

Ward: Bury East

Item 01

Applicant: East Lancashire Light Railway Co Ltd

Location: CARRIAGE AND WAGON YARD, BARON STREET, BURY, BL9 0TY

Proposal: WORKSHOP EXTENSION TO CARRIAGE AND WAGON SHED

Application Ref: 47480/Full

Target Date: 22/03/2007

Recommendation: Approve with Conditions

Description

The site forms part of the East Lancashire Railway yard and sidings to the south of the station and west of properties on Maudsley Street, Houton Street and Barron Street. This part of the yard is enclosed by palasade fencing and houses a large steel clad engine and carriage shed, various rail related plant and machinery. There are also a number of steel storage containers within the yard. To the south is another rail and carriage yard. The stone shed on this part of the yard is listed. To the west of the site are playing fields used by Bury Grammar School.

The proposed extension would be built onto the east elevation of the existing steel sheeted engine and carriage building. It would have a footprint measuring 6m by 17m and a maximum height of 4.1m. The extension would be constructed in plastic coated brown steel sheeting to match the existing and have a lean-to roof which joins the existing pitched roof at eaves level. The extension would have no additional openings and be accessed internally from the existing building. There are currently two large steel containers on the site of the extension (see photos).

Relevant Planning History

None relevant

Publicity

Residents of Baron St (1-55), Houghton St (2-22), and Maudsley St (27 and 30) and 21 Belle Vue Terrace were notified by letter and a site notice posted at site. The last date for comments to be received by is the 23rd February.

No comments from residents to date. Councillor Southworth expressed concerned about future work planned for the East Lancashire Railway Co and its impact on traffic along Baron St.

Consultations

Highways team - No objections.

Drainage - No comments.

Environmental Health - No objections.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

RT4/6 East Lancashire Railway

Issues and Analysis

Principle. The principle of an extension to the existing engine and carriage shed is acceptable as the area has operated for many years as a rail yard.

Design and siting. Given the design and scale of the extension, it is considered to be in keeping with the existing engine shed. From the public highway and nearby housing it would

be viewed against the backdrop of the main building, machinery and vehicles in the yard and as such would not have a seriously adverse impact on the visual amenity of the site.

Residential amenity. The extension would be approximately 35-40m from the nearest residential properties fronting Houghton Street and Baron Street on the eastern boundary of the site. Given the scale of the development, the distance to the boundary and the fact that the extension would have no openings, it is not considered that there would be serious harm to the residential amenity of the occupiers of these properties.

Highways. As the extension would not cause a significant increase in vehicular traffic and there is no change to the access, there are not issues of concern with regard to highway safety.

Comments from Cllr Southworth. The comments from Cllr Southworth are related to the longer term development of the Railway Yard rather than this modest extension to the existing carriage shed which would not have any significant impact on traffic flow in and out of the site.

Summary of reasons for Recommendation

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

The proposed extension is considered to be modest in scale and in keeping with the character of the existing building and locality. The impact on the street scape and local residents is considered to be minimal. No highway issues. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 3/2006 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. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site, and;
The approved contamination testing shall then be carried out and validity evidence (laboratory certificates etc) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought

onto site.

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

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

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

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

Ward: Bury West - Church

Item 02

Applicant: Greene King

Location: THE WELLINGTON HOTEL, 338 BOLTON ROAD BURY, BL8 2PP

Proposal: PROPOSED EXTERNAL COVERED AREA AND NEW DECKING AREA

Application Ref: 47385/Full

Target Date: 16/02/2007

Recommendation: Approve with Conditions

Description

The Wellington Public House is a traditional style two storey detached building in red brick and stone. There is a beer garden to the rear and a car park to the side and rear which can be accessed off Bolton Road and Haig Road. The site is within a Neighbourhood Shopping Centre. The pub is surrounded on three sides by residential properties - to the east, Wellington Court is a block of private flats overlooking the car park; to the west Wellington House is sheltered accommodation for older residents and to the north are semi detached properties on Haig Road. To the south, across Bolton Road are commercial and retail properties. The north of the site is covered by a Tree Preservation Order.

The scheme has two elements:

- The proposed external covered area would be 5m by 3m in area and attached to the rear of the main building on one side by a short covered walkway and an adjoining yard wall to the other. The height would be approx 2.5m and comprise of a flat roof. The proposed covered area would provide seating and tables and is also proposed to be of benefit to accommodate customers who wish to smoke outside the building when the smoking ban comes into force in July 2007.
- The new decked area would be 4m by 6m with a 1.1m high balustrade accessed via new steps from the existing patio.

Relevant Planning History

None

Publicity

Residents at Wellington House, Wellington Court, 18-24 Haig Road and 1, 1a and 3 Craig Avenue have been notified. Objections have been received from 14 House, 316 Bolton Road, 332 and 328 Wellington Court. A letter supporting the objectors has been received from Councillor Walker. Their objections can be summarised as follows:

- increase in noise and disturbance from the public house

Consultations

Highway Team - no objections to the proposal

Environmental Services - Pollution Control - no objections to the proposal. Conditions added to minimise the impact of noise and disturbance on the local residents. Suggested the proposed garden shelter should not be open for use after 2300 hours.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design
S2/6 Food and Drink
S1/5 Neighbourhood Centres and Local Shops
EN8/1 Tree Preservation Orders

Issues and Analysis

It is pertinent to note that a beer garden within the curtilage of the public house would not require planning permission. It is the structure(s) within the garden that need permission. Therefore the following issues have been considered:

Appearance and siting - The proposed external covered area is considered to be minor in scale and in keeping with the existing public house. It would be screened from Wellington House by the existing wall which projects from the main building to form an enclosed yard area and would not be visible to the residents of this property.

The decking area would be positioned to the eastern side of the covered area and would be within the existing landscaped garden area. Both elements are considered to comply with the provisions of UDP Policy EN1/2 - Townscape and Built Design.

Residential amenity - UDP Policy S2/6 - Food and Drink is concerned with issues of residential amenity such as noise, smell, visual intrusion and hours of operation. The concerns of the objectors 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 this area. However, it is considered that the level of noise and disturbance would not be serious given the size of the area concerned, the restrictions that can be imposed with regard to lighting and noise from loud speakers and the hours of use of the proposed shelter (0900 to 2200 hours as agreed with the agent).

Furthermore, the installation of a double-door (lobby) system between the inside of the premises and the rear external areas would also mitigate noise disturbance as it would enable customers to come and go without emitting noise from the pub first hand. It is considered reasonable to limit the use of the proposed shelter to 10pm, in agreement with the agent, after which time customers would move back into the main building. Given this time condition has been attached to other planning applications of this type, for example the Friendship Inn, Prestwich, it would seem practical for the council to take a consistent approach with regards to fixing a time constraint.

The proposed decking area requires permission as it is the addition of a structure within the curtilage. Given the area on which it is proposed to site the decking already has the use established under that of the public house, it is considered to be acceptable as the proposed development would be no more detrimental to the residential amenities of the nearby occupiers than the existing situation.

Tree Preservation Order (No 8) - No trees would be affected by the proposed development.

Objections - It is considered that the noise and disturbance generated by customers in the covered area would not be serious enough to warrant refusing the application given the mitigating factors above.

Summary of reasons for Recommendation

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

The proposals are considered to be appropriate and in keeping with the existing public house and should not seriously harm the residential amenities of the immediate neighbours. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

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

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

2. This decision relates to the drawings received on 22/12/2006 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. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. External lighting to the proposed area shall be designed and installed so as not to cause nuisance to nearby dwellings.
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 2200 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.
6. There shall be no loud speakers provided to the external areas, including the proposed external covered area at any time.
Reason - In the interests of residential amenity
7. Prior to commencement of works on site a scheme showing the access between the inside of the premises and the rear external areas, via a double-door (lobby) system with each door fitted with an effectively operating self closing device, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be implemented as part of the works hereby approved and thereafter maintained in perpetuity.
Reason - To protect the amenities of occupiers of nearby residential properties by maintaining the licensing objective of prevention of public nuisance and to accord with Unitary Development Plan Policy S2/6 - Food and Drink.

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

Ward: Bury West - Elton

Item 03

Applicant: Persimmon Homes (North West)

Location: FORMER OLIVES PAPER MILL, TOTTINGTON ROAD, BURY, BL8 1SL

Proposal: 114 DWELLINGS (RESUBMISSION)

Application Ref: 47350/Full

Target Date: 09/03/2007

Recommendation: Refuse

Description

The application site (3.55ha) lies to the north-east of Tottington Road adjacent to the Kirklees Brook. The site is set within a valley and is occupied by a vacant paper mill which has been on site since the 1850's and prior to that was occupied by the 1840's by Woolfold Bleach Works.

The site is set on a marked slope with levels varying considerably throughout. The areas occupied by buildings and yards are plateaus and flatter land within the site, the largest of which is by the brook where the main paper mill building stands. The site is served by a winding main access road from Tottington Road which serves the various ancillary buildings such as the boiler house and office buildings and leads down to the main buildings and storage yard. The steep banks and undeveloped parts on the south westerly side of the site include extensive tree cover.

The main site is set below the surrounding development which runs along the ridge of Tottington Road and Olive Bank. On the opposite side of the brook lies land which is owned by Champale and is currently unoccupied and covered by semi-mature scrub, shrubs and trees. The route of the former Holcombe Brook railway runs through the Champale site.

To the north west there is extensive open land that runs up the Kirklees Valley. This area starts at to the north-west of the mill building at the back of the storage yard and bottom of the lodges. The land snakes north-westwards up the valley and has no buildings on it. It includes several man-made lodges and has been left to naturalise.

The main application site lies within the existing urban area and is covered by policy EC2/2 for the retention of land in employment use. The site also lies adjacent to the Kirklees Brook which is a designated Wildlife Link and Corridor. At the north-westerly edge of the site lies a Site of Biological Importance including a pair of mill lodges but this is outside the application land.

The proposals involves the demolition of the existing paper mill and associated buildings in order to redevelop the site for residential use. The scheme proposes 114 units including a mixture of dwelling types with 48 apartments in 5 blocks, 17 detached houses, 28 semi-detached houses and 21 terraced houses.

The main access point would be on Tottington Road close to the existing access road junction for the mill but situated a short distance to the north west approximately in the centre of the current open break in the terraces fronting the road. There would also be an emergency access at the northwesterly end of this frontage. The rest of the frontage would be occupied by two blocks of terraced units with three units in each block set on either side of the entrance point. Most of the development would be set on either side of one spine road along the length of the site with a mixture of two and three storey units detached and semi-detached plus three blocks of apartments set along this road. At the end of the site there would be three blocks of two and three storey terraced units set in a horseshoe layout

around a car park. There would be two cul-de-sac spurs off the spine road, the shorter one serving four detached units and a longer one set alongside the Kirklees Brook and reaching the south-easterly boundary where there would be two blocks of three storey apartments.

The marked cross slope on the site would be catered for by the use of split level units and blocks and by steps where required. The very steep embankment behind the Tottington Road properties would remain largely undeveloped except for the toe of the slope which is indicated as land to be regraded. Additionally, the scheme includes a block of 12 car parking spaces behind some of the main road properties to compensate for the loss of an existing car park on the mill frontage land but utilised by local residents. A footpath link is shown to the retained mill lodges just beyond the end of the site with, on one of the drawings, four of the parking spaces on a car park for the end block of flats shown as intended for parking by anglers. Overall, the scheme is reminiscent of the one with planning permission but, apart from the different dwelling types of the new developer there are also a number of significant layout variations.

The application is accompanied by a design and access statement, a flood risk assessment, a transport assessment, a bat survey, an ecological assessment, an arboricultural implications assessment, a site investigation and environmental risk assessment and an archaeological report. It follows the recent withdrawal of an application for the same development following concerns about a variety of issues. Amongst these there were concerns about the impact on trees and wooded areas, sites of ecological value, a wildlife corridor, effect on nearby dwellings, design of a car parking area, lack of recreational provision and of affordable housing.

Relevant Planning History

42722 - Residential development, 114 units together with provision of public open space. Approved on 25th August 2005.

47009 - Residential development, 114 dwellings. Withdrawn on 13th December 2006.

Publicity

363 addresses in the surrounding area were notified. Site notices were displayed and a press notice published. Two letters of objection were received both from residents of Tottington Road. The main issues raised include:

- Tottington Road is already significantly congested without the additional traffic from the development where households are likely to have 2 or 3 cars .
- Crossing Tottington Road is already difficult enough and proper signalled crossings are needed.
- Traffic calming measures are being proposed for Tottington road as it is an accident blackspot but this proposal is only going to make matters worse.
- Residents may lose on street parking due to the pressures of development and increased traffic.
- Journeys to and from work may become unduly lengthened due to the development.
- The land around the mill offers valuable habitat for a number of species and provides valuable amenity space for local residents and their pets.
- Concern about undue loss of privacy due to overlooking from the houses.
- Local residents should have been involved in any pre-application discussions..

Consultations

Highways Team - Insufficient and inconsistent information received to enable all highway matters to be properly assessed.

Drainage Section - No objections.

Environmental Services - Recommend conditions concerning contaminated land and landfill gas mitigation measures.

Environment Agency - Objection raised on grounds relating to flood risk matters and undue encroachment into the Kirklees Brook corridor. Also, having considered the submitted Site Investigation and Environmental Risk Assessment are concerned that there should be

additional sampling for petroleum hydrocarbon contamination within soils beneath the site.

Waste Management - No response.

GMP Architectural Liaison -The applicants have not responded to their previously raised issues concerning designing out crime measures and concerns regarding the previous application are still relevant. These include secure boundaries not indicated, mid-divisional fences from boxwood tailings are not appropriate and security and privacy is lacking at the rear of dwellings.

GMPTE - The site is fairly well served by sustainable means of transport and residents would have access to a choice of travel modes that would reduce the amount of car travel that would otherwise be generated. So as not to discourage people from accessing the site on foot/public transport the pedestrian environment should be designed to be as safe and convenient as possible, including also between the site and nearby public transport facilities on Tottington Road and Walshaw Road. A residential travel plan should accompany the application and be the subject of a condition.

GM Ecology Unit - Issues raised regarding the previously withdrawn application remain substantially the same. There are still outstanding information and survey results with regard to bats, whilst the flood risk assessment recommends the use of a SUDs drainage system the submitted layout shows no evidence that this has been considered. Use of this type of system would be welcomed as providing biodiversity benefits. The underground structures are used by a nesting dipper and a condition should be included with any planning permission that the removal of any built structure or vegetation clearance should avoid the bird nesting season and that a suitable alternative structure should be incorporated into the new brook channel to allow this species to continue to nest in this location. Also, the application does not address their previously raised issues concerning landscaping proposals to the wooded slope and to the Kirklees Brook corridor and proposals for the s106 Agreement outside the site edged red.

GM Archaeology Unit - No response.

Unitary Development Plan and Policies

EC2/2	Employment Land and Premises
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/6	Public Art
EN1/7	Throughroutes and Gateways
EN3/1	Impact of Development on Archaeological Sites
EN3/2	Development Affecting Archaeological Sites
EN5/1	New Development and Flood Risk
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
EN8	Woodland and Trees
EN7	Pollution Control
EN7/3	Water Pollution
EN10/2	Riverside and Canalside Improvement in Urban Areas
OL5/2	Development in River Valleys
OL5/3	Riverside and Canalside Development in Urban Areas
EN9	Landscape
RT2/2	Recreation Provision in New Housing Development
RT3/2	Additional Provision for Recreation in the Countryside
RT3/3	Access to the Countryside
RT3/4	Recreational Routes
HT6/3	Cycle Routes
SPD1	DC Policy Guidance Note 1:Recreation Provision
SPD2	DC Policy Guidance Note 2: Wildlife Links & Corridors

SPD4 DC Policy Guidance Note 4: Percent for Art
SPD5 DC Policy Guidance Note 5: Affordable Housing
PPS9 PPS9 Biodiversity and Geological Conservation
PPG16 PPG16 - Archaeology and Planning
PPS23 PPS23 Planning and Pollution Control
PPS25 PPS25 - Development and Flood Risk

Issues and Analysis

Principle - The principle of redeveloping this site for residential purposes has been established through the granting of planning permission ref.42722.

The site is a significant pocket of employment land not designated as an Employment Generating Area. As such, in considering whether to grant the current planning permission the Council took into account the case put forward by the previous developer that, in the context of Policy EC2/2, the site need not remain in continued employment use. It was able to accept this position on the basis that the developer would make a compensatory payment of £132,592.41 to provide funding to support employment generation elsewhere in the borough. This was secured through the s.106 Agreement made in connection with the granting of the permission. In regard to the current application progress on reaching a s106 Agreement on this matter has not been sufficient to cover this requirement.

Design and Layout - The proposed layout is largely based upon the previously approved scheme. However, the house/apartment designs are the different types produced by the new developers and there are some of significant layout changes that raise concerns. Thus, on the lower section of the site next to Kirklees Brook where the approved scheme shows a narrow private drive with a wide margin next to the brook for landscaping and car parking there is shown a highway of adoptable dimensions set alongside the watercourse, thus affecting the wildlife corridor in this area and the openness of the river valley which are protected through policies EN6/4 and OL5/2.

In addition to the car parking for residents and their visitors, there is some extra provision. This includes, as on the approved scheme, a block of 12 spaces to the rear of the existing Tottington Road houses. These would compensate for the loss of the car park next to the mill access point which is currently utilised by some of these residents. There would also be a small separate car park with four spaces allocated for anglers and situated next to the hammer head at the end of the main access road.

The submitted plans show some details that are inconsistent and the amenity areas around some of the flats needs to be clarified to ensure that they are sufficiently usable for this purpose.

Trees/Landscaping - Like the approved application this application is supported by an arboricultural assessment. Nevertheless, in terms of the submitted plans, there is some lack of clarity about the retention of existing tree cover, particularly on the extensive embankment on the Tottington Road side of the site. Furthermore, given the wildlife corridor along Kirklees Brook, the non-native species specified for this area are considered to be inappropriate.

Ecology - Within the site the extensive wooded slope on the Tottington Road side is a feature of ecological importance. Similarly, the Kirklees Brook forms part of a defined Wildlife Corridor as well as also being a feature of ecological importance. These elements are given protection for their ecological/wildlife value through policies EN6/3 and EN6/4 and the application is accompanied by an ecological assessment. Nevertheless, through the development of a road immediately next to the Kirklees Brook, the scheme fails in the need to protect and enhance this ecological feature and area of wildlife corridor for its wildlife importance. Furthermore, details are lacking in regard to the type of treatment envisaged for the wooded area and the planting proposed is generally not of the type that would be indigenous to the character of the valley area.

A bat survey report and later update have been submitted. However, notwithstanding the submitted bat report and ecological assessment, GMEU have raised a number of concerns that would need to be resolved. These include the following:

- there may be a maternity bat roost within the site and this needs to be investigated,
- the possibility of retaining the 'pump house' as a possible mitigation site for the loss of potential bat roosting sites needs to be considered,
- a detailed Method Statement is needed to ensure bat mitigation is implemented in full,
- clarification is required concerning the use of a SUDs drainage system,
- a condition is needed to ensure that an alternative nesting site for the dipper is incorporated into the brook channel,
- proposals to the wooded slope need to be clarified and it needs to be retained as a wildlife linkage,
- landscape treatment details, including cross sections to the brook area, should be presented,
- any proposals to the s106 Agreement area outside the application site should be shown.

In addition, the Environment Agency in their objection to the application has raised the concern that the development would involve undue encroachment into the Kirklees Brook corridor. They would seek to ensure a truly integrated riverside development that protects and enhances the Kirklees Brook river and wildlife corridor and links with locally important ecological, amenity and conservation assets in the adjoining area.

Recreational Provision - The adjacent extensive areas of open land along the Kirklees Brook are designated under Policy RT3/2 as Additional Provision for Recreation in the Countryside. Proposal RT3/2/4 states that features within this area such as the network of watercourses and lodges provide an area with considerable potential for informal recreation. Furthermore, the disused Holcombe Brook railway line running through this area is a designated Recreational Route (RT3/4/1) and a Cycle Route (HT6/3/1). The redevelopment of Olives Paper Mill has provided an opportunity for a contribution to be made by the developers towards improving this nearby recreational resource. Under Policy RT2/2 a residential development of the scale being proposed would be expected to make provision for the recreational needs of the prospective residents. The recreational obligations within the s.106 Agreement associated with the current planning permission were made in response to this requirement. These include a transfer of land to the Council contribute towards formation of the Kirklees Trail as well as a financial contribution towards this facility of £70,222.77, a public open space contribution with a commuted sum maintenance payment (total £140,000) and the provision of a permissive right of way to provide links between the residential development and the open valley area. Regarding the current application, however, progress in reaching a similar s106 Agreement on these matters has not been sufficient to cover these requirements.

Affordable Housing - The developer is obliged under Policy H4/1 to provide within the development an element of affordable housing in accordance with the policy and the associated supplementary planning guidance. The s.106 Agreement made in association with the current permission ensures that developer would have fulfilled that requirement. However, regarding the current application, progress on reaching a s106 Agreement on this matter has not been sufficient to cover the requirement.

Public Artwork - The development is of a scale whereby it is a requirement that an element of public artwork should be provided in accordance with Policy EN1/6 and the associated supplementary guidance. In this regard the previous applicant was obliged through the s106 Agreement to provide public art funding of £35,000. However, regarding the current application progress on reaching a s106 Agreement on this matter has not been sufficient to cover this requirement.

Flood Risk - The application is accompanied by a Flood Risk Assessment. However, the Environment Agency has raised an objection on the grounds that the application is deficient in including incomplete and inconsistent information concerning floor levels and details adjacent to the brook. Also, the hydraulic model needs updating as the old bridge is shown retained for the footpath crossing and needs to be included.

Summary of reasons for Recommendation

Recommendation: Refuse

Conditions/ Reasons

1. The proposals involve the construction of a new road immediately adjacent to the Kirklees Brook which is a Feature of Ecological Value and is within Wildlife Corridor and a River Valley. In addition, the landscaping details do not pay sufficient regard to the need for utilising species that would fit in with the indigenous character of the valley area. The development would, therefore, fail to protect and enhance the Feature of Ecological Value, would adversely affect the Wildlife Corridor and would also detract from the openness of the River Valley. It would thus be contrary to the following policies of the Bury Unitary Development Plan and the associated supplementary guidance:

EN6/3 - Features of Ecological Value

EN6/4 - Wildlife Links and Corridors

OL5/3 - Development in River Valleys

Development Control Policy Guidance Note 2 - Wildlife Links & Corridors

2. The application and submitted plans contain insufficient information to enable the proposals to be properly assessed in regard to the following matters:

The impact of the development on existing trees and areas of woodland.

The final levels for the steep embankment on the south-westerly side of the site.

The line of the south-easterly boundary.

Inconsistent layout details.

Incomplete landscape details.

The outfall arrangements for the mill lodges to the north of the site.

Impact on a European Protected Species.

Extent of petroleum hydrocarbon contamination within soils beneath the site.

Inconsistent/insufficient information to enable all highway matters to be properly assessed.

The form and extent of common areas of exterior amenity space for apartments

The development would, therefore, conflict with the following policies of the Bury Unitary Development Plan, associated supplementary guidance and government guidance:

EN1/1 - Visual amenity

EN1/2 - Townscape and Built Design

EN1/3 - Landscaping Provision

EN6/3 - Features of Ecological Value

EN6/4 - Wildlife Links and Corridors

EN7/3 - Water Pollution

EN8 - Woodland and Trees

EN9 - Landscape

H2/1 - The Form of New Residential Development

H2/2 - The Layout of New Residential Development

Development Control Policy Guidance Note 2 - Wildlife Links and Corridors
PPS9 - Biodiversity and Geological Conservation
PPS23 - Planning and Pollution Control

3. The application includes inadequate and inconsistent information regarding flood risk matters and the development is, therefore, contrary to the following policy of the Bury Unitary Development Plan:

EN5/1 - New Development and Flood Risk

4. The proposed development does not include provision for the recreational needs of the prospective residents. The development would, therefore, conflict with the following policy of the Bury Unitary Development Plan and associated supplementary guidance:

RT2/2 - Recreation Provision in New Housing Development
Development Control Policy Guidance Note 1 - Recreation Provision in New Housing Development

5. The proposal does not include an element of affordable housing as required by Policy 4/1 - Affordable Housing of the Bury Unitary Development Plan and the associated Development Control Policy Note 5 Affordable Housing Provision in New Residential Developments. The development would, therefore, be in conflict with this policy.
6. The development would result in the loss of land and premises to employment use and the development would, therefore, be contrary to the following policy of the Bury Unitary Development Plan:

EC2/2 - Employment Land and Premises Outside the Employment Generating Areas.

7. The proposed development does not include an element of public artwork and the development would, therefore, conflict with the following policy of the Bury Unitary Development Plan:

EN1/6 - Public Art and the associated Development Control Policy Guidance Note 4 - Per Cent for Public Art

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

Applicant: Mr & Mrs M Greenhalgh

Location: LAND ADJACENT TO 9 BEECH GROVE, GREENMOUNT, BL8 4DY

Proposal: ERECTION OF DETACHED DWELLING (RESUBMISSION)

Application Ref: 47479/Full

Target Date: 09/03/2007

Recommendation: Approve with Conditions

Description

The application site is formerly the large side garden and detached double garage and driveway to No 9 Beech Grove. To the east is No 11 which has a single detached garage and shed adjacent to the boundary and has a first floor landing window on the side elevation and a conservatory at the rear. To the west of the site is No 9 which has a s/s rear extension and first floor side extension. The site is elevated above Nos 8 and 10 Belvedere Avenue which are located on the northern boundary together with the rear gardens of Nos 5 and 7 Dover Close. The garden is screened by trees and shrubs to the rear and there is a large mature tree in the north western corner of the plot.

The application is for the erection of a 3 storey detached dwelling. The house would be L shaped and set back approx 7.3m from the edge of the footpath. There would be a driveway and double garage to the front of the property with access down the left side of the house to the rear. There would be 5 bedrooms, one of which would be in the roof space and would incorporate velux windows to the rear and a small dormer style window at the front. The overall height would be 8.5m. The materials would be red facing brick with tiled roof, to be agreed by the LPA subject to approval.

Relevant Planning History

42707 - 2 storey detached dwelling - approved 28/7/2004

42721 - erection of detached dwelling - withdrawn 13/12/2006

Publicity

Immediate neighbours have been notified and objections received from 1, 4, 6,7, 9, 11, 13 Beech Grove; 8, 10 Belvedere Avenue; 7 Dover Close. The following points were raised:

- the specifications have not significantly altered from the recently withdrawn application
- a 5 bedroom detached house is out of character and out of proportion with the existing properties in the cul de sac
- the size, scale and layout would contravene the other properties on the street
- the increased volume of traffic would create problems
- parking provision for vehicles is excessive
- dominate and overlook adjacent dwellings
- impact on the privacy of adjacent dwellings to the side and rear.
- take away light and restrict views
- possible loss of trees
- intrusion of privacy from the proposed rear and velux windows to No 8 Belvedere Avenue
- questions the relevance of providing level access
- there is a previous edict restricting development on this site
- there is an existing problem with surface water run off to the properties at the rear
- permission would open the way for apartment development
- the plans inaccurately depict No 9 Beech Grove to be larger than it is

- is the moratorium relevant to this application
- concern the large sycamore in the garden would be felled

Consultations

Borough Engineer - Traffic - no objections to the application.

Environmental Health - Drainage - no objections to the application. Informative notes added for the applicants attention.

Environmental Services - No objections to the application subject to conditions relating to contamination.

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
SPD6	DC Policy Guidance Note 6: Alterations & Extensions
EN1/3	Landscaping Provision

Issues and Analysis

Principle - The site is within a built up area and does not involve the release of open land. Planning permission has already been granted for the site, prior to the housing restrictions policy being adopted, and is valid until 2009. The principal of a new dwelling on this site is therefore acceptable.

Form and Layout - UDP Policy H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development seeks to assess the impact of proposals for new residential development upon the surrounding environment and demonstrate that good standards of layout are maintained.

The previously approved planning application consists of a 2 bedroom detached property with a parking area to the front. The bedrooms are situated on the ground floor with the living accommodation at first floor. This proposal seeks permission for a 5 bedroomed house but with a more traditional layout of living accommodation on ground floor, four bedrooms at first floor and one in the roof area. Although the footprint would be increased in area, the property would be set back approx 7.3m from the road and leave a separation distance of 8m from the back of the property to the rear boundary. It is therefore considered to provide an adequate amount of amenity space for the property. The overall height of the dwelling would be approx 8.5m to incorporate space in the roof for a bedroom with velux windows. Although this would make the house higher than the adjacent dwelling No 11 by 0.6m, it is considered not to have a detrimental effect on their residential amenities by virtue of being overbearing and would comply with H2/1 and H2/2.

Residential amenity - Policy H2/1 - seeks to ensure that reasonable standards of privacy and residential amenity are maintained for the neighbouring residents. The proposed dwelling would have obscure glazed windows in the side elevations which would mitigate overlooking to the adjacent properties. No 9 Beech Grove has a rear conservatory which would face a 2 storey gable wall. However, the principle window to the conservatory is on the rear elevation with its main aspect facing down the rear garden. As such, the relationship to this property would meet the standards in DCPG Note 6 and is considered acceptable.

There would be a gap of 6.5m to the side of No 11 with the proposed dwelling projecting approx 2m past the rear elevation of this property. Given the relationship of the two properties and the arrangements of the habitable room windows on the rear elevations, the proposal would be acceptable when assessed against the 45 degree rule.

The properties at the rear most likely to be effected by the proposal are Nos 8 and 10 Belvedere Avenue and No 7 Dover Close. With regards to No 7 Dover Close, the separation distance to the nearest part of the proposed dwelling would be 23m. Currently, the gap between No 7 Dover Close and No 9 Beech Grove is 24m, with there being a more

direct relationship between these two houses. Given this, it is considered the proposed development would not add detrimentally to the overlooking or privacy issues than the existing situation. The site is elevated 1.5m above Nos 8 and 10 Belvedere Avenue and given the proposed house would be three storeys in height. However, the 3rd storey element of the house would be in the roof space and would have velux windows which would minimise the potential for overlooking. The separation distances between No 8 and No 10 from the proposal would be 20m and 22m respectively, which would comply with the council's aspect standards. However, given the difference in levels, an increase in the gap between the development and these properties would generally be required. In this case however, the rear elevation of the proposed dwelling would not directly overlook Nos 8 or 10 given the angle of the properties in relation to each other. There is some screening along the rear boundary which would help mitigate the impact upon privacy. Consideration should also be given to the fact that the difference in levels would be such that any overlooking from the rear of the new property would be over the roofs and not into the rooms of the dwellings on Belvedere Avenue, particularly No 8. Given these circumstances the separation distance of 20m is considered acceptable and as such complies with the Council's aspect standards. There would be a gap of 20m to the property opposite, No 6 which would comply with the Council's aspect standards.

Visual amenity - Policies H2/1 and H2/2 seeks to ensure new residential development is appropriate to the character and visual amenity of the surrounding area and well related in scale and location. The proposed dwelling would be 3 storey in height, with the top floor set in the roof space. Although the cul de sac is characterised by bungalows and semi detached two storey properties, the drawings show the ridge height would be 0.6m higher than that of No 11 and 0.3m lower than the original ridge of No 9. In terms of design, although the proposal would be individualistic with regards to the surrounding properties, given their eclectic mix of design, the proposal is considered acceptable and would conform with H2/1 and H2/2.

An existing planning approval for a two bedroomed property exists on this site. This current submission makes significant changes to the previous application, particularly with relation to its design and massing. This proposal would be set further back from the road than previously approved which would have the effect of 'shunting back' the footprint towards the rear of the site. However, it is considered there would be a reasonable amount of land to the rear and side of the proposal not to detrimentally impact on the character of the surrounding environment.

The previous approval would also allow for extension of the property up to 70 cubic metres in volume without planning permission as permitted development rights were not removed as part of the approval. However, given the size of this proposal it would be prudent to remove permitted development rights in order to control further development.

Parking provision - there is proposed parking for two vehicles, two of which would be provided by the proposed double garage.

Trees - the trees along the rear boundary of the site will be retained and protected by a condition whilst work is taking place on site.

Drainage - in order to alleviate any drainage problems which may result from the development, the site is to be drained on a separate system of drainage.

Objections - the objections received which relate to material planning matters have been covered in the report above.

Summary of reasons for Recommendation

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

The site is within a residential area and of adequate size to accommodate the proposed

dwelling. The design is acceptable and would not adversely affect the character of the area nor the amenity of nearby residents. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 12th January 2007 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. Notwithstanding the terms of the General Development Order 1995, or as subsequently amended, no development shall be carried out within the terms of Classes A to H of Part 1 and Classes A and B of Part 2 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed below.
5. Prior to the development hereby approved commencing:
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential contamination and/or ground gas risks have been identified, a detailed site investigation and suitable risk assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority;
 - Where remediation is required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.
6. Following the provisions of Condition 5 of this planning permission, where remediation is required, the approved remediation strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the conclusions and actions taken at each stage of the works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.

7. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site, and;
The approved contamination testing shall then be carried out and validity evidence (laboratory certificates etc) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site.
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
8. All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:
- Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;
- A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
9. 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.
10. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.
Reason: To reduce the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

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

Ward: Prestwich - Holyrood

Item 05

Applicant: Bury MBC

Location: PARRENTHORN HIGH SCHOOL, HEYWOOD ROAD, PRESTWICH, M25 5GR

Proposal: TWO STOREY EXTENSION

Application Ref: 47407/Full

Target Date: 22/03/2007

Recommendation: Minded to Approve

Minded to approve subject to the referral of the application to Government Office as a departure from the Development Plan

Description

The proposal involves a substantial extension to Parrenthorn High School. The school is situated on the southerly side of Heywood Road and has an extensive area of playing fields on its westerly side. Nearby development is concentrated on the northerly side of Heywood Road where there are St Margaret's C of E Primary School directly opposite and residential development to its west. Otherwise most of the surroundings are open land with Heaton Park Reservoir a main feature to the south of the school playing fields. The area on the south side of Heywood Road, including all of the school, is in the Green Belt. On the opposite frontage there is also Green Belt to the east of St Margaret's School.

The school is accommodated in a large flat roofed two storey block faced mostly in grey concrete blockwork with large panels of glazing. The building is set significantly above the level of the playing field and Heywood Road. On the playing field side there is an extensive grassed terrace and slope down to the area of pitches. The proposal is build the extension on this grassed margin. The development would involve 2830 sq m of new floorspace within a mostly two storey structure but with a single storey section at the Heywood Road frontage end where the development would project out well beyond the existing line of the building. The main elements would include 18 classrooms, a music room and an assembly hall. The extension would be a linear structure set parallel to the westerly elevation of the existing building to which it would be joined at both floors by a link that would also form a new main entrance area to the school. The external walls would be mostly clad in buff brickwork but with grey Kingspan cladding on the upper elevations facing Heywood Road. The elevation facing the playing field would have a continuous line of windows on the upper elevation and window openings would also dominate the lower elevation. The generally curved shallow pitched roofs would be in a grey metal covering.

Two ancillary elements within the application include a cycle shelter and a playground extension on the Heywood Road frontage area.

The extension is necessary to help enable the school to deliver a modern curriculum and the new classrooms would be created to release existing classroom space for specialised activities. It is not required for the purpose of accommodating additional pupils.

The application is accompanied by design and access statement, a planning statement, a statement of community involvement and a ground investigation report.

Relevant Planning History

36708/00 - Detached classroom at the rear. approved on 24th July 2000.

36861/00 - Extension of classroom under existing first floor. approved on 6th October 2000.

37754/01 - Provision of bus lay-by/turnaround. Approved on 15th June 2001.

39165/02 - single storey extension to staff room. Approved on 23rd May 2002.

44157 - Single storey extension to form three classrooms and WC provision. Approved on 2nd September 2005.

46242 - Car Park. Approved on 15th June 2006.

46368 - Fence and floodlighting to synthetic playing surface, including extension to all weather surface. Approved 11th August 2006.

Publicity

Twelve neighbouring properties were notified. A site notice has been displayed and a press notice published. A letter of support has been received from Ivan Lewis MP. There have been no other representations received.

Consultations

Highways Team - No objections.

Drainage Section - No objections.

Environmental Services - Land contamination conditions recommended.

GMP Architectural Liaison - No objections.

Sport England - They were consulted by the applicant's agent prior to submission and provided a letter confirming that they had no objections on the basis that the development only affects land incapable of forming, or forming part of a playing pitch and would not prevent the use of any playing pitch or would not reduce the size of the playing area of a pitch or cause the loss of any other sporting facilities on the site. They have been consulted formally about the application and any response will be reported.

BADDAC - Concerns expressed about the external ramp to the main entrance, internal ramps required due to differing floor levels between the existing building and the extension and about the dimensions of the disabled toilets.

Unitary Development Plan and Policies

EN1/1 Visual Amenity

EN1/2 Townscape and Built Design

OL1/2 New Buildings in the Green Belt

CF2 Education Land and Buildings

EN1/6 Public Art

Issues and Analysis

Green Belt – A key issue is that the development is of a significant scale and would be sited on an open area within the Green Belt. Policy OL1/2 sets out that there is a general presumption against inappropriate development within the Green Belt. Within the policy it is clarified as to what is considered to be inappropriate development and the proposal falls into this category. However, the policy also goes on to state that inappropriate development will only be permitted in very special circumstances and, in such instances, it would be for an applicant to demonstrate very special circumstances to justify inappropriate development. These should outweigh the harm caused to the Green Belt that the development would convey by reason of its inappropriateness.

The application is accompanied by a planning statement in which a case regarding very special circumstances is put forward. This is based on the exceptional need for the development and the lack of harm it would cause to the Green Belt.

The basis being put forward for exceptional need is the identified shortfall in facilities and accommodation at the school. The LEA has carried out a formal appraisal process which identified that the school's current building stock is below standard and extra floor areas are required in order to allow the school to teach to modern curriculum standards. This shortfall in facilities and accommodation at the school is stated to form the basis of an exceptional need which supports the development.

The statement then refers to the allocation of DfES Targeted Capital Funds as affording formal recognition of the exceptional educational need. Furthermore, it claims that the

attainment of the funds, through a national bidding process demonstrates the unique educational need for the development which has been prioritised through the bidding process. The funding package thus attained has allowed the applicant to devise a scheme of works which would overhaul the existing accommodation facilities at the school providing internal refurbishment and the introduction of new floor areas. Additionally, it is stated, the proposed development would make a direct contribution to each of the issues raised during previous site assessments and is also based upon BB98 Design Space Standards and BREAM assessment for school facilities. Furthermore, it is added that there is no alternative method of providing the additional space required other than to provide an area of new built development.

The submitted planning statement then goes on to consider the issue of harm to the Green Belt. It is stated that the proposed development is contained within the immediate surroundings of the existing school building. This would allow the floor areas to be provided over two floors thus constraining the footprint of the building to circa 1750 sq m. Existing topography and floor levels allow the building height to compare with the existing school building, again diminishing any harm that the building may otherwise have caused upon visual amenity. Furthermore, the new floorspace would allow the removal of temporary classroom blocks which would convey considerable value to the Green Belt location.

Given the lack of significant harm to Green Belt interests due to the sympathetic design and siting of the development and the supporting case for very special circumstances, namely educational need, the planning statement concludes that the development proposals would not conflict with PPG2 – Green Belts. It is considered that the case put forward for compliance with Green Belt policy can be supported. However, the proposal involves a departure from the Development Plan and needs to be referred to Government Office for the North West.

Design and Appearance - Visually and in terms of site layout the development would bring in a number of benefits for the school. Its current appearance is drab and unappealing with the dominance of grey breeze block and the box like flat roofs. The extension with its low curved roof and warmer but not clashing colour scheme, glazing pattern and solar shading would add a welcome element of visual interest to the overall appearance of the school as seen from important viewpoints. In addition, the temporary classrooms no longer required because of the development would be removed.

Currently, the main entrance to the school is badly situated and is not apparent from the main Heywood Road access point. It does not provide a welcoming approach. The development, however, would create a new entrance courtyard between the extension and the main building and provide a direct line of approach to a lobby and reception area within the link section as well as providing an enclosed courtyard and seating area on the far side of the link.

The details provided of a proposed cycle shelter and playground extension on the Heywood Road frontage area are not sufficient to be fully considered and the full details of these elements should be the subject of a prior approval condition.

Playing Fields - The development would take up a grassed area on the margins of the school playing fields. As such it needs to be assessed under Policy RT1/1 and RT2/3. However, recent work at the school has resulted in the improvement of outdoor sports facilities. To this needs to be added that the development would result in the freeing up of an area inside the school building for an indoor sports hall. These works would offset any loss of playing fields and the nature of the lost area with its steep topography is that it is not usable for pitches. Sport England were consulted by the applicants prior to the submission and did not wish to object to the proposals.

Access for Disabled - Following consultation with BADDAC the proposals have been modified to provide a satisfactory ramp access from the entrance point on Heywood Road to the main entrance. This would avoid needing to negotiate the existing external staircase

required because the school is raised well above road level. In addition, the configuration of the disabled toilets has been improved. The internal ramps have not been modified but would be subject to requiring Building Regulations compliance.

Transport/Parking - The development is not intended to support additional pupil numbers and existing travel patterns are expected to continue with no increase in car traffic accessing the site. The disabled ramp would necessitate the loss of two parking spaces. However, a new car park has recently been provided for the school.

Currently the school has a Sustainable Travel Plan and the development proposals provide an opportunity to update this. With the provision of a bus facility and existing cycle parking areas the current site promotes the use of non-car access to the site. This would be supplemented further by the intended provision of a sizeable new cycle parking facility.

Residential Amenity - The extension would be over 50m away from the nearest dwelling which is situated diagonally opposite along Heywood Road and there would be no materially detrimental impact on residential amenity.

Community Involvement - The application is supported by a Statement of Community Involvement. This reports on the nature and outcome of consultations with staff, parents and pupils and a local public consultation. The statement indicates that the proposals received very positive responses and in what way the scheme was modified in response to the feedback.

Public Artwork - The development is of a scale whereby it is requirement in accordance with Policy EN1/6 that it should include an element of public art. Any consent should include a requirement regarding the need for this provision.

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;-
Although it involves inappropriate development within the Green Belt, the application has demonstrated very special circumstances of educational need that would outweigh any harm caused to the Green Belt. The design and appearance of the development is acceptable and there would be no loss incurred to any area of playing fields usable for pitches. The development would not have a material impact on any neighbouring property. There are no other material considerations that outweigh this finding.

Recommendation: Minded to Approve

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
3. The development hereby approved shall include an element of public art that would be sufficient to be in accordance with Bury Unitary Development Plan Policy EN1/6 - Public Art and the associated Development Control Policy Guidance Note

4 Per Cent for Public Art. No development shall take place unless and until details of the public art element have been submitted to and approved by the Local Planning Authority.

Reason - To ensure that the development would contribute to satisfying the need for public art pursuant Bury Unitary Development Plan Policy EN1/6 - Public Art and the associated Development Control Policy Guidance Note 4 Per Cent for Public Art.

4. 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.

5. Following the provisions of Condition 4 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.

6. 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.

7. 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.

8. 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.

9. No development shall take place unless and until details of the proposed cycle shelters and extended playground have been submitted to and approved by the Local Planning Authority.
Reason: In the interests of visual amenity

10. This decision relates to drawings numbered E 05327 01 REV., E 05327 02 REV., E 05327 03 REV A, E 05327 05 REV B, E 05327 06 A, 05327 07 REV., E 05327 08 REV., E 05327 04 REV., E 05327 09 REV., E 05327 10 REV. and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.

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

Ward: Prestwich - Holyrood

Item 06

Applicant: Mr & Mrs Samuels

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

Proposal: CHANGE OF USE FROM RESIDENTIAL TO OFFICES INCLUDING FIRST FLOOR EXTENSION AT FRONT; 2 X SINGLE STOREY SIDE EXTENSIONS; ALTERATION AND ACCESS FROM BURY OLD ROAD AND CREATION OF CARPARK

Application Ref: 47484/Full

Target Date: 12/03/2007

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 is between the two properties. The properties on Heywood Road behind mature trees on the boundary have a minimum separation distance of 16m.

The property has an outstanding approval (46964) for change of use from residential to offices (Class B1), with two side extensions to square off the building at the rear. A car parking area at the front to accommodate 5 cars with a dedicated access point centrally placed on the Bury Old Road frontage. The approved hours of working are 08:00hrs to 18:30hrs for seven days a week.

This application is exactly the same as the outstanding approval (46964) other than this application includes an additional first floor extension to enclose the balcony area at the front.

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

46964 – Change of use from residential to offices (Class B1) including 2 extensions at the side and car parking at front – Approved Conditionally 23/11/06

Publicity

31 surrounding properties have been notified. No letters of representations have been received.

Consultations

Highways Team – No objection subject to conditions

Drainage Team – No objection

Environmental Services Team – No objection

Landscape Practice – No objection

Policy Team – No objection

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

The change of use to offices (Class B1), two extensions at the rear and the access and car parking arrangements on this site has already been approved under application 46964. For that reason the only consideration for this application is the minor amendment to enclose the existing balcony at first floor level at the front to create an extra 9 sq m of covered office space.

The change to the appearance of the front elevation is acceptable as the size and position of the windows corresponds to the existing and as a result will not detract from the design of the property or street scene in general. The 9 sq m of extra floor area proposed makes the property flush at the front where it joins to the adjacent shop. It does not make the proposal any closer to the surrounding residential properties nor is considered enough to make a significant difference to the original proposal use approved under 46964 as it would not require additional parking or servicing. Therefore the proposal conforms to Bury UDP 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 and HT2/4-Car Parking and New 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;-

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/PL/05b; 2572/SK/02E; 2572/PL/03E 2572/PL/01; 2572/PL/04 and 2572/PL/06** and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. The external finishing materials for the proposal hereby approved shall match those of the existing building.

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

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 E** 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 - Sedgley

Item 07

Applicant: Archford Ltd

Location: FORMER GARAGE COLONY ADJACENT TO 48 GEORGE STREET,
PRESTWICH, M25 9WS

Proposal: NEW OFFICE PREMISES (RESUBMISSION)

Application Ref: 47352/Full

Target Date: 08/03/2007

Recommendation: Approve with Conditions

Description

The applicant seeks consent for the erection of a new office block on land adjacent to 48 George Street, Prestwich. The application site is split into two separate areas – the site where proposed office block will be built and the site where additional car parking will be provided.

The site for the proposed office block is bounded by No. 48 George Street to the east and the rear curtilage of the residential properties on Norwood to the west. To the rear of the site is an unadopted access road and further residential properties. There are a number of buildings on site, which are currently used as garages and workshops.

Directly opposite the application site is a hotel with associated car parking, including the overflow car park, which would be utilised as additional parking for this proposed development.

Relevant Planning History

43779 – Residential development – Block of 4 No. apartments at former garage site, George Street, Prestwich. Approved with conditions - 3 February 2005

46369 – New office premises at former garage colony adjacent 48 George Street, Prestwich. Withdrawn - 17 August 2006

46993 – Conversion work to existing hotel with 44 bedrooms and fitness and sport centre to form 102 bedroom hotel without sports and fitness facilities at Fairways Lodge & Leisure Club, George Street, Prestwich, M25 9WS. Approved with conditions - 24 January 2007

Publicity

The neighbouring properties were notified by means of a letter. Two letters have been received from the occupiers of No. 10 Norwood and No. 37 Circular Road, which have raised the following points:

- A single dwelling would be acceptable
- Increase in traffic to the detriment of pedestrian and highway safety
- The proposed offices are more acceptable than the previous application
- Will there be adequate parking, especially if the proposed redevelopment of the hotel is approved. (This application (46993) was approved on 24 January 2007).

Revised plans were received from the applicant and the neighbouring properties were reconsulted by letter. To date there has been no further response.

Consultations

Drainage Section - No objections to the proposed development.

Highways Section - No objections to the proposed development, subject to the inclusion of conditions on any grant of planning consent.

Environmental Services Section - The site has been in use as garages and workshops and is situated within 250 metres of a known landfill site. Recommend the conditions are placed on any grant of planning permission 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.

GM Police Architectural Liaison - Require details of the boundary details. The sides and rear of the building should be screened, fenced or gated to limit access around the building. Provide a lockable front gate.

Waste Management – No response.

Policy – No comments

Baddac – Welcome the provision of 2 disabled parking spaces, the lift and disabled toilets.

Unitary Development Plan and Policies

EC2/1	Employment Generating Areas
EC4/1	Small Businesses
EC5/3	Other Office Locations
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
HT2	Highway Network
HT2/4	Car Parking and New Development
HT4	New Development
SPD6	DC Policy Guidance Note 6: Alterations & Extensions

Issues and Analysis

Principle

The application involves a proposal for a growing business on a site located opposite an employment generating area as identified within the adopted UDP. UDP Policies EC2/1 (Employment generating area) and EC2/1/17 (Mountheath, Prestwich)) states that the Council will support proposals for the industrial and business use within the area, providing it does not conflict with the area's value as an employment generating area.

UDP Policy EC4/1 (Small businesses) confirms that proposals for small businesses would be considered acceptable when the scale of the development is appropriate to and the use environmentally compatible with the surrounding area and where there would be no conflict with other policies of the plan.

UDP Policy EC5/3 (Other office locations) states that proposals for office development would be considered acceptable when the scale of the development is appropriate; it is providing a service to the local community and will not impact adversely upon existing conditions in the locality.

The proposed office development is located just outside of the Employment generating area and would not detract from the general industrial uses within the site. The proposed development is of an appropriate scale for the site and would be more environmentally compatible than the existing uses within the site. Therefore, it is considered that the

proposed development would not conflict with Policies EC2/1, EC4/1 or EC5/3 of the adopted Unitary Development Plan.

Impact upon the surrounding area

Whilst the proposed building is quite modern in appearance, it is considered that the proposed development is appropriate in design and scale for the site and locality and would not be unduly prominent within the street scene. At ground floor and first floor level, all of the windows are set at an angle and therefore, none of the proposed openings would look directly into the rear curtilage of the properties fronting onto Norwood. The applicant has submitted revised plans, which have increased the distance between the habitable windows on the properties fronting onto Norwood and the two storey blank elevation of the proposed building to 13 metres, which is in accordance with the standards set out in DCPGN6. As there are no openings within the side elevation facing No. 48 George Street and a distance of 30 metres between the proposed development and the properties on Circular Road, it is considered that the proposed development would not have an adverse impact upon the amenity of the occupiers of the dwellings in the locality. Therefore, the proposed development is in accordance with DCPGN6 and Policy EN1/2 of the adopted Unitary Development Plan.

Policy EN1/5 states that the Council will encourage proposals which include environmentally sensitive design features aimed at discouraging crime. The GM Police Architectural Liaison Unit requires some additional information in relation to the boundary treatment, which it is considered is appropriate to deal with via condition.

It is considered that the landscaping of the proposed site is acceptable, subject to conditional control. Therefore, the proposed development is in accordance with Policy EN1/3 of the adopted Unitary Development Plan.

Highway Issues

The existing use of the site, as a commercial garage would generate a number of vehicles visiting the site on a daily basis. Taking into account the existing use, it is considered that the proposed development would result in a small increase in the number of vehicles visiting the site. Therefore, the proposed development would not impact adversely upon highway safety and the Council would not be justified in asking for a financial contribution to improve the junction of George Street and Bury New Road. The proposed development is in accordance with Policy HT2 of the adopted Unitary Development Plan.

It is proposed as part of the redevelopment of the site, to provide 14 parking spaces for staff and visitors, by means of 2 disabled and 2 spaces within the application site and 10 spaces in the overflow car park, which is located across the road, adjacent to the hotel. It is acknowledged that the separation of parking across two sites separated by a road and in the ownership of a second party is not ideal. However, following the recent consent for the conversion of the leisure facilities to bedrooms at the hotel, there will be an oversupply of parking at the hotel. It should be noted that the highways section have no objections to the proposal. Therefore, it is considered that the proposed development would reduce the oversupply of parking in accordance with government guidance in the form of PPG13, whilst maintaining an adequate number of parking spaces for the proposed development in accordance with Policy HT2/4 of the adopted Unitary Development Plan.

Summary of reasons for Recommendation

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

It is considered that the proposed development is appropriate in amenity terms and would not look out of place within the locality, subject to conditional control. The off-road parking is considered to be adequate and the proposed development would not conflict with the aims of the policies within the adopted Unitary Development Plan

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than 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 NMG 578 P-02 Rev C and NMG 578 P-01 Rev D received on 24 January 2007. The development shall not be carried out except in accordance with the details hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. 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.
5. Following the provisions of Condition 4 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.
6. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site, and;

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

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

7. 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.

8. 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.

9. A landscaping scheme, including details of the boundary treatment, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. It shall be implemented not later than 12 months from the date the 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.

10. The visibility splays/forward visibility envelopes indicated on the submitted plans shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use and subsequently maintained free of obstruction above the height of 0.6m

Reason. To ensure the intervisibility of the users of the site and the adjacent

highways in the interests of road safety.

11. The highway improvements in the form of the widening of the footways to the extents of the visibility splays indicated on the approved plans shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use.
Reason. To ensure good highway design in the interests of road safety.
12. No gates shall be erected within 5 metres of the adopted highway.
Reason. To ensure good highway design in the interests of road safety.
13. The turning facilities indicated on the approved plan reference NMG 578 P-01 Rev D 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.
14. The car parking indicated on the approved plan reference NMG 578 P-01 Rev D shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the building hereby approved being brought into use.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

For further information on the application please contact **Helen Longworth** on **0161 253 5322**

Ward: Prestwich - St Mary's

Item 08

Applicant: Manchester Methodist Housing Association

Location: TULLE COURT, RAMSBOTTOM ROW, PRESTWICH, M25 1BS

Proposal: ALTERATIONS TO ELEVATIONS OF 1 NO. RETAINED BLOCK OF 12 NO. FLATS AND SITE TREATMENT TO INCLUDE LANDSCAPING, CAR PARKING AND ACCESS; 26 NO. DWELLINGS WITH ASSOCIATED LANDSCAPING, CAR PARKING AND PEDESTRIAN/VEHICULAR ACCESS

Application Ref: 47336/Full

Target Date: 08/03/2007

Recommendation: Approve with Conditions

A site visit has been requested by the Borough Planning and Transportation Officer for this proposal.

Description

The application site comprises a 0.6ha site, which is currently occupied by a two rows of three and four storey flats and maisonettes within a setting of surrounding other residential properties on three sides and a builders yard on the northerly side of the site.

The existing development comprises 51 deck access flats with communal staircases providing access through to each of the levels and connects the separate block to each other.

The site can be accessed from both Church Lane and Church Drive but these two accesses do not connect to create a connecting highway for vehicular traffic. Pedestrians can cross the site using these two highways.

The site has levels changes across it with the highest part of the site at the Derby Street end of the site and the lowest at the Church Drive end of the site. The blocks within the site sit uniformly across the central and westerly end of the site with the surrounding land forming garden/grassed areas.

St Mary's Conservation area boundary does not include this site but the properties fronting on to Church Lane are included within the Conservation Area. There is also a Listed public house, The Church Inn, located to the south westerly part of the site.

The application seeks to demolish the central block across the site and its protruding southerly outrigger and the redevelopment of 26 houses. The westerly block is to be retained and completely refaced to provide 12 apartments. Car parking would be in curtilage or within a courtyard arrangement.

Relevant Planning History

No relevant planning history.

Publicity

The application was publicised through site notices erected on 9/1/07 and again on 18/1/07; Press notices were carried out on 25/1/07. Revised plan letters were issued on Neighbour notification letters were issued to properties on Church Drive, Tulle Court, Clifton Road, Clough Drive, Carmona Drive, Church Lane and St Mary's Court. A complete list of addresses can be viewed on the working file. As a result of this publicity, 16 letters of objection/comments were received on the proposals from Prestwich Heritage Society, 1, 3, 5, 6, 8 Carmona Drive, 17, 23, 28, 30, 32, 34, 36 Church Lane, 20 Church Drive, 1 Clough

Drive, email from C. Abbott, . Issues raised include:

- Concerns about overlooking from the inserted windows in the side elevation of the retained block when viewed from Carmona Drive.
- It is a mistake to refurbish and retain any of the buildings currently on site.
- The scheme appears 'cheap' in the choice of materials for the scheme.
- The connection of Church Lane through to Church Drive would create a 'rat run' for drivers wishing to avoid traffic on the main Bury New Road.
- Lots of additional traffic would be detrimental to the qualities of the Conservation Area.
- The scheme would impact upon the outlook and light of properties on St Georges Terrace.
- The proposed access path to be sited in between the new properties and St Georges Terrace would create a 'muggers alley' and should be deleted.
- The removal of the existing buildings is welcomed.
- Would the existing houses be in danger from the removal of the existing properties?
- Neighbour notification letters should not have been issued through the Christmas period.
- Concerns are expressed about the sale of part of the site for private dwellings.
- The development would remove areas of public open space.
- The designs of the properties are poor.
- The scheme proposes the removal of a cherry tree, a mature specimen which is a positive visual contributor to the area.
- How can the properties be secured as affordable homes?
- Traffic calming measures would not control heavy traffic use sufficiently.

Note - Many of these points concern the original plans. Revised plan letters were sent to all original neighbours and respondents informing them of the deletion of the connecting road from Church Lane to Church Drive on 7/2/07.

Consultations

Traffic Section - Any response shall reported.

Drainage Section - No objections

Environmental Health

Contaminated Land - No objections subject to the attachment of conditions to finalise matters relating to contaminated land and process for treating it.

Air Quality - No objections and the development is unlikely to increase pollutants significantly.

Greater Manchester Police - No objections.

United Utilities - No objections

Gtr Manchester Ecology Unit - No objections - attach a condition to ensure that survey work is carried out prior to the demolition of the buildings and that survey work is done during the recommended periods.

Unitary Development Plan and Policies

- EN1/1 Visual Amenity
- EN1/2 Townscape and Built Design
- EN2/2 Conservation Area Control
- EN2/3 Listed Buildings
- EN3/2 Development Affecting Archaeological Sites
- H2/1 The Form of New Residential Development
- H2/2 The Layout of New Residential Development

Issues and Analysis

Principle - The site is currently surrounded by residential development and is currently used for residential development. The scheme proposes no net gain in terms of the numbers of dwellings on the site and therefore complies with the interpretation of the Council's Development Control Policy Guidance Note 7 - Managing the Supply of Housing Land in Bury. As such, the principle of residential development on this site is acceptable.

Height, Scale and Massing - The development proposes the redevelopment of the majority of the site with a lower density and lower height scheme. UDP Policies H2/1 – The Form of New Residential Development and H2/2 – The Layout of New Residential Development seek to ensure that all new residential developments make a positive contribution to the form and quality of the surrounding area and that the development provides acceptable standards of layout. The character of the surrounding area is of low level dwellings predominantly terraced two storey dwellings in a mix of characters, age and design. The surrounding properties generally have front and rear garden areas fronting onto streets with associated parking either within curtilage or on street. The form of the existing buildings within the site are generally stark contrasts to the surrounding area, monolithic in design and reliant upon communal amenity space, narrow cut through's and no clear definition of spaces.

The proposed scheme seeks to remove the largest of the two blocks on site, which would then be redeveloped with the creation of a number of terraced units, each with protected garden space and allocated or in curtilage parking. Such an approach would be sympathetic with the surrounding area. The scheme does incorporate some three storey properties which would be located within the centre of the site and would make the best use of the changes in levels of the site in relation to the surrounding properties, which are generally elevated to the site. Section drawings show that the relationship of the proposals for the new build provide an improved relationship with surrounding properties, with predominantly single storey aspects to St Georges Terrace at the westerly end of the site and two storey to the terraced properties near to the corner of Church Lane and Derby Street.

The retention of the far westerly block would result in no change to the physical mass of this building to Carmona Drive. **Density** - The new build would cover approximately 0.5ha of the site. The development of 26 dwellings would represent some 62 dwellings per hectare, which is within the specified expectations of PPS3 - Housing. Such a density would be more in keeping with the surrounding area and provides for a more appropriate layout than can be seen on site today. **Design and Appearance** - The scheme has adopted a modern approach to design and this is explained within the accompanying Design and Access Statement.

Retained Block - This block would be radically refurbished and converted, re-faced, traditional materials would be used, openings created, a redesign of the external elevations it is proposed to transform the skeleton of this building into a modern and contemporary apartment block. The choices of materials have been amended due to the proximity of this block to the Conservation Area and the Listed public house, the Church Inn. The retained block presents more of a design difficulty with regard to respect for the conservation area context, built as it is predominantly from a brick of a very different colour and texture to that of the 19C terrace and now in a state of considerable visual deterioration.

The design solution adopted is to render the front and side elevations, albeit in a more contemporary fashion than the rendered rear elevations to the houses in St. Georges terrace. By this device the currently dull brick facade would be rejuvenated and enhanced to visually reduce the otherwise overbearing height and scale of this building. The top floor would be treated in a different and contrasting material comprising vertically hung slate, which reflects the flank walls of two houses on the St. Georges terrace.

New Build – The properties intentionally seek to provide a contemporary approach, but in a

traditional way. The elevations comprise mixtures of brick, render or timber cladding and grey roofing tiles. Window openings are designed to present deep reveals, oriel openings and windows sited on the corners of the buildings which assist to 'turn the corner' and help to provide natural surveillance to the streets. This approach also assists in Eco-Homes ratings through the use gain of natural light, thus reducing the demand of energy use.

The streets within the scheme would be delineated and would incorporate different surfacing material in the courtyards to the main turning head. This approach seeks to demonstrate defensible space thus adopting an architectural approach to safety and security, rather than through the adoption of a gated community.

It is considered that the scheme would be a step change from the current development within the site and one that has been a stigma for many years. The design is considered to be well conceived and would provide a high quality design solution to this site. In view of this 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.

Aspect Distances – The scheme has adopted accepted good design principles by buildings fronting onto the street, the definition of defensible space and the natural surveillance of streets. In so doing, the scheme has sought to maintain normally accepted aspect distances to existing and proposed dwellings within the scheme.

To the north elevation of the retained block, the development would incorporate newly inserted windows in what is an otherwise blank gable wall. This would provide natural surveillance to the parking area to the front of the site. The aspect distance from this elevation to properties on Carmona Drive would be some 35m. Bearing in mind the three storey height of the building and its elevated aspect, the aspect distance is considered to be in excess of a distance of some 27m that would normally be sought in this situation.

Proposed properties fronting Derby Street have been amended to incorporate windows to bedrooms in the flank elevation to have an aspect along Derby Street, with landing windows to the front elevation on the northern half of the row and high level windows only in the main front elevation. All these measures ensure that overlooking and privacy of St Mary's Court would be maintained. The southerly half of this row does not have a direct aspect to St Mary's Court nor face any habitable room windows. The separation distances between this block and St Mary's Court would be 17m. As the height of the development would be similar when comparing the two blocks and that no main habitable room windows would face each other, a normal aspect distance of 13m would be sought. It is considered that this relationship is therefore acceptable.

The tightest relationships to existing properties are between the southerly new two storey property fronting Derby Street and the rear elevations of 20 and 22 Church Lane. These two properties have two storey outriggers on the rear elevation, with windows overlooking the site. These windows are believed to be bathrooms, which are considered to be non-habitable rooms. There are also windows in both the upper and ground floors within these outriggers. These windows in 22 Church Lane face the rear of the outrigger of 20 Church Lane. As such there would be no direct impact upon outlook from this outrigger. The main habitable room windows have a northerly aspect. The new property has been designed to ensure that an unobstructed view would be maintained from this window.

20 Church Lane has a bathroom window directly facing the newly constructed property and would be separated by some 4.2m. As the impact would be upon a non habitable room, on balance it is considered that the impact upon this window is just acceptable. The windows in the main rear elevation of 20 Church Lane would still be maintained and unobstructed with a view along Derby Street. This relationship is considered to be acceptable.

Aspect distance between proposed blocks centrally located within the scheme and the rear of Derby Road would maintain 20m separation, which is a tested standard approach

adopted by the Council when assessing new residential developments. Considering that there would be significant difference in levels between these properties, this topography would enhance privacy.

The relationship of the rear of 32 and 32 Church Lane would be drastically improved. The scheme seeks to remove an existing 3 storey building sited close to the rear of these properties by a single storey aspect to 30 and 32 Church Lane. This would be achieved through the remodelling of the land and to set the new properties into the banking, with lower ground floors well below the level of 30 and 32 Church Lane.

Traffic Considerations – The connection road originally shown on the plans was considered to be an inappropriate design in terms of highway traffic flows as there would be a greater opportunity to add to traffic using a non-signalised junction of Church Lane with Bury New Road. The retention of the severed highway design would ensure that traffic movements would be provided by junctions to the north of the site such as on Chester Street, where permeability would provide greater opportunities for traffic dispersal.

The proposed turning facility within the scheme would ensure that larger vehicles such as refuse wagons would still manoeuvre effectively and safely. Each of the properties has parking provision and there are also a number of additional parking spaces for visitors. The scheme Proposes 44 spaces for the development of 37 dwellings (new build and refurbished block). This equates to a provision of 122%, which in this highly sustainable location close to the main road and quality bus corridor is considered to be appropriate. The development would therefore comply with UDP Policy HT2/4 – Car Parking within New Development.

The retained turning head from Church Lane would be re-surfaced in either setts, cobbles or other appropriate material to soften the relationship of the development to the Conservation Area and also to enhance the setting of the Listed The Church Inn. The geometry of this turning head would be reduced slightly by approximately 1.0m to ensure that it still functions for delivery drays and refuse vehicles.

Conservation Area – This development is not within the St Mary's Conservation Area but does have an important relationship to it. The connection of this site to the Conservation Area would be enhanced as described above and as reflected within the accompanying Design and Access Statement, has indicated appropriate materials for such a relationship. The key consideration of development within or affecting the views to or from a Conservation Area is enhancement or preservation of the historic area. This is reflect both in PPG15 Planning and the Historic Environment and UDP Policies EN2/2 - Conservation Area Control and EN1/1 - Visual Amenity. The scheme has incorporated sympathetic materials in the retained block and seeks to improve the setting of the listed public house and approach to and from the Conservation Area. It is considered that the development would both preserve and enhance the Conservation Area and thus would comply with the UDP Policies EN2/2 - Conservation Area Control.

Public Right of Way – There is a definitive Public Right of Way that crosses the site, running from the side of the listed public house, along the front of the retained block and through onto Church Drive. The scheme has been advertised for affecting a Public Right of Way. The scheme has also been amended to ensure that the right of way remains useable, safe and close to its original line.

Refuse – The scheme incorporates both access to the site and provision of waste facilities including waste recycling and normal waste provision. No objections have been received from the Cleansing Division on the scheme.

Archaeology – The scheme is accompanied with an Archaeological assessment. The application site may contain archaeological potential for Prehistoric or Romano British activity and in the vicinity of the hut on the opposite corner to the listed public house, there is historic potential for a coaching house. In view of this, any grant of planning permission

should include a planning condition to reflect the recommendations of the report and ensure a watching brief is carried out during site clearance works. Response to Objections – The main concerns raised by objectors centre upon the connecting road from Church Lane through to Church Drive. This has now been removed from the scheme and neighbours and objectors have been notified. Aspects Materials – the granting of planning permission would include a condition to require all materials to be used in the external faces of the development to be approved by the Local Planning Authority. Such measures would ensure that the best quality materials are secured for the site.

Affordable Housing - A scheme that normally proposes 25 dwellings or more should comply with the Council's Planning Policy for affordable housing. However, as this scheme would not provide any net increases of dwellings, the planning policy would not apply in this instance. It is understood that the scheme will provide affordable housing within the retained and refurbished block through contractual agreement with the developer but this is not a planning policy requirement.

Per Cent For Art - A scheme that normally proposes 25 dwellings or more should comply with the Council's Planning Policy Per Cent for Art. However, as this scheme would not provide any net increases of dwellings, the planning policy would not apply in this instance. However, the scheme does propose to resurface the turning head from Church Lane in a material more appropriate to the Conservation Area such as setts, which recognises the inter-relationship of the site with this sensitive area.

Recreational Provision - A scheme that normally proposes 10 dwellings or more should comply with the Council's Planning Policy for recreational provision. However, as this scheme would not provide any net increases of dwellings, the planning policy would not apply in this instance.

Impact upon Trees - The scheme does propose the removal of three trees within the site, which are in poor structural condition. The removal of the trees would have no detrimental impact upon the Conservation Area nor the perception of the site as a whole. Following consultation with the Council's Landscape Officer, their removal is further agreed. Any grant of planning permission should include tree protective measures for those trees that would remain on site.

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 and the amended plans would ensure the appropriate redevelopment of the site and appropriate relationship with extant properties and the St Mary's Conservation Area. The development would comply with Unitary Development Plan 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. This decision relates to drawings numbered 1580/G/1-/01 rev A, SSL:8323:100:1:2:BLG rev 1, SSL:8323:100:2:2:BLG, SSL:8323:200:1:1, G/22/10, G/25/30 rev A, G25/31, 1580/G/1/02, G/22/01, 02, 03,04,05,06,07,08; G/25/01,02, 03,04,05,06,07,08; G/25/10,20 rev a, 21,22,23,24 rev A,35,36; Gifford Archaeological Assessment Report; Design and Access Statement December

2006 and January Addendum 2007, Bartlett Tree Survey Report; Envirotech Bat Report and Capita Symonds 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.

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

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

4. No demolition shall take place unless and until a methodology for further bats surveys of the buildings to be demolished and refurbished has been submitted to and approved in writing by the Local Planning Authority. The demolition works and refurbishment proposals shall be carried out in accordance with the approved details only.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and Planning Policy Statement 9: Biodiversity and Geological Conservation.

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. Prior to the clearance of the site a scoping report for the methodology for the investigation of potential archaeological remains within the site shall be submitted to and approved in writing, by the Local Planning Authority. The scoping report shall include the methodology of a watching brief . The clearance of the site shall be carried out in accordance with the approved methodology unless otherwise approved in writing.

Reason. To make a record of buildings and features of archaeological interest and to comply with legislative requirements pursuant to policies EN3/1 – Impact of Development on Archaeological Sites, EN3/2 – Development Affecting Archaeological Sites of the Bury Unitary Development Plan.

10. The car parking indicated on the approved plans [insert plan number(s)] 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.

11. A landscaping scheme including hard landscaping shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development, excluding the demolition of the buildings. 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.

12. A street lighting 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 prior to the building(s) is first occupied.

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.

13. No trees, unless indicated otherwise on the approved plans and accompanying Bartlett Tree Report, 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.

14. 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 **Dave Marno** on **0161 253 5291**

Ward: Radcliffe - East

Item 09

Applicant: Mr Bradshaw

Location: 16 EASTBROOK AVENUE, RADCLIFFE, M26 2RT

Proposal: CHANGE OF USE LAND AT SIDE TO FORM PART OF RESIDENTIAL CURTILAGE; FRONT PORCH; TWO STOREY EXTENSION AT SIDE/REAR AND SINGLE STOREY EXTENSION AT REAR

Application Ref: 47043/Full

Target Date: 16/01/2007

Recommendation: Approve with Conditions

Description

The site is an end brick/tile terrace property with a detached timber/asbestos garage at the side with a dirt track to Withins Street at the side. There is a goit that runs parallel to the track. To the front is another row of terrace properties and to the rear is a row of lock-up garages.

14 Eastbrook Avenue has a window and door on the rear elevation at ground floor level.

The proposal is for the change of use of the dirt track at the side to form part of the residential curtilage including the continuation of the wall at the front/fence at the rear and repositioning the side fence. Also the erection of a front porch, a two storey extension at the side / rear and a single storey extension at the rear.

Relevant Planning History

None

Publicity

The application has been advertised in The Radcliffe Times, a site notice posted and 8 surrounding properties have been notified. One letter of representation has been received from 14 Eastbrook Avenue objecting on the following:

1. The proposed development would be a prominent and intrusive feature in the street scene and therefore detrimental to the visual amenities of the area.
2. The rear extension would have severe impact on sunlight to the rear of their property.
3. The side extension would restrict access to the garage area to the rear and have a negative impact on local traffic.

Consultations

Highways Team – No objection subject to conditions

Environmental Health – No objection subject to conditions

Environment Agency - No objection

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

H2/2 The Layout of New Residential Development

H2/3 Extensions and Alterations

SPD6 DC Policy Guidance Note 6: Alterations & Extensions

EN7 Pollution Control

PPS23 PPS23 Planning and Pollution Control

Issues and Analysis

The main considerations of this application are the principal of the change of use of the land and impact of the extensions on visual and residential amenity.

Principle – The land at the side is not listed as a Right of Way or an adopted highway although it may have acquired highway status through usage by the public over time. However, the Highways Team has no objection to the principle of enclosing the land at the side of the property subject to the attainment of a ‘Stopped Up’ notice under Section 257 of the Town and Country Planning Act 1990. Given the size and nature of the land its loss will not impact on the open/recreation space of the area. Therefore the principle of the change of use is considered acceptable and conforms to UDP Policy H2/2-The Layout of New Residential Development

(NB – A note is to be added that this application is a decision under Section 70 of the Town & Country Planning Act 1990 only and that other permissions under different Sections of the Act/other legislation may be required.)

Visual Amenity – The application states the materials are to match the existing building and the standard materials condition is to be applied. As such the proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the guidance in Development Control Policy Guidance Note 6 – Alterations and Extensions to Residential Properties (DCPGN 6).

The design of the two storey side extension is flush with the existing front elevation. This is acceptable and maintains the terrace appearance of the property and the streetscene in general in accordance with UDP Policy H2/3 - Extensions and Alterations and the guidance in DCPGN 6.

Residential Amenity – The single storey extension at the rear is 3m in depth at the boundary. This is consistent with the policies in DCPGN 6.

The two storey extension at the side conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of DCPGN 6 in terms of separation distance to the surrounding properties and the 45° rule from the nearest relevant window of the adjacent property (see plan).

Comments on Representations

1. See Visual Amenity above. The design of all the extensions are considered to be in keeping with the existing building and would not be harmful to the visual amenities of the area.
2. See Residential Amenity above. The DCPGN 6 is a set of guidelines that have been adopted to ensure that proposed extensions are within acceptable limits for impact on light to adjacent and surrounding properties. The proposal are not therefore considered to have a significant impact on the sunlight to the rear of the property.
3. See Principle above. The enclosure of the land at the side stops access to the garage colony from the end of Eastbrook Avenue only. The garages are still accessible from adjacent 2 Eastbrook Avenue, Wellington Street, Withins Street and Fletcher Street. Therefore the proposal is not considered to unreasonably restrict access to the garage area or have a negative impact on local traffic.

Conclusion - The proposal is considered acceptable in terms of visual and residential amenity and conforms to the Bury Unitary Development Plan Policy Nos. EN1/2-Townscape and Built Design, H2/2-The Layout of New Residential Development, H2/3-Extensions and Alterations and Development Control Policy Guidance Note 6 – Alterations and Extensions to Residential Properties.

Summary of reasons for Recommendation

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

The proposed development is of an acceptable standard which would not adversely affect the character of the area nor the amenities of neighbouring residents. The scheme will not adversely impact on highway safety issues.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered **2006-EA.001-A, 2006-EA.002-A and two A4 drawing received by Fax on 12th January 2007** 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 Bury UDP Policy EN1/2 - Townscape and Built Design.
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 redundant footway crossing onto Eastbrook Avenue has been reinstated to adjacent footway levels to the written satisfaction of the Local Planning Authority.
Reason. To ensure good highway design in the interests of highway safety.
5. The foundations for the proposed boundary wall shall not encroach under the adjacent adopted highway at any point.
Reason. To maintain the integrity of the adopted highway.
6. 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.
7. Following the provisions of Condition 6 of this planning permission, where remediation is required, the approved remediation strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and

A Site Verification Report detailing the conclusions and actions taken at each stage of the works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.

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

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

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

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

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

Applicant: Mr R R Murray

Location: FORMER GARAGE SITE, RINGLEY ROAD WEST, RADCLIFFE, M26 1DL

Proposal: NEW RESTAURANT, LANDSCAPING AND CAR PARKING (REVISED SCHEME)

Application Ref: 47487/Full

Target Date: 12/03/2007

Recommendation: Approve with Conditions

Description

The application is seeking permission to make amendments to a previous scheme for a similar development approved by the Planning Committee in March 2006 (LPA Ref:45492).

The site is located on the southern side of Ringley Road West at its junction with Outwood Road. It measures approximately 0.19ha and is rectangular in shape, having a frontage onto Ringley road West of 52m. The site is currently vacant and comprises a rough hardstanding following the recent demolition of the derelict MOT service centre and garage. The existing access point is centrally positioned on the main frontage. The site is a brownfield site but located on the edge of the Green Belt as defined in the Unitary Development Plan.

To the north, on the corner of Ringley Road West and Outwood Road is the Hare and Hounds Public House (1960/70's). To the rear of the Hare and Hounds are a row of post war houses fronting Ringley Road West. Directly to the east is an access road to Outwood Gate Farm to the south. Across the access road is a grassed paddock and four semi-detached houses (1930's) that front Ringley Road West. There is a bank of trees on the paddock to the east and some smaller self seeded trees just outside the southern boundary. There are open fields to the rear.

The new restaurant would be on a similar footprint and of a similar size, scale and design to the previously approved scheme. The parking and landscaping around the building are also similar to the approved scheme. There would be 36 parking spaces proposed, including two disabled spaces. The car park would be lit by low level bollards or lighting recessed into the low level boundary wall around the car park. Access into the site would be close to the existing access point. A low level sliding gate would extend across the entrance. The site would have a landscaped border with tree and shrub planting. The boundary itself would comprise a post and wire fence and hawthorn hedge. A bin store would be situated at the south east corner of the building. It is indicated that the restaurant would include a small take-away facility. The applicant indicates this would be ancillary to the main restaurant use and would not constitute a material change of use.

The main changes are summarised below:

- Elevations. Whilst retaining the original style, the elevations have been remodelled with additional glazing at the entrance area and cedar cladding instead of a Rylstone finish at ground floor level.
- A canopy on the front elevation and over the entrance.
- Internal alterations including a disabled lift.
- A roof garden is now incorporated at first floor level at the front of the building.
- In terms of the footprint, the new scheme differs from the previous scheme in that the proposed kitchen area would extend out a further 2m towards the rear boundary and small section of the front elevation would be brought forward by 3m to bring it more in line with the entrance.

Relevant Planning History

45492 - New Restaurant - **Approved 2/3/2007**

23410 - Extension to MOT Bay - **Approved 9/11/89**

19254 - Use of Land for car Sales - **Refused 16/3/87** for the following reasons

1. The development would conflict with Green Belt policy.
2. Contrary to aims and objectives of the Local policy.

Appeal dismissed 8/01/88

18080 - Car Sales - **Refused 10/4/86** for the following reasons

1. The development would conflict with Green Belt policy.
2. Contrary to aims and objectives of the Local Plan.

Publicity

Press and Site Notices and immediate neighbours notified - No objections received to date. One letter in support of the proposal from 48 Ringley Road has been received.

Consultations

Borough Engineer (Traffic) - No comments to date.

Borough Engineer (Drainage) - No objection.

Environmental Health - No objection subject to conditions relating land contamination mitigation measures.

Environment Agency - No objection.

GM Police - No objection in principle subject to security measures on the site.

GM Archaeological Unit - No comment.

Unitary Development Plan and Policies

EN1/1 Visual Amenity

EN1/2 Townscape and Built Design

EN1/3 Landscaping Provision

EN10 Environmental Improvement

EN10/1 Derelict Land

EC2 Existing Industrial Areas and Premises

EC6/1 New Business, Industrial and Commercial

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

S2/6 Food and Drink

OL1 Green Belt

OL1/2 New Buildings in the Green Belt

OL5 River Valleys

OL5/2 Development in River Valleys

PPS1 PPS1 Delivering Sustainable Development

PPG2 PPG2 - Green Belts

PPS23 PPS23 Planning and Pollution Control

Issues and Analysis

Principle - The principle of development of this kind was established by the approval of the previous restaurant scheme. Although the site is considered to be 'brownfield' in view of its previous use as a garage and the presence of the existing building and surrounding hardstanding, it is within the Green Belt and therefore, the proposal should be assessed against Policy OL1/2 New Buildings in the Green Belt. It is clear that it does not satisfy the criteria within the policy as it is not associated with agriculture or forestry, is not considered to be an essential facility for outdoor sport or recreation and nor would it be classed as infilling. Proposals that do not fall into the criteria are by definition inappropriate development and harmful to the Green Belt. When planning permission is sought for an inappropriate development it will be for the applicant to demonstrate the 'very special circumstances' why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In gaining the previous approval, the applicant successfully made a case under 'very special

circumstances'. The applicant argued firstly, that by approving the proposal, existing and potential problems could be removed, both in improving the appearance of the site and in preventing more harmful commercial/industrial uses. Secondly, it was argued that the new building and associated site works will not have a significantly harmful affect on the Green Belt due to the limited additional mass of the building as compared with the existing garage and thirdly, that the new facility in design terms, would have a positive impact on the locality and in terms of its use be a beneficial facility for the local community.

Visual Amenity - In terms of the existing buildings, the site has very poor amenity value and clearly has a negative impact on the character of the locality particularly when approaching from the north along Outwood Road and from the west on Ringley Road West.

The proposed building would be located in a similar position to the recently demolished garage. The front elevation would be generally in line with the existing houses along Ringley Road West. The new two storey building has a greater volume than the existing building but it is considered that the design is such that the impact of the greater mass is minimised. It is also noted that the buildings within the immediate vicinity of the site are two storey in height.

A significant part of the site will be opened up with the removal of the present close-boarded fencing which will increase the opportunity for views across the surrounding Green Belt area to the south and west. The landscaping and boundary treatments proposed include a hawthorn hedge and post and wire fencing, with additional landscaping proposed to soften the edges of this site. These treatments are considered suitable to a Green Belt location and will help soften and improve the sites interface with the adjacent countryside.

Highways. In terms of the proportion of parking spaces to public dining area, 36 car spaces, together with cycle and motorbike parking spaces are in line with the Councils current parking standards and therefore considered to be acceptable. The visibility splays at the entrance to the site are also acceptable.

Residential Amenity - A restaurant has the potential to create some nuisance and disturbance. However given the extant use on the site, the hours of opening and the distances to neighbouring residences, it is not considered that the impact on residential amenity from disturbance would be significantly detrimental to warrant refusing the change of use. The closest house to the site boundary is approximately 20m away, across Ringley Road West, facing the car park. On the same side of the road as the proposed restaurant, there are houses approximately 26m away across a grassed paddock and access road to Outwood Gate Farm. There are a number of mature trees and significant shrub planting around the paddock that would mitigate the impact of the restaurant on these properties both in terms of noises and disturbance and visual screening.

The applicant argues in the supporting statement that the specific type of use, being a mid range restaurant is unlikely to attract customers who would cause nuisance late at night. Vehicles servicing the facility are not likely to be bigger a large transit van. It is also stated that the service area, to the side of the restaurant, has been designed to suppress noise.

With regard to fumes and cooking odours, the applicant states that the extractor system would be a bespoke system, designed to reduce the visual impact of the flues and minimize noise and odours emanating from the kitchen.

It should be noted that any approval for a restaurant (Class A3) on the site would not allow for a take-away facility (Class A4), beyond what would be considered to be very minor or ancillary, without a further planning application for a change of use.

Exceptional Circumstances - Development Control in Green Belts hinges on a two part test: (1) whether the development proposed is appropriate development and (2) if inappropriate, whether there are very special circumstances present which clearly outweigh both the harm caused by virtue of inappropriateness, and any other harm. PPG2 states that there is no comprehensive list of very special circumstances but each case should be taken

on its individual merits.

It is accepted that the proposal fails on the first count but 'very special circumstances' have been demonstrated.

It is clear that the site is an eyesore and may well deteriorate further. The negative impact of the site is compounded further by its location within the Green Belt and on a strategic route into the built up area of Radcliffe and Whitefield. Given the state of the site, existing use (filling station and vehicle repair) and potential improvements gained from the proposed scheme, it is considered that the benefits of the new development outweigh the likely harm to the amenities of the nearest residents.

The applicant argues that in addition to improving the visual amenity of the area, the proposal represents a good opportunity to clear up what is a potentially contaminated site. This is a valid point and one that has been used in other cases to argue for 'very special circumstances'.

Summary of reasons for Recommendation

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

The proposed development would not be seriously harmful to the character of the Green Belt and surrounding locale. There would not be a serious impact on the residential amenity of neighbouring properties from the restaurant or traffic generated by it. 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 SDAK008-pl(04)002b, SDAK008-pl(04)003(Revised), SDAK008-pl(04)003b, SDAK008-pl(04)004(Revised), SDAK008-pl(04)011b, SDAK008-pl(04)012b, SDAK008-pl(04)013b, SDAK008-pl(04)020b, SDAK008-pl(04)030b and SDAK008-pl(04)031b and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. Prior to the commencement of development, details relating to the proposed boundary treatment for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details only shall be implemented.
Reason - To secure the satisfactory development of the site and in the interests of the visual amenities of the area pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

5. The premises shall not be open outside 0800 hrs to 2330 hrs daily.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/5 – New Local Shopping Provision Outside Recognised Shopping Centres and S2/6 – Food and Drink of the Bury Unitary Development Plan.
6. Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before the use commences; any works approved shall be implemented to the written satisfaction of the Local Planning Authority before the use commences.
Reason. In the interests of amenity pursuant to Policies S2/5 – New Local Shopping Provision Outside Recognised Shopping Centres and S2/6 – Food and Drink of the Bury Unitary Development Plan.
7. Prior to the development hereby approved commencing:
 - Where remediation is required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.
8. Following the provisions of Condition 8 of this planning permission, where remediation is required, the approved remediation strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the conclusions and actions taken at each stage of the works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.
9. 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.
10. 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.

11. A comprehensive construction design shall be incorporated into the proposed building to prevent the ingress of landfill gas or ground gas, to be agreed in writing with the Local Planning Authority before work commences, and;
A Site Verification Report detailing the design and installation of the incorporated design features, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.
Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
12. 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 is first brought into use; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
13. There shall be no storage of any materials including waste products outside the approved building and bin store.
Reason: In the interests of visual and residential amenity pursuant to policies S2/6 Food and Drink and EN1/2 Townscape and Built Design.
14. The premises shall be used for restaurant, within the Class A3 of the Use Classes (Amendment) Order 2005 and for no other purpose.
Reason. Due to its position, development of this type would not normally be granted consent due to its detrimental effect on the residential amenities enjoyed by nearby residents pursuant to policies of the Unitary Development Plan listed below.
15. The development hereby approved shall not be brought into use unless and until the redundant westerly vehicular access onto the adjacent farm track has been closed as indicated on approved plan to the written satisfaction of the Local Planning Authority and maintained in perpetuity to ensure that there is no direct means of vehicular access between the site and the farm track.
Reason: To ensure good highway design in the interests of road safety.
16. The visibility splays indicated on approved plan shall be implemented to the written satisfaction of the Local Planning Authority before the development is first occupied and subsequently maintained free of obstruction above the height of 0.6m. Reason: To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety.
17. The access improvements indicated on approved plan shall be implemented to the

written satisfaction of the Local Planning Authority before the development is first occupied.

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

18. The turning facilities indicated on approved plan 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.

19. The foundations for the proposed 450mm high stone planter on the Ringley Road West boundary shall not encroach under the adjacent adopted highway at any point. Reason: To ensure good highway design in the interests of road safety and to maintain the integrity of the adopted highway.

20. The car parking indicated on approved plan shall be surfaced, demarcated and made available for use prior to the use authorised by this permission has commenced.

Reason: To ensure adequate off-street car parking provision in the interest of road safety.

21. No development shall take place unless and until a scheme of external lighting has been submitted to and approved by the Local Planning Authority and the external lighting within the development shall be carried out and maintained strictly in accordance with the approved details. All sources of floodlighting and security lighting shall be cowled and directed so as to ensure that there is no nuisance caused to nearby occupiers.

Reason: In order to protect the amenities of the area.

22. There shall be no consumption of food or alcohol within the proposed roof garden at any time.

Reason: In the interests of residential amenity pursuant to UDP policy S2/6 - Food and Drink.

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

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 11

Applicant: John C Lees

Location: GOLLINROD FARM, MANCHESTER ROAD, BURY, BL9 5NB

Proposal: CHANGE OF USE FROM FARM WORKSHOP TO INCLUDE REPAIR OF
CRANES (RETROSPECTIVE APPLICATION)

Application Ref: 46908/Full

Target Date: 18/01/2007

Recommendation: Approve with Conditions

This application was deferred for a site visit at the previous Planning Control Committee meeting on 23rd January 2007.

Description

The site is comprised of a small workshop to the rear of a group of existing commercial storage/workshop units and small transport depot and transport cafe on the western side of Manchester Road on the north side of Bury. The existing workshop, subject to this application appears to have been erected without planning permission over 4 years ago and is now therefore immune to enforcement action. There is a relatively large unmade area to the west that is currently used for parking and turning of vehicles at Gollinrod Farm. Access to the site is via Gollinrod Lane which connects Manchester Road to the east. The applicant also owns a small triangular section of land to the south of the site and a larger expanse of land at Gollinrod Farm to the north. There is a residential bungalow on the land to the north and separated from the site by a 2m boundary hedge.

The application seeks to retain the use of the building as a farm workshop but to include a repair workshop servicing Hiab cranes. The business, a one man concern, has been in operation for a number of months. Much of the repair work to cranes are carried out off site but about once a week they are brought onto the site for repair. The applicant describes the process of 'on-site repairs' as set out below.

- Hiab cranes are brought onto the site on the back of a wagon - average of one per week
- The crane is checked for faults in the parking area immediately outside the workshop (1.5hrs)
- If the check is ok a certificate is issued and the vehicle leaves the site.
- If faults are found, the crane is repaired. Much of the time repairs require only a tool kit without machinery. Sometimes welding may be required and this is usually carried out on the same day after which the vehicle leaves the site.

Hours of operation are 8am to 5pm Monday to Friday and 8am to noon on Saturdays. It is closed on Sundays.

Relevant Planning History

41482 - Change of Use of Agricultural Building to Storage (B8) - Approved 18/02/2004

37003 - Change of Use to Caravan Storage - Refused - 22/12/2000

06/0296 - Enforcement complaint - Tipping and storage of static caravan - No action deemed necessary.

Publicity

Site Notice posted and Immediate neighbours notified - Objections from two businesses at Gollinrod and one local resident at 1 Southside. Objections are summarised below:

- The site is within the Green Belt.

- The building was originally erected without planning permission.
- Additional vehicles will increase vehicular conflict around the site.
- A caravan is located on the site despite permission for caravan parking having been refused in the past.
- Approval would set a precedent for similar farm buildings being converted in future.

Consultations

Highways Team. No objection.

Drainage. No objection.

Environmental Health. No objection subject to conditions relating to noise.

Unitary Development Plan and Policies

EC1/1 Land for Business (B1) (B2) (B8)

EC2/2 Employment Land and Premises

EC4/1 Small Businesses

OL1 Green Belt

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

H3/1 Assessing Non-Conforming Uses

EN1/1 Visual Amenity

EN6/4 Wildlife Links and Corridors

EN9/1 Special Landscape Areas

Issues and Analysis

Policy Considerations. UDP Policy EN1/1 Visual Amenity states that development will not be permitted where proposals would have a detrimental effect on the visual amenity both within the Green Belt.

Policy EN9/1 Special Landscape Areas indicates that development is required to be sympathetic to its surroundings and not unduly obtrusive.

Green Belt Policy OL1/5 Mineral Extraction and Other Development in the Green Belt indicates that development will be inappropriate unless it maintains the openness and does not conflict with the purposes of including land within it.

Siting. Despite its Green Belt allocation within the Unitary Development Plan the site's location adjacent to existing commercial buildings and transport yard to the east give the locality a semi-commercial nature. Given the nature and scale of the crane repair business, it is not considered that the change of use would be unduly obtrusive or have an adverse impact on the openness of the Green Belt. In terms of its impact on visual amenity the site is completely screened from Manchester Road to the east by the existing buildings and not easily seen from the west due to the presence of the M66 Motorway cutting and planting.

The applicant indicates that an average of one crane per week visits the site. Although the vehicles themselves are large it is not considered that one vehicle per week, and only one on the site at any time, would cause a great deal of concern either in terms of visual amenity or noise and disturbance to local residents. The only resident in the immediate vicinity is the tenant of the bungalow to the north and restrictions attached to any approval with regard to noise, hours of operation and number of vehicles being worked on should mitigate any impact on residential amenity.

Highways. The traffic generated by the business is unlikely to create serious enough problems in terms of highway safety.

Objections. Although the site is within the Green Belt the operation, unlike previous proposals, is not considered to have a seriously detrimental impact on it given the location of the site in close proximity to existing commercial premises and the nature and scale of the business. Concerns with regard to highway issues are not serious enough to warrant refusing the application. The concern that any approval would set a precedent for other farm

buildings to be converted to other uses is not a valid reason for refusing this change of use. Every application should be decided on its individual merits.

The concerns of the objector in relation to tipping and the storage of a static caravan on the farm are not considered to be relevant to this application as both the area tipped and the caravan are not within the site boundary. Further to this the tipping was related to a planning approval for the creation of an access from Manchester Road (LPA Ref:34830/98). With regard to the siting of the caravan, this was deemed to be immune from enforcement due to it being in situ for more than 4yrs and therefore immune from any enforcement action.

In view of the nature and scale of the proposal it is considered to comply with UDP policy listed and would not cause undue harm to amenity of the Green Belt or neighbours.

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 scale of the business is such that it would not cause serious harm to the visual amenity of the locality or residential amenities of neighbouring residents.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 23rd November 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. Noise from the proposed activity hereby permitted shall not increase the prevailing ambient noise levels as measured at the boundary of the site.
The ambient noise levels shall be determined by survey, by the applicant, to the satisfaction of the Local Planning Authority (LPA) and a copy of the survey report shall be provided to the LPA within one month of the date of this Decision Notice.
Reason. In the interests of residential amenity.
4. No work or other activity shall take place on the site on Sundays or Bank Holidays and all work and other activity on other days shall be confined to the following hours:-
0800 hrs to 1700 hrs, Monday to Friday.
0800 hrs to 1200 hrs Saturday
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EC4/1 – Small Businesses, Industrial and Commercial Development and H3/1 – Assessing Non-Conforming Uses of the Bury Unitary Development Plan.
5. There shall only be one crane on site for the purpose of repair at any time and no cranes shall be retained on site for the purpose of storage.
Reason: To safeguard the amenities of the locality and occupiers of nearby

residential accommodation pursuant to Policy H3/1 – Assessing Non-Conforming Uses of the Bury Unitary Development Plan.

6. The use hereby permitted shall be restricted to farm workshop and workshop for repairs to cranes only and for no other light industrial (B1) or general industrial use (B2).

Reason: To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EC4/1 – Small Businesses, Industrial and Commercial Development and H3/1 – Assessing Non-Conforming Uses of the Bury Unitary Development Plan.

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

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 12

Applicant: Bury MBC

Location: WOODHEY HIGH SCHOOL, BOLTON ROAD WEST, RAMSBOTTOM, BL0 9QZ

Proposal: 3, 2 AND SINGLE STOREY EXTENSIONS TO SCHOOL; ERECTION OF WIND TURBINE; ADDITIONAL CARPARKING PROVISION AND LANDSCAPING

Application Ref: 47388/Full

Target Date: 22/04/2007

Recommendation: Approve with Conditions

Description

The application site comprises 0.6ha site occupied by Woodhey High School. To the north of the site is an access road, which is located directly off Bolton Road West. To the west of the access road is a grassed area bounded by a recent development, Royal Court. Along the westerly boundary of the main school site is a line of trees and shrubs with Woodhey Road beyond it. This road is lined with detached dwellings.

To the north east of the school site, close to the boundary fence is a row of semi detached dwellings fronting Esk Bank Road; further east is a recent housing estate known as Sleepy Hollow. To the far east of the site is Ripon Hall Avenue, again a recent housing estate.

The application is seeking to carry out a number of extensions to the main school building to provide additional classroom/teaching space. The buildings range from one to three storeys in height. Single storey buildings to the upper half of the school site two and three storeys to the rear part of the school. In addition to this, the scheme seeks to replace car parking provision, which would be lost as a result of the extensions as well as developing a new car park to the westerly side of the entrance road into the school.

A 9m high wind turbine is also proposed, which would be located in the centre of the site in between the sports hall and all weather surface pitch and a temporary permission is sought a car park to the rear of 9 Royal Gardens.

Relevant Planning History

The school has been subject to many extensions and developments in the past. However, none are relevant to the proposals under consideration here.

Publicity

The application was publicised by site notices erected on 8/1/07 and by press notices on 11/1/07. Letters were sent directly to neighbouring properties surrounding the entire school site including York Drive, Moray Close, Lancaster Avenue, Durham Drive, Ripon Hall Avenue, Woodhey Road, Royal Gardens, Croftlands, Bolton Road West, Estbank Road and Helmsdale Close. A detailed list of addresses can be viewed on the file.

As a result of this publicity, 8 letters of objection/comments were received from C Burke 1 Royal Gardens, D&K Greenwood (email) of 7 Royal Gardens, F Lupton 8 Royal Gardens, R Wilde & A Puszkas of 9 Royal Gardens, 58, 60 Woodhey Road.

Points raised include:

- Noise generation from the wind turbine which may be a problem if sited close to residential properties.
- Noise and disturbance from the users of the temporary car park.
- The temporary car park may become permanent.
- Any lighting of the temporary car park would be a nuisance upon their garden.

- The scale of the turbine is inappropriate for the area.
- Wind turbines have a detrimental impact upon wildlife.
- The turbine should operate under limited hours.

Revised plans letters were also sent out on 7/2/07 to all original neighbours, objectors and respondents informing them of revised siting of the wind turbine and receipt of a noise impact assessment. This has resulted in one letter of objection from P Standish 108 Ripon Hall Avenue.

Points raised include:

- The re sited turbine would add to further disturbance and would add an additional eyesore as viewed from the Ripon Hall Avenue end of the school site and it is unfair that residents have to put up with more disturbance.

Consultations

Traffic - Any response shall be reported.

Drainage – No objections

Environmental Health –

Contaminated Land - No objections. Attach conditions to the grant of any planning permission to appropriately deal with any potential land contamination and gas.

Pollution Control – The key issue from the scheme in terms of noise is the impact from the wind turbine. The Noise impact assessment is considered to be robust and there are no objections from Pollution Control on this element of the proposals.

United Utilities – No objections.

Greater Manchester Police Architectural Liaison – No objections and the development should seek to achieve secured by design accreditation.

Unitary Development Plan and Policies

CF2 Education Land and Buildings
 CF1/1 Location of New Community Facilities
 EN7/2 Noise Pollution
 EN1/7 Throughroutes and Gateways
 EN4/1 Renewable Energy

Issues and Analysis

Principle - Under UDP Policy CF1/1 - Location of New Community Facilities, proposals to build and improve community facilities are encouraged subject to the assessment of impact upon residential amenity, traffic generation, size and scale, accessibility and the needs and requirements of disabled users. Policy CF2 - Education Land and Buildings gives favourable consideration to proposals for improved and dual use educational facilities. Policy EN4/1 - Renewable Energy states that the Council will encourage proposals for the provision of renewable energy source subject to the compliance with other policies of the plan.

The scheme comprises a number of extensions, landscaping, car parking provision and a wind turbine. The policies above do provide favourable consideration of such proposals and thus in principle are considered to be acceptable. The following paragraphs provide an analysis of the proposals in detail.

Residential Amenity, Scale, Massing and Design - The proposals provide for various extensions on all four sides of the school building.

Block 'A' would be the largest extension, some three storeys in height located in the centre

of the site. It would be surrounded by existing large freestanding buildings and would be of a similar height to these buildings. Levels of the land in this area are also considerably lower when compared to the northwesterly part of the site and thus the height of the building would take advantage of the levels changes across the site.

The extension would be constructed in a similar design and appearance to the Frank Bennet Hall (FB Hall) and to pick up a common theme, materials would comprise red and buff brickwork with profiled sheet roof. The location of this building would be some 80m from the nearest residential property, visible only through trees and then perceived behind an existing building. Other residential properties to the north of the school would be a similar distance away from the building and do not have a direct outlook over this part of the site. Given these considerations, this part of the development would have no detrimental impact upon residential amenity and it is considered that this development would be appropriate in terms of scale, massing and design and would comply with UDP Policy EN1/2 - Townscape and Built Design, CF1/1 - Location of New Community Facilities and CF2 - Education Land and Buildings.

Block 'B' comprises a single storey office extension to the front of the school. The extension would be of a similar height to the main school building on this frontage and would be predominantly glazed to clearly mark the school entrance. This part would be visible to the properties fronting Estbank Road. However, these properties are elevated when compared to the school and with a separation distance of some 46m and a car park located in between the houses and the school, this part of the scheme would have no impact beyond the school boundaries.

Block 'C' - It is intended to site this building to the northerly elevation of the school to the rear of houses fronting Helsdale Close. A separation distance of some 30 would be provided between the rear of these houses and the extension. Although this proposal would be visible to these properties, their elevated position, ancillary garden buildings hard up to the boundary, separation distances and single storey nature of the extension would ensure that the development would have no adverse impact upon them. 2 and 4 Estbank Road would have a side view of the extension and given the 4.5m projection, separation of some 42m, this part of the development would not have any undue impact upon their amenity.

Block 'D' - Would be two storeys and would be located on the southerly side of the school. The extension, located between the FB Hall and the existing canteen, would continue the same roofline and follow existing window patterns. There are many mature trees separating this extension from Woodhey Road properties and a distance of some 70m, and as such this part of the scheme would have no undue impact upon them.

Wind Turbine, Wildlife and Noise - The original scheme sought to install a 9m high turbine (measured to the hub) with 2m blades to the southerly side of the sports hall, near to the boundary with Woodhey Road. This siting has been revised to a central position within the school near to Block 'D' extension and the all weather sports pitch. This revision is to respond to the concerns of the residents of Woodhey Road, and to take better advantage of northerly and westerly wind. Residents have been re notified of this new siting. The purpose of the turbine reflects the school's Science School objectives.

The amended siting of the turbine would make the most appropriate choice of location as it would be seen in context with existing large buildings such as the sports hall, all weather sports pitch lighting columns, FB Hall and extension subject to this application. Furthermore, the central location makes the most of the distances from all properties that surround the site and thus would ensure that there would be no concentration of noise.

The accompanying noise impact assessment concludes that there should be no significant impact upon the surrounding dwellings and that the noise levels when assessed against BS4142 and 8233 conclude that the noise levels would not be significant from the turbine. Analysis from Environmental Health concur with these findings. However, it would be prudent to attach a noise condition to ensure that noise levels do not exceed the appropriate

levels thus ensuring that it is properly maintained.

The amended siting would have no impact upon ecology or wildlife considerations.

Parking Provision - Spaces lost through development are to be replaced. One of the replacement car parking areas would be to the southwesterly side of the access road. This land is currently over grown and detracts from the appearance of the school. The proposals would hard surface this area and incorporate landscaping along the boundary with Bolton Road West including trees, shrubs and other planting species. Car parking within the site is a problem currently particularly when visitors come to the site. This proposal would improve this situation and would relieve pressures of parking in the surrounding streets and along the main road frontage. This area has no current school use and its development would be appropriate. With this in mind, it is bounded to the southwest by the rear gardens of Royal Gardens.

A mature line of protected trees, boundary fencing and other garden buildings would mitigate this relationship in visual terms and the car park would not be sited hard up to the common boundary with these properties. No lighting is proposed for this car park and should any be proposed later, these would be subject to a separate planning application. Low level lighting such as bollard lighting would be considered to be part of the landscaping proposals. This car park would be accessed from the schools bus turnaround and thus would not have any impact upon traffic flows in public areas.

The extant car park fronting Estbank Road would also be extended by a limited number of 8 bays, although these would not be sited in front of the houses on Estbank Road. A further 8 bays would be provided to the rear of Helmsdale Close. They would not be sited hard up to the rear residential boundaries and are lower in level to these properties. As such this car parking would not be detrimental to their amenities. Two other areas would replace lost car parking to the south of the sports hall and

Security - The Greater Manchester Police Architectural Liaison have been consulted on the proposals and raises no specific concerns.

Disabled Access - The scheme has been submitted with a Design and Access Statement that indicates that there would be level access throughout the site and level access into the extensions would be provided through the internal corridors within the school. The scheme incorporates safe refuges for non-ambulant users of the site within the extensions and improvements to the entrance of the site for non-ambulant users. Four disabled parking bays would be provided around the school site which would ensure equal access to all areas and would reduce travel needs from one end of the site to other.

Temporary Car Park - This is a further requirement to deal with displace parking whilst Block 'A' is under construction. The finish of the car park would be gravel with a loose binding and a timber fence would be provided to the northerly boundary of the car park to minimise any disturbance to the property backing onto the site in Royal Gardens. The car park is likely to be required for a period of 18 months maximum and a planning condition should be imposed to ensure that this area is returned to a grassed state once this period is ended.

Trees and Landscaping - The application includes removal of a number of trees dotted around the site including two trees visible from Bolton Road West (not protected species) and to the north of the site to the rear of Helmsdale Close. The purpose of this is to thin tree cover to permit larger mature trees to thrive. By contrast many trees will also be replanted, in strategic locations including the frontage to Estbank Road, Moray Close and around more central areas of the site. landscaping proposals have been submitted that provide indications of where planting would take place and the aims of this landscaping. A planning condition should be imposed to determine appropriate species, densities and maintenance to ensure longevity of the new planting.

Temporary Classrooms - Four classrooms are indicated to be located at a future time on one of the playgrounds. However, as progress on these elements has not been fully decided, the plans confirm that these will be subject to a separate future application.

Summary of reasons for Recommendation

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

The proposals would provide better facilities for the school whilst maintaining an appropriate relationship with properties surrounding the site. Some of the elements within the scheme are of a temporary nature and with planning conditions, these matters would not be long term. The wind turbine would not have any detrimental impact beyond the boundaries of the site and the choice of location would minimise impacts to all who surround the school. The development would comply with policies of the UDP and there are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered P/05328 Landscape, C/001A, C/002, C/001d, C/003, C/004, C/005, C/011 rev F, C/012, C/013, C/014 rev A, C/029 rev A, C/102 rev B, C/103 rev B, C104 rev A, C105 rev A, C106 rev C, C/201rev A, C202, C/300, C/301, C401 and C402 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. 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.
5. Following the provisions of Condition 4 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.

6. 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.

7. 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.

8. 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.

9. The wind turbine hereby approved shall be maintained to operate and perform in

accordance with the manufacturer's specifications to ensure that noise generated by the wind turbine does not exceed the specified noise levels prescribed within the product specification sheet and accompanying noise impact assessment report produced by ADT Noise and Vibration Consultants.

Reason - To maintain the residential amenity of the residents surrounding the site and pursuant to UDP Policy EN7/2 - Noise Pollution.

10. The car parking area to be located to the rear of 9 Royal Gardens shall be permitted to be retained on site for a period of 18 months from the date of this permission. At the end of this period, the car park use shall cease and all associated surfacing shall be removed from the site and the land shall be grassed or turfed to the written satisfaction of the Local Planning Authority.
Reason - The car park is a temporary measure for the site to accommodate displaced parking requirements during the construction of the extensions.
11. Prior to the commencement of the temporary car park, a 2.0m high timber waney lap fence shall be erected along the entire length of the northerly edge of the temporary car parking area. The position shall be approved in writing by the Local Planning Authority. The fence shall be maintained to a height of 2m and be retained in situ for the period that the car park is operable.
Reason - To protect the amenities of residential properties backing on to this part of the site pursuant to UDP Policies EN7/2 - Noise Pollution.
12. A handrail of a type and design, to be approved in writing with the Local Planning Authority, shall be installed as part of the implementation of the access ramps, which are proposed to be sited to the immediate west of the proposed entrance foyer extension. These handrails shall be thereafter maintained in situ.
Reason - To ensure equal access for all and pursuant to UDP Policy HT5/1 - Access for those with Special Needs.
13. A minimum of 5 working days written notice shall be provided to the LPA of intended commencement of the development of both the temporary and permanent car parking areas to rear of 9 Royal Gardens and to the southerly side of the junction between Bolton Road West and Estbank Road. The notification of commencement shall include a timetabled schedule of the intended tree protection measures and tree works. Any subsequent variation of the timetable shall be subject to further written notice.
Reason - To ensure that the development is carried out in accordance with the approved plans, to protect trees which are of amenity value on the site and pursuant to Policies EN8/1 – Tree Preservation Orders and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
14. 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.
15. 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.

16. 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.
17. The temporary car parking indicated on the approved plans shall be made available for use to the written satisfaction of the Local Planning Authority during the construction of the existing car parking areas that would be lost through the implementation of the extensions subject to this application.
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.
18. The additional car parking facilities 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.

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

Applicant: Lockmanor Ltd

Location: LAND AT HIGH STREET, WALSHAW, BURY

Proposal: RESERVED MATTERS APPLICATION FOR THE ERECTION OF TWO DETACHED DWELLINGS

Application Ref: 47419/Reserved matters

Target Date: 16/02/2007

Recommendation: Approve with Conditions

Description

The site is an area of unused land fronting High Street and is overgrown with bushes/vegetation. To the north of the site is a building used as offices with a car parking area. To the west of the site are open fields within the Green Belt. To the south is an unmade street leading to the rear of terraced cottages. To the east, across High Street are stone built terraced properties. The site is bounded by a stone retaining wall at the back of the footpath fronting High Street. There are several mature trees protected by a Tree Preservation Order (188).

The site has a history of previous outline and reserved matters applications:

An outline planning permission ref 37921/01 for the residential development of the area was granted subject to conditions in July 2001. Planning permission ref 40312/03 for the reserved matters of 3 detached houses to be located on the north westerly part of the site (Plots 1, 2, and 3) was granted permission in March 2003. Outline planning permission for plots 4 and 6 was granted permission in September 2005.

The current application is for the reserved matters for two detached properties with five/six bedrooms and integral garaging. The houses would be sited on plot 4, directly opposite the access road and plot 6, which is adjacent to High Street. Permission seeks design, external appearance and landscaping. Access to the site was set in the outline permission. The proposed dwellings would be 3 storey in height and incorporate dormers into the roof space at the front and rear. There would be a balcony at first floor level on the rear elevation of the houses. The materials for plot 4 would be brick and render with Artstone facings and Artstone heads and cills. The materials for plot 6 were amended at outline stage to be stonework and slate roof.

Relevant Planning History

45121 - Outline for 2 houses PD restricted - approved 28/9/2005

40312/03 - Reserved Matters for 3 houses - approved - 26/3/2003

37921/010 - Outline Residential Development - approved - 27/7/2001

Publicity

Neighbours notified 60 to 82 (evens) High Street, 19 to 45 (odds) High Street, 2 to 14 Bentley Hall Road, and businesses within Stoneholme Business Centre, High Street. Objections received from No 23, 66 and 74 High Street. Comments can be summarised as follows:

- land behind No 66 High Street is greenfield and should not be built on
- the proposed dwellings would be significantly higher than those of the immediate neighbours and therefore overbearing
- there would be unacceptable overlooking
- there would be unacceptable separation distances
- Plot 6 in particular would be detrimental to the local area with regard to size and external appearance

- there is a discrepancy between the design and access statement and the floor plans
- concern about the removal of trees
- impact on wildlife
- there is no need for additional large properties in the area

Consultations

Highways Team - no objections to the application. Vehicular access approved under ref 37921/01 to be constructed and affected and bus stop to be relocated prior to commencement of development.

Environmental Services - no objections to the application subject to conditions relating to contamination.

Drainage - no objections to the application. Informatives added with regard to the implementation of a drainage system.

Unitary Development Plan and Policies

H1/2 Further Housing Development
 H2/1 The Form of New Residential Development
 H2/2 The Layout of New Residential Development
 EN8/1 Tree Preservation Orders

Issues and Analysis

Principle - The application site comprising two separate plots of land (plots 4 and 6) was granted outline planning permission for residential development in September 2005 (ref 45121) and as a result the principle of residential development is set.

Tree Preservation Order - This application for Reserved Matters does not impact on any of the trees on site. However, tree T12 of the Order is positioned between the stone retaining wall adjacent to High Street and the back of the proposed dwelling on Plot 6. In order to protect the tree during construction of the dwelling, a condition of the outline permission was attached requiring the developer to submit a method statement detailing the protection measures to be in place before commencement of any operations on site.

Residential amenity - Plot 4 is situated between plots 3 and 5. Since there would be no habitable room window on either side elevation of the proposed dwelling, and no habitable room windows on the southern elevation of No 3, the proposed dwelling would not overlook the adjacent properties.

The proposed dwelling at plot 6 would be located between the car park associated with the business property at No 42 High Street, the new access road to the site and the boundary to High Street. The dwelling would be in line with the frontages of the existing dwellings on High Street and by virtue of the distance involved (more than 21m) to the gable wall of the nearest property at No 60 High Street, it is considered not to be adversely overbearing on the residential amenity of these existing dwellings.

There is a 1.3m difference in levels between plot 6 and the footpath opposite on High Street. Although this would make the stone terraced properties on the opposite side of High Street lower than the proposed dwelling on plot 6, there would be approximately 24m separation distance which would comply with the council's aspect standards.

Visual amenity - The proposed dwellings on plots 4 and 6 would be similar to those approved on plots 1,2 and 3 in that they are detached, double garaged properties with balconies.

The proposed dwelling on plot 6 would be between No 42 High Street (the business premises) and Nos 60 to 66 High Street, which are set back from the rear of the footpath. Given the dwelling would be positioned in the same alignment as these properties, the proposed dwelling is considered not to be unduly prominent on the street scene. The materials for plot 6 would be in keeping with the residential properties to the side and opposite on High Street which are constructed of with slate roof. The materials for plot 4,

to the rear of the site would be red brick with interlocking roof tiles and would match the previously approved 3 dwellings. Given plot 4 is set back into the site adjacent to plot 3, it is acceptable to match the materials to the new build.

Objections - comments made that are pertinent to the planning application have been discussed above. Other objections made in relation to the application are as follows:

- land behind No 66 High Street does not form part of the application site and is therefore not a relevant planning matter
- there is a discrepancy between the design and access statement and plans with regard to the number of bedrooms proposed. It has been confirmed by the agent plots 4 and 6 would be 6 bedroomed. The "need for additional large properties" is not considered to be a material planning consideration in this case and the applicant is not required to justify why a 6 bedroomed property is proposed.
- a desk top study was performed under the approved outline application which concluded there was no wildlife interest on the site.

Summary of reasons for Recommendation

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

The proposed development is considered acceptable as it would not cause demonstrable harm to the residential amenities of the neighbouring properties. The dwellings would be in keeping with the previously approved houses on plots 1,2 and 3 and would not be detrimental to the visual amenity of the area.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than 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. This decision relates to the drawings received on 22/12/2006 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. 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.

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

Ward: Ramsbottom + Tottington - Tottington

Item 14

Applicant: Miss G Irwin & Mr R Morton

Location: 3 CLAYBANK COTTAGES, CANN STREET, TOTTINGTON, BL8 3PG

Proposal: ERECTION OF TWO STABLES AND HARDSTANDING
HAYSTORE/FEEDROOM/TACKROOM (RESUBMISSION)

Application Ref: 47477/Full

Target Date: 20/03/2007

Recommendation: Approve with Conditions

Description

This application is a resubmission following the refusal of permission for stables on an adjacent site in November last year.

The site is rectangular in shape and measures approximately 40m by 15m. The site is within the Green Belt and is grassed with a track through it and two small timber sheds in the south east section. The land is accessed through an existing gate from Cann Street to the east. There is a boundary wall and hedge along the eastern boundary with Cann Street which narrows into a footpath as it proceeds in a north westerly direction. A large Beech Tree is situated in the north east corner of the site.

It is proposed to site an L-shaped stable block comprising two horse boxes and tack room in the northern half of the plot. The stable block would measure 11m along its north east (Cann St) elevation. It would be timber clad with a pitched onduline sheet roof. The applicant indicates that one horse box would house his own horse and the other would be for the goats relocated from the existing outhouses to be demolished. The applicant states that the horse in question has a condition called Naviucular Syndrome which causes lameness which in turn means he does not graze for long and needs to remain within the stables much of the time.

The access track from Cann Street to the stable block would be comprised of rolled stone. As the land slopes up from Cann Street, is necessary to build a retaining wall to the side of the stables enclosing an area for the muck heap. The existing small timber sheds in the southern section of the site would be demolished as part of the scheme. The closest house to the stables would be 50 Cann St approximately 30m away to the west.

Relevant Planning History

47036 - Stables. Refused 27/11/2006. Three reasons for refusal.

1. Design - Stables were constructed in blockwork.
2. Access - Additional parking next to the stables implied additional vehicles.
3. Residential amenity - The stables were too close to No.50/52 Cann St.

46022 - Stables. Withdrawn 25/4/2006

0559 - Enforcement Complaint regarding change of use of land - No breach.

Publicity

Immediate neighbours - Objections from the occupiers of 2 and 5 Claybank Cottage and 50/52 Cann Street. Summarised below:

- The stables are too big and would be detrimental to the amenity of the Green Belt, Special Landscape Area and West Pennine Moors.
- The access is unsuitable and detrimental to safety.
- Overdevelopment of stables in the vicinity.
- Increase in noise, smell, flies and general activity.
- The development will result in excess surface water run-off into 50/52 Cann Street

- The field is not big enough for two horses to graze.
- The applicant has extended his garden into the Green Belt.
- Conflicts with UDP Policies.

Consultations

Highways Team - No objection.

Environmental Health - No objection - see consultation/ informatives.

Drainage - No objection.

Unitary Development Plan and Policies

OL7/2 West Pennine Moors
 OL1/2 New Buildings in the Green Belt
 EN1/1 Visual Amenity
 OL4/7 Development Involving Horses
 EN9/1 Special Landscape Areas
 SPD10 Planning for Equestrian Development
 HT6/2 Pedestrian/Vehicular Conflict
 PPS7 PPS 7 Sustainable Development in Rural Areas
 PPG2 PPG2 - Green Belts

Issues and Analysis

Principle. The principle of stables in the open countryside is acceptable. National guidance within PPG2 Green Belts states that essential facilities for outdoor sport and recreation and which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it are considered to be acceptable.

PPG2 indicates that visual amenities of the Green Belt should not be injured by proposals for development within the Green Belt, which although would not prejudice the purposes of including land within it, might be visually detrimental by reason of siting, materials or design.

PPS7 Sustainable Development in Rural Areas recognises that equestrian activities can fit well into rural areas and benefit the local economy subject to various siting and design criteria which is reflected in the Council's own draft Development Control Guidance Note 10 Planning for Equestrian Development (Consultation Draft - June 2006).

Bury UDP Policy OL4/7 Development Involving Horses puts emphasis on high standards of design, construction and maintenance of development. The draft Development Control Guidance Note 10 supports this policy and contains detailed advice.

Siting and Appearance. The draft guidance states that stables should be set down close to trees or other landscape features and have good access to roads. In some circumstances to avoid impact on nearby residential amenity caused from smells, noise and nuisance the guidance note suggests that a 30m buffer may be required.

The proposed stables and are set down within the paddock and close to the boundary hedge and fence as suggested in the draft guidance. There is a sufficient distance from the stables to the nearest house at 50 Cann St, which is well screened by a 2-3m conifer boundary hedge, so as to not cause serious detriment to the residential amenity of the occupiers of that property by reason of noise, smells and general disturbance. The stables would not have a serious impact on

Objections. The objections relating to the impact the stables would have on the surrounding Green Belt / Special Landscape Area/ West Pennine Moors are not supported by the UDP policies or guidance. Stables are considered to be acceptable development subject to design and siting. Unlike the previous scheme, the stables are now clad in timber and are more appropriately sited further away from neighbouring properties. The stables are not considered to be too big given the need to house a horse and a number of goats.

Given the location and scale of the proposed stables and the distances to neighbouring properties it is not considered that residential amenity would be seriously affected through noise, smell, general disturbance or horse flies.

With regard to grazing space the applicant owns the two paddocks to the south west of the stables and to the rear of Claybank cottages. The area measures approximately 0.9 of an acre. Although less than the 1 acre (per horse) suggested by the British Horse Society it is considered to be acceptable given that the area is surrounded by other grazing land.

With regard to the safety of the access, it is not considered that the use of the domestic stables would be particularly intense and would therefore not have a serious or significant impact on highway safety and users of the nearby footpath.

The objection to the inclusion of part of the paddock into the garden of No.3 is not an issue in relation to this application as it is not within the site edged red. It is a separate enforcement matter which has been investigated and it was determined that there has been no breach of planning regulations (LPA Ref:EC/0559).

In the light of the above comments it is considered that the proposal complies with UDP policies stated above and the draft guidance on equestrian development.

Summary of reasons for Recommendation

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

The proposed stables are considered to be acceptable in terms of the siting, design and impact on the neighbouring properties and the surrounding countryside and complies with UDP policies listed and DC Guidance Note 10 - Planning for Equestrian Development. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 23rd January 2007 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 stables hereby permitted shall be used for the domestic purposes only. They shall not be used in part or whole for any commercial livery, equestrian or other use.
Reason: In the interests of amenity having regard to the location of the site pursuant to Policies OL1/2 – New Buildings in the Green Belt of the Bury Unitary Development Plan.
4. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury

Unitary Development Plan.

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

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

7. Prior to the commencement of the development, appropriate site investigations, gas monitoring and risk assessment shall be carried out to assess any possible risks associated with the production of landfill gas or ground gas. Where required, detailed design features shall be incorporated into the development, as shown necessary by the site investigation and risk assessment, to alleviate risks to the written satisfaction of the Local Planning Authority, and;
A Site Verification Report detailing the design and installation of the incorporated design features, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.
Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

8. Full details of the planting scheme for the proposed hedge along the north-western boundary of the land edged blue on the approved plans 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 stables are completed; and any part of the hedge removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced 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 EN1/1 - Visual Amenity and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

9. No development approved by this permission shall be commenced until, a scheme for the containment and storage of manure, has been approved by the Local Planning Authority. Such a scheme shall be constructed and completed, in accordance with approved plans.
Reason: To prevent the pollution of the environment pursuant to Policies OL1/2 –

New Buildings in the Green Belt of the Bury Unitary Development Plan.

10. Within one month of the proposed stables being effectively completed, the two existing timber sheds indicated on the approved plans shall be removed to the satisfaction of the Local Planning Authority.
Reason. In the interest of visual amenity and pursuant to UDP Policy EN1/1 Visual Amenity and OL1/2 - New buildings in the Green Belt.

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

