

**Ward:** Prestwich - Holyrood

Item 01

**Applicant:** Nuttall John Martin

**Location:** PRESTWICH HEYS F C, SANDGATE ROAD, WHITEFIELD, M25 5WG

**Proposal:** RETROSPECTIVE APPLICATION FOR TEMPORARY DEVELOPMENTS INCLUDING CAR PARK, PORTABLE CONTRACTORS OFFICE UNITS AND HOLDING COMPOUND

**Application Ref:** 46044/Full

**Target Date:** 17/07/2006

**Recommendation:** Approve with Conditions

### **Description**

The application concerns the Prestwich Heys AFC ground situated on the easterly side of Sandgate Road between the M60 motorway to the north and residential properties in St Joseph's Avenue to the south. There are houses on the opposite side of Sandgate Road both facing and backing onto the road.

The development subject of the application has already taken place and is of a temporary nature. An engineering contractor has established a base on the wide and unmade club car park on the frontage area of the ground. The base is required in connection with work being carried out on the M60 motorway to repair the bridge over the River Irwell about 3km away. About 20 portable office units have been sited on this car park as well as a materials compound on the area of the frontage nearest to the southerly boundary. The grassed area between the enclosed pitch and the St. Joseph's Avenue houses has been stone surfaced to provide a car park for the club during the period during which the established car park will not be available.

Whilst the contract is scheduled to run until this November, the applicant is confident of an earlier completion and hopes to be off site by end September to early October. He has confirmed the intention to reinstate the temporary car park back to a grassed area.

### **Relevant Planning History**

C/26087/91 - Proposed football field with associated car parking, changing and ancillary buildings, approved on 5th September 1991.

29971/94 - Renewal of consent - portable buildings to house changing facilities, clubroom and store. Approved 5th March 1997.

36415/00 - renewal of consent for portable buildings. Approved on 18th May 2000.

### **Publicity**

43 properties notified with two objections received, both from properties in St Joseph's Avenue. The points raised include:

- Noise disturbance due to lorry manoeuvring, stacker truck beepers, clanging of scaffold tubes and fencing.
- Vibration to their property, effects of dust.
- The work associated is taking place over two miles away.
- Will this site be used as a holding ground for any motorway repairs between Worsley and Rochdale?

- Light pollution due to security lights causing sleepless nights.
- Will the temporary car park for the football club become a permanent feature?
- Loss of an 80m x 3m stretch of rough grassland behind their fence with associated loss of wildlife.
- The removed grassed area was used for children's play.
- Access to the new community woodland has been obstructed and the trees are totally obscured by the compound.

The applicants have written explaining about the motorway contract and that the donation they have made to the football club has secured it considerable funds for improvements to its facilities. The site they are using stands idle on most weekdays and it is only for match days that the additional parking is required. It would be reinstated after completion of the works.

### **Consultations**

Highways Section - No objections.

Environmental Health - Contaminated land conditions recommended.

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

RT1/1 Protection of Recreation Provision in the Urban Area

EN1/2 Townscape and Built Design

### **Issues and Analysis**

Visual Appearance - The development is unsightly but the visual impact on the highway frontage is limited due to a fall in levels and existing planting along the highway edge. The adverse impact on visual amenity is for a short period only and the reinstatement of the temporary club car park back to grass should be ensured by an appropriate condition.

Residential Amenity - The unwelcome effects on living conditions in the vicinity associated with activity at the base are of a temporary nature and will not be prolonged beyond November or earlier.

Protected Recreation - The applicants have ensured that the football club can continue functioning during the contract period, including the provision of a temporary replacement car park. The submitted statement that the development has secured considerable funding for improvements to the club facilities should be noted.

Permitted Development - The provision of temporary facilities essential to building or engineering works on adjoining land is permitted development. However, in this instance, although the contractor's base is adjacent to the motorway subject to the engineering works, the actual location of the works is a considerable distance away and permitted development does not apply.

### **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 is of a temporary nature and is associated with a contract for essential maintenance work on the M60 motorway. On completion of the contract the land would be reinstated to its former condition.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

**Conditions/ Reasons**

1. The permission hereby granted is for a limited period only, namely for a period expiring on 30th November 2006 and the buildings, 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 to the written satisfaction of the Local Planning Authority within 5 months of the date of this decision.  
Reason. The development is of a temporary nature only pursuant to policies of the Unitary Development Plan listed below.
2. Within two months of the date of this permission the applicant shall submit for the written approval to the Local Planning Authority a full specification for the reinstatement of the temporary car park to a grassed area. This reinstatement work in question shall be carried out by the end of the period for reinstatement set down in condition 1 and shall not be carried out other than in full compliance with the approved specification.  
Reason: In order to protect the amenities of the area.
3. Any soil or soil forming materials brought to site for use in 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 the grassed area reinstatement 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.
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. This decision relates to drawings numbered BAU1790/SGR/001, BAU.1790/MS/002 and location plan received on 22nd May 2006 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 **Jan Brejwo** on **0161 253 5324**

**Ward:** Prestwich - Holyrood

Item 02

**Applicant:** Monton Properties Ltd

**Location:** 444 BURY OLD ROAD, PRESTWICH, M25 1PQ

**Proposal:** ENLARGEMENT OF EXISTING FRONT DORMER TO 2ND FLOOR

**Application Ref:** 46394/Full

**Target Date:** 03/08/2006

**Recommendation:** Approve with Conditions

### **Description**

The application relates to a rendered three storey semi-detached block of six apartments set in a large, well treed garden ground. The property is located on the north side of Bury Old Road in a residential area of mixed house types. The site is surrounded by residential properties.

The proposal involves replacing a small flat roof dormer on the front elevation with a larger pitched roof dormer. The replacement dormer would be of similar proportions to an existing dormer on the attached neighbour. The front elevation of the dormer would come off the existing front wall and have a pitched roof to just below the existing main ridge. Materials would be white boarding and slate to match the adjacent dormer.

### **Relevant Planning History**

None relevant.

### **Publicity**

Immediate neighbours notified - One letter of objection from 24 Holyrood Court summarised below.

- The extension would make the building too big.
- It would affect light and increase noise.

### **Consultations**

None.

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

H2/3 Extensions and Alterations  
SPD6 DC Policy Guidance Note 6: Alterations & Extensions  
EN1/2 Townscape and Built Design

### **Issues and Analysis**

**Design and massing** - The proposed dormer is considered to be in keeping with the existing building and may well improve the overall symmetry of the front elevation which was lost when the neighbour's dormer was constructed. The finishing materials are in keeping with the house and are acceptable.

The impact of the extension on the street scene is negligible as the existing house is set well back from Bury Old Road and well screened by mature trees.

Objection - Given the size and location of the dormer, its impact on residential amenity of neighbours is not considered to be an issue. It is unlikely to have an impact on light or noise and disturbance from construction is not a planning consideration but controlled by Environmental Health regulations.

The extension is considered to comply with Policy H2/3 and Development Control Guidance Note 6 relating to Extensions and Alterations and is therefore acceptable.

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

This application was determined having regard to Policy H2/3 "Alterations and Extensions" of the Bury Unitary Development Plan and Development Control Policy Guidance Note 6 "Alterations and Extensions". Planning permission has been granted because the proposals accord with the policy and guidance in that the design is of an acceptable standard which would not adversely affect the character of the area nor the amenity of nearby residents, and would not adversely impact on highway safety issues. There are no other material planning considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 2005.12.01.001, 002 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:** Prestwich - Sedgley

Item 03

**Applicant:** T-Mobile (UK) Ltd

**Location:** PRESTWICH MUSLIM CENTRE, 52 BURY OLD ROAD, PRESTWICH, M25 0ER

**Proposal:** PRIOR APPROVAL APPLICATION FOR TELECOMMUNICATIONS INSTALLATION COMPRISING OF A TIMBER EFFECT TELEGRAPH POLE STYLE MONOPOLE TO ACCOMMODATE 3 NO. ANTENNAS WITHIN A GRP SHROUD (OVERALL HEIGHT 15M) WITH ASSOCIATED RADIO EQUIPMENT HOUSING AND ANCILLARY DEVELOPMENT

**Application Ref:** 46455/Telecom Determination **Target Date:** 31/07/2006  
(56 Days )

**Recommendation:** Prior Approval Required and Granted

### **Description**

The site is adjacent to the Muslim Centre on Bury Old Road opposite the Bury Old Road/Kings Road Local Shopping Centre. The site is on the edge of the car park to the Muslim Centre and adjacent to the council car park for the shopping centre. The land to the north west and north east is residential and the nearest property is 33m distant.

The proposal is for a 15m high telecommunications monopole with 3 shrouded antenna and a two equipment cabins located behind the trees fronting the car park and Bury Old Road.

### **Relevant Planning History**

None.

### **Publicity**

Notification letters have been forwarded to 69 residents within 100m radius and the nearby school (Sedgley Park CP School) and a site notice has been displayed. 1 letter of objection has been received from 12 East Meade. The objection can be summarised as follows:

- danger to health in general
- visual intrusion will be of detriment to the street scene due to the height of the mast

### **Consultations**

Environmental Health - no objections if proposal is accompanied by an ICNIRP certification.  
Landscape Practice - no adverse comments.

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

#### **Issues and Analysis**

**Location** - The proposed monopole and its equipment cabinets are located within the car park of the Muslim Centre and is screened from Bury Old Road by trees between 6m and 12m in height. The proposed mast is of a timber type and will project some 9m to 3m above the tops of the trees and as such will be visible. However, given that it will be seen in the context of the trees and the Local Shopping centre it is not considered that it will look out of place or cause a detriment to visual amenity such as to warrant refusal on street scape grounds. Consequently, in terms of the specific location, the development would accord with UDP Policy EN1/10 Telecommunications in terms of its impact on the street scene.

Impact on trees on the site - The landscape practice have been consulted and their comments are awaited. However, the foundations for the column are a 'tubular type' which will minimise the impact on the root system of the trees in the area and as such is unlikely to impact adversely on the viability of the trees.

Alternative Locations - The applicant has investigated 8 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 DCLG (previously ODPM) Guidance on this matter.

Design - The proposed timber column has a diameter of 350mm and a total height of 15m which includes the antenna which are mounted in a 350mm diameter shroud. The cabinets are 1.4m high and 1.6m and 900mm wide. All cabinets and the shroud are 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 not be out of keeping with the area and, as such, it is acceptable and the development would accord with UDP Policy EN1/10 Telecommunications.

Residential Amenity - The pole will be viewed from residential properties on Woodthorpe Court and Woodthorpe Grange as well as Bury Old Road. However, it will be seen in the context of the trees, the Local Shopping Centre and Muslim Centre and as such it is not considered that their residential amenity will be so adversely affected as to warrant refusal and as such, the development is acceptable and would accord with UDP Policy EN1/10 Telecommunications.

Health Issues - The application is supported by a current ICNIRP Certificate and whilst health is a material consideration, when a ICNIRP Certificate has been provided it is one to which only limited weight can be given in the determination of the application.

Objections - The Health issue and visual impact has been dealt with in the preceding sections and there are no further comments.

### **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:-

Having due regard to both National and Local Policy, particularly UDP Policy EN1/10 - Telecommunications, the development of telecommunications equipment on the site, as proposed will not be of detriment to the visual amenity of the area and the relevant Certificate under ICNIRP has been provided and, as such, the proposal is acceptable in regard to the issues of Health and Safety.

There are no other material considerations that outweigh this finding.

**Recommendation:** Prior Approval Required and Granted

### **Conditions/ Reasons**

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



**Ward:** Prestwich - Sedgley

Item 04

**Applicant:** Dr N. Mohammad

**Location:** 111 BURY OLD ROAD, PRESTWICH, M25 0EQ

**Proposal:** CHANGE OF USE FROM RESIDENTIAL TO DENTAL SURGERY

**Application Ref:** 46463/Full

**Target Date:** 02/08/2006

**Recommendation:** Approve with Conditions

### **Description**

Two storey detached red brick house on the corner of Bury Old Road and Parkway. The area is predominantly residential in character although the Woodthorpe Public House is situated across Bury Old Road to the east. There is a detached single garage to the rear with vehicular access off Parkway. There is a low level wall around the front and side with an additional fence screening the rear garden from Parkway. within the rear garden a mature hedge up to 2m runs along the shared side boundaries with No.1 Parkway and No.115 Bury Old Road. Two trees on the rear boundary with No.1 Parkway have been severely pollarded and are in very poor condition.

The application seeks permission to convert the existing house into a dental surgery. The house would actually accommodate three dentists with two surgeries on the ground floor and one on the first floor. The rest of the accommodation would comprise reception, waiting rooms, hygienist's room, meeting room and office. It is indicated that there would be three staff on site.

Opening hours would be 9am-5pm Monday to Thursday  
8am-1pm Friday and alternate Saturdays  
Closed on Sundays.

The proposal would involve regrading the rear garden area and removing the existing garage to accommodate a car park for seven cars for both staff and patients. To The existing access from Parkway would be widened.

Ramped access for the disabled would run from the car park at the rear to the main entrance at the front.

### **Relevant Planning History**

None relevant.

### **Publicity**

Immediate neighbours - One letter has been received from No.1 Parkway and one email from another local resident (address unknown). Concerns are summarised below:

- Concern about parking arrangements as part of Parkway has parking restrictions. Patients may cause a hazard and block driveways.
- There is available property that could be used in local shopping areas.

### **Consultations**

Highways Section - No comment to date.

Drainage Section - No objection.  
Environmental Health - No objection.

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

EN1/2 Townscape and Built Design  
H3/1 Assessing Non-Conforming Uses  
HT2/4 Car Parking and New Development  
EC4/1 Small Businesses  
CF4 Healthcare Facilities

### **Issues and Analysis**

Principle - The principle of locating a dentists surgery in a residential location such as this is considered to be acceptable. The surgery would be a useful local facility on a main throughroute and close to main bus routes. Policy CF4 relates to healthcare facilities and states that proposals for new healthcare facilities will generally be looked on favourably by the Council. Policy EC4/1 relating to small businesses also indicates that they will be acceptable when the scale of development is appropriate to, and the use is environmentally compatible with, the surrounding area in which it is to be located.

Layout - The introduction of a parking area to the rear of the property would be the most observable difference between the existing house and the proposed surgery. The new car park would require taking the level of the rear garden down so it is level with the adjacent public footpath on Parksway. The visual impact of the car park would be mitigated by replacement screen fencing along the boundary on Parksway. The impact of the car park on the residential amenity of No.1 Parksway would also be limited due to the fact that the property has been extended up to the boundary and has a blank gable facing onto the car park over a boundary hedge. The existing 2m boundary hedge would screen the car park from the neighbouring property at No.115 Bury Old Road.

Amenity - The location of the surgery is unlikely to cause serious harm to the residential amenity of immediate neighbours. The existing boundary hedge and replacement fencing along the Parksway frontage would help screen it visually from the street and neighbours at No.115 Bury Old Road and No.1 Parksway. The daytime hours of opening of the surgery are considered to be reasonable and should not raise serious noise and disturbance issues.

Disabled Access - A disability access statement was submitted with the application and is generally acceptable. Details of the ramped access from the car park to the front entrance would need to be submitted to and approved by the Local Planning Authority prior to commencement of the scheme.

Trees - The two trees at the back of the site, adjacent to the boundary with No.1 Parksway are very poor specimens and have been severely pollarded. There loss would not be a concern.

Objections - The objections relate to parking and highway safety. The proposed parking provision is considered to be of an acceptable level given that the surgery is likely to cater for the local community and is on a major bus route. There double yellow lines within the vicinity of the Bury Old Rd and Parksway junction and these are considered sufficient to prevent inappropriate parking of cars. If patients did park on-street as opposed to the car park, there would not be too much cause for concern given the proposed opening hours and scale of the business.

With regard to the availability of other commercial properties, whilst it may be appropriate to locate a dental surgery within an existing shopping centre, residential locations are not unusual, particularly those on main through routes close to existing local centres.

## **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 change of use would not cause serious harm to the visual amenity of the street scene or the residential amenity of neighbouring properties. The proposal is considered to comply with policies listed above.  
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 A2183/01, 02, 03 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 development, details relating to the proposed boundary treatment for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details only shall be implemented.  
Reason - To secure the satisfactory development of the site and in the interests of the visual amenities of the area pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. Prior to the commencement of development, full details of existing and proposed levels to the proposed car park shall be submitted to and approved in writing by the Local Planning Authority. The car parking on the subsequently approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the proposed use commencing and thereafter maintained at all times.  
Reason. In the interests of visual amenity and to ensure adequate off street car parking provision in the interests of road safety pursuant to policies EN1/2 - Townscape and Built Design and HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
5. The surgery shall not be open outside 0800 hrs to 1800 hrs Monday to Saturday.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies CF4 Healthcare Facilities and EC4/1 Small Businesses.

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

**Ward:** Prestwich - Sedgley

Item 05

**Applicant:** Impact Consulting

**Location:** 205, BURY OLD ROAD, PRESTWICH M25 1JF

**Proposal:** TWO STOREY REAR EXTENSION

**Application Ref:** 46484/Full

**Target Date:** 03/08/2006

**Recommendation:** Approve with Conditions

### **Description**

The property is an end terraced two storey office fronting Bury Old Road, just to the south of Heaton Park Metrolink Station. To the side of the property is an undeveloped area of land, which is grassed and a single storey furniture shop to the north of that. The application property adjoins a door suppliers and ironmongers shop. This property has been extended by a two storey rear extension, which is sited hard up to the boundary with the applicant's property.

The application is seeking planning permission for the erection of a two storey extension at the rear of the property. The additional space is to provide additional office space for the property.

### **Relevant Planning History**

No relevant planning history.

### **Publicity**

Neighbours were notified by letter on 16th June 2006. Addresses included 193 - 211 Bury Old Road and 10 -19 Rooden Court. As a result of this publicity, one letter has been received from 199-203 Bury Old Road. They are concerned that the proposals would tie into their existing extension and a boiler flue would thus become enclosed.

### **Consultations**

Highways Section - No objections.

Environmental Health - No response received.

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

EN1/2 Townscape and Built Design  
EC4/1 Small Businesses  
S3/3 Improvement and Enhancement (All Centres)  
S1/4 Local Shopping Centres  
S1/5 Neighbourhood Centres and Local Shops

### **Issues and Analysis**

**Principle** - The application site is a small business located within a local centre as identified within the UDP. UDP Policy EC4/1 - Small Businesses confirms that proposals for small businesses would be considered to be acceptable when the scale of the development is

appropriate to and the use environmentally compatible with the surrounding area and where there would be no conflict with other policies of the plan.

UDP Policy S1/4 - Local Shopping Centres seeks to maintain and enhance such centres and will encourage the provision of a range of shopping facilities to serve purely local need.

UDP Policy S1/5 - Neighbourhood Centres and Local Shops seeks to retain retailing as the predominant land use for the day to day needs of local residents and businesses.

UDP Policy S3/3/13 Improvement and Enhancement (All Centres) (Whittaker Lane/Bury Old Road) seeks to encourage proposals for refurbishment, poor building condition and to actively promote regeneration. The lack of car parking for the centre is highlighted within the policy. However a public car park has been constructed off Wilton Street. to the north seeking to assist the area and surrounding occupiers and users.

The site is property is currently in use as a Class B1 (Business) office and as such, the proposals would not affect the existing provision of retailing within the centre and as such the proposal would not conflict with UDP Policies S1/4, S1/5 or S3/3.

Design and Impact upon the Surrounding Area - The development must be assessed against UDP Policy EC4/1 and its relationship to the surrounding area. The proposals would assist an existing business and would enable the business to continue and contribute to the local economy and area.

The proposed extension would be located to the rear of the property and would incorporate a small bay element at the side of it. In design terms the extension would not be unduly prominent within the street scene and would be in keeping with the main property with matching materials. The rearward projection would be some 1.2m longer than the neighbouring property's existing extension. However the bay projection in the side of the extension would assist to break down the massing of the extension.

Impact Upon Neighbouring Property - The proposals were originally intended to tie into the neighbouring property. In response to the comments received from 199-203 Bury Old Road, the extension has been set off the boundary wall and would now be a freestanding structure. The objectors have been informed of the revision on 13 July 2006 and any further representations will be reported.

Impact Upon Adjoining Land - The land to the north of the property is currently undeveloped and is unallocated within the UDP. As such, there may be some development potential for this land. In response to this, the windows indicated within the northerly elevation would be high level windows to provide additional light into the proposed extension but no outlook. A planning condition can be used to require that these side windows must be obscured glazed so that should a development come forward for the land in the future, this proposal would not unduly inhibit its potential for development.

Other windows are incorporated into the bay to also provide light to the offices. However, their siting would be such that their aspect would not be reliant upon any other persons land and would limit the importance of the high level windows in the side elevation of the bay. With these issues in mind, it is considered that there would be no undue impact upon the land to the north of the application property.

Car Parking - The proposals would essentially provide additional floor space for the property and in turn, the forms indicate that one new member of staff would be generated as a result of the development. 3 currently work at the premises. The size of the plot is such that there is no possibility of providing on site parking, which is the same issue for many other

properties in this particular centre. However, the site lies within an existing local shopping centre where car parking is provided by two public car parks including to the south on Park Street and to the north on Upper Wilton Street. The Park Street car park is close by at only 60m away and the Upper Wilton Street car park is some 150m away which is considered not to be too far for it not to be usable. In addition to this, there is good public transport infrastructure along Bury Old Road including buses and Metrolink. In view of these matters, it is considered that the lack car parking provision would not be a significant concern.

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

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-  
It is considered that the proposals would be appropriate in design terms, has addressed the comments appropriately received from the adjoining property and would assist to maintain the vitality of the Local Centre. As such the development would be acceptable and would comply with the 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 three 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. The proposed windows located on the northerly elevation shall be high level windows as indicated on the approved plan reference A2181/03/A. They shall be of a fixed and unopenable type and be fitted and maintained with obscure glazing in perpetuity.  
Reason. To protect the amenity of land to the north of the site and any future occupants pursuant to Unitary Development Plan Policy EN1/2 – Townscape and Built Design.
4. This decision relates to drawings numbered A2181/02/B and A2181/03/A and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below:  
EN1/2 – Townscape and Built Design  
S2/4 – Control of Non-Retail Uses in All Other Areas  
EC4/1 - Small Businesses  
S3/3 Improvement and Enhancement (All Centres)  
S1/4 – Local Shopping Centres  
S1/5 - Neighbourhood Centres and Local Shops

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

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

Item 06

**Applicant:** Thai Lounge

**Location:** 14 RADCLIFFE NEW ROAD, WHITEFIELD, M45 7GY

**Proposal:** INTERNALLY ILLUMINATED SHOP SIGNS (Retention)

**Application Ref:** 46248/Advertisement

**Target Date:** 16/06/2006

**Recommendation:** Approve with Conditions

**This application was deferred at the Planning Control Committee on the 27th June for further consideration of the level of luminance and to allow the Committee members to visit the site to assess the impact of the sign at night and for further consideration of the level of illumination.**

### **Description**

The site comprises the new Thai Lounge restaurant at 14 Radcliffe New Road within the Whitefield Town Centre.

The proposal is for the retention of three internally illuminated signs, one fronting onto Radcliffe New Road and measuring 3m long by 638 mm high and one on the end gable measuring 800 mm square looking towards Elms Square with a further sign below with the telephone number. The signs are internally illuminated and of magenta, white and black colours within an aluminium frame.

### **Relevant Planning History**

Consent was granted for alterations and extensions to the restaurant in October 2005 that included a new shop front. Consent ref: 45220

### **Publicity**

6 neighbours have been notified and objections have been received from No. 17 and 19 Radcliffe New Road. The objections can be summarised as follows:

- signs are too big
- signs are too bright
- illuminated signs are inappropriate

### **Consultations**

Highways Section - No objections subject to a condition restricting the level of illumination.

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

EN1/9 Advertisements

### **Issues and Analysis**

All advertisements are considered on the grounds of amenity and public safety as set out in the current Control of Advertisement Regulations.

**Brightness of the Advertisement** - The current best advice on the levels of illumination for advertisements is issued in the Institute of Lighting Engineers Technical Report No. 5 - Brightness of Illuminated Advertisements.

This report was compiled with the assistance of various professional and government



bodies including the Chartered Institute of Environmental Health, the Royal Town Planning Institute and the Local Government Association.

The report splits areas for the levels of illumination down into 4 basic Zones. E1 Intrinsically dark areas (e.g. National Parks etc) E2 Low district brightness areas (e.g. rural or small villages), E3 Medium district brightness areas (e.g. small town centres, urban locations) and E4 High district brightness areas (e.g. city and town centres with high levels of night time activity). Given this definition this location appears to fall into Zone E3.

The report then examines the levels of illumination appropriate for each Zone. In the case of E3 it recommends that any sign should not exceed 800 cd/m<sup>2</sup> (candela's per metre square which is a recognised measure of illuminance)

The report then also recommends that consideration should also be given to restricting the hours of illumination and suggests 23.00 to dawn as being reasonable.

Given this advise it is recommended that the condition of the level of illuminance be restricted to 800 cd/m<sup>2</sup> and that a condition on the hours of illumination be imposed restricting that to 12.00 to 23.00 only.

Information has been provided by the applicant to show that the level of illumination of the total sign is 1178 cd which equates to 392 cd/m<sup>2</sup> which is below the ILE recommended level. The applicant has fitted a different transformer that has reduced the light from a total of 1743 cd which was an equivalent of 581 cd/m<sup>2</sup> when the sign was originally erected.

Visual Amenity - The site is set within the Whitefield Town centre where appropriately sited and sized advertisements are appropriate. In this case the signs are located on the main frontage of the restaurant and looking towards Elms Square. They relate well to the massing and scale of the building and are not overly large. The modern type of sign reflects the character of the new frontage and as such it is not considered that they would look out of place or be inappropriate within this town centre setting and therefore conform with Policy EN1/9 - Advertisements of the Unitary Development Plan.

Assessment of the impact of advertisements in Whitefield Town Centre - The site has been visited at night and a qualitative assessment has been carried out as to the level of the illumination of the advertisements in the area as a whole. Whitefield Town Centre has a range of advertisements that are lit at night from 48 sheet size bill boards to small shop signs and Pub signs. When the signs on the restaurant are looked at in the context of the brightness of the existing signs it appears to be in the mid range of illuminance. Whilst it appears brighter than the back illuminated roadside advertisements in the area it appears darker than the shop signs on the Bookmakers and Indian Restaurant and similar to the Public Houses in the area. Consequently, it is concluded that the level of illumination is not out of the ordinary for a town centre such as Whitefield and as such conforms with UDP Policy EN1/9.

Residential Amenity - The signs are set across the road from residential property, the nearest 27.5m away. This section of Radcliffe New Road is close to the junction with Bury New Road and has a high level of illumination from the street lighting in the area. The sign facing these properties is set against the wall of the restaurant and viewed in the context of the restaurant and whilst it is illuminated it is set such a distance away, and in an area with a high level of nighttime illumination, as to sufficiently mitigate the impact of the illumination and as such the signs comply with Policy EN1/9 - Advertisements in the Unitary Development Plan.

Highway Safety - The positioning, colour and level of illumination area appropriate to the area and subject to a condition on the maximum level of illumination, no hazard should occur to highway safety and as such the signs comply with Unitary development Plan Policy EN1/9 - Advertisements.

Objections - These points raised have been covered in the main body of the report. Whilst

the signs will have some impact on the residential properties opposite it is not considered that, given its commercial location within the Whitefield Town Centre and the ambient level of illumination, that this would be so great as to warrant refusal.

### **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 advertisements would conform with the policy of the Council as expressed in the Unitary Development Plan Policy EN1/9 - Advertisements and whilst they will have some impact on the residential amenities of the properties opposite, they are located within a commercial area of Whitefield Town centre and are of a discrete size and as such are appropriate and not so impactful as to warrant refusal of consent.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The luminance of the fascia sign(s) shall not exceed 800 cd/m<sup>2</sup> (each).  
Reason. To avoid undue distraction to traffic in the interests of road safety and to protect the visual and residential amenity of the area pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.
2. The fascia signs hereby approved shall only be illuminated between the hours of 12.00 hrs to 23.00 hrs daily.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy EN1/9 - Advertisements

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

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

Item 07

**Applicant:** Rabbi S Jaffe

**Location:** 146 PARK LANE, WHITEFIELD, M45 7PX

**Proposal:** CHANGE OF USE OF REAR PART OF GROUND FLOOR TO A CASUAL CAFE FOR APPROXIMATELY 15 PERSONS (RESUBMISSION)

**Application Ref:** 46524/Full

**Target Date:** 10/08/2006

**Recommendation:** Approve with Conditions

### **Description**

The site forms part of the ground floor of a two storey red brick vacant commercial property within the neighbourhood shopping centre at the southern end of Park Lane. The premises at ground floor is currently vacant and there are offices on the first floor. The immediate neighbouring unit is a take away and the other units in the shopping centre are of a variety of retail and office uses appropriate to a Local Shopping Centre.

It is proposed to convert the rear storage room of the vacant shop into a 'casual cafe' that would seat approximately 15 people. The front of the unit is to be retained in A1 use as a gift shop. The proposed opening hours vary depending on the day. Mon-Thurs from 4.30pm to 10pm, Friday 10am to 2pm, Saturday 7pm to 10pm and Sunday 2pm to 10pm. The Shop use at the front will be open 10am to 10pm each day.

### **Relevant Planning History**

44664 - Change of Use of Flat to offices approved in 2005

46266 - Change of use of part of ground floor to cafe. Withdrawn due to insufficient information being provided to allow its determination. This application is as a result of negotiations with the applicant.

### **Publicity**

Immediate neighbours notified and one objection from 148 Park Lane has been received and this can be summarised as follows:

- Increasing the use of the site will lead to an increase in parking problems in the area.

### **Consultations**

Highways Section - No objections.

Drainage Section - No objections.

Environmental Health - Sufficient information has been provided to show that suitable equipment can be located at the site to prevent a problem with odours and it is recommended that a full scheme for treating fumes and odours be submitted prior to the use commencing.

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

S1/5 Neighbourhood Centres and Local Shops

S2/6 Food and Drink

## **Issues and Analysis**

**Use** - The site is located within a Local Shopping Centre (Park Lane) where a mix of uses appropriate to the immediate area should be located. The centre has no other cafe (A3) uses and as such the use will add to the vitality of the shopping centre. The fact that a retail (A1 use) is to be established at the front of the unit will ensure that an active shopping frontage is maintained and this is also to be welcomed. As such the use will be in accord with Policies S1/5 - Neighbourhood and Local Shopping and S2/6 - Food and Drink of the Unitary Development Plan.

**Parking and Servicing**- The shopping centre has a dedicated parking area to the front of the shops and it is considered that this is adequate for the proposed mixed use on this site. The premises will be serviced from the service access to the rear.

**Objection** - Currently there are a number of issues with the management of the parking in the area and the illegal parking on the foot paths. The bringing back into use of this vacant unit will not impact adversely on this parking situation and as such is not considered sufficient to warrant refusal.

## **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 all representations and consultation responses; it is considered that the proposed development is acceptable because it is ancillary to the main A1 shop use to the front of the premises 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. 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. Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before the use commences; any works approved shall be implemented to the written satisfaction of the Local Planning Authority before the use commences.  
**Reason.** In the interests of amenity pursuant to Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.
3. This decision relates to the drawings received on 15th June 2006 and the development shall not be carried out except in accordance with the drawings hereby approved. For the avoidance of doubt the A3 use is restricted to the rear of the premises and should encroach within 7.7m of the shop front on Park Lane.  
**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 shop / restaurant shall not be open outside 1000 hrs to 2200 hrs daily.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy S2/6 – Food and Drink 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 08

**Applicant:** Mr Peter Sham

**Location:** 8 MARLE CROFT, WHITEFIELD, M45 7NB

**Proposal:** TWO STOREY SIDE AND REAR EXTENSION; NEW ROOF AND LOFT CONVERSION INCORPORATING DORMER WINDOWS (RESUBMISSION)

**Application Ref:** 46541/Full

**Target Date:** 14/08/2006

**Recommendation:** Approve with Conditions

### **Description**

The application which is a resubmission following a recent refusal, relates to a two storey detached house on residential estate of predominantly detached dwellings. There is public footpath linking Marle Croft to Rye Croft along the south west boundary. The side boundary adjacent to the footpath and boundary to the rear comprise timber fencing and are planted up with mature shrubs and trees. the shared side boundary with No.6 Marle Croft comprises a timber fence approximately 1.8m in height.

The extension is identical to the previous refused application in all respect apart from a first floor window on the rear elevation. The revision is a response to the previous reason for refusal (see Relevant Planning History). The rear extension would come out 2.6m from the rear elevation and extend out 2.8m from the western side of the house, towards the public footway linking Marle Croft To Rye Croft. The replacement roof would have a steeper pitch which takes the proposed ridge up 1m from the existing. On the front there would be four dormers with hipped roofs. The scheme would allow existing bedrooms to be extended and an additional bedroom at first floor level with two rooms in the roof space.

### **Relevant Planning History**

46213 - Two storey side and rear extension, new roof and loft conversion with dormers. Refused 1/06/2006 for the following reason.

The proposed extension would result in an unacceptable reduction in the level of privacy currently enjoyed by the occupiers of No.5 Rye Croft by reason of the sub-standard distances between the rear bedroom window on the proposed extension and existing habitable room windows on the rear of that property. The proposed development therefore conflicts with Unitary Development Plan Policy H2/3 Alterations and Extensions and associated Development Control Guidance Note 6: Alterations and extensions.

### **Publicity**

Immediate neighbours notified - 5 letters of objection received from 5 Rye Croft, 13 Meadow Croft, 3, 37 and 56 Marle Croft . Objections can be summarised as follows:

- overdevelopment
- design out of character with existing house and locality
- too large and ridge too high
- the extended house would mean more cars and parking problems
- reducing the surface area of the garden may cause drainage problems
- detrimental to amenities of neighbours due to the height, size and position of the extension
- reduction in privacy

## **Consultations**

None.

## **Unitary Development Plan and Policies**

H2/3 Extensions and Alterations

SPD6 DC Policy Guidance Note 6: Alterations & Extensions

## **Issues and Analysis**

Principle - The principle of an extension on the residential property is considered to be acceptable subject to appropriate details such as layout, massing and design.

Design and Layout - The design, massing and layout of the extension is not considered to be seriously out of keeping with the existing house and street scene which is characterised by a mix of house sizes and designs.

Residential amenity - The windows in the extended rear elevation of the property would be approximately 20m from the windows on the rear elevation of No.4 Rye Croft. This distance complies with Development Control Guidance Note 6 relating to extensions and alterations and is therefore considered to be acceptable. The impact on privacy and overlooking is further reduced by the reasonable degree of deciduous and coniferous screen planting along the rear boundary with both No.4 and 5 Rye Croft. The first floor window in the western gable of the extended house would be 7.5m from the side boundary and look over the applicant's side garden area, the footpath link and part of the side garden of No.10 Marle Croft which is approximately 11m away.

With regard to the impact on The immediate neighbour at No.6 Marle Croft, the two storey extension on the rear would extend beyond the rear elevation of No.6 though not to an extent that would cause serious harm to the amenity of the occupiers of that property. The extension complies with the 45 degree rule set out in guidance Note 6.

One of the front dormers would overlook the side garden of No.10 Marle Croft to some extent but not to a significant degree.

Objections - The concerns of objectors with regard to size, design, drainage privacy and parking are not supported. The proposed extensions are not considered to be overly dominant or incongruous on the estate and should not have any adverse impact on drainage. There are no serious concerns relating to parking. Privacy and overlooking is just about acceptable given the distances involved, existing screening and the fact that the first floor window that had previously caused concern has been relocated to the side of the house.

On balance the proposal is considered to comply with Policy H2/3 and Development Control Guidance Note 6 relating to alterations and extensions and is therefore acceptable.

## **Summary of reasons for Recommendation**

This application was determined having regard to Policy H2/3 "Alterations and Extensions" of the Bury Unitary Development Plan and Development Control Policy Guidance Note 6 "Alterations and Extensions". Planning permission has been granted because the proposals accord with the policy and guidance in that the design is of an acceptable standard which would not adversely affect the character of the area nor the amenity of nearby residents, and would not adversely impact on highway safety issues. There are no other material

planning considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

**Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 06005/01, 02, 03, 04, 04, 06 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 - Unsworth

Item 09

**Applicant:** Mr E Taylor

**Location:** PILSWORTH RESERVOIR (FISHERIES), PILSWORTH CLOUGH, OFF MOSS HALL ROAD, BURY

**Proposal:** CONSTRUCTION OF NEW BANKING, TWO ISLANDS & CREATION OF FISHING PLATFORMS (RESUBMISSION)

**Application Ref:** 46426/Full

**Target Date:** 26/07/2006

**Recommendation:** Approve with Conditions

### **Description**

The application concerns an existing extensive reservoir that is used for angling. The other much smaller ponds and reservoirs making up the fishery are not affected.

The area is open and within the Green Belt. Immediately to the north is the Viridor sand quarry. Sand extraction is currently occurring to be followed by infill with controlled waste and then reinstatement to pasture/amenity open land. Vehicular access to the extensive reservoir car park at the easterly end of the waters is via an unmade lane from Moss Hall Road. The reservoir is a Grade B SBI.

The proposal is to create two islands within the reservoir and to improve the southerly banks for angling purposes by replacing the current vertical stone wall banking with a sloping clay banking. The operation would be carried out by importing approximately 12000m<sup>3</sup> of surplus stockpiled clay material from the adjacent sand quarry. This would be brought in directly from the quarry via the grass field without utilising the highway network. The water level would first be reduced gradually and causeways created to the sites of the islands and to the southerly bank. This would be followed by the importation and deposition of the clay and the removal of the causeways. The water would then be allowed to naturally resume its original level. The final details would include the construction of 22 fishing platforms on the southerly bank, a footpath/walkway along this bank, as well as landscaping work.

As well as the submitted drawings, the application is accompanied by a supporting written statement and an ecological survey with planting recommendations.

The application follows the withdrawal of a previous application where the proposal was to create a bund to split the reservoir into two sections

### **Relevant Planning History**

39700/02 - Land at Captains and Hill Top Farm off Pilsworth Road, Bury. Extraction of sand, restoration to agriculture, woodland and amenity using controlled waste; demolition of Hill Top and Captains Farms and outline application for single two storey dwelling. Approved on 17th August 2004.

45528 - Pilsworth South Quarry off Pilsworth Road. Extraction of sand and gravel for extension area prior to creation of approved landscape buffer zone including in part backfilling and restoration with controlled waste. Approved on 28th February 2006.

45469 - Construction of new banking & bund to separate lake into two bodies & creation of fishing platforms. Withdrawn on 5th January 2006.

## **Publicity**

16 properties were notified plus press and site notices. One objection has been received. The occupier of 12 Clarence Avenue, Whitefield has expressed the following concerns:

- There should be an investigation of the likely effect on the bird population due to the loss of a large area of deep water and the loss of the stone banks.
- The reservoir is a large body of water that blends in with the contours of the land and the islands would alter the look dramatically and become a blot on the landscape.
- The development would create a precedent for future subdivisions of the reservoir.
- More consideration should be given to the impact on the existing footpath during the works.
- What would happen to the southern banking if the work is delayed?
- What other recreational use would be facilitated?
- Additional parking will surely be required.
- Congestion in the access road and track would obstruct access for emergency vehicles.
- The proposals need to show how suitable access to the disabled fishing pegs would be achieved from the car park.
- The plan is to maximise revenue for the owners but at the cost of visual impact, loss of bird habitat and, for the landfill owners, a convenient place to deposit unwanted earth from their site.

## **Consultations**

Highways Section - No objections.

Environmental Health - Contaminated land conditions recommended.

Environment Agency - No objections subject to conditions requiring a scheme for the conservation of the lodge network and a planting scheme for the development.

Wildlife Trust - Work should take place during the winter months to minimise damage to the aquatic ecosystems and not to interfere with nesting birds.

GMGU - Need to clarify if soil stripping and handling for the haul road will be carried out in accordance with planning permission ref. 39700/02.

United Utilities - Their water main needs to be adequately protected during the works.

GMEU - No response.

## **Unitary Development Plan and Policies**

SBI	Site of Biological Importance
OL1/5	Mineral Extraction and Other Dev in the Green Belt
OL4/1	Agricultural Land Quality
OL5/2	Development in River Valleys
EN6/4	Wildlife Links and Corridors
EN9/1	Special Landscape Areas
RT1/1	Protection of Recreation Provision in the Urban Area

## **Issues and Analysis**

**Recreational Improvement** - The reservoir is a major element within a sizeable fishery and the site is important locally for this popular participant sport. The development would enhance the attractiveness of the fishery by opening up the long southerly bank for fishing platforms and better access. 10 of the platforms would be designed for use by disabled anglers. It is considered that the development involves an improvement of a recreational facility and thus complies with Policy RT1/2.

**Landscape Quality** - Unavoidably, the development would be visually disruptive during the

implementation. However, once properly vegetated the islands and southerly reservoir bank should blend in with the surrounding open land. There is no special reason why, for landscape reasons, the reservoir surface should remain unbroken.

Green Belt/River Valleys - The development would preserve the openness of the area and, therefore, it would not conflict with policies OL1/5 and OL5/2.

Ecology - The reservoir is part of a Grade B SBI and the proposals need to take full account of ecological issues. The submitted combined ecological appraisal and planting recommendations are useful as a basis leading towards the design of a full planting scheme, including a method statement, including for plant rescue and storage and for aftercare and monitoring. A condition should require these further details to be resolved prior to the commencement of the work. Given the inevitable disruption to the ecology during the work it is important to control their timing and duration in seeking to mitigate this impact and any consent should set suitable time limits accordingly. Furthermore, the developer is willing to accept a condition recommended by the Environment Agency requiring the prior submission of a scheme for the conservation of the lodge network.

In terms of impact on wild birds the Wildlife Trust has stated that there would be an impact due to the works on winter visiting birds but the extent of this is difficult to gauge. However, this would be a temporary effect. Also, the creation of the islands should enhance nesting opportunities on and around the reservoir.

Amenity - The site is isolated from any residential properties but it is within an area where the peaceful enjoyment of the countryside should not be excessively disrupted and any consent should ensure that the machinery involved would not be excessively disruptive in terms of noise generation.

Car Parking/Footpaths - The development would provide a significant number of additional fishing platforms at the fishery. However, the existing unmarked out car park is very extensive and has a large amount of spare capacity.

The traffic impact of the development would be minimal and the Borough Engineer has no objections.

There are no existing definitive public rights of way within the site.

Objection - The points raised are covered in the points set out above and through the requirements of the recommended conditions.

### **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 enhance the recreational use of the reservoir and, on full completion of the works, the visual amenities of the area and the wildlife interests of the site would be restored.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

**Conditions/ Reasons**

No development shall be carried out unless and until full particulars of the footpaths to be provided from the car park to serve the proposed fishing platforms on the southerly side of the reservoir and the provision of car parking facilities for the disabled have been submitted to and approved by the Local Planning Authority. The details shall include particulars of construction and gradient of the footpaths with full regard given to the needs of disabled persons. the development shall not be carried out other than in accordance with the approved details.

Reason: For the avoidance of doubt and in order to ensure that the development would adequately serve the needs of disabled persons.

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

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

2. The permission hereby granted is for a limited period only, namely for a period expiring on 31 March 2009, by which date the approved work to create islands and to create new banking, fishing platforms and the associated footpath access shall have ceased and the site shall have been satisfactorily restored in accordance with planning condition no. 8 below, to the satisfaction of the Local Planning Authority unless in the meantime a further planning permission has been granted.

Reason: For the avoidance of doubt and to ensure the satisfactory completion of the development in the interests of visual amenity and to protect and maintain the ecological status of the locality.

3. The works hereby authorised shall only be undertaken from start to final completion within one period of operations and no work shall undertaken outside the period from September to March.

Reason: In order to mitigate the impact of the development on nature conservation interests within a Site of Biological Importance.

4. Prior to the commencement of operations all available topsoil and subsoil on the areas to be traversed by heavy vehicles and machinery shall be stripped from those areas and shall be stored separately in accordance with particulars to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to mitigate the impact of the operations on wildlife interests within a Site of Biological Importance.

5. No materials other than clay surplus to the requirements of the restoration of the adjoining sand quarry landfill, topsoil and subsoil shall be stored, processed or deposited on the site without the prior approval of the Local Planning Authority.

Reason: In order to protect the amenities of the area and to mitigate the impact of the development on nature conservation interests within a Site of Biological Importance.

6. The transportation of the clay material and their deposition shall take place only within the area shown edged red on plan no.P188 - 001 attached to and forming part of this permission.

Reason: In order to protect the amenities of the area and to mitigate the impact of the development on nature conservation interests within a Site of Biological Importance.

7. No materials to be used in the island and reservoir bank formation shall be brought to the site other than directly from the adjoining area of the Pilsworth sand quarry/landfill site and no highways shall be utilised for this purpose.

Reason: In order to accord with the particulars of the application and in order to protect the amenities of the area.

8. No development shall take place unless and until full details of the habitat creation scheme for marginal plants have been submitted and approved in writing by the Local Planning Authority and the development shall not be carried out other than fully in accordance with the approved details. These details shall include:
  1. Description of target range of species appropriate for the site.
  2. A formal landscaping schedule and plan.
  3. Source of plant material.
  4. Method statement for site preparation and establishment of target species.
  5. Extent and location of proposed works.
  6. Aftercare and monitoring for a five year period on completion of the habitat creation.
  7. Timing of the works.

Reason: In order to mitigate the impact of the development on nature conservation interests within a Site of Biological Importance.

9. Prior to the lowering of the water level within the reservoir a plant rescue scheme shall be implemented in full by the developer unless otherwise agreed in writing by the Local Planning Authority. No development shall take place unless and until full details of the plant rescue and storage methodology for this scheme have been submitted to and approved by the Local Planning Authority and these works shall be carried out in full prior to the main operations commencing. The scheme shall include the following details:
  1. Description of the target range of species to be rescued.
  2. Method statement for collection of plants including timing.
  3. Estimated number of plants by species to be rescued.
  4. Details of storage area.

Reason: In order to mitigate the impact of the development on nature conservation interests within a Site of Biological Importance.

10. No topsoil or overburden shall be sold or otherwise removed from the site without the prior written agreement of the Local Planning Authority.

Reason: For the avoidance of doubt and in the interest of proper site restoration.

11. No development approved by this permission shall be commenced unless and until a scheme for the conservation of the lodge network at Pilsworth has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be completed in accordance with the approved details within the land under the control of the applicant within 12 months of the development commencing.

Reason: In order to protect and enhance the linking wetlands.

12. 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.

13. All internal combustion engines and other machinery used in connection with the operation and maintenance of the site shall be equipped with effective silencing equipment and maintained in an efficient condition at all times, as may be reasonably appropriate, to the satisfaction of the Local Planning Authority.

Reason In the interests of the amenities of the area.

14. 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.

15. Unless otherwise required by this permission or approved in writing by the Local Planning Authority, the working and restoration of the site shall be carried out in accordance with drawings numbered P188 - 001 Rev.1, P188 - 002 Rev.1, P188 - 003 Rev.1, the accompanying Written Statement and the letters dated 5th and 10th July 2006 from Oakbay Design.

Reason. To accord with the terms of the application and to enable the Local Planning Authority to monitor the development.

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

**Ward:** Whitefield + Unsworth - Unsworth

Item 10

**Applicant:** Ask Property Developments Ltd

**Location:** LAND ADJ PILSWORTH WAY AND ROACH BANK ROAD, PILSWORTH, BURY

**Proposal:** CONSTRUCTION OF A COMMERCIAL BUILDING WITH ASSOCIATED CAR PARKING, ACCESS AND LANDSCAPING TO ACCOMMODATE ACTIVITIES FALLING WITHIN CLASSES B1 (BUSINESS) AND B2 (GENERAL INDUSTRY) PLUS STAFF FACILITIES

**Application Ref:** 46489/Full

**Target Date:** 08/09/2006

**Recommendation:** Approve with Conditions

### **Description**

The application involves 3.29ha of land on the westerly side of Pilsworth Industrial Estate. The site is a large section of an area allocated in the UDP as Employment Land and is also within the Employment Generating Area covering the industrial estate.

The site, which was originally farmland, has been the subject of a landfill operation carried out to achieve a level surface in preparation for industrial development. This level has now been achieved. Close to the site boundary, on the westerly side, there is the steep newly planted slope of the tip edge sloping down to the River Roch. Just beyond the river and on land well below the level of the site, there are two new housing estates.

On the easterly side of the site there is the new L'Oreal warehousing unit as well as other established modern industrial and warehouse premises served by Roach Bank Road.

The site has outline planning permission for general industrial and warehousing development (Classes B2 and B8). In addition, there is full planning permission for a loop road from Roach Bank Road to Pilsworth Way, also shown on the outline consent, that would serve new industrial development on the employment site. This would skirt the application site between its westerly edge and the top of the new valley slope. Although the loop road would serve the development now being proposed, it has not been included in the application on the basis that full planning permission for it has already been granted.

The application is for full planning permission for a 10446m<sup>2</sup> industrial building (Classes B1 and B2). The application is accompanied by a design statement, a transport assessment, a travel plan, a ground investigation report as well as a plan showing proposed improvements to junction 3 of the M66 Motorway at Pilsworth.

There would be one main building plus a gatehouse, a vehicle wash and a sub-station. The main building would be set on a north to south axis with a 97m long main side elevation facing towards the loop road and river valley. The design would incorporate flat roofs with mostly two storeys of accommodation but rising to a third level on the section away from the westerly valley side where plant would be accommodated. This highest part would be about 14m above ground level. The elevation facing the river valley would be about 10.5m high with the highest 14m element set in by about 32m from this side and an 11.5m high section set in by 15m. The elevational treatment would be based on profiled and flat metal cladding systems, with elements in a range of grey tones set mostly horizontally. There would be a

significant area of curtain glazing on the main entrance elevation that would face south.

The development would be served by two main vehicular entrances both on the loop road. One of these would serve a fleet car parking area with 170 spaces. The other main entrance would serve car parks for staff (102 spaces), visitors (25 spaces) and 6 disabled spaces (total 133 spaces) as well as a HGV service area on the easterly side of the building next to the L'Oreal development ie. on the opposite side to the valley and the Gigg Lane area housing estates. There would be an overall total of 297 parking spaces with about 5% disabled provision for staff and visitors. There would be a third access point which would be onto Roach Bank Road and would be used for emergency vehicles only.

A detailed landscape scheme accompanies the application and has been prepared by the same landscape architects who designed the landscaping for the loop road, including screen planting on the valley side of the road. The landscaping drawing shows that there would be a comprehensive scheme of treatment for the surroundings of the approved road and proposed industrial building.

In connection with the outline planning permission for industrial/warehousing development on the overall site the Council issued a Design Brief to guide the formation of detailed design proposals. The requirements of the brief are a material consideration in regard to this application.

### **Relevant Planning History**

16089/84 - Outline permission for warehousing and light industrial development . Approved on 28th August 1984.

20335/87 - Outline permission for warehousing and light industry. Approved on 10th December 1987.

22675/89 - Tipping of waste material, including backfilling and compaction, roads and sewers preparatory to proposed industrial development. Approved on 14th September 1989

25001/90 - As 22675/89 but without complying with condition 9 requiring making up of entire length of the proposed road to adoptable standards prior to development operations commencing. Approved on 4th October 1990.

27550/92 - Landfilling operations in preparation for industrial development. Approved on 4th March 1993.

34913/98 - Full planning permission for industrial and warehousing development (Classes B1, B2 and B8, Approved on 1 September 2000.

41448/03 - Full planning permission for an industrial and warehousing building (Classes B1, B2 and B8). Approved on 17th December 2003. Relates to the adjacent L'Oreal depot.

42672/04 - Outline application for development for Class B2 (general industry) and Class B8 (storage and distribution) uses. Refused on 9th July 2004 on the grounds of containing insufficient information to enable assessment of the impact of the development on the surrounding highway network.

43071 - Outline permission for development for Class B2 (general industrial) and Class B8 (storage or distribution) uses. Approved on 6th January 2006.

45554 - Construction of new road linking Roach Bank Road to the existing spur off Pilsworth Road and associated landscaping to the adjacent bank. Approved on 25th January 2006.

### **Publicity**

218 properties have been notified, including units on the nearby section of the industrial estate and houses and flats on the new estates off Gigg Lane across the River Roch. Site notices displayed and newspaper notice published.

4 letters of objection have been received from residents on the residential estates (Grasmere Drive, Harrington Close and Garsdale Close). The main points raised include:



- The development would be a blot on the landscape.
- Empty buildings on the Pilsworth Industrial Estate should be utilised first before allowing further new development.
- Negative effect on residential property values.
- Marked effect on the environment and quality of life in the area.
- Impact of noise and light pollution.
- More mature trees should be planted to create a faster screening effect.
- Consideration should be given to fencing to prevent off road bikers from using the embankment.
- The original planning permission required future proposals to take residents views into account and required appropriate landscaping including mature planting to keep visual and noise pollution to a minimum.
- The opening hours of any business property should be limited and it should not be accessible 24 hours a day due to the peaceful and residential nature of the area.

Hollins Village Community Association has expressed concerns that the development would add to the traffic through Hollins Village. It would not be willing to support the development unless it can be assured that traffic would be directed towards the motorway. A detailed traffic impact assessment should be conducted before these sites at Pilsworth are further expanded.

### **Consultations**

Highways Section - Response awaited.

Drainage Section: No objections.

Environmental Health - Noise generated not to exceed the prevailing ambient noise levels as determined by survey.

Environment Agency - No objections in principle. Recommend conditions to prevent pollution of the water environment and to ensure a satisfactory means of drainage.

GMP Architectural Liaison - Robust perimeter boundary treatment with visual permeability to be provided. Concern about potential misuse of the loop road. Comments about secure access controls.

Highways Agency - Response awaited. The agency has also been contacted by the applicant's highways consultants prior to submission and the response is likely to be on the lines of that in regard to application ref.43071 when their requirement was that full details of an improvement to the northbound access point to the M66 motorway at Pilsworth must be submitted before the development can be commenced and that the work must be carried out before it can be brought into use. Similar conditions should be attached if permission is granted.

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

EC1/1	Land for Business (B1) (B2) (B8)
EC2/1	Employment Generating Areas
EC6/1	New Business, Industrial and Commercial
OL5/1	Designation of River Valleys
EN1/2	Townscape and Built Design
MW1	Protection of Mineral Resources
MW1/1	Areas of Search
MW1/3	Sterilisation of Mineral Deposits
EN1/6	Public Art
SPD4	DC Policy Guidance Note 4: Percent for Art

### **Issues and Analysis**

Principle - The site is allocated as employment land for business, industrial and warehousing use and it is within an Employment Generating Area where industrial development is specified as one of the types that would be permitted. There is a history of this type of development having received planning permission on the land and currently there is outline planning permission for Class B2 (general industry) and Class B8 (storage or distribution) development. The principle of a development of the type being proposed is, therefore, established as acceptable.

The details of the proposal should be considered against relevant UDP policies guiding detailed control and the Design Brief that was prepared at the time of the outline consent.

Roch Valley - The valley of the River Roch and its associated Wildlife Corridor is a short distance to the west of the site and the valley side embankment at this point is formed through the previous tipping operation. This slope has been planted with trees and shrubs. The proposed building would create an element of skyline development as seen from within the valley and the Design Brief sets out requirements that would help to mitigate this effect. These include a requirement for the building to be set no closer than 20m from the westerly outer edge of the loop road, the avoidance of servicing arrangements on this side, the northerly and westerly boundary to incorporate tree planting to create good visual screening and the height and massing and external treatment of the building to be such that it would not create an unduly overdominant and visually intrusive skyline development.

The application has responded to the Design Brief. In terms of the requirements referred to above designed to mitigate impact on the skyline the building is shown about 38m back from the outer edge of the loop road, servicing facilities would not be on the valley side of the building, valley edge screen planting forms part of the requirements for the approved loop road, the height of the building on the valley side elevation would be relatively modest at 10.5m with the somewhat higher sections set to the opposite side of the building away from this elevation. Also, the external colouring is designed to blend with grey sky tones. It is considered that the submitted details would conform with those parts of the brief that seek to mitigate the skyline impact of the development on the river valley.

Residential Amenity - Residents within the recent housing development on the opposite side of the River Roch have expressed concerns about the impact of the development on their outlook and the possibility of noise and light pollution. The development would be elevated in relation to the houses and the building would be about 150m away at the nearest point. Planting has only recently started to become established on the former landfill slope but it will be some years before it matures enough to form a screen. However, as indicated above, the proposal has been designed with reference to the Design Brief and one of the main objectives is to ensure a mitigation of the impact on the residential properties. This would be achieved through the same elements that would mitigate the impact on the river valley and are referred to in the previous section. In addition, Environmental Health have recommended a noise control condition that should be attached to any consent. The submitted Planning Design Statement includes a section on external lighting with a general indication of the intended lighting levels. The applicant's agent confirms that a condition would be acceptable that would require prior approval to be obtained to a detailed specification for the external lighting and such a condition should be a requirement of any consent.

Design and Appearance - Externally the building would have varied elevational and roof lines with a blend of harmonising finishes and more fenestration than would normally be encountered on a modern industrial building. Overall, the design quality of the building would be superior to that of the many bland functional buildings found on modern industrial estates.

Traffic and Car Parking - The development is likely to generate a significant number of trips and the application is accompanied by a transport assessment and a travel plan. These are currently being assessed and this aspect will be reported on further. Also, the Highways Agency is concerned about the traffic impact on Junction 3 of the M66 motorway and is expected to require an improvement to the junction in association with the development.

The car parking provision for staff and visitors of 133 spaces compares with the maximum requirement of 174 spaces for the respective floorspace areas for the intended uses (pre-consultation draft parking standards) and is considered to be acceptable. In the application it is indicated that the large 170 space fleet car park would normally be only 50% full and only rarely used to full capacity. Secure provision for motorcycles (10 places) and bicycles (20 places) would be above the minimum standard whilst the number of disabled spaces would match the standard.

Public Art - The development is of a scale that would warrant the provision of an element of public art in accordance with Policy EN1/6 and an appropriate condition should be attached to any planning permission.

### **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 be acceptable in terms of the UDP employment allocations for the land. In regard of its design, scale, siting and external treatment it would be in conformity with the Council's Design Brief for the site. The main objectives of this brief are to ensure that the impact of any development on the adjacent river valley and residential properties to the west of the site would be adequately mitigated.

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. 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.
3. 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..

4. The development hereby approved shall incorporate an element of public artwork in accordance with Policy EN1/6 - Public Art of the Bury Unitary Development Plan and the associated Development Control Policy Guidance Note 4 - Per Cent for Public Art.

Reason: To secure the satisfactory development of the site and in the interests of visual amenity.

5. No development pursuant to this planning application shall commence unless and until the developer has submitted the following full design and construction details of the required improvements to M66 Junction 3, such details to be agreed by the local planning authority, in consultation with the highway authorities, and shown in outline in Drawing N30290/102, Revision B, dated December 2004, prepared by the Transportation Consultants, Savell Bird & Axon:

- How the scheme interfaces with the existing highway alignment, details of the carriageway markings and lane destinations,
- Full signing and lighting details,
- Confirmation of full compliance with current Departmental Standards (DMRB) and Policies (or approved relaxations/departures from standards),
- An independent Stage One & Stage Two Safety Audit (Stage Two to take account of any Stage One Road Safety Audit recommendations) carried out in accordance with current Departmental Standards (DMRB) and Advice Notes.

Reason: To ensure that the M66 Motorway might continue to fulfil its purpose as part of a national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980, and for the safety of traffic on the road.

6. Noise from the proposed activity/development hereby permitted shall not increase the prevailing noise level as measured at the boundary of the site. The ambient noise levels shall be determined by survey, by the applicant, to the written satisfaction of the Local Planning Authority (LPA) and a copy of the survey shall be provided to the LPA before any development takes place.

Reason: In order to protect residential amenity.

7. No development shall take place unless and until full details of external lighting, including a specification of both luminaire and mounting arrangements (including elevation angles) and a lighting diagram have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason: In order to safeguard the amenities of residential properties.

8. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from the site relative to oil filling pump and car wash shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the River Roch and local watercourses.

9. All areas used for washing of vehicles shall be contained and connected to foul sewers to prevent the discharge of contaminated drainage to underground strata or controlled waters.

Reason: To prevent the pollution of local watercourses and underground strata.

10. No development approved by this permission shall be commenced unless and until a scheme to protect the River Roch or any other watercourse from building materials during construction has been approved by the Local Planning Authority. Such a scheme shall be implemented in accordance with the approved plans.

Reason: To prevent the pollution of the River Roch or any other watercourse.

11. Prior to the development hereby approved commencing:

- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination, including its potential to pollute the water environment, 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.

12. Following the provisions of Condition 11 of this planning permission, where remediation is required, the approved remediation strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the 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.

13. Any soil or soil forming materials brought to site for use in 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.

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

- Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;

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

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

15. Prior to the commencement of the development, appropriate site investigations, gas monitoring and risk assessment shall be carried out to assess any possible risks associated with the production of landfill gas or ground gas. Where required, detailed design features shall be incorporated into the development, as shown necessary by the site investigation and risk assessment, to alleviate risks to the written satisfaction of the Local Planning Authority, and;

A Site Verification Report detailing the design and installation of the incorporated design features, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.

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

16. This decision relates to drawings numbered 14950/A2/001 Rev A, PL762.GA.200rA, 14950/A1/0300 Rev B, 14950/A1/0601 Rev A, 14950/A1/002 Rev A, 14950/A1/003 Rev A, 14950/A1/004 Rev A, 14950/A1/005, 14950/A1/006, 14950/A1/008, plans and other particulars included within the submitted Planning Design Statement and the development shall not be carried out except in accordance with the drawings and particulars 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 **Jan Brejwo** on **0161 253 5324**

**Ward:** Whitefield + Unsworth - Unsworth

Item 11

**Applicant:** MR FITZPATRICK

**Location:** UNIT 15, CROFT INDUSTRIAL ESTATE, HOLLINS VALE, BURY, BL9 8QG

**Proposal:** RETROSPECTIVE APPLICATION FOR CHANGE OF USE TO CAR SALES AND STORAGE WITH NEW PALLADIN SECURITY FENCING TO 2.5M.

**Application Ref:** 46540/Full

**Target Date:** 14/08/2006

**Recommendation:** Approve with Conditions

### **Description**

The application is retrospective as the retail car sales use has been operating for a number of weeks on the site. The site was formerly used for fork lift truck repairs business which vacated the site in October 2004. The site is mostly comprised of an area of hardstanding on which the cars are displayed. There is a single storey sales cabin, used for a sales office, close to the entrance at the southern end of the site and there is a larger breeze block garage, for minor servicing and valeting, situated at the north end and appears to be used for minor repairs and servicing. The site has a frontage to Croft Lane of 45m. The site drops down as one enters the site through the existing entrance at its southern end and has an average depth of about 16m. A total of 14 spaces are allocated for the display of cars for sale and there are 3 spaces for customers adjacent to the northern boundary.

The area is bounded along the south and eastern edges by older red brick industrial buildings. Along the Croft Lane frontage is a black plastic coated palladin mesh fence to a height 2.5m.

This part of Croft lane has parking restrictions enforced by a single yellow line.

The various signage around the site does not have planning permission and would be subject to separate advertisement control.

Opening hours are 9am to 5pm Monday Friday and 9am to 4pm Saturday and Sunday.

The application is a revised submission following a refusal of permission last month due to lack of information and appropriate justification with regard to the location of car sales on the site.

### **Relevant Planning History**

46319 - Retrospective change of use to car sales and storage - **Refused 12/06/2006** due to lack of information and for failing to demonstrate the land is unsuitable for continued employment use and is appropriate for car sales.

### **Publicity**

Immediate neighbours notified - 2 letters of objection from 123 Croft Lane and 15 Haddon Close.

Comments are summarised below:

- The use will increase traffic generation and parking problems in the area and

detrimentally affect highway safety in an 'accident black spot'.

- A wall along the frontage was demolished. This opened up views of the site to residents opposite as well as causing traffic problems.
- The wall stood for many years and was considered to be a harmonious element in the street scene. Its loss and replacement fence is contrary to policy EN1.
- Potential for attracting crime.
- The business has already attracted related private street trade.
- Car sales at this site has led to loss of residential and visual amenity for local residents.
- The use is a non-conforming use in a residential area and as such should be refused.
- Adverts are detrimental to public safety and residential amenity.
- Contrary to EN1, EN1/8, EN1/9, H3/1, HT6/1 and HT6/2.

### **Consultations**

Highways Section - No comment to date.

Drainage Section - No objection.

Environmental Health - No objection subject to contamination assessment.

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

### **Issues and Analysis**

Principle - The use of the site for car sales will need to be assessed against UDP Policy EC2/2 which specifies that the Council will seek to retain employment land and premises unless it can be clearly demonstrated that the land and premises are no longer suited, in land use terms, to continued employment use. Although there were no previously no premises on the site, it is important to recognise that EC2/2 also relates to the land.

Under Policy S4/4, car sales areas should be located within or adjoining established shopping areas, along classified roads or within other industrial and commercial areas within the Borough. Proposals should also take account of the following factors:

- a) potential disruption to the free flow of traffic;
- b) the provision of adequate, well laid out car parking and display facilities together with safe and convenient arrangements for access, circulation and egress;
- c) road safety and the safety of pedestrians;
- d) the amenity of nearby residents and businesses.

In terms of Policy EC2/2, the proposal is considered to be acceptable given that the site is relatively small scale with limited employment potential and has been vacant since the fork lift repair use ceased in 2004. Given also that UDP Policy S4/4 - Car showrooms, car sales and filling stations, does allow for car sales to be located within industrial and commercial areas subject to factors detailed above.

Objections - The concerns relating to traffic and highway safety have been assessed by the Borough Engineer. It is considered that, given the potential traffic generation from industrial and commercial uses that could be located on the site, the nature and volume of traffic associated with the car sales use would not on balance be seriously detrimental to highway safety along this part of Croft Lane. It is considered appropriate to attach a condition to any approval that restricts the area for the sale and storage of cars within the site in the interests of highway safety and general amenity.



The demolition of the wall along the frontage would not have required permission although its replacement does. The palladin fencing that has been erected is not considered to be particularly out of keeping with what is a commercial site, albeit across from residential properties. Palladin fencing is used increasingly around schools and commercial sites in or abutting residential areas without causing serious amenity concerns and is preferred to the more intrusive industrial palisade fencing.

The potential for the site to attract crime is negligible. The palladin fencing is considered to be secure and has been recommended by the police on sites throughout the Borough. Although the fencing allows views of the site from the highway, it also increases opportunities for natural surveillance.

One of the objectors indicates that the area is primarily residential in character and therefore a commercial use would be inappropriate. Although it is recognised that there are residential properties across Croft Lane, the site lies within a well established industrial and commercial estate. In some cases the juxtaposition of commercial uses with residential cause serious amenity concerns. However it is considered that in this case, given the nature and scale of the use and its location on a main road, it cannot be described as a non-conforming and unneighbourly use.

The advertising signage is considered excessive but can be controlled by separate advertisement regulations. The signage is being monitored and an application for appropriate advertising will be sought should this application be approved.

### **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 use is considered to comply with policies of the Unitary Development Plan listed. It does not detrimentally affect the viability of the existing industrial estate, is small in scale and does not cause serious harm to the amenity of 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 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 20611/01 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 premises shall not be open to the public outside 0830 hrs to 1700 hrs daily.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy S4/4 Car Showrooms, Car Sales Areas and Petrol Filling Stations.
4. The turning facilities indicated on the approved plan 20611/01 shall be provided

within one month of this decision notice and shall subsequently be retained thereafter and 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.

5. The customer car parking indicated on the approved plan 20611/01 shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority and thereafter maintained free of obstruction 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.

6. 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.

7. No cars shall be displayed or stored outside the parking spaces numbered 14-17 inclusive and the enclosed garage both indicated in the approved plan and hatched green on the approved plan without the prior permission of the Local Planning Authority.

Reason. In the interests of amenity and highway safety pursuant with Policy S4/4 Car Showrooms, Car Sales Areas and Petrol Filling Stations.

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

