

**BURY METROPOLITAN BOROUGH COUNCIL
ENVIRONMENT & DEVELOPMENT SERVICES**

PLANNING CONTROL COMMITTEE

27 February 2007

SUPPLEMENTARY INFORMATION

Item:01 CARRIAGE AND WAGON YARD, BARON STREET, BURY, BL9 0TY
Application No. 47480
WORKSHOP EXTENSION TO CARRIAGE AND WAGON SHED

Drainage Comments. No objection subject to the following condition.
Development shall not commence until details of drainage aspects have been submitted and approved in writing by the Local Planning Authority.
Reason. To ensure satisfactory drainage of the site.

Item:02 THE WELLINGTON HOTEL, 338 BOLTON ROAD BURY, BL8 2PP
Application No. 47385
PROPOSED EXTERNAL COVERED AREA AND NEW DECKING AREA

Nothing further to report

Item:03 FORMER OLIVES PAPER MILL, TOTTINGTON ROAD, BURY, BL8 1SL
Application No. 47350
114 DWELLINGS (RESUBMISSION)

The application has been withdrawn

Item:04 LAND ADJACENT TO 9 BEECH GROVE, GREENMOUNT, BL8 4DY
Application No. 47479
ERECTION OF DETACHED DWELLING (RESUBMISSION)

Condition to be added to obscure glaze all windows on the left and right hand side elevations.
Councillor Gunther has requested that the Committee defer this application for a site visit to assess the impact of this large property on the neighbouring properties.

Item:05 PARRENTHORN HIGH SCHOOL, HEYWOOD ROAD, PRESTWICH, M25 5GR
Application No. 47407
TWO STOREY EXTENSION

Sport England have confirmed that the development would be consistent with their playing fields policy and that they, therefore, do not wish to raise an objection to the application.

Item:06 446A BURY OLD ROAD, PRESTWICH, M25 1PQ
Application No. 47484
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

Nothing further to report.

**Item:07 FORMER GARAGE COLONY ADJACENT TO 48 GEORGE STREET, PRESTWICH, M25 9WS Application No. 47352
NEW OFFICE PREMISES (RESUBMISSION)**

Nothing further to report.

**Item:08 TULLE COURT, RAMSBOTTOM ROW, PRESTWICH, M25 1BS
Application No. 47336
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**

Further Consultation

Residents were re-notified on 7th February 2007 informing them of amended site layout proposals which included the removal of the connecting road and the deletion of a rear alleyway to the backs of properties fronting Church Lane. Elevational amendments were also included and the revised plans also showed an area of render to the upper side gable of the southerly most new property fronting onto Derby Street.

As a result of this re consultation, further comments have been received from 20, 22, 26, 28, 30, 32, 34, 36 and Ms Krebs all of Church Lane who object to the deletion of the alleyway. Points raised include -

- Overall there is general support for the redevelopment of Tulle Court.
- They consider that the development would move substantially further towards their houses and would affect light to their rooms compared to the existing development on the site.
- The alleyway is a public right of way to the rear of Church Lane.
- They do not wish to share a fence with the new properties.
- They object to the loss of open space and the use of this land for private sale.
- Consultation with local residents has been inadequate both generally and in terms of the timing of the application with consultation carried out at Christmas time and at half term.
- The rear access way to be retained would be too small to accommodate emergency vehicles to use thereby jeopardising this historic terrace as well as ordinary cars.
- The narrow rear alleyway should be retained.
- The cherry tree to the rear of properties fronting Church Lane should be retained.
- The sale of the land to achieve the proposed development would be *ultra vires* in that the provisions of the Land Clauses Consolidation Act 1845 (Crichel Downs Rules) requiring that surplus land be first offered back to the original

owners.

- The design and access statement is poor and inadequate and does not consider access to the site by construction traffic or future users of the site; does not provide for social aspirations recommended by CABE guidance and poor involvement of the Police Architectural Liaison Officer in advance of the submission.

Response to Objections

The siting of the properties within the development would comply with aspect standards that the Council uses to guide development. The relationships of existing properties to the Tulle Court blocks would be improved with the removal of very high buildings in relation to lower height surrounding buildings. Whilst it is acknowledged that properties previously not facing development would be now if approved, however the development would maintain readily accepted standards of separation to maintain outlook and privacy.

Amendments to one of the new properties to the rear of 20 Church Lane has been amended to ensure that light would be reflected by the inclusion of a white through colour render to the upper gable and an oversailing bedroom has been deleted to give in excess of 13m aspect distance from the rear of 20 Church Lane to the new house to its rear. The accepted aspect standards are fully achieved and these provisions would maintain good levels of light to the rear of 20 Church Lane.

The alleyway referred to is a non-definitive right of way and runs along the rear of the Church Lane properties. It is a part track way for half of its length and grass for the remainder. The retention of this track way in between rear gardens would create an very alleyway, which generally would go against good urban design principles and would create a significant potential for Crime and Disorder to occur if retained. The layout would provide a situation of new back gardens onto existing back gardens, which is a very common situation. Only those properties that back onto the track at the easterly side of the track have access which would be maintained.

The open space referred to is private open space that sat around the apron of the blocks of flats. This land had not been fenced in but was not, in land use terms public open space. As such, there is no claim for the loss of the land surrounding the blocks as public open space.

The rear access way off Derby Street has been widened by the re-siting of a boundary fence belonging to the plots to the north of 20-30 Church Lane. This dimension now provides an access way of 3.0m in width, which is adequate for use. No concerns have been raised by Traffic on this matter and therefore it is felt to be an acceptable response to the concerns.

The cherry tree is a fruit tree, not within the conservation area and is not subject to a tree preservation order. One tree to the rear of 26 Church Lane is to be retained in this area and is a semi mature specimen. However, the other two trees are required to be removed to permit the development. A landscaping condition is recommended, which seeks to ensure appropriate replacement planting takes place.

The references to the Crichel Downs Rules are not relevant for the purposes of determining this planning application. However, Legal Services have responded to the writer of this particular point and it is the view of the Council that the time limitations which would apply to the consideration of offering back to original owners has long since passed and applies only for 25 years.

Consultations

Waste Management have confirmed that they have no objections to the proposals.

Traffic Section - No objections subject to the addition of condition relating to the need to ensuring that the turning facilities are provided and measures are implemented to prevent mud from creating a nuisance on the highway.

Conditions

Amend condition 2 to include the amended site plan. It should therefore read:

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 rev C, 05, 06, 07, 08; G/25/01, 02, 03, 05, 06 rev A, 07, 08; G/25/10, 20 rev a, 21, 22, 23, 24 rev B, 35 rev A, 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.

Amend condition 10 to read:

The car parking indicated on the approved plans G/1-/03 rev C 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.

Add conditions:

15. The turning facilities indicated on the approved plans shall be provided before the development is first occupied and shall subsequently be maintained free of obstruction at all times.

16. Before the development is commenced, details shall be submitted to and approved by the Local Planning Authority to cover measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and to minimise dust nuisance caused by the operations. The approved details shall be implemented and maintained thereafter during the period of construction unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the adopted highways are kept free of deposited material from the ground works operations.

17. No development shall commence unless and until a detailed front elevation of the Type N1 house type forming part of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details only.

Reason - To secure the satisfactory development of the site and pursuant to UDP Policy H2/2 - The Layout of New Residential Properties and H2/1 – The Form of New Residential Development.

Item:09 **16 EASTBROOK AVENUE, RADCLIFFE, M26 2RT** **Application No.** 47043
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

Nothing further to report.

Item:10 FORMER GARAGE SITE, RINGLEY ROAD WEST, RADCLIFFE, M26 1DL
Application No. 47487
NEW RESTAURANT, LANDSCAPING AND CAR PARKING (REVISED SCHEME)

Highways Team - No objections subject to conditions 15-20.

Minor alterations. The proposed gates have been changed from sliding gates to double swing gates and the car park on the frontage shifted approx 0.5m to east.

Due to minor amendments the plan numbers have changes and are reflected in amended condition No.2 as follows:

This decision relates to drawings numbered SDAK008-pl(04)002b, SDAK008-pl(00)003b(Revised), SDAK008-pl(04)003b, SDAK008-pl(04)004a(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.

Item:11 GOLLINROD FARM, MANCHESTER ROAD, BURY, BL9 5NB Application
No. 46908
CHANGE OF USE FROM FARM WORKSHOP TO INCLUDE REPAIR OF CRANES
(RETROSPECTIVE APPLICATION)

Nothing further to report.

Item:12 WOODHEY HIGH SCHOOL, BOLTON ROAD WEST, RAMSBOTTOM, BL0
9QZ Application No. 47388
3, 2 AND SINGLE STOREY EXTENSIONS TO SCHOOL; ERECTION OF WIND
TURBINE; ADDITIONAL CARPARKING PROVISION AND LANDSCAPING

Following a re consultation exercise informing residents of revised plans to re-site the wind turbine element of the scheme on 7th February 2007, further letters have been received from:

33 Moray Close; 9, 17 Helmsdale Close, 108, 110 Ripon Hall Ave, Mr P Shepherd, and 36 copies of the same letter from 2, 3, 6, 7, 8, 9, 10, 12, 15, 16, 18, 20, 22, 24 and 26 Helmsdale Close and 3, 4, 5, 6, 8, 9, 10, 11, 12, 16, 19, 23, 25, 27, 29, 31, 33, 35, 37, 39 and 41 Moray Close.

- The photocopied letter considers that the re-sited turbine means that more properties would be affected.
- Properties on Moray Close and Helmsdale are elevated to the site therefore they would be greater affected by noise;

- No noise readings have been taken from anywhere to the immediate north of the site, therefore no assessment of the noise impact has been considered upon houses in that area.
- The wind turbine did not form part of the pre-consultation exercise. Was this part of the scheme hidden from the public?
- The noise from the turbine would be intolerable.
- The area is particularly quiet at weekends. The turbine would run regardless of whether the school is occupied or not, therefore the residents would be subjected to noise continually.

Applicant's Response to Objections

The noise readings have been taken from three points including York Drive and Ripon Hall Avenue. These areas were considered to be pertinent points to take readings from because they would have an unobstructed relationship to the siting of the turbine. These readings provide a reading of the background levels in relation to the site. Readings from Helmsdale and Moray Close would be very similar and would not provide differences in background noise.

The variation in distance from the site to Helmsdale Close and Moray Close would be 2 dB(A), assuming a clear line of sight. In context, noise levels of less than 3 dB(A) are not discernible to the human ear.

The siting being partially obscured would more than compensate for the slightly closer relationship between Helmsdale and Moray Close when compared to York Drive and other properties to the east.

It is impossible to take representative readings at every conceivable noise-sensitive location and it is normal practice to choose monitoring positions which reflect the background noise levels at noise sensitive locations.

It is the view of the professional acoustician that the noise impact would be the same at Moray Close and Helmsdale Close and would re-iterate that under the terms of

- BS4142 the day-time conclusion is that *complaints are unlikely*;
- BS4142 night time conclusion is that noise levels are *low enough to fall outside the scope of BS4142*;
- Noise levels within dwellings are *well within* BS 8233:1999 criteria.

Local Planning Authority Response

There is a clear concern over the amended siting of the wind turbine and the assessment over this element of the scheme has been closely considered with the advice from the Council's Environmental Health Officers.

The properties to the north would be some 93.7m away from the structure and are partially screened by existing school buildings and partly screened by a three storey extension indicated within the details of the current application before Committee.

The fact that some properties are nearer to the siting of the turbine than others with variances of 15m (comparing the nearest property on Helmsdale Close to one on York Drive) many factors do have to be considered and distance is but one of many factors. Topography, ambient background noise, prevailing wind direction, fenestration and lines of site do give rise to significant varying factors when considering noise.

17 Helmsdale Close does not have any habitable room windows overlooking the siting

of the turbine and as such the gable wall of that property would in itself mitigate noise whether from the turbine or from any other sources of disturbance associated with the school.

The Environmental Health Officer's conclusions agree that the Acoustic Impact Study's findings are accurate and raises no concerns to the centrally located siting. This recommendation considers that the impact upon properties to the north would be no worse than properties to the east and as such the report is reliable with appropriate findings.

On this basis, it is considered that the noise exposure from the turbine would not be any worse to the properties to the north of the site and a further investigation would not produce any significant differing conclusion.

Item:13 **LAND AT HIGH STREET, WALSHAW, BURY** **Application No. 47419**
RESERVED MATTERS APPLICATION FOR THE ERECTION OF TWO DETACHED DWELLINGS

Elevations of plots 4 and 6 are enclosed

Item:14 **3 CLAYBANK COTTAGES, CANN STREET, TOTTINGTON, BL8 3PG**
Application No. 47477
ERECTION OF TWO STABLES AND HARDSTANDING
HAYSTORE/FEEDROOM/TACKROOM (RESUBMISSION)

The second paragraph under the section 'Siting and Appearance' is unfinished. It should read...

The stables would not have a serious impact on the visual amenity of the immediate locale or detrimentally affect users of the footpath.

Further comment. The applicant has submitted a letter from the vet who has been treating his horse since 1998. The vet states that the paddock is sufficient for the needs of the horse given his condition.