

**Ward:** Bury East

Item 01

**Applicant:** Safraz Haider

**Location:** PREMISES TO THE REAR OF 50 BOLTON STREET, BURY

**Proposal:** CHANGE OF USE TO PRIVATE HIRE BOOKING OFFICE

**Application Ref:** 46492/Full

**Target Date:** 01/09/2006

**Recommendation:** Approve with Conditions

### **Description**

The application relates to a detached red brick vacant commercial property to the rear shops on the north side of Bolton Road. The site is accessed from a side road running between Nos.40 and 44 Bolton Road. To the north is Bury transport Museum. To the west is a block of flats at Castlecroft Court and to the east is a small private car park. To the south is a commercial printers.

The applicant wants to convert a storeroom/office (approx 15sq metres) in the existing building into a booking office for private hire vehicles. Three staff would work from the office. It is indicated that there would be no direct public access to the public for booking vehicles at the premises. Plans also show that there would be no waiting or parking of private hire vehicles within the land edged blue, directly in front of the site. There are three parking spaces indicated on the plans immediately in front of the office for employee vehicles. The office would be operating 24 hours a day.

### **Relevant Planning History**

N/A

### **Publicity**

Immediate neighbours notified by letter, site notice and press notice - Three letters of objection from local businesses at Alenco Dry Cleaning 44 Bolton Road, Rosehill Printers at 50a Bolton Road and Prontaprint at 40 Bolton Road. A petition has also been received from 67 Hackney cab drivers. Objections are Summarised below:

- Access is severely restricted and not suitable for taxis.
- Increased disturbance to 'undesirable clientele' frequenting the booking office.
- Increase in crime and disorder.
- Increase in litter.
- Loss of business for Hackney cab drivers.
- Increase in illegal picking up of fares.
- Increase in traffic in the town centre.

### **Consultations**

Highways Section - No objection.

Environmental Health - No objection.

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

EN2/1 Character of Conservation Areas

EN2/2 Conservation Area Control

Area Bolton Street/Market Place

BY3  
S2/3 Secondary Shopping Areas and Frontages  
HT2/8 Taxi and Private Hire Businesses

### **Issues and Analysis**

**Principle** - A use such as a private hire booking office is not considered to be unusual in a town centre location. Given the need for a wide variety of services in the town centre, the principle of such a use is considered to be acceptable subject to it satisfying particular criteria related to highway issues, parking and amenity.

Unitary Development Plan Policy HT2/8 - Taxi and Private Hire Businesses states that

*'Proposals for taxi or private hire businesses will be looked upon favourably, providing that the following criteria are satisfied:*

*a) adequate car parking facilities are provided for the needs of employees and vehicles used in connection with the business*

*b) it will not have an unacceptable adverse effect on the amenities of neighbouring residents or occupiers:*

*c) it will not have an unacceptable adverse effect on the local highway network, in terms of road safety and traffic circulation in particular.'*

The use of taxis and private hire cars accounts for a substantial amount of passenger movement across a wide section of the community. The provision of operational bases for such businesses is, therefore an important element of the transportation infrastructure.

**Amenity** - Essentially the proposed operation would rely on telephone booking and radio control. However despite this booking offices can often give rise to considerable problems if in close proximity to residential development and where there are high levels of vehicular and pedestrian activity at night and at weekends. Such uses in the wrong location, can also give rise to parking and other highway safety issues. Actual modes of operation vary from case to case as do amenity and traffic impacts.

This particular proposal is relatively small in scale, utilising a very limited area of an existing property in this backland site. The size and future intensification of the business would be restricted by this limited space which does not appear to include any driver or public/customer facilities. Another major factor limiting its impact would be a condition preventing private hire vehicles from calling at the office to wait, pick up customers or take refreshments. In this town centre location it is considered that there are sufficient safe public parking areas for drivers to take a break etc. In addition to this restriction, it is considered that the location of the office, in this backland location would not lend itself to attracting members of the public in need of a taxi.

It is considered that, given the size of the office and the recommended condition restricting vehicles and customers calling at the office, its use as a booking office would not cause serious amenity issues with regard to noise disturbance or parking even with 24 hour working.

**Objections** - The concerns of the objectors with regard to noise and disturbance, litter, traffic and parking are material planning considerations. However these issues have been addressed in the previous paragraphs. It is considered that the size of the office and restrictions that can be applied through conditions, these concerns would be mitigated to an acceptable degree.

Highways - The traffic section do not have any objections to the proposed scheme provided the parking area for staff is brought up to an acceptable standard. Highway safety should not be compromised given the scale of the use and the restrictions attached to the decision notice should Planning Committee approve the application.

### **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 booking office is small in scale and would not involve visiting members of the public or the parking/waiting of private hire vehicles in the immediate vicinity of the site. The impact of the use of the office would not have a seriously detrimental impact on neighbouring properties or highway safety. There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 4th August 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.
3. No private hire vehicles belonging to the applicant or those belonging to freelance drivers operating through the radio control at the premises, shall call at the office hereby permitted for the purposes of waiting or taking orders and instruction, collecting clients or for the purpose of taking refreshment.  
Reason. In the interests of residential amenity and highway safety pursuant to UDP Policy HT2/8 Taxi and Private Hire Businesses.
4. Prior to the use hereby approved commencing, full details of all external aerials and antenna to be attached to the building shall be submitted to and approved in writing by the Local Planning Authority.  
Reason. In the interests of visual amenity.

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

**Ward:** Bury East

Item 02

**Applicant:** Mohammed Nur Islam

**Location:** 8 BELL LANE, BURY, BL9 6AR

**Proposal:** VARIATION TO EXISTING OPENING HOURS (RESUBMISSION)

**Application Ref:** 46708/Full

**Target Date:** 18/09/2006

**Recommendation:** Approve with Conditions

### **Description**

The site is an existing shop unit within a row of 4 shops and the Old Blue Bell Public House at the start of Bell Lane that has permission to change to a sandwich shop with hot food sales (Class A5). At the eastern end of the row is Carlton Carpets with a small car park and a car sales area on the opposite side of Bell Lane. The area in general is commercial in nature although there is some indication of residential use above Beau Belles at 4 Bell Lane and there is ancillary residential accommodation above the public house. The nearest dwelling house is a walking distance of over 50m away to the rear at 2-10 Wash Lane.

The hours of business approved under planning application 45221 are from 0900hrs to 1800hrs Mon to Fri, 0900hrs to 1300hrs on Sat (No Sunday trading). This application proposes the following hours of opening 0730hrs to 2100hrs Mon to Sat and 1500hrs to 2100hrs on Sun.

### **Relevant Planning History**

45221 - Change of use to sandwich shop with hot food (Class A5), Approved Conditionally 24/11/05

### **Publicity**

7 surrounding properties have been notified by letter regarding the application. One letter of representation has been received objecting to the proposal for the following reasons:

- Excessive number of existing food outlets and the rubbish they create.
- The rear of these properties is '*already infested with rats*' and a food outlet may worsen the problem.
- Parking is a problem and the proposed food outlet could result in people parking illegally very close to traffic lights at a busy junction.
- There are flats above some of the shops in the row and this would result in the smell of food being cooked.

### **Consultations**

Highways Section - No objection

Drainage Section - No objection

Environmental Health - No objection

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

S2/6 Food and Drink

S2/5 New Local Shopping Provision

### **Issues and Analysis**

Principle – The proposed use of the premises as an A5 (Hot Food Take-away) has already been approved by Planning Committee under planning application 45221 in November 2005. The applicant at that time applied for opening hours until 1800hrs. The main consideration for this proposal is the impact of the extended hours on the residential properties and surrounding area.

The main policy on which the application should be assessed is Unitary Development Plan Policy S2/6 - Food and Drink. This states that all proposals relating to hot food take aways will have regard to the following factors:

- Amenity of nearby residents.
- Concentration of hot food outlets in the area.
- Parking and servicing.
- Refuse and litter.
- Impact of flues.

Impact on adjacent Residential Properties – The residential properties in the vicinity of the site are adjacent a busy main road and within a commercial area that includes a public house. Given the level of noise and disturbance associated with the existing situation it is considered that the limited extension to the opening hours will not result in a significant amount of additional noise and disturbance.

Impact upon the Surrounding Area – Given the location of the site, the proposal is considered to be mainly aimed at the custom from the surrounding businesses with a limited amount of passing early evening trade. Therefore, given the size and nature of the premises, it is not considered that litter would be a serious issue to general amenity in what is an established commercial area.

Given the limited extension to the opening hours and the existence of parking restrictions on Wash Lane, it is considered unlikely that there will be a significant increase in customers visiting the site by vehicle and therefore parking is not considered to be a serious issue.

Comments on Representations - The '*infestation of rats*' is not a material consideration for this application but a matter for the Environmental Health Section to deal with under their legislation.

The issue of food smells has been addressed by imposing the same condition with regard to an appropriate extraction system and flue on this application as the original application, 45221. This is considered sufficient.

In assessing the proposed extension of opening hours to 9pm against the criteria within Policy S2/6, it is considered that there would be no serious impact on surrounding properties, character of the area, parking or litter and therefore the proposal is considered to be acceptable.

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

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

Having studied the submitted documents, assessed the proposed development on site and taken into account any and all representations and consultation responses, it is considered that the proposed development is acceptable because it would not cause demonstrable harm to interests of acknowledged importance. There are no other material considerations

that outweigh this finding.

**Recommendation:** Approve with Conditions

**Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on **24<sup>th</sup> July 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.
3. The shop shall not be open outside 0730hrs to 2100 hrs Monday to Saturday and 1500hrs to 2100 hrs on Sunday.  
Reason: To safeguard the amenities of the occupiers of nearby residential accommodation and in the interests of amenity pursuant to Bury Unitary Development Plan Policy Nos Policies S2/5 – New Local Shopping Provision Outside Recognised Shopping Centres and S2/6 - Food and Drink
4. Prior to any cooking appliances being installed on the premises, including domestic scale cooking appliances a detailed scheme for treating fumes, vapours and odours before their emission to the atmosphere so as to render them innocuous must be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be fully implemented to the written satisfaction of the Local Planning Authority prior to the equipment being brought into use.  
Reason. In the interests of amenity pursuant to Policies S2/5 – New Local Shopping Provision Outside Recognised Shopping Centres and S2/6 – Food and Drink of the Bury Unitary Development Plan.

For further information on the application please contact **Janet Ingham** on **0161 253 5325**

**Ward:** Bury East - Redvales

Item 03

**Applicant:** Chelford Homes

**Location:** LAND OFF GRASMERE DRIVE BURY

**Proposal:** RESIDENTIAL DEVELOPMENT - REVISIONS TO APPROVED SCHEME WITH 7 TERRACED HOUSES AND 4 SEMI-DETACHED HOUSES (11 DWELLINGS IN TOTAL).

**Application Ref:** 46557/Full

**Target Date:** 22/09/2006

**Recommendation:** Approve with Conditions

**Description**

The proposal involves amendments to be made to a residential estate currently in the final stages of construction.

The estate is set beyond two completed developments, one based around Orchid Drive to the north and the other around the first part of Grasmere Drive to the north-west. Orchid Drive and Grasmere Drive, at present separated, would be one distributor road linking the three estates as a loop road once a barrier where the roads would join is removed. The River Roch forms the southerly boundary to the estate.

The areas of proposed changes are on the westerly side of the development close to the boundary with Bury Cemetery. There are two separate areas involved around the head of a new cul-de-sac:

- Three approved two storey detached houses situated next to the boundary with the cemetery would be substituted by two blocks of town houses with a total of 7 units. 3 of these would be normal two storey units and the others would have two main storeys but with also accommodation in a raised roof area.
- Opposite the amended 7 units 2 approved detached houses would be substituted for by two pairs of semi detached houses with two main storeys and accommodation in a second floor within a raised roof area.

The development would involve an increase in the number of dwelling units in the area involved from 5 to 11 ie. an increase of 6 units.

The application follows the recent refusal of three applications. In April 2005 permission was refused for a four storey block of 12 apartments on a nearby plot due to loss of amenity to properties opposite through overlooking. Earlier this year an application for the apartment block plus very similar houses to those now being proposed was refused on the grounds that parking provision for the apartment block would be inadequate, that access to specified house units would be sub-standard, that there was insufficient information regarding landscaping details, levels and refuse storage facilities, detailing of the apartments scheme and concerning level access to the houses. More recently planning permission was refused for the same development for the reason that the apartment element would be unduly cramped, would lack amenity space and have sub-standard access arrangements and inadequate car parking provision.

The current application does not include the apartment development and is just for the houses that were included in the two recent unsuccessful applications.

### **Relevant Planning History**

36463/00 - Outline residential development. Approved on 1st August 2000.

39426/02 - Reserved matters for 71 dwellings. Refused on 15th July 2002 on grounds of insufficient information, inadequate recreational provision and creation of an insecure footpath.

39807/02 - Reserved matters for 89 dwellings. Approved on 13th May 2003.

44115 - 4 storey apartment block. Refused on 15th April 2005 on the grounds that the development would be seriously detrimental to the properties opposite due to height, size and position including overlooking.

45556 - Residential Development - revisions to approved scheme with 29 dwellings including 18 apartments, 4 of semi-detached houses and 7 terraced houses. Refused on 6th February 2006 for reasons including insufficient parking for the apartments, inadequate access arrangements and insufficient details concerning landscaping, levels, refuse facilities for the apartments, insufficient detailing of the elevations to the apartments and lack of level entrances to the houses.

45999 - Description is as for 45556. Refused on 21st June 2006 for the reasons that the apartment element would be unduly cramped, would lack amenity space and have sub-standard access arrangements and inadequate car parking provision.

### **Publicity**

57 properties were notified. A press notice was published and a site notice posted. Two objections have been received both from houses in Garsdale Close. The concerns raised include:

- There are already traffic and parking problems and the increase in 6 units would increase these problems exponentially.
- There would be an increase in noise levels due to the extra properties.
- Their houses would be overshadowed and a hemmed in feeling would be created.
- The estate and area has a full quota of affordable housing and there is no need for additional such houses on an estate marketed as a luxury development.
- Terraced and semi-detached is not in keeping with current detached housing in the immediate area.
- Town and mews houses do not fit in with the advertised "country feel" purported by the developers and supported by the Council with its investment in its Greenway route.
- The area involved should be kept as free as possible to keep an environmentally safe area for wildlife.

### **Consultations**

Highways Section - Recommends conditions concerning visibility splays and driveways.

Drainage section - No objections.

Environmental Services - No response.

Environment Agency - No objections in principle. Floor levels should be as with the original approved development.

Operational Services - No response.

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

H2/1 The Form of New Residential Development

H2/2 The Layout of New Residential Development

### **Issues and Analysis**

**Principle** - The site is within the East Bury Regeneration Area and, therefore, the current housing restrictions brought in with RSS and DCPG7 do not apply. Thus, an increase over the number of units over that previously approved would not be in conflict with that policy. Also, the increased density would be in line with current government guidance in PPG3 (Para. 57 - Making the Best Use of Land)

**Design and Layout** - In terms of the submitted details the terraced houses would continue a row of detached units and, like the existing units, they would have rear gardens backing onto the cemetery wall. All of these units would have satisfactory private garden areas and adequate separation from other properties both built and proposed. The semi-detached units would be set in a line at right angles to the cul-de-sac. They would be served by a shared drive. As with the terraced units garden areas would be satisfactory and separation from other housing would accord with normal standards. Off street car parking provision is provided by one single drive per unit which is acceptable for the type of housing being proposed.

The submission lacks landscaping details and particulars of existing levels and the finished floor levels. Also, level access is not shown to the individual units. Issues have been raised with the applicants but there has been no response. These matters should be the subject of appropriate conditions should permission be granted. Overall, however, the proposal is considered to comply with policies H2/1 and H2/2.

**Other Policies** - If planning permission were to be granted it is considered that there should be no requirement for conditions/s106 Agreement relating to affordable housing, recreational facilities or public artwork. The overall development was approved in outline in 2000. Affordable housing was covered by a condition requiring conformity with Policy H4/1. At that time the requirement was the provision, as a minimum, of 25% of units recognised as being affordable types. The revision involves a greater number of such units than on the approval. Recreational facilities (Policy RT2/2) are covered for the whole estate through the treatment to the riverside area including a walkway with the work virtually completed. There was no artwork requirement (Policy EN1/6) on the outline permission.

**The Objections** - The points raised cannot be supported. The increased density is in line with current Government guidance on making better use of urban land. Also, there is no proper justification for resisting the provision of terraced or semi-detached units on the sites. Although one of the objectors is concerned with the impact of the houses on their home, the separation distances being achieved comply with our normal standards. The proposed unit nearest to the objector's house would be sited on slightly higher ground than their house but the elevations would not face one another and the blank gable of the proposed house would be set alongside the long rear garden boundary of the existing property about half way down this 30m garden boundary line and at an oblique angle to the rear elevation of the affected house.

The potential traffic increase and impact on parking conditions due to 6 extra units being added to three estates with hundreds of houses and apartments would be relatively negligible. The development does not raise any significant wildlife issues.

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

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

The principle of residential development, including at a higher density, is acceptable. The proposal accords with acceptable standards of plot layout and relationship to nearby

dwellings.

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. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. It shall be implemented not later than 12 months from the date the building(s) is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.  
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
4. The dwellings hereby approved shall have level access to all external doorways.  
Reason: To ensure that the development is fully accessible to disabled persons.
5. No development shall take place unless and until details of the existing levels and of the finished floor levels have been submitted to and approved in writing by the Local Planning Authority.  
Reason: For the avoidance of doubt and to ensure a satisfactory development in the interests of amenity.
6. The visibility splay indicated on the approved plan reference CHEL(05) PL01 P shall be implemented to the written satisfaction of the Local Planning Authority before Plots 61, 61A, 62 and 62A are first occupied and shall subsequently be maintained free of obstruction above the height of 0.6m.  
Reason: To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety.
7. A minimum hardstanding of 5 metres shall be provided within the curtilage of each dwelling to the written satisfaction of the Local Planning Authority and thereafter it shall be maintained.  
Reason: To allow adequate space to maintain a vehicle clear of the highway or private shared access in the interests of road safety and amenity.
8. Prior to the development hereby approved commencing:

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

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

9. Following the provisions of Condition 8 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.

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

The approved contamination testing shall then be carried out and validatory evidence (laboratory certificates etc) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site.

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

11. 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.

12. 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.

13. This decision relates to drawings numbered CHEL(05) PL01 P, CH (05) 035 Rev. C and CHEL/HT/CAN/PL01 and, subject to condition 4, 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:** Bury West - Church

Item 04

**Applicant:** OS Communications Ltd

**Location:** LAND AT DAISYFIELD, WELLINGTON STREET, BURY

**Proposal:** CHANGE OF USE OF LAND TO CONTRACTORS YARD; AREA OF OPEN STORAGE; DISTRIBUTION & RECYCLING OF CONSTRUCTION MATERIALS; TRAINING AREA; ACCESS ROAD; BOUNDARY FENCING; ANCILLARY OFFICES STORAGE & LIGHTING.

**Application Ref:** 46433/Full

**Target Date:** 31/08/2006

**Recommendation:** Approve with Conditions

### **Description**

The site, measuring 2.13 hectares, is a disused mostly level area of land situated at the southern end of Wellington Street. It is included within the Bury Bridge/Daisyfield Employment Generating Area (EGA) and is approximately 1.6km from Bury Town Centre. The land to the south and west is open countryside and forms Daisyfield Site of Biological Importance (SBI) There are three categories of SBI, A, B and C. Daisyfield is categorised as Grade B. To the east is the culverted Bury Bolton Canal and Hinds Mill. To the north there are existing modern business premises on the westerly side Wellington Street that are within the EGA. An overhead electricity line crosses the centre of the site.

Recently some tipping of soils, clays and other waste has occurred on the northernmost part of the site, close to the entrance and this unauthorised activity has now ceased as result of enforcement action. The EGA is identified for Class B1 business, B2 general industrial and B8 storage or distribution uses.

It is proposed to develop the site to create an extensive contractor's base with the activity involving particularly materials used in hard landscaping works. The site would be split into three separate zones as follows:

1. At the far southerly end to be used primarily for importing and open storage of contract building materials within separate areas such as aggregates, secondary aggregates, soils, topsoil and cold planings. The maximum capacity is described as upto 50,000 tonnes per annum. Unsorted material requiring recycling would be imported, sorted into components by hand before being exported. Imported material would be segregated into piles not exceeding 4m in height.
2. A central open storage and training area for plant operatives mostly in the construction industry.
3. At the northerly entrance end for storage (part covered) of various stone, sand, soils and materials awaiting recycling associated with the contracting business and distribution of these. New but surplus material to a construction contract, for example, would be imported, sorted and re-packaged for distribution.

Access to each of the separate areas would be from Wellington Street via a new access road. Each area would have a HGV and car parking area, turning area and a small prefabricated office. Lighting would be from floodlights to a maximum height of 5m but no lighting units would be sited within 10m of the westerly boundary with the SBI.

The perimeter of the site would be secured by a 2.4m high paladin fence. Each of the three zones would be similarly separated by a paladin fence. The perimeter of the site with the SBI would include a low planted bund and a 7m wide buffer zone of managed conservation mix grassland situated outside the paladin fencing.

Hours of working would be 6am to 7pm. Sundays (9am to 5pm) would be for maintenance only. There would be 35 full time staff.

According to the planning statement it is estimated that Zones 1 and 3 would attract upto 30 HGV movements and 10 visitor/other vehicles in and out per day. Zone 2 (training area) there would attract upto 10 movements in and out by HGV's and upto 6 such movements by visitor/other vehicles. For the development as a whole this would amount to upto 70 HGV movements and 16 other vehicle movements per normal working day.

The application is accompanied by a Planning Statement Including Drainage Strategy, an Ecological Impacts Assessment and a drainage plan.

It should be noted that a waste management licence will be required for the proposed use.

### **Relevant Planning History**

32506/96 - Manufacturing/Office Unit with associated servicing and car park. Approved 4th February 2007.

37102/00 - Road Extension. Approved 16th May 2001.

Temp Stop Notice 175 - Cease tipping of soils, clays and other waste materials Served on applicant 22nd February 2006. Activity has ceased.

Planning Contravention Notice - Issued 25th April 2006 to obtain further information relating to the above Enforcement Notice.

### **Publicity**

Immediate neighbours notified (9 letters), a site notice displayed and press advert published.

A letter objection has been received from Rakem Ltd. a neighbouring commercial unit on Wellington Street. The concerns expressed are as follows:

- The development should be approved only in stages with the service road and boundary fencing for the whole site and zones first followed by the development of the three zones.
- Wellington Street is unsuitable for standing construction traffic during development. This has already caused them nuisance including blockage of entrances and caused their business to stop operations. Completion of the service road first would provide a suitable area for standing construction vehicles giving them free access and a mud and dust free environment.
- The early erection of boundary fences will ensure that no damage would be experienced to surrounding trees and foliage.
- The three immediate neighbours are well established manufacturing and service companies employing over 60 people. Business interruption due to the development would not be in the interests of the Council and the local community and any conditions should be rigorously enforced.

### **Consultations**

Highways Section - Conditions recommended concerning prior approval to full details of the road and turning area, implementation of visibility splays, turning facilities in the zones,

parking provision and provision of wheel/chassis washing facilities.

Drainage Section - No objections.

Environment Agency - No objection in principle subject to conditions concerning use of an oil interceptor for surface water drainage and regarding the details and implementation for boundary treatment next to the watercourse. The boundary treatment in question forms a part of the submitted details.

Environmental Health - Land contamination and landfill gas mitigation conditions recommended.

Chief Fire Officer - The cul-de-sac length exceeding 250m is acceptable given the use and size of the buildings. The developer needs to ensure suitable water supplies are available for fire fighting.

GM Ecology Unit - Concerns about some of the details and conditions recommended to deal with these. longer term management of the buffer zone/SBI areas to be the subject of a s106 Agreement. A copy of the revised ecological assessment was forwarded to GMEU for further comments not received to date.

GM Police Liaison - No comments to date.

United Utilities - No comments.

National Grid - No comments to date.

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

- EN1/1 Visual Amenity
- EN1/2 Townscape and Built Design
- EN1/3 Landscaping Provision
- EN1/5 Crime Prevention
- EN6 Conservation of the Natural Environment
- EN6/2 Sites of Nature Conservation Interest LNR's
- EN6/4 Wildlife Links and Corridors
- EC1 Employment Land Provision
- EC2/1 Employment Generating Areas
- EC4 Small and Growing Businesses
- EN7 Pollution Control
- EN7/1 Atmospheric Pollution
- EN7/2 Noise Pollution
- EN7/3 Water Pollution
- EN7/4 Groundwater Protection
- PPS10 PPS10 Planning for Sustainable Waste Management
- PPS23 PPS23 Planning and Pollution Control

### **Issues and Analysis**

Principle - UDP Policy EC1 - Employment Land and Provision seeks to ensure that a comprehensive range of employment sites is identified to meet the future needs of manufacturing and service employers. The site is the remaining available portion of such a site (EC1/1/10). Furthermore, it is also within an identified Employment Generating Area (EC2/1/6) which, under Policy EC2 is protected for Class B1 business, B2 general industrial and B8 warehousing uses. The proposed uses would, strictly speaking, not fall within these use classes and would together be categorised as sui generis (ie not falling within a specific use category). However, given their nature which is akin to industrial and storage activity, it is considered that they would be appropriate in principle in this location subject to environmental safeguards.

Where an industrial use such as that proposed abuts an area such as an SBI there is likely to be the potential for conflict. The operations within Zone 1 of the site, the open storage, recycling and distribution of building materials give the most cause for concern. There is a

perception of such a use becoming a dump for waste building materials. However, properly developed and managed it could also be viewed as a useful recycling facility in addition to the benefit of being a local employer. The submitted details present a properly managed scheme that would not be just a depository for builder's waste. However, it is important that appropriate safeguards, through conditions, are attached to any approval.

Policy EN6/2 - Sites of Nature Conservation Interest states that planning permission will not be granted for development which would damage, either directly or indirectly, the nature conservation interests of sites of particular ecological significance such as SBIs unless conditions can be imposed that would acceptably mitigate those impacts. Such mitigation measures could include buffer zones and planting along boundaries for screening purposes.

In terms of pollution control Policy EN7 states that the Council will seek to control environmental nuisance and minimise pollution levels associated with development by limiting the environmental impact of pollution wherever possible. More specific policies relating to pollution EN7/1(Atmospheric Pollution), EN7/2(Noise), EN7/3(Water) and EN7/4 (Groundwater Protection) are also relevant.

Planning Policy Statement (PPS)10 relates to Planning and Sustainable Waste Management and promotes the recovery and re-use of materials if it accords with the overall strategy of waste management within the Local Authority.

Central Government guidance within PPS23 - Planning and Pollution Control indicates that Local Planning Authorities should take full account of the environmental impact of the proposed use. In this respect the any pollution concerns would be regulated by the Environment Agency and the Council's Environmental Health Officer.

Environmental Impact - The site is located on land adjacent to the Daisyfield SBI which is to the west and south. The ecological report submitted with the application concludes that the impact on the adjacent SBI would be low, provided mitigation measures are incorporated to reduce potential impact on bird species, bats and water bodies. Mitigation measures included in the proposals include a low planted bund and grassed buffer zone along the boundaries with the SBI. The buffer zone would be 7m wide on the westerly boundary and incorporate managed grassland (conservation mix and a hedge) and 4m wide on the southerly boundary with woodland edge planting. In addition to the landscaping, there would be a 'no stockpile' strip between the proposed storage material and the landscaped bund around zone 1 (storage/recycling and distribution). The maximum height of any pile of material within zone 1 would be 4m.

Both GMEU and the Environment Agency advocate that there should be a long term maintenance arrangement as a requirement for the landscaping treatment but this is considered to be impracticable.

Illumination would be provided by lighting columns positioned along the proposed access road and on the easterly side of the site and no lighting columns would be positioned close to the boundary with the SBI to avoid light pollution. However, to determine the final details of external lighting a condition should be attached to any planning permission.

To reduce dust the application states that water suppression using a fine spray will be applied in dry periods to loose materials and surfaces to ensure fine particles do not blow from the site. This mitigation measure should also be the subject of an appropriate condition.

Although there are no water bodies within the site, there are eight ponds, two reservoirs, a stretch of canal, three water courses and a wet ditch within 500m radius of the site

boundaries. There is no evidence of water vole activity or suitable habitat. Recent surveys have not found activity of great crested newts either.

In regard to noise it is stated in the accompanying report that all equipment and plant on the site would be fitted with silencers, maintained in accordance with the manufacturer's recommendations and operated in accordance with current health and safety legislation. A condition should be attached to any planning permission to ensure compliance with the stated intention.

Contamination - The operators would require a waste management licence and activities would be controlled by the Environment Agency through that licence. Nevertheless it is considered that conditions relating to contamination mitigation measures should be attached to any approval, as recommended by Environmental Health.

Traffic - The new access road and turning head would be finished to an adoptable standard and would form an extension to Wellington Street. It has been indicated by the Fire Officer that the emergency access would not be essential for a development of this nature.

The vehicular movements outlined earlier in the report are not considered to be inappropriate along Wellington Street, particularly given that the site is allocated for industrial purposes. The Highways Section has no objections subject to the conditions it has recommended.

Local Concerns - There are no residential properties within the general vicinity of the site. The neighbours are commercial units and one of these has expressed a legitimate concern about disruption to its operations and that of its neighbours, particularly during the development period. They have suggested that, if permission is granted, the construction of the road within the site should be a first stage to free Wellington Street from waiting site vehicles. They also suggest that the palisade boundary fencing should be installed as a priority thereby containing the operations to prevent overspill. It is considered that such conditions would be an appropriate means of protecting these neighbouring units and the SBI, as well as other conditions that are being put forward. One of the main concerns appears to be the possible future misuse of the site by the applicant who has already tipped an amount of soil, clay and other material close to the entrance. This is a valid concern particularly in view of the serious problems caused by illegal tipping by other parties on land at Hinds Mill which is located to the east of this site. However, the proper control of a use such as this can be secured by appropriate enforceable 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 proposed use of the land is considered to be appropriate in this location. The site is within an Employment Generating Area and is remote from residential properties. The impact on the adjacent SBI could be mitigated to a satisfactory extent by imposing controls through appropriate planning conditions.

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 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 site 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..

3. Notwithstanding the terms of the General Development Order 1995, or as subsequently amended, no development shall be carried out within the terms of Classes A to D of Part 8 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.

Reason: To ensure that the Local Planning Authority retain control of the operations on the site in the interests of amenity and pursuant to the policies listed below.

4. Notwithstanding the maximum tonnage indicated on the approved plan P181-104 Rev.1, there shall be no storage of waste/recycled materials outside the designated areas hatched in green (Area A) on the approved plans and no material shall be stored at a height in excess of 4 metres.

Reason: In the interests of amenity pursuant to policies listed below.

5. Prior to the operations within Zone 1 commencing, each area within which materials are to be stored shall be demarcated by the concrete dividing barrier indicated on the approved plans numbered P181-104 Rev 2 and P181-109. Materials shall be stored in the specified bays indicated on the approved plans. There shall be no storage of mixed waste outside the area hatched brown (Area B) on the approved plans. The dividing barrier shall be maintained thereafter in situ.

Reason: To prevent mixing of materials and in the interests of amenity pursuant to policies listed below.

6. The prefabricated offices, open storage bays and paladin fencing hereby approved shall be finished in dark green to the satisfaction of the Local Planning, and thereafter they shall be maintained in this colour.

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

7. No development shall be commenced unless and until full details of all lighting columns, including their location, shall be submitted to and approved in writing by the Local Planning Authority. Only the approved scheme of lighting shall be implemented.

Reason: In the interests of amenity pursuant to the policies listed below.

8. No pallets or skips shall be stored within the site at a height in excess of 4 metres.

Reason: In the interests of visual amenity pursuant to the policies listed below.

9. Prior to the development hereby approved commencing:

- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;

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

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

10. Following the provisions of Condition 9 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.
11. 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.
12. 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.

13. 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.
14. The 2.4 metre high site perimeter paladin fencing shall be erected prior to any development, other than the estate road and turning area, commencing.  
Reason: In order to ensure that surrounding land, including the Site of Biological Importance is protected from the effects of development activity.
15. The office and messing accommodation buildings shall be removed at the expiration of a period ending 3 years from the date of this permission.  
Reason: The buildings are of a temporary nature only.
16. Notwithstanding the planting details on plan reference P181-104 Rev. 2, no Salix caprea trees (Goat willow) shall be planted any closer than 50 metres from the edge of the wetland within the Daisyfield Site of Biological Importance.  
Reason: In order to protect the ecological value of the SBI
17. Prior to being discharged to any watercourse, surface water sewer, or soakaway system, all surface water drainage from the development 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 any watercourse.
18. No development shall commence unless and until full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonia Japonica*, *Rouse Decraene*, *Polygonum Cuspidatum*) is submitted to and approved in writing by the Local Planning Authority. The approved management plan shall include a timetable for implementation. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority.  
Reason: To ensure that the site is free from Japanese Knotweed in the interest of UDP Policy EN9 - Landscape.
19. The development hereby approved shall not be commenced unless and until full details of the proposed industrial estate road and turning head have been submitted to and have been approved by the Local Planning Authority. The highway works subsequently approved shall be completed to the written satisfaction of the Local Planning Authority before any other element of the

development is commenced.

Reason: To ensure good highway design in the interests of roads safety and in order to protect the amenities of adjacent occupiers.

20. The visibility splays indicated on the approved plan P181-104 Rev 2 plans shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use and shall subsequently be maintained free of obstruction above the height of 0.6m  
Reason: To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety.
21. The turning facilities indicated on P181-104 Rev 2 within each of the three proposed zones shall be provided before the development is brought into use and shall subsequently be maintained free of obstruction at all times.  
Reason: To minimise the standing and turning movements of vehicles on the highway in the interests of road safety.
22. The vehicle and car parking indicated on the approved plan reference P181 - 104 Rev 2 shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use and this provision shall thereafter be maintained at all times.  
Reason: To ensure adequate off street car parking provision in the interests of road safety and amenity pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
23. Before each phase of the development in commenced, details shall be submitted to and approved in writing by the Local Planning Authority concerning measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site. The approved measures shall be implemented and maintained thereafter during the period of construction of each phase unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To ensure that the adopted highways are kept free of deposited materials from the ground works operations and in the interests of amenity.
24. 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.
25. All reasonable measures shall be taken to ensure that the operations on the site, including the development phases, do not give rise to nuisance by virtue of dust or windblown material including the watering of all haul roads and access road as necessary during dry weather conditions and the collection of any wind blown refuse on a weekly basis, to the satisfaction of the Local Planning Authority.  
Reason: In the interests of the amenities of the area.
26. This decision relates to drawings numbered P181-103, P181-106, P181-107, P181-104 Rev.2, P181-105 Rev. 2, P181-108, P181-110, P181-109, the Planning Statement Including Drainage Strategy dated 1st June 2006, the Amended Assessment of Ecological Impacts of June 2006, and the letter dated 9th August 2006 from Oakbay Design 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:** Bury West - Elton

Item 05

**Applicant:** Factfocus Ltd

**Location:** FORMER ELTON COP DYE WORKS, WALSHAW ROAD, BURY, BL8 1NQ

**Proposal:** RESERVED MATTERS APPLICATION FOR MIXED USE DEVELOPMENT (CLASS - B1 - BUSINESS) & RESIDENTIAL DEVELOPMENT OF 84 NO. DWELLINGS

**Application Ref:** 46286/Reserved matters

**Target Date:** 30/08/2006

**Recommendation:** Minded to Approve

**This application is Minded to Approve subject to the completion of a s106 agreement in relation to the provision of Public Art, Recreation provision, affordable housing provision and phasing/implementation of the class B1 business use. If the agreement is not signed within a reasonable period of time, it is requested that the Borough Planning, Engineering and Transportation Services Officer be delegated to refuse the application.**

#### **Description**

The application site is occupied by vacant buildings of the former Elton Cop Dye Works, which lies to the south of Walshaw Road, from which access to the site is obtained. The site is predominantly surrounded by other industrial and commercial uses to the north, east and west with Guardian Angels Primary School to the south. There is a small amount of residential development adjacent to the site and this is formed by the extremity of a housing estate to the south-west of the site and rows of terraced housing along Walshaw Road and Pilling Street.

The site itself measures between 135m - 180m wide and by an average of 155m deep totalling 2.4 ha in area. The site was occupied by a variety of brick buildings together with a yard, but many of the buildings have since been demolished. The site is substantially enclosed by a high brick wall. There is a row of trees along the Walshaw Road frontage, which are subject to a Tree Preservation Order.

The site has the benefit of outline planning permission, granted on 9th June 2004 for a mixed development of Class B1 use and residential development (ref 42312). No number of residential units were specified within this permission. All matters were reserved for further consideration. The current application now seeks approval of all reserved matters for 3512sqm of Class B1 office development, 0.22ha of public open space and for the erection of 84 dwellings.

The primary access to the site would be from Walshaw Road to all elements of the development, with pedestrian access to both Leigh Lane and Redford Street.

Accompanying the application is a s106 agreement covering provision of Per Cent for Public Art, Recreation provision, Affordable Housing and also for the requirement to implement the employment aspect of the development.

#### **Relevant Planning History**

40770/03 - 95 dwellings - **Withdrawn** by the applicant as the scheme did not make

provision for employment replacement on the site.

42312 - Outline Planning for mixed use development of Class B1 use and residential development - **Approved** 9/6/04.

### **Publicity**

The application has been publicised by site notice on 23/6/06 and by a press notice on 7/6/06. Letters were sent directly to neighbouring properties on 7/6/06 and a full list of addresses can be seen on the file. As a result of this publicity, two letters providing comments have been received. One from 4 Wigglesworth Close and a second via email with no address given.

Points raised include -

- The redevelopment of the site without due consideration for the feed of water from the Lowercroft Reservoirs would be irresponsible.
- The fact that the site has been cleared means that water flows would not be controlled in the same way as it was historically when the site was a working site.
- The site may be better developed for employment uses only, which reflected the previous recommendation to refuse planning permission for the residential only proposals.
- The development proposals are welcomed.

### **Consultations**

Highways Section - Any response shall be reported. However indications are that the development proposals have satisfactorily included required matters raised by the traffic section.

Drainage - No objections.

Environmental Health - No objections. The scheme has incorporated an acoustic fence to the south easterly part of the site as requested.

Environment Agency - No objections.

GMP Police - The Police have provided the following comments:

- Defensible space should be provided around buildings;
- The commercial block should be enclosed;
- The site is too permeable;
- The car parking area to the south of Redford Street should be enclosed;
- A site entrance detail should be considered to provide a symbolic threshold commensurate with the importance of the semi-private nature of the development;
- All car-parking spaces within the site that are not in-curtilage should be dedicated to a residence to avoid conflict of use.
- We strongly recommend in this instance, a water feature is not included within this development. We are aware of too many such features, which are abused and destroyed to the detriment of the residents and the site.
- In order to minimise the risk of crime and the fear of crime, the Police request a condition is attached to any planning consent that the estate is designed to the minimum standards of the Secured By Design award.

United Utilities - No objections.

GMPTE - No objections. Provision should be made for the upgrading of two bus stops in the vicinity of the site and the scheme should incorporate a Green Travel Plan in connection

with the Class B1 office development.

GM Fire Officer - No objections.

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

EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
SPD3	DC Policy Guidance Note 3: Planning Out Crime
EN1/6	Public Art
SPD4	DC Policy Guidance Note 4: Percent for Art
EN8/1	Tree Preservation Orders
EC2/2	Employment Land and Premises
EC6/1	New Business, Industrial and Commercial
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
SPD5	DC Policy Guidance Note 5: Affordable Housing
HT5/1	Access For Those with Special Needs
RT2/2	Recreation Provision in New Housing Development
SPD1	DC Policy Guidance Note 1: Recreation Provision

### **Issues and Analysis**

Principle - The proposals are seeking the approval of the reserved matters including the siting, design, external appearance, landscaping and means of access. The principle of the redevelopment of the site has been established by the granting of outline planning permission in June 2004.

Access, Siting and Layout - UDP policies H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development seek to ensure that development proposals of this type provide appropriate access into and throughout the site, are in keeping with the scale of surrounding existing development and provide appropriate aspect distances between buildings.

The scheme proposals to redevelop the site with roughly half the site in residential and the other half with office Class B1 development. The main access into the site would be achieved by the creation of a new access spine road from the centre of the Walshaw Road frontage, with access to the office development on the westerly side of the site and the residential development to the easterly side of the spinal road.

Visibility splays have been incorporated to the Walshaw Road frontage to the specification required by the Borough Engineer specified within the outline planning permission. The central section of the spinal road incorporates a speed plateau designed to slow traffic where access into the business element would be obtained. The housing would be further accessed off the spine road by two access roads. Both of these are designed to provide pedestrian access where they terminate onto Redford Street and also to the southerly end of the site near to Leigh Lane but not vehicular connections through onto the surrounding roads. This provision is consistent with the aims and conditions of the outline planning permission and would also serve as emergency access should the need arise.

Pedestrian access would also be provided on both sides of an area of public open space, which separates the residential from the commercial areas of the site from the central part

of the site to Leigh Lane.

These elements together provide a permeable estate layout with due regard to restricting vehicular movement.

Design - UDP Policies H2/1 - The Form of New Residential Development and EN1/2 - Townscape and Built Design seeks to ensure that development proposals seek to ensure that the development meets a high standard of design and fit into their context appropriately. All buildings within the scheme have adopted a traditional approach to their design and appearance. The heights of buildings within the scheme are between two and four storeys.

Along the main Walshaw Road frontage, all residential blocks are three storeys in height as is the office block to the westerly side of the entrance. This scale of building would be appropriate within the street scene as the buildings would be set back from the frontage and also would overlook playing fields opposite. Predominantly properties within the estate are 2 and three storeys in height with appropriate aspect distances incorporated.

The office block nearest to EW Andrew textile mill would drop down to two storeys in height reflecting the lower scale of EW Andrew's office building to the west.

Crime and Design Issues - The scheme needs to be assessed against UDP Policy EN1/5 - Crime Prevention and the associated DCPGN3 - Planning Out Crime in New Developments. To this end, the Greater Manchester Police Architectural Liaison Officer has been consulted on the proposals. A number of comments have been received, which are described above. The details of the scheme confirm that defensible spaces are provided around the footprint of buildings with gardens enclosed by 1.8m high fencing or screen walling. The commercial element would also be enclosed by 900mm low wall and railings and the car parking area to the south of Redford Street would be closed off by a 2.1m high acoustic fence. Within communal car parking areas, spaces are allocated to their appropriate plots. All these factors comply with the GMP Police Architectural Liaison Officer's Comments.

The scheme indicates that public art or water feature to be sited at the entrance into the commercial part of the scheme. However, the requirement for public art would be subject to the legal planning agreement and this element would not necessarily be located on this site. The Police also request that a planning condition be imposed to ensure that the site is designed to the standards of Secured By Design. Such a planning condition would not be enforceable and has been successfully challenged at appeal. In view of this, it is considered to be inappropriate to attach such a condition.

Trees - There are currently trees along the Walshaw Road frontage, which are subject to a group Tree Preservation Order. There are other small trees/shrubs along part of the southerly boundary of the site, but otherwise there is little vegetation elsewhere within the site. The scheme proposes to remove the majority of the trees along the frontage of the site to Walshaw Road. This is due to the fact that many are not in good health, heavily restrict each other and many would be within the required visibility splays. The protection order of these trees requires that any removed trees would be required to be replaced. Replacement details have been received and are considered to be satisfactory. A planning condition has already been imposed to require the replacement planting scheme and Tree Protection legislation also ensures the need for replacement of the protected trees.

Bin Storage - All residential properties and the commercial element incorporates the provision of bin storage facilities. Their location has been amended in line with recommendations from Operational Services and confirmation of their acceptability is awaited. Any response will be reported to Committee.

B1 Business Use - The scheme provides replacement employment use on the land in accordance with the requirements of the Outline planning permission. The replacement employment comprises 3512sqm of Class B1 office development located on the westerly half of the site. The site would be enclosed by a combination of walling and railings, 1.8m high, adjoining the Public Open Space and Leigh Lane with 900mm high railings to Walshaw Road. The office space would be provided within three individual blocks spread across the site. The offices would be a combination of three and two storeys in height and 124 car parking spaces would be provided. The key issue of the development is that the employment is actually delivered. To this end, the s106 agreement makes provision for triggers to be put into place requiring the B1 use to be constructed. This is further discussed below.

The Class B1 use is defined as being general office space not principally for visiting members of the public and as a use that can operate within residential areas without undue impact by reason of noise, general activities or nuisance. On this basis, the commercial use as Class B1 use is considered to be acceptable. However, recent experience from other Class B1 uses, particularly Call Centres has shown that these can cause severe problems to highway networks through traffic generation and hours of operation. As such, it is suggested that any approval should include an additional condition preventing the use of the site as a call centre.

Car Parking - Maximum car parking standards are provided within Planning Policy Guidance Note 13 - Transport for Class B1 Office developments. It states that a maximum of 1 car parking space per 30sqm of office floor space can be provided. Using this model, 118 spaces should be provided. The proposals are marginally over this limitation, however they are not significantly so. On this basis, the car parking provision is considered to be acceptable.

Disabled Access - UDP Policy HT5/1 - Access For Those with Special Needs seeks to ensure that the development is accessible to non-ambulant not only to the building and across the site. The scheme indicates disabled parking bays located close to entrances and confirmation of compliance with Part M of the Building Regulations. Lift provision is included within the commercial development to provide access to all levels of the buildings. Disabled wc's are also incorporated. A Design and Access Statement has been submitted confirming that the development would be accessible throughout to comply with the policy.

Cycle Storage - The scheme incorporates provision for other forms of transport in particular cycles. The scheme includes cycle storage within the commercial development, located close to the entrances and in areas of increased visibility to ensure that they are not prone to crime. The commercial buildings also include shower facilities for staff to further encourage the use of sustainable forms of transport.

S106 Agreement - The application proposals are supported with a number of provisions to be incorporated into a Section 106 planning agreement. The agreement is at an advanced stage and awaiting signing following the decision of the Committee. The heads of terms include the need for :

- Per Cent for Public Art;
- Off Site Recreation Provision;
- Affordable Housing;
- Control over the implementation and delivery of the commercial element of the development.

The details of these matters are discussed below.

Per Cent for Public Art - Under UDP EN1/6 - Public Art and associate DCPGN4 - Percent for Art requires new residential developments of 25 dwellings or more to include provision of public art. To this end, provision has been made for the payment of a commuted sum of £25,000.00, reflecting the levels of development costs, construction costs and the requirements of the two policies. In view of this, the development would comply with the policies.

Recreation Provision - Under UDP Policy RT2/2 - Recreation Provision in New Housing Development, new residential schemes should incorporate open space within the layout where 50 dwellings or more are proposed. The scheme does incorporate some provision of open space comprising 0.22ha. The scale of the development would normally be expected to incorporate an on-site provision of 2.4ha. However, shortfalls in provision can be off-set by the payment of a commuted sum in line with UDP Policy RT2/2. In this instance, the developer has included a commuted sum payment within the s106 agreement for £26,897.32 for the improvement of recreational facilities within the vicinity of the site. Such provision is considered to be acceptable.

Phasing - Accompanying the approval of the outline planning permission was a s106 agreement that tied the delivery of the employment element of the development proposals to various stages of the progress of the residential element. As the proposals now have crystallised in terms of siting, floor space and numbers, the s106 agreement with this application should be repeated to reflect the current proposals.

The agreement includes the practical completion of 1,756sq.m (equating to 50% of the office space) prior to the occupation of the 42nd dwelling on the site (equating to 50% of the residential development), with the remaining office space to reach practical completion prior to the occupation of the 75th dwelling (equating to 90% of the of the residential development). Such provision would ensure that the development would secure the aims of the original planning agreement and ensure the development of commercial uses on the site, reflecting the previous employment provision of the former Cop Dye works.

Affordable Housing - Under UDP Policy H4/1 - Affordable Housing and the associated DCPGN 5 - Affordable Housing Provision in New Residential Developments, new residential scheme exceeding 25 dwellings must have an element of affordable housing within them. Current policy is to seek a provision of 25% the overall number of dwellings. The development proposals are seeking the approval of 84 dwellings. Provision has been made within the s106 for 25% equating to 21 units of differing floorspace and randomly located across the site to be affordable housing units. Such provision would comply with adopted Planning Policy and is considered to be acceptable.

Residential Amenity - UDP Policy H2/2 - The Layout of New Residential Development seeks to ensure that new residential developments take appropriate consideration on their relationship to existing and proposed developments. The site layout has been carefully assessed to ensure that appropriate aspect distances are maintain between proposed new buildings within the site. Separation distances provided within the site meet standards sought by the Council for all relationships and as such, the layout is acceptable.

In terms of outside the site, the layout has ensured that there would be no direct overlooking between existing properties and new. Largely, the site is not overlooked by any residential properties but there are gable ends facing the development. As such, there would not be overlooking or aspect issues as a result of the development. In built form, the development has maintained a relatively low profile by ensuring that street scenes are predominantly two or three storey and in keeping in terms of their ridge heights to surrounding properties. As

such, the development would be in context and comply with adopted UDP Policy in this regard.

Response to Objections - The scheme has received only one letter of objection, which commented upon the relationship of the site to its reservoirs located in Lowercroft and the previous refusal of planning permission for residential development.

The Environment Agency have been consulted on the proposal and are aware of the relationship of the site and its previous reliance upon reservoirs, externally located. The scheme incorporates the diversion of an existing culvert and consultation with the Council's own Drainage Section and the Environment Agency have raised no objections to the proposals. On this basis, due regard has been paid to the flows of water from the reservoirs.

In terms of the previous application for residential development, the site had been previously used for employment purposes and UDP Policy EC2/2 - Employment Land and Premises Outside the Employment Generating Areas, seeks to maintain levels of employment on existing sites unless it can be clearly demonstrated that the site or premises is no longer suited in land use terms for continued employment use. On this basis, as no employment uses formed part of the proposals at that time, the proposals could not be supported and the application was in fact withdrawn by the applicant. A revised application was submitted for a mixed use development where the amount of business floorspace shown reflected a realistic level of employment floorspace that had used the site in the past, with the remaining part of the site for residential purposes. On this basis, the outline planning permission was granted (ref: 43212).

The current proposals on the site provide details of the employment floorspace to be developed and through the use of a legal agreement, the business element can be secured. As such, it is considered that employment issues are adequately covered through the outline planning permission and further supported through this reserved matters application.

### **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, with the accompanying s106 agreement and development proposals as shown, provide a suitable development of the site. The development would comply with the Policies of the Unitary Development Plan and there are no other material considerations that outweigh this finding.

**Recommendation:** Minded to Approve

### **Conditions/ Reasons**

1. A minimum of 5 working days written notice shall be provided to the LPA of intended commencement of the development. The notification of commencement shall include a timetabled schedule of the intended tree protection measures and tree works. Any subsequent variation of the timetable shall be subject to further written notice.

Reason - To ensure that the development is carried out in accordance with the approved plans, to protect trees which are of amenity value on the site and pursuant to Policies EN8/1 – Tree Preservation Orders and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or as subsequently amended, the Class B1 (Business) shall not be used for the purposes of a 'call centre'.  
Reason - The access and egress to the site, capacity of the surrounding highways would not sufficiently accommodate the traffic generated from such a use without full assessment and such a use would have a detrimental impact upon the residential amenities of the future occupants of the dwellings within the site.
3. This decision relates to drawings numbered 01-1, 02-1, 03-1, 04-1, 04-2, 04-3, 05-1, 05-2, 05-3, 05-4, 05-5, 06-1, 06-2, 06-3, 07-1, 07-2, 07-3, 07-4, 07-5, 08-1, 09-1, 10-1, 11-1, 12-1, 12-2, 13-1, 13-2, 14-1, 14-2, 15-1, 15-2, 15A-1, 15A-2, 16-1, 16-2, 16-3, 17-1, 17-2, 17-3, 18-1, 18-2, 19, 20, 21, 22, 23-1, 23-2, 23-3; Saville, Bird & Axon report dated July 2006 and bin store detail received 4th August 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 within this decision letter.
4. The soft landscaping scheme hereby approved shall be implemented in accordance with a phasing timetable for landscaping works, which shall be to the written satisfaction of the Local Planning Authority. 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 and H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan.
5. The Class B1 Business use hereby approved shall operate only between 0800 hrs to 2000 hrs daily.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy EC4/1 – Small Businesses of the Bury Unitary Development Plan.

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

**Ward:** Bury West - Elton

Item 06

**Applicant:** Euro Garages Ltd

**Location:** PROSPECT SERVICE STATION, 124-126 BRANDESHOLME ROAD, BURY BL8 1AU

**Proposal:** INSTALLATION OF 3 NO. JET WASHES & FLOODLIGHTS TOGETHER WITH NEW FENCING (RETROSPECTIVE)

**Application Ref:** 46410/Full

**Target Date:** 15/08/2006

**Recommendation:** Approve with Conditions

### **Description**

The application site is a petrol filling station on the fringe of Bury Town Centre. The site is located on Brandlesholme Road, with petrol pumps and shop located centrally within the site together with automated car wash.

Land levels to the north where residential properties are located are higher compared to the site. There are residential properties directly opposite the site across the main road. The southern elevation faces a dilapidated old mill building with just the shell remaining. In between this and the site is a road for access to some terraced properties to the rear of the site.

The application is retrospective for the installation of 3 No. jet washes and floodlights together with new fencing. The jet washes are located to the rear of the site along the north eastern boundary behind which is an area of open land and yard area to the disused mill. The two floodlights at 6m high are directed south towards the proposed new jet wash facilities and 250 watts each. A green metal fence is built off the top of the retaining wall 1.9m high and edges the south, east and part of the northern boundaries. The hours of operation applied for are 8am until 9pm.

### **Relevant Planning History**

39874/02 - 2 x single sided free standing advertising display units - approved 29/11/2002

### **Publicity**

A letter of objection has been received from the resident of 127 Brandlesholme Road located opposite the filling station. The objection can be summarised as follows:

- noise from car wash
- light from car wash
- hours of operation

### **Consultations**

Highways Section - no objections

Environmental Health - no objections subject to conditions regarding the hours of operation and the construction of an acoustic barrier adjacent to the western boundary of the site

Environment Agency - no objection subject to a condition to prevent the discharge of contaminated drainage to the water environment

GM Police Architectural Liaison Unit - no objections

## **Unitary Development Plan and Policies**

S4/4 Car Showrooms, Car Sales Areas and Petrol Filling Stns  
EN1/2 Townscape and Built Design  
EN7/2 Noise Pollution

### **Issues and Analysis**

Residential amenity - The installation of the 3 No. jet washes replaces the previous single jet wash which was located along the south eastern boundary and which was visible from the street and residential properties opposite. In terms of effect on the residents, the relocation of the jet washes to the rear of the site would help to reduce problems emanating from the site in terms of noise, and as such is considered to lessen the disturbance to the local residents. The imposition of an hours condition controlling the use of the jet wash between the hours of 0800 and 2000 Monday to Saturday and 1000 and 2000 on Sundays and Bank Holidays is considered to be appropriate to safeguard the amenities of the residents. Potential noise pollution emanating from the development would also be mitigated by the construction of an acoustic barrier along the north western elevation which would be required by an appropriate condition of any approval.

Halogen lights have been installed to the rear of the site with the light beams directed south towards the new jet wash facilities. The floodlights would operate at the same hours as the jet wash facilities. Given the location and direction of the lamps, the development would not have a serious detrimental effect any of the surrounding residential properties and would therefore not contravene UDP Policy S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations

Visual amenity - The green metal fencing is unobtrusive to the street scene given it is positioned along the side and rear boundaries and would, in effect, contribute to the security of the site. The jet washes located to the rear of the site are not be visible from the street and do not have a detrimental effect on the character of the area and would therefore comply with UDP Policy EN1/2 - Townscape and Built Design.

Objection - The objection refers to the disturbance which would be caused by the operation of the jet washes and the illumination from the lighting throughout the night. Given the location and the hours of operation, the proposals would not have an adverse effect on the amenities of the local residents.

### **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 development on site and taken into account any and all representations and consultation responses, it is considered that the development is acceptable because it would not cause serious harm to the visual amenity of the street scene or the residential amenity of neighbouring properties. The development 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. This decision relates to the drawings received on 20th June 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.
2. The jet wash, associated plant and machinery and all floodlights shall not operate outside 0800 hrs to 2000 Monday to Saturday and 1000 and 2000 on Sundays and Bank Holidays.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EN7/2 Noise Pollution
3. Details of an acoustic barrier scheme to be placed adjacent to the western boundary of the site, shall be submitted to and approved by the Local Planning Authority within 28 days of this approval and be implemented to the satisfaction of the Local Planning Authority within 28 days following the date of the approved plans.  
Reason : To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy EN7/2 Noise Pollution
4. All areas used for the 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 pollution of water.

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

**Ward:** Prestwich - Sedgley

Item 07

**Applicant:** Joseph Holt Ltd

**Location:** FRIENDSHIP INN, SCHOLES LANE, PRESTWICH, M25 0PD

**Proposal:** EXTENSION TO FORM GARDEN SHELTER; TOILET EXTENSION AT REAR

**Application Ref:** 46565/Full

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

**Recommendation:** Approve with Conditions

### **Description**

The Friendship Inn is a large two storey detached red brick Public House close to the junction of Scholes Lane and Bury New Road. There is a beer garden to the front and a car park to the side, adjacent to the north east boundary. The site is within a Neighbourhood Centre. To the south and west are commercial properties within the centre. To the north are houses fronting Hope Park Close. To the east, across Scholes Lane are detached residential properties. The area to the rear of the Public House is comprised of an overgrown garden area with a prefabricated garage adjacent to the existing enclosed rear yard area. The boundary with the houses on Hope Park Close is comprised of a brick retaining wall and waney lap fencing. There are a number of self seeded sycamore trees which affords screening of the site from the properties on Hope Park Close.

The scheme has two elements.

The single storey extension would incorporate improved male and disabled toilet facilities at the rear. It would come out 3.2m from the existing elevation at the back of the public house and run across to meet the existing female toilets. The roof would be pitched and all materials would match the existing.

The proposed shelter would extend out from the rear elevation and have a footprint measuring 7m by 4.8m. The shelter would be a painted steel framed structure with timber paneling and balustrades to a height of 1.1m. The pitched laminated glass roof would have a maximum height of 4.1m. The remainder of the garden at the rear would be landscaped. The trees on the boundary would be retained.

The prefabricated garage, which was to be relocated to a position adjacent to the boundary to the north, has now been deleted from the scheme altogether.

### **Relevant Planning History**

None relevant.

### **Publicity**

Immediate neighbours notified - Three letters of objection have been received from the occupiers of 3, 7 and 11 Hope Park Close, whose rear garden boundaries abut the northern boundary of the site. Their objections are summarised below:

- Increase in noise and disturbance from the Public House.
- Security risk from moving the garage closer to the boundary with adjacent houses on Hope Park Close.
- Loss of boundary trees which would expose the large Public House to the detriment of

- the residents amenity.
- Detrimental impact on property values.

### **Consultations**

Highways Section - No objection.

Environmental Health Section - No objection subject to conditions restricting lighting and loud speakers.

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

EN1/2 Townscape and Built Design  
S2/6 Food and Drink  
H3/1 Assessing Non-Conforming Uses

### **Issues and Analysis**

Appearance and Siting - The rear brick built extension to facilitate improvements to the toilet facilities is considered to be minor in scale and in keeping with the existing public house. It would be well screened from neighbouring properties by the existing wall, fence and trees/shrubs along the boundary.

The proposed garden shelter would extend out into the landscaped garden area and also be well screened by existing boundary walls/fencing and trees/shrubs along the boundary. The vegetation is made up of primarily self seeded sycamores amongst others, which whilst not particularly great specimens individually, do create an effective buffer between the Public House and the rear gardens of houses to the north. Both extensions are considered to comply with the provisions of UDP Policy EN1/2 Townscape and Built Design.

Residential Amenity - UDP Policies S2/6 - Food and Drink and H3/1 - Assessing Non-Conforming Uses are concerned with issues of residential amenity such as noise, smell, visual intrusion and hours of operation. The concerns of the objectors on Hope Park Close regarding noise and disturbance are relevant and material considerations. Given the semi-open nature of the garden shelter there is liable to be increased noise from customers using the garden area. However it is not considered that the level of noise and disturbance would not be serious given the size of the area concerned, the boundary screening, level changes and the restrictions that can be imposed with regard to lighting and noise from loud speakers. Boundary screening would be more effective in Spring and Summer when the trees are in leaf and when residents would be more likely to be in their gardens. Although screening would be less significant in the Autumn and winter the boundary trees would still create an important 'veil' along the boundary. The impact of the proposal would also be mitigated by the significant level changes between the Public House and the houses to the north which are set up by approximately 1-2m. It is pertinent to note that a beer garden within the curtilage of the Public House would not need planning permission. It is the structure(s) within the garden that need permission.

Objections - It is not considered that the noise and disturbance generated by customers in the covered area would be serious enough to warrant refusing the application given the mitigating factors referred to above. The security issues with regard to the garage have been removed with its deletion from the scheme. The revised layout with the garage removed also indicates that the existing trees, although not subject to a TPO, would be retained and pruned as required. This is considered to be acceptable. The objection with regard to property values is not a material consideration.

In the light of the above comments it is considered that the proposal complies with all the relevant UDP policies listed above and that there would be no serious harm to the amenity

of nearby residents.

### **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 proposals are considered to be appropriate and in keeping with the existing Public House and should not seriously harm the residential amenity of the immediate neighbours. 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 4572/03A(revised), 04, 05, 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. Details of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. There shall be no external lighting to the proposed beer garden area at any time other than for emergency purposes.  
Reason. In the interests of residential amenity.
5. There shall be no loud speakers provided to the external areas, including the proposed garden shelter at any time.  
Reason. In the interests of residential amenity.

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

**Ward:** Prestwich - St Mary's

Item 08

**Applicant:** Linkwise Developments Ltd

**Location:** RAINSOUGH BREW, 49 RAINSOUGH BROW, PRESTWICH, M25 9XW

**Proposal:** RESERVED MATTERS - BLOCK OF 16 NO. APARTMENTS

**Application Ref:** 46487/Reserved matters

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

**Recommendation:** Minded to Approve

**This application is recommended minded to approve subject to the completion of a Section 106 Agreement for the payment of a commuted sum under DCPGN 1 - Recreational Provision in New Housing Development. If the agreement is not signed within a reasonable period it is requested that the Borough Planning, Engineering and Transportation Services Officer be delegated to refuse the application.**

#### **Description**

The site comprises the vacant public house and associated car park currently known as the Rainsough Brew (formally the Staff of Life) on Rainsough Brow, Prestwich. The site is around 0.11 ha. in extent, has residential development to the south, a public house (The Plough) to the west, land forming park of Prestwich Forest Park to the north and on the other side of Rainsough Brow and a plot of vacant land to the east. The land slopes sharply down from east to west and the residential development to the south is on higher ground with the The Plough at a lower level.

Outline planning permission was granted last year for residential development and this application is for reserved matters approval for all the details of the development.

The proposal is a development 16 apartments together with associated landscaping and access. The application shows a single block of three storey apartments, with a central vehicular and pedestrian access from Rainsough Brow through the building. The block has been designed so that it takes account of the steep slope on the frontage by the roof line being stepped down in sections to account for the change in levels. The development fronts onto Rainsough Brow with undercroft and surface parking and amenity areas to the rear. There would be a secure rear boundary and walled front gardens with doorway entrances to the building opening onto the frontage.

The application follows the withdrawal of a similar application but for 18 apartments to provide time for detailed discussions about the scheme and to more fully take into account late objections from neighbours.

#### **Relevant Planning History**

44283 - Outline residential development (18 apartments). Withdrawn on 10th May 2005.

44468 - Outline office development. Approved on 29th June 2005.

44616 - Outline residential development (resubmission). Approved on 31st August 2005.

45667 - Reserved matters - erection of a block of 18no. apartments. Withdrawn on 7th March 2006.

## **Publicity**

27 properties have been notified and there have been four responses. These include two individual letters, one from the Plough PH and the other from a householder on Rainsough Brow expressing concerns and objections. There are also a joint letter expressing concerns signed by 5 residents of Halliwell Walk and also a petition with 42 names against the development. The main issues raised include:

- It should be ensured that the access from Halliwell Walk to Rainsough Brow would be maintained to avoid the steep walk up Halliwell Road.
- The car park of The Rainsough Brew is currently used for parking by patrons of The Plough. Would there be alternative provision so that these persons would not use the rear of Halliwell Walk for parking?
- The building will be too high and would overshadow its surroundings.
- The right of way to The Plough and lower part of Rainsough Brow is shown blocked off causing pedestrians a steep climb and adversely affecting trade at The Plough.
- The aesthetic appearance of the building is unsightly and out of keeping with the surrounding area.
- The development would be too close to The Plough's beer garden and the development could lead to the closure of this pub.
- The development would not contribute any facilities to the local community. Five local pubs have closed in the last eighteen months and they do not want to lose their last one.
- Local roads are not in a fit condition for use by the additional traffic.
- There would be loss of privacy through overlooking of two bedroom windows at The Plough
- Due to its height and the change in levels the building would dominate and overshadow The Plough and also cause loss of view.
- The development would screen The Plough thus affecting passing trade.
- There would be insufficient car parking for the development.
- Too much development would be crammed onto a small piece of land.

## **Consultations**

Highways Section - No objections subject to conditions concerning the implementation of visibility splays, proposed access improvements, car parking provision, removal of a redundant access point and requiring no highway encroachment by frontage works.

Drainage Section - No objections.

Environmental Services - Land contamination conditions recommended. These conditions are included in the outline consent and, as such, they are already effective.

## **Unitary Development Plan and Policies**

H2/1 The Form of New Residential Development

H2/2 The Layout of New Residential Development

## **Issues and Analysis**

Principle - The principle of residential development is covered by the outline consent.

Design and Scale - The proposed stepped three storey development is of an acceptable standard of design and its general massing and scale would add to the streetscape quality of the area. In particular, the articulation of the front elevation, the staggered roof line and the detailing on the gables is of a good standard and as such complies with H2/1 - The Form of New Residential Development whilst ensuring that H2/2 - The Layout of New Residential Development criteria are also fulfilled.

Condition 8 of the outline consent requires that the ridge height of the development should not exceed 10.3m above the level of the adjacent highway (Rainsough Brow) and the submitted elevations indicate compliance with this requirement.

Highways - Detailed negotiations have taken place to ensure that a safe access can be provided on the site and conditions are recommended by the Highways Section to ensure that this is the case.

Residential Amenity - The back elevations of the existing residential properties to the rear are situated over 30m from the rear wall of the proposed building and this would achieve a reasonable standard of separation that would be adequate to protect both the amenities of the existing and new residents.

Access to Rainsough Brow - Concerns have been raised that the enclosure of the site would obstruct a public right of way established across the Rainsough Brew car park. However, this is not recorded as a definitive right of way. Nevertheless, the details make provision for a 1.7m wide pedestrian route behind the rear wall of the development from the back street behind the Halliwell Road/Halliwell Walk houses to Flashfields and this would still give a reasonable degree of access onto Rainsough Brow. This provision would fulfill the requirements of condition 15 of the outline consent but its implementation should be ensured via a condition relating to the reserved matters details.

The persons affected have a right to make a claim under the Countryside and Rights of Way Act and this would be dealt with separately from this application.

Recreational Provision - The development would have two small but usable external amenity areas for the residents. As such, it is considered that there would be sufficient open space will be allowed for passive recreation and visual relief within the development to satisfy Policy H2/2. In terms of policy RT2/2 the applicant has expressed a willingness to enter into a s106 Agreement concerning recreation provision for the future residents. In this regard a commuted sum payment of £6,104.96 would be made towards off site provision in order to fulfill the requirements of this policy.

Refuse Collection - The building would incorporate a bin store within the undercroft and located immediately adjacent to the main access. This would facilitate the collection of refuse.

Car Parking - 20 car parking spaces would be provided for the 16 apartments which is considered to be a satisfactory level of provision within with the current maximum standard for housing of 1.5 spaces per unit (PPG3).

In regard to a concern that customers of The Plough use the site for parking and that this provision should be replaced the developer has no obligation to provide parking facilities for another property.

Bats - A bat survey submitted with the outline application indicated that there was no evidence of bat roosts and, given the proximity of the site to the Prestwich Forest Park, that this was not an issue of concern.

The Objections - The issues raised concerning the scale and design of the development, pedestrian access to Rainsough Brow, car parking and highways matters have been dealt with above. The other main issue arising is the impact on The Plough PH. The beer garden to this pub is sited adjacent to the proposed external amenity areas and not immediately to the accommodation. In addition, much of it is about one storey below the level of the nearest part of the block. Although the layout indicates that the boundary here would consist

of railings on an existing brick wall, a more solid form of enclosure would be desirable to create an effective barrier between the residential area and the beer garden. If permission is granted, there should be a condition to resolve the design and provision of this boundary treatment.

Regarding the issue of effect on privacy at The Plough the residential windows in the pub and those in the proposed apartment block would not be directly facing. The westerly elevation of the apartments would overlook the beer garden while the easterly elevation would overlook the pub forecourt and car park. The pub is set over one storey lower than the nearest part of the development site meaning that the top storey of the block would be the equivalent of four storeys plus above pub's ground floor level. However, the development would not affect a main aspect of The Plough and it is considered that the impact on this property would be acceptable.

### **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 submitted details are acceptable in terms of visual amenity, access and impact on the surrounding area. There are no other material considerations that outweigh this finding.

**Recommendation:** Minded to Approve

### **Conditions/ Reasons**

1. 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.
2. Notwithstanding the details on the approved plan 2005/12/03 Rev C, no development shall take place unless and until details of the boundary treatment between the site and The Plough Public House have been submitted to and approved in writing. The development shall not be carried out other than in accordance with the approved details.  
Reason: In order to protect the residential amenities of the residents of the apartments.
3. The development hereby approved shall not be occupied unless and until the westerly redundant access onto Rainsough Brow indicated on the approved plan reference 2005/12/02 Rev A has been reinstated to adjacent highway levels to the written satisfaction of the Local Planning Authority.  
Reason: To ensure good highway design in the interests of pedestrian safety.
4. The visibility splays indicated on the approved plan reference 2005/12/02 Rev A shall be implemented to the written satisfaction of the Local Planning Authority before the development is first occupied and they shall subsequently be maintained free of obstruction above the height of 0.6m  
Reason: To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety.

5. The access improvements indicated on approved plan reference 2005/12/02 Rev A shall be implemented to the written satisfaction of the Local Planning Authority before the development is first occupied.  
Reason: To ensure good highway design in the interests of road safety.
6. The foundations for the proposed 600mm high boundary walls shall not encroach under the adjacent adopted highway at any point.  
Reason:To ensure good highway design in the interests of road safety and to maintain the integrity of the adopted highway.
7. The car parking indicated on the approved plans reference 2005/12/02 shall be surfaced, demarcated and made available for use prior to the use authorised by this permission commencing.  
Reason: To ensure adequate off street car parking provision in the interests of road safety and amenity.
8. The pedestrian route indicated on the approved details at the rear of the development between the roadway at the rear of the Halliwell Walk houses and Flashfields shall be provided prior to the occupation of any of the dwellings hereby approved and it shall thereafter be maintained free of obstruction.  
Reason: In order to ensure the maintenance of a convenient pedestrian link between the Halliwell Road/Halliwell Walk area and Rainsough Brow.
9. This decision relates to drawings numbered 2005/12/01, 2005/12/02 Rev. A, 2005/12/03 Rev. C, 2005/12/04 Rev. B, 2005/12/05 Rev. B and the site location plan received on 9th June 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 - St Mary's

Item 09

**Applicant:** Anthony Morris

**Location:** LAND ADJACENT TO 23 WOODWARD ROAD, PRESTWICH, M25 9TX

**Proposal:** CHANGE OF USE OF LAND TO DOMESTIC GARDEN

**Application Ref:** 46591/Full

**Target Date:** 23/08/2006

**Recommendation:** Approve with Conditions

### **Description**

The site comprises a narrow grassed area to the side of an existing footpath (approx 2m wide) that links Woodward Road with Venwood Avenue to the south and abutting the applicant's property. The footpath is relatively straight with a clear view from Woodward Road through to Venwood. It is unlit with some natural surveillance from the rear of adjacent properties on Venwood Road and Woodward Road. It is located in a residential area of predominantly semi-detached properties. The site is largely screened from the view of pedestrians on Woodward Road, by the fences and hedges of adjacent properties and is really on visible 'head on'. The grass appears to be fairly tidy but with evidence that it is used by dog walkers.

A similar stretch of grassland, adjacent to No.30 Woodward Road has recently been enclosed as garden ground after the occupier of No.30 was successful at appeal in 2004 (See Relevant Planning History). Both sites are indicated on the attached location plan.

### **Relevant Planning History**

40296/03 Change of Use from public open space to garden ground - Refused 18/03/2006. Allowed on appeal 1/04/2004.

### **Publicity**

Immediate neighbours notified - One letter of objection from 27 Woodward Road. Concern relates to the narrowing of the footpath which, it is stated, would make it less safe for members of the public using it.

### **Consultations**

Highways Section - No objection  
Police - No comments to date.

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

EN1/2 Townscape and Built Design  
EN1/5 Crime Prevention

### **Issues and Analysis**

**Principle** - Given the fairly recent appeal success of the occupier of No.30 Woodward Road, diagonally opposite this site, it is considered that the principle of a change of use of this nature, in this location is acceptable.

**Visual Amenity** - Given that the site is small and well screened from angled views from

Woodward Road, its impact on the visual amenity of the street scene is very limited. Enclosing the land as private garden would therefore, given appropriate boundary treatment, have little adverse visual impact.

Safety and security - UDP Policy EN1/5 - Crime Prevention is considered relevant and states:

*The Council will encourage development proposals which include environmentally sensitive design features aimed at discouraging crime. In assessing development proposals particular attention will be given to :*

- a) use and creation of defensible space;*
- b) creation of opportunities for natural surveillance;*
- c) location and design of street lighting;*
- d) location of footpaths and access points;*
- e) location and design of parking facilities;*
- f) design of landscaping.*

Whilst the footpath provides a useful shortcut for local residents, it is not well designed and would be quite intimidating particularly in the evening to members of the public using it.

The question, therefore is whether the proposed enclosure of the grassed space, adjacent to the footpath at the Woodward end, would worsen the situation or reduce use of the footpath as a result of heightened perceptions of lack of security. It is assumed that the erection of a boundary fence or wall would result in some loss of openness and an increased feeling of enclosure, which might contribute to security/safety fears by potential users. However this situation would be little different from the conditions prevailing along the remainder of the footpath. I consider that most users would be likely to be familiar with the area and would be aware of this.

It could also be argued that the narrowing of the footpath would discourage the congregation of local youths which may add to local fears. Further to this, the enclosure would discourage dog fouling along the grass verge.

It is considered that, given appropriate boundary fencing, the proposal would not have a seriously adverse effect on the safety and security of pedestrians using the adjacent footpath. This would accord UDP Policy EN1/5 and the provisions of SPG 3 - Planning Out Crime in New Development.

Given the arguments set out above it is considered that the benefits of enclosing the site as private garden outweigh the disbenefits. The application should therefore be approved subject to conditions.

### **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 of the land would not have a seriously detrimental impact on the visual amenity of the street scene or the residential amenity of the occupiers of nearby properties. There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. This decision relates to drawings numbered P2332 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
2. Prior to the commencement of development, details relating to any 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.

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

**Ward:** Prestwich - St Mary's

Item 10

**Applicant:** Grimshaws

**Location:** GRIMSHAWS, 558 BURY NEW ROAD, PRESTWICH, M25 3BD

**Proposal:** ALTERATIONS TO CAR PARK AREAS

**Application Ref:** 46594/Full

**Target Date:** 24/08/2006

**Recommendation:** Approve with Conditions

### **Description**

The application site occupies a visually prominent position next to the busy M60 /A56 roundabout junction and is a gateway site on the approach to Prestwich Town Centre. The site is situated between the rear of houses in Highfield Road, Willow Road and the M60/ Bury New Road junction 17 roundabout, with access gained via a side road leading off Willow Road. There is fencing and landscaping along the boundary with the rear gardens of the residential dwellings on Highfield Road and Willow Road.

The application is for alterations to the car park areas. With regard to the customer car park, the revised arrangement proposes to increase the width of parking bays to 2.5m and the width of the aisle to 7.2m. An additional two customer spaces will be created. The parking spaces to the north gable of the building are dedicated for cars under repair. The proposal is to increase the number of bays from 12 to 18. The proposed extended areas are shown shaded on the layout plan.

### **Relevant Planning History**

28247/01 - vehicle servicing unit - approved 20/2/2002

### **Publicity**

Immediate neighbours notified - One letter received from No 69 Highfield Road. Concerns are summarised as follow:

- more traffic to the rear of their property
- more movement to the rear of their property
- too close to residential properties
- would result in increase in noise and disturbance.

### **Consultations**

Highways Section - no objections

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

EN1/2 Townscape and Built Design

EN1/7 Throughroutes and Gateways

EN7/2 Noise Pollution

S4/4 Car Showrooms, Car Sales Areas and Petrol Filling Stns

### **Issues and Analysis**

**Residential amenity** - The proposed alterations to the customer car park located adjacent to

the south gable of the building would increase the size of the car park by approx 3.4m by 1.2m. This would enable an increase in the width of all the parking bays and create an additional 2 spaces. The proposed arrangement would delineate the disabled persons parking bays in accordance with Part M of Building Regulations. A distance of 21.2m would be maintained from the extended car park to the rear of the properties on Willow Road. Given there is an existing fence and landscaping along the rear boundaries of these properties the scheme is considered to involve an adequate set back from the dwelling houses to mitigate any impact from noise and disturbance from the site. This would conform with UDP Policy EN7/2 - Noise Pollution and S4/4 - Car Showrooms, Car Sales Area and Petrol Filling Stations.

The proposed development to increase the number of bays from 12 to 18 on the north gable of the building would extend the car park approx 4.8m closer to the rear of the properties on Highfield Road, making the separation distance to No 67 and No 69 Highfield Road 18m and 18.3m respectively. Given this gap and the position of a fence and planting along the boundary, the proposal is considered to have minimal impact on the residential amenities of the local residents. It would comply with UDP Policy EN7/2 - Noise Pollution and S4/4 - Car Showrooms, Car Sales Area and Petrol Filling Stations.

The proposed car park extensions generally extend into the existing lawned area and it is the intention of the applicant to retain the established perimeter landscaping on the site and submit a further landscaping scheme alongside this application for further planting along the boundary. A condition is proposed to ensure implementation of this scheme. The proposed additional landscaping will improve the outlook from the properties on Highfield Road and also complies with UDP Policy EN1/2 - Townscape and Built Design.

Visual amenity - The proposed extensions to the car park are considered not to have an adverse effect on the visual amenity of the area given they would not be visible from the main road and therefore not effect the street scene in any way. It would comply with UDP Policy EN1/2 - Townscape and Built Design.

Objection - The objection from No 69 Highfield Road makes reference to the additional disturbance and noise as a result of the proposals. Given the distance between this property and the development, and the buffer of an existing fence and landscaping along the boundary, the alterations are considered not to contribute excessive noise or disturbance to the already existing layout.

### **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 alterations would not cause serious harm to the residential amenities of the neighbouring properties or the visual amenity of the street scene and is therefore considered to comply with the 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 7128 01A; 7128 02A 7128 03 and 7128 04 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. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. It shall be implemented not later than 12 months from the date the development is first brought into use; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.

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

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

**Ward:** Radcliffe - West

Item 11

**Applicant:** George Wimpey Manchester Ltd

**Location:** CHAPELFIELD MILL, STAND LANE, RADCLIFFE

**Proposal:** VARIATION TO LAYOUT AND UNIT TYPES PREVIOUSLY GRANTED UNDER PLANNING APPLICATIONS 43762 & 45767 FOR 130 DWELLINGS / APARTMENTS

**Application Ref:** 46423/Full

**Target Date:** 01/09/2006

**Recommendation:** Minded to Approve

**This application is Minded to Approve subject to the completion of a s106 agreement in relation to the provision of Public Art, Recreation provision and affordable housing provision. If the agreement is not signed within a reasonable period of time, it is requested that the Borough Planning, Engineering and Transportation Services Officer be delegated to refuse the application.**

#### **Description**

The application site concerns a 1.53ha site, currently in employment use, comprising a petrol filling station fronting to and directly accessed from Stand Lane and a number of older commercial/industrial premises accessed via an unmade access road from Stand Lane. The majority of the site comprises a series of small level plateaus. However, the general topography of the site is a valley side descending into a wider valley form. A Grade B Site of Biological Importance (SBI) is located to the west of the site.

The uses of the site vary but comprise mainly Class B2 - General Industry uses including a waste transfer station, pallett storage and vehicle repairers. The immediate wider area is predominantly residential in character to the north and east, with an industrial premises partway down the site along part of the southerly boundary and a golf course to the west.

The application is seeking full planning permission for the erection of 130 residential properties including 26 houses, with the remaining dwellings being apartments. This scheme is a variation to an already approved scheme, which was submitted by a different developer and has since passed the site on. The apartment blocks within the current scheme differ in height across the site and include 3 storey buildings along Stand Lane and 4 storeys in height in the middle and lower end of the site, Two and a half storey houses are proposed also. A newly formed access road would be created from Stand Lane and would be a single spine roadway running through the site. The development also includes an area of recreational space located approximately two-thirds into the site.

#### **Relevant Planning History**

03888 - Infill disused reservoir - Approved - 20/1/77

08815 - Weighbridge, offices and garage - Refused 13/12/79

08816 - Steel portal frame to replace roof - Approved 20/9/79

41836 - Outline residential development - Withdrawn 10/3/04

43762 - Full planning permission for 130 dwellings - Approved - 22/9/05

45767 - Variation of approved access and site entrance layout previously granted under 43762 with amendment to plots 1 to 4 and 121 to 130 to include the substitution of 2

apartment blocks for one. - Approved – 17/2/06

### **Publicity**

The application was publicised through site and press notices 14/6/06 and by direct letters sent to surrounding properties. Neighbours have also been reconsulted on 15 August 2006 informing them of revised siting of the substation and minor amendments to the layout. Full details of all the addresses can be viewed within the working file. As a result of this publicity, 1 letter of objection has been received from 254 Stand Lane. Points of concern include:

- The scheme indicates a substation next to his garden and it could be easily relocated to affect no neighbours to the site.
- The scheme proposes to remove a tree within the site next to his garden and should be replaced.

### **Consultations**

Traffic Section - Any comments will be reported to Members but indications are that all traffic matters have been incorporated into the schem.

Drainage - No objections in principle.

### **Environmental Health -**

Contaminated Land - A report has been submitted and there are no objections to it in principle. They recommend that a planning condition be imposed on any grant of planning permission to continue site investigations, carry out appraisals and propose a remediation strategy that should be carried out should the development commences.

Air Quality - The development is unlikely to result in significantly increased levels of pollutants.

Pollution Control - No objections in principle subject to the addition of a planning condition requiring windows facing Bankside Mill to be acoustically treated.

G M Police - Meetings have taken place with the developer and GM Police. The Police confirm that there is no reason why the development would not achieve Secured By Design accreditation.

The Environment Agency - Initially objected to the proposals due to potential for flooding and the proposals did not make sufficient reference to works proposed to the existing culvert at the lowest part of the site. Revised plans have been received and forwarded to the Agency and their objection is expected to be withdrawn. Levels information have been submitted indicating the works that would involve improvement to the existing culvert. This work would need to be carried out with the agreement of the Agency. Any response received will be reported to the Committee.

Greater Manchester Fire Service -No objections.

GMPTE - They consider that the site is reasonably well located in relation to public transport systems and therefore the future residents would have a choice of different transport modes to use.

United Utilities - No objections to the scheme subject to conditions concerning the need for separate drainage systems being incorporated into the development.

Greater Manchester Ecology Unit - Initially objected to the scheme on the grounds of insufficient buffer to the SBI to the west of the site. They also requested that adequate

fencing is erected to protect the wetland areas to the westerly boundary. Revised plans increasing the buffer to the SBI have been forwarded to the Unit for comments, but no response has yet been received. Any further comments will be reported. It is likely to be acceptable as the buffer proposed would be the same as previously accepted on the approved scheme.

Transco - No objections to the scheme.

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

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
EC2/2	Employment Land and Premises
HT2/4	Car Parking and New Development
RT2/2	Recreation Provision in New Housing Development
EN1/6	Public Art
SPD1	DC Policy Guidance Note 1: Recreation Provision
SPD2	DC Policy Guidance Note 2: Wildlife Links & Corridors
SPD3	DC Policy Guidance Note 3: Planning Out Crime
SPD4	DC Policy Guidance Note 4: Percent for Art
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD7	Development Control Policy Guidance Note 7

### **Issues and Analysis**

Principle - The site is currently in employment use, with numerous small businesses occupying land and dilapidated buildings. The site is not specifically allocated for any specific use within the UDP. However, the site benefits from full planning permission for 130 dwellings under reference 43762. This planning approval was granted on the basis that the proposals sufficiently demonstrated that the site was no longer suitable for employment purposes given the physical constraints, topography, poor state of the buildings poor access to the site and little market interest for employment use. Policy EC2/2 is not a restrictive policy in terms of permitting other uses, providing sufficient justification is provided. It is considered that given these very specific circumstances, the loss of this site to an alternative use would be considered to be acceptable.

Given these matters, the principle of residential development has already been established on this site. In terms of DCPGN7 - Managing the Housing Supply in Bury, one of the exceptions to this policy is where a valid planning permission exists residential development can be acceptable in principle providing that there would be no net gain of dwellings on the site. The scheme under consideration does not proposed additional dwellings over and above approved dwellings for the site. As such, the principle of the development is accepted.

Residential Development and Layout - The scheme proposes 130 dwellings, comprising a mix of town houses and apartment blocks and is a variation to the layout and house types of the already approved planning approval. UDP policies H1/2 - Further Housing Development, H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Developments, seek to direct new residential schemes towards the urban area

and to ensure that high standards of design and layout are achieved within new schemes and that the amenity of existing surrounding properties are considered when assessing new proposals for residential development.

The development would be well located in terms of the urban area and would continue the predominant land use of housing in the immediate locality. Given the site's location and the proposed use and the inappropriateness of new commercial or industrial development, the development of the site for residential purposes is considered to be an appropriate one.

The heights of the proposed buildings generally reflect their surrounding context. At Stand Lane itself, the development proposes new 2 and 3 storey development and where levels fall to the west, the buildings take advantage of the change in levels by introducing higher buildings. Despite this, the scheme still reflects the topography with buildings stepping down towards the lower levels.

The development proposes a single access spine road into the site, with new buildings forming the street wall. Car parking would generally be kept to the rear of the new buildings and aspect distances between new and existing buildings indicated within the scheme would comply with Council requirements. New screen fencing is proposed and details have been submitted to indicate this. The proposed fencing would comprise 1.8m close boarded fencing with 0.3m trellis, which satisfies the requirements of the GMP Architectural Liaison Officer. To the frontage of the site and easterly boundary to the SBI, 0.9m railings are proposed, which would soften the appearance of the development to these edges.

Bin storage is indicated and communal storage would be provided for the apartment blocks. Cleansing confirm no objections to the provision.

Given the above, it is considered that the development would comply with UDP Policies H1/2 - Further Housing Development, H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Developments.

Affordable Housing - UDP Policy H4/1 - Affordable Housing requires the provision of affordable housing in new residential schemes of 25 units or more and the associated Development Control Note 5 - Affordable Housing Provision in New Residential Development. has taken the UDP policy on further by providing specific guidance on how the policy can be successfully incorporated into such schemes.

The threshold where the Council seeks affordable housing in new residential schemes are for sites with:

- 25 dwellings or more; and
- on residential sites of 1 hectare or more, irrespective of the number of dwellings proposed.

The application is accompanied by a s106 agreement requiring the provision of 30 units to qualify as affordable units. The agreement provides for a mix of accommodation types and sizes spread across the site. It is considered that on the basis of the agreement, the provision for affordable housing is acceptable.

Recreational Provision and Footpath - New residential development for more than 10 dwellings are required to comply with UDP Policy RT2/2 - Recreational Provision in New Residential Development. The scheme proposes 130 new residential dwellings and comply with the policy, a hybrid solution is proposed to address the policy by:

- providing an area of open space on site; and
- by providing a commuted sum for nearby off-site improvements to recreational

provision.

The scheme provides some level of on-site provision part way into the site. However there would be an under provision, for which the s106 agreement would, through the provision of a commuted sum, provide for the shortfall in required space. The required commuted sum contribution would be £52,212.46. Such provision is considered to be acceptable.

The scheme maintains a footpath in the south-westerly part of the site that would connect in to the existing walkway through the nearby Barratts estate. The finalised details of the finish to the footway surfacing can be secured through the imposition of a planning condition.

Ecological Matters - The application includes a bat survey of existing buildings on the site and also a habitat survey, taking in the proximity of the Grade B SBI to the west. Both surveys have been carried out with sufficient rigour. However, given the time of year of the respective surveys, there would be a need for conditions, should planning permission be granted, to re-survey the areas and for appropriate landscaping to be carried out. Revised plans have also broadened the buffer area to the SBI and removed potential pollutants by removing the car parking from this area. Such revisions are considered to be acceptable.

There is evidence of Japanese Knotweed within the site and in accordance with advice from the Environment Agency, a report has been submitted to eradicate this invasive species from the site. The report specifies a number of options but does not finalise which option to implement as some further investigations are necessary. In view of this, a planning condition should be imposed to agree the final scheme to treat this species.

Traffic and Car Parking - A full transport assessment was been submitted with the original application for 130 dwellings, which sufficiently demonstrated that the development could be assimilated into the area without undue impact upon surrounding highways. The scheme under consideration now proposes the same level of density as already approved and the original agent who carried out the transport assessment provides confirmation that the current scheme would not create any additional concerns. On this basis, there are no additional issues in terms of traffic generation.

Parking provision varies across the site, dependant upon the type of accommodation being provided. For the town houses, 175% is provided. For 1 and 2 bed apartments provision would be 100%. Across the site, disabled parking would be provided at 5%. In view of these levels and the response from the GMPTE, it is considered that sufficient parking would be provided by the development.

Provision for Public Art - Unitary Development Plan Policy EN1/6 - Public Art and the associated Development Control Policy Guidance Note 4 - Per Cent For Public Art seeks to add value to development by utilising the arts to assist in increasing quality in the environment. The provision of Public Art is a material planning consideration when determining major planning applications where developments comprise:

- 25 dwellings or more;
- where the gross floorspace to be built would exceed 2,500 sqm or more; or
- where the development site would exceed 1 hectare or more.

The developer is seeking to comply with the policy by the provision of a commuted sum payment of £25,000.00 through the s106 agreement. This provision would reflect the scale of the development and on-site constraints. On this basis, the development would comply with the policy for public art.

## **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 an amendment to an already approved scheme. The layout and design of the development, would remove and remediate a contaminated site. The development would create a beneficial use on the site and would comply with the Unitary Development Plan Policies and associated Development Control Policy Guidance Notes and there are no other material considerations that outweigh this finding.

**Recommendation:** Minded to Approve

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. The disability parking bay(s) shown on the approved plan PL01/I shall be laid out and made available for use prior to the building(s) hereby approved being occupied, to the written satisfaction of the Local Planning Authority, and thereafter maintained.  
Reason. To ensure that the development is fully accessible to disabled persons.
3. There shall be no storage of any materials including soil along the westerly side of the site adjoining the Site of Biological Importance. This area should also be maintained free throughout the construction period until such time that the provisions of condition 19 are implemented.  
Reason: To ensure that there will be no increased risk of contamination to the protected species within the ecologically sensitive Site of Biological Importance.
4. A comprehensive construction design shall be incorporated into the proposed building to prevent the ingress of landfill gas or ground gas, to be agreed in writing with the Local Planning Authority before work commences, 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.
5. The development hereby approved shall not commence until proposals for the provision of cycle parking, in accordance with the Greater Manchester Cycle Parking Guidelines 2002, have been submitted to and approved in writing by the Local Planning Authority.  
Reason. To secure satisfactory cycle facilities on site and in accordance with Unitary Development Policies HT6 - Pedestrians and Cyclists; HT6/1 - Pedestrians and Cycle Movement.
6. Prior to the commencement of the development and throughout the construction period, a temporary metal protective fence shall be erected along the periphery of

the Reservoirs of the Chapelfield Site of Biological Importance. Details of the type of protective fencing to be used shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To protect the local wildlife site and to prevent debris and construction material from encroaching into this area.

7. No works or development shall take place until full details of all proposed buffer tree planting adjacent to the Site of Biological Importance have been approved in writing by the Local Planning Authority. The approved details only shall be implemented.

Reason - To ensure that appropriate species and maintenance proposals are carried out in close proximity to the adjacent Site of Biological Importance.

8. The visibility splays and forward visibility envelopes indicated on approved plan ref. A/02-04 shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use and subsequently maintained free of obstruction above the height of 0.6m.

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

9. The improvements to Public Right of Way No. 7, St. John's, Radcliffe indicated on approved plan ref. A/02-01 rev. D shall be implemented to the written satisfaction of the Local Planning Authority before the development is first occupied brought into use.

Reason - To ensure good highway design in the interests of road safety.

10. Prior to the development hereby approved commencing:

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

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

11. Following the provisions of Condition 10 of this planning permission, where remediation is required, the approved remediation strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the conclusions and actions taken at each stage of the works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.

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

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 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.

13. 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.

14. The car parking indicated on the approved plan A/02-01 Rev. D shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the building hereby approved being occupied.

Reason. To ensure adequate off street car parking provision in the interests of road safety.

15. This decision relates to drawings numbered A/02-01 rev. D, A/02-02 rev.A, A/02-03 rev. A, A/02-04; 576 02, 576 03, 576 04, 0553/D1735/PL4, 0553/A609-A665/PL4 rev. A ;055/A656V/ - PL1, PL2, PL3, PL4, PL8, PL9, PL10, PL11; H1089/ - PL3, PL4; BLOCK1/ - PL12, PL13, PL14; BLOCK2/PL8, PL9, PL10, PL11, PL12, , PL13, PL14; FENCE 2, FENCE 5, FENCE 18, FENCE 4; 9218/11/ - 03C, 04B; 9218/12/ - 01A, 02A, 9218/ - 10/01E, 11/03C, 11/04B, 12/01A,12/02A, 13/01, 14/02A, 14/07 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.

16. Full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonica Japonica*, *Rouse Decraene*, *Polygonum Cuspidatum*) shall be submitted to and approved by the Local Planning Authority prior to the commencement of work on site. The approved scheme shall be implemented prior to the development commencing.

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

17. 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.
18. The residential accommodation hereby approved facing Bankside Mill shall include acoustic glazing and acoustically treated ventilation in accordance with an acoustic attenuation scheme to be submitted to and approved in writing by the local planning authority before the development commences. The acoustic attenuation scheme hereby approved shall be implemented in full before use of the residential premises first commences.  
Reason. To protect the amenity of the occupants of the premises once the development hereby approved is occupied.
19. No vegetation clearance shall be carried out on the site between 1st March and 31st August inclusive in any year unless otherwise approved in writing by the Local Planning Authority.  
Reason - To prevent unacceptable impact upon nesting birds and pursuant to Planning Policy Guidance Note 9 - Nature Conservation and draft Planning Policy Statement 9 - Nature Conservation.
20. The development hereby approved shall not be commenced unless and until a white lining and road marking scheme on Stand Lane in the proximity of the site access to tie into existing lining and markings has been submitted to and approved by the Local Planning Authority and subsequently implemented prior to first occupation.  
Reason - To ensure good highway design in the interests of road safety.
21. Details of the provision of bat roost tubes shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location and specification of such measures and the development shall be carried out incorporating the approved measures.  
Reason. In order to ensure that no harm is caused to a Protected Species.
22. 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.

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

**Ward:** Radcliffe - West

Item 12

**Applicant:** The Govenors

**Location:** CAMS LANE PRIMARY SCHOOL, CAMS LANE, RADCLIFFE, M26 3SW

**Proposal:** SECURITY FENCING ALONG BOUNDARY TO DEAN STREET

**Application Ref:** 46699/Full

**Target Date:** 14/09/2006

**Recommendation:** Approve with Conditions

### **Description**

The site comprises the frontage of Cams Lane CP School onto Dean Street in Radcliffe (approximately 60m). There is an existing boundary fence along the back of the footpath at present with a row of mature trees behind it. To the north, across Dean Street are a row of terraced houses. To the south are the school playing fields.

The proposal is for the removal of the existing dilapidated school boundary fence and its replacement by a 2.4m high paladin style fence coloured green.

### **Relevant Planning History**

45025. Proposed Security Fencing (modified to exclude this location). Approved September 2005.

### **Publicity**

Neighbours have been notified. Four individual letters of objection and a petition with 42 names, against the proposal, have been received from occupiers of Dean Street and Bolton Road. Objections are summarised below:

- The fence would adversely impact on the open character of the street and have the appearance of a prison.
- It would be unsightly and interfere with open views.
- It will not improve security.
- Children would be forced to play at the bottom of Dean Street which is more dangerous in traffic terms.
- One objectors states that he does not want to pay for the fence (through taxes).

### **Consultations**

Greater Manchester Police Architectural Liaison Unit - comments awaited.

Highways Section - comments awaited.

Landscape Practice - no objections subject to a condition relating to tree protection during construction.

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

EN1/2 Townscape and Built Design  
EN1/5 Crime Prevention  
CF2 Education Land and Buildings  
EN8/2 Woodland and Tree Planting

### **Issues and Analysis**

**Security** - the proposed fence replaces an existing fence that is insufficient in terms of its security for the site. The proposed fence is of a type recommended by the Greater Manchester Police Architectural Liaison Unit and will be built as part of a scheme to secure the whole site. As such it accords with Unitary Development Plan Policy EN1/5 - Crime Prevention.

**Streetscape** - the fence is of an open mesh type that allows views through onto the trees and the playing fields. As such it will impact on the street scape but given its type it will not impact to such an extent as to be detrimental to the street scene and as such it accords with Unitary Development Plan Policy - EN1/2 - Townscape and Built Design.

**Trees** - the proposed new fence follows the line of the existing fence line and therefore accounts for the presence of a large Sycamore Tree by avoiding its rootplate and canopy. As long as trees in relation to construction BS 5837 (2005) is observed the other trees in this line are approximately 3 metres back from the existing fence and should accept the new fence without recourse to pruning or removal. The proposal is therefore acceptable in terms of its impact on trees. A condition requiring tree protection measures during construction is considered to be appropriate.

**Residential Amenity** - the fence is on the line of the existing boundary fence on Dean Street. It is situated some 10m from the fronts of the properties on Dean Street which overlook the playing field and trees thereon. The open style of the fence allows views through onto the playing fields and whilst it will impact on the residential amenity it is not considered that this will be to such an extent that would warrant refusal.

**Objections** - the fence will have an effect on the character of the area. However given the design of the fence and its limited impact in other locations in the Borough, the effect is unlikely to be serious enough to warrant refusing the proposal. This section of fencing is part of an ongoing programme for the provision of fencing around the site as a whole and as such it will not be a full solution but will prevent access to the playing field from Dean Street which will improve security for the school.

### **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 all representations and consultation responses; it is considered that the proposed development is acceptable because it would not be of detriment to the visual amenities of the nearby residents, would enhance security at the school and accord with the relevant unitary development plan policies.

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 MAH/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 development hereby approved shall not commence unless and until a scheme of protection for all trees to be retained on site in accordance with BS 5837:2005 "Trees in Relation to Construction" has been submitted to and agreed in writing by the Local Planning Authority. The development shall not commence unless and until the measures required by that scheme have been implemented, to the written satisfaction of the Local Planning Authority and all measures required by the scheme shall continue until the development has been completed.  
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

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

**Ward:** Ramsbottom and Tottington -  
Ramsbottom

Item 13

**Applicant:** Healey Construction Ltd

**Location:** KAY BROW YARD, KAY BROW, RAMSBOTTOM, BL0 9AY

**Proposal:** DOOR AND WINDOW SHUTTERS, EXTRACTION DUCT AND AIR  
CONDITIONING SYSTEM (RETROSPECTIVE APPLICATION)

**Application Ref:** 46686/Full

**Target Date:** 11/09/2006

**Recommendation:** Approve with Conditions

### **Description**

The application site is located in a mixed commercial and residential area to the south of Kay Brow. To the south and west of the site on Grants Lane are two storey dwelling houses. Nos 1-7 Grants Lane are separated from the site by a rear access road whilst Nos 17-27 have a narrow pedestrian rear access between the rear gardens and the application site. Opposite the site is a disused mill. The site has a historic Class B2 Use - General Industry and is occupied by a variety of businesses.

The application is retrospective for door and window shutters and extraction duct. It is also proposed to install three air conditioning units on the side/ western elevation. The black metal roller shutters relate to the doors and windows on the front elevation facing Kay Brow. Two new grey sliding metal shutters would be attached to the two side windows.

The extraction duct is located on the roof of the building opposite the properties Nos 5 and 7 Grants Lane. The duct is used to facilitate ventilation from the car spraying unit.

### **Relevant Planning History**

43344 - Industrial units for office and storage - approved 15/12 2004

41587 - Retention of portable building - approved 21/1/2004

### **Publicity**

Residents in the local vicinity notified including those on Kay Brow, Square Street and Grants Lane. Five letters of objection from four different addresses have been submitted from Nos 3 (3 letters), 5, 19 and 21 Grants Lane. The main points of concern are summarised as follows:

- fumes from the flue extractor on top of the unit are affecting their health;
- noise and pollution from the proposed air conditioning unit;
- trespassing on their land;
- door and window shutters are unsightly.

### **Consultations**

GM Police Architectural Liaison Unit - recommend the roller shutters installed are to police preferred specification.

Environmental Health: Noise Pollution - a condition to be included requiring noise emissions not to exceed NR curve 25; Air Pollution - the submission of a revised drawing demonstrating the flue to be 1m in height and not fitted with any restriction at the opening by

a cowl or cap would be acceptable.

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

EC2/1 Employment Generating Areas  
EN1/2 Townscape and Built Design  
EN7/2 Noise Pollution  
EN7/1 Atmospheric Pollution

### **Issues and Analysis**

Principle - The principle of the use of the site for industrial purposes is not an issue as the existing use is Class B2 - General Industry. The issue in this case is whether the existing door and window shutters and raised duct and proposed air conditioning units are appropriate both in terms of their appearance and with respect to the impact on the residential amenity of neighbouring occupiers by reason of noise and fumes emanating from the duct and air conditioning units in particular.

Visual amenity - The roller shutters to the door and window openings on the front elevation are considered to be acceptable in terms of design and colour and would not be intrusive to the street scene. The roller shutters to the two side windows on the western elevation are flush to the wall so as not to inhibit the flow of vehicular and pedestrian traffic. Given the shutters are on an industrial building with B2 Use it is considered acceptable and would comply with UDP Policy EN1/2 - Townscape and Built Design.

The flue, although visible from the rear of the properties on Grants Lane, would not be so obtrusive to the visual amenity or character of the area as to warrant its refusal.

The proposed air conditioning units would be 850 X 540 X 320 deep and would be located on the western elevation: two of which to be positioned at a low level behind the existing concrete panel fence; and one at a high level on the existing stone wall above the window shutter. Given two of the units would be hidden from view and one unit would face the blank side elevation of No 38 Kay Brow, the proposal is considered not to effect the visual amenity of the area.

Residential amenity - The application site has an existing B2 Use - General Industry, and by its very nature the site will generate some noise and disturbance. Whilst the planning system seeks to control any disturbance as far as possible through conditions such as the restriction of opening hours etc, particularly where there are residential dwellings in the vicinity, day to day noise and pollution control would be regulated by existing Environmental Health legislation. In order to satisfy the requirements of the Environmental Health Section revised plans have been submitted that proposes to increase the existing height of the flue a further 1m above the roof to ensure that pollutants emitted are sufficiently dispersed and diluted in the atmosphere. This would mitigate the impact of fumes emanating from the duct on the residential properties. It is recommended that the raised flue be installed within 28 days of this approval. There would be a separation distance of approx 12m from the rear of the properties on Grants Lane from the flue which would reduce the potential effect from any fumes which would comply with UDP Policy EN7/1 - Atmospheric Pollution. Notwithstanding the above, emissions from the extraction duct and associated plant would be regulated by the Environmental Health Section through existing Environmental Health Legislation.

The proposed air conditioning units would have an external noise level of 54dB. Notwithstanding this noise level it is considered appropriate to attach a condition restricting noise levels to comply with Environmental Health legislation (Noise Rating curve 25).

Objections - The main cause of concern to the objectors is the production and effects of the fumes from the flue. Given the advice from the Environmental Health Section on the size and position of the flu, the development is considered acceptable in terms of air and noise pollution control.

Reference has been made to the shutters being unsightly. Given they are related to an industrial building and have been installed flush to the walls on the western elevation facing the dwellings, they are considered not to have a detrimental effect on the street scene.

The land ownership issue has been corrected by the submission of a revised plan showing that all of the application site is within the ownership of the applicant.

### **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 existing and proposed development is considered to comply with policies of the Unitary Development Plan listed. It is considered appropriate given the industrial nature of the site. The proposal would not seriously harm the residential and visual amenity of nearby residents. There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The installation of the air conditioning units 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 362/1A and dated 10th August 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.
3. Details of the proposed extract ventilation and filter plant shall be submitted to the Local Planning Authority for written approval within 14 days of this decision notice. The subsequently approved scheme shall be implemented in full within 28 days of the written approval. The scheme shall be maintained in situ thereafter to the satisfaction of the Local Planning Authority.  
Reason - To ensure that pollutants are rendered innocuous and to prevent odours from causing nuisance to nearby occupiers pursuant to UDP Policies EN1/2 - Townscape and Built Design; EN 7/1 - Atmospheric Pollution and EN 7/2 - Noise Pollution.
4. In considering the design of any exhaust fan(s) and/or flue(s), noise emissions associated with any proposed plant shall not exceed NR (Noise Rating) curve 25, as measured in the bedrooms of adjacent properties with the windows of those properties open in the normal manner for ventilation purposes.  
Reason - To safeguard the amenities of the occupiers of nearby residential

accommodation pursuant to Policy EN7/2 - Noise Pollution

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

**Ward:** Ramsbottom and Tottington -  
Ramsbottom

Item 14

**Applicant:** Pymgate Construction

**Location:** PACK HORSE HOTEL, 139 WHALLEY ROAD, SHUTTLEWORTH, RAMSBOTTOM,  
BL0 0DG

**Proposal:** DEMOLITION OF EXISTING BUILDING AND ERECTION OF FIVE APARTMENTS  
WITH AMENDMENTS TO FOUR TOWNHOUSES PREVIOUSLY APPROVED  
(RESUBMISSION)

**Application Ref:** 46711/Full

**Target Date:** 19/09/2006

**Recommendation:** Approve with Conditions

### **Description**

The site comprises the former Pack Horse Hotel in Shuttleworth. The site is roughly rectangular in shape and slopes quickly away from the main road down towards the farm and open land to the rear. There are terraced residential properties on the northern and southern boundaries, a farm and farm buildings on the western boundary and the eastern boundary is formed by Whalley Road.

The proposal is for the demolition of the Pack Horse Hotel and its redevelopment with 5 apartments and a linked development of 4 townhouses to the north of the new building. Materials proposed are stone walls with blue slate roofs.

The proposal is a modification to an earlier scheme that involved the conversion of the Hotel to 5 apartments and the development of 4 townhouses.

### **Relevant Planning History**

43916 - Conversion of the hotel to 5 apartments and for 4 townhouses. Approved February 2005.

### **Publicity**

20 neighbours have been notified and two letters letter of objection has been received from 6 Henry Street and 127 Whalley Road. The objections can be summarised as follows:

- insufficient car parking on the site as only 9 spaces are shown and people have an average of 2 cars

### **Consultations**

Highways Sections - no objections subject to standard conditions.

Drainage Section - no objections.

Environmental Health - comments awaited.

Greater Manchester Police Architectural Liaison Unit - various comments on the security of the site which have been forwarded to the applicant's agent.

Cleansing Services - comments awaited.

Baddac - comments awaited.

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

PPG3 PPG3 - Housing

- EN1/2 Townscape and Built Design
- EN1/5 Crime Prevention
- H1/2 Further Housing Development
- H2/1 The Form of New Residential Development
- H2/2 The Layout of New Residential Development

### **Issues and Analysis**

Principle - the redevelopment of the site and its use for residential purposes has been established by the previous approval ref: 43916.

Design - Replacement Building. This is a modern building that reflects the massing and scale of the existing building on the site. It has been repositioned so as to improve access for people with disabilities and to facilitate more private amenity space for the future residents. The orientation of the habitable room windows is such that they conform with the aspect standards of the Council and the general scale of the detailing is also acceptable. As such the building conforms with Unitary Development Plan Policy EN1/2 - Townscape and Built Design and H2/1 - The Form of New Residential Development.

Town Houses - this is similar to the original approved building. The height of the properties has been maintained at the northern boundary to ensure the impact is minimised on the properties in Spring Street. The rest of the ridge is increased in height by 1m to allow the roof spaces to be used for living accommodation. This break in the ridge line improves the appearance of the new 'terrace' from the road and as such will not impact adversely on the street scene and accords with both Unitary Development Plan Policy EN1/2 - Townscape and Built Design and H2/1 - The Form of New Residential Development. The rear elevations have been modified to include dormer windows, larger windows and private amenity areas. Whilst these additions do not add to the character of the property, they are not readily visible from the public highway and will not impact on the street scene. As such it is considered that they will not be contrary to Unitary Development Plan Policy EN1/2 - Townscape and Built Design and H2/1 - The Form of New Residential Development.

Residential amenity - the proposed development has the same aspect standards as the previous approved scheme and these accord with Unitary Development Plan Policy H2/1 - The Form of New Residential Development

Parking - the original layout has been modified to allow for disabled parking on the site and has a total of 10 spaces, including a dedicated disabled space. This is one space more than approved on the original scheme. Given the fact that one space per dwelling is being provided and that a dedicated disabled space is being included, it is considered that sufficient parking is being provided on the site and that it accords with the standards set out in Planning Policy Guidance 3 issued by the Government.

Objection - the site has 10 spaces which is considered to be acceptable given the sites location on a main bus route and that the parking provided accord with PPG 3.

### **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 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 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 2006/02/0190 DWG 01, 02, 03 and 04 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design.
3. 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.
4. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. It shall be implemented not later than 12 months from the date the building(s) is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.  
Reason. To secure the satisfactory development of the site and in the interests of visual amenity.
5. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the buildings hereby approved being occupied.  
Reason. To ensure adequate off street car parking provision in the interests of road safety.
6. The bin storage area indicated on the approved plan shall be provided and made available for use prior to the building(s)) hereby approved being occupied, to the written satisfaction of the Local Planning Authority, and thereafter maintained.  
Reason  
To ensure provision of the bin storage area and in the interests of the residential amenities of the area.
7. Notwithstanding the terms of the General Development Order 1995, or as subsequently amended, no development shall be carried out within the terms of Classes A to H of Part 1 and Classes A and B of Part 2 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.  
Reason. To ensure that future inappropriate alterations or extensions do not occur.
8. Details of a management scheme for the areas of communal open space shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of any of the dwellings.

Reason. To ensure that the open space is made available and retained for residents' use.

9. The development hereby approved shall not be first occupied unless and until the highway improvements in the form of the reinstatement of the redundant southerly vehicular access to adjacent footway levels indicated on the approved plan reference 2006/02/0190 DWG-03 been implemented to the written satisfaction of the Local Planning Authority.

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

10. The visibility splays indicated on the approved plans shall be implemented before the development is first occupied and subsequently maintained free of obstruction greater than 0.6 metres in height.

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

11. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the development hereby approved being occupied.

Reason. To ensure adequate off street car parking provision in the interests of road safety.

12. The development hereby approved shall not be commenced until a desk study has been undertaken and agreed in writing by the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on-site contamination. If the desk study identifies potential contamination a detailed site investigation should be carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. If remediation measures are necessary they will be implemented in accordance with the assessment and to the written satisfaction of the Local Planning Authority.

Reason. To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health.

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

