description

The property is an existing take away within a row of commercial uses, comprising a mix of Class A1 (Shops), A2 (Financial and Professional Services) and Class B1 (Business) uses. The row is 2 storey in height and there is a lay-by in front of the premises used for car parking for all of the row.

To the rear of the site is a servicing area/yard for the commercial properties and this area is separated off from the residents at the back by a 2.0m waney lap fence.

Residential properties are located on Taunton Grove and Darby Road to the north and north west, and to the east fronting Bury Old Road. Upper floors appear to be ancillary uses to the ground floors, with no apparent residential uses. To northwest of the site are three other rows of commercial properties, again with varying mixed class uses, predominantly Class A uses.

The premises has been lawfully operating as a hot food take away/restaurant as approved under 38585. The application is seeking to expand the use and change it into a restaurant and expand this operation into the adjoining B1 Accountants offices.

The application is seeking to extend the existing hot food use into the adjoining property of 38 Bury Old Road to provide more space for patrons. No increase in covers are proposed. This premises is currently an accountants office. The application also includes alterations to both shop fronts to provide canopy and stylised ground floor shop front and entrance. A small single storey infill extension is also proposed at the rear to provide additional WC facilities.

Relevant Planning History

12817 - Change of Use from beauty salon to Class A1 Shop - Approved 10/12/81

16969 - Change of Use from Shop Class A1 to Accountants (B1) - Approved 23/5/85

22096 - Change of Use from Accountant to exercise area/facility - Approved 2/9/88

38585 - Change of Use from Class A1 Shop to Hot Food Take away - Approved - 25/1/02

44512 - Change of Use of Accountants (Class B1) and Hot Food Take away (Class A5) to Restaurant (Class A3) including shop front alterations and single storey rear extension - Refused 8/7/05 due to inadequate parking, impact upon residential amenity and erosion of shopping facilities within the local shopping parade.

Publicity

Neighbour notification letters have been sent to residents on Ash Grove, Bury Old Road,

Derby Road and Taunton Grove on 3/8/05. As a result of this publicity, 1 letter of objection has been received from 1A Taunton Grove and a letter of support has been received from Ivan Lewis MP.

The points raised by the objector include:

- Refuse bins are located outside their property for several days at a time awaiting collection.
- The lid of the bin is never closed and overflows with refuse.
- The bin is rarely cleaned.
- There is a likelihood of 2 bins being used.
- The bins are a potential fire hazard and would attract vermin.

The letter of support states:

- The restaurant would be a Kosher facility and would be the only facility of this type in the area.
- The minor extension would provide additional facilities for the business and comfort of those who would use the premises.
- The applicant has assured the MP that no additional covers or tables are proposed and on this basis, the MP supports the proposals.

Consultations

Borough Engineer

Traffic - No objections to the proposals.

Environmental Health - Any response shall be reported to Members.

Unitary Development Plan and Policies

S1/4	Local Shopping Centres
S1/5	Neighbourhood Centres and Local Shops
S2/4	Control of Non-Retail Uses in All Other Areas
S2/6	Food and Drink
HT5/1	Access For Those with Special Needs
EN1/2	Townscape and Built Design
EN1/8	Shop Fronts

Issues and Analysis

Principle: The site is within a local shopping centre, the main function of which should be the provision of a range of facilities to serve purely local needs. UDP Policy S1/4 - Local Shopping Centres and the justification of this policy support this approach. Policy S1/5 - Neighbourhood Centres and Local Shops seeks to retain retailing as the predominant land use to serve the day to day needs of residents and businesses. Policy S2/6 - Food and Drink specifies criteria by which developments for changes of use to restaurants can be considered. Issues including the proliferation of such uses, parking, servicing, hours of operation and general matters of amenity can be considered.

The proposal is seeking to change the premises from a Class A5 hot food take away to a Class A3 restaurant and to extend into 38b currently an accountants office (Class B1) use. The use would occupy a double fronted unit. Policy S2/4 - Control of Non-Retail Uses in All Other Areas, considers that outside the main shopping areas, changes of use away from retail uses will be permitted. Factors for consideration include the scale and character, the requirements of the area to serve local needs that would otherwise not be met, to ensure that there would not be an over concentration or grouping of non A1 uses, length of vacancy, retention of a display window, and the adequacy of servicing and car parking.

The proposal is within a row of predominantly occupied properties, and the two rows to the west are also well provided for in terms of Shop (Class A1) patronage. The use as a restaurant would contribute to the vitality of the provision of services to local residents as a use in itself and when taking into consideration the extent of the shopping allocation (which includes three rows of shops to the west, commercial properties opposite and two rows to the southeast) there would continue to be a predominance of 'A' Class retailing uses remaining within the centre to serve day to day needs. The application site would be the only restaurant or hot food use within this particular row and is considered that the use would not be an over-proliferation of food uses in the centre, when considering the full extent of the existing neighbourhood shopping centre. The development would be returning a property into an 'A' Class use, where permitted development rights exist to revert to, amongst others Class A1 (shops) for trade directed towards passing members of the public. The premises would maintain a shop front appearance and thus the integrity of the shopping frontage. On this basis, it is considered that the application proposals provide a justified response, to the reason 3 for refusal of the previous scheme, to satisfy policy concerns.

Disabled Access: UDP Policy HT5/1 - Access For Those With Special Needs provides criteria to assess the accessibility into amongst others, commercial premises. There is currently large stepped access into the premises due to the fall in levels outside the restaurant and the scheme maintains this arrangement. The applicant has indicated that level access for disabled persons will be available from the rear of the property. The extension to the premises would provide disabled WC provision. Notwithstanding this provision, the architects for the scheme have been requested to consider a more appropriate form of disabled friendly access into the premises, other than a level rear access. Members shall be updated on this matter.

Amenity, Hours and Parking: Policy S2/6 - Food and Drink - seeks to provide control over the change of use of premises to amongst others, restaurants and food uses for consumption off the premises. Issues including residential amenity from activities associated with the use, concentration of such uses, disposal of refuse, environmental impact from flues and the adequacy of parking and servicing are to be considered.

The previous application was refused on grounds of lack of parking for the use and the effects upon amenity that would be generated from parking spilling onto the surrounding streets, particularly as the hours of operation significantly overlapped with neighbouring businesses.

To address this concern, the current application is now seeking to minimise the overlap of operating hours between the restaurant and the other businesses in the row such that the restaurant would be open after the other businesses in the row have closed, to maximise the availability of patron parking in the lay by at the front. The hours proposed are for 6.00pm to 11.00pm Monday to Thursday and Saturdays and 1.00pm to 11.00pm on Sundays with no opening on Fridays.

In addition to the the changes in the hours, the application indicates that the number of covers to be provided within the building would be 40. It is understood from the applicant's supporting information that this was the same number of covers as in the existing premises. PPG13 - Transport provides no specific maximum standards for car parking for the proposed use. Former Council standards for parking for restaurants sought 1 space per 4 covers and 1 space per 3 members of staff. 4 staff members are proposed. The provision of 40 covers may produce 10-15 cars, when fully occupied. The lay by could and currently does accommodate this level of provision and two spaces are indicated at the rear for staff. Consultation with the Borough Engineer has raised no objections in terms of parking.

It is considered that as the hours of operation have changed, to minimise the overlap in hours with neighbouring uses, the parking provision for the use would be sufficient to accommodate the development, without the need to spill into the surrounding streets. This would ensure that there would be no significant potential for noise and disturbance from traffic and general noise from patrons using the property affecting surrounding residential properties and the first and second reasons for refusal on the previous application have been appropriately dealt with.

Refuse and Servicing: In terms of servicing and storage of refuse, there is adequate space to the rear and the ventilation flue is already in place as a result of the hot food use already permitted. The applicant has attempted to overcome the concerns of the objector by ensuring that the waste bin does not continually sit next to the objectors property. This is acknowledged by the objector. There is a physical problem of getting the waste wagon near to the servicing area of the premises as there is little space for manoeuvring the wagon with the constraints of the Taunton Grove and the junction of Bury Old Road. As a result of this, the applicant has discussed the proposals with Bury Contract Services (Refuse Collection) to determine if a better solution could be reached. However, It is understood that the current situation is the only solution. Bury Contract Services (Refuse Collection) have been consulted on the application and any response shall be reported to Members. Despite issues concerning the refuse wagon, there is adequate provision for deliveries and servicing of the property by smaller vehicles. In view of this, it is considered that general servicing/deliveries would not be a significant concern.

Rear Extension: This would be a minor infill development between two outriggers at the rear of the property. The development proposes to infill this gap comprising a 1.5m deep extension, some 7m wide and single storey. The extension would not be readily visible to any public areas nor from any neighbouring residential properties. The development would provide additional WC facilities for the premises, for disabled customers and also improved access into the premises at the rear. The extension would, it is considered, be appropriate to the property with no undue impact beyond the site itself.

Canopy and Shop Front: The development seeks to provide a new shop front and stylised canopy. UP Policy 1/8 - Shop Fronts seeks to ensure that proposals for new shop fronts respect the architectural elements of the building and character of the surrounding street scene. Policy EN1/2 - Townscape and Built Design seeks to ensure that high standards of design are achieved for new developments within the street scene. The shop front is a 'Chinese themed' shop front and the site is located in a busy and commercial frontage. There are no sensitive conservation areas or listed buildings nearby and the development would not appear an overbearing development within the street scene. Timber frames are proposed, with matching facing brick and roof tiles. A planning condition can be imposed to ensure appropriate materials are used in this regard. It is considered that the development would comply with these policies.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows:-
The development would provide additional facilities within the local shopping centre without undue impact upon surrounding residential areas from the proposed development. The development would comply with adopted policies of the Unitary Development Plan and 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 five 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 M2341-02 D and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. The shop / restaurant shall not be open outside 1800 hrs to 2300 hrs daily.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/5 – New Local Shopping Provision Outside Recognised Shopping Centres and S2/6 – Food and Drink of the Bury Unitary Development Plan.
4. The external finishing materials for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

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

Ward: Prestwich - Sedgley

Item 06

Location: BEECH HOUSE, BENT LANE, PRESTWICH, M25 1DL

Proposal: DEMOLITION OF EXISTING STABLE BLOCK; ERECTION OF BLOCK OF 3 FLATS

Application Ref: 44752

App Type: Full

Statutory Expiry Date: 13 October 2005

Recommendation: Approve with Conditions

Description

The site comprises the two storey brick built out building to the rear of Beech House, a property occupied by Creative Support to provide specialist support to disadvantaged people. The location is at the junction of Bent Lane and Blackburn Street within a predominantly residential area.

The proposal is to demolish the existing building and replace it with a two storey property of similar massing which will be used as 3 flats for clients of Creative Support.

Relevant Planning History

Consent was granted in 1987 for change of use to a workshop from coach house. (19283/87)

Publicity

Neighbours have been notified and one email of support has been received and one letter of objection from No. 60 Ostrich Lane. The objections can be summarised as follows:

1. Over looking of the garden will cause a loss of residential amenity
2. Building works will block Ostrich Lane which will be of danger to residents and motorists

Consultations

Highways - comments waited

Drainage - no objections

Environmental Services - comments awaited

Ecology - Comments awaited

Unitary Development Plan and Policies

CF3/1 Residential Care Homes and Nursing Homes

H2/2 The Layout of New Residential Development

EN1/2 Townscape and Built Design

Issues and Analysis

Use - Creative Support are a recognised provider of care in the community. They are looking at developing new facilities at their existing Beech House site so that their clients can get more experience of independent living and they initially desired to convert the existing Coach House to flats. However, this has proved to be impracticable and they now intend to demolish the building and build a new property of similar massing and scale on the site to provided this accommodation. It is proposed that any consent should be personal

and restricted to Creative Support and or their successors and they have agreed to this condition as the flats are ancillary to the primary care home facility at Beech House and do not have separate amenity or parking provision. Given the fact that the site is located within an existing residential area, thriving community and established special needs facilities the redevelopment of the site for this purpose would appear to be reasonable and accord with UDP Policy CF3/1.

Design - the general massing and scale of the property reflects that of the existing building. it is set back slightly from the existing line onto Ostrich Lane so as to ensure no encroachment onto the highway, whilst retaining the general character of the street scene. Consequently, it is considered that the proposal is acceptable and as such will not be of detriment to the street scene and accord with Unitary Development Plan EN1/2.

Highways - 3 parking spaces are to be provided on the site and access will be via the existing drive from Beech House off Bent Lane. The setting back of the new building will marginally improve visibility at the junction and as such the proposal is acceptable.

Residential amenity - the new flats will have habitable room windows looking out onto Ostrich lane and towards No. 60. There will be two windows at both ground and first floor level, one window will be to a bathroom and one to a bedroom. The ground floor bedroom window, which is considered as a habitable room, will be situated immediately at the back of the footpath to Blackburn Street. The bedroom windows will be set some 15m from the side wall of No. 60 and will not directly look into any principal habitable room windows and as such the development complies with the Council's aspect standards.

Objections - the proposed windows in the new flats will be set some 16m from the side wall of No. 16 which contains no habitable room windows and as such complies with the Council's aspect standards. The issue of the disturbance caused during building works is a matter for Environmental Health and Highways and as such is not a material planning issue.

Summary of reasons for Recommendation

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

Having studied the submitted documents, assessed the proposed development on site and taken into account any and all representations and consultation responses; it is considered that the proposed development is acceptable because it would not cause demonstrable harm to interests of acknowledged importance and will provide valuable benefits to a disadvantaged group within the community and accord with UDP Policy CF3/1 - Residential Care Homes and Nursing Homes

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 five 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 M0452 01 & 09A and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. The properties hereby permitted shall only be occupied by clients of Creative Support or Creative Supports successors in title.
Reason. Permission has only been granted given the particular circumstances of the applicant pursuant to policies of the Unitary Development Plan listed below.
CF3/1 - Residential Care Homes and Nursing Homes

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

Ward: Prestwich - Sedgley

Item 07

Location: ST GABRIELS MEDICAL CENTRE 4 BISHOPS ROAD, PRESTWICH, M25
OHT

Proposal: EXTENSIONS AT FRONT & SIDE TO INCLUDE PHARMACY &
CONSULTING ROOMS; RECONFIGURATION OF CAR PARK AT REAR

Application Ref: 44907

App Type: Full

Statutory Expiry Date: 07 September 2005

Recommendation: Approve with Conditions

Application was deferred at the last meeting of the Planning Control Committee to allow a site visit to take place.

Description

The medical centre is located on the eastern side of Bishops Road between St Gabriel's Church and Sedgley Park Primary School with the western side of Bishops Road being wholly residential in character.

The proposal is for an extension to the front of the existing building to form a pharmacy, amendments to the entrance to make the Centre fully accessible, two new consulting rooms to the side to replace existing rooms lost through other internal improvements and modifications to the car park to improve the parking facilities and disabled spaces.

Relevant Planning History

Consent was granted for the centre in 1983 (C/14721/83) and since that time there have been various consents for small extensions and alterations to the centre the last being in 1995 (30891/95)

Publicity

Three letters and one email have been received from 13, 15, 17 & 23 Bishops Road and they have raised the following objections:

- Increase in traffic by moving the pharmacy from Kings Road to the medical centre
- Increased conflict with school and Church traffic
- Insufficient parking spaces
- Loss of trees on Bishops Road
- Noise and disturbance from people using the pharmacy will be of detriment to the residential amenities of the area due to extended hours of opening
- Additional consulting rooms will mean that more people will visit and there is inadequate parking at present and this will cause further congestion and obstruction
- Adverse impact on the street scene and opposite properties residential amenity by bringing the building forward
- Change of the character of the area to commercial from civic and residential use
- Use of the site for a pharmacy will encourage people to use the area for congregating and may attract people who would wish to carry out anti social activities which will be of detriment to the residential properties opposite

Consultations

Highways - no objections

Environmental Health - Comments awaited

Landscape Practice - no objections to the proposal as the scheme retains the major trees on the site.

BADDAC - no objections in principal and welcome the provision of dedicated disabled parking spaces and improvements to the facilities generally for disabled users of the centre.

Unitary Development Plan and Policies

CF4 Healthcare Facilities

HT5/1 Access For Those with Special Needs

HT2/4 Car Parking and New Development

Issues and Analysis

Design - the proposed extensions, both the front and the one to the side, respect the massing and scale of the existing building. The materials and detailing on these extensions have regard to the detailing of the existing building, and whilst the extension to the front will be close to the boundary with the highway, it sets well in the street scene and will not be of detriment to its general character.

Disabled access - the provision of disabled facilities is to be welcomed and accords with UDP Policy HT5/1 - Access for those with Special Needs

Principal of the use of the site - the provision of the pharmacy on the site and the new consulting rooms will result in improved facilities for the patients using the medical centre. The hours of operation of the Pharmacy, which would be relocated from Kings Road, would be restricted to 9.00am to 6.30pm Monday to Friday, it will be closed on Saturday and open 9.00am to 2.00pm on Sundays. The current opening times of the surgery are 8.30am to 6.00pm Monday to Friday and it is intended that the opening hours will be harmonised once licensing permits. Currently the Surgery has 9 consulting rooms (5 used by doctors and the others by nursing support) and it is not intended that there will be any increase in this number. Given the fact that the centre is a thriving medical practice it is reasonable to allow appropriate alterations and extension to the premises to meet the changing demands and expectations of the practice and this accords with UDP Policy CF4 - Healthcare Facilities.

Access and Parking - the improvement to the facilities allows for the redesign of the car park so that the current conflict between parking at the front of the site and access to the rear of the site is resolved by placing all the parking to the rear. It also allows for the provision of dedicated disabled parking spaces and a total of 19 demarcated spaces (the same as currently provided) on the site with all vehicles entering and leaving the site in forward gear. It is considered that the provision of this amount of parking is adequate for the centre and pharmacy as it will stop double trips to and from the centre and as such is acceptable and accords with UDP Policy HT2/4 - Car Parking and New Development.

Trees - the existing mature tree on the road frontage is to be retained and one standard tree will be lost which is located close to the front of the building. The loss of the standard tree will have no impact on the street scape and as such is acceptable.

Residential amenity - the medical centre is opposite residential properties and undoubtedly has some impact on their amenities. The Centre was first established in the 1980's and has proved to be a vital asset to the community as a whole and, whilst its success will undoubtedly impact on the residential amenities of its immediate neighbours, it is not considered that this is so detrimental as to justify the rejection of the improvements to the facilities. In particular, the need for medical facilities located within the community and close to residents is recognised with UDP Policy CF4 - Healthcare Facilities and it is considered that in this instance any detriment to the residential amenities of the residents is outweighed by the provision of these improved facilities.

Objections - Traffic Congestion and Parking. The layout of the current parking at the medical centre is unsatisfactory in that it creates conflict between vehicles and pedestrians entering and leaving the site which makes it more convenient to park on the road. The new layout of the car park will stop this conflict and make the car park easier to use and should minimise on-street parking. The provision of the pharmacy at the surgery will also minimise traffic movements as currently people tend to drive from the Centre to Kings Road to pick up their prescriptions.

Opening Hours. It is intended that the hours of operation of the Pharmacy be harmonised with those of the surgery once it has been transferred, i.e. 08.30am to 6.00pm Monday to Friday.

Loss of trees on Bishops Road - one small tree is to be lost on the frontage, but as this is of little street scape value and the main large trees are to be retained, this is not a vitally material consideration.

Residential amenity - these points have been covered above and whilst the new pharmacy will be a commercial activity it is contained within the new building, will not have a shop front, and as such will not alter the character of 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 improvements to existing medical centre, particularly the provision of a pedestrian access that is fully compliant with the requirements of the Disability Discrimination Act, the provision of new consulting rooms and a pharmacy and improvements to the car park layout to include disabled spaces are considered to be compliant with the Policies of both the Unitary Development Plan and National Policy. These benefits outweigh any detriment that there may be to the residential amenity of the nearby residents.

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 five years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. The external finishing materials for the proposal hereby approved shall match those of the existing building.
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.
3. This decision relates to drawings numbered 1SC9 / 001 to 009 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
4. The development hereby approved shall not commence unless and until a scheme

of protection for all trees to be retained on site in accordance with BS 5837:1991 "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.

5. The car parking indicated on the approved plans 1SC9 / 001 to 009 shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the pharmacy hereby approved opening and thereafter maintained for the duration of the use.

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

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

Ward: Radcliffe - East

Item 08

Location: SITE OF 229-257 BURY ROAD RADCLIFFE M26 2XF

Proposal: DEMOLITION OF EXISTING DEVELOPMENT; RESIDENTIAL DEVELOPMENT - 43 DWELLINGS WITH PROPOSED INFRASTRUCTURE UPGRADE & ANCILLARY DEVELOPMENT (RESUBMISSION)

Application Ref: 45007

App Type: Full

Statutory Expiry Date: 23 September 2005

Recommendation: Minded to Approve

Minded to Approve subject to a Section 106 Agreement for Affordable Housing, % for Art and Recreation Provision or if the Agreement is not signed by the 28th October 2005 that the application be refused on the basis of none compliance with the Development Control Policy Notes 1, 4 and 5 and UDP Policies RT2/2, EN1/6 and H4/1.

Description

The site comprises the existing Altaman Industrial Estate off Bury Road in Radcliffe which is currently used for warehousing and storage. The site has a single access between 227 and 259 Bury road and is bounded by the rear gardens of existing residential properties on its northern, eastern and southern boundaries and the Metro on the western boundary.

There is one large building occupying the site that has been extended over the years and it is centrally located within the site. The site has an area of 0.635 hectares.

The proposal is to demolish the existing building and develop a mix of terraced 2 storey, 2 storey with dormers in the roof and two 3 storey high apartment blocks adjacent to the boundary with the Metro. The buildings will all be brick built with concrete tile roofs. A total of some 43 dwellings are proposed.

Relevant Planning History

Consent was refused for the redevelopment of the site for 43 properties in June 2005 (44347). The reason for refusal was:

The three storey elements of the development would, by reason of their height, size and position result in an undue loss of amenity to nearby dwellings. The development would, therefore, be seriously detrimental to the amenities currently enjoyed by the occupiers of these dwellings and the proposal would be contrary to the following policy of the Bury Unitary Development Plan:

H2/1 - The Form of New Residential Development

The current scheme has excluded all of the 3 storey terraced properties but has retained the two 3 storey apartment blocks.

Various planning consents have been granted on the site for the existing warehouse and storage use which are not relevant to this proposal.

Publicity

A site notice and advertisement was placed adjacent to the main access to the site and in the Radcliffe and Bury Time newspapers. Additionally letters were sent to all the immediate neighbours.

This has resulted in 4 representations being received from residents living on 201, 211, 227 Bury Road and 14 Blenmar Close. The comments can be summarised as follows:

1. The type of development, including three storey apartments, is inappropriate to the character of the area given that it is characterised by predominately two storey semi-detached properties.
2. Potential loss of security to the rear gardens of the existing properties.
3. Potential increase in traffic congestion and pollution from increased car traffic.
4. Loss of property value
5. Increased pedestrian movements causing increase traffic hazards.
6. Loss of residential amenity from overlooking

Consultations

Borough Engineers Highways - No objections in principle

Borough Engineers - Drainage - No objections in principle

Environmental Services - No objections in principle subject to conditions on contamination and noise attenuation

Radcliffe Area Board - Any comments will be reported

Landscape Practice - No objections in principle but requested a review of the proposed tree species.

Environment Agency - No objections

Greater Manchester Police - recommended amendments to scheme to improve safety which have been incorporated into the revised layout.

United Utilities - No objections

Transco - No objections

Metro - No objections

Chief Fire Officer - No objections in principle

GMPTE - No objections in principle

Ecology Team - No objections in principle

AGMA - no objections in principle

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

EN1/5 Crime Prevention

EN1/6 Public Art

EN6/4 Wildlife Links and Corridors

EC2/2 Employment Land and Premises

RT2/2 Recreation Provision in New Housing Development

HT2/4 Car Parking and New Development

PPG3 PPG3 - Housing

RSS 13 Regional Spatial Strategy for the North West

Issues and Analysis

Change of Use from Employment Generation to Residential - the proposed site is currently used for warehousing and the applicant has provided information regarding the suitability of the site being retained in that use and the site being used for residential purposes. This has been carefully assessed with regard to Policy EC2/2 - Employment Land and Premises Outside the Employment Generating Areas and it has been concluded that the site is no longer suited in land use terms to continued employment use as such the change of use to

residential can be justified. In terms of the national policy statement in PPG3 - Housing there is added support for the development of site such as this, which can be classified as 'brownfield'.

Layout of the Site - The development is served via a single access road between existing properties fronting Bury Road and in the same position of the existing vehicular access. The development has a mix of 2 storey terraced properties, 2 storey terraced properties with dormers in the roof and three storey apartments. The difference between this scheme and the one rejected in June by the Planning Control Committee is the omission of the three storey terraced properties that backed onto Bury Road, Farecroft Avenue and Blenmar Close and their substitution by two storey type properties with dormer windows on the front elevations which do not overlook the existing properties.

The 2, three storey apartment blocks are located adjacent to the Metro line at the rear of the site. They are set a minimum distance of 26m between directly overlooking habitable room windows with the existing properties adjacent to the site which exceeds the minimum aspect standards of the Council. Given their position at the rear of the site it is considered that the apartments will not appear out of character with the rest of the development or impact adversely on the existing residential properties backing on to the site. The mix of property types gives a variation to the layout that helps create a sense of place.

The general scale and massing of the properties is acceptable and, whilst a number of the proposed 2 storey properties are approximately 1.3m higher than the surrounding 2 storey semi detached properties at a height of 9.8m to the ridge, they comply with the Council's aspect standards between the proposed and existing residential properties habitable room windows and as such are acceptable.

The individual terraced properties each have their own amenity and parking spaces and the apartments have communal parking and amenity space. In addition, designated bin stores have been provided for the storage of refuse and recyclable waste as well as a landscaping scheme which will allow the site to be laid out and developed in accordance with Unitary Development Plan Policy H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development.

The development will be at a density of 67.7 to the hectare which conforms with PPG3 and RSS 13.

Landscaping and Boundary Treatments - the scheme has been revised and is acceptable. Boundary treatments to the whole of the site are included, and whilst they are of standard types, timber fencing and walls, they are considered acceptable in both amenity and security terms.

Car Parking - the proposal is for 43 dwellings. The scheme has a total of 60 spaces, 52 allocated directly to properties and 8 for visitors. PPG 3 indicates that a maximum of 1.5 spaces should be provided per property. Given the mix of residences, 2 bedroom apartments and three bedroom terraced properties it is considered that an overall provision of 1.4 spaces per residence is acceptable.

Environmental Health - a full contamination study has been supplied and the applicant and this has been agreed by Environmental Health. An Acoustics report has been submitted due to the proximity of the site to the Metro. As a result sound remedial measures will have to be applied to the apartments. It is intended that this matter should be covered by a condition.

Ecology - a bat survey has been included with the application and its findings, that there are no signs of current occupation by endangered species and that alternative habitats are available, have been agreed by the Council's ecology team.

Highways - the scheme has been amended so that it fully complies with the layout standards of the Borough Engineers and in particular the layout of the junction with Bury

Road has been carefully considered and found to be acceptable in terms of Highways management.

Public Representations - A total of 6 different objections have been made to the proposal. Matters to do with height of the proposed development, overlooking, loss of residential amenity have been dealt with in the main body of the report as the scheme complies with the Councils policies or they can be adequately controlled by condition. They have been found not to be of sufficient weight as to warrant refusal. Matters to do with the loss of value of property and views are not considered to be material planning considerations and as such have not been considered in reaching a recommendation.

Section 106 Agreement

- Public Art - An area has been set aside for the provision of art on the site in accord with Development Control Policy Guidance Note 4 - Per Cent for Public Art and the applicant has set aside a sum of £30,000 for provision on-site.
- Affordable housing - It has been agreed with the applicant that 4 of the three bedroom houses and 6 two bedroom apartments (23.25% of the properties) will be have a 25% discount (an indicative value of £323,987.50 discount against all 10 properties at today's prices) within the terms of DCPGN 5.
- Recreational provision - a contribution of £17,255.70 is proposed under the provision of DCPGN 1 - Recreation Provision in New Housing Development.

It is intended that this agreement be completed by the 28th October 2005 and if not it is recommended that the application be refused on the grounds that it conflicts with these DCPGNs.

Summary of reasons for Recommendation

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

Having studied the submitted documents, assessed the proposed development on site and taken into account any and all representations and consultation responses; particularly assessing the principle of the development against UDP Policy EC2/2, it is considered that the proposed development is acceptable and that as it conforms with Policies H2/1, H2/2 and as such it would not cause demonstrable harm to interests of acknowledged importance.

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 five years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development.

3. This decision relates to drawings numbered APT-P01, 02, 03, 02-01 REV.D, 2567.01 REV. B,, HOUSE TYPE DRAWINGS NAMED BOWDEN & DANEBRIDGE, DATED JULY 02, 01-01, FENCE 6, 7 & 8 DATED 12/03/03, BIN STORE 2 & 3 DATED 23/02/05.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design.
4. The residential accommodation hereby approved shall include acoustic glazing and acoustically treated ventilation in accordance with an acoustic attenuation scheme to be submitted to and approved in writing by the Local Planning Authority before the development commences. The approved acoustic attenuation scheme shall be implemented in full before use of the residential premises first commences.
Reason.To protect the amenity of the occupants of the premises once the development hereby approved is occupied.
6. Prior to the development hereby approved commencing:
- Where actual/potential contamination and/or ground gas risks have been identified, a detailed site investigation and suitable risk assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority;
 - Where remediation is required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.
- Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
7. Following the provisions of Condition 6 of this planning permission, where remediation is required, the approved remediation strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the conclusions and actions taken at each stage of the works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
8. 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 works commencing on site, and;
The approved contamination testing shall then be carried out and validity evidence (laboratory certificates etc) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site.
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

9. All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:
- Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;
- A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.
- Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
10. The car parking indicated on the approved plans ref: 02-01 D shall be surfaced, demarcated and made available for use to the written approval of the Local Planning Authority prior to the buildings hereby approved being first occupied and thereafter maintained in perpetuity.
- Reason. To ensure adequate off street car parking provision in the interests of road safety.
11. A minimum hardstanding of 5m measured from the back of the footway at Plots 1-9 and 41-43 shall be provided and thereafter maintained.
- Reason. To enable a vehicle to stand clear of the highway whilst the garage doors are opened and to allow adequate space to maintain a vehicle clear of the highway in the interests of road safety.
12. A forward visibility envelope appropriate for a speed of 20 mph shall be provided along the proposed estate road adjacent to Plot 4 indicated on approved plan ref: 02-01 Rev. D before the development 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.
13. Notwithstanding the boundary details indicated on approved plan ref. 02-01 Rev D, pedestrian visibility splays in accordance with Figure 114 of Design Bulletin 32 'Residential Roads and Footpaths – 2nd Edition' shall be provided at the junction of the car park access to Plots 10-16 with the proposed estate road before the dwellings hereby approved served by this access are first occupied and shall subsequently be maintained free of obstruction above the height of 0.6m.
- Reason. To ensure the intervisibility of the users of the site and the adjacent highway in the interests of road safety.
14. The landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building(s) is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs 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 the 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..

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

Ward: Radcliffe - North

Item 09

Location: LAND ADJACENT TO 16 CAMDEN CLOSE AINSWORTH BL2 5RH

Proposal: RESIDENTIAL DEVELOPMENT - DETACHED DWELLING

Application Ref: 44980

App Type: Full

Statutory Expiry Date: 20 September 2005

Recommendation: Approve with Conditions

Description

The site is occupied by two domestic gardens between the side of a detached house, 16 Camden Close, and a back street at the rear of properties fronting Church Street. It backs onto an area of public open space, The Delph, a former tip. The site fronts Camden Close, a cul de sac of 1970s detached houses. The site borders Ainsworth Conservation Area.

It is proposed to remove an existing shed and to erect a 4 bedroom detached house with integral garage. Existing fencing and hedging would be retained. A revised plan confirms that the house would be built to existing ground levels. A contamination study has been submitted.

Relevant Planning History

16398/94 - Garden extension to no. 16 approved in November 1984.

Publicity

Objections have been received from the occupiers of 41, 43, 45, 47 Church Street and a standard letter from 51 Church Street, 3, 4, 5, 6, 7, 8, 9, 10 and 12 Camden Close. Points made include the following:-

- It is claimed that previous applications have been refused (although there is no record of such applications).
- The house would be too close to the rear of Church Street properties.
- It would restrict light.
- It would affect privacy.
- There is not enough parking for existing residents.
- Pedestrian and vehicle access to the rear of Church Street, including a chip shop, would be affected
- Disruption would be caused to residents and there would be danger to children during building.

Consultations

Borough Engineer - No objection on highways or drainage grounds.

Borough Environmental Services Officer - Recommends contamination conditions.

Unitary Development Plan and Policies

OL1/3 Infilling in Existing Villages in the Green Belt

EN9/1 Special Landscape Areas

OL7/2 West Pennine Moors
EN2/2 Conservation Area Control
H1/2 Further Housing Development
H2/1 The Form of New Residential Development
H2/2 The Layout of New Residential Development

Issues and Analysis

The site is an existing domestic garden within a named settlement within the Green Belt. There is existing development on three sides and it is clearly an infill plot.

The site is large enough to accommodate the house proposed with adequate space about the building. The blank gable of the house would be approximately 15 metres from the rear main windows of the Church Street properties which is sufficient to meet current guidelines. The design is acceptable in relation to the other properties surrounding the site.

The property has a garage and a drive which would accommodate two cars. The existing boundary hedge to the back street would be retained and access to the rear of the Church Street properties would not be affected.

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 an infill development that will not harm the openness of the Green Belt nor the character of the surrounding area. It will not affect the amenities of surrounding residents nor adversely impact on highway safety issues. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than five years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 26 Jul and 23 Aug 2005 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. Pedestrian visibility splays in accordance with Figure 114 of Design Bulletin 32 'Residential Roads and Footpaths – 2nd Edition' shall be provided at the junction of the proposed driveway with Camden Close before the dwelling hereby approved is first occupied and shall subsequently be maintained free of obstruction above

the height of 0.6m

Reason. To ensure the intervisibility of the users of the site and the adjacent highway in the interests of road safety.

5. Prior to the development hereby approved commencing:
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential contamination and/or ground gas risks have been identified, a detailed site investigation and suitable risk assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority;
 - Where remediation is required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.

6. Following the provisions of Condition 5 of this planning permission, where remediation is required, the approved remediation strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the conclusions and actions taken at each stage of the works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.

Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.

7. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site, and;
The approved contamination testing shall then be carried out and validity evidence (laboratory certificates etc) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site.

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

8. All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:
 - Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;

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

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

9. Detailed design features shall be incorporated into the proposed building, as shown necessary by the site investigation, to alleviate risks to the written satisfaction of the Local Planning Authority. A comprehensive construction design shall be incorporated to prevent the ingress of landfill gas, to be agreed in writing with the Local Planning Authority before work commences.

Reason To alleviate any possible risk associated with the production of landfill gas in accordance with the recommendations of the Environment Agency pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan.

For further information on the application please contact **John Hodgkinson** on **0161 253 5323**

Ward: Radcliffe - West

Item 10

Location: 280 STAND LANE, RADCLIFFE, M26 1JE

Proposal: CHANGE OF USE OF GROUND FLOOR FROM POST OFFICE TO TANNING STUDIO

Application Ref: 45083

App Type: Full

Statutory Expiry Date: 20 October 2005

Recommendation: Approve with Conditions

Description

The site comprises the ground floor of 280 Stand Lane Radcliffe, formerly a Post Office. It is the end shop unit in a small parade of shops with flats above adjacent to the Stand Lane United Reformed Church by Walker Street.

The proposal is for a change of use of the premises (which are currently vacant) to a tanning studio which is a Sui Generis use (i.e not within a specific use class). The studio will have 4 tanning booths and will be open 7 days a week. It will employ 4 part time staff with one member of staff on site at any one time.

Relevant Planning History

A previous application for the same development was withdrawn due to lack of information to allow it to be properly assessed. (44780). This application is as of a result of discussions with the applicant.

Publicity

Neighbours have been notified and a letter of objection has been received from Stand United Reformed Church. The objections can be summarised as follows:
Concern over parking in the area since traffic calming measures were introduced and hours of opening.

Consultations

Highways - no objections
Environmental Health - comments awaited

Unitary Development Plan and Policies

S2/4 Control of Non-Retail Uses in All Other Areas

Issues and Analysis

Use - the previous use of a Post Office ceased about a year ago and since then the site has remained vacant. The immediately adjacent properties appear to be trading reasonably well and the bringing back into occupation of this premises would accord with Unitary Development Plan Policy S2/4 - Control of Non-Retail Uses in All Other areas in that it will retail a shop front, not compete with the existing Class A1 use adjacent and has a level access suitable for mobility impaired. The previous use had no parking and whilst the provision of additional parking would be welcome, the premises do not have any land to allow this and it is considered that the benefits of bringing the premises back into use would

outweigh any problem that there may be with not being able to improve the parking in the area by providing on site parking for the staff.

Highway Issues - this small parade of shops has no parking. It has a wide forecourt which is used for servicing all of the shops and there are no parking restrictions on the highway adjacent. The proposed use is unlikely to generate materially more traffic than the previous use and as such it is considered that the benefits of bringing the unit back into productive use outweigh any highway implications.

Objection - given the fact that the use is unlikely to generate more traffic than the previous use, it is not considered that there will be a material detriment to highway safety and as such a refusal cannot be warranted on these grounds. The hours of opening, 09.00 to 20.00 Monday to Friday, 10.00 to 18.00 Saturday and 12.00 to 16.00 Sundays are similar to any Class A1 use and as such are not considered excessive or likely to cause a detriment to amenity or highway safety.

Summary of reasons for Recommendation

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

Having studied the submitted documents, assessed the proposed development on site and taken into account any and all representations and consultation responses; it is considered that the proposed development is acceptable because it would not cause demonstrable harm to interests of acknowledged importance and is in accordance with Unitary Development Plan Policy S2/4 - Control of Non-Retail Uses in all Other Areas.

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 five 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 280/SL1 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.

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

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 11

Location: LAND ADJACENT TO 171 PEEL BROW RAMSBOTTOM

Proposal: OUTLINE RESIDENTIAL DEVELOPMENT - 1 DETACHED DWELLING

Application Ref: 44908

App Type: Outline Planning Permission

Statutory Expiry Date: 19 October 2005

Recommendation: Approve with Conditions

Description

The application site comprising a small area of land (220 sq m) is located at the side of the abutting end terrace dwelling No. 171 Peel Brow, Ramsbottom. The site includes part of the existing garden and a garage at the side of No. 171 Peel Brow and the land abutting the rear boundary of the bungalow No. 1 Cheshire Court.

The planning application is made in outline and seeks permission for the development of the site for a two storey detached house with an attached garage. All matters except for the siting and means of access, are reserved for subsequent approval. It is proposed that the existing garage at the site will be demolished.

Relevant Planning History

No relevant planning history

Publicity

One letter raising concerns about the description and accuracy of the submitted drawings has been received from the residents of No. 46 Cheshire Court. The points made are:

1. The description of the proposal relates to dwelling No. 171 Peel Brow, which does not exist.
2. The submitted plans indicating the proposal are out of date and confusing.

Consultations

Borough Engineer - No objections subject to conditions relating to the provision of a minimum hardstanding area and pedestrian visibility splays.

Env Health - Response awaited

Unitary Development Plan and Policies

H2/6 Garden and Backland Development
H1/2 Further Housing Development
PPG3 PPG3 - Housing

Issues and Analysis

Principle - The application site is located between the end terrace dwelling at No. 171 Peel Brow and the bungalow at No. 1 Cheshire Court. The site is located within a predominantly residential area comprising terraced properties and detached houses. The site is located between two residential properties and the proposal is therefore considered an infill

development. By virtue of its location and the surrounding area, it is considered that the proposed development is acceptable in principle.

Layout/residential amenity - The proposed dwelling would be set back from Peel Brow by between 5.6m to 6m with a separation distance from the adjacent property No. 171 of 1.34m and the bungalow at No. 1 Cheshire Court of between 1m to 2m. The site is clearly large enough to accommodate a detached dwelling with an adequate area of open land in front and rear. There are no windows displayed at the gable of the dwelling at No. 171 and consequently, the proposed development would not be detrimental to the amenities of the residents of No. 171.

Currently, there are three windows displayed on the rear elevation of the other adjoining property at No. 1 Cheshire Court. However, the two windows facing directly the side elevation of the proposed property are non habitable room windows. The third window located at the farther end of the bungalow is a habitable room window which by virtue its position, would not be facing the proposed dwelling directly. It is for this reason, it is considered that the proposed dwelling would have no adverse impact on the amenities of the bungalow at No. 1 Cheshire Court either.

Necessary considerations including the floor levels will have to be given at the reserved matter stage to further safeguard the amenities of the adjacent residents.

Summary of reasons for Recommendation

NO51

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

It is considered that the proposed development is acceptable in principle and would not cause demonstrable harm to interests of acknowledged importance.

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 design and external appearance of the building(s) 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 44908 (Revised) received on 7

September 2005 and the development shall not be carried out except in accordance with the drawings hereby approved.

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

4. A minimum hardstanding of 5.5m measured between the highway boundary and any proposed garage doors shall be provided to the written satisfaction of the Local Planning Authority and thereafter maintained.
Reason. To enable a vehicle to stand clear of the highway whilst the garage doors are opened and to allow adequate space to maintain a vehicle clear of the highway in the interests of road safety pursuant to Policy H2/3 -Extensions and Alterations of the Bury Unitary Development Plan and Associated DC Guidance Note 6- Extensions and Alterations.
5. Pedestrian visibility splays in accordance with Figure 114 of Design Bulletin 32 'Residential Roads and Footpaths – 2nd Edition' shall be provided on land within the applicants control at the junction of the proposed driveway with Peel Brow before the dwelling hereby approved is first occupied and shall subsequently be maintained free of obstruction above the height of 0.6m
Reason. To ensure the intervisibility of the users of the site and the adjacent highway in the interests of road safety.
6. Notwithstanding the terms of the General Development Order 1995, or as subsequently amended, no development shall be carried out within the terms of Classes A to H of Part 1 and Classes A and B of Part 2 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed below.

For further information on the application please contact **M. Sadiq** on **0161 253 5285**

Ward: Ramsbottom & Tottington - Tottington

Item 12

Location: LAND AT VICTORIA COURT TOTTINGTON

Proposal: RESIDENTIAL DEVELOPMENT - TWO SEMI-DETACHED DWELLINGS
(RESUBMISSION)

Application Ref: 45002

App Type: Full

Statutory Expiry Date: 03 October 2005

Recommendation: Approve with Conditions

Description

The application site lies to the south of Tottington High School and to the east of Victoria Court constructed on the site of the former Victoria Works, Tottington. The site lies adjacent to 29 Victoria Court which is a semi-detached dwelling house at the foot of the access and service road. The site itself is covered in seral growth consisting of semi-mature trees and shrubs and is used for the storage of building materials. The site slopes slightly and has culvert running through part of the site.

Relevant Planning History

42184 - Residential Development - 4 Town Houses was refused on the grounds of inadequate parking and access for the number of dwellings proposed and insufficient information relating to levels.

43711 - Residential Development - 4 Town Houses was withdrawn before the application could be determined, similar issues arose surrounding access and parking.

44327 - Residential Development - 2 Detached Houses overcame the access and parking issues but raised residential amenity issues and conflict with the culvert running through the site so was withdrawn by the applicant.

Publicity

23 adjoining occupiers consulted - 3 letters received objecting to the proposal on the following grounds:

- proximity of proposal to existing dwellings
- loss of privacy
- loss of view
- possibility of blocking sunlight
- may cause harm to some (unidentified) trees
- access to site unsuitable for heavy construction vehicles
- questions regarding land ownership
- inadequate access to the site
- yet more development inundating Tottington
- disturbance during construction
- safety of objector's children.

Consultations

Borough Engineer - Drainage - no objections. Highways - no objections.

Borough Environmental Services Officer - recommends conditions be attached requiring site investigations for and resulting remediation of ground contamination.

GM Police - recommend that there should be no free access between the front and rear of the dwellings, secured by a 1.8 metre high fence.

United Utilities - no objections but a building over agreement will be necessary.

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

Issues and Analysis

The main considerations of the application are the principle of the development for new residential development and the acceptability of the form and layout of the proposal.

The site lies within the urban area, close to existing infrastructure and would avoid the release of peripheral sites. The application was submitted prior to the introduction of the Housing Restriction Policy and thus the site is considered acceptable in principle for residential development.

The form of the development would constitute a gabled pitched roof which would be a slightly steeper pitch than those on the dwellings at Victoria Court. The pair of semi-detached houses would be constructed in brick and concrete tile and set lower than the dwellings at Victoria Court although slightly higher than the dwellings on New Street which flank the application site. The proposed dwellings would be 22 metres from No. 29 Victoria Court taken along the 45 degree line and 23 metres from the flank wall of No. 13 New Street. In both cases the proposal exceeds the Council's minimum separation distances. The scheme would not incur a loss of residential amenity in terms of light, privacy or outlook and would not be detrimental to the character of the surrounding area. The scheme is considered to be acceptable in terms of its form.

The layout of the scheme accommodates the 6 metre easement needed for the culvert, would provide adequate parking and turning on site and space around the dwellings. The access to the site, is considered on balance, to provide reasonable access to the site now that the site would be less intensively used than for 4 town houses. The landscape scheme including works to trees, boundary treatment and security measures will be required by condition. As such the proposed development is considered to be acceptable in terms of layout.

In response to the objections not already addressed by the discussion above, the loss of a view is not a material planning consideration nor is the noise and disturbance during the construction period or access for delivery vehicles. The access into the site whilst not up to the adoptable standards of the Council, is considered by the Borough Engineer not to create a hazard.

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 principle, form and layout of the scheme are acceptable, the culvert through the site has been accommodated and neighbour representations are insufficient to outweigh this recommendation.

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 five 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 P/2005/06/0165 DWG01 & DWG02. The development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below:

H2/1 - The Form of New Residential Development
H2/2 - The Layout of New Residential Development
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. A landscaping scheme, including boundary treatment and security measures to the side of the properties, 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.
5. Prior to the development hereby approved commencing:
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential contamination and/or ground gas risks have been identified, a detailed site investigation and suitable risk assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority;
 - Where remediation is required, a detailed Remediation Strategy shall be

submitted to, and approved in writing by, the Local Planning Authority.

Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.

6. Following the provisions of Condition 5 of this planning permission, where remediation is required, the approved remediation strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the conclusions and actions taken at each stage of the works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.

7. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site, and;
The approved contamination testing shall then be carried out and validity evidence (laboratory certificates etc) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site.
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

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

For further information on the application please contact **Adrian Harding** on **0161 253 5322**

Ward: Ramsbottom & Tottington - Tottington

Item 13

Location: LAND OFF HIGH STREET WALSHAW

Proposal: OUTLINE - TWO DETACHED DWELLINGS

Application Ref: 45121

App Type: Outline Planning Permission

Statutory Expiry Date: 17 October 2005

Recommendation: Approve with Conditions

Description

History

An outline planning permission ref. 37921/01 for the residential development of an area of unused land fronting High Street, Walshaw, was granted, subject to conditions, in July 2001. The application comprised details of the proposed access and a landscape report concluding that the new access would not be detrimental to the existing protected trees on the site if necessary precautions, as set out in the report, were implemented. Due to the restricted visibility at the access, a condition limiting the development of the site to 6 dwellings, was imposed in the permission. Following this, planning permission ref. 40312/03 for the reserved matters including siting, design and external appearance in respect of three large individually detached houses, each with a double garage, to be located on the north-westerly part of the site (Plots 1, 2 and 3), was granted subject to conditions, in March 2003.

A further outline planning permission ref. 40678/03 for the erection of a detached house on the site of a former Victorian stable (Plot 5) abutting the south westerly boundary of the above site was granted, subject to conditions, in October 2003. Planning permission was granted in respect of the siting and a separate access to the site off High Street, Walshaw.

No works in respect of either of the permissions have been carried out on the site to date.

The current planning application

The current application ref. 45121 seeks planning permission for the erection of two detached dwellings to be located on two separate parcels of land (Plot 4 and Plot 6) forming part of the original site for outline planning permission ref. 37921/01. The application is submitted in outline and all matters reserved except the siting. The application is accompanied by a potential contamination Desk-top Study covering the entire site as required under the previous permissions ref. 40312/03 and 40678/03. The application also comprises a Tree Survey Report, the Arboricultural Impact Study and the Method Statement for the protection of trees, previously submitted as part of planning application ref. 40678/03.

Currently, the application site is unused and overgrown with bushes/vegetation. The site is located at a higher level comparing with High Street and is retained by a stone retaining wall on the back of footpath. To the north of plot 6, is a building used as offices with a car parking area. To the west of the site are open fields within the Green Belt. To the south,

included within the original site boundary, is an unmade street leading to the demolished site of stables. There are several mature trees protected by a Tree Preservation Order (188)

Relevant Planning History

Planning application ref. 37921 - Outline planning permission for six detached dwellings.

Planning application ref. 40312/03 - Reserved matters approval for the development of Plots 1, 2 and 3.

Planning application ref. 40678/03 - Outline planning permission for a detached dwelling (Plot 5)

Publicity

Two letters raising objection to the proposal have been received from the residents of No. 23 and 76 High Street. The points raised are:

1. The development would be obtrusive and block the views of the countryside from High Street.
2. The development would result in extra traffic, especially if each house would have 4 cars.
3. The development would pose a threat to the wildlife such as wild flowers and birds nesting.
5. Lockmanor Ltd have already thrown us off our allotments with a promise of more land being made available to us. This has not happened to date.
6. These people are not interested in local people or their amenities. They have knocked down a beautiful Victorian stable which could have been restored as a working stable. On this site, there are a large number of mature trees. What would happen to these trees.

Consultations

Borough Engineer - Planning permission should be refused as the application and submitted plans contain insufficient information to enable the means of access of the development to be properly assessed.

Landscape Manager - No objection

Env. Health - No objection subject to conditions ensuring that no contamination occurs as a consequence of the existing or imported soil or soil forming materials.

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

EN8/1 Tree Preservation Orders

EN1/6 Public Art

Issues and Analysis

Principle - The application site comprising two separate plots of land (Plots 4 and 6) forming part of the original site which was granted outline planning permission for residential development in July 2001 (ref.37921/01). As a consequence, the proposal for the development of the plots 4 and 6 for residential development has already been accepted in principle. Although, permission for the means of access to the site has not been sought in this application, nevertheless, details of the access to serve the entire site have been agreed and accepted in the original outline planning permission ref. 37921/01. A condition would be required to ensure that the approved access in the original outline planning permission would be used to serve the proposed dwellings at plots 4 and 6.

Trees - The development would result in the removal of two sycamore trees which together

with other trees on the site, are currently protected under a TPO. However, their removal has already been accepted under the previous permission 40678/03 and as such causes no additional concerns.

Residential amenity - Plot 4 is situated in between plots 3 and 5 and the proposed dwelling would be set approximately 1m behind the frontages of the dwellings at plots 3 and 5. Since there would be no habitable room windows at the southerly elevation of the dwelling at plot 3, it is unlikely that the proposed dwelling would have any detrimental effect on the amenities of the future residents of the dwelling at plot 3. Similarly, although no details are available for the dwelling at plot 5, due to its siting and position, it is considered that the proposed dwelling would not have any detrimental effect on the residential amenities of the neighbouring properties.

The proposed dwelling at plot 6 would be located along the boundary with a car park associated a business property at no. 42 High Street. The dwelling would be located in line with the frontages of the existing properties along High Street and by virtue of the distance involved (more than 21m), it is unlikely that this would affect adversely the amenities of the adjacent properties.

By virtue of the siting/position of the proposed development and the open space around, it is not anticipated that the proposed development would result in blocking off the views from High Street.

Summary of reasons for Recommendation

NO51

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

Having considered studied the submitted documents, assessed the proposed development on site and taken into account the previous planning history of the site including the consultation responses, it is considered that the proposed development is acceptable because it would not cause demonstrable harm to interests of acknowledged importance. 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 design and external appearance of the building(s) 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 1096/SURV and 1096 - Plots 1-6 received on 22 August 2005 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
4. No trees, unless indicated otherwise on the approved plans, shall be felled, lopped or topped before or during the construction period without the previous written consent of the Local Planning Authority.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
5. The development hereby approved shall not commence until the submitted scheme for the protection of trees to be retained on site has been implemented 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.
6. The development shall be carried out in accordance with the submitted method statement for construction works in proximity to trees.
Reason. To avoid the loss of trees which are of amenity value to the area and because the trees are protected by a Tree Preservation Order.
7. The access road shall be constructed incorporating the recommended precautions in the report from the applicant's landscape architect accompanying the previous application ref. 37921/01.
Reason. To ensure good highway design in the interests of road safety.
8. The visibility splays/forward visibility envelopes indicated on the submitted plans forming part of the previous planning application ref. 37921/01 shall be implemented to the written satisfaction of the Local Planning Authority before the development 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.
9. Notwithstanding the terms of the General Development Order 1995, or as subsequently amended, no development shall be carried out within the terms of Classes A to H of Part 1 and Classes A and B of Part 2 of Schedule 2 of the Order.
Reason. To ensure that future inappropriate alterations or extensions do not occur.
10. 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 works commencing on site, and;
The approved contamination testing shall then be carried out and validatory

evidence (laboratory certificates etc) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site.

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

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

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

12. No vegetation clearance shall be carried out on the site between 1st March and 31st August inclusive in any year unless otherwise approved in writing by the Local Planning Authority.

Reason. Best practice as outlined in Section 99 Government Circular: Biodiversity and Geological Conservation - ODPM Circular 06/2005 for the protection of a European protected species.

For further information on the application please contact **M. Sadiq** on **0161 253 5285**

Ward: Whitefield & Unsworth - Pilkington Park

Item 14

Location: DEPOT TO THE REAR OF 1 TO 11 NIPPER LANE WHITEFIELD

Proposal: SINGLE STOREY EXTENSION TO FORM OFFICES

Application Ref: 44986

App Type: Full

Statutory Expiry Date: 21 September 2005

Recommendation: Approve with Conditions

Description

The site comprises a small rectangular shaped builders yard behind properties fronting Nipper Lane, Thorp St, Bleakley St and Lily Hill St. The main access point is from Nipper Lane along an unmade track. The existing single storey flat roofed office on the site lies in the south east corner of the yard. There is a concrete panelled fence around the site (1.8m).

It is proposed to demolish a small section of an existing outbuilding to the rear of the office and extend out 3.6m along the boundary and continue the flat roof over from the existing building to a height of 3.1m. The additional office space would not accommodate additional staff but alleviate the existing rather confined accommodation. The external finishing materials would be red brick to match the existing buildings.

Relevant Planning History

None relevant.

Publicity

Surrounding properties - One letter of concern from the occupiers of No.47 Lily Hill St, who are concerned that the proposal would increase traffic along the unmade track to the rear of their house. They are also concerned about privacy.

Consultations

Environmental Health - No comment to date.

Borough Engineer - No objection.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

EC2/2 Employment Land and Premises

EC4/1 Small Businesses

Issues and Analysis

The proposed extension is relatively small. It is considered to be appropriately positioned and in keeping with the existing office building. There are four employees working from the office in rather cramped conditions and the new extension would improve the office layout without significantly or detrimentally affecting the visual amenity of the locality or residential amenity of neighbours.

The objection from the occupiers of No.47 Lily Hill Street is not supported as the extension, with no windows on the boundary, would not reduce privacy. The extension is small and

would not lead to increased staffing, customers or delivery traffic using the track to the rear access track. The Borough Engineer has no objections in terms of traffic which is unlikely to increase.

It is considered that the proposal would improve existing employment premises without serious loss of visual or residential amenity and would therefore comply with Unitary Development Plan Policies listed above.

Summary of reasons for Recommendation

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

The extension is considered to be in keeping with the existing building and would not seriously and adversely impact on the amenity of neighbouring properties. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than five years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 27th July 2005 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. The external finishing materials for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

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

Ward: Whitefield & Unsworth - Pilkington Park

Item 15

Location: 249 BURY NEW ROAD, WHITEFIELD, M45 8QP

Proposal: CHANGE OF USE OF GROUND FLOOR FROM DRY CLEANERS (CLASS A1) TO TAXI BOOKING OFFICE & WAITING ROOM

Application Ref: 44996

App Type: Full

Statutory Expiry Date: 14 October 2005

Recommendation: Approve with Conditions

Description

The site comprises the ground floor of 249 Bury New Road, Whitefield which is in the Whitefield District centre and has retail / office uses adjacent.

The proposal is for a change of use of the existing dry cleaners into a taxi booking office. The shop front will remain as in the same format as the current frontage and 2 parking spaces will be provided on the land to the rear within the curtilage of the property.

Relevant Planning History

Various applications on the site including consent to refurbish the whole property and ground floor to A2 (office) use with two flats above incorporating 247 and 251. (43905) and change of use to A3 Take away (43744)

Publicity

Neighbours have been notified and 3 letters of objection have been received from 6, 10 & 12 Silver Court,. The objections can be summarised as follows:

1. Lack of parking
2. Detriment to character of the area

Consultations

Highways - no objections

Unitary Development Plan and Policies

S1/3 Shopping in District Centres

HT2/8 Taxi and Private Hire Businesses

Issues and Analysis

Use - the site already is in A1 use and has permission for A2 (Office) and A3 (Bar, restaurant or take away). The site is within the Whitefield district centre and as such the use as a taxi booking office would appear to conform with the other uses already granted and Unitary Development Plan policy HT2/8.

Parking and highways issues - the company has 6 employees with 4 cars. It is intended that a total of 2 off street spaces be provided at the rear of the premises. Given the location of the office within the District Centre it is considered that this provision is adequate and will not lead to a hazard to safety.

Residential amenity - the floors above the site have permission for residential purposes but are currently unoccupied. The nearest residential property is Silver Court flats which are some 16m distant from the site. The planning permission for the flats above has a condition requiring sound proofing between the floors of the premises and it is considered that the taxi office is of a sufficient distance from the existing flats in Silver Court as to not create a detriment to their residential amenity.

Summary of reasons for Recommendation

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

Having studied the submitted documents, assessed the proposed development on site and taken into account any and all representations and consultation responses; it is considered that the proposed development is acceptable because it would not cause demonstrable harm to interests of acknowledged importance and accords with UDP Policy HT2/8 - Taxi and Private Hire Businesses.

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 five years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 19th August 2005 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Prior to the commencement of the use, two vehicles spaces shall be provided and demarcated within the curtilage of site to the written satisfaction of the Local Planning Authority and thereafter maintained.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/8 - Taxi and Private Hire Businesses

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

Location: STAND GOLF CLUB, LAND TO WEST OF STAND LANE

Proposal: TELECOMMUNICATIONS DEVELOPMENT WITH 20M MONOPOLE ANTENNAS & CABINETS

Application Ref: 45005

App Type: Full

Statutory Expiry Date: 23 September 2005

Recommendation: Approve with Conditions

Description

The site lies within Stand Golf Club, 140m to the west of Stand Lane. The mast would be located in a small clearing amongst a group of trees situated where the existing unmade track from Stand Lane (between No.304 and 306) meets the public footpath that runs through the golf course and past the site. The footpath would be approximately 20m to the east at its closest point. The site is located within the Green Belt. It is not intended to fell any trees which range between about 15 to 17m in height.

The closest property is 304b South Woodley Gardens whose boundary is approximately 55m to the north. To the east the boundary of 306 stand Lane is approximately 120m away. The nearest school, Chapelfield Primary, is approximately 340m to the north.

The monopole mast with a diameter of 400mm, would be 20m high and would have 3No. antennas and 2No. 600mm dishes. The mast would be coloured dark green. The compound would be 5.42m square and house two cabinets in addition to the mast. The larger cabinet would be 1.3m high by 1.2m wide by 0.75m deep. The smaller cabinet would be 1.2m high by 0.6m wide by 0.5m deep. The compound would comprise a timber palisade fence 2.1m high.

Relevant Planning History

None relevant.

Publicity

The residents within 100m have been written to and a site notices has been posted on Stand Lane.

Fifty two separate objections and two petitions with 202 and 106 individual names have been received from the residents and businesses in the area. The objections can be summarised as follows:

- the radiation from the mast will cause a severe health risk
- the perception of a health risk can cause stress and should be taken into consideration
- loss of property value
- the mast is too close to houses and public areas
- the mast will be unsightly and out of keeping with the character of the Green Belt
- the mast is unnecessary and would be better located on existing masts in the area
- the mast is very close to a public right of way across the golf course and would harm views across the course
- the mast is too close to Chapelfield Primary School.

Consultations

Landscape - No objection.

Environmental Health - No objection subject to an appropriate ICNIRP Certificate.

Unitary Development Plan and Policies

EN1/1 Visual Amenity

EN1/10 Telecommunications

OL1 Green Belt

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

PPG2 PPG2 - Green Belts

PPG8 PPG8 - Telecommunications

Issues and Analysis

Green Belt - The site is within the Green Belt and is therefore subject to Policy OL1/5 - Mineral extraction and Other Development in the Green Belt. This policy states that development other than buildings in the green belt will be deemed inappropriate unless it maintains openness and does not conflict with the purpose of including land in the green Belt which is summarised in Policy OL1 - Green Belt as follows;

- to check the unrestricted sprawl of urban areas
- to prevent towns from merging
- to prevent further encroachment into the countryside
- to preserve the setting of historic towns
- to assist in urban regeneration.

Visual Amenity - Central government advice within Planning Policy Guidance Note 2 and Unitary Development Plan Policy EN1/1 Visual amenity indicates that development should not be permitted where it would have a detrimental impact on the Green Belt.

The development should also be assessed against central government advice in PPG8 and local Unitary Development Plan Policy EN1/10 - Telecommunications. The advice within PPG8 states that *'in Green Belts, telecommunications development is likely to be inappropriate unless it maintains openness. Protection of openness is the primary aim of Green Belt.....Inappropriate development may proceed only if very special circumstances are demonstrated which outweigh the degree of harm to the Green Belt. The lack of a suitable alternative site that would meet the needs of network coverage or capacity might be considered as very special circumstances. As part of their case to prove very special circumstances, in making an application for planning permission or prior approval operators would normally be expected to show that there are not suitable alternative locations outside the Green Belt.'* Alternative locations, including sites where mast sharing would be an option, are therefore critical in the assessment of the scheme.

Alternative locations - the applicant has investigated 6 other locations within the search area, including an existing telecommunications site at Whitefield Metrolink. Having considered these locations and the reasons for rejection (outside the search area, close to residential areas and school, too prominent, refusal by landowner), it is apparent that the applicant has fulfilled the needs of central government guidance on this matter. Some objectors have suggested that the equipment be sited at Clark's Hill Reservoir. T-Mobile have stated that the reservoir is too far from the search area and would not give sufficient coverage.

Design and siting - The whole structure, monopole and the antennas would in part be screened by the existing copse of trees. Although in winter screening would be less effective the trees would still form a veil which would mitigate the visual impact of the

monopole to a significant extent. Throughout the year the top 4 or 5m of the monopole and antenna would be visible. The proposed column is a slimline design and coloured dark green. The secure compound is relatively small in massing and would be well screened at ground level. The timber fence at 2.16m high is also considered to be appropriate.

In the light of UDP policy, central government advice and the specific screening benefits the site affords, it is considered that within the 'search area' the site chosen is appropriate and would not have a seriously detrimental impact on the visual amenity or openness of the Green Belt. The development is considered to accord with UDP Policy listed above and associated central government guidance.

Relationship to residential property - The closest property is 304b South Woodley Gardens whose boundary is approximately 55m to the north. To the east the boundary of 306 stand Lane is approximately 120m away. The nearest school, Chapelfield Primary, is approximately 340m to the north. In terms of distances and views of the mast from surrounding properties it is considered that the development would not seriously harm the visual amenity of residents or public using the golf course or public footpath.

Health Issues - The application is supported by a current ICNIRP Certificate and, as such, whilst this is a material consideration, it is one to which only limited weight can be given. It is recognised that residents are very concerned about the effects of the installation on public health, however it is primarily a matter which is controlled by the Health and Safety Executive and not the Planning Authority, particularly where alternative locations have been investigated and ruled out. The advice from central government is that if a proposed mobile mast meets the ICNIRP guidelines for public exposure, it should not be necessary for a local planning authority, in processing an application for planning permission, to consider further the health aspects and concerns about them.

It is considered that the site is the most appropriate in the locality given the screening afforded to the mast, the distance to the nearest residential properties and school, the inappropriateness of alternative sites and the benefits accruing to improved mobile phone coverage in the area.

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:-

It is considered that the site is the most appropriate in the locality given the screening afforded to the mast, the distance to the nearest residential properties and school, the inappropriateness of alternative sites and the benefits accruing to improved mobile phone coverage in the area. 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 51938-001/A, 51938-002/A, 51938-003/A and 51938-005/B and the development shall not be carried out except in accordance with the drawings hereby approved.

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

3. Prior to commencement of development, details of the exact colour of the mast and related equipment hereby approved shall be submitted to and agreed in writing by the Local Planning Authority.

Reason. In the interest of visual amenity.

4. The mast hereby approved shall be removed from site to the written satisfaction of the Local Planning Authority within three months of it ceasing operation.

Reason. In the interests of the visual amenity of the area.

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

Ward: Whitefield & Unsworth - Pilkington Park

Item 17

Location: 215 BURY NEW ROAD, WHITEFIELD, M45 8GW

Proposal: CHANGE OF USE FROM RESIDENTIAL TO COMMERCIAL OFFICE USE
(RESUBMISSION)

Application Ref: 45012

App Type: Full

Statutory Expiry Date: 10 October 2005

Recommendation: Approve with Conditions

Description

The existing house is one of an attractive group of four Victorian red brick terraced properties within the centre of Whitefield, between Hamilton Road Park to the south and the Church Lane/ Bury New Road junction in front of Whitefield Metrolink Station to the north. To the rear is an unmade access road giving access to a brick built garage on the rear boundary which also comprises a brick wall approximately 2m high.

The site lies within All Saints Conservation Area and Whitefield District Shopping Area. There are commercial properties across Bury New Road and residential properties to the rear.

It is proposed to convert the house to an office for financial services (A2 use class). There are six designated spaces, not independently accessible, indicated to the rear of the property with access taken from the unmade road to the rear through the existing garage. The garage opening would be widened for this purpose and a new garage door installed. A small tree on the rear boundary would be removed.

Relevant Planning History

44516 - Change of Use From Residential to commercial Office - **Refused 6/07/2005**

The application was refused on grounds that the demolition of the garage and rear boundary wall would have an unacceptable impact on the character of the conservation area.

Publicity

Immediate neighbours - Two letters of objection from 2 Hamilton Road and 8 Grosvenor Road. Objections relate to potential increase in parking problems around the site and the impact the proposal would have on the conservation area.

Consultations

Borough Engineer (Traffic) - No objections subject to conditions relating to surfacing of car park and provision of electrically operated garage door.

Environmental Health - No comment to date.

Conservation Officer - No objection in principle.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

EN2 Conservation and Listed Buildings

- EN2/1 Character of Conservation Areas
- EN2/2 Conservation Area Control
- HT2/4 Car Parking and New Development
- S1 Existing Shopping Centres

Issues and Analysis

The site lies within Whitefield District Centre. In terms of shopping within the District Centre Policies S1/3 (Shopping in District Centres) and Policy S2 (Control of New Retail and Non-Retail Development) are considered to be relevant. These indicate that the Council will support proposals for new shopping development and associated facilities within the Borough's District Centres provided it is of a size, scale function and character appropriate to serve the needs of the local area. Traffic, parking, access and the impact on surrounding residential amenity are also material factors in assessing the development.

Townscape and conservation area policies are also relevant. EN1/2 (Townscape and Built Design) indicates that favourable consideration will be given to proposals which do not have an adverse effect on character and townscape.

EN2/1 (Character of Conservation Areas) encourages schemes that preserve or enhance the character or appearance of the Borough's conservation areas. EN2/2 (Conservation Area Control) indicates that development within a conservation area will only be acceptable if it preserves or enhances the special character or appearance of the area.

The principle of the change of use is considered to be acceptable as the site is within the District Centre and the proposed use would fall under the category of associated facilities that would supporting the retail function of the centre.

In assessing the scheme against criteria within the above policies the previously refused application is considered relevant. The application was refused due to the adverse impact the proposed demolition would have on the character of the conservation area. Although the majority of properties on this part of Bury New Road have hard surfaced the rear garden areas in order to accommodate parking, this fact made the retention of the existing boundary on this property particularly important in terms of retaining the character of the conservation area.

This revised scheme which is the subject of this application, in retaining the existing boundary wall and substantial proportion of the garage mitigates the previous concerns relating to the impact the on the character of the Conservation Area. The loss of the small tree on the boundary would not significantly harm the amenity of the locality.

Traffic. The Borough Engineer is satisfied that the scheme would not compromise highway safety and that the number of parking spaces is sufficient for a use of this nature in what is a particularly sustainable location close to major bus routes and the metrolink station.

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 proposal is considered to be acceptable in terms of the policies listed. The character of the conservation area would not be seriously and detrimentally affected. It is also not considered that the amenity of neighbouring occupiers would be seriously affected. There is sufficient parking and the site is in a sustainable location, close to public transport routes. 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 five 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 A2145/01/B and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Details of the new garage door shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The approved door shall be retained thereafter in situ. Any alteration or replacement of the door shall be to the written approval of the Local Planning Authority.
Reason. In order to preserve and enhance the character of the conservation area.
4. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the building hereby approved being occupied 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.
5. The electrically operated door indicated on the approved plan A2145/01/B shall be provided to the written satisfaction of the Local planning Authority prior to the use hereby approved commencing and thereafter maintained.
Reason. To minimise the standing of vehicles on the access road in the interests of road safety.
6. Full details of the disabled access ramp shall be submitted to and approved in writing and made available prior to the approved use of the property being brought into operation, to the written satisfaction of the Local Planning Authority, and thereafter maintained.
Reason. To ensure that the development is fully accessible to disabled persons pursuant to Policies HT5/1 – Access for Those with Special Needs of the Bury Unitary Development Plan.

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

Ward: Whitefield & Unsworth - Pilkington Park

Item 18

Location: LAND AT CORNER OF RADCLIFFE NEW ROAD/BURY NEW ROAD
WHITEFIELD

Proposal: REPLACEMENT OF EXISTING 10M MONOPOLE WITH 15M ULTRA
SLIMLINE MONOPOLE INCORPORATING 3 NO. ANTENNA

Application Ref: 45109

App Type: Telecom Determination (56 Days)

Statutory Expiry Date: 14 October 2005

Recommendation: Prior Approval Required and Granted

Description

The site is located at the junction of Radcliffe New Road and Bury New Road Whitefield on the pavement adjacent to Lily Hill Street. The site is in the Whitefield District Centre and currently occupied by a 10m high telecommunications mast.

The proposal is for a 15m high telecommunications monopole with 3 antenna in a shroud at the top. The application also include's a single cabinet some 1.5m high. All equipment will be coloured grey.

Relevant Planning History

Prior Approval was granted for the existing 10m high telecommunications mast on the site in 2002 (40113).

Publicity

Letters of notification have been sent to properties within 100m and a site notice has been displayed on the site.

- No comments have been received

Consultations

Highways - comments awaited

Environmental Health - comments awaited

Unitary Development Plan and Policies

EN1/10 Telecommunications

Issues and Analysis

Location - the proposed monopole and its equipment cabinets are located at the back of the pavement against an existing landscaped area in the same position as the existing monopole. The site is located within the District Centre of Whitefield with commercial properties on all sides except to the north west where their are residential properties. It is considered that the provision of telecommunications equipment would not be out of character with the area and as such it would accord with UDP Policy EN1/10 Telecommunications.

Alternative locations - the applicant has investigated 4 other locations within the search area. Having considered these locations and the reasons for rejection, it is apparent that the applicant has fulfilled the needs of the ODPM's Guidance on this matter as this is an

existing approved location.

Design - the proposed column has a base diameter of 220mm and a total height of 15m which include's the antenna which are mounted if a 169mm diameter shroud. The cabinet is 1.5m high and all equipment is to be coloured grey. Given the placing of the equipment in the street scene and the colour, it is not considered that the design is such that it would be out of keeping with the area and as such it is acceptable and as such it would accord with UDP Policy EN1/10 Telecommunications.

Highways - the proposed equipment is on an area of pavement and the positioning of the equipment means that a minimum pavement width of 2m will be maintained and as it will not interfere with visibility splays it is considered that there will be no detriment to highway safety and as such it would accord with UDP Policy EN1/10 Telecommunications.

Health Issues - the application is supported by a current ICNIRP Certificate and as such, whilst this is a material consideration, it is one to which only limited weight can be give.

Summary of reasons for Recommendation

Recommendation: Prior Approval Required and Granted

Conditions/ Reasons

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

Ward: Whitefield & Unsworth - Unsworth

Item 19

Location: KINGFISHER PARK CASTLE ROAD UNSWORTH BURY

Proposal: CHANGE OF USE OF EXISTING WAREHOUSE (CLASS B8) TO PLANT HIRE DEPOT & ANCILLARY SALES

Application Ref: 44979

App Type: Full

Statutory Expiry Date: 20 September 2005

Recommendation: Refuse

Description

The application concerns a site of about 3ha situated in the Green Belt just to the east of the M66 motorway and which is mostly surrounded by open land. Originally the site was occupied by Pilsworth Bleach works which was demolished prior to 1970. Following a long period of disuse when the site became overgrown, it was cleared and a large warehouse (4645 sq m) has recently been erected on the land. Some items of contractors plant are now being kept both inside and outside the building but most of the building and site are empty and the development is unfinished.

The site is within the valley of the Hollins Brook, (Hollins Vale) which skirts its southerly perimeter. There are open agricultural fields beyond the brook. To the east there is a wooded area with a tree preservation order. To the north east, on higher ground, are Pilsworth Cottages and most of these dwellings overlook the site at a short distance. Beyond, there are fishing lodges culminating in Pilsworth Reservoir some distance away. Pilsworth sand quarry is in operation to the north and the M66 is on a high embankment close by to the west. Access to the site is gained via Castle Road, a long cobbled lane leading from Unsworth to the south and via a tarmac surfaced roadway which is designated as a bridleway from Pilsworth Road to the west. This passes under a motorway bridge. Vehicular access was also, until recently, possible from another point on Pilsworth Road to the north via a poorly surfaced narrow lane. However, this has been closed due to the sand quarry operations.

The site has been acquired by the applicant company which operates a plant hire business in Ramsbottom. It has built the warehouse by relying on an outstanding planning permission granted in 1971. Some foundation work was carried out in 1976 before that consent expired but the construction work then ceased. This material start on the development meant that work could be restarted after the time limit for commencement set down by the relevant planning permission and then continue to completion. Although the work did not restart until 2004 it was still legitimate, in terms of planning law, for the warehouse that was approved in 1971 and commenced in 1976 to be completed 34 years after the approval. The approved development was for a warehouse but this does not cover use as a plant hire depot, which is the applicant's main business. The purpose of the application is to obtain planning permission to facilitate a change of use of the development from warehouse to a plant hire depot use with ancillary sales. A highway/traffic consultants report and supporting planning statement accompany the application.

In April this year a public inquiry took place to consider an application by the applicants

under s.35 of the Goods Vehicles (Licensing of Operators) Act 1995 seeking the authority of 30 HGV's and 12 trailers at an operating centre at the site. Local residents and the Council had objected to the application thus giving rise to the inquiry. The Traffic Commissioner granted the licence in full but with the proviso "That authorised vehicles using the nominated operating centre at Kingfisher Park, Castle Road, Pilsworth, shall not enter or exit the site by Castle Road".

Relevant Planning History

12/70/1156 for a single storey warehouse building and office block. Approved on 11th May 1971.

C/02895/76 for a portal framed warehouse building. Withdrawn.

C/08993/79 for a warehouse with service accommodation, car parking and loading areas, septic tank, landscaping and improvement to access road. Refused on 15th October 1981 on the grounds of the access being unsatisfactory in terms of sight lines and width and that its narrowness and construction would make the operation of the industrial site difficult.. Appeal withdrawn.

C/11161/80 for a gas bottling and storage plant. Withdrawn.

C/12938/81 for a single storey warehouse and new access road. Approved on 26th May 1983.

Publicity

Publicity has been achieved through a press notice, site notices and 37 individual notifications to occupiers of surrounding land and premises and also to owners and occupiers along the main routes leading to the site. Four letters from 5 households have been received expressing the following concerns:

- Disturbance due to use of Castle Road, a quiet country lane.
- Increase in noise pollution from HGV's, articulated trailer vehicles as well as the associated vibration and fumes causing undue disturbance and reduction in 'quality of life' within a normally peaceful area.
- Impact on environment/wildlife in the area.
- Despite the restriction placed on vehicles authorised by the HGV operators licence preventing their use of Castle Road this type of vehicle is already using this road for egress and access to and from the site which is ignoring the Traffic Commissioners wishes.
- Castle Road is unsuitable as access due to narrowness with residents parked cars, a poor surface, lack of drainage and street lighting, a bridge in poor condition and a high school and children's playground at the Parr Lane junction.
- Concern regarding the effect on the aesthetic appearance of the area.
- Their cottage would not withstand the vibration from heavy plant in such close proximity and structural damage is likely to occur.
- The wall that previously screened their cottage at Pilsworth Cottages has been demolished by the applicants and they now have no privacy and a full view of the warehouse from their windows. Views over a plant hire depot would be even more horrendous.
- Concerns that 14 vehicles would be leaving the site as stated in the application.
- Concern about the contradictory statements submitted regarding the applicant's declared intention to use Pilsworth Road only but then also stating that in some circumstances Castle Road could also be used.
- The applicants have never intended to use the site as a warehouse and have been waiting to change the plans which is wrong.
- The planning permission is for a warehouse and that is what it should be,

Points raised in the accompanying planning statement on behalf of the applicant include in summary the following:

- The development complies with the criteria set down in PPG2 (Green Belts) and UDP Policy OL1/4 regarding the re-use of existing buildings and is therefore appropriate in the Green Belt.
- There is compliance with Policy EC6/1 as the building already exists and can comfortably accommodate the proposed use without extensions.
- The site has an extant Class B8 consent for warehousing and distribution use and the proposal needs to be assessed against that use.
- The use of the extensive external hard surfaced area by vehicles and for plant storage will not be materially different from the consented B8 use and will also not have a materially greater impact on the openness of the Green Belt than the authorised use.
- The B8 use is unfettered and such uses commonly operate on a 24/7 basis but the proposed use is likely to generate less vehicular movements than the authorised one.
- The Council must have been satisfied when they granted the original permission that the bulk and design of the building was in keeping with its surroundings. The cladding is in muted tones to achieve this.
- All necessary services are available and, being new, the building is extremely unlikely to be home to any protected species.
- The accompanying highways report considers that the existing access to Pilsworth Road, authorised by the original permission, is adequate to serve the needs of the development.
- The B8 use is unfettered by any planning conditions and, in the light of that permission, it would be unreasonable to introduce unduly onerous conditions.
- Because the proposed use would generate fewer vehicular movements it represents a planning gain in terms of the living conditions of the nearby houses that would otherwise be subjected to a 24/7 warehousing and distribution operation. This would accord with Policy EC6/1.
- In relation to landscaping the applicant has undertaken the planting of some 10,000 trees on the embankments surrounding the site and this will serve to screen the building and curtilage.
- The UDP recognises the role of thriving local businesses in the area's economic prosperity.
- PPG4 urges Council's to adopt a positive approach and not place unjustifiable obstacles in the way of development that is necessary to provide investment and jobs. This is also reflected in Regional Planning Guidance for the North West.

Consultations

Borough Engineer - Highways: Refuse for the reason that the development would result in the intensification of the use of sub-standard access to the site which would be detrimental to highway safety and maintaining the free flow of traffic. Drainage: No objections.

Environmental Health - Concern about noise levels from site activities, ancillary equipment and from vehicular movements.

Environment Agency - Response awaited.

Unitary Development Plan and Policies

EC6/1	Assessing New Business, Ind and Commercial
EN1/1	Visual Amenity
EN6/2	Sites of Nature Conservation Interest LNR's
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
EN7/2	Noise Pollution
OL1/4	Conversion and Re-use of Buildings in the Green Belt
OL5/2	Development in River Valleys

Issues and Analysis

Green Belt and River Valley - The site is within the Green Belt and River Valley areas of the UDP and Policy OL1/4 concerns the conversion and re-use of buildings in the Green Belt. Within the policy criterion b) refers to strict control being exercised over any associated uses of land that could conflict with the openness of the Green Belt and it makes specific reference to extensive external storage.

The proposed use of the building and land is as a plant hire depot but with ancillary sales and the intention of the applicant company is to centralise its existing plant hire business at two existing depots located in Ramsbottom at the one site at Pilsworth. Operations involving the hiring out of construction plant and machinery involve the presence on site of very large scale items. Such items, if situated on the external open areas of the site, would be highly visible from surrounding land. As is typical with many plant hire companies, much of the applicant company's plant hire equipment is brightly coloured and, along with its large scale, the colouring would make the equipment extra conspicuous and thus it would detract additionally from the appearance of openness in the Green Belt. Therefore, in this case there will be conflict with Green Belt policy.

Policy OL5/2 provides protection for the openness of the river valleys. It states that where the land is designated as Green Belt, which is the case with the proposal, then the established Green Belt policies will apply. Thus, the concerns referred to above regarding the impact of the development on the openness of the area will apply and there will also be conflict with the river valleys policy.

Paragraph 3.15 of PPG2 and UDP policy EN1/1 both refer to the safeguarding of the visual amenities of sites in the Green Belt and river valleys. The conspicuous presence of plant hire equipment on the large area of land surrounding the building would be highly detrimental to the visual amenity of the Green Belt and river valley for the reasons outlined above.

Residential Amenity - Policy EC6/1 seeks to ensure that new business, industrial and commercial development will take account of the surrounding environment and amenity. Factor d) of the policy to be considered when assessing such proposals is the effect on neighbouring properties.

The site is immediately next to Pilsworth Cottages and, as the previous substantial screen wall has been removed by the applicant company, the cottages now are not only very close to the site but closely overlook it and lack screening from it. Also, one of the potential access routes, Castle Road, passes a number of residential properties. Therefore, activities within the site and the associated traffic movements along Castle Road, which is both narrow and cobbled, are likely to impact on living conditions in the affected houses. The type of plant and machinery on hire at a plant hire depot is, in many cases, substantial and this is the case with the applicant's business. Its movement, maintenance, repair and testing is likely to involve significant noise, vibration and fumes. There is also concern about the visual impact of large items of plant and machinery dominating the immediate frontage outlook of Pilsworth Cottages. It is considered that the impact on residential amenity due to the development would be unacceptable and that, therefore, the development would be contrary to Policy EC6/1 and EN7/2.

Highway Issues - In the application it is stated that "The site will be served by the existing vehicular access off Pilsworth Road..." but that "There is an established right of way to this site from both Pilsworth Road and Castle Road." and that "...if a user was to occupy the warehouse who did not have the benefit of an operating centre licence then there would be no restrictions on the use of Castle Road". The details show no proposals for highway

works and the proposal is being considered on the basis of Castle Road and the private roadway/bridleway from Pilsworth road being utilised. Whilst there is a restriction on Castle Road through the current HGV operator licence, this does not restrict vehicles that are not covered by the licence. The Borough Engineer has considered the impact of the development on both access routes and has concluded that these are sub standard accesses and that their intensified use resulting from the development would be detrimental to highway safety and the free flow of traffic.

Ecology - The site was, previously to the erection of the warehouse, designated as a Grade C SBI, However, as a result of the warehouse development, the established vegetation was cleared leading to the SBI designation being removed. Currently, in the general vicinity there are two Grade B SB1's (Hollins Vale and Pilsworth), Hollins Vale Nature Reserve and features of ecological value such as the Hollins and Whittle brooks. However, in terms of impact on ecology it is considered that this is unlikely to be significantly greater than that of the approved warehousing use.

Existing Development - The approved use as a warehouse would involve HGV's moving to and from the site and also could involve an element of external storage. However, the proposed plant hire activity would normally lead to larger more conspicuous items being present or moving to or from the site or being transported or manoeuvred with an associated materially greater impact on the openness of land, on residential amenity and on highway safety and traffic flow.

Summary of reasons for Recommendation

Recommendation: Refuse

Conditions/ Reasons

1. The proposed development would result in the presence on the open parts of the site of visually conspicuous plant and machinery which would adversely affect the open character and appearance of the Green Belt and river valley in which it is located. The development would, therefore, be contrary to the following policies of the Bury Unitary Development Plan:

OL1/4 - Conversion and Re-use of Buildings in the Green Belt.

OL5/2 - Development in River Valleys.

EN1/1 - Visual Amenity.

2. The proposed development is likely to lead to the movement of heavy plant and machinery along Castle Road where there are residential properties and also visually intrusive plant and machinery being kept moved, serviced, repaired and testing in the immediate vicinity of Pilsworth Cottages. These movements and activities would be seriously detrimental to the residential amenities of the affected dwellings. The proposed development would, therefore, be contrary to the following policies of the Bury Unitary Development Plan:

EC6/1 - Assessing New Business, Industrial and Commercial Development.

EN7/2 - Noise Pollution.

3. The proposal would result in the intensification of the use of sub-standard accesses to the site, which would be detrimental to highway safety and

maintaining the free flow of traffic.

For further information on the application please contact **Jan Brejwo** on **0161 253 5324**

