

Ward: Bury East

Item 01

Applicant: JSM Contract Salvage Ltd

Location: PIMHOLE FOLD, BURY

Proposal: USE OF LAND FOR CAR PARKING STORAGE AWAITING CLEARANCE
(RESUBMISSION)

Application Ref: 46528/Full

Target Date: 20/10/2006

Recommendation: Approve with Conditions

Description

The application site is an area of land enclosed on one side by residential properties separated by a 2.4m high wall to the west, a breakers yard to the north and a holding yard/depollution yard for accident damaged vehicles owned by the applicant to the east. The applicant has recently acquired the land from the Council and currently contains a semi mature sycamore tree and a line of recently planted trees and a covering of grass.

To the west of the site are 2 pairs of semi detached properties and a factory. They are separated from the site by a brick wall some 2.5m high. These properties are also elevated to the application site.

The applicant currently owns the adjoining land to the east of the application site and also a separate yard to the north of the site, next to the entrance into Pimhole Fold Road and Hurst Street. Both of these sites have a long standing uses and more recently planning permission was granted to the site to the east of the application site for the storage of motor vehicles & unit for decontamination of motor vehicles (ref: 43180 approve 12/11/04). The main operation carried out on both existing yards now comprises the storage of vehicles awaiting insurance assessment following an accident. No breaking of vehicles occur or stacking of vehicles.

The application is seeking to expand the existing operation from the adjoining site. Essentially, the proposals involve the covering of the site with stone and road scrapings. The site would then act essentially as a car park for damaged vehicles awaiting insurance inspection. Once assessed, the cars would be removed from the site.

The applicant proposes that activities would occur within the site between 9am and 5pm Monday to Friday, 9am to 12.30pm on Saturdays and no Sunday working.

Relevant Planning History

15469 - Change of use of land for scrap cars & vehicle dismantling - Refused - 8/3/84 due to the impact upon residential amenity.

15676 - Change of use of land for scrap cars & vehicle dismantling - Refused - 5/4/84 due to the impact upon residential amenity.

16033 - Change of use of land for scrap cars & vehicle dismantling - Refused - 26/7/84 due to the impact upon residential amenity.

16177 - Change of use of land for scrap cars & vehicle dismantling - Approved - 23/8/84

23202 - Use of land for truck/trailer parking and running vehicles - Refused - 7/12/89 due to the impact upon residential amenity.

46158 - Use of Land for car parking storage awaiting Insurance Inspection - Refused - 6/6/06 - Due to the lack of information within the application proposals.

Publicity

The application was publicised by a site notice on 9/9/2006 and by writing to nearby residential properties on James Street and Hurst Street on 1/9/2006. As a result of this

publicity one letter of objection has been received from 33 James Street and also signed by 31, 35 and 37 James Street. They raise concerns over the operator of the site being unlikely to comply with controls imposed and that the proposals do not contribute to the regeneration of the area.

Consultations

Drainage Section- No objections.

Environmental Health - No objections subject to conditions restricting the use to storage only, limiting the hours of operation/working and no storage of plant or machinery to be used on the site.

Greater Manchester Police Architectural Liaison - No objections to the proposals.

Unitary Development Plan and Policies

EC4/1 Small Businesses

H5/1 Area Improvement

Issues and Analysis

Use - The application is seeking to extend the operations of an existing car insurance vehicle holding company within the car breakers area. The site has been subject to numerous applications for car breaking and truck related parking, that have been refused due to the proximity of residential uses and potential of noise and disturbance etc from breakers operations or revving of engines. The proposals under consideration here would be different from previous uses proposed, insofar as the site would essentially be a car parking area for damaged vehicles awaiting inspection before being moved off the site.

The site has no land use allocation within the UDP. As such, the proposals should be judged on their own merit.

UDP Policy H5/1/1 - Pimhole, Bury together with the justification of the policy, the aims and objectives of this policy seek to ensure that there is an overall improvement of living conditions within this area. This is especially important as the site and its wider area contains starkly differing uses ranging from car breakers to residential and is also within a regeneration area. This site is the last unused piece of land within the car breakers area and has been under pressure from proposals in the past to be used for breaking of vehicles.

EC4/1 - Small Businesses recognises the importance of fostering small businesses and permitting expansion where the use is appropriate to and compatible with the surrounding environment.

The site lies between the car breakers area and residential properties and as such, there is little opportunity of the site being developed for anything other than a use related to the vehicle yards, such as a buffer strip or a quiet vehicle related use.

The proposals would involve a vehicle use. However on the face of it, the use would not be an intensive one and would not involve car breaking or stacking of cars. The proposals are described by the applicants as a place where vehicles would be placed following a road traffic accident where an insurance vehicle assessor can inspect the car. Following insurance assessment, the car would be removed from the area. They anticipate that 2 cars in and out per day to be the likely scale of vehicle movements. This is the current intensity of use at their existing site next to Hurst Street. Given this proposed scale of operation and nature of use, it is considered that this process would be significantly different to refused schemes for this site in the past, which clearly did involve car breaking. As such, the nature of the current proposals are considered to be sufficiently sensitive, the development could be conditioned in terms of hours of operation (similar to 46703 presented and approved by Committee on 26th September 2006), to ensure that no breaking or stacking of cars can occur and that the existing tree planting be supplemented by additional landscaping and can be protected.

Landscaping - The site has a line of trees along the boundary behind the residential properties fronting James Street. The proposals seek to retain these trees and also to erect a substantial barrier to ensure the survival of the trees. The landscaping of this buffer is sparse and could be further enhanced by the planting of more trees, which would help to screen the visual outlook from the residential properties next to the site.

Objections - The letter of objection generally centres upon the character of the applicant and whether he will run the operation on the land in a sensitive manner. This is not a planning consideration and decisions cannot be based upon this approach. The use is adequately described within the supporting information and with appropriate planning conditions, the use can be controlled to ensure an appropriate balance of amenity is maintained between the site and neighbouring properties.

In view of the above considerations, it is felt that the proposals could be adequately controlled and would not prejudice the aims of the policy for the Pimhole area and indeed, would assist an existing business to continue to operate. The granting of planning permission with conditions would permit a high degree of control to maintain a balance with the neighbouring residential properties.

Summary of reasons for Recommendation

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

The proposed development with appropriate conditions would ensure that the site can be developed whilst maintaining appropriate residential amenities of the occupants of James Street that back onto the site. With conditions the development would comply with Policies of the Bury Unitary Development Plan and there are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. Vehicles shall only enter, leave or manoeuvre within the site within the following hours:

Monday to Friday inclusive: 0800hrs to 1900hrs

Saturday 0800hrs to 1230hrs with No workings on Sundays or Bank holidays.

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.

2. The site shall be used for the purpose of storage of cars awaiting vehicle insurance inspection only and shall not be used for any purpose associated with car breaking or dismantling nor the use of plant or machinery.
Reason - To ensure that the site can co-exist close to residential properties fronting James Street pursuant to Unitary Development Plan Policy EC4/1 – Small Businesses.
3. There shall be no stacking of vehicles within the application site and cars shall be parking on the ground only.
Reason - To ensure that the site can co-exist close to residential properties fronting James Street pursuant to Unitary Development Plan Policy EC4/1 – Small Businesses.
4. The protective barrier proposed for the trees shall be erected prior to the use of the

site hereby approved commencing and it shall remain in situ to protect the trees and landscaping whilst the site is used for the purpose hereby approved.

Reason - To ensure that the site can co-exist close to residential properties fronting James Street and to maintain the visual amenities of the nearby residents pursuant to Unitary Development Plan Policy EC4/1 – Small Businesses.

5. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. It shall be implemented not later than 6 months from the date the site 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 to the residents backing onto the site and fronting James Street pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

6. This decision relates to the drawings received on 25th August 2006 and supporting statement of 20th September 2006 and the development shall not be carried out except in accordance with the drawings and supporting information hereby approved.

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

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

Ward: Bury East

Item 02

Applicant: Royal Regiment of Fusiliers

Location: ARTS AND CRAFT CENTRE, BROAD STREET, BURY, BL9 0DA

Proposal: ALTERATIONS, ADAPTATION, PARTIAL DEMOLITION AND EXTENSION TO FORM NEW FUSILIERS MUSEUM, REGIMENTAL HQ WITH ALTERATIONS TO EXISTING BASEMENT WORKSHOPS

Application Ref: 46885/Full

Target Date: 30/11/2006

Recommendation: Approve with Conditions

Description

The application site comprises a Grade II listed Arts & Crafts building within the Bury Town Centre Conservation Area and is defined within the Town Centre Vision and Development Strategy as a key building in need of refurbishment and development.

It was originally built in 1894 as a technical school and is constructed in both brick and stone. The building has principle stone elevations facing onto Broad Street and Moss Street, with the former being the main entrance into the building. To the west is Sparrow Park and Back Market Street runs alongside the easterly elevation.

The building is under used and the scope of the applications are to enable the Lancashire Fusiliers to lease the building from Bury MBC for a period of 125 years. The basement of the building currently houses 'Creative Industries' where there are nine small work spaces aimed at artists and craftspeople who may be considering to start a business enterprise with minimal overheads and with business support.

It is intended that the basement will continue to be used as an incubation space for business enterprise. However, the proposals are primarily concerned with the ground and first floors of the building.

There has been little change to the building within the last 110 years since it was built. It has been subdivided into smaller offices and meeting rooms, with fine plaster work, coving, roses, skirtings and door sets. The levels within the building are complex and there are a series of raised floors, mezzanines and staircases within the building and the internal arrangement is challenging for accessing the various activities that do or can take place within it.

The Lancashire Fusiliers intend to utilise the internal spaces as the location for their Regimental Headquarters, for meeting rooms and also to develop new exhibition spaces and museum. The scheme comprises a cafe, newly inserted mezzanine, improved disabled access throughout the whole of the building, new office spaces and an extension to the westerly side of the building towards Sparrow Park. In addition to these works, the proposals include the redevelopment of the former caretakers building (to the rear of the NHS building) with a new building of a similar height to the existing one; a newly rebuilt wall to the Sparrow Park elevation and a new brick and glazed modern extension to infill the area at the corner of the Moss Street/Sparrow Park part of the site.

It is intended that the new extension would serve as a principal entrance into the building with exhibition space, shop and on a mezzanine a cafe would be located. New WC facilities would also be installed and smaller spaces for offices and kitchen facilities for food preparation.

This application has been submitted, together with a contemporaneous Listed Building Consent for the works to the building (46886). This application relates to the extensions and external alterations of the building and to the adjoining Sparrow Park.

Relevant Planning History

30479 - Four flood lighting columns - Approved 1/2/95

36814 - Listed Building Consent for 9 creative industry workplaces - Approved 31/8/2000

Publicity

The proposals have been advertised as Affecting a Listed Building, Listed Building Consent, Conservation Area Consent and Development affecting a Conservation Area in the press on 14/9/06, Site Notice on 12/9/06 and by direct letters to properties fronting Broad Street, Silver Street, back Silver Street, Moss Street, Haymarket Street, and Bank Street. The exact addresses can be found in the file. As a result of this publicity, no objections have been received on the proposals.

Consultations

Traffic Section - no objections.

Drainage - No objections.

Environmental Health - No objections.

Cleansing - No objections.

Leisure Services - No objections subject to the replanting of trees to an approved specification within Sparrow Park.

Environment Agency - No comments received.

G M Police - No objections.

Fire Officer - No objections.

GM Ecology Unit - No comments received.

GM Archaeology Unit - No comments received.

Unitary Development Plan and Policies

EN1/1 Visual Amenity

EN1/2 Townscape and Built Design

EN2/1 Character of Conservation Areas

EN2/2 Conservation Area Control

EN2/3 Listed Buildings

EN8/1 Tree Preservation Orders

HT5/1 Access For Those with Special Needs

PPS9 PPS9 Biodiversity and Geological Conservation

Issues and Analysis

Principle and Impact upon Listed Building - The existing building is a key feature within the town Centre and an important part of the Town's heritage. UDP Policies EN2/2 - Conservation Area Control and EN2/3 - Listed Buildings exercise strict control over new developments affect areas and buildings of heritage value. These policies amongst other considerations seek to ensure that special attention is given to new proposals to ensure that they are appropriate in scale and detailing, preserve or enhance the Conservation Area, ensures that there would not be any detrimental impact upon the character of a Listed Building, retain an appropriate setting to historic buildings and that demolition is justified where it applies.

In general terms, the policies seek to encourage the re-use of such buildings and that approach through careful control would preserve Listed Buildings and gives them a positive future. The existing building has had little work carried out to it for many years and is declining and needs structural repairs to be carried out to it. In addition to this, the nature of the spaces within the building make it difficult to find suitable occupants and appropriate uses to ensure the longevity of the building. The proposals would ensure that the building

continues to enjoy a beneficial use. Below, consideration is given to matters of detail relating to the scheme.

Design and Access - The proposals have been submitted with a design and access statement. Externally, the proposals involve the erection of a new extension to the rear of the NHS building to replace the former Caretakers building, the erection of entrance/shop/cafe structure and the creation of an additional fire door.

The replacement for the caretaker's building would be larger in footprint covering a yard area and would square off the building at its north-westerly end, to the rear of the NHS building. The design of the structure would be simple with brick facing and tall glazed slots running up the full height of the extension, where a stairwell core would be located inside it. There would also be a general service entrance within the extension and this building would also be used to provide vertical circulation for goods to be moved within the building, meeting room and archive facility. Additionally, this work would also enable the subletting of different parts of the building, making the spaces readily accessible to use by different occupants. A ramp would be provided to enable goods to be brought into the building for display purposes within the permanent exhibition space.

The justification for the redevelopment of this part of the building centres upon the need to improve circulation space, to ensure Disability Discrimination Act (DDA) compliance and to assist in the positive re-use of the building. Generally this part of the Arts & Crafts building is not readily seen and would not have any detrimental impact upon the main building's principle facade as seen from Broad Street. The colouration of brick and glazing type would be subject to a standard condition to be assessed prior to any commencement.

The extension to the south-west of the building facing onto Moss Street and Sparrow Park is proposed to be predominantly glazed with a brick return on the corner. The adoption of a contemporary design of this highly visible extension would be to ensure that the heritage value of the stone facade remains the key focus of the elevation where the extension would articulate to the historic building fabric. The Moss Street entrance would become the main entry point into the building. The design would provide an active frontage onto the street and promote visual interest.

On the return along the Sparrow Park elevation, the glazing would provide an opportunity for the uses within the building to have an active engagement with the public space and to provide visual interest from Silver Street. Part way along this elevation, the existing walling would be repaired and faced in a brick cladding affixed to a metal sub frame. The sub frame is required to steady this wall, which has bulged and cracked as a result of heave from the trees within the park. The colouration of the brickwork again would be carefully selected by requiring the submission of a sample material to be approved.

This element of the proposals has been carefully considered within the supporting justification documentation. The design approach would ensure that they respect the historic fabric and would also bring the existing use of the building and its proposed uses into the modern age.

On the back Market Street elevation, the only change would be the insertion of a new fire door opening. This would be created by removing the brickwork below a stone cill and re-facing the opening in stonework. Alternative options have been fully considered with the agent, Conservation Officer and Fire Officer of Building Control. No other alternatives could be achieved whilst ensuring appropriate fire protection in the case of an emergency.

The proposals would provide a high quality design solution to the issue of alteration to the external fabric and the proposals for this aspect of the development are considered to be appropriate. The proposals would also provide level access and equal access throughout the building and would thus comply with UDP Policy HT5/1 - Access for those with Special Needs.

Impact upon Sparrow Park and Landscaping - The creation of an extension along the side of Sparrow Park has been the subject of much debate. The proposals would result in the loss of the trees along this elevation. Technical justification has been submitted that demonstrates that the trees next to the proposed cladded wall have caused serious damage to the structure. The heave of the roots has created pressure on the wall and with wind movement, the trees have caused the wall to crack horizontally and caused bulging at a higher level. The report also concludes that it would now be too late for preventative measures such as root deflectors to be installed as to do this significant root removal would need to take place. This action would undermine the stability of the trees and would result in them becoming dangerous. In order to alleviate the impact of the loss of trees, the scheme proposes the replacement planting of four mature species. This would result in the net gain of one tree in this part of the park. The species have been determined after consultation with Leisure Services who have confirmed that the existing trees have caused significant damage and their replacement would only be accepted by the replanting of mature species. This would involve trees of a girth of 25-30cm and at a height of some 5m. Such proposals would minimise the loss of the existing trees and would provide an immediate sense of maturity of landscaping. Additionally, it is intended to retain the mature bushes in the corner of the park on site and replant them. Again, this would ensure the immediate sense of maturity of the planting. Such proposals would be consistent with UDP Policies EN8/1 - Tree Preservation Orders and EN2/2 - Conservation Area Control.

It is also worth noting that there are proposals being formulated for the relocation of the Whitehead Memorial currently located on the Barracks site off Bolton Road into Sparrow Park. This would be accompanied as a redesign of Sparrow Park and would be carried out in conjunction with Leisure Services.

Internal Alterations - As stated, there are many different changes in levels within the building, which would not be compliant with the DDA. The proposals include an Access Statement and proposals to resolve these issues. Lifts and platform lifts are proposed to be installed and also a freestanding ramped access within a corridor running along the axis of the building. The structures would be freestanding so as not to impact upon the fabric of the building and could be reversible, again without undue impact. Disabled WC facilities are proposed, compliant with the recommendations of BADDAC and internal partitioning would include glazing at a high level thus enabling the original spaces of the rooms and decorative ceilings and covings to be seen. Shadow details would be incorporated where partitioning articulates to the walls and columns.

Such proposals would be consistent with UDP Policy EN2/3 - Listed Buildings and PPG 15 - Planning and the Historic Environment.

Ecology - The bat survey is satisfactory as no bats were found, inside the building is regarded as unsuitable for bats, external features may be suitable for pipistrelles and a follow up survey next summer (May onwards) is recommended as the maternity roost season has been missed for this year. As such, the recommendations of the survey report should be conditioned to be implemented to ensure compliance with PPS9 - Biodiversity and Geological Conservation.

Funding - Heritage Lottery Funding (HLF) has already been secured as a stage 1 award for the project at a sum of £3.3m to enable repair work, refurbishment and extension of the building. £2m would be allocated for the refurbishment and the remainder for the fit out costs. Circa £1m is required as matched funding for the works, again this has already been secured. Stage 2 of the HLF process requires the decision on these proposals to be made by the end of October 2006, to enable a full HLF stage 2 approval by February 2007.

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 proposals together with the suggested conditions would ensure the longevity and survival of a historic building within the Bury Town Centre Conservation Area. The proposals would bring about a beneficial use to the building which would be equally accessible to the public and mature trees would be replaced by mature trees. The development would comply with the Bury Unitary Development Plan and there are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. 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. 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.
4. Following the provisions of Condition 3 of this planning permission, where remediation is required, the approved remediation strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the 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.
5. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to

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.

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

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

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

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

7. 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.

8. The development shall be carried out in accordance with the recommendations of the accompanying Bat survey report dated 23 August 2006, unless otherwise agreed in writing with the Local Planning Authority.

Reason - To ensure that appropriate consideration is appropriated to bats which are a protected species and pursuant to PPS9 - Biodiversity and Geological Conservation.

9. This decision relates to drawings numbered 001 rev A., 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012 rev B, 013, 014 rev B., 015 rev A., 016, 017, 018 rev A., 019 rev A., 020 rev A., 021 rev A., 022 rev A., 023, 024, 025, 26, The Tyrer Partnership Bat Report dated 23 August 2006, Phase I desktop study dated August 2006; SBP Access Statement and Design Report and Justification Report dated 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.

10. 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.

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

Ward: Bury East

Item 03

Applicant: Royal Regiment of Fusiliers

Location: ARTS AND CRAFT CENTRE, BROAD STREET, BURY, BL9 0DA

Proposal: LISTED BUILDING CONSENT FOR RESTORATION, ADAPTATION, PARTIAL DEMOLITION AND EXTENSION OF GRADE II BUILDING TO FORM NEW FUSILIERS MUSEUM AND REGIMENTAL HQ

Application Ref: 46886/Listed Building Consent **Target Date:** 26/10/2006

Recommendation: Approve with Conditions

Description

The application site comprises a Grade II listed Arts & Crafts building within the Bury Town Centre Conservation Area and is defined within the Town Centre Vision and Development Strategy as a key building in need of refurbishment and development.

It was originally built in 1894 as a technical school and is constructed in both brick and stone. The building has principle stone elevations facing onto Broad Street and Moss Street, with the former being the main entrance into the building. To the west is Sparrow Park and Back Market Street runs alongside the easterly elevation.

The building is under used and the scope of the applications are to enable the Lancashire Fusiliers to lease the building from Bury MBC for a period of 125 years. The basement of the building currently houses 'Creative Industries' where there are nine small work spaces aimed at artists and craftspeople who may be considering to start a business enterprise with minimal overheads and with business support.

It is intended that the basement will continue to be used as an incubation space for business enterprise. However, the proposals are primarily concerned with the ground and first floors of the building.

There has been little change to the building within the last 110 years since it was built. It has been subdivided into smaller offices and meeting rooms, with fine plaster work, coving, roses, skirtings and door sets. The levels within the building are complex and there are a series of raised floors, mezzanines and staircases within the building and the internal arrangement is challenging for accessing for the various activities that do or can take place within it.

The Lancashire Fusiliers intend to utilise the internal spaces as the location of their Regimental Headquarters, for meeting rooms and also to develop new exhibition spaces and museum. The scheme comprises a cafe, newly inserted mezzanine, improve disable access throughout the whole of the building, new office spaces and an extension to the westerly side of the building towards Sparrow Park. In addition to these works, the proposals include the redevelopment of the former caretakers building (to the rear of the NHS building) with a new building of a similar height to the existing one; a newly rebuilt wall to the Sparrow Park elevation and a new brick and glazed modern extension to infill the area at the corner of the Moss Street/Sparrow Park part of the site.

It is intended that the new extension would serve as a principal entrance into the building with exhibition space, shop and on a mezzanine a cafe would be located. New WC facilities would also be installed and smaller spaces for offices and kitchen facilities for food preparation.

This application has been submitted, together with a contemporaneous full planning application for the works to the building (46885). This application specifically relates to the setting of the Listed Building and works to the fabric of the building.

Relevant Planning History

30479 - Four flood lighting columns - Approved 1/2/95

36814 - Listed Building Consent for 9 creative industry workplaces - Approved 31/8/2000

Publicity

The proposals have been advertised as Affecting a Listed Building, Listed Building Consent, Conservation Area Consent and Development affecting a Conservation Area in the press on 14/9/06, Site Notice on 12/9/06 and by direct letters to properties fronting Broad Street, Silver Street, back Silver Street, Moss Street, Haymarket Street, and Bank Street. The exact addresses can be found in the file. As a result of this publicity, no objections have been received on the proposals.

Consultations

Traffic Section - no objections.

Drainage - No objections.

Environmental Health - No objections.

Cleansing - No objections.

Leisure Services - No objections subject to the replanting of trees to an approved specification within Sparrow Park.

Environment Agency - No comments received.

G M Police - No objections.

Fire Officer - No objections.

GM Ecology Unit - No comments received.

GM Archaeology Unit - No comments received.

Unitary Development Plan and Policies

EN1/1 Visual Amenity

EN1/2 Townscape and Built Design

EN2/2 Conservation Area Control

EN2/3 Listed Buildings

EN8/1 Tree Preservation Orders

PPS9 PPS9 Biodiversity and Geological Conservation

Issues and Analysis

Principle and Impact upon Listed Building - The existing building is a key feature within the town Centre and an important part of the Town's heritage. UDP Policies EN2/2 - Conservation Area Control and EN2/3 - Listed Buildings exercise strict control over new developments affect areas and buildings of heritage value. These policies amongst other considerations seek to ensure that special attention is given to new proposals to ensure that they are appropriate in scale and detailing, preserves or enhances the Conservation Area, ensures that there would not be any detrimental impact upon the character of a Listed Building, retains an appropriate setting to historic buildings and that demolition is justified where it applies.

In general terms, the policies seek to encourage the re-use of such buildings and that approach through careful control would preserve Listed Buildings and give them a positive future. The existing building has had little work carried out to it for many years and is declining and needs structural repairs to be carried out to it. In addition to this, the nature of the spaces within the building makes it difficult to find suitable occupants and appropriate uses to ensure the longevity of the building. The proposals would ensure that the building would continue to enjoy a beneficial use. Below, are consideration is given to matters of

detail relating to the scheme.

Design and Access - The proposals have been submitted with a design and access statement. Externally, the proposals involve the erection of a new extension to the rear of the NHS building to replace the former Caretakers building, the erection of entrance/shop/cafe structure and the creation of an additional fire door.

The replacement for the caretaker's building would be larger in footprint and cover a yard area and would square off the building at its north-westerly end to the rear of the NHS building. The design of the structure would be simple with brick facing and tall glazed slots running up the full height of the extension, where a stairwell core would be located inside it. There would also be a general service entrance within the extension and this building would also be used to provide vertical circulation for goods to be moved within the building, meeting room and archive facility. A ramp would be provided to enable goods to be brought into the building for display purposes within the permanent exhibition space.

The justification for the redevelopment of this part of the building centres upon the need to improve circulation space, to ensure Disability Discrimination Act (DDA) compliance and to assist in the positive re-use of the building. Generally this part of the Arts & Crafts building is not readily seen and would not have any detrimental impact upon the main building's principle facade as seen from Broad Street. The colouration of brick and glazing type would be subject to a standard condition to be assessed prior to any commencement.

The extension to the south-west of the building facing onto Moss Street and Sparrow Park is proposed to be predominantly glazed with a brick return on the corner. The adoption of a contemporary design of this highly visible extension would be to ensure that the heritage value of the stone facade remains the key focus of the elevation where the extension would articulate to the historic building fabric. The Moss Street entrance would become the main entry point into the building. The design would provide an active frontage onto the street and promote visual interest.

On the return along the Sparrow Park elevation, the glazing would provide an opportunity for the uses within the building to have an active engagement with the public space and to provide visual interest from Silver Street. Part way along this elevation, the existing walling would be repaired and faced in a brick cladding affixed to a metal sub frame. The sub frame is required to steady this wall, which has bulged and cracked as a result of heave from the trees within the park. The colouration of the brickwork again would be carefully selected requiring the submission of a sample material to be approved.

This element of the proposals has been carefully considered within the supporting justification documentation. The design approach seeks to ensure that this element would respect to the historic fabric and would also bring the existing use of the building and its proposed uses into a modern age.

On the back Market Street elevation, the only change would be the insertion of a new fire door opening. This would be created by removing the brickwork below a stone cill and re-facing the opening in stonework. Alternative options have been fully considered with the agent, Conservation Officer and Fire Officer of Building Control. No other alternatives could be achieved whilst ensuring appropriate fire protection in the case of an emergency.

The proposals include a full package of external renovation using historic based restoration approaches. Some window frames, repointing, roof repairs and ventilation cappings would be repaired in a sympathetic manner. Details of the scope of reparation should be ensured by attaching a condition.

The proposals would provide a high quality design solution to the issue of alteration to the external fabric and the proposals for this aspect of the development are considered to be appropriate.

Impact upon Sparrow Park and Landscaping - The creation of an extension along the side of Sparrow Park has been the subject of much debate. The proposals would result in the loss of the trees along this elevation. Technical justification has been submitted that demonstrates that the trees next to the proposed cladded wall have caused serious damage to the structure. The heave of the roots has created pressure on the wall and with wind movement, the trees have caused the wall to crack horizontally and caused bulging at a higher level. The report also concludes that it would now be too late for preventative measures such as root deflectors to be installed as to do this significant root removal would need to take place. This action would undermine the stability of the trees and would result in them becoming dangerous. In order to alleviate the impact of the loss of trees, the scheme proposes the replacement planting of four mature species. This would result in the net gain of one tree in this part of the park. The species have been determined after consultation with Leisure Services who have confirmed that the existing trees have caused significant damage and their replacement would only be accepted through replanting of mature species. This would involve trees of a girth of 25-30cm and at a height of some 5m. Such proposals would minimise the loss of the existing trees and would provide an immediate sense of maturity of landscaping. Additionally, it is intended to retain the mature bushes in the corner of the park on site and replant them. Again, this would ensure the immediate sense of maturity of the planting. Such proposals would be consistent with UDP Policies EN8/1 - Tree Preservation Orders, EN2/3 - Listed Buildings and EN2/2 - Conservation Area Control.

It is also worth noting that there are proposals being formulated for the relocation of the Whitehead Memorial currently located on the Barracks site off Bolton Road into Sparrow Park. This would be accompanied with a redesign of Sparrow Park and would be carried out in conjunction with Leisure Services.

Internal Alterations - As stated, there are many different changes in levels within the building, which would not be compliant with the DDA. The proposals include an Access Statement and proposals to resolve these issues. Lifts and platform lifts are proposed to be installed and also a freestanding ramped access within a corridor running along the axis of the building. The structures would be freestanding so as not to impact upon the fabric of the building and could be reversible, again without undue impact. Disabled WC facilities are proposed, compliant with the recommendations of BADDAC and internal partitioning would include glazing at a high level thus enabling the original spaces of the rooms and decorative ceilings and covings to be seen. Shadow details would be incorporated where partitioning articulates to the walls and columns.

Such proposals would be consistent with UDP Policy EN2/3 - Listed Buildings and PPG 15 - Planning and the Historic Environment.

Ecology - The bat survey is satisfactory, no bats were found, inside the building is regarded as unsuitable for bats, external features may be suitable for pipistrelles and a follow up survey next summer (May onwards) is recommended as the maternity roost season has been missed for this year. As such, the recommendations of the survey report should be conditioned to be implemented to ensure compliance with PPS9 - Biodiversity and Geological Conservation.

Funding - Heritage Lottery Funding (HLF) has already been secured as a stage 1 award for the project at a sum of £3.3m to enable repair work, refurbishment and extension of the building. £2m would be allocated for the refurbishment and the remainder for the fit out costs. Circa £1m is required as matched funding for the works, again this has already been secured. Stage 2 of the HLF process requires the decision on these proposals to be made by the end of October 2006, to enable a full HLF stage 2 approval by February 2007.

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 proposals together with the suggested conditions would ensure the longevity and survival of a historic building within the Bury Town Centre Conservation Area. The proposals would bring about a beneficial use to the building which would be equally accessible to the public. The development would comply with the Bury Unitary Development Plan and there are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. 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 works to be carried out on the site/building. 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 the fabric of a listed structure/building during implementation and pursuant to Policy EN2/3 – Listed Buildings of the Bury Unitary Development Plan.
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. The development shall be carried out in accordance with the recommendations of the accompanying Bat survey report dated 23 August 2006, unless otherwise agreed in writing with the Local Planning Authority.
Reason - To ensure that appropriate consideration is appropriated to bats which are a protected species and pursuant to PPS9 - Biodiversity and Geological Conservation.
5. This decision relates to drawings numbered 001 rev A., 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012 rev B, 013, 014 rev B., 015 rev A., 016, 017, 018 rev A., 019 rev A., 020 rev A., 021 rev A., 022 rev A., 023, 024, 025, 26, The Tyrer Partnership Bat Report dated 23 August 2006, Phase I desktop study dated August 2006; SBP Access Statement and Design Report and Justification Report dated 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.
6. Prior to works commencing on site, details relating to the fire escape doors including door patterns and materials to be installed shall be submitted to and approved in writing by the Local Planning Authority. The approved details only shall be implemented within the scheme.
Reason - The development relates to a Grade II Listed Building and pursuant to UDP Policy EN2/3 - Listed Buildings.
7. Prior to the commencement of works, a full report detailing the extent of internal

and external repairs, including a methodology of how the affected features shall be repaired and restored, shall be submitted to and approved in writing by the Local Planning Authority. Only the methodology within the approved report shall be implemented as part of the restoration/repair works.

Reason - To ensure the protection of the historic fabric of a listed building and pursuant to UDP Policy EN2/3 - Listed Buildings.

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

Ward: Bury West - Church

Item 04

Applicant: K Jenks

Location: BENNYS NIGHT CLUB, WARTH FOLD ROAD, RADCLIFFE M26 4EN

Proposal: CONVERSION OF DISUSED NIGHT CLUB TO CLASS C2 (RESIDENTIAL CARE HOME)

Application Ref: 46691/Full

Target Date: 13/10/2006

Recommendation: Refuse

Description

The property subject of the application is an isolated and extensive two storey building that has been severely damaged by fire. It has been vacant for a considerable time and is boarded up. The building was originally a public house, The Farmer's Arms, and then became a night club known as Bennys. The application site also includes an extensive existing car park situated just to the north of the building.

The location is at the end of Warth Fold Road within a predominantly open area. The premises is situated close to the Manchester, Bolton and Bury Canal to the east and the Elton Reservoir to the north west. The indicated access route included within the application land is from the Bolton Road area to the north via a long lane (over 750m) a large section of which is narrow and potholed with a gate just before entry to the existing car park. This route joins the adopted road system at Buller Street. Warth Fold Road from the south has not been included within the application. It links to Bury Road and is for much of its length a narrow lane with a difficult twisting section where it crosses a bridge over the canal.

The proposal is to convert the property into a care home for the elderly served by the existing car park and accessed via the lane from the north. The details involve reinstating the damaged parts of the building and external and internal alterations to provide a 14 bedroom care home. The existing main entrance to the building at the main frontage facing Warth Fold Road would be moved to the side elevation nearest the car park. The existing enclosed yard on the north westerly side of the building complex would be the external amenity area.

The application land includes the lane from the north which connects with the adopted highway system at Buller Street thereby giving access to and from Bolton Road.

The application is accompanied by a design and access statement and a statement concerning the structural implications of the conversion.

In view of the condition of the building the Council has issued to the owner a letter of its intention to serve a notice under s79 of the Building Act 1984 which deals with ruinous and dilapidated buildings and neglected sites. The application was received subsequently to this letter and an owner in these circumstances may claim that there is a viable option to the demolition of the building.

Relevant Planning History

C/26495/91 - Change of use from agricultural land to golf driving range and part of existing building to professional's shop. Refused on 19th December 1991 on the grounds of conflict with Green Belt policy, the Croal-Irwell and West Bury local plans, serious effect on a designated SBI, increased use of access road would be detrimental to residential amenity and pedestrian users, increased traffic would prejudice the operation of the Metrolink System.

C/26496/91 - Change of use from vacant land to crazy golf club. Refused on 19th December 1991 for the reasons of insufficient information provided to enable the proposal to be properly assessed and the increased traffic being prejudicial to the operation of the Metrolink System.

40813/03 - Change of use from night club to residential. Refused on 25th June 2003.

42118/04 - Conversion of existing night club to 8 dwellings. Refused on 31st March 2004 for the reason that the development would be contrary to the UDP policy concerning the conversion of buildings in the Green Belt, insufficient information to enable the impact on the surrounding highways network and details to be properly assessed and insufficient provision for emergency service vehicles.

Publicity

12 properties were consulted. 9 objections have been received from Woo's Nab Farm, Radcliffe Juniors Football Club and properties in Kingston Road, Warth Fold Road, Farcroft Avenue, Radcliffe and Kennedy Drive, Bury with concerns as follows:

- The very restricted narrow accesses are unsuitable for the amount of traffic the development would generate.
- Traffic using Warth Fold Road night and day.
- If the Bolton road access were to be improved this would create a rat run.
- The information provided that the traffic would amount to three vehicles a day is a gross underestimate.
- Is this a safe environment for Class C2 residents being near the reservoir, canal, river and Metrolink?
- The residential home would be isolated but should be within the community with easy access to facilities and places of interest for more mobile residents.
- There would be more development of the area taking away what green fields there are left.
- Danger to pedestrians from the extra traffic on single track roads with no footways.
- The Bolton Road access is not maintained after Elton Vale Sailing Club and, therefore, the main access would be via Warth Road/Kingston Road.
- The development would duplicate the facilities at a closed down nearby elderly persons home on Radcliffe Road and which would be more suitable in terms of access and parking.
- The indicated access route is not owned by the applicant as stated in the application but by three other parties.
- The car park within the area edged red and the land edged blue are not owned by the applicant.
- Part of the indicated access route is not a public right of way.
- The condition of the indicated access route makes it unsuitable for emergency vehicles and it can become impassible in winter.
- The access from Radcliffe Road is impassible to wide and long vehicles due to the canal bridge and thus unsuitable for emergency vehicles and vehicles that would regularly service the premises.
- The applicant says the building will not be demolished but given its condition how can this be?
- There are no main drains and the property is served by a septic tank but is surrounded by watercourses.
- Electricity and water supply are vulnerable to break down.
- The area is a wildlife haven which should not be disturbed by security lighting, fencing and 24hr traffic.
- The development would not fit in with the proposed overall development of the canal and surrounding area.
- Planning permission was previously refused due to the unsuitable access for emergency vehicles.
- There are insufficient details of entrances, exits, emergency access, landscaping and essential services.
- The external changes are not in line with policy relating to conversion of buildings in the

Green Belt.

- The external elements would be contrary to Green Belt policy.
- The development would not be beneficial to the area.

Two letters have been received from persons resident in High Bank and Old Farm, Bank Top who, whilst stating that they do not object, express the following concerns:

- Land around and behind the site does not belong to the applicant and possible civil action could affect access and car parking provision.
- If permission is granted can it be guaranteed that the use would not become C3, C1 or a B category commercial use?
- Wonder how/if the access road would be altered to facilitate the traffic.
- The Council should bear in mind that the proposal is in a Green Belt area with countryside, industrial heritage of the reservoir and canal and varied wildlife.
- Would not like to see the site flattened and a care home is acceptable but the access route is deliberately left in disrepair so that it does not become a rat run.

A resident from Athlone Avenue, Bury supports the proposal. He has fond memories of the area when he lived locally. The scheme would retain a building that was the old "Farmers Arms" and has served the community for many years.

Consultations

Highways Section - Recommends refusal on grounds including inadequate access for emergency vehicles and insufficient information to assess the servicing and parking arrangements.

Drainage Section - Recommends a condition requiring drainage details to be submitted and approved prior to development commencing.

Environmental Services - Recommend contaminated land conditions and indicate that insufficient information has been submitted concerning noise pollution.

Environment Agency - No objections in principle.

GM Fire and Rescue Service - The two access roads are unsuitable for fire service vehicles and a residential care home provides a sleeping risk with infirm occupants with restricted mobility. These factors lead to a conclusion that the application is not acceptable to the service. However, were permission to be granted then a significant upgrading to the roads would be needed to improve access for Fire Service vehicles and the premises should be fitted with a sprinkler system to the appropriate British Standard or equivalent.

GM Police Architectural Liaison - Object to the application. The isolated site will be vulnerable to attack. The long narrow road approaches will make it difficult for emergency vehicles to find and access quickly and also can easily be blocked.

British Waterways - Objects to the proposal. Although, the application indicates the access route to be via Hinds Lane to the north there is no proposal to prevent traffic from gaining access from the south during construction and operation of the use. The existing canal bridge on this route is currently in very poor condition and unable to accommodate any increase in traffic, particularly construction traffic. Should permission be granted the applicant should be required to carry out a structural assessment of the bridge and make a contribution towards the necessary replacement and repair of the parapets and platform with such works completed prior to the commencement of the development. Also, he should provide full drainage details with no discharges to enter the canal, reservoir or feeder channel and should abide by British Waterways' Code of Practice.

Serco Metro - Response awaited.

Social Services - Response awaited.

Unitary Development Plan and Policies

OL1/4	Conversion and Re-use of Buildings in the Green Belt
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/2	Special Needs Housing

EN6/4 Wildlife Links and Corridors
EN6/1 Sites of Nature Conservation Interest SSSI's NNR's
RT4/7 The Manchester, Bolton and Bury Canal

Issues and Analysis

Green Belt - The site is within the Green Belt and the proposal needs to be considered in terms of Policy OL1/4 which concerns developments involving the conversion and re-use of buildings within the Green Belt. The policy states that this type of development is not inappropriate in the Green Belt and sets out a set of criteria such a development would need to comply with in order to be considered to be acceptable. The application proposal can be considered against each of the criteria within the policy as follows:

- a. The proposal should not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it. The proposal involves no significant enlargement of the building complex including its height.
- b. Any extensions and use of surrounding land should not conflict with the openness of the Green Belt and the purposes of including land in it. The condition of the external areas, including the car park, would not be materially changed.
- c. The buildings need to be of permanent and substantial construction and capable of conversion without major or complete reconstruction. The submitted structural report is not a thorough condition survey and appraisal that adequately covers the suitability of the building for conversion.
- d. The form, bulk and general design of the buildings need to be in keeping with their surroundings. The proposals generally retain the bulk and generally traditional design and form of the building as before the fire damage.
- e. It is expected that suitable access and likely traffic generation can be accommodated without creating a traffic hazard or the need for major road improvements or lengthy new routes. Access to the property is shown to be via a single track poorly surfaced lane and which is gated. The only other possible access is also narrow and includes a very restrictive canal bridge. As well as access for staff and visitors, a residential care home would be served by commercial delivery vehicles and ambulances. Elderly residents would be very vulnerable in the event of fire other emergency situation. However, access is unsuitable for fire service vehicles. This has been confirmed by GM Fire and Rescue Service which has been hampered when attending a number of incidents at the site due to poor access. The Highways Section has recommended refusal because of inadequate access for emergency vehicles and lack of information regarding servicing and parking arrangements.
- f. All of the necessary services need to be profitable without extensive works. The building is not served by main drainage and relies on a septic tank. However, the Drainage Section has not raised an objection to the proposal subject to the approval of further details.
- g. It needs to be established whether the building contains any protected species such as owls or bats. However, no survey information has been submitted with the application.

Having examined the proposals against the criteria in Policy OL1/4 it is concluded that there is conflict with the policy in regard to criteria c, e and g.

Special Needs Housing - As special needs housing the proposal needs to be assessed against Policy H4/2. In terms of the criteria within the policy this is a site that lacks suitability as it is not close to a range of shops, services and health care facilities and is not close to public transport. Potential residents would experience difficulties in accessing these services given the length and poor condition of the access road.

Form and Layout - The proposal is a type of residential development and its details need also to be assessed in terms of Policies H2/1 and H2/2. Policy H2/1 requires an assessment of a proposal in terms of its impact on the quality and character of the surrounding environment. A particular concern is that reasonable standards of privacy and residential amenity would be maintained for neighbouring residents. The property is isolated

from existing houses and a significant direct impact on residential amenity would not arise.

In regard to Policy H2/2, which covers the standard of residential layout, the most relevant of the listed factors include access, car parking provision, provision of open space and access facilities for the disabled. The issue of the poor access for this type of development has been raised in the Green Belt section above. The substantial existing car park would more than cater for the normal demands of a care home. The building complex includes an enclosed open area of about 160sq.m. which is of an acceptable size and shape to become a suitable private amenity area for the residents. The originally submitted scheme has been amended to provide disabled parking and ramped access into the building.

Ownership - The application is accompanied by Certificate A whereby the applicant has stated that he is the owner of all of the included land. Some objectors are claiming that this is not the case and that the access road and car park are not within his ownership. The agent has not responded to a question about the queries concerning his client's ownership. However, in the absence of documentary proof it has not been possible to properly consider these claims.

Wildlife - The premises are close to the Manchester, Bolton and Bury Canal which is designated as a Grade A SBI. They are also near Elton Reservoir also a Grade A SBI and Elton Goyt which is designated Grade B. They are also within a designated Wildlife Corridor. Given that the development is confined to an existing building and car park it is considered that there would be no material impact on the Wildlife Corridor and the SBI's subject to no drainage from the scheme affecting the water bodies, which could be the subject of a condition if consent were to be granted. However, the building has the potential to be used by bats or owls but a survey report for these species has not been provided. This issue is also relevant to Policy OL1/4 and is referred to in the Green Belt section above.

Local Concerns - The point made that the decision needs to take into account that there is a closed down home for the elderly on Radcliffe Road is not material to the consideration of the application. A resident has stated that the access route is not a right of way. Although it is not a definitive right of way it is a roadway and a claim could be made that it can be used as a right of access to the site. Regarding the concern expressed that if permission is granted for a Class C2 use then this could lead to use in Classes C1 or C2 or a B use class, this could not occur without the need for further planning permission. Other points raised by neighbours and other persons concerned about the development are covered within the sections above.

Recommendation: Refuse

Conditions/ Reasons

1. The site is within the Green Belt and the proposed development does not satisfy criteria for the re-use or conversion of buildings in the Green Belt. It would, therefore, be contrary to the following policy of the Bury Unitary Development Plan:

OL1/4 - The Conversion and Re-Use of Redundant Buildings in the Green Belt

2. The proposed development does not make adequate provision for access for emergency service vehicles and is therefore contrary to the following policies of the Bury Unitary Development Plan:

OL1/4 - Conversion and Re-Use of Buildings in the Green Belt
H2/2 - The Layout of New Residential Development

3. The application site is situated remotely from local shops, public transport and community facilities and has poor quality access. It is, therefore, not a suitable

location that would ensure that all the day to day needs and requirements of persons with special need would be met. Consequently the proposal is contrary to the following policy of the Bury Unitary Development Plan:

H4/2 - Special Needs Housing.

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

Ward: Bury West - Elton

Item 05

Applicant: Mrs D Bosnjak

Location: 70 WALSHAW ROAD, BURY, BL8 1PA

Proposal: CONVERSION OF CELLAR TO PROVIDE TREATMENT ROOMS FOR USE IN CONNECTION WITH EXISTING HAIRDRESSERS INCLUDING NEW EXTERNAL STAIRS

Application Ref: 46929/Full

Target Date: 03/11/2006

Recommendation: Approve with Conditions

Description

The application site is occupied by a two storey end terraced building with a hard standing area at the front which is enclosed by railings to the edge of the pavement. The area is predominantly residential with a newsagents and hot food take away opposite. The ground floor was granted planning permission for change of use to A1 Shop as a hairdresser and nail salon in November 2004 which is its current use. There is on street parking at the front of the building and the adjacent side street Whittle Street.

The applicant proposes to convert the cellar to provide treatment rooms for use in connection with the existing hairdressers including new external stairs which would be accessed from the forecourt at the front of the shop. There would be no alteration to change the existing shop front. Proposed hours of opening are 9.30am to 5pm Monday, Tuesday, Wednesday and Friday; 9am to 7pm on Wednesday; and 9am to 3pm on Saturday.

Relevant Planning History

43374 - c/u from dwelling to shop A1, new ramped access to front.

Publicity

Immediate neighbours notified on Walshaw road and Whittle Street. Anonymous letter received from a resident of Walshaw Road objecting to the proposal on the grounds there would be an increase in traffic resulting in parking problems.

Consultations

Drainage - no objections

Environmental Services - no comments received

Unitary Development Plan and Policies

EN1/8 Shop Fronts

S2/1 All New Retail Proposals: Assessment Criteria

Issues and Analysis

Principle - UDP Policy S2/1 - All New Retail Proposals seeks to assess proposals with regard to the character of the surrounding area, the effects on the environment and the effects on the amenity of the local residents. The development would provide facilities associated with the existing use and as such would probably be used by existing customers as well as attracting customers from the local area. Therefore the impact in terms of disturbance and traffic increase is considered to be minimal and would not be of detriment to the residential amenity of the local residents.

Residential amenity - Although the shop is not located within a neighbourhood or local shopping centre, it provides a service to residents in the local area. The expansion of 2 treatment rooms in the converted cellar of the establishment is considered not to be of such significance as to have a detrimental effect on the residential amenity if the nearby occupants.

Visual amenity - There would be no alterations to the existing shop frontage. The proposed staircase to the converted cellar would be accessed from the forecourt area at the front of the shop. It would have balustrade railings to match those which already enclose the forecourt. Although the shop is on a corner plot and the stairs would be visible from the street, they would be in keeping with the nature of the building, ie a business, and would not detrimentally effect the visual amenity of the area.

Parking - The site is on a main road and has on street parking in front of the shop and on the adjacent side street. The proposed development would incorporate 2 treatment rooms within the existing building and as such the increase in business would not be sufficient enough to exacerbate the current parking position. The proposed development is within walking distance of a large catchment area and close to a good bus network which would encourage visitors to the establishment by foot and by public transport.

Servicing - this would not be a serious issue given the existing service area at the rear of the premises.

Hours of operation - The treatment rooms are for use in connection with the existing hairdressing salon and the hours proposed are standard with a business of this type.

Objection - This relates to the potential parking problems associated with the expansion of this business. The proposal of 2 treatment rooms is considered not to cause such an increase in traffic to detrimentally effect the provision of parking for 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 proposed development on site and taken into account any representations and consultation responses, in particular Unitary Development Plan Policy EN1/8 - Shop Fronts and S2/1 - All New Retail Proposals, it is considered that the proposed development would not effect the character of the area nor cause harm to the occupiers of the adjacent shops and residential properties. It would not cause demonstrable harm to other 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 8th September 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 railings hereby approved shall be coloured black to match the existing to the written satisfaction of the Local Planning, and thereafter maintained.
Reason. In the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. The use hereby permitted shall not be open to customers outside the following times: 09.00 to 21.00 Mondays to Saturdays.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/1 –All New retail Proposals

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

Ward: North Manor

Item 06

Applicant: Cambrian Homes

Location: BLEAKLOW MILL, BOLTON ROAD, HAWKSHAW, BL8 4LL

Proposal: PART DEMOLITION AND CONVERSION OF MILL INTO 24 RESIDENTIAL UNITS

Application Ref: 46550/Reserved matters

Target Date: 29/11/2006

Recommendation: Approve with Conditions

Description

The application site comprises an existing three storey mill annex formerly known as Woodhey Dying Co. within close proximity to Hawkshaw village. The site is set back from the main road and the site is lower in level from Bolton Road.

The owners of the mill have substantially vacated part of the mill and moved their operations into the more modern part of the mill complex buildings, backing onto Bolton Road.

The application site benefits from outline planning permission for residential conversion of the vacated mill (ref: 41564), which was granted on 17th December 2003. No numbers of units were specified within than approval. The means of access was approved under that outline planning permission, which indicated to utilise the existing access directly from Bolton Road.

This application is a reserved matters proposal for the siting, design, external appearance and landscaping of the site. The number of residential units proposed is for 24 apartments and involves a conversion scheme for the mill, new roofing, with 33 car parking spaces proposed at the rear of the site, utilising an existing hard standing.

Relevant Planning History

41564 - Outline residential development - Approved - 17/12/03

Publicity

The application was publicised through a press notice, site notices and by direct letters on 8th September 2006 to surrounding properties and others who had expressed an interest in the outline planning proposals. A list of addresses can be read on the working file. As a result of this publicity, 8 letters have been received including from 2 Lilburn Close Ramsbottom; 190, Claremont, 194, 196, 238 Bolton Road and Bramley Fold Farm Hawkshaw; 3 Quarlton Drive. Councillor D Gunther has requested that a site visit be undertaken.

Points of concern centre upon:

- The need to extend the traffic speed regulated 30mph zone to incorporate the access into the site following numerous road accidents and a traffic fatality in recent times;
- The inappropriate choice of materials shown on the entrance foyer block into the development.
- It is unwise to have industrial traffic passing through a residential area.
- Timber post and wire fencing is out of character with the area.
- The access into the industrial area is outside the application site edged red.

Consultations

Traffic - No objections. Attach conditions concerning the implementation of the access

provisions, visibility splays to be implemented; surfacing and demarcation; slight widening of the car park access and a detail for the boundary wall to the front of the site. Revised plans are expected to address these minor issues and an update will be provided to Planning Committee on these.

Drainage - No objections.

Environmental Health - No response. An update shall be provided to Planning Committee on any issues raised.

Cleansing - No objections.

Greater Manchester Police Architectural Liaison -The Police have not raised any concerns about the layout of the development and only comment upon matters that would normally not be planning considerations such as lock types and

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/2	The Layout of New Residential Development
RT2/2	Recreation Provision in New Housing Development
OL1/4	Conversion and Re-use of Buildings in the Green Belt
EN6/3	Features of Ecological Value
EN8/1	Tree Preservation Orders

Issues and Analysis

Principle - The site is within the Green Belt and at the time of the submission of the outline planning permission (reference 41564), the Council did not have any supplementary planning guidance or fixed policy controlling the release of housing. UDP Policy OL1/4 Conversion and Re-use of Buildings in the Green Belt considered that re-use or conversion was not inappropriate subject to set criteria. Following assessment, it was determined that the building could be converted without undue changes to it or its curtilage, had an appropriate access and would not have a detrimental impact upon the Green Belt. As such, the principle of residential development has been established by Outline planning permission granted on 17 December 2003. This provides a basis as an exception to the current Supplementary Planning Guidance Note 7 - Managing the Supply of Housing Land in Bury.

Design & Appearance - The application has been submitted with a design and access statement. The ethos of the statement confirms that the building as a manufacturing base is outdated and unsuitable for today's modern demands. It current constrains production and due to age and continuing repairs has reached the end of its life for industrial processes. The proximity of the site close to public transport and its conversion to an alternative use is cited as adopting a sustainable approach and one that would retain an established building in Hawkshaw, thus maintaining built heritage.

Window openings would be retained and metal window frames, contemporaneous to the original are proposed. The building comprises stone front elevation and red bricked side and rear elevation and a rendered easterly gable. Cills and headers where required would be stone to match the existing stonework and a newly faced red brick gable is proposed to replace an unsympathetic rendered finish. Cast iron pipe work would be utilised to maintain historic approaches for rainwater good around the site. Plastic rainwater goods would be replaced by cast iron ones. The only major change to the building would be the replacement of the roof, to achieve sufficient head heights within the building. The roof covering would be slate as currently exists utilising reclaimed slate from the existing covering. The roof would increase by 2.5m. Although this change overall is not considered to be too significant a departure from the existing structure, particularly given the scale of the building, surrounding buildings and utilising the existing materials.

An external staircase is also proposed, which would be housed within an extension to the westerly elevation. The design of the extension has been carefully considered to appear as

though it would be hoist access door and incorporate a projecting girder and timber doors.

All window openings would be retained and no new window openings would be required, save the easterly gable where six new windows are proposed. This elevation currently is rendered and is unsympathetic in appearance. The insertion of the windows would permit natural surveillance over the car park area and would not have any direct relationship with the remaining mill to raise concerns with privacy or overlooking.

It is intended to retain the lodge and surrounding trees, which are covered under a Tree Preservation Order. The northerly most elevation of the lodge would need to be taken down and rebuilt, slightly decreasing the size of the lodge, to enable appropriate visibility splays to be incorporated to the access point. Temporarily, therefore, the lodge would be drained.

All in all, it is considered that the design considerations of the scheme have taken on board the key considerations in the spirit of UDP Policy OL1/4 - Conversion and Re-use of Buildings in the Green Belt and complies with the criteria.

Access - The main access into the site was considered as part of the outline application and sought to utilise the existing access off Bolton Road. It would be shared with the industrial premises although to bring it up to modern day standards and to provide intervisibility, the access point would be remodelled.

The application's design and access statement includes a clear description that the site would provide two parking spaces for disabled users, level access would be provided into the entrance foyer area and lift access would be provided to all levels of the building. The statement confirms that the development be DDA compliant.

The access road is intended to sweep in from Bolton Road in a south-easterly direction to a hammerhead to facilitate turning manoeuvres and car parking would be accessed off this road. Part of the mill would be demolished to accommodate the roadway but the road would provide a means of separating the two different land uses from each other.

Refuse Collection - Consultation is still underway on this matter at the time of reporting. Any response will be reported to the Committee.

Car Parking - The scheme proposes 33 car parking spaces for 24 apartments. This would be a provision of 138%, which is the normal provision sought for this type of development. The car parking would be located to the rear of the building and would be sited on an existing hard standing. It is intended to landscape the car park with soft landscaping to soften the relationship of this hard standing to the valley to the rear.

Landscaping Matters - There are a number of trees with Tree Preservation Orders (TPO) located around the east, south and west of the lodge. None of these trees are intended to be removed and would be incorporated into the scheme. It is recommended that a planning condition be imposed to ensure that protective measures be erected around the trees to ensure their survival during the construction process. A small number of self seeded trees are located to the north easterly embankment, which are not subject to the TPO. These would be removed during works to create the visibility splay. Despite this they are not considered to be of any significant amenity value, are multi-stemmed specimens and would otherwise impede intervisibility at the access into the site.

The scheme has been submitted with proposals that seek to soften the existing site into the landscape and valley to the rear of the site. The proposals include hedging and trees within and surrounding the car park, removal of hard standings and grassing, retention of protected trees and grasscrete to the north west of the building where Utilities maintenance vehicle would need to access the site. Generally the proposals would significantly improve the appearance of the site within the Green Belt and its relationship to the Two Brooks Valley to the south.

In view of the above, the proposals would comply with UDP Policy H2/2 – The Layout of New Residential Development.

Residential Amenity and Noise - The outline planning permission required a noise survey to be submitted at the reserved matters stage, to determine whether any special requirements need to be included to protect new residential apartments from the adjoining industrial activities. The report concludes that the largest noise source is the main road and not from the manufacturing process. Notwithstanding this, the report advocates measures to ensure that noise is not an unacceptable concern including noise attenuation at source within the mill complex, double glazing and acoustic hoods to trickle ventilation. Environmental Health have been consulted on these proposals and any comments to this will be reported to Planning Committee.

The Lodge & Ecology Matters - The lodge and buildings have been assessed for their ecological value and also in terms of the impact upon bats. A report has been submitted assessing these matters. The report concludes that the lodge does not provide a good habitat for Great Crested Newts or Smooth Newts, due to the surrounding hard standing and mill activities. Two bats were identified foraging for insects on the water surface during each of the visits made to the site by the ecologist. The proposals seek to retain the lodge, albeit reducing its size slightly at the northerly end to facilitate visibility splays. Despite this, the ecologists consider that there would still be sufficient open water remaining for foraging.

Bats were recorded within buildings to be converted or demolished and recommendations are made to ensure that areas where bats may be, mitigation measures be incorporated including alternative roosts and removal of slates by hand. As the principle of residential development is already established, the details of mitigation and implementation must be secured through the imposition of a planning condition.

Traffic Issues - The Traffic Section has been consulted on the proposals and has raised no objections to the proposals. The means of access to the site is not under consideration within this application. Despite this there have been concerns raised by objectors to the scheme concerning additional traffic. The access to the site is not at question within this application but the quantum of additional traffic should be considered now that numbers of units are specified. Numerous residents have suggested that the access to the site should be within the 30mph zone just to the west of the access. This is being investigated by the Traffic Section and the results of this shall be reported to Committee. Visibility splays would be provided at the main road junction in accordance with the outline planning permission.

Resultant Mill elevations -The resultant elevations following partial demolition would be made good in matching materials.

S106 Issues -The scale of development for 24 residential units would mean that provision for off site recreation under UDP Policy RT2/2 – Recreation Provision in New Residential Developments only is required.

Recreation Provision -The developer has made a unilateral undertaking under s106 to provide for off site recreation to the value of £9157.44 in accordance with Development Control Policy Guidance Note 7 - Recreation Provision in New Housing Developments. Payment has already been received for this amount.

Amenity Space - The Green Belt location of this site constrains the levels of recreation provision that can be provided for the scheme. However, areas proposed for amenity space have been indicated to the rear and front of the building and including the former lodge to the mill. Areas would generally be removing unsympathetic areas of hard standing and softening the appearance of these areas to grass and seating areas. In addition to this, the lodge retention would be a significant benefit to the scheme together with the protected trees, which are to remain on the site. Additional tree planting is also proposed again to improve the visual amenity of the site and also to contribute to the amenity space provision in a visual sense. As such, it is considered that the development would comply with UDP

Summary of reasons for Recommendation

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

The site benefits from outline planning permission and the submitted details relating to how the site would be developed would comply with Policies of the Bury Unitary Development Plan. This would be ensured through conditions relating to the outline planning permission and the reserved matters and there are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than the expiration of two years beginning with the date of this permission.
Reason. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004
2. 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.
3. No trees subject to a Tree Preservation Order, unless indicated otherwise on the approved plans, shall be felled, lopped or topped before, during or after the construction period without the previous written consent of the Local Planning Authority.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
4. No works shall commence unless and until mitigation measures and a programmed scheme of implementation of such measures relating to bats and birds have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
Reason - To secure appropriate alternative roosting habitation for bats and birds.
5. Prior to the development hereby approved commencing:
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential contamination and/or ground gas risks have been identified, a detailed site investigation and suitable risk assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority;
 - Where remediation is required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

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

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

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

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

The approved contamination testing shall then be carried out and 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.

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

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

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

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

9. The landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building(s) is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/2 – Woodland and Tree Planting of the Bury

Unitary Development Plan..

10. 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.
11. The car parking indicated on the approved plans shall be surfaced, demarcated including appropriate markings at the proposed disabled parking spaces and made available for use to the written satisfaction of the Local Planning Authority prior to the building hereby approved being occupied and thereafter maintained at all times.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
12. All vehicles entering and leaving the site during the construction period are to pass through a wheel wash or other approved wheel cleaning facility. Details of the wheel wash facility to be used on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing.
Reason - To ensure that the proposed development does not cause unacceptable amounts of dust in the vicinity and to ensure that local roads are kept clear of mud in the interests of road safety.

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

Ward: Prestwich - St Mary's

Item 07

Applicant: Mr Williams

Location: 44 RECTORY LANE, PRESTWICH, M25 1BL

Proposal: CHANGE OF USE FROM DOCTOR'S SURGERY (CLASS D1) TO FUNERAL PARLOUR (CLASS A1). SINGLE STOREY REAR EXTENSION.

Application Ref: 46932/Full

Target Date: 03/11/2006

Recommendation: Approve with Conditions

Description

The application site is a large detached property set back off Rectory Lane. The area is predominantly residential in character. There is parking for 2 vehicles at the front and 4 further parking spaces at the rear. The property is set in 1465 square metres of land and has an extensive rear garden. The site is bounded by planting to No 46 Rectory Lane and a 2m high fence along the north westerly boundary which runs adjacent to the new build houses and flats on Oakhurst Gardens. There are also mature trees along this boundary which screens the site from these properties.

The application is for a change of use from Doctor's Surgery (Class D1) to Funeral Parlour (Class A1); and single storey extension at the rear. It is proposed to operate the business between the hours of 9am to 6pm Monday to Friday during which all visitations by family and friends of the deceased would occur. However the nature of the business may warrant the owner to access the building outside these hours. Four people in total would be working at the funeral parlour at any one time.

The proposed single story extension would be used as combined storage and parking area. It would extend back 4m and be 5.2m in width. The existing 4 parking spaces would be moved towards the rear garden by approx 2.4m.

Relevant Planning History

25472/91 - change of use from dwelling to doctor's surgery including s/s side and rear extension - approved - 14/2/91

Publicity

Neighbours letters were sent to residents on 1 - 11 Oakhurst Gardens, 1 The Drive, 46, 48, 73 Rectory Lane, 11, 12, 12A, 14 Banksome Avenue. 24 Objections have been received from occupiers of the surrounding residential properties. The objections can be summarised:

- There are 2 other funeral parlour's in the local vicinity
- There would be a considerable increase in non-residential parking, particularly at school run and rush hours
- The proposed hours of operation would not reflect a business of this type.
- Creating commercial premises at this address when there are already empty commercial properties in Prestwich would contravene regeneration policies
- The proposal is inappropriate in a residential area.
- There would be an increase in traffic to the area.
- The proposed use is insensitive to the feelings of local residents who will have to view the comings and goings from the business causing distress and upset.
- The change of use from D1 to A1 would allow for any type of business within this class

to operate from these premises.

- The application does not reflect any external changes to the building in the form of signage or advertising which is usual for a commercial use but which would effect the visual amenity of the area.
- The use of the proposed rear extension would open up a view of a hearse entering or leaving the premises
- The mature trees would be cut down to accommodate the extension
- House valuations will be effected by the proposal
- The current operation as a Doctor's surgery is a low key use, solely used by local residents, many of whom travel on foot. The change of use would create more disturbance and be of detriment to the character of the area.

Consultations

Highways - no objections

Environmental Services - no objections

Cleansing - no objections

Unitary Development Plan and Policies

PPG4 PPG4 - Industrial and Commercial development

H3/1 Assessing Non-Conforming Uses

S2/1 All New Retail Proposals: Assessment Criteria

EN1/2 Townscape and Built Design

EC4/1 Small Businesses

Issues and Analysis

Principle - PPG 4 - Industrial and Commercial Development and Small Firms, cites that depending on the scale of the development, the nature of the use of the site and its location, businesses can be carried out in residential areas without causing unacceptable disturbance through increased traffic, noise, pollution or other adverse effects. In areas which are primarily residential, development plan policies should not seek unreasonably to restrict commercial activities - particularly in existing buildings - which would not adversely affect residential amenity. Although consideration should be given to specific and significant objections, the fact that an activity differs from the predominant land use in any locality is not a sufficient reason, in itself, for refusing planning permission.

UDP Policy H3/1 - Assessing Non - Conforming Uses considers development in primarily residential areas and will not permit proposals deemed to be incompatible. Factors which are taken into account would include noise, smell, visual intrusion, traffic generation and parking arrangements and hours of operation. The property as existing already operates outside a residential use as a doctors surgery, which was granted permission in 1991. A fundamental consideration of this application is whether the proposed change of use would be considerably more detrimental to the residential amenities of the local residents. Given the hours of operation would be restricted from 9am to 6pm Monday to Friday for visitors to the premises, and that there would only be 2 cars operating from the business, any extra disturbance with regards to traffic, parking and noise associated with the change of use, would be minimal and not harmful to the local residents. Funeral directors uses, although they may not seem to fit readily under the retail heading, are included in Use Class A1 shops. In order to protect the residential amenity of the local occupiers from any other business activities which are associated with A1 Uses, a condition has been imposed which restricts the property to a funeral directors use only and would not be allowed any other change of use within the A1 Class.

UDP Policy EC4/1 - Small Businesses supports proposals for small businesses when the scale of development is appropriate to and in keeping with the surrounding area. Given there are to be 4 staff employed, 2 of which are part time, and there would be 2 cars working from the premises, it is considered the proposal would be of a suitable scale to the

site and surrounding location and would not cause excessive traffic, parking, noise or disturbance.

UDP Policy S2/1 - All New Retail Proposals: Assessment Criteria provides specific guidance for the control of all retail development to establish whether the proposal is acceptable in principle. The use falls within Class A1, and it is therefore appropriate to assess the proposal against some of the criteria listed within Policy S2/1. In terms of effects on the environment and residential amenity with regard to traffic, parking, servicing and access, it is unlikely the change of use would generate more noise or disturbance than the existing use. It would therefore conform with Policy S2/1.

UDP Policy EN1/2 - Townscape and Built Design assesses proposals in relation to their surrounding area and seeks to ensure new development relates to the character of the area. There will be no change to the front or side elevations of the premises. The proposed single storey rear extension would not be visible from the street scene. The occupants of the flats to the rear on Oakhurst Gardens would be approx 19m from the extension which would satisfy the council's aspect standards.

Traffic and Parking - The application illustrates there would be a total of 6 cars parking spaces within the site. This would be adequate provision for the size of the proposed business. The proposed use is not expected to substantially increase traffic movement given its size and scale.

Residential amenity - Although a funeral director's use is by its very nature, likely to be quiet and discreet, objections from local residents are often based on the distressing and upsetting character of the business. Many of the objections relate to the fact the proposal is not compatible with the residential character of the area and that coffins being taken in and out of the premises would be a source of considerable distress. The applicant has demonstrated the only activity associated with the business which would be visible to the local residents would be the comings and goings of vehicles to and away from the premises. All other activities, such as loading/unloading the coffins from the vehicles would be undertaken within the building. As such, any detrimental impact of noise or disturbance to the local residents would be mitigated.

Visual amenity - The only external alterations will be the proposed extension to the rear of the property. The property itself would not change in appearance with regard to its relationship within the street scene. Although there would be activity involved with the coming and going of vehicles, the existing use of the property is characterised by vehicular activity and the proposed use would not fundamentally alter the visual amenity of the area and would therefore conform with UDP Policy H3/1 - Assessing Non-Conforming Uses.

Hours - The public would visit the premises during normal office hours, although the nature of the business would require some out of hours working. However, it is unlikely to cause undue disturbance to the local residents to warrant a refusal and as such would satisfy Policy H3/1 - Assessing Non-Conforming Uses.

Servicing - There would be no change to the existing servicing arrangements.

Landscaping - No trees along the boundary to No 46 or Oakhurst Gardens are to be felled. The only shrubs removed would be those in the rear garden to allow for the car park extension.

Objections - The objection letters refer to a number of issues which have been covered in the report above. However, much concern lies with the perception that the change of use to A1 would encompass a whole range of uses which are classed as A1. Should this application be approved, a condition will be added which would restrict the use to funeral parlour only, and that no other use within Class A1 would be allowed without a further planning application.

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, in particular Unitary Development Plan Policy H3/1 - Assessing Non-Conforming Uses; S2/2 All New Retail Proposals; EN1/2 - Townscape and Built Design and EC4/1 - Small Businesses , Given its existing use as a doctor's surgery, the proposed change of use would not adversely effect the character of the area. The amenity of the local residents would not be materially effected. It would not cause demonstrable harm to other 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 8th September 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 external finishing materials for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. The use hereby permitted shall not be open to members of the public outside the following times: 09.00 to 18.00 Monday to Friday and not at all at weekends.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies H3/1 – Assessing Non-Conforming Uses and S2/1 - All New Retail proposal: Assessment Criteria and EC4/1 - Small Businesses.
5. The premises to which this approval relates shall be used for a funeral parlour and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).
Reason: To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to policies H3/1 - Assessing Non-Conforming Uses
6. No trees, unless indicated otherwise on the approved plans, shall be felled, lopped or topped before or during the construction period without the previous written consent of the Local Planning Authority.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

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

Ward: Radcliffe - East

Item 08

Applicant: Mr K Anwar

Location: THE BARN, TITHEBARN STREET, RADCLIFFE

Proposal: LISTED BUILDING CONSENT FOR ALTERATIONS TO ELEVATIONS INCLUDING NEW ENTRANCE

Application Ref: 46926/Listed Building Consent **Target Date:** 02/11/2006

Recommendation: Approve with Conditions

Description

The site comprises The Barn, a Grade 11 Listed Building located at the junction of Tithebarn Street and Norman Street in the Ees area of Radcliffe. The area is mixed in terms of its use with residential development immediately adjacent on Tithebarn Street, a engineering works and Nursery on Norman Street, a Pub and residential on Sandford Street and industrial development on Potter Street and an open green area in front of the site.

The listing of the building includes:

Tythe Barn - 17th Century or earlier. Rubble, partly rendered. Vehicular central door, window to right. Old stone slab roof over original hewn trusses, rafters, ridge and purlines with braces.

The application is linked to 46927 which is for a change of use of the building from a Commercial Garage to a Convenience Store.

This application is specifically for the internal works, which include a free standing block work wall to protect the interior of the single skill main stone wall, a new 'entrance door' and rendered panels to fill in the existing 'openings' on the exterior of the building.

Relevant Planning History

The building has a long planning history and previous consents have included a change of use from garage to children day nursery in 1993 and 1995 (28532 + 31537) which were not implemented and a previous application for a change of use from garage to convenience store which was withdrawn to allow time for negotiation. This application is as a result of these negotiations.

Publicity

Neighbours have been notified, press notices and site notices placed. One letter of objection has been received from 48 Bury Street and the objections can be summarised as follows:

- alterations are out of keeping with the building
- convenience store will have a negative impact on the character of the area

Consultations

Ancient Monuments Society - comments awaited

Council for British Archeology - no objections in principal

Georgian Group - comments awaited

Society for the Protection of Ancient Buildings - comments awaited

The 20th Century Society - comments awaited

Victorian Society - Comments awaited

GM Archeological Unit - comments awaited

Conservation Officer - no objections in principal

Unitary Development Plan and Policies

Issues and Analysis

Principal - both Unitary Development Plan Policy EN2/3 and Planning Policy Guidance Note 15 require the Council to actively safeguard the character and setting of Listed Buildings. In this instance the principal area of concern is the safeguarding of the building itself. Key to safeguarding the building is finding an appropriate use for the building and necessary works to be implemented that use being carried out with sensitivity to the fabric of the building.

In this instance the building has been vacant for a period of time since the commercial garage use ceased. The building has been of concern since it became vacant and the bringing into use of the building is to be welcomed. As such it accords with both UDP Policy EN2/3 and PPG 15.

Proposed alterations - the interior alterations providing a block work inner skin, which has been carried out, do not affect the character of the building and protect the stone walls as they are free standing. The additional block work walls to provide a staff toilet will not impact on the exterior walls and the drainage uses the existing drain from the building. The provision of a suspended ceiling within the building is acceptable and the details of the fixing will be required by condition as the roof structure is an important part of the listing of the buildings. The existing doorway on Tithebarn Street is to be replaced by a three sectioned glazed panel set in a hardwood frame with two clear glazing panels above. This is to be recessed into the entrance by 550mm and a roller shutter is to be mounted behind the door for security purposes. This will result in an improvement to the exterior appearance of the building and will improve the fenestration pattern. The various exterior openings on the Tithebarn Street and Norman Street frontage are currently 'boarded' up and it is proposed that these boards are replaced by block work and render with a 150mm setback from the front wall. Subject to confirmation of the colour of the render this is a satisfactory treatment for these openings as it provides security to the building and maintains the fenestration pattern. The proposed site for signage of the store is immediately above the entrance with no projection and is in scale with the building. As such the proposed alterations accord with both UDP Policy EN2/3 and PPG 15.

Objection - With regard to this application this only has relevance to the physical alterations as the use is outside the remit of this application. The proposed new entrance and 'blocking' of the openings in the wall are acceptable in terms of preserving the character of the listed building and as such do not warrant refusal on design grounds or its impact on the Listed Building.

Summary of reasons for Recommendation

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

The proposed internal free standing alterations, the new entrance door and rendered panels will help preserve the Listed Building and not materially affect the character of the building. As such the proposal conforms with Unitary Development Plan Policy EN2/3 - Listed Buildings and EN2/1 - Townscape and Built Design.

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 DL-00 & DL-01A 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 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 works to be carried out on the site/building. 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 the fabric of a listed structure/building during implementation and pursuant to Policy EN2/3 – Listed Buildings of the Bury Unitary Development Plan.
4. No works shall be carried out on the site until full details of the colour and composition of the rendered panels on the Tithebard Street and Norman Street elevation have been supplied to and approved in writing by the Local Planning Authority and the works shall then be carried out in complete accordance with those details.
Reason. In order to preserve features of special architectural or historical interest and as provided for under Section 17(1) (a) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
5. No works shall be carried out on the site until full details of type and fixing of the suspended ceiling have been supplied to and approved in writing by the Local Planning Authority and the works shall then be carried out in complete accordance with those details.
Reason. In order to preserve features of special architectural or historical interest and as provided for under Section 17(1) (a) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

Ward: Radcliffe - East

Item 09

Applicant: Mr K Anwar

Location: THE BARN, TITHEBARN STREET, RADCLIFFE

Proposal: CHANGE OF USE FROM GARAGE TO CONVENIENCE STORE (USE CLASS A1)
(RESUBMISSION) INC. NEW ENTRANCE.

Application Ref: 46927/Full

Target Date: 02/11/2006

Recommendation: Approve with Conditions

Description

The site comprises The Barn, a Grade 11 Listed Building located at the junction of Tithebarn Street and Norman Street in the Ees area of Radcliffe. The area is mixed in use with a end terraced house immediately adjoining on Tithebarn Street/Bury Street, a engineering works and Nursery on Norman Street, a Pub and residential on Sandford Street and industrial development on Potter Street and an open green area in front of the site.

Whilst a sign has been erected, no trading has taken place from the building. This sign is to be removed and one more in keeping will be applied for in due course.

The application is linked to 46926 which is for Listed Building Consent for alterations to the exterior of the building.

This application is specifically for a change of use from a garage to a Convenience Store, use Class A1.

Relevant Planning History

The building has a long planning history and previous consents have included a change of use from garage to children day nursery in 1993 and 1995 (28532 + 31537) which were not implemented and a previous application for a change of use from garage to convenience store which was withdrawn to allow time for negotiation. This application is as a result of these negotiations.

Publicity

Neighbours have been notified, press notices and site notices placed. One letter of objection has been received from 48 Bury Street and the objections can be summarised as follows:

- alterations are out of keeping with the building
- convenience store will have a negative impact on the character of the area especially if it sells alcohol and encourages youth to gather.

Consultations

Highways Team - no objections
Drainage Team - no objections
Conservation officer - no objections
Environmental Health - Comments awaited
Cleansing - Comments awaited

Unitary Development Plan and Policies

EN1/1 Visual Amenity
EN1/2 Townscape and Built Design
EN1/8 Shop Fronts

EN2/3 Listed Buildings
S2/1 All New Retail Proposals: Assessment Criteria
S1/5 Neighbourhood Centres and Local Shops

Issues and Analysis

Principal - the proposed use as a Convenience Store falls within the remit of Unitary Development Plan Policies S1/5 - Neighbourhood Centres and Local Shops and S2/5 - New Local Shopping Provision Outside Recognised Shopping Centres. Policy S1/5 states that Local shops are defined as having a gross floor area of less than 200 sq m and as the proposed shop is 100 sq m gross floor space it can be defined as a Local shop. As such the proposal conforms with Policy S1/5.

Policy S2/5 states that it is important to balance the advantages and disadvantages and a number of criteria are set out in the policy, namely, what impact will the shop have on existing shopping? Would the new shop would be better located in an existing shopping area? Is there is potential nuisance to residents and are arrangements for the parking and servicing provision acceptable?

Impact on shopping in the area - In this instance the building is sited some 200m away from the existing defined neighbourhood shopping centre on Cross Lane, it is surrounded on two sides by commercial use and on the others by residential and open land. The site is on one of the access routes into the East Lancs Paper Mill Redevelopment Site and has been previously used for commercial purposes. In this instance the small scale of the store, 50 sq m sales area would not impact adversely on the existing Neighbourhood Shopping Centre at Cross Lane which ha a cross section of A1, A2, A5 and other retail uses. As such it complies with UDP Policy S2/5.

Impact on residential amenity - The store is at the end of the block, has a separate gable wall from the adjoining residential property and is unlikely to cause any noise, unlike the previous use as a garage. The hours of operation are from 8.00 to 22.00 and it is intended that this be conditioned to ensure the amenities of the neighbours are protected. There is currently unrestricted parking in the streets adjacent and whilst some disturbance may be caused by this, the scale of the store is such that this will not be such as to warrant refusal. As such it complies with UDP Policy S2/5.

Parking and servicing - There are 2 dedicated parking spaces outside the store and unrestricted parking on the streets adjacent. Given the small scale of the store no off street parking is needed and the on street parking is adequate. The servicing will be from the current access on Norman Street and this is considered suitable for the scale of the store given that it includes a 40sq m store room where goods can be delivered and waste stored until removed. As such it complies with UDP Policy S2/5.

Listed Building - The bringing into use of the Listed Building conforms with UDP Policy EN2/3 - Listed Buildings and is to be welcomed.

Access - The proposed new entrance to the store allows for a full disabled access and the pavement outside is to be re-surfaced to facilitate access by disabled persons.

Objection - the proposed store is small in scale and is intended for local use. Whilst there will be some disturbance caused this will be limited and a restriction on the hours of operation will ensure this is the case. The building has an established use as a garage and it is not considered that the change to a convenience store would create a materially greater impact on the residential amenity of the area and as such would not be reason for refusing the applications.

The proposed new entrance and 'blocking' of the openings in the wall are acceptable in terms of preserving the character of the listed building and as such do not warrant refusal on design grounds or its impact on the Listed Building.

Summary of reasons for Recommendation

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

The proposed use, due to its location impact on the area and re-use of a listed building accords with Unitary Development Plan Policies S1/5 - Neighbourhood Centres and Local Shops, S2/1 - All New Retail Proposals: Assessment Criteria and EN2/3 - Listed Buildings.

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 DL-00 & DL-01A and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used for the rendered panels shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. The use hereby permitted shall not be open to customers outside the following times: 08.00 to 22.00.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/5 – New Local Shopping Provision Outside Recognised Shopping Centres.

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

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 10

Applicant: Mr J Delaney

Location: SIMONS HOUSE FARM, REDISHER LANE, HAWKSHAW, RAMSBOTTOM, BL8
4HX

Proposal: REVISED APPLICATION TO EXTEND THE EXISTING HOUSE INTO THE BARN
AREA

Application Ref: 46763/Full

Target Date: 19/10/2006

Recommendation: Refuse

Description

The property is a very isolated stone farmhouse with attached barn within the open countryside, close to the eastern boundary of Holcombe Ranges. The property is characterised by its simple functional design; typical of 17th and 18th Century farm buildings with slate roof and stone mullioned windows. Access is via an unmade track from Redisher Lane. There are no mains services to the house. Close by, to the north of the property is the now vacant Simon's Sundial Cottage, a grade II listed farmhouse circa 1700.

A previous application (LPA Ref:43518) to extend the house into the barn and define the domestic curtilage was approved in December 2004. The current application proposes revisions to the previous approval. As can be seen from the attached photographs, much of the external work on the house has been completed.

The main changes are set out below and can be compared with reference to the previously approved plans (43518) attached at the back of this report.

Front elevation

Original stone mullioned window openings with hood mouldings have been replaced with single openings with modern twin paned Upvc window frames.

Roof and eaves raised by approximately 1m.

Two smaller piked dormers replacing one larger piked dormer.

Additional large French style windows and balustrade at first floor.

Rear Elevation

The wall on the road elevation has been raised about 1m and infilled with oddly mixed stone above the original wall.

Curtilage

The proposed curtilage has been extended beyond the boundaries of the previous scheme. The new application indicates the curtilage extending around that piece of land previously defined as a paddock to the east of the house.

Relevant Planning History

43518 - Extension of Dwelling into Adjoining Barn and Determination of Garden Boundaries.
Approved 02/12/2004

06912/78 - A bathroom and septic tank. Approved 14/09/1978.

Publicity

Immediate landowner notified and site notice posted - No comments received.

Consultations

Conservation - Recommends refusal - See issues and Analysis section.

Unitary Development Plan and Policies

OL1/4	Conversion and Re-use of Buildings in the Green Belt
EN1/1	Visual Amenity
EN9	Landscape
EN9/1	Special Landscape Areas
H2/3	Extensions and Alterations

Issues and Analysis

Policy Background. Policy EN1/1 - Visual Amenity, states that development will not be permitted where proposals would have a detrimental effect on:

- a) public views of prominent or important buildings, especially those in areas of architectural or historic interest;
- b) the visual amenity both within, or viewed from areas of environmental interest such as Green Belt, Special Landscape Areas or river valleys.

Policy EN9/1 - Special Landscape Areas, supports Policy EN1/1 by stating that proposals in Special Landscape Areas will be strictly controlled and required to be sympathetic to its surroundings in terms of its visual impact. High standards of design will be expected and unduly obtrusive development will not be permitted in such areas.

Policy OL1/4 relates to conversions and re-use of buildings in the Green Belt. It states that conversion of buildings will be permitted provided that the openness of the Green Belt is not materially affected. It also states that the form, bulk and general design of the buildings are in keeping with their surroundings.

As the site is adjacent to the grade II listed Simon's Sundial Cottage, policy EN2/3 - Listed Buildings, is also considered to be relevant. The policy states that the Council will seek to safeguard the character and setting of Listed Buildings by not permitting works, alterations or changes of use which would have a detrimental effect on their historical or architectural character and features.

History. The previously approved scheme to extend the existing stone dwelling into the adjoining barn was not ideal in terms of the impact it had on the overall character of the building and its setting within the surrounding open countryside. Whilst the addition of the piked gable disrupted the symmetry of the building and the new window openings and detailing appear rather suburban in character, it was deemed to be just about acceptable in that the impact would not be serious enough to warrant refusing the application.

Whilst new features were introduced in the previously approved scheme, the proposal did retain the existing slate roof at its original height, retaining the shape and scale of the original building, and did preserve some important detailing such as the original stone mullioned window openings on the garden elevation.

Design and Appearance. The revised scheme includes a significant number of inappropriate changes to the previous approval and would have a seriously detrimental impact on the character of the original building and surrounding Green Belt and Special Landscape Area. The raising of the roof and eaves by approximately one metre not only makes it more prominent in the landscape but has facilitated what is an extremely poorly executed wall extension along the road elevation. In addition, the original stone mullion farmhouse windows have been completely removed and replaced with poorly proportioned and detailed stone framed windows. The treatment of the garden elevation is totally wrong for a former agricultural building in a rural area, particularly in such close proximity to a grade II listed building. The size and scale of the openings and the position and detail of the lateral gables, and the framing and the balconies, are all elements from suburban modern buildings, and have no connection with traditional rural architecture in the area.

Curtilage. The extension to the approved curtilage is substantial and totally inappropriate in the Green Belt and would be contrary to Green Belt Policy OL1/4.

Listed Building. Simon's Sundial Cottage is a grade II listed building which lies immediately adjacent to the site, within the Ministry of Defence ranges. It has been vacant for a number of years but appears to have retained many of its original features and as such preserved its traditional character. In assessing this application against Policy EN2/3 it is considered that the setting of the listed building would be seriously and adversely affected in view of its proximity and the fact that the main approach to the listed cottage runs past Simon's House Farm.

The revised scheme is considered to be seriously detrimental to, and totally out of keeping with the original building, the surrounding landscape and would have an adverse impact on the setting of a listed building. The application is therefore contrary to Unitary Development Plan Policies listed above.

Recommendation: Refuse

Conditions/ Reasons

1. The proposed curtilage would be considered to constitute an undesirable intrusion into the surrounding Green Belt and Area of Landscape Value and would therefore be seriously detrimental to the character and amenity of the area. The proposal would therefore be contrary to the objectives of the following UDP policies: OL1/4 - Conversion and Re-use of Buildings in the Green Belt; EN1/9 - Special Landscape Areas.
2. The proposed alterations are neither appropriate to, nor sympathetic with the traditional character of the original structure, and would be detrimental to the visual amenity of the surrounding Green Belt and Area of Special Landscape. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan: EN1/1 - Visual Amenity; OL1/4 - Conversion and Re-use of Buildings in the Green Belt; EN1/9 - Special Landscape Areas and H2/ 3 - Extensions and Alterations..
3. The proposed development would adversely affect the setting and character of the adjacent Simon's Sundial Cottage which is a grade II listed building and therefore conflicts with Bury Unitary Development Plan Policy EN2/3 - Listed Buildings.

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

Ward: Whitefield + Unsworth - Pilkington Park

Item 11

Applicant: Polyflor Ltd

Location: POLYFLOR LTD, RADCLIFFE NEW ROAD, RADCLIFFE, M26 7NR

Proposal: EXTENSION TO EXISTING POLYTRED BUILDING AND NEW BOILERHOUSE

Application Ref: 46773/Full

Target Date: 13/11/2006

Recommendation: Approve with Conditions

Description

The site is a well established industrial complex on the south side of Radcliffe New Road and the adjacent metro line. The proposed extension would be built onto the existing polytred building which produces safety flooring, in the north east corner of the site. To the west and significantly elevated above the site are residential properties on Charter Avenue, Jubilee Avenue and Uplands Avenue. An embankment has recently been cut away and a retaining structure erected under a recently approved scheme (ref. 46086). To the north across the infilled lodge is the Metrolink line and houses fronting Radcliffe New Road. To the south and east is the remainder of the Polyflor complex.

The proposals comprise an extension to the westerly end of the site to provide additional space to the factory for a mixing plant, the erection of 5No 10m high silos and a detached boiler house to the rear of the factory building.

The extension would be 'L' shaped wrapping around the existing building and would be some 34.1m wide across the northerly elevation; 42.5m deep along the westerly elevation. The extension would stand some 19.4m forward from the principle elevation of the factory. In terms of height, the building would have two different roof levels. The lowest roof to the far west of the factory would be 7.6m to the eaves increasing to 9m at the ridge, which would bring the eaves level with the fencing to the gardens of Charter Avenue. A taller building next to the silos and centrally located within the site would be 13.5m to the eaves and 15m to the ridge.

The boiler house would be located to the rear of the factory and would be 7.5m wide; 5.29m deep and would have a mono pitch roof with an eaves height of 4m and ridge height 5.7m.

The application originally included a store building to the rear of 29 & 31 Jubilee Avenue. This element of the proposals has since been withdrawn due to impact upon the nearest residents.

Relevant Planning History

There have been a number of applications on the site over recent years. The most relevant being -

- 43847 - Demolition of and construction of new warehouse - Approved in February 2005.
- 46086 - Extension to existing Polytreed building & retaining wall - Approved - 19/4/06.

Publicity

The application was publicised by letters sent to properties on Uplands Avenue; Charter Avenue; Jubilee Avenue; Stand Golf Club and Lowry Court on 5/8/06 and again informing them of revised plans on 22/9/06. Press notice was published on 24/8/06 and a site notices were erected on 19/8/06. As a result of this publicity, 7 letters of objection have been received from the following addresses: 18, 20 Charter Avenue; an unaddressed letter from P Leckie; 88B, 90 Lowry Court.

Objection letters from 29 & 31 Jubilee Avenue have now been withdrawn due to the removal of a store building from the scheme.

Points of concern include:

- There are unpleasant smells emanating from the building on an intermittent basis.
- The site can be noisy, which can sometimes be late at night.

Consultations

Traffic - No objections.

Drainage - No objections.

Environmental Health - No objections to the proposals. They specify the attachment of noise conditions and emissions are continuously monitored under the Environmental Protection Act and the factory operates within limits.

United Utilities - No objections.

Environment Agency - The site lies within 250m of a landfill site and therefore gas controls will need to be considered by the attachment of planning conditions.

Unitary Development Plan and Policies

EC2/1 Employment Generating Areas
EC3/1 Measures to Improve Industrial Areas
EN1/2 Townscape and Built Design

Issues and Analysis

Principle - The site is an existing allocated Employment Generating Site with a specific allocation under UDP Policy EC2/1/15. Uses within Classes B1 (Business), B2 (General Industry) and B8 (Storage & Distribution) will only be permitted. The Policy goes on to confirm that such sites have an important role for employment purposes and the allocation seeks the protection of these sites for industrial purposes.

UDP Policy EC3/1 - Measures to Improve Industrial Areas, provides criteria for the improvement of older industrial areas and premises and encourages measures to improve the appearance of buildings, promote the introduction of new industrial development and to promote good standards of design.

The proposals are seeking to facilitate the growth of the processes carried out at the site and to house machinery to facilitate their processes. The Council has already approved a smaller scheme in the area proposed for the extension. The current scheme represents a significant commitment by the operator to maintain employment at the site and to secure an important position in the industrial market that they operate within. As such, the principle of the development is considered to be acceptable.

Design & Scale - The proposals represent a larger extension to one previously approved under reference 46086. The current proposals essentially would add an additional block to the north of the already approved extension. This block would be some 19.4m wide x 34.1m long. Furthermore, there would be a higher element within the development would be used to house weighing machinery involved in the polytred process of their flooring production business. The factory operates within an extensive site and is at a much lower level to the houses located to the west of the site. The difference in levels would still ensure that the development would not be out of scale with the site and factory and would be of an appropriate massing to be in keeping with the existing factory. As such, the development is considered to comply with UDP Policies EN1/2 - Townscape and Built Design and EC3/1 - Measures to Improve Industrial Areas.

The boiler house would be a conservatively sized building and its appearance would be simple and tucked away to the rear of the main factory building. This structure would have no detrimental impact beyond the site boundaries.

The silos would be largely hidden from view by the proposed extension to the Polytred building. Their appearance would be a standard cylindrical shape and again, would not be visible from outside the site.

Residential Amenity and Objections - The concerns raised by residents have been considered by the proposals and the agent for the scheme has provided a response on the concerns raised. The main element of concern was a store to be located to the rear of the residential properties, where the levels are such that the store would be clearly visible from main habitable room windows and close to residential properties. This element has been withdrawn from the scheme.

In terms of the main factory extension, although the proposals would essentially mean that the new manufacturing process would be closer to the residential properties, the westerly elevation of the main extension would not be nearer to residential properties than the already approved scheme. In terms of the boiler house and silos, they would roughly centrally located within the site and would be well away from residential properties, some 45m and 65m respectively. Additionally, the significant elevated levels of the houses to the factory, circa 10m, would mean that the new development would not be readily visible from properties on Uplands Avenue, Charter Avenue or Jubilee Avenue.

The remaining objections centre upon problems of noise and smells. In response to these concerns, the new building would be constructed in modern noise insulating materials, which would assist to reduce any noise by up to 40dB. All extraction processes would utilise the existing system and thus would not need to discharge out in close proximity to the residential properties. In addition to this, noise and smells are closely monitored by Environmental Health and they have advocated a planning condition to ensure that noise levels do not increase above existing noise levels as measured at the boundary of the site. In terms of the smells, Environmental Health monitor the site closely and consider that the process involved within the extension would not result in any increased emissions. The proposals do not involve any external extraction and all extraction through the existing factory passes through an abatement plant prior to being emitted through the existing stacks. Current particulates are well within prescribed limits. On this basis, it is considered that the development would not give rise to additional smells.

Given the above considerations, it is considered that the development would have no detrimental impact upon residential amenity and would comply with UDP Policy EC3/1 - Measures to Improve Industrial Areas.

Summary of reasons for Recommendation

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

The proposed development would assist in securing continual economic development and employment provision and with appropriate planning conditions. The development would comply with Policies of the Unitary Development Plan and there are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

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

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

2. This decision relates to drawings numbered 532C: 01/P1, 03/P2, 04/P2, 05/P2, 07/P2 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Prior to the commencement of the 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.
4. 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.
5. Prior to the development hereby approved commencing:
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential contamination and/or ground gas risks have been identified, a detailed site investigation and suitable risk assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority;
 - Where remediation is required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.
6. Following the provisions of Condition 5 of this planning permission, where remediation is required, the approved remediation strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the conclusions and actions taken at each stage of the works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.
7. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing

schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site, and;

The approved contamination testing shall then be carried out and 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.

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

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

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

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

9. Noise from the proposed activity/development hereby permitted shall not increase the prevailing ambient noise levels as measured at the boundary of the site, the locations of which shall be determined by the Local Planning Authority. The ambient noise levels shall be determined by a survey to be carried out by the applicant the methodology of which shall be to the satisfaction of the Local Planning Authority. A copy of the survey report shall be provided to the Local Planning Authority before the development is implemented.

Reason - To determine the current ambient noise levels and to ensure that noise does not increase to sensitive receptors at the boundary of the site, pursuant to UDP Policy EC3/1 - Measures to Improve Older Industrial Premises and Planning Policy Guidance Note 24 - Planning and Noise.

10. All doors to the premises shall remain closed at all times except for the explicit purpose of entry to or exit from the premises.

Reason - To ensure that noise does not increase to sensitive receptors at the boundary of the site, pursuant to UDP Policy EC3/1 - Measures to Improve Older Industrial Premises and Planning Policy Guidance Note 24 - Planning and Noise.

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

Ward: Whitefield + Unsworth - Pilkington Park

Item 12

Applicant: MR R HAMER

Location: 852 MANCHESTER ROAD, BURY, BL9 8DW

Proposal: CHANGE OF USE OF GROUND FLOOR FROM VACANT SHOP TO BOOKMAKERS (CLASS A2)

Application Ref: 46990/Full

Target Date: 15/11/2006

Recommendation: Approve with Conditions

Description

The site comprises a vacant lock up shop unit within a parade of shops on Manchester Road within the Manchester Road/Sunnybank Neighbourhood Shopping Centre with residential accommodation above. The shop unit was last used for a furniture shop and has communal parking to the front and dedicated servicing to the rear.

It is proposed that the existing unit be used as a bookmakers with no alterations to the existing shop front.

Relevant Planning History

Consent has been granted on the site for a dental surgery but has not been implemented. 33963 -1998.

Publicity

Neighbours have been notified and one objection has been received from 848 Manchester Road. The objection can be summarised as follows:

- bookmakers will change the character of the area

Consultations

Highways Team - No objections

Baddac - welcome the disabled facilities and recommends minor amendments to the main door.

Unitary Development Plan and Policies

S1/5 Neighbourhood Centres and Local Shops

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

Issues and Analysis

Principle - the site is located within a Neighbourhood Shopping Centre where Unitary Development Plan Policy S1/5 states that the Council will seek to retain A1 retail use to serve the needs of the local community. However, it then says that it may not always be possible to safeguard existing facilities or retain shops, especially where there is not enough consumer demand to make a shop viable. The duration of vacancy of shop premises will therefore be taken as an indication of likely viability. In this instance there is a 'convenience' based shop occupying two of the existing retail units, a news agents and an hairdresser in the parade. Whilst this would not be a Class A1 use, it will provide a service to the community and would not create an oversupply of non retail use.

The applicant has requested 09.30 to 21.30 pm as the maximum hours of opening 6 days a week and 09.30 to 18.30 on Sundays. This is shorter than the nearby 'convenience store' and as such would not extend the hours of operation of the parade outside those it already

enjoys and as such is appropriate as it would not be a material detriment to the amenities of the area.

In these specific circumstances it is not considered that the use of the premises as a bookmakers, which falls into Use Class A2 and which is an office use that is appropriate to predominantly retail areas, would be contrary to the UDP and as such it is acceptable.

Servicing and Parking - the shop unit is part of a parade of 6 shops located below flats within a predominately residential area that is adjacent to a public house. The forecourt outside the units has no parking restrictions and the units were designed to be serviced from the rear. (Separate parking is provided for the flats). As such the proposal is unlikely to cause difficulties with parking and servicing and is acceptable.

Noise - no comments have been received from the Environmental Health Team but it is suggested that a condition be imposed to protect the amenities of the residents in the flats above.

Objections - the use of the site for a bookmakers would be consistent with the UDP Policies on the retention of the viability of Neighbourhood Shopping Centres as stated in S1/5. The other policies stated by the objectors, whilst relevant, are superseded by S1/5 and the retention of the unit as an active frontage outweighs any disadvantage in terms of the loss of an A1 retail use. The bookmakers will change the character of the shopping parade but this would not be of detriment to the viability of the shopping and as such not warrant refusal.

Summary of reasons for Recommendation

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

Having studied the submitted documents, assessed the proposed development on site and taken into account any and all representations and consultation responses, in particular Unitary Development Plan Policy S1/5 - Neighbourhood Centres and Local Shops and S2/4 - Control of Non-Retail Uses in All Other Areas; it is considered that the proposed development would not undermine the attractiveness of the Neighbourhood Centre nor of material detriment to the residential amenity on the neighbouring properties or and because it would not cause demonstrable harm to other 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 20th September 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 use hereby permitted shall not be open to customers outside the following

times: 09.30 to 21.30 on Mondays to Saturdays and 09.30 to 18.30 on Sundays.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S1/5 – Neighbourhood Centres and Local Shops and S2/3 - Control of Non-Residential Uses in All Other Areas.

4. No development shall take place unless and until a scheme to soundproof the floor/ceiling between the ground floor and the first floor flat, which shall be in accordance with standards of construction specified in current Building Regulations, has been submitted to and approved by the Local Planning Authority. Such works that form the approved scheme shall be completed before the development is brought into use.

Reason. To protect the residential amenities of the flats above.

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

Ward: Whitefield + Unsworth - Unsworth

Item 13

Applicant: Mrs Cabrera

Location: 31 CHURCH CROFT, HOLLINS, BURY, BL9 8JD

Proposal: CHANGE OF USE OF LAND TO FORM GARDEN EXTENSION; ERECTION OF 1.8m HIGH FENCING

Application Ref: 46742/Full

Target Date: 13/10/2006

Recommendation: Approve with Conditions

Description

The site is a strip of land adjacent to 31 Church Croft that forms part of an access way through from Church Meadow To Church Croft.

The proposal is for a change of use of the majority of the land between the existing boundary and the footpath running along side the site to a garden and to erect a new 1.8m high timber and concrete post fence along the new boundary. The new fence will be set back from the road frontage at Church Croft so that it is in-line with the front of the house and on Church Meadow so as to provide a pedestrian visibility splay.

Relevant Planning History

Consent has been granted on the site for a two storey side extension which is under construction and has resulted in the removal of the existing boundary fence. (43155 September 2004)

Publicity

Neighbours have been notified and two emails have been received. The comments can be summarised as follows:

- any landscaping done should be of a low maintenance type
- reducing the width of the alley way will affect the character of the area
- building a fence will allow youths to congregate as they will lean against it
- there is doubt over the applicants ownership
- the existing landscaping has already been removed

Consultations

Highways - comments awaited
Environmental Health - no objections in principal
United Utilities - no objections
GM Police Architectural Liaison Unit - comments awaited

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design
H2/2 The Layout of New Residential Development
SPD6 DC Policy Guidance Note 6: Alterations & Extensions

Issues and Analysis

Layout - the land in question has formed a landscaped strip alongside a footpath provided as part of the original Persimmon Home (Beazer Homes) development. The land was not adopted by the council (the footpath is) and is in the ownership of the applicant. The path bends slightly along its length and there is viability from one end to the other. Given the fact

that an area of land will be left at either end of the path it is not considered that the proposal will impact so adversely on the character of the area as to warrant refusal and as such conforms with Unitary Development plan Policy H2/2 - Layout of New Residential Development and Development Control Policy Guidance Note 6 - Alterations and Extensions to Residential Properties.

Landscaping - the applicant has indicated a simple landscaping strip alongside the fence. Given that there are also areas at either end of the fence where no treatment is shown, it is intended that this be conditioned be imposed that the whole area be landscaped and to ensure its implementation and the applicant has agreed to this.

Safety - the proposed realignment of the fence will still allow a clear view along the path from one end to the other. Whilst the perception of safety is important, the fact that you will be able to see along the full length of the path means that whilst this is an issue, in this case it is not considered to cause such a deterioration in the safety of the rout as to warrant refusal.

Objections - the comments on ownership, impact on the character of the area, safety and landscaping have been dealt with above and there are no further comments to make.

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 extension of the garden and the new boundary will not cause demonstrable harm to the character of the area and as such not conflict with Unitary Development Plan Policies 1/2 - Townscape and Built Design or H2/2 - The Layout of New Residential Development.

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 18th 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. 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 boundary fence being completed. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan..

4. If during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales to the approval of the Local Planning Authority.
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

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

Ward: Whitefield + Unsworth - Besses

Item 14

Applicant: Hillock Hebrew Congregation

Location: THE HILLOCK HEBREW CONGREGATION, BEVERLEY CLOSE, WHITEFIELD, MANCHESTER, M45 8BB

Proposal: NEW SECURITY FENCING TO THE BOUNDARY ADJACENT TO 15 TO 23 BEVERLEY CLOSE

Application Ref: 46847/Full

Target Date: 10/11/2006

Recommendation: Approve with Conditions

Description

The application relates to a small single storey synagogue situated off a residential cul-de-sac on the north side of Ribble Drive. Approval was granted for a 2.4m high paladin 'mesh' fencing around the south, west and northern boundaries in December 2003. This was erected to deter vandalism of the building.

The applicant now proposes to continue the same style fence, at the same height, along the remaining eastern boundary which backs onto the rear gardens of properties 15-23 Beverley Close. There is an existing timber fence at approximately 1.8m high running along this boundary that belongs to these five properties. The existing paladin and timber boundary fences can be seen in the photo attached to this report.

Relevant Planning History

41549 - 2.4m High Security Fence and gates - Approved 03/12/2003

Publicity

Immediate neighbours notified - One letter has been received from the occupier of No.17 Beverley Close who objects on the following grounds:

The security fence is unnecessary as the existing security fence appears to have deterred vandals.

The security fence should be a last resort rather than a first resort. Other options need to be considered.

The paladin mesh fence would not be aesthetically pleasing when erected immediately next to the existing timber fence.

Consultations

Highway team - No objection.

Greater Manchester Police - No objection.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

EN1/5 Crime Prevention

CF1 Proposals for New and Improved Community Facilities

Issues and Analysis

Design and Appearance - The paladin style of fencing is considered to be visually acceptable in a residential area and indeed has been erected around Ribble Drive Primary School further down Ribble Drive. The visual impact of the proposed mesh fence would be mitigated by the fact that the existing timber fence along the back of the adjoining residential properties would effectively screen all but about 500-600mm of the paladin fencing along this boundary.

Security - Given the limited visual impact and the benefits accruing to the increase in security around the synagogue, the proposal is considered to be acceptable and complies with UDP Policies listed.

Summary of reasons for Recommendation

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

The proposed boundary fence is not considered to be of a height and design that would have a seriously detrimental impact on the visual or residential amenity of neighbouring properties. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than 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 20627/01 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 exact colour of the proposed fence hereby approved shall match that of the existing boundary fence.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

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

