

**Ward:** Bury East

Item 01

**Applicant:** Thornfield Properties

**Location:** LAND AT THE ROCK AND ROCHDALE ROAD, (KNOWN AS THE ROCK TRIANGLE), BURY

**Proposal:** RESERVED MATTERS APPLICATION - MIXED USE DEVELOPMENT COMPRISING SHOPPING; FOOD AND DRINK WITHIN THE A1,A2,A3,A4 AND A5 USE CLASSES; 197 RESIDENTIAL APARTMENTS (USE CLASS C3); ASSEMBLY AND LEISURE USES WITHIN D2 USE CLASS; MULTI STOREY AND OTHER CAR PARKING; NEW STREETS; HIGHWAYS AND OTHER MEANS OF ACCESS AND CIRCULATION; AND OTHER ASSOCIATED WORKS AND FACILITIES

**Application Ref:** 46702/Reserved matters

**Target Date:** 31/10/2006

**Recommendation:** Minded to Approve

**Minded to approve subject to a s106 Agreement concerning affordable housing and approval being granted to the details submitted in response to conditions 6, 7, 11, 13, 23, 25 and 35 of the outline planning permission**

**Description**

The application involves an extensive area (7.9ha) within the north-easterly portion of Bury Town Centre. The land included is broadly bounded by The Rock on the north westerly edge, the Moorgate Retail Park on the north easterly boundary, Rochdale Road on the southerly side and the GMPTE bus depot on the easterly side. However, beyond these limits the site also encompasses Clerke Street, Eden Street and the pedestrian part of the The Rock also into Union Street.

The site is currently occupied by a variety of occupied and vacant premises as well as two public car parks, cleared areas and a public garden. Outline planning permission was granted for the land on 12th April 2006 for a mixed use development including shopping, financial and professional services, food and drink outlets, residential units, community, health, nursery, educational, cultural, assembly and leisure uses, nightclub uses, a multi-storey and other car parking and associated works including highways and other means of access and circulation. The permission granted approval to the details of the siting of the buildings and the means of access. A s106 Agreement was made in association with the consent requiring a pedestrian area improvement strategy, public art provision, a town centre management contribution, recreational enhancement, a shop mobility satellite scheme and a car parking strategy.

The current application is for the approval of the outstanding reserved matters including design, external appearance and landscaping. As required through the outline consent, the submitted details follow the layout of blocks, roadways and pedestrian ways established by that planning permission. There would be five main blocks.

- Blocks B and C would be set alongside The Rock and separated by the retained St John's Gardens.
- Block F would be on the south side of Block B next to the current end to Rochdale Road.
- Block E would be to the east of Block F also next to Rochdale Road.
- Block D would be at the northeasterly end of the development between Blocks C and E.

The development of Block A (Hornby Buildings replacement) and Block G (replacement health centre) already have full planning permission. The total gross floorspace of the five blocks would be about 110,000 sq. m. of which about 41,000 sq. m. would be devoted to retailing and food and drink outlets.

In terms of access the scheme would eliminate the current through traffic route from Rochdale Road/Angouleme Way to the easterly section of The Rock. Rochdale Road would turn southwards at the position of the current main roundabout to merge with Angouleme Way and the roundabout would be removed. The current westerly end of Rochdale Road would become a minor service road and pedestrian area named Angouleme Place. The pedestrianisation of The Rock would be extended to the easterly end of Wilkinsons where this part of The Rock would terminate as a service road. A new link road would be constructed from Rochdale Road at the position of Derby Street to the main junction of The Rock/ Moorgate/ Peel Way and Walmersley Road. These highway changes were indicated and approved as part of the outline permission but are shown in more detail on the reserved matters application.

In terms of pedestrian routes and areas the scheme would focus on three main urban squares including on The Rock where an extensive pedestrian area would be created in the zone outside blocks A, B, F and Wilkinsons. This is named on the scheme as Hornby Square. From here a pedestrian route would lead between blocks B and F to a square in the centre of the scheme bounded by parts of the main blocks. Four other pedestrian routes would radiate from this square named St John's Square. These would be via St John's Garden from The Rock to the north, from the new by-pass road between blocks C and D, from the Primary Care Trust development and the by pass road between blocks D and E and from Rochdale Road between blocks F and E. The third square would be Angouleme Place, the wide pedestrianised frontage outside Block F.

Taking the blocks in turn:-

- Block B with a total floorspace of 20,700 sq. m. would have six levels of accommodation. There would be 25 retail units of varying size on the ground floor. Above this one of these units would have an upper level on a mezzanine floor and this level would contain 120 parking spaces and seven residential apartments. The total retail floorspace would be 4997 sq. m. The higher floors would be residential only with 47 apartments each on the first and second floors, 23 on the third and 12 on the fourth floor giving an overall, total of 136 apartments within this block. Externally, the block would be clad mostly in dark red (plum) coloured facing brick contrasting with coloured natural eternit weatherboarding to the top floor and glazing to the retail elevations extending up to mezzanine level on the elevation facing Hornby Square. As in the rest of the development, each shop front would be individually designed but within criteria set down through a Tenant Design Guide prepared in consultation with the Council. As with the other blocks, Block B would have a flat roof. It would feature a copper/zink metal standing roof fascia on The Rock elevation.
- Block C would have five levels of accommodation totalling 9,046 sq. m. and would be the smallest of the main blocks. It would include one large and four smaller retail units on the ground floor giving 4020 sq. m. of shopping space. The large unit would also cover the whole of the mezzanine level. The rest of the block would be residential with 21 apartments each on the first floor and second floors and 19 on the third floor giving a total of 61 apartments in this block. Externally, the dominant finishes to the block would vary. Thus, the elevations to The Rock and St John's Garden and towards the by-pass road would be mostly in coloured polymeric render with elements of cedar cladding on parts of the residential elevations. In contrast, red brick would be the main element on the south-easterly elevation facing Block D. Double height glazed shop fronts would occur on most of the retail sections.

- Block D at the north-easterly end of the development with a 9735 sq. m. floor area would house the Debenhams store. This would be a three storey block occupied entirely by the store. The main entrance facing St John's Square would have a full height glazed elevation framed by treated cedar timber cladding. Other parts of the elevations would have extensive areas of cedar cladding, blue brickwork, gabion walling and glazing.
- Block E at 49,565 sq. m. would be a large block that would dominate the easterly side of the development. It would incorporate seven sizeable retail units totalling 10,845 sq. m. facing St John's Square and the pedestrian route leading from Angouleme Place. The block would contain the multi-storey car park with 1003 spaces and would have a total of six levels with car parking spaces occurring on five of the levels. The shops would have two floors through three levels. Externally, the retail elevations would have full height glazing between masonry pilasters. The elevational treatment to the multi-storey car park would consist of coloured vertical aluminium fins and a gabion screen wall at ground level with clearly expressed glazed staircase cores.
- Block F with 21,320 sq. m. would also be a large element within the development. It would be next to Block B at the main access point to the development and would have four levels. It would incorporate 22 retail units with all but two extending up onto two levels. In addition, there would be four Class A3 catering units facing Angouleme Place. The retail and food outlets would occupy 11499 sq. m. Above them there would be a ten screen multiplex cinema and an indoor bowl. The food units would open onto a first floor terrace facing Angouleme Place. Elevational treatment would vary from aluminium framed shop fronts on two levels to extensive areas of brushed stainless steel metal shingles and coloured eternit panels on the upper levels. The terrace parapet would be faced in brown brickwork and would feature treated timber brise soleil fixed to a metal frame.

Within the layout there is an indication that there would be small kiosk type units at Angouleme Place, St John's Square and Hornby Square (Blocks H, I and J). However, the application does not include any elevational details of these units which would need to be the subject of a separate application.

In terms of its residential content the development would provide a total of 197 apartments.

At the same time as the submission of the application the applicants have submitted a number of statements responding to the requirements of outline consent. Most of these need to be approved prior to the commencement of work. However, the following statements include material of pertinence to the consideration of the reserved matters submission: Design Statement, Car Park Details, Cycle and Motor Cycle Parking, Refuse and Waste Storage, Access Statement and Public Realm Strategy.

### **Relevant Planning History**

40730/03 - Application from the same applicant for mixed use development, including food supermarket, approved on 14th July 2004

41730/03 - Application from a different developer covering the same site area with the addition of the site of the Firstbus garage was recommended for refusal but was withdrawn before the application was considered by Planning Control Committee.

Planning permission (45026) was granted on 6th January 2006 for a replacement United Reform Church on the car park at School Brow.

Planning permission (45691) was granted on 1st March 2006 for a replacement car showroom and associated facilities for Vantage Vauxhall to be sited on Crostons Road next to the Dixon Ford dealership.

45426 - Planning permission was granted for the redevelopment of Hornby Buildings at the meeting on 24 January 2006.

46134 - Planning permission was granted on 3rd July 2006 for a new medical centre and pharmacy with associate access and car parking. This would replace the existing Minden Medical Centre.

45424 - Outline - Mixed use development comprising: shopping; financial and professional services; food and drink within the A1, A2, A3, A4 and A5 use classes; residential uses; community, health, nursery, education, cultural, assembly, and leisure uses within the D1, and D2 use classes; nightclub uses; multi-storey and other car parking; new streets; highways and other means of access and circulation; and other associated works and facilities.

### **Publicity**

224 properties were notified. Site notices have been displayed and a press notice published. No response has been received.

### **Consultations**

Highways Section - No formal response received yet but are likely to recommend a condition that no doors must open outwards over the adopted highway.

Drainage Section - No objections.

Environmental Services - Have commented on the applicant's statement in response to condition 22 of the outline consent. State that the residential noise mitigation scheme to be submitted must be in accordance with PPG24 - Planning and Noise. Noise from ancillary plant is not to increase prevailing noise levels as measured by the applicants. Refer to the correct specification for independent ventilators to allow windows to remain closed. Generally concur with the assessment provided that the development is predicted to have a negligible effect on air quality.

Waste Management - Refuse facilities shown are generally acceptable.

Community Safety - Concerns that the CCTV scheme should be implemented in proper coordination with the Council's town centre public area CCTV. Condition 29 of the outline consent requires a scheme for CCTV cameras to be approved prior to commencement of development and discussions are taking place towards a resolution of the Community Safety Officer's concerns.

GMP Architectural Liaison - The initial response was disappointment that the applicant has not submitted a designing out crime statement in accordance with the guidelines 'Safer Places'. Subsequently, a meeting has taken place with the agent followed by written confirmation of the applicant's shared concerns with GMPAL in terms of secure design and an outline of their approach to this matter.

CABE - Unable to offer assistance due to limited resources.

GMAU - Have confirmed that they are satisfied with the scheme for archaeological work and building recording. These activities are yet to be completed and reports produced.

Fire and Rescue Service - Wish to discuss with the developers the sequence of working schedule to ensure the fire service vehicles would not be impeded during construction. Remind the developers that adequate water supplies for fire fighting purposes should be provided.

BADDAC - Generally supportive response but with some concerns - see Inclusive Design in the Issues and Analysis section.

Environment Agency - Land contamination conditions recommended.

GMPTTE - Concern about the dimensions of a bus stop on Rochdale Road adjacent to Angouleme Place and Block H. The details have been amended to improve this bus stop according to GMPTTE requirements.

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

H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/4	Street Furniture
EN1/5	Crime Prevention
EN1/6	Public Art
EN1/7	Throughroutes and Gateways
EN1/8	Shop Fronts
EN3/1	Impact of Development on Archaeological Sites
EN3/2	Development Affecting Archaeological Sites
RT4/5	Special Tourism and Leisure Provision
S2/1	All New Retail Proposals: Assessment Criteria
S2/6	Food and Drink
S3/1	New Retail Dev Opportunities Within or Adj Town Centres
HT2/5	Public Car Parks
HT2/6	Replacement Car Parking
HT5/1	Access For Those with Special Needs
HT6/1	Pedestrian and Cyclist Movement
HT6/2	Pedestrian/Vehicular Conflict
TC3	Bury Town Centre
SPD3	DC Policy Guidance Note 3: Planning Out Crime
SPD5	DC Policy Guidance Note 5: Affordable Housing

### **Issues and Analysis**

Layout - The siting of the blocks and the main pedestrian thoroughfares and roadways has been established by the outline consent which covers details of siting and the means of access. The details submitted are in conformity with the outline permission.

Urban Form - The application builds on the urban design principles for the development established by the Development Framework and the outline planning consent by providing a series of distinctive high quality contemporary buildings arranged around a series of open pedestrian streets and public spaces. The proposed department store (Block D) is sited at the focal point of these pedestrian routes and is designed to form a distinctive new architectural landmark for the town centre.

Each building achieves a distinct appearance in relation to the others through the use of different materials and detailing. This means that the overall development would take on an organic appearance that would ensure that the Rock Triangle takes on the appearance of a natural extension to the town centre rather than a monotonous homogeneous appearance typical of many retail developments.

Active Frontages - The development would provide high quality active frontages through the use of shopfronts to the new pedestrian streets, The Rock, and the new public spaces (St. John's Square, St. John's Gardens, Hornby Square). The applicant has also demonstrated

a commitment to ensuring high quality design for individual shop fronts through the development of a 'Tenants Design Guide'. These spaces and streets are also well overlooked by the residential apartments to blocks B & C. The natural surveillance and 24 hour activity generated by the apartments are also a key element in achieving a safe and secure environment for the development.

Active frontages are also achieved to the proposed Angouleme Place through the provision of restaurants and entrance lobbies to the leisure uses (cinema and ten pin bowling) within block F. These uses also would ensure that the development would be a vibrant daytime and night time area of the town centre.

The area of potential concern with regard to active frontage is the relationship of buildings with the new link road. In the absence of active frontage, the Development Framework placed a requirement that buildings fronting onto the new link road should present attractive frontages and contribute to the street scene. The elevational treatment of the multi-storey car park within Block E is key to meeting this requirement. The scheme proposes a novel use of materials in the form of coloured vertical aluminium fins and a gabion screen wall at ground level, with clearly expressed glazed staircase cores. The coloured vertical fins should provide a highly animated facade, particularly when seen from a vehicle travelling on the new link road, and this should provide a distinctive first impression/arrival point for the development and the town centre.

Public Realm Treatment - The applicant has provided a Public Realm Strategy in accordance with condition 35 of the outline consent. Generally, this presents a high quality design approach that is well thought out in terms of the different roles and uses intended for each of the pedestrian streets and public spaces within the scheme. However, one issue yet to be resolved is the proposed shared use of parts of the public realm between pedestrians and cyclists - see Inclusive Design Comments.

The submitted plans are clearly indicative of the high quality approach to be adopted but the applicant is also required to submit detailed schemes for the design and specification of the hard and soft landscape proposals prior to commencement of the development in accordance with condition 14 of the outline consent. Generally the outstanding design issues in relation to the public realm proposals can be addressed at this later stage.

Car Parking - The submitted details include provision for a total of 1123 spaces including 120 in Block B and 1003 in the multi-storey car park at Block E. Of these 53 would be disabled spaces with 45 within the multi storey where 38 would be parents and children spaces and 6 department store collection spaces. The provision needs to take into account not only the requirements of the development itself but also the overall town centre position in that there would be a loss of two existing public car parks as a result of the development.

As part of assessing the adequacy of the proposed car parking provision a report has been commissioned by planning consultants. The consultants have assessed the provision against current national, regional and local parking standards taking into account that government guidance seeks to control parking provision to the "operational minimum" rather than seeking to enforce the maximum standards. Furthermore, they have taken into consideration the proportion of visitors to Bury Town Centre using public transport and have compared Bury with other centres both in the region and across the UK. Their conclusions include that the proposed level of proposed parking "... has been shown to be appropriate in the context of maximum parking standards as provided by both National and regional bodies." and that "It would continue to ensure Bury is provided with an adequate supply of parking when considered against comparable and competitor centres." In addition they state that "The provision of a multi-storey car park of around 1000 spaces to primarily serve the Rock Triangle proposals, but also to act as part of the overall Bury Town Centre parking

provision, is entirely appropriate and should not cause any difficulties for the Centre as a whole."

Condition 10 of the outline consent requires the submission of a strategy for car parking management to be submitted to the Local Planning Authority on or before the submission of the first reserved matters application and also for a scheme for car parking management to be submitted and approved for each phase prior to its commencement. The applicants have submitted their Parking Management Strategy and this is under consideration. However, the condition does not require approval to the strategy document prior to the granting of reserved matters consent.

A significant concern relates to the management of car parking during the implementation of the scheme to ensure an adequate level of public parking during this period. To this end the s106 Agreement made in connection with the outline consent requires the developers to submit a Car Parking Strategy to the Council for approval prior to commencement. In addition, condition 6 of the outline consent requires, by the time of the submission of the first reserved matters application, the submission and approval of a phasing scheme to include details of arrangements for public parking as the development proceeds. In response the developers have submitted a Temporary Car Parking Strategy document that is under consideration and permission should not be granted until this has been approved.

Inclusive Design - BADDAC are generally supportive of the overall approach to the design of the public realm. However, a number of concerns have been raised. Amongst these is the potential shared use of pedestrian streets (particularly The Rock) with cyclists which the Council has proposed as part of its Bury Cycling Strategy (2004). The applicant has proposed a paving scheme that reinforces the role of The Rock as a traditional high street with pedestrian 'pavement' zones adjacent to frontages and a shared use 'road' zone for use by pedestrians, cyclists, emergency vehicles and special activities such as occasional farmers markets. BADDAC are concerned about the principle of sharing street space with cyclists due to the risk of collisions particularly with blind or visually impaired pedestrians. However, resolving the principle of shared use of The Rock would fall outside the scope of this application. Any decision in this regard would need to take into account the Council's Cycling Strategy which is that The Rock should be developed as part of the Borough network of 'quiet' cycle routes. This proposal exists because there is no east west route through Bury Town Centre for 'less confident' cyclists and The Rock, being a former road offers sufficient width for a route. Cycle use of pedestrian priority routes can either be allowed on condition that cyclists give way to pedestrians or by their use of segregated routes for cyclists. The developer's designs to date suggest the former approach but BADDAC's comments suggest that the latter approach may be preferred.

Should a decision be made to proceed with shared use by cyclists of the pedestrianised Rock this may involve a number of design features being incorporated, such as clearly defined kerb lines, but consideration of this matter would need to form part of the detailed landscape proposal to be considered in accordance with condition 14 of the outline consent.

Within the Rock Triangle scheme itself the applicant intends to exclude cyclists from the new pedestrian streets and is proposing to provide cycle parking at the entry points to the scheme (see also next section). Whilst this is contrary to the principle of improving town centre permeability for sustainable modes of transport, BADDAC are generally supportive of this approach. They are also concerned that two of the streets have similar paving schemes to The Rock in order to reinforce the links between The Rock and the Rock Triangle development and this could lead to confusion if cycling is permitted on The Rock. Thus, to achieve a more consistent design treatment to fully pedestrian areas these streets would need to be redesigned. Again, this issue would need to be resolved through the consideration of the detailed landscape proposals (condition 14).

Whilst a debate has arisen about the possibility of conflict between cyclists and visually impaired pedestrians, it should be emphasised that it is the Council and not the developers that are keen to introduce cycling along the pedestrianised areas. It is important that this issue should be separated from the consideration of the application. It does need to be debated but in the right forum so that the solution decided on can then be incorporated into the landscape detailed proposals for the public realm at the later stage.

Other BADDAC concerns that can be resolved with more detailed design in response to condition 14 include wheelchair access to a raised grassed area in St John's Gardens, achieving a suitable level approach throughout the scheme, and provision of suitably designed street furniture, including seating.

BADDAC have particularly welcomed the provision of a sensory garden in St Johns Gardens and have indicated that the overall layout and siting of the vehicular drop-off and taxi rank in relation to Angouleme Place are suitable for the access needs of disabled people. The drop-off can, it is understood, accommodate Ring & Ride.

All of the proposed buildings would have level approached and flush thresholds. Key issues for achieving fully inclusive design to the buildings are the design of shop fronts and the internal layout of the department store, leisure uses, individual shop units and restaurants. The internal layouts, however, are outside the scope of the application. The applicant will be seeking to control the quality of these elements through the application of a 'Tenants Design Guide' which highlights the importance of inclusive design.

The multi storey car park would provide 45 disabled parking spaces on the deck with direct access to the department store and with shopmobility in line with national standards. However, there is no additional provision for staff parking although the applicant has suggested that the 38 parent and child spaces on this deck could have flexible use for additional disabled parking at peak times and for disabled staff parking needs. There is need for further information on the management of the parent and child spaces to clarify their use for disabled parking and this should be included in the Parking Management Strategy required by condition 10 of the outline consent.

The residential apartments are not designed to full Lifetime Homes standards. However, there is good provision for disabled residents parking (8 spaces), wheelchair accessible lifts and suitably wide corridors, apartment layouts and door widths for wheelchair access and turning space with the internal layout capable of future adaptation. This would provide a reasonable level of accessibility within the residential development to the satisfaction of BADDAC.

Cycle Parking - Details have been provided of the location of cycle stands. However, precise details of their location should left for further consideration taking into account the needs of cyclists and pedestrians. Therefore, any approval should be conditioned to require, prior to commencement, the submission of revised cycle parking proposals as part of the outline Condition 14 landscaping details.

Landscaping - The landscaping information provided with the application is on an indicative basis and condition 14 of the outline consent requires the submission of full details of landscaping, both soft and hard, including minor artifacts and structures, to be submitted for approval before each phase is commenced. The submitted information indicates a generally satisfactory approach but the consideration of the full landscaping specification, including the treatment to the pedestrian areas, would be at a later stage.

Highways Design - Approval was granted to details of means of access as part of the



outline planning permission and the highways layout on this reserved matters application complies with the approved highways scheme. The application covers more design details and the Highways Section has expressed concern that the plans show a number of instances where doors would open out over the public highway. It is anticipated that it will be recommending a condition to prevent this from occurring and the matter will be reported further.

Secure Design - The applicants have submitted a number of statements in response to the eight conditions of the outline consent that are either devoted to security issues or involve a significant element of this concern. They have responded to the initial concern of GMPAL that no designing out crime statement has been submitted in accordance with "Safer Places" guidelines. This has included a meeting with GMPAL where the submitted statements were reviewed followed by a letter explaining their shared concerns about secure design and an outline of their approach on this matter.

The main outline consent conditions regarding secure design are 29 concerning CCTV provision and 40 regarding crime prevention measures. These require the submission and approval of details prior to the commencement of each phase. Similarly, conditions 8 (shopfront design), 24 (external and street lighting), 10 (car park management) do not require detailed approval to the required particulars until commencement of phases. However, conditions 7 (design statement), 11 (cycle and motor cycle parking) and 35 (public realm strategy) do require approval to particulars at the reserved matters stage. These have been received and are under consideration and no consent should be issued until their approval has been granted. Most of the crime prevention details, however, would be considered at a later stage.

Housing - The development includes 197 one and two bedroomed residential apartments to be situated above the retail floorspace within Blocks B and C.

It is a requirement of UDP Policy H4/1 and the associated Development Control Policy Guidance Note 6 that a proportion of the residential units should be affordable housing and a s.106 Agreement is being made to ensure that this provision would occur. The applicant has proposed that 15% of the units would be affordable instead of the normal 25%. This is due to the costs associated with land acquisition, abnormalities associated with the scheme and above average construction costs. The figures provided in support of these claims have been assessed and the costs submitted are considered to be reasonable. However, the Agreement is intended to also take into account an 'overage' to meet the shortfall in affordable housing units should the house prices increase over the life of the project. This would allow the Council to negotiate further affordable housing contributions upto a maximum of 25% should house prices increase above their current level. Any consent should not be granted until the s.106 Agreement has been made.

Recreational provision for the residential element has already been assured through a requirement of the s.106 Agreement associated with the outline consent for the developer to produce a Recreational Enhancement Scheme involving St. John's Gardens.

### **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 details provided of the design and external appearance of the buildings and information concerning the treatment of the public realm demonstrate to a satisfactory degree that the development would be of a high quality and with a sufficient amount of car parking provided for the needs of the development and the adjacent town centre areas.

There are no other material considerations that outweigh this finding.

## **Recommendation: Minded to Approve**

### **Conditions/ Reasons**

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

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

2. No development, other than the by-pass road, shall take place unless and until a Tenant Design Guide setting out the design parameters regulating shop front appearance, quality and design for individual shops and food and drink establishments has been submitted to and approved by the Local Planning Authority. The design and appearance of the frontages in question shall not be other than in accordance with the approved Tenant Design Guide.

Reason: In the interests of visual amenity and to ensure a satisfactory development.

3. No development shall take place unless and until revised detailed proposals for the location of cycle parking and the accommodation of cycle routes within the development have been submitted to and have been approved in writing by the Local Planning Authority as part of the detailed landscaping proposals.

Reason: To ensure that the proposals of the Borough Cycling Strategy are implemented in manner that is safe and convenient for all users of the public spaces within the development.

- 4.

This decision relates to drawings numbered SA(PL)A101, SA(PL)A111 Rev D, SA(PL)A -110, SA(PL)L001 Rev A, SA(PL)L002, , SA(PL)L010, SA(PL)L011 Rev A, SA(PL)L012, SA(PL)L013, SA(PL)L014, SA(PL)L015, Rev A, SA(PL)L020, SA(PL)A100, SA(PL)A153, SA(PL)A154, SA(PL)A155, SA(PL)A156, SA(PL)A157, SA(PL)A158, SA(PL)A201, SA(PL)A202, SA(PL)A203.

BB(PL)A100 REV B, BB(PL)A101 REV B, BB(PL)A102 REV B, BB(PL)A103 REV B, BB(PL)A104 REV C, BB(PL)A105 REV B, BB(PL)A106 REV A, BB(PL)A001 REV B, BB(PL)A010 REV A, BB(PL)A011 REV A, BB(PL)A012 REV A, BB(PL)A013 REV A.

BC(PL)A100 REV A, BC(PL)A101 REV A, BC(PL)A102 REV B, BC(PL)A103 REV B, BC(PL)A104 REV B, BC(PL)A105 REV A, BC(PL)A001 REV B, BC(PL)A010 REV A, BC(PL)A011 REV A, BC(PL)A012 REV A.

BD(PL)A100, BD(PL)A101, BD(PL)A102, BD(PL)A103, BD(PL)A001,  
BD(PL)A002, BD(PL)A003, BD(PL)A010, BD(PL)A011, BD(PL)A012,  
BD(PL)A020.

BE(PL)A100, BE(PL)A101, BE(20) A102, BE(20) A103, BE(PL)A104, BE(20) A105, BE(20) A106, BEPLA A001 REV A, BEPLA A002, BE(PL) A011 REV A, BE(PL)A010 REV A.

BF(PL)A100, BF(PL)A101, BF(PL)A102, BF(PL)A104, BF(PL)A001, BF(PL)A002, BF(PL)A010, BF(PL)A011, BF(PL)A012.

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

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

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

**Ward:** Bury East - Redvales

Item 02

**Applicant:** Pauline Jones

**Location:** LABURNUM HOUSE, WELLS STREET, BURY, BL9 0TU

**Proposal:** CONSERVATORY EXTENSION AND CONVERSION OF LOFT TO PROVIDE 5 EXTRA BEDROOMS INCORPORATING FRONT AND REAR DORMERS

**Application Ref:** 46946/Full

**Target Date:** 27/11/2006

**Recommendation:** Approve with Conditions

### **Description**

Laburnum House is a large detached residential care home at the corner of Wells St and Haslam Brow, to the south of Bury Town Centre. There is a 2m high brick wall along the Wells St frontage and a stone wall and 6m conifer hedge along Haslam Brow. The property has a area of hardstanding to the rear that can accommodate approximately 5 cars.

The proposal has two elements. The conservatory would be on the eastern side of the rear elevation, closest to the Haslam Brow boundary. It would come out 3.6m and extend across 4.3m.

The loft conversion would accommodate five additional bedrooms . Three small pitched roof dormers would face Wells St and three would be facing the rear garden area.

The applicant states that the additional capacity will entail four additional staff, giving a total of nine staff over a 24hr period.

### **Relevant Planning History**

None relevant.

### **Publicity**

Immediate neighbours - One letter of objection from the occupier of 1 Bradford Terrace. The writer is concerned about possible additional traffic coming in and out of what she thinks is a poor access.

### **Consultations**

Highways team - No objections.  
Drainage - No objections.  
Environmental Health - No comment to date.  
GM Police - No comment to date.  
Bury PCT - No comment to date.  
Fire Officer - No comment to date.

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

H2/3 Extensions and Alterations  
EN1/2 Townscape and Built Design  
CF1 Proposals for New and Improved Community Facilities  
CF3/1 Residential Care Homes and Nursing Homes

### **Issues and Analysis**

Policy. Policy CF3 - Social Services and more specifically CF3/1 - Residential Care Homes and Nursing Homes encourage the improvement of existing social service facilities within the Borough where they do not conflict with the amenity of the adjoining areas.

Design and appearance. Both the conservatory and additional bedrooms would improve facilities at the care home which caters for recovering mental health patients. The proposed conservatory is designed and modest in scale. It is well screened by the existing property and boundary treatment and would not have an adverse impact on the street scene or amenity of neighbours. It is not considered that the structure would interfere with the existing parking or service provision.

In terms of appearance the new dormers would in the roof are also modest in scale and their traditional design is in keeping with the existing building.

Residential Amenity. Of the three dormers fronting Wells Street, two comprise of bedroom windows with a third obscure glazed en-suite window. Although the new windows are small and set back from the eaves, they are only about 16m from the front elevation of the terraced properties across Wells St. Whilst this distance is sub-standard, it is considered to be acceptable given that there are well established and existing bedroom windows at first floor level at a distance of less than 15m. It is therefore not considered that two new windows bedroom windows would make the situation significantly worse.

Objection. The objection with regard to traffic issues is a material one but one which is not supported. Although the proposal entails five additional bedrooms, it is not considered that there would be a significant increase in traffic to and from the site. The patients within the home are unlikely to have vehicles and the impact from additional staff over a 24hr period is not significant. It is noted that the hardstanding within the site could be extended should the need arise and there is on street parking around the site.

Given the benefits of the scheme in terms of improving facilities and capacity at the care home set against the limited disbenefits in terms of residential amenity and traffic, it is considered that the proposal is, on balance, acceptable.

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

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

The proposal is considered to comply with the policies listed. The conservatory and dormers are in keeping with the existing property and would not seriously impact on 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 PJ/LH/DE/001/C1(Revised), PJ/LH/DE/002/C1(Revised), PJ/LH/DE/003/C1 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. The external finishing materials for the proposal hereby approved shall match those of the existing building.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

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

**Ward:** Bury West - Elton

Item 03

**Applicant:** David A Bury

**Location:** 36 TOTTINGTON ROAD, BURY, BL8 1LL

**Proposal:** CHANGE OF USE FROM DISUSED HUT TO PRIVATE HIRE BOOKING OFFICE

**Application Ref:** 47030/Full

**Target Date:** 07/12/2006

**Recommendation:** Approve with Conditions

### **Description**

The application relates to a small disused brick building located on the main road from Tottington to Bury. The site is located to the south end of this road, just outside Bury town centre with a public house and residential terrace properties opposite and new build flats to the north west approx 20m from the site. To the rear the land drops away significantly and accommodates several storage containers and workshops. The planting along this rear boundary significantly screens the activities to the rear of this site. There are double yellow lines on the road outside the application site, with on street parking on the opposite side of the road.

The application is for a change of use to a booking office for private hire vehicles. There would be 2 staff employed. The office would be operating from 6am to 12pm Monday to Sunday. It is indicated there would be no direct public access to the public for booking vehicles at the premises and that there would be no facilities for drivers at the premises.

### **Relevant Planning History**

None relevant

### **Publicity**

15 properties notified and one objection received from No 67 Tottington Road on the following basis:

- already been an increase in congestion and noise pollution due to construction of flats nearby.
- this particular stretch of road is already noisy especially with disturbance caused by the comings and goings from the Pleasant View Pub and the passers by walking from the town centre at night.
- there have been a number of incidents between groups of people at night which have caused disturbance to the local residents along this stretch of road which would be exacerbated by the proposal
- parking would be problematic
- there would be additional noise from people waiting for taxis

### **Consultations**

Highways Team - no objection to the proposal. Condition recommended to restrict the private hire vehicles from calling at the office.

Environmental Services - no comments received

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

EN1/2 Townscape and Built Design  
HT2/8 Taxi and Private Hire Businesses

### **Issues and Analysis**

**Principle** - A use such as a private hire booking office can often give rise to considerable problems in terms of their location particularly residential areas. The principle of such a use is considered to be acceptable subject to it satisfying particular criteria related to highway issues, parking and amenity.

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

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

- a) adequate car parking facilities are provided for the needs of employees and vehicles used in connection with the business*
- b) it will not have an unacceptable adverse effect on the amenities of neighbouring residents or occupiers*
- c) it will not have an unacceptable adverse effect on the local highway network, in terms of road safety and traffic circulation in particular'.*

The purpose of the policy is to set down criteria which will determine the acceptability of such business operations and their compatibility with neighbouring uses.

**Amenity** - This type of application can often give rise to problems if they are in close proximity to residential development and where there are high levels of vehicular and pedestrian activity at night.

However, this particular proposal is relatively small in scale, utilising a comparatively small building (total of 10 sq m). The size of the business would be restricted by the limited space which does not include any driver or customer facilities. Another factor limiting its impact would be a condition preventing private hire vehicles from calling at the office to wait, pick up customers or take refreshments. The applicant has supported the proposal with a letter confirming that no drivers will park their vehicles in or around the site and would agree to any condition set by the council regarding parking.

There would be no members of the public visiting the premises to book taxis or other drivers calling in to the office. It is considered that given the size of the office and the recommended condition restricting vehicles and customers calling at the office, the proposed use as a booking office would not cause serious amenity issues with regard to disturbance and noise. It is considered not to significantly cause more disturbance than already exists in the area. It therefore complies with UDP Policy HT 2/8 - Taxi and Private Hire Businesses.

**Traffic** - It is considered it would not be detrimental to highway safety. With regard to staff parking, off site parking would be provided for the drivers at Riverbank Garden Apartments on Tottington Road, to the north of the site. The applicant has been allocated a parking space on the forecourt of these apartments by the owner from whom the applicant is also leasing 36 Tottington Road. The approval for the Riverbank Garden Apartments was granted 100% parking provision. Given the properties are fully let and not all parking spaces utilised, it is considered an acceptable arrangement with regard to parking provision for a private hire vehicle.

**Objection** - The concerns of the objector with regard to noise, disturbance, traffic and parking are material planning considerations. These issues have been addressed in the previous paragraphs.



### **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 booking office is small in scale and would not involve visiting members of the public or the parking/waiting of private hire vehicles in the immediate vicinity of the site. The impact of the use of the office would not have a seriously detrimental impact on neighbouring properties of highway safety.

There are no 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 12/10/2006 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. No private hire vehicles belonging to the applicant or those belonging to freelance drivers operating through the radio control at the premises, shall call at the office hereby permitted for the purposes of waiting or taking orders and instruction, collecting clients or for the purpose of taking refreshment.  
Reason - In the interests of residential amenity and highway safety pursuant to UDP Policy HT2/8 Taxi and Private Hire Businesses.
4. The use hereby permitted shall not operate outside the following times: 06.00 to 24.00 Daily  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies HT2/8 - Taxi and Private Hire Businesses of the Bury Unitary Development Plan.

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

**Ward:** Bury West - Elton

Item 04

**Applicant:** Miss J Bellis

**Location:** 18 TAMWORTH DRIVE, BURY, BL8 1DP

**Proposal:** CHANGE OF USE OF DOMESTIC SINGLE STOREY GARAGE TO DOG GROOMING/DOG CARE PARLOUR WITH NEW PEDESTRIAN ACCESS TO PARLOUR

**Application Ref:** 47049/Full

**Target Date:** 06/12/2006

**Recommendation:** Approve with Conditions

### **Description**

The site is an existing attached garage at the side of a semi-detached property within a residential area. The site is approximately 1m higher and has a separation distance of approximately 3m to the garage of 16 Tamworth Drive, the adjacent property.

The proposal is for the temporary change the use of the garage to a dog grooming parlour. The opening hours requested are 10:00hrs – 15:00hrs Monday to Friday, 10:00hrs – 14:00hrs Saturday and 11:00hrs – 14:00hrs on Sunday. It is to be run by the applicant (also the occupier of the attached dwelling) who has indicated that due to the limited hours of opening there are to be a maximum of 3 clients per day. The proposal includes altering the garage door to a window and entrance door to the dog parlour that is in keeping with the existing glazed front porch to the property. Also, a roller shutter garage door for security that is housed internally when open but maintains the residential look when shut. The application states that the business will rely on repeat trade and recommendations so there are to be no signs or advertisements placed on the premises.

### **Relevant Planning History**

None

### **Publicity**

9 surrounding properties have been notified. One letter of representation has been received from 14 Tamworth Avenue on the following basis:

1. Introduction of an inappropriate activity in a residential area.
2. Parked cars and those arriving and leaving would create a hazard.
3. Visiting dogs barking.

### **Consultations**

Highways – No objections

Environmental Services – No objections subject to a soundproofing scheme to be agreed and implemented before the dog parlour is brought into use.

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

H3/1 Assessing Non-Conforming Uses

### **Issues and Analysis**

Principle – UDP Policy H3/1 – Assessing Non-Conforming Uses lists the factors to be considered for non-residential proposals with regard to their impact on the surrounding residential area, these are residential amenity, design, car parking and traffic generation.

Residential Amenity – The plans state the garage is to be upgraded internally to meet current Building Regulation Standards for thermal, sound insulation and fire resisting properties. There is potential for some noise from the dog grooming parlour and a condition is to be imposed for a sound insulation scheme to be agreed and implemented before the parlour is brought into use to restrict noise levels. Therefore the proposal conforms to UDP Policy H3/1 – Assessing Non-Conforming Uses.

Design – The lack of signage for the business and the proposed alterations to the front elevation of the garage maintains a residential appearance of the property when the proposal is both open and closed. Therefore the proposal conforms to UDP Policy H3/1 – Assessing Non-Conforming Uses.

Car Parking and Traffic Generation – The property has an existing driveway that can accommodate two cars. Also, Tamworth Avenue is a wide residential road with no parking restrictions on either side. Given the limited number of clients during a day and the short amount of time that would be taken for the 'drop-off and pick-up' of the dogs this is considered adequate for both the domestic and business use. Therefore the proposal conforms to UDP Policy H3/1 – Assessing Non-Conforming Uses.

Use – The incidental use of the garage for commercial use by the owner is an accepted practice. In this instance it will be possible to restrict the consent to the applicant and the hours of operation and for a limited period so that the impact of the parlour on the area can be fully assessed. In this case it is thought that the introduction of this small scale business use is acceptable and will not conflict with UDP Policy H3/1 – Assessing Non-Conforming Uses.

Comments on Representations – The issues of noise, parking and the principal of a non-conforming use have been dealt with in the main report.

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

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

The proposed use of the garage for a dog grooming parlour is limited in scale and will not have a material impact on the character of the area or the residential amenity of the 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 **1, 2, 3 received on 11<sup>th</sup> October 2006 and 4A received on 30<sup>th</sup> October 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 details, including installation of the roller shutter proposed for the security of the dog grooming parlour hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved roller shutter door shall then be installed prior to the use hereby commencing.  
Reason: In the interests of visual amenity and to ensure a satisfactory development.
4. No development shall take place until a scheme to soundproof the area to be used as a dog grooming parlour has been submitted to and agreed in writing by the Local Planning Authority. The approved sound proofing scheme shall then be fully implement prior to the dog rooming parlour use hereby approved commencing.  
Reason: To project adjacent residents from noise nuisance.
5. The use hereby permitted by this consent as a dog grooming parlour shall be carried on only by the applicant and resident of 18 Tamworth Avenue, namely Jane Bellis. No other person shall be employed in relation to the dog grooming business.  
Reason: The proposed use is not in accord with the character of the area and permission has only been granted given the particular circumstances of the applicant.
6. The use hereby permitted by this consent for a dog grooming parlour shall be for a limited period, being a period of 5 years from the date of this decision.  
Reason: The proposed use is not in accord with the character of the area and permission has only been granted given the particular circumstances of the applicant.
7. The hours of operation of the Dog Grooming Parlour, including 'drop-off' and 'pick-up' of animals, hereby approved shall be confined to the following hours:-  
  
10:00hrs – 15:00hrs Monday to Saturday and 11:00hrs – 14:00hrs on Sunday  
  
Reason: To safeguard the amenities of the occupiers of nearby residential accommodation.

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

**Ward:** North Manor

Item 05

**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

**The Committee request a site visit for this application to take place on 21 November 2006. This report has been updated since previously presented.**

### **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 that 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. A front entrance foyer proposed in the scheme earlier has since been deleted from the scheme. Residents have been notified of the changes to the scheme.

### **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. A further letter has been received from Mr D A Knott with no stated address. 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 - The noise report submitted with the application suggests that the new residential properties may be affected by noise from the existing factory and makes recommendations to ensure appropriate mitigation. This should be conditioned.

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 window thicknesses.

### **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, since the previously shown entrance lobby has been deleted from the scheme. The roof covering would be slate as currently exists utilising reclaimed slate from the existing covering. Any additional slates would need to be approved in accordance with a samples condition. 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 enclosed fire staircase is also proposed on the westerly elevation replacing an existing open staircase. 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 - No objections.

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 including a roost have been 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 has been considered by the Traffic Section. They would not consider it appropriate to change speed limits incrementally.



However, they will be carrying out studies to re-assess existing speed restrictions throughout the Borough in response to regulation changes next year. The application site and position to the 30mph speed zone along the A676 would form part of that re-assessment. 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 Policy H2/2 – The Layout of New Residential Development.

### **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.

13. The residential accommodation hereby approved shall incorporate a forced ventilation scheme the details of which shall be submitted to and approved in writing by the local planning authority before the development commences.

Reason - To protect the amenity of the occupants of the premises once the development hereby approved is occupied.

14. This decision relates to drawings numbered 0647: 01, 02, 03, 04, 05, 06 rev. C, 0647. 07 rev. D, 0647: 08 rev.C, 09 rev. B, 10, 11 and the submitted Noise Consultant Report and the development shall not be carried out except in accordance with the drawings hereby approved.

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

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

**Ward:** Prestwich - Holyrood

Item 06

**Applicant:** Mr & Mrs S Samuels

**Location:** 446A BURY OLD ROAD, PRESTWICH, M25 1PQ

**Proposal:** CHANGE OF USE FROM RESIDENTIAL TO OFFICES, SMALL SIDE EXTENSION & PARKING

**Application Ref:** 46964/Full

**Target Date:** 08/12/2006

**Recommendation:** Approve with Conditions

### **Description**

The site is a two storey residential property with ground floor garage accommodation attached to 446B Bury Old Road, a retail property within the Local Shopping Centre LC12 – Polefield/Bury Old Road. The site is currently accessed via gates off the side of the parking area in front of 446B to 452 Bury Old Road, not directly off Bury Old Road. The garden area at the front of the drive area is raised and surrounded by a brick/stone wall with a privet hedge along the Bury Old Road.

The adjacent property to the west, 446 Bury Old Road is a detached property that has been converted into 7 flats. It is higher than the site with a minimum separation distance of approximately 15m between the two properties. The properties on Heywood Road behind mature trees on the boundary have a minimum separation distance of 16m.

The proposal is for change of use from residential to offices (Class B1), two side extensions to square off the building at the rear and a car parking area at the front to accommodate 5 cars. The plans have been amended to show a dedicated access point centrally placed on the Bury Old Road frontage. The proposed hours of working are 08:00hrs to 18:30hrs for seven days a week.

### **Relevant Planning History**

13945 - Formation of new access - Refused 13/01/83

46641 - Change of use from residential to shop (Class A1) and offices (Class B1) including 2 extensions at the side and car parking at front - Withdrawn to reconsider access arrangements

### **Publicity**

31 surrounding properties have been notified. Two letters of representations have been received from 208 Heywood Road and 448 Bury Old Road on the following basis:

1. Hours of working of 08:00hrs to 18:00hrs for seven days a week is unreasonable.
2. Insufficient car parking.
3. Ground stability due to loss of trees and ground conditions
4. The proposed car park and new access point is dangerous and a potential accident point.
5. An internal oil tank room is a potential fire hazard.
6. A tile stock racking system had been overloaded and collapsed. This is a clear Health and Safety question and a full Hazzop Inspection should be made.

The above comments were received to the plans as submitted. Both parties have been informed of the revised siting of the access point and any further comments will be reported.

### **Consultations**

Highways Team - No objections

Drainage Team - No objections

Environmental Services - No comments

Landscape Practice - No objection subject to condition for tree protection measures during construction

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

H3/1 Assessing Non-Conforming Uses

EC4/1 Small Businesses

EC5/3 Other Office Locations

EN1/2 Townscape and Built Design

EN8/2 Woodland and Tree Planting

HT2/4 Car Parking and New Development

### **Issues and Analysis**

Principle – UDP Policies EC4/1 – Small Businesses and EC5/3 – Other Office Locations state that proposals for small businesses will be acceptable when the scale of development is appropriate to and the use environmentally compatible with the surrounding area in which it is to be located and where it does not conflict with any other policies of the UDP. Other policies of the UDP to be considered are H3/1 – Assessing Non-Conforming Uses which list the factors to be considered as noise, visual intrusion, traffic generation and parking arrangements and hours of operation.

Siting and Scale of Development – The site is a residential property directly adjoining the first commercial property within the Local Shopping Centre LC12 – Polefield/Bury Old Road. As a result the proposal is viewed as ancillary to the existing shopping centre with the garden area at the side of the site as a ‘natural break’ from the adjacent residential properties to the east. The proposal for Class B1 office use is of a limited size and scale and it is considered that it will add to the vitality and viability of the adjacent Local Shopping Centre. Therefore the proposal conforms to UDP Policies EC4/1 – Small Business, EC5/3 – Other Office Locations and H3/1 – Assessing Non-Conforming Uses.

Hours of Opening – The hours of opening requested are 08:00hrs to 18:30hrs Monday to Sunday. Given the location of the site, the nature of the use as Class B1 offices, the self-contained car park and the separation distances to the adjacent residential properties these are judged to be acceptable. Therefore the proposal conforms to UDP Policies EC4/1 – Small Business, EC5/3 – Other Office Locations and H3/1 – Assessing Non-Conforming Uses.

Design – The limited changes on the front elevation of garage doors to windows and the proposed extensions to both sides at the rear of the property are deemed to be acceptable in terms of design and separation distances to the adjacent residential properties. There have been some unprotected trees felled at the front of the property but the remaining trees shown on the plans are to be retained. Therefore the proposal conforms to UDP Policies EC4/1 – Small Business, EC5/3 – Other Office Locations and H3/1 – Assessing Non-Conforming Uses.

Car Parking and traffic generation – The new access point from Bury Old Road to the proposed car park is considered to be acceptable in terms of highway safety. Also the 5

parking spaces are considered to be sufficient given the location of the site adjacent a main public transport route. Therefore the proposal conforms to UDP Policy HT2/4 - Car Parking and New Developments.

Comments on Representations – Items 1 to 4 are dealt with in the main body of the report. Item 5 – The oil tank room is within the layout of of the property and is to be removed as part of this proposal. Item 6 – This is not an issue to be considered in the decision of this application.

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

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

Having studied the submitted documents, assessed the proposed development for change of use to offices (Class B1) and two extensions to the property on site and taken into account any and all representations and consultation responses; it is considered that the proposed development is acceptable because it would not cause demonstrable harm to interests of acknowledged importance.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered **2572/EX/01; 2572/SK/01/A & 2572/SK/02/E** 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 development hereby approved shall not be brought into use unless and until the following improvement works indicated on approved plan reference 2572/SK/02 Revision E have been implemented to the written satisfaction of the Local Planning Authority and maintained as such for as long as the development hereby approved remains in existence:
  - closure of the redundant access onto the adjacent private forecourt in front of 446B Bury Old Road;
  - lowering of the boundary wall and removal of hedging on the Bury Old Road frontage to a height not exceeding 0.8m.

Reason: To ensure good highway design and the intervisibility of the users of the site and the adjacent highways in the interests of highway safety.

5. The turning facilities indicated on approved plan reference 2572/SK/02 Revision E shall be provided before the development is brought into use and shall subsequently be maintained free of obstruction at all times.

Reason: To minimise the standing and turning movements of vehicles on the highway in the interests of road safety.

6. The car parking indicated on approved plan reference 2572/SK/02 Revision C shall be hard-sealed surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the building hereby approved being occupied.

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

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



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

Item 07

**Applicant:** Bury Primary Care Trust

**Location:** PRESTWICH PHARMACY, 15 FAIRFAX ROAD, PRESTWICH

**Proposal:** CHANGE OF USE FROM TEMPORARY PHARMACY (A1) TO D1 MEDICAL CONSULTING ROOMS (TEMPORARY CONSENT)

**Application Ref:** 46902/Full

**Target Date:** 30/10/2006

**Recommendation:** Refuse

### **Description**

The site comprises a vacant prefabricated building with a footprint of 216sq metres, situated on the southern side of the public car park fronting Fairfax Road. The building takes up approximately 16 parking spaces out of a total of 154 on the car park (10.4%). To the south, across Fairfax Road, is the Prestwich medical Drop-in Centre. Our lady of Grace Church and hall and the entrance to the public car park lie immediately to the west. To the north is the main body of the car park.

The prefabricated building was initially located on site in 2003 following an approval for the temporary relocation of the Prestwich Pharmacy from that part of the Longfield Centre that was demolished to make way for the new mixed commercial and residential development known as The Radius. A condition of the approval was that the building would be removed from site within one month of the practical completion of The Radius development or the first occupation of the retail units, whichever would be sooner. The Pharmacy moved into a unit in the The Radius earlier this year, leaving the temporary building vacant. Photographs of the site are attached to this report.

Bury Primary Care Trust now proposes to locate additional medical consulting rooms within the building. The facility would relieve the currently overcrowded existing facilities at the Health Centre across Fairfax Road and allow additional nursing services to be centralised in the area. It is intended to relocate the Rectory Lane GP surgery which has recently closed and currently working out of the existing Health Centre. It should be noted that there is a planning application (LPA Ref:46932) being considered on this agenda to change the use of the former Rectory Lane surgery to a funeral parlour. In addition to the GP, the PCT proposes to relocate Child Health Services, District, School and Psychiatric nursing staff from various locations within the district in an effort to centralise nursing services in line with its existing Strategic Service Plan. In all, approximately 18-20 staff would be based in the building.

It is likely that the temporary facilities will be required until a proposed new Primary Health Care Centre is located in Prestwich in late 2008/ early 2009.

It is stated that there would no structural alterations to the exterior and the existing advertising would be removed and the building painted to an agreed colour scheme.

### **Relevant Planning History**

39140 - Siting of prefabricated building for temporary period to accommodate pharmacy - Approved 18/09/2002

## **Publicity**

Immediate neighbours notified and site notice posted - Objection from Our Lady of Grace Church immediately to the west and Cllr Davison (Holyrood). Concerns are summarised:

- The original approval for the building was for a temporary period only. Now the pharmacy has moved into new premises, the structure should be removed as and land restored to car park.
- The building takes up badly needed parking spaces.
- If the Bury PCT needs more consulting rooms it should rent space in the new development (Radius), or build at the back of the existing medical centre.

## **Consultations**

Highways team - No objection.

Drainage - No objection.

Environmental Health - No objection.

GM Police - No comments to date.

Serco Metro - No comments to date.

## **Unitary Development Plan and Policies**

EN1/2 Townscape and Built Design

EN1/5 Crime Prevention

HT2/5 Public Car Parks

CF4 Healthcare Facilities

## **Issues and Analysis**

Original Application for Pharmacy - The report of the original approval for the building stated that the development would not be acceptable in this location for any other reason than to facilitate the redevelopment of the Sainsburys site. It was for this reason that the approval was for a temporary period, ie upon the practical completion of The Radius.

Improvements to Medical Services - UDP Policy CF4 Healthcare Facilities states that Improvements to existing, and proposals for new healthcare facilities will generally be looked on favourably by the Council. It is likely that the proposed scheme would in itself bring benefits to the existing medical services in the area. The applicant has provided information with regard to alternative sites for the GP Practice and nursing facilities. Options included:

- Leasing space in the Radius - this was not viable as minimum letting period is 15yrs.
- Other shop premises in Prestwich - none available at appropriate size.
- Construct temporary building near St Mary's Park - titleholder unwilling to lease land.
- Provide services at Prestwich Hospital - No space available.
- Provide services at existing Health Centre - No space available.

The PCT have stated that with no viable option, the GP service from Rectory Lane is currently operating from the Prestwich Health Centre. However with a patient list of 4000+ this has led to severe overcrowding. In addition to the GP services, Bury PCT has identified other medical services that could be delivered in the area. However current spatial constraints with the Health Centre are preventing this from happening. Leasing the temporary building until the LIFT scheme is completed would free up space in the Health Centre and guarantee the continuity of GP services.

Proposed LIFT Scheme - It is argued that a new health centre (LIFT) for Prestwich would centralise services and accommodate the staff from within the temporary building. Although it is indicated that this would happen in about 2 years, the timetable for the proposed project

is unknown at this stage and a planning application has yet to be made.

Highways team - The highway engineers have not objected to the proposal on highway safety grounds as the building does not interfere with visibility splays.

Parking - UDP Policy HT2/5 - Public Car Parks states that *'the Council will seek to ensure that an adequate level of public car parking provision is made in the town and district centres, but will give priority to the provision of short stay parking.'*

The proposal would involve the continuing long term loss of about 16 parking spaces on the car park which is used for both short and long stay parking. If the building were to be removed as required by the previous approval, a large proportion of the restored parking spaces would be given over to disabled parking given the convenience of the location in relation to both the Drop-in and Prestwich Health Centres across Fairfax Road. If the building remains in situ, any disabled spaces would be located further from Fairfax Road than they would normally have been.

It is considered that the parking on the Fairfax Road car park is a valuable facility for both commuters who park up and take the Metro into Manchester or Bury and short stay visitors who visit Prestwich Centre. The other main car park within the centre is located behind the Longfield Centre and this caters more for short term visitors. Both car parks are well used. In terms of occupancy, whilst the Longfield Centre Car park is almost full much of the time, the Fairfax Road car park is currently operating at about 75% capacity. Given the potential for The Radius development to attract more shoppers in future, the occupancy rate is likely to increase. Further to this, if the building remains in place, increased pressure would be put on the remaining spaces within the car park from staff and visitors to the GP's surgery and nursing facilities.

In view of the above, it is considered that the loss of the parking spaces would be detrimental to the overall provision of parking facilities within Prestwich Town Centre and contrary to UDP Policy HT2/5 - Public Car Parks.

Visual amenity. The prefabricated building is not an attractive feature on the street scene. It is very crude in design and appearance and as such is considered to be seriously detrimental to the visual amenity of what is a particularly prominent part of Fairfax Road, opposite its junction with Rectory Lane. The structure was accepted under the previous approval only for a short term expediency. However its retention for a further 2-3 year period is not considered to be acceptable. The proposal is therefore in conflict with UDP Policy EN1/2 - Townscape and Built Design.

The PCT agrees that the building is not attractive but has stated that it would try to 'tone down' its impact by removing the existing advertisements and changing the colour scheme.

Residential Amenity. As there are no residential properties in the immediate vicinity, residential amenity is not seriously affected.

Security - Initial security concerns from the Police were overcome in dealing with the original application. As there are no structural alterations to the building, security should not be an issue.

Disabled Facilities - It is the intention of Bury PCT to make the premises fully accessible. Externally the existing ramped access into the building would remain and internally facilities would be enhanced and comply with Building Regulations and DDA requirements.

**Recommendation:** Refuse

**Conditions/ Reasons**

1. The retention of the prefabricated building would, by reason of its size, position and design, be a prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with UDP Policy EN1/2 Townscape and Built Design.
2. The loss of public car parking over a long term period would be seriously detrimental to the level of public parking provision within Prestwich Town Centre. The proposed development therefore conflicts with the following UDP Policy HT2/5 - Public Car Parks.

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

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

Item 08

**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

**This application was deferred for a site visit at the previous Planning Control Committee meeting on 25th October 2006.**

**The report has since been updated.**

#### **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 3 storey houses (previously referred to as 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. 27 written objections from 3, 4, 5, 9 (2 separate letters), 11, 15, 12, Oakhurst Gardens; 1, 15, 14, 13, 12, 2, The Drive, no No The Drive; 46, 73, 81, 67, 52, 83, 54, 50, 63, Rectory Lane; 12, Branksome Avenue; Grosvenor House, Agecroft Road; 6, Beech Tree Bank, and 1 verbal objection from 14 Oakhurst Gardens have been received. 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.
- The proposal would have a negative effect on the perceptions of the children who attend the local primary school, St Mary's.
- The applicant allegedly has no experience in this business and its potential failure would leave the premises vacant.
- The agents for the new homes on Oakhurst Gardens failed to mention the potential commercial development at the site.
- It is insensitive and disrespectful to the residents of the sheltered accommodation for elderly people at Clarke's Hill to have a funeral parlour in the vicinity.
- It is unethical to change the use from a doctors surgery which promotes life to a business which does the converse.

### **Consultations**

Highways Team - 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.

Design and Access Statement - The applicant has submitted a Design and Access Statement in support of the application. This describes the method of operation of the business and demonstrates that it will be respectful to the residents of the area.

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 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 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 253-5320**

**Ward:** Radcliffe - East

Item 09

**Applicant:** Total Wealth Management Ltd

**Location:** SANDFORD STREET, RADCLIFFE

**Proposal:** THREE AND FOUR STOREY APARTMENT BLOCK OF 8 UNITS

**Application Ref:** 47038/Full

**Target Date:** 28/11/2006

**Recommendation:** Approve with Conditions

**Description**

The application site is 0.06 ha vacant site located on the westerly side of Sandford Street, Radcliffe. The site has remained cleared and vacant for some time. To the north of the site is a public house, to the west is single storey a factory/mill and to the east is a row of terrace dwellings.

The application is for a development of 8 units within a three/four storey building. The scheme includes 10 number parking spaces of which one is an allocated disabled parking bay, which would be accessed directly from Sandford Street. Amenity area would be provided partly around the footprint of the building but the main provision would be provided by an elevated decking above the car parking area to the north of the apartment block.

**Relevant Planning History**

43329 - Residential Development - 5 dwellings and car parking - Refused 10/01/05 - due to inappropriate design, siting, size, insufficient space about buildings, inadequate aspect standards, inadequate intervisibility and impact upon the Radcliffe Tower setting.

44209 - Residential development 4 semi detached dwellings and 1 detached dwelling - Refused - 11/05/05 - due to inappropriate design, siting, size, insufficient space about buildings, inadequate aspect standards, inadequate intervisibility and impact upon the Radcliffe Tower setting.

45320 - Outline 3 Storey Office block - Refused - 27/01/06 - due to inappropriate design, siting, size, insufficient space about buildings, inadequate aspect standards, inadequate intervisibility and impact upon the Radcliffe Tower setting.

**Publicity**

The application has been publicised by direct letters sent to properties 50 - 56 Bury Street; 2 - 6 and 1 - 17 Sandford Street; Tower Pipeworks Potter Street; 30 and 32 Church Street East; 2 - 8 Tower Street on 6/10/06 and by site notice on 12/10/06. As a result of this publicity, one letter of objection has been received from 4 Tower Street. Points raised include -

- Insufficient parking would be provided within the scheme and may lead to on street parking;
- The height of the building would be out of keeping with the area and would dominate Radcliffe Tower;
- The development would create an impact upon privacy;

- Vehicles associated with the construction would obstruct the street;
- This development would continue the years of disruption that has already affected the residents of Sandford Street, Church Street East and Tower Street.

### **Consultations**

Traffic Section - Any response shall be reported to Committee.

Drainage - No objections.

Environmental Health - No objections. Attach conditions concerning land remediation.

G M Police Architectural Liaison - Have sought clarification on railing and boundary treatments proposed and have reservations on the proposals at the moment. Additionally, they suggest that the proposals to seek Secured By Design accreditation. There will be continual dialogue between the applicant, the Police and the Planning Authority and Members will be updated on progress.

English Heritage - Any response shall be reported to Committee.

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

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN3/3	Ancient Monuments
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs

### **Issues and Analysis**

**Principle** - The site falls within the boundary of the Radcliffe Regeneration Area and is not therefore subject to the housing restrictions policy. The site is considered to be as previously developed land and is generally suitable for residential development in principle, subject to assessment of the proposals against UDP Policies H2/1 – The Form of New Residential Development and H2/2 – The Layout of New Residential Development.

**Height, Scale, Massing and Design** - The site has had a number of applications for residential development, which have been refused for reasons including design and appearance. The site is surrounded by a mixed style, scale and design of buildings, ranging from a part single part two storey factory building, two storey 1970's semi detached dwellings and a two storey public house. The previous schemes have failed to utilise good urban design principles to provide a sense of prominence on a corner connecting Church Street East and Sandford Street to provide a good setting to the site, Radcliffe Tower and to shield the developed site in an effective from the adjoining industrial factory building.

The proposals have incorporated a design and access statement with the former demonstrating how the design has considered its context. The proposals include three and four storey elements, which on first face may appear out of context. However, the proposals have ensured that the corner of the building, which would contain the higher element to punctuate the building, is located where there is less of a direct relationship with lower residential properties. To the immediate south of the proposal is open land, which also contains Radcliffe Tower. As such, there is no built context to relate this element to and thus the development seeks to take advantage of this aspect.

The proposals include a lower three storey element in the northerly half of the development, which provides a stepping down feature towards the pub. A gap of some 11.8m would

provide an appropriate foil to enable the different scales of building to work together. Additionally, the decked area of amenity space covering the car park further assists this relationship.

In terms of massing, the proposed block would appear as the largest mass to Sandford Street, however, the building has a lesser mass than the factory buildings that currently dominate the street behind the site and the design of the proposals contains projecting vertical bays that stand proud of the front elevation to assist in breaking down the massing to a residential scale.

As such the proposals are considered to be well conceived in terms of the design, height, scale and massing. The applicant has demonstrated a logical thought process in designing the proposals, which were not put forward in previous proposals for this site.

Aspects and Residential Amenity - The relationship of the development would be such that the main three storey element would face the semi detached dwellings to the east. Aspect standards sought for facing two storey buildings is normally 20m. The proposals have incorporated an aspect distance of 24m to reflect the difference in height of the facing buildings. This aspect standard is considered to be an acceptable separation between properties to ensure an appropriate level of residential amenity would be maintained. There are no residential uses to the north or west of the site and as such, aspect distance here would not be relevant.

Car Parking and Access - The proposals have incorporated 10 car parking bays, including one disabled space to give a level of 125% provision. Access to the car park would be gained directly from Sandford Street with intervisibility up and down Sandford Street. There are no minimum levels of parking required within adopted UDP Policies. However, PPG13 - Transport advocates a maximum level of car parking of between 100 to 150% provision for developments that are located within sustainable connected areas. The site is in close proximity to bus routes, with the closest one being on Bury Street to the north of the site. The site is also close to other forms of public transport including the Metrolink. The provision of 125% is considered to be in line with Planning Policy and reflective of other apartment schemes approved elsewhere in the Borough. The proposals in terms of this issue meet with UDP Policy HT2/4 - Car Parking In New Developments.

Relationship to Radcliffe Tower - The impact on the setting of the Scheduled Ancient Monument is an important consideration and has formed part of the reasons for refusal on previous planning schemes on this site. Essentially, previous proposals did not provide any sense of scale or natural surveillance to the Monument to assist its security. The proposals have been designed deliberately to orientate the outlook of the taller part of the building to overlook the Tower and its curtilage. There would be some 50m between the southerly most part of the building to the Tower and this separation would ensure that the development would not unduly dominate the Tower itself. English Heritage have been consulted on the proposals and to date have not objected to the proposals. Members will be updated should a response be received from them.

Secured By Design - The Police have been consulted on the proposals and have raised comments to the scheme. These are in the process of being resolved and the issues will be reported to the Committee.

Amenity Space - As well as providing grassed areas around the fabric of the building to the street, the proposals have sought to provide a significant level of amenity space by providing it on a raised deck area above the car park. As the amenity space is elevated it is considered that aspect standards be utilised to ensure that suitable consideration is given to the relationship of this area to surrounding properties. The aspect standards relating to the

nearest residential development to the east of the site would be some 24m, which as stated above be compliant with standards sought by the Council. This method of providing amenity space is unusual and does provide a good level of amenity space, interest within the street scene and promotes natural surveillance in the area.

Refuse and Waste Collection - The proposals have been subject to pre-application consultation with Cleansing and waste facilities would be provided in an enclosed bin store to the northerly end of the site and close to the back edge of the foot way. Waste recycling facilities would also be provided. The choice of location would enable ready access to the facility by collectors.

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

Lifetime Homes - The proposals for internal spaces are in accordance with Lifetime Homes standards to an apartment on the ground floor. Level access would be provided into the scheme, confirmed by the access statement and specially allocated parking provision for disabled is also included. As such, the proposals would comply with UDP Policy HT5/1 - Access for Those With Special Needs.

Response to the Objections - Car parking provision for the scheme would be in line with policy and is considered to be an appropriate level of provision. The building would be higher than surrounding buildings. However, the design of the building has been carefully considered to provide a good piece of design utilising space, providing prominence to the corner where there would be no impact of the development upon the surroundings and maintains appropriate separation to other buildings. Site construction is not normally a planning consideration and impact from construction would cease once the site is developed. Any obstruction of the highway would be a Police matter to resolve.

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

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-  
The development would remove an untidy piece of land and would be within the Radcliffe Regeneration Area as defined within Supplementary Planning Document 7 - Managing the Supply of Housing Land in Bury. The development would introduce a residential scheme to provide a choice of accommodation types within a building that would maintain appropriate aspect standards between the existing and proposed development, whilst introducing an interesting built form within the street scene. The development would comply with UDP Policies 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. 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.

3. Following the provisions of Condition 2 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.

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

5. 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.

6. 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.
7. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. It shall be implemented not later than 12 months from the date the building(s) is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.  
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
8. The residential accommodation hereby approved shall include acoustic glazing and acoustically treated ventilation in accordance with an acoustic attenuation scheme to be submitted to and approved in writing by the local planning authority before the development commences. The acoustic attenuation scheme hereby approved shall be implemented in full before use of the residential premises first commences.  
Reason. To protect the amenity of the occupants of the premises once the development hereby approved is occupied.
9. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the building hereby approved being occupied and thereafter maintained at all times.  
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
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. This decision relates to drawings numbered 702/PL/01, 02A, 03A, 04B and the development shall not be carried out except in accordance with the drawings hereby approved.

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

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



**Ward:** Radcliffe - North

Item 10

**Applicant:** PATHFINDER PUBS

**Location:** THE SPARKING CLOG, RADCLIFFE MOOR ROAD, RADCLIFFE, M26 3WY

**Proposal:** SINGLE STOREY ALL WEATHER GARDEN

**Application Ref:** 46989/Full

**Target Date:** 04/12/2006

**Recommendation:** Approve with Conditions

### **Description**

The sparking Clog is a large single storey public house on the corner of Radcliffe Moor Road and Launceston Road. There is a beer garden on the west side. Vehicular access is from Launceston Rd with a large parking area to the front and side.

To the south directly across Radcliffe Moor Rd is an established car sales business and an Indian restaurant. To the east is a bank of mature trees and across Launceston Road is an area of open grassland with the closest houses being approximately 50m away further to the north-east. To the west are houses fronting Donnington Road.

The proposed all weather garden shelter would be attached to the eastern side of the public house. It would have a footprint of 7.5m by 4m. The frame would be timber beams and the sides would be constructed of timber trellis work. The flat roof would also be timber with clear perspex sheeting. Access from the public house into the shelter is level.

The public House has a licence to sell alcohol 11am to midnight Monday to Wednesday and Sundays, 11am to 12.30 Thursday to Saturday. The existing beer garden has a licence to 11pm.

### **Relevant Planning History**

None relevant

### **Publicity**

Immediate neighbours - The occupier of 4 Radcliffe Moor Rd wishes restrict the times the outdoor shelter can be used to avoid excessive disturbance late at night.

### **Consultations**

Highways team - No objections.

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

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

### **Issues and Analysis**

Appearance and Siting. The proposed garden shelter appears to be modest in scale and in keeping with the existing public house. It would not extend out significantly from the building and be well screened by existing boundary wall trees along the boundary with Launceston

Road. It is considered to comply with the provisions of UDP Policy EN1/2 Townscape and Built Design.

Residential Amenity - UDP Policies S2/6 - Food and Drink and H3/1 - Assessing Non-Conforming Uses are concerned with issues of residential amenity such as noise, smell, visual intrusion and hours of operation. The concerns of the objector regarding noise and disturbance are relevant and material considerations. Given the semi-open nature of the garden shelter there is liable to be increased noise from customers using the garden area. However it is not considered that the level of noise and disturbance would be serious given the size of the area concerned, the existing boundary screening, the distance to the houses on Launceston Rd and the restrictions that can be imposed with regard to lighting and noise from loud speakers and the hours of use of the proposed shelter. It is considered reasonable to limit the use of the proposed shelter to 11pm, after which time customers in the shelter would move back into the main building. Boundary screening would be more effective in Spring and Summer when the trees are in leaf and when residents would be more likely to be in their gardens. Although screening would be less significant in the Autumn and winter the boundary trees would still create an important 'veil' along the boundary. It is pertinent to note that the use of the beer garden to the rear of the public house is currently limited to 11pm after which time customers have to move inside the pub. It would be reasonable to extend the same restrictions to the proposed garden shelter.

Objections - The closest residential properties are about 40m away from the proposed garden shelter. It is not considered that the noise and disturbance generated by customers in the covered area would be serious enough to warrant refusing the application given the mitigating factors referred to above. The proposal should not seriously impact on the residential amenity of the occupiers of surrounding properties.

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

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

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

The proposed garden shelter is modest in scale and should not cause serious harm to visual or residential amenity given the restrictions imposed through conditions. Complies with Unitary Development Plan Policy. 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 0656.5.3 and 0656.5.4 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of

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

3. No development shall take place unless and until a scheme of lighting has been submitted to and approved by the Local Planning Authority for all of the external areas of the building. The external areas shall not contain any external lights other than that which would be in accordance with the approved scheme.  
Reason. In the interests of residential amenity.
4. There shall be no loud speakers provided to the external areas, including the proposed garden shelter at any time.  
Reason. In the interests of residential amenity.
5. The proposed garden shelter shall not be open for use by customers outside the following hours - 0900 hrs to 2300 hrs daily.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/6 – Food and Drink of the Bury Unitary Development Plan.

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

**Ward:** Radcliffe - West

Item 11

**Applicant:** The Governors, Cams Lane Primary School

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

**Proposal:** BOUNDARY SECURITY FENCING

**Application Ref:** 47059/Full

**Target Date:** 01/12/2006

**Recommendation:** Approve with Conditions

### **Description**

This application is as a result of the comments of the Planning Control Committee in August. The School have now reconsidered the scheme and the head teacher is understood to have spoken to the local residents. The scheme is now a comprehensive proposal for the fencing of the whole of the school playing fields and the fence fronting Dean Street has been set back behind the trees.

The site now comprises the boundary of Cams Lane CP Schools playing fields fronting onto Dean Street, the footpath to the rear of Normandy Crescent and the running track . There is an existing metal boundary fence along Dean Street with a row of mature trees behind the fence. There is a dilapidated fence and hedge along the boundary with the footpath and there is no boundary between the playing field and the running track.

The proposal is for the erection of a 2.4m high paladin style fence coloured green, inset some 3m from the boundary on Dean Street and the footpath and along the boundary with the running track. 1000mm gates are to be provided to the northern and eastern boundaries and a 2000mm vehicular gate to the southern boundary.

### **Relevant Planning History**

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

46669. Boundary fence along Dean Street. Withdrawn to allow further consideration of a comprehensive scheme and that is the content of this application.

### **Publicity**

Neighbours have been notified. No objections have been received but the following objections were raised to the previous application.

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

- The fence would adversely impact on the open character of the street and have the appearance of a prison.
- It would be unsightly and interfere with open views.
- It will not improve security.
- Children would be forced to play at the bottom of Dean Street which is more dangerous in traffic terms.

One objectors states that he does not want to pay for the fence (through taxes).

## **Consultations**

Highways Team - comments awaited

Greater Manchester Police Architectural Liaison Unit - support the application and recommend that a solid barrier be provided at the base of the fence to prevent digging under the fence.

## **Unitary Development Plan and Policies**

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

## **Issues and Analysis**

**Security** - the proposed fence replaces an existing fence that is insufficient in terms of its security for the site. The fence is to be set behind the trees on Dean Street and inset from the hedge fronting the footpath and will link from the footpath to the existing school boundary fence, enclosing the whole of the playing fields. The proposed fence is of a type recommended by the Greater Manchester Police Architectural Liaison Unit and will be built as part of a scheme to secure the whole site. As such it accords with Unitary Development Plan Policy EN1/5 - Crime Prevention.

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

**Trees** - the proposed new fence is set behind the trees fronting Dean Street and 3m behind the hedge along the footpath. The fence therefore will not impact adversely on the large Sycamore Trees fronting Dean Street by avoiding its root plate and canopy. As long as trees in relation to construction BS 5837 (2005) is observed the other trees in this line are approximately 3 metres back from the existing fence and should accept the new fence without recourse to pruning or removal. The proposal is therefore acceptable in terms of its impact on trees. A condition requiring tree protection measures during construction is considered to be appropriate.

**Residential Amenity** - the fence is on the line of the existing boundary fence on Dean Street. It is situated some 13m from the fronts of the properties on Dean Street which overlook the playing field and trees thereon and set behind the existing trees. The open style of the fence allows views through onto the playing fields and whilst it will impact on the residential amenity it is not considered that this will be to such an extent that would warrant refusal.

**Objections** - the fence will have an effect on the character of the area. However given the design of the fence and its limited impact in other locations in the Borough, the effect is unlikely to be serious enough to warrant refusing the proposal. This proposal is for the fencing of the whole of the playing fields and this will ensure that the site remains secure.

## **Summary of reasons for Recommendation**

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

Having studied the submitted documents, assessed the proposed development on site and

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

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

**Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered MAH/01 Revision 2 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. The development hereby approved shall not commence unless and until a scheme of protection for all trees to be retained on site in accordance with BS 5837:2005 "Trees in Relation to Construction" has been submitted to and agreed in writing by the Local Planning Authority. The development shall not commence unless and until the measures required by that scheme have been implemented, to the written satisfaction of the Local Planning Authority and all measures required by the scheme shall continue until the development has been completed.  
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

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

