

Ward: Bury East

Item 01

Applicant: Babar Shah

Location: UNIT 4B, FLETCHER STREET, BURY, BL9 7AT

Proposal: CHANGE OF USE FROM CLASS B1 (BUSINESS) TO SPIRITUAL AND EDUCATIONAL CENTRE (CLASS D1) - RETROSPECTIVE APPLICATION

Application Ref: 47596/Full

Target Date: 02/05/2007

Recommendation: Approve with Conditions

Description

The application concerns a formerly commercially used premises situated on Fletcher Street which is close to Rochdale Road and within the UDP Bury Town Centre Policy Area. The building forms part of a block of properties on the south side of Fletcher Street with the central part appearing to be vacant and the remainder at 2/4 Yarwood Street being a mosque. Directly opposite there is a row of small terraced houses which are an isolated residential use within a primarily commercial area. There is more commercial property including small car repair garages to the south towards Rochdale Road and to the east next to York Street.

There are three storeys of accommodation within the building which has no significant external areas and no off street car parking facilities. Fletcher Street has working day car parking restriction on the opposite residential side. Otherwise, there is unrestricted car parking with on street parking occurring extensively during working hours on this street and on nearby roads.

The change of use that is subject of the application has already taken place. It has involved a change from the previous commercial use, probably light industrial, to the current use of the premises as a spiritual and educational centre catering for the Muslim community. An important part of the activity is the provision of teaching for children. The submitted statement indicates that the centre provides classes for over 300 pupils, boys and girls with daily classes between 5pm and 7pm. In addition, a main aim of the is to provide a spiritual and educational centre for Muslim girls and women. Forums are also facilitated as meeting points with members of other faiths.

Relevant Planning History

43590 - Change of use from office to storage and preparation of fresh poultry. Refused on 12th January 2005 because the proposed servicing and car parking provision was inadequate.

44320 - Formation of opening and installation of a roller shutter door. Refused on 11th May 2005 for reasons including the design, size and siting would result in the further visual deterioration of the street scene and that the access is sub-standard in terms of pedestrian visibility.

Publicity

25 properties were notified. An objection has been received from 15 Fletcher Street. The occupier objects to the amount of traffic the development has created. They are unable to park in the street and now it is even worse and particularly bad when the children are dropped off at 5pm daily with the danger that somebody is going to be knocked down.

An e-mail from 19 Fletcher Street has been received confirming that the occupier has no objections. She states the Elders and users of the premises have already done their best to put their minds at rest, including invitations to residents to visit them. If there were to be

more activity than this would need to be clarified in the application.

Consultations

Highways Team - No objections.

Drainage Section - No objections.

Environmental Services - Given that the premises were previously used as a works or warehouse there is a potential for contamination and conditions are recommended to deal with this type of risk.

BADDAC - Need to check whether there would be level/ramped access to the building

Unitary Development Plan and Policies

EC2/2 Employment Land and Premises
CF1 Proposals for New and Improved Community Facilities
CF1/1 Location of New Community Facilities
CF2 Education Land and Buildings
Area Rochdale Road/Lord Street/York Street
BY10

Issues and Analysis

Principle - The development involves the loss of the previous employment use of the premises and this needs to be considered in terms of Policy EC2/2. This policy seeks the retention of existing employment land and premises outside Employment Generating Areas except where it can be clearly demonstrated that the premises is no longer suitable in land use terms to continued employment use. The relevant Bury Town Centre Area Policy BY 10 is also generally supportive of business (B1) and industrial (B2 and B8) uses within the policy area. However, the premises is not well suited to normal employment uses such as industry or warehousing as it lacks both off street car parking and servicing facilities and there is no prospect of these being provided. Furthermore, it faces residential properties and the amount and type of activity associated with employment use, if it were to be resumed, is likely to result in undue disturbance to the occupiers.

The use as a spiritual and educational centre serves the particular needs of the local Muslim community and the location is suitable in this respect. Policy CF1 establishes a general presumption in favour of new community facilities and CF2 similarly favours proposals for the provision of educational facilities, where appropriate. Policy CF1/1 sets down criteria to be taken into account when considering applications involving community facilities. These cover impact on residential amenity, traffic generation, car parking provision, scale and size, accessibility by public and private transport, needs of the disabled and location in relationship to the community being served. As indicated above, the location is convenient to the community that the centre is serving. This is also the case with accessibility by public and private transport as the development is close to a main bus and traffic route and is a short walk from Bury Town Centre. The other criteria are considered in the following section.

Traffic and Car Parking - The premises was in a commercial use previously and will have generated a significant amount of traffic movements and demand for on-street car parking and this is still the lawful use of the property. It is this type of impact of the development for a spiritual and educational centre that has the most effect on the amenity of the residents living opposite. However, whilst the centre does attract a certain amount of traffic and car parking as reported in the objection, this is likely to be on a smaller scale than some activities within the existing lawful use could potentially generate. In particular, the centre does not attract commercial vehicles which would be the case with an industrial user. The lack of off street car parking is a general feature of the surrounding area and is a feature that the application property shares.

It is evident that much of the traffic attributed to the use of the building occurs during a short approximately two hours period of the day when children attending the centre are dropped off or collected. It should also be noted that the Highways Team have no objections to the

proposal.

The use class D1 which includes the development also includes a place of worship and other uses that could generate higher traffic and parking demand over more of the working day. Given the evident and considerable pressure on the locality from traffic movements and on street car parking, if permission were to be granted it should include a condition restricting the permitted use to the particular activity as a spiritual and educational centre. The supporting statement with the application does, in fact, confirm that the premises are not being used as a mosque.

Access Issues - The layout shows a disabled toilet on the ground floor. Regarding access into the building there is currently one step directly from the back of the footway directly into the doorway and there is no scope for the creation of a disabled access ramp.

General Conclusion - It is considered that the development conforms with Policy CF1/1 but any consent should restrict the use to the specified activity being applied for.

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 provides an important community service to the local Muslim population and is appropriately located for this purpose. Its scale is such that the impact on local residents is considered to be acceptable. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The premises to which this approval relates shall be used for the purposes of a spiritual and educational centre only and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, including use as a place of worship, (or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

Reason: To safeguard the amenities of the occupiers of nearby residential accommodation.

2. Not later than three months after the date of this permission:
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential contamination and/or ground gas risks have been identified, a detailed site investigation and suitable risk assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority;
 - Where remediation is required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

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

3. Following the provisions of Condition 2 of this planning permission, where remediation is required, the approved remediation strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and

A Site Verification Report detailing the conclusions and actions taken at each stage of the works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.

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

4. All instances of contamination encountered at the premises 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.

5. This decision relates to the drawings received on 7th March 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.

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

Ward: Bury East

Item 02

Applicant: JD Wetherspoon plc

Location: 8 MARKET PLACE, BURY, BL9 0LD

Proposal: PAVEMENT CAFE TO SIDE AND REAR OF EXISTING PREMISES

Application Ref: 47680/Full

Target Date: 04/05/2007

Recommendation: Approve with Conditions

Description

The application site is located within the town centre and the Bury Town Centre Conservation Area. There is an access road between the Two Tubs public house, which is a listed building to the north of the site and St Mary's Parish Church, which is a listed building to the north east. Directly in front of the Robert Peel is an access road and parking facilities. At the rear of the Robert Peel is an open patio area and Bury Castle and the Castle Armoury, which is a listed building.

Consent is sought for the formation of a pavement café area, consisting of external seating to the elevation facing Castle Street and the rear of the Robert Peel public house, overlooking the castle.

Relevant Planning History

31950 – Change of use of basement and ground floor to traditional ale, wine and food bar at Castle Buildings, Market Place, Bury. Approved with conditions 22nd May 1996

43678 – Erection of banner sign at First Floor, Castle Buildings, Market Place, Bury, BL9 0LD. Approved with conditions 20th December 2004.

47335 – Pavement café area providing external seating to the rear and side of existing public house at The Robert Peel, 8 Market Place, Bury, BL9 0LD. Refused on grounds of insufficient information and the proposal would not enhance the character or appearance of the street scene.

Publicity

The neighbouring properties were notified by means of a letter and a press notice was posted. Site notices were posted on road in front of Robert Peel and on Castle Street. Two letters have been received from the occupiers of Nos 4 (Wyldes public house) & 10 Bolton Street, which have raised the following points:

- Impact upon the existing vehicular access to properties on Bolton Street, which is used by lorries and cars on a daily basis

Consultations

Highways – No objections.

Conservation Officer - No objections in relation to conservation issues

Environmental Services – No objections, subject to the inclusion of a condition relating to noise pollution

GM Policy Architectural Liaison – No objections to the proposed seating at the rear of the building, as long as the screens are high enough to prevent people reaching over them to the tables. The seats and tables to Castle Street would be vulnerable to attack by criminals passing by who could remove any valuables left there.

Unitary Development Plan and Policies

EN1/1 Visual Amenity
EN1/2 Townscape and Built Design
EN1/4 Street Furniture
EN2/1 Character of Conservation Areas
EN2/3 Listed Buildings
EN7/2 Noise Pollution
HT2 Highway Network
TC1/1 Open Space in Town Centres
TC3 Bury Town Centre
Area Bolton Street/Market Place
BY3

Issues and Analysis

Principle

The application site is located within the town centre and conservation area and therefore must be assessed against the following policies within the adopted UDP.

Policy TC1/1 states that within a town centre, development will not be permitted where it would lead to a loss of open space which provides either valuable visual amenity of a buffer between incompatible uses or a link between other open land areas.

Area BY3 of the town centre policies for Bury states that the Council will consider favourably proposals for cultural, leisure and tourism, shopping, business and car parking uses in the Bolton Street, Market Place area of the town centre.

It is considered that due to the nature of the proposed development, there would not be a loss of open space and the proposed development would accord with the proposed land uses for Area BY3. Therefore, it is considered that the proposed development is in accordance with Policy TC1/1 and the proposed land uses as identified within Area BY3 of Bury.

Design and impact upon the surrounding area

The proposed development would be located on the side and rear elevations of the Robert Peel. The number of the proposed tables and chairs has been reduced from the previous application and are located solely within the pillars where people would not normally walk. It is considered that the proposed development would not reduce the width of the pavement and would not be detrimental to users. The proposed seating area to the rear of the Robert Peel would have open views across the castle site. The proposed development is located some 3.2 metres away from the existing bin store, which is to be screened and therefore, would not impact upon the attractiveness of the location. The Conservation Officer has no adverse comments in relation to conservation issues. It is considered that the proposed seating area to the rear of the building would have open views across the conservation area and in particular the castle site. Therefore, it is considered that the proposed development would not be detrimental to the character of the conservation area and is in accordance with Policies EN1/1, EN1/2 and EN2/1 of the adopted Unitary Development Plan.

The proposed use would not have a significant adverse impact upon the amenity of the occupiers of the adjacent buildings in this town centre location. Environmental Services have no objections to the proposal, subject to a condition limiting the use of loud speakers to this area. Therefore, the proposed development is considered to be in accordance with

Policy EN7/2 of the adopted Unitary Development Plan.

Highway Issues

To the rear of the Robert Peel public house are commercial properties which front on to Bolton Street and it is noted that vehicular access is required to the rear of these buildings for deliveries. From the plans submitted, it is clear that the proposed seating would not project any further into the access area than the existing bin store and would not impact upon visibility at the junction with Castle Street, any more than the existing building. It is noted that the highways section have no objections to the proposal. Therefore, it is considered that the proposed development would not have an adverse impact upon access to the properties, which front onto Bolton Street and is in accordance with Policy HT2 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;-

The proposed development is acceptable in principle and would enhance the character of the conservation area. The proposed development would not be detrimental to highway safety.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered AS01 & AL01/A and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used for the demountable fabric barriers 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. Loud speakers shall not be provided to the external seating areas.
Reason. To reduce nuisance from noise to the occupiers of the adjoining properties pursuant to Policy EN7/2 - Noise Pollution of Bury Unitary Development Plan.

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

Ward: Bury East

Item 03

Applicant: Ask Developments Ltd.

Location: LAND OFF KNOWSLEY STREET, TOWNSIDE - PHASE 1A, BURY

Proposal: ENABLING WORKS ON LAND OFF KNOWSLEY STREET RELATING TO THE REDEVELOPMENT OF THE PHASE 1A TOWNSIDE SITE (47200), INCLUDING CUT AND FILL OF LAND TO REFORM PROFILE OF LAND AND THE CONSTRUCTION OF RETAINING WALLS

Application Ref: 47811/Full

Target Date: 15/06/2007

Recommendation: Approve with Conditions

Description

The application site comprises an area of land 1.37ha in size located at the junction of Knowsley Street and Angouleme Way. To the west of the site is the three storey town hall building across Knowsley Street. To the east of the site is the Metrolink line and Bury Station, beyond that is the college. To the south of the site is a single level car park, ELR line and a residential development known as the sidings. To the north of the site is Angouleme Way and further beyond that is the Metrolink car park to the rear of the bus interchange.

The site falls away from street level to the junction of Knowsley Street and Angouleme Way down to the Metrolink line at its lowest level. The difference between the highest and lowest levels is some 11m.

An existing road from Knowsley Street provides access to the car park at the lowest level and a large retaining wall separates the ramped road from the car park.

The application follows on from the long term plans for the regeneration of Bury Town Centre, known as 'Bury but Better' and from the recent granting of both full and outline planning permission for offices, hotel and car parking scheme (47200). This planning application is seeking the formal approval of 'enabling works', which involves the creation of retaining walls and earth works within the site to reflect the levels indicated within the existing approved scheme. The need for permission particularly arises as the enabling works include areas that currently benefit only from outline planning permission.

Relevant Planning History

27634 - Outline planning permission for offices and additional car parking - Approved - 26/11/92.

27635 - Outline planning permission for hotel/conference facility with additional car parking provision - Approved - 26/11/92.

31216 - Renewal of outline planning permission for offices and additional car parking - Approved - 14/9/95.

31217 - Renewal of outline planning permission for hotel/conference facility with additional car parking provision - Approved - 14/9/95.

47200 - Full planning permission:

- Building 1 (gross floor space 5225 sqm) – Class B1 Offices for occupancy by the Primary Care Trust (PCT); Class D1 – Health consultancy, ancillary retail shop

- (pharmacy);
- Building 2 (gross floor space 5645 sqm) – Class B1 Offices for Bury MBC (BMBC) and a 670 sqm unit for mixed Classes A1 to A4 (shop, financial/professional services, restaurant/Café);
 - Associated 391 space car park on three levels.

Outline Planning Permission

- Buildings 3 and 4 for Class B1 business and/or Class C1 Hotel and the landscaping of the site. - Approved on 23 January 2007.

Publicity

The application was publicised by letters to neighbours on 16/3/07 and by a site notice on 23/3/07. No objections have been received as a result of this publicity.

Consultations

Traffic - Any response shall be reported.

Drainage - Any response shall be reported.

Environmental Health - The development may require material to be brought into the site to accommodate the changes of levels. As such conditions should be attached to ensure that appropriate contaminated land assessments, remediation strategies are in place and that verification reports are submitted to ensure that contamination is not brought into the site.

Environment Agency - Any response shall be reported.

Metrolink - Any response shall be reported.

Unitary Development Plan and Policies

EN7 Pollution Control

EC1/2 Land Suitable for Business (B1)

Issues and Analysis

Principle - The principle of the development of this site has been established through the approval of 47200. The nature of the scheme now would facilitate the development including the fixing of the levels for the development of the site, the creation of the new street shown within the approved planning application 47200 and the slab levels and land levels of the buildings within the approved scheme. As such, the principle of the development is considered to be acceptable.

Siting - The proposed retaining walls for the development would be located along half of the Knowsley Street frontage before returning perpendicular to Knowsley Street for the depth of the site; a section of wall parallel to the Metrolink line at the foot of the slope; one running perpendicular to Angouleme Way from the existing subway across the centre of the site and a further one parallel to the Metrolink along the easterly edge of the site. These structures would create a series of platforms across the site running west to east and north to south whereby buildings would develop from.

Appearance - The retaining structures within this scheme do not provide a finish but this detail has already been considered and approved as part of planning application 47200.

Conclusion - This scheme would be the initial stage of the implementation of a significant town centre development and issues of the development have been considered under the approved scheme. The scheme now before members would generate no other additional issues to those considered under planning application 47200.

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 represents the initial stages of the implementation of this town centre scheme. The development would reflect existing approved levels as seen within planning application 47200 and with conditions the scheme would comply with policies of the Unitary Development Plan and there are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 36697-001 (received 20/03/2007), 19192(00)001 rev B, 36697-002 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Prior to the development hereby approved commencing:
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential contamination and/or ground gas risks have been identified, a detailed site investigation and suitable risk assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority;
 - Where remediation is required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.
4. Following the provisions of Condition 3 of this planning permission, where remediation is required, the approved remediation strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the conclusions and actions taken at each stage of the works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.
5. All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:
 - Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;

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

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

6. Prior to the commencement of the development, appropriate site investigations, gas monitoring and risk assessment shall be carried out to assess any possible risks associated with the production of landfill gas or ground gas. Where required, detailed design features shall be incorporated into the development, as shown necessary by the site investigation and risk assessment, to alleviate risks to the written satisfaction of the Local Planning Authority, and;

A Site Verification Report detailing the design and installation of the incorporated design features, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.

Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

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

Ward: Bury East - Redvales

Item 04

Applicant: Thumbs Up(Bury) Ltd

Location: THUMBS UP (BURY) LTD, GREENFIELDS, DUMERS LANE, BURY , BL9 9UT

Proposal: EXTENSION TO EXISTING FACTORY TO HOUSE NEW BLOW MOULDING MACHINE (CLASS B2)

Application Ref: 47585/Full

Target Date: 07/06/2007

Recommendation: Approve with Conditions

Description

The application is for a sizeable extension to the Thumbs Up industrial premises on Dumers Lane. The company has a large recently constructed warehouse at their premises for plastic ware products and, in another building, it manufactures plastic items mostly for the domestic market.

The surroundings have both employment uses and residential development. Thus, immediately to the west there is a BT call centre and the large modern Birthdays warehouse, whilst also there are recently developed new industrial units on the opposite side of Dumers Lane. The nearby residential development occurs to the northeast and east around Whitefield Road and Wellfield Close, as well as across Dumers Lane to the south. Directly to the north there is a large area of disused open land that is owned by Thumbs Up but is not a part of their operational site. The river Irwell is a short distance away to the west.

The proposed extension would be to the existing production building and would be sited on a large area of hardstanding that occurs to the north of this building and next to the boundary with the adjacent field. The extension would be a 4055sq m building and would be joined to the existing building by a canopy. It would be substantially higher than the existing building at 18.62m to the ridge and 16m to the eaves. For comparison, the existing manufacturing building is about 10m high but the large warehouse has an eaves height of 14.5m at the eaves falling to 9m on the northerly section. The proposed building would be finished externally in metal cladding panels with the walls in Sargasso blue on the lower sections and Merlin grey on the upper parts and the roof also in the same grey colour. The building would house a new blow moulding machine the use of which would widen the range of plastic items that can be manufactured by the company. The existing production building has insufficient headroom to be able to satisfactorily house this machine.

Relevant Planning History

C/2113/75 - Loading bay canopy. Approved on 16th September 1975

C/23857/89 - Outline for replacement factory and associated warehousing (Classes B2 and B8). approved on 21st June 1990. (The application also included residential development on the opposite side of Dumers Lane).

C/26502/91 - Change of use from Light industrial (Class B1) to warehousing/distribution (Class B8). Approved on 31st October 1991.

28773/93 - Outline for extension to existing warehouse building (fully attached version). Approved on 25th November 1993.

28774/93 - Outline for extension to existing warehouse building (version with link by canopy). Approved on 25th November 1993.

36054/99 - Outline for new 173,000sq ft warehouse, two storey office, service yard, car park and revised access. Approved on 15th February 2000.

36805/90 - Reserved matters for warehouse, office building, service yard, car park and revised access. Approved on 1st December 2000.

37147/00 - Car park. Approved on 16th May 2001.

39931/02 - Reserved matters for new warehouse, office building, yard and car parking. Approved on 15th January 2003.

45399 - Topsoil restoration. Refused on 25th November 2005 for reasons concerning detriment to residential amenity, intensified use of a sub-standard access and the surrounding roads and being contrary to policies protecting a wildlife corridor and river valleys.

45522 - Change of use of existing warehouse (Class B8) to manufacturing (Class B2) and associated building works including installation of 14 metre high silos. Approved on 21st December 2005.

45795 - Topsoil restoration. Refused on 6th March 2006 for reasons including a lack of information concerning the impact on a Wildlife Corridor and a failure to demonstrate compliance with the UDP policy that protects river valleys.

Publicity

23 properties were notified. A site notice has been displayed and a press notice published. The period for responding is ongoing. At this time there has been one response. The occupiers of a house in Whitefield Road are concerned about the visual intrusion of the development that has already occurred at the premises, its encroachment onto part of a wildlife corridor and the daily disturbance by engines of vehicles associated with the business. This latest application is for a building that could prove both noisy and smelly as well as unsightly.

Consultations

Highways Team - No objections

Drainage Section - No objections

Environmental Services - Conditions recommended concerning land contamination and noise pollution.

GMP Architectural Liaison - No objections

Environment Agency - Originally issued an objection concerning flood risk issues and required further information to be submitted concerning mitigation against these risks. This was duly submitted and the objection has been withdrawn. Conditions are recommended concerning the approval of a scheme of surface water drainage and requiring the detailed design to take into account flood damage avoidance.

Waste Management - No objections

Unitary Development Plan and Policies

EC1/1	Land for Business (B1) (B2) (B8)
EC2/1	Employment Generating Areas
EC4	Small and Growing Businesses
EC6/1	New Business, Industrial and Commercial
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN5/1	New Development and Flood Risk
EN6/4	Wildlife Links and Corridors
EN7/2	Noise Pollution
OL5/1	Designation of River Valleys
OL5/2	Development in River Valleys

Issues and Analysis

Principle - The site for the extension is partly within an Employment Generation Area and designated Employment Land (policies EC2/1/9 and EC1/1/15) and partly within land designated as River Valleys (Policies OL5/1 and OL5/2) and as a Wildlife Corridor (Policy EN6/4). There is no demarcation line on site where the boundary between the designations occurs and the whole site is one tarmaced servicing and open storage used by the company. The main boundary is just beyond the proposal site where there is an existing palisade security fence to an area of open disused land designated as River Valley and Wildlife Corridor and owned by the applicant company.

Policy OL5/2 deals with development proposals within the River Valleys. It states that new buildings will not be permitted apart from those that would not lead to the division of the open parts of the valley into sections and, where the development is not in the Green Belt it would fall within a specified list of circumstances of which at least one is met. Two of the listed circumstances are considered to be relevant in this case and it is considered that they are complied with. These are "i) that the development represents limited infilling in an established valley settlement or industrial area" and "ii) that it is an extension to, or renewal of an existing industry, where the economic and employment factors are of overriding importance."

The building would sit within an open gap between two existing large buildings which are the Thumbs Up warehouse to the east and the adjacent Birthdays warehouse to the west. Thus, it would constitute limited infilling between existing buildings in an industrial area and, as such, would comply with circumstance i) within Policy OL5/2. In addition, this situation also leads to the conclusion that the development would not lead to the division of the open parts of the River Irwell valley as required by the policy.

The development would constitute an extension to an existing industry and information has been submitted with the application regarding the future manufacturing needs of the applicant company. They require the building to house a large blow moulding machine that cannot be housed in the existing production building due to its height. This machine would be instrumental in a necessary expansion of the range of plastic products that the company is able to produce and thus would help to sustain it within a very competitive European market.

The development would clearly conform with the designations of part of the site as an Employment Generating Area and as Employment Land that are aimed at supporting and strengthening the local economy. In this respect the development is particularly important as it would expand a manufacturing facility. It should also be noted that 20 additional jobs in manufacturing would be created as a result of the development.

Wildlife Corridor - Part of the site is designated within the UDP as a Wildlife Corridor. However, the land involved consists of a hardstanding in active use for servicing and external storage purposes. There are no features of wildlife interest that would be affected by the development. The open land adjacent to the site beyond the company's security fencing that could have some wildlife function is not directly affected.

Design and Appearance - The design is governed by the functional need to house a large production machine. The building would be a simple portal frame structure with a shallow pitched roof and clad in sheet metal panels and, as such, it would be similar to other modern industrial buildings. Its height and extent would be in response to the internal requirements. The building would not have a significant presence in any street scene but would mostly be visible from the back gardens of houses some distance away, from open land to the north as well as from the rear of the adjacent Birthdays warehouse.

Residential Amenity - The building would be a significant feature when viewed from houses on the westerly side of Whitefield Road. However, in most cases the building would be visible at an oblique angle from back gardens and rear elevations and it would be seen against the background of other industrial developments. The building would be a significant distance away from the houses with about 60m being the closest distance from the building to a domestic boundary.

The area involved is already an active part of an industrial site. However, if permission is granted, then it should be ensured that any potential impact on residential amenity would be mitigated by screen planting within the adjacent fenced boundary. Also, a noise limitation condition would be appropriate in line with the recommendation by Environmental Services.

In terms of external lighting the applicant's agent has confirmed that there would be no significant change from the current situation.

Flood Risk - The building would be an extension to the existing production building and, as such the floor level would be the same. This, however, is somewhat below (0.7m) the flood level recommended by the Environment Agency. In this regard details of mitigation measures have been submitted following an objection on flood risk grounds by the agency and, as a result, the agency has withdrawn its objection and has recommended conditions to accompany any consent.

Car Parking/ Servicing - The two sizeable car parks at the premises have a high proportion of free spaces during the working day and they should easily cope with any additional demand from the development. Servicing would occur within the remainder of the existing service area and the development would not materially impinge on highway/traffic conditions.

Summary of reasons for Recommendation

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

The development complies with policies restricting development within the river valley and those concerning the provision of industrial development. Its impact on residential properties would be acceptable if suitable landscape screening and noise limitation conditions are complied with. The development would help sustain the viability of a significant industrial employer within the Borough. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
3. A landscaping scheme to provide substantial screen planting within the palisade fence boundary immediately to the north of the development 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 Policies EN1/2 - Townscape and Built Design, EN8/2 – Woodland and Tree Planting and EC6/1 - Assessing New Business, Industrial and Commercial Development of the Bury Unitary Development Plan.

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

5. Noise from the proposed development/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 before any development takes place.
Reason: To protect the amenities of the occupiers of nearby properties.

6. 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.

7. The building hereby permitted shall be constructed in materials which would be resistant to damage from the ingress of flood water and with services located at an appropriate level in accordance with details to be submitted and approved in writing to the Local Planning Authority.
Reason: The building would be within an area at risk of flooding

8. This decision relates to drawings numbered 4085 Rev 0, 4085 PL-02 Rev C, 4085 X X and Site location plan (not numbered) and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.

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

Ward: Bury West - Church

Item 05

Applicant: O2 UK LTD.

Location: BOLTON ROAD, (OPPOSITE 363), BURY, BL8 2PL

Proposal: PRIOR APPROVAL APPLICATION FOR TELECOMMUNICATIONS INSTALLATION OF A RADIO BASE STATION CONSISTING OF A 12.5M TELEGRAPH POLE, CABINET AND DEVELOPMENT ANCILLARY THERETO

Application Ref: 47768/Telecom Determination **Target Date:** 03/05/2007
(56 Days)

Recommendation: Prior Approval Required and Granted

Description

The proposed development is located at the back of the footway on the northerly side of Bolton Road and is directly opposite Powell Street, with residential properties to the east and west of this street. To the rear of the application site is a grassed area, which is 14 metres wide and contains mature trees. At the rear of the grassed area are three residential properties, which front onto Reigate Close. To the west of the site, there are mature trees and a 2 metre stone wall and beyond that is located the Grade II listed Lancashire Fusiliers War Memorial.

It is noted that since the plans have been submitted that the existing bus shelter has been moved from a position to the east of the existing bus stop sign to a central position between the proposed development and the existing bus stop sign. However, it is considered that this would not impact upon the siting of the proposed development.

Relevant Planning History

47333 – Prior approval application for the installation of a radio base station consisting of a 12.5 metre telegraph pole, canon type D cabinet and ancillary development at pavement at Fusiliers Association, Orpington Drive, Bury.
Prior approval required and refused – 30 January 2007

Publicity

79 properties were notified by means of a letter and site notices were posted on Bolton Road and Reigate Close. Five letters of objection have been received, from the occupiers of Nos. 5, 7 & 9 Reigate Close & 16 Orpington Drive, which has raised the following issues:

- The visual impact of the proposed mast upon the locality
- The proposed mast would be an incongruous feature within the street scene
- The impact of the proposed mast upon the existing trees
- Creation of clutter within the street scene
- Impact of the proposed development upon health
- The impact of the proposed mast upon the Grade II listed war memorial
- Inaccurate information on the submitted plans

Consultations

Highways Section – No objections.

Environmental Services – No objections, as a statement confirming that the application

complies with ICNIRP guidelines has been submitted.

Conservation Officer – No objections, as the listed war memorial is separated from the proposed mast by tree cover. There is other street furniture in the vicinity which would provide a busy background for the proposed mast.

Landscape Practice - Require a arboricultural report to fully assess the impact of the proposed development upon the trees

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design
EN1/4 Street Furniture
EN1/7 Throughroutes and Gateways
EN1/10 Telecommunications
EN8 Woodland and Trees
EN2/3 Listed Buildings
HT2 Highway Network
PPG8 PPG8 - Telecommunications

Issues and Analysis

Health Issue

Current government guidance (PPG 8) with respect to the potential health risks, states that providing such proposals meet the ICNIRP guidelines, local authorities should not consider those aspects, or any concerns about them, any further. In this case, the applicants have indicated that the proposal will meet the ICNIRP guidelines, through the submission of a certificate to this end.

Supporting Information

The applicant has provided a list of 6 sites, which were considered but were discarded in favour of this submitted proposal. The 6 sites were discarded as either the site provider was not interested in the proposal, the site would not provide the required coverage or a application for prior approval had been refused, taking into consideration the Conservation Officer's comments. The applicant has provided information which justifies the need in terms of improved coverage for this site. Therefore, the proposal is considered to be in accordance with Policy EN1/10 of the adopted Unitary Development Plan.

Visual Amenity

The site for the proposed development contains mature trees to the south and west. No works are proposed to the trees to the south of the application site and it is considered that the proposed development would not be prominent within the street scene, when viewed from Bolton Road or from the dwellings fronting onto Reigate Close. Existing street furniture in the vicinity of the site includes a bus shelter and sign, litter bins and lampposts. The proposed mast has been designed so as to reflect and match the street furniture in the vicinity. Therefore, it is considered that the proposed development would not look out of place within the locality, subject to conditional control and would not appear as an unduly intrusive feature in the surrounding landscape. The proposed development has been sited at the rear of the footway and it is considered that the proposed development would not reduce the width of the footway to a substandard level and therefore, would not impact upon highway safety. Therefore, the proposal is in accordance with Policies EN1/2, EN1/4, EN1/7 and HT2 of the adopted Unitary Development Plan.

Impact upon the listed building

The Lancashire Fusiliers War Memorial, which is a grade II listed building, is located to the west of the application site. The Conservation Officer has no objections to the proposal. The proposed site is less open than the original location (Application 47333) and there are mature trees between the application site and the war memorial, which act as a screen. As

stated above, there is existing street furniture present within the street scene, which would provide a busy background for the proposal. Therefore, it is considered that the proposed development would not be detrimental to the setting of the Grade II, Lancashire Fusiliers War Memorial and is in accordance with Policy EN2/3 of the adopted Unitary Development Plan.

Trees

In order to maintain the height of the proposed mast at 12.5 metres and achieve the required coverage, it is proposed to lop 2 metres off the height of three trees to the west of the application site. The trees are considered important in providing a visually attractive environment along an important throughroute in the Borough. The Landscape Practice has requested a Arboricultural Report in order to fully assess the impact of the proposal upon the trees, which is in the process of being compiled. Therefore, further analysis upon the impact of the proposed development upon the trees will be included within the supplementary agenda.

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 due regard to both National and Local Policy, in particular UDP Policy EN1/10 (Telecommunications), it is considered that the proposed development is acceptable in relation to health and safety issues, due to the submission of the relevant Certificate under ICNIRP. The location of the proposed apparatus would not be unduly prominent within the street scene and would not be detrimental to the setting of the adjacent Grade II listed war memorial. Therefore, the proposed development is considered to be acceptable. There are no other material considerations that outweigh this finding.

Recommendation: Prior Approval Required and Granted

Conditions/ Reasons

1. 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 **Helen Longworth** on **0161 253 5322**

Ward: Prestwich - Sedgley

Item 06

Applicant: Mr M Albajouri

Location: 27 BURY OLD ROAD, PRESTWICH, M25 0EY

Proposal: CHANGE OF USE FROM OFFICE TO HOT FOOD TAKEAWAY (GROUND FLOOR)

Application Ref: 47688/Full

Target Date: 02/05/2007

Recommendation: Approve with Conditions

Description

The application relates to a mid terraced property, currently vacant and in a poor state of repair. It was previously used as an office. There is a wide foot way to the front of the property, which faces directly onto Bury Old Road. Immediately to the rear of the premises is a yard area with space for one car. Access to the rear is via a narrow service road from Albert Avenue. The premises at first floor comprises a vacant office, accessed separately from the front.

Immediate neighbours are a newsagent's at No.29 with flat above and a hot food take-away with office above at No.25. There are residential properties to the rear on Albert Road and directly across Bury Old Road, opposite the site. The closest house is No.188 which has a gable facing the property across the rear access road.

The application is seeking to change the use from office to hot food take away (Class A5) at ground floor. The public service area would be approximately 9sq metres with level access from the pavement. There would be food preparation and storage to the rear. At the rear a parking space would be created in the yard area with access onto the service road. A flue would be attached to the rear elevation. The proposed opening hours are from 5pm to 11pm daily.

Relevant Planning History

None relevant

Publicity

Letters were sent to neighbouring properties on Bury Old Rd, Albert Ave, Danesway and Ravensway. As a result of this publicity, one letter of objection have been received from 141 Albert Avenue. The objection centres on parking problems along Albert Avenue and states that the take-away would promote even more cars. Requests parking restrictions along that part of Albert Ave closest to the junction with Bury Old Rd.

Consultations

Traffic Team. No objections.

Environmental Health. No objections.

Baddac. No objections.

Unitary Development Plan and Policies

S1/4 Local Shopping Centres

S2/6 Food and Drink

Issues and Analysis

Principle - The site is located within a Local Shopping Centre and UDP Policy S1/4 - Local Shopping Centres seeks to maintain retailing (Class A1) as the predominant use for the day to day needs of local residents.

Outside the main shopping areas of a town and district centre, UDP Policy S2/4 - Control of Non-Retail Uses in All Other Areas seeks to retain and promote retail uses. Criteria such as the longevity of vacancy, scale of the development proposed, the concentration of uses and parking and servicing are part of the consideration for development proposals in such areas.

UDP Policy S2/6 - Food and Drink provides particular assessment criteria for the consideration of such uses including hot food take aways. Residential amenity, proliferation of uses, parking and servicing and the storage and disposal of litter are factors under consideration.

Policy S3/3 - Improvement and Enhancement (All Centres) states that the Council will encourage the refurbishment and improvement of all centres within the Borough. Issues such as the standard of services provided by the buildings, traffic problems, existing transport services to the centre and the decline in shopping patronage are to be considered by any new proposals.

The predominant emphasis of this centre, fronting a busy main road, is commercial in nature. Whilst there is a take-away immediately next door at No.25, the centre as a whole is well represented by shops(A1) with 23 out of 31 units in A1 use . Given high proportion of shops in the centre it is not considered that a second take-away within the centre, particularly one replacing a run down vacant office, would have a detrimental impact on the character or viability of the centre.

Residential Amenity - Given that the proposed use would be within a well established commercial centre on a busy main route there are no serious amenity issues relating to houses across Bury Old Road. To the rear, No.188 has a gable end facing the rear of the unit. Given that the hours of opening would be restricted to 11pm and that there is an access road between the properties, there would be no serious impact from noises and disturbance from the premises. There is potential for customer's vehicles to cause disturbance if they park along Albert Avenue. However in the evening when most of the shops are closed, there would be parking readily available within lay-bys in front of No.1 to 12, about 50m along Bury New Road.

Car Parking - There are parking restrictions along the frontage and it does appear that vehicles visiting the centre parking on nearby residential roads, including Albert Avenue during the daytime when the centre is busy. As already mentioned, there is off road parking in the southern section of the centre, between No.1 and 12 Bury Old Road.

Objection - Although the concerns of the objector are valid the change of use is unlikely to cause a significant and material difference to the problems experienced along Albert Avenue as in the evening customers could use the public parking bays further along Bury New Road as already mentioned above.

Hours of Use - The proposed hours sought are from 5pm to 11pm. Given the location of the premises, it is considered that these hours are acceptable and in line with similar uses where residential properties could possibly be affected. This should be conditioned accordingly.

Disabled Access. The proposed level access from the street is acceptable.

Refuse - There is a yard area to the rear of the property that would accommodate refuse bins for the day to day operations of the use and there are sufficient litter bins along Bury Old Road for general litter.

Ventilation Flue - The proposed flue would be attached to the rear elevation.

Summary of reasons for Recommendation

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

The change of use to hot food take-away is considered to be acceptable in terms of shopping policies. Given the number of A1 shops, the proposal is unlikely to detrimentally affect the character or viability of the existing centre. The proposal would not seriously affect the residential amenity of neighbours. No serious traffic 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 709/1-4 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. 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 S1/4 – Local Shopping Centres and S2/6 – Food and Drink of the Bury Unitary Development Plan.
4. The take-away shall not be open outside 0800 hrs to 2300 hrs daily.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S1/4 – Local Shopping Centres and S2/6 – Food and Drink of the Bury Unitary Development Plan.
5. No development shall take place unless and until a scheme to soundproof the floor/ceiling between the ground floor and the first floor flat, which shall be in accordance with standards of construction specified in current Building Regulations, has been submitted to and approved by the Local Planning Authority. Such works that form the approved scheme shall be completed before the development is brought into use.
Reason. To protect the residential amenities.

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

Ward: Radcliffe - North

Item 07

Applicant: EL NINO

Location: KEYSTONE COTTAGE, TAYLORS LANE, RADCLIFFE, BL2 6QS

Proposal: ROOF OVER EXISTING MANEGE AMERICAN STABLES HAY / STRAW
MACHINERY BUILDING BLOCK 4 STABLES INCORPORATING PASSING PLACE
ON TAYLORS LANE

Application Ref: 47237/Full

Target Date: 10/04/2007

Recommendation: Approve with Conditions

This application was deferred for a site visit at the previous Planning Control Committee meeting on 27 March 2007 and the report has been updated.

Description

Keystones Cottage is currently accessed by either Taylors Lane or Ainsworth Lane, which are both single track, unadopted access roads. The site is in use as a cattery and stables, which provide activities for disadvantaged children, with no more than 6 present at any one time. There are several buildings on site, which consist of a cattery building, located adjacent to Taylors Lane; a stable block for four horses, located parallel to the cattery; a building, containing animals, which is located immediately adjacent to the rear curtilage of Taylors Lane Farm; a small riding ring, located to the south of the building containing animals and an outdoor riding arena, located to immediately to the south of Nos 5, 7 & 9 Taylors Lane.

The applicant seeks consent for the formation of a passing place on Taylors Lane; the erection of a stable block for four horses on the site of the building, containing animals; stables for 14 horses on the site of the existing stable block; a roof over the outdoor riding arena and the erection of a storage building for hay and machinery in between the covered riding arena and the proposed stable block for four horses.

Relevant Planning History

34020 – Erection of detached stable block, hay store/tack room & formation of outdoor all weather equestrian paddock and ménage. New access road (outline). Refused 11 June 1998

40465 – Erection of cover over existing horse riding arena at Keystone Cottage, Taylors Lane, Radcliffe. Refused 28 March 2003

41327 – Erection of cover over existing horse riding arena at Keystone Cottage, Taylors Lane. Radcliffe. Refused 6 December 2003

46674 – Roof over existing ménage; American stables, hay/straw machinery building; block of four stables. Withdrawn 14 September 2006

Publicity

The neighbours were notified by means of a letter. Site notices were posted on Bury New Road and Taylors Lane and a press notice was posted. 11 letters have been received from Ainsworth Community Association and Plumb Tree Residential Care Home, Smithfold Farm, Taylors Lane Farm, Weavers Cottage, 9 & 25 Taylors Lane, Ainsworth, 17 Masefield Road,

Little Lever and 41 Bury New Road, Brightmet, which have raised the following issues:

- The access road, Taylors Lane, is not suitable as a principle means of access to the proposed commercial development.
- The proposed development is inappropriate development within the green belt
- There are no services to this site
- The proposed passing place makes no difference to the original application which was withdrawn
- The proposed straw barn is a potential fire hazard as it would be situated to the rear of an oil tank
- No car parking is available for this development.
- A traffic survey states that Taylors Lane and Ainsworth Hall Road are unable to sustain an increase in traffic and the junctions of Taylors Lane, Ainsworth Hall Road with Bury New Road are hazardous in the extreme.

A letter has been received from Ivan Lewis MP, detailing the work of the non-profit organisation, El Nino and supporting the application.

Consultations

Drainage Section – No objections to the proposed development

Highways – No objections, subject to the inclusion of conditions in relation to access to the site.

Environmental Services – No objections, subject to the inclusion of conditions relating to contaminated land

GM Police Architectural Liaison – No comments

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN7/2	Noise Pollution
OL1	Green Belt
OL1/2	New Buildings in the Green Belt
OL4/7	Development Involving Horses
RT1/2	Improvement of Recreation Facilities
RT3/2	Additional Provision for Recreation in the Countryside
HT2	Highway Network
HT2/3	Improvements to Other Roads
HT4	New Development
SPD10	Planning for Equestrian Development

Issues and Analysis

Principle

The proposed development involves the erection of a roof over the existing riding arena, a building for the storage of hay, and two stable blocks on land at Keystone Cottage, which is located within the green belt. Policy OL1/2 states that the construction of new buildings in the green belt will be considered as inappropriate development unless it is required for forestry or agricultural purposes; would provide essential facilities for outdoor sport and recreation or limited extensions and alterations to existing dwellings.

Whilst Policy OL1/2 requires that new buildings within the green belt should be restricted to those needed for the purposes of agriculture or forestry, it also provides scope for other uses which are considered to be appropriate to the green belt. The re-use of existing buildings is preferred to the erection of new buildings. However, a new building within the

green belt may be considered acceptable if it is appropriate in scale and does not detract from the openness of the green belt.

Whilst PPG 2 establishes a presumption against inappropriate development, including new buildings, within the green belt there are several exemptions, including development required for essential facilities for outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the green belt and do not conflict with the purposes of including land within it.

Policy RT1/2 states that the Council will give favourable consideration to proposals for the appropriate improvement of existing recreational land and facilities.

Policy RT3/2 states that the Council will encourage the recreational use of the countryside, providing the proposals would not have a detrimental impact upon the environment or features of ecological importance, would not result in an unacceptable increase in traffic in the area or adversely affect the amenity of local residents.

There is a concern that the proposed development would be inappropriate within the green belt. However, it is considered that the proposal would not have a significant impact upon the openness of the green belt and would result in an improvement in the recreational facilities offered by the charity El Nino, who care for and work with vulnerable and disadvantaged children in the local community. The proposed development would not have any adverse impact upon any features of ecological importance. Therefore, due to the nature of the work of the charity, it is considered that special circumstances exist and that the proposal would not have a significant impact upon the openness of the green belt. Therefore, it is considered that the proposed development is in accordance with Policies OL1/2, RT1/2 and RT3/2 of the adopted Unitary Development Plan and government guidance in the form of PPG 2.

Design and impact upon surrounding area

The proposed development consists of the erection of a block of four stables; the erection of a block of 10 stables, incorporating the existing block of four stables; the erection of a building for the storage of hay and machinery and the erection of a roof over the existing outdoor riding arena. DCPGN10 states that in general terms, applications for three to four stables and one storage area would be considered acceptable subject to detail. However, it is considered that as the proposed stables would provide accommodation for existing horses on site and the special circumstances of the proposed development, which include improving established recreational facilities by a charity working with disadvantaged children within the community, merit the provision of 14 extra stables. Therefore, it is considered that the proposed development would not conflict with the aims of DCPGN10.

All of the proposed buildings would be located in or around the existing cluster of buildings on the site and therefore, would not have a significant detrimental impact upon the openness of the green belt. The proposed development would be constructed of timber boarding, which is considered to be appropriate within the locality. All of the buildings are single storey and have been designed so as to minimise the impact upon the openness of the green belt and the neighbouring residents.

The applicant has submitted amended plans for the riding arena, which show the southern and eastern elevations to be open. The proposed cover for the riding arena would enable the facility to be used all year round, whilst reducing the potential for overlooking into the rear curtilage of the occupiers of 5, 7 and 9 Taylors Lane. As the proposed cover to the outdoor riding arena would be open on two elevations, it is considered that the proposed development would not have a significant impact upon the openness of the green belt. Therefore, the proposed development is considered to be appropriate and is in accordance with Policy OL1/4 of the adopted Unitary Development Plan.

Neighbour Amenities

The proposed block of four stables would be located in close proximity to the rear boundary

of Taylors Lane Farm. However, there is an existing building in this location, which is used to house animals and is open at the front and sides. It is considered that the proposed development would not have a greater impact upon the amenity of the adjacent residents, as the proposed building would be approximately the same size, but would be more enclosed, therefore reducing any noise to the neighbouring residents. The proposed stable block would be approximately 16 metres away from the dwelling and therefore would not have a significant adverse impact on residential amenity. Therefore, the proposed development is considered to be in accordance with Policy EN7/2 of the adopted Unitary Development Plan and the aspect standards set out in DCPGN6.

Highway issues

The proposed development would not increase the number of horses at the site and therefore, there would not be a substantial increase in the number of vehicles accessing the site. An objection has been received, stating that the existing access to the property, via an unadopted single track road, is not suitable for use by a commercial premise. However, the nature of the activities on the site, dictate that there can not be any more than six children on site at any one time and it is considered that the access road would accommodate the increase in traffic, without being detrimental to highway safety. A passing place on Taylor's Lane would be provided as part of the proposal, which would reduce the need for vehicles to reduce long distances and the proposed development would not be detrimental to highway safety. As there would only be six children on site at any one time, the proposed parking arrangements are considered adequate for the proposal. The highways section has no objections to the proposal, subject to the provision of a passing place on Taylors Lane. Therefore, the proposed development is considered to be in accordance with Policies HT2/3 and HT4 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:-

The proposed development would not have a significant impact upon the openness of the green belt and special circumstances exist to warrant the development. The proposed development would improve existing recreational facilities and would not look out of place within the locality, subject to conditional control. The proposed development would not have a detrimental impact upon the amenity of neighbouring residents nor on highway safety. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings received on 9 January 2007 as modified by the revised plans received on 22 February 2007 & 26 March 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. 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.
6. 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.
7. The stables, associated buildings and cover to the manège hereby approved shall be removed from site to the written satisfaction of the Local planning Authority within 12 months of it ceasing operation.
Reason: In the interests of the visual amenity pursuant to Policies H3/1 – Assessing Non-Conforming Uses and OL1/2 – New Buildings in the Green Belt of the Bury Unitary Development Plan.
8. 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 H3/1 – Assessing Non-Conforming Uses and OL1/2 – New Buildings in the Green Belt of the Bury Unitary Development Plan.
9. The development hereby approved shall not be brought into use unless and until the proposed passing place indicated on the approved plans and appropriate signing on Taylors Lane has been implemented to the written satisfaction of the Local Planning Authority.
Reason. To ensure good highway design in the interests of highway safety.

Ward: Radcliffe - West

Item 08

Applicant: James Halstead plc T/A Polyflor Ltd

Location: LAND AT RADCLIFFE NEW ROAD, WHITEFIELD

Proposal: FORMATION OF ACCESS FROM LAND ADJ TO UPLANDS AVENUE TO RADCLIFFE NEW ROAD CROSSING EXISTING RAILWAY BRIDGE. ERECTION OF AUTOMATIC SECURITY GATES AND ASSOCIATED LANDSCAPING WORKS.

Application Ref: 47705/Full

Target Date: 14/05/2007

Recommendation: Approve with Conditions

The Borough Planning, Engineering & Transportation Services Officer has recommended that Planning Committee undertake a site visit for this scheme on 17th April 2007.

Description

The site is a well established industrial complex on the south side of Radcliffe New Road and the adjacent metro line. The proposed extension would be built onto the existing polytred building which produces safety flooring, in the north east corner of the site. To the west and significantly elevated above the site are residential properties on Charter Avenue, Jubilee Avenue and Uplands Avenue. An embankment has recently been cut away and a retaining structure erected under a recently approved scheme (ref. 46086). To the north across the infilled lodge is the Metrolink line and houses fronting Radcliffe New Road. To the south and east is the remainder of the Polyflor complex. A Polytred extension is also nearing completion on the westerly part of the site (46773).

The application is seeking to utilise an existing bridge access to the west of 68 Radcliffe New Road to facilitate vehicular access to the area developed for the Polytred process on the westerly end of the site. It is stated within the supporting application statement that some 3 vehicle movements per day and that the access would be re-surfaced, landscaped and the immediate boundary with 68 Radcliffe New Road would be delineated with a 1.8m high wall.

Relevant Planning History

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

- 43847 - Demolition of and construction of new warehouse - Approved in February 2005.
- 46086 - Extension to existing Polytred building & retaining wall - Approved - 19/4/06.
- 46773 - Extension to existing Polytred building, the erection of 5No 10m high silos and a detached boiler house to the rear of the factory building. – Approved – 27/10/06.

Publicity

The application was publicised by letters sent to 55 properties on surrounding the site 26/3/07. A site notice was erected on 23/3/07. 42 letters of objection have been received as a result of this publicity from:

22, 26, 28, Uplands Avenue;

68, 70, 72, 74, 76, 78, 82, 84, 97, 99, 100, 102, 104, 105, 106, 107, 108, 111, 112, 114, 116, 121, Radcliffe New Road;

88, 88b, 90b, 90, 92, 92a, 92b, 94b, 96, Lowry Court;

4 Leicester Road; and on-line comments from Mr Marshall 2 Blenmar Close, Miss Truman

26 Uplands, Mr & Mrs Whelan 76 Radcliffe New Road, Mr & Mrs Holyoak 72 Radcliffe New Road and Mrs Leckie 68 Radcliffe New Road.

Points raised include -

- Detriment to residential amenity through noise, disturbance and levels of traffic. This proposal continues the years of environmental impact from their business upon residents surrounding this site.
- The factory generates noise, smells and dust and should be environmentally investigated.
- The factory has expanded significantly without regard to the surrounding residential property.
- The development would remove important green areas to the detriment of the locality.
- Residents are fed up with Polyflor threatening to re-locate their business should the business not get what it wants.
- There are inaccuracies within the application forms.
- Impact upon house prices.
- Loss of wildlife.
- Hazard upon children and pedestrians from HGV's using the site access.
- The development would make parking very difficult.
- Noise and vibration from moving vehicles.
- This firm carries out work with no regard to planning laws.
- There are already suitable accesses. Why is another access needed?
- There should be a reduction of Council tax rates should the proposals be approved.

Consultations

Traffic - Any response will be reported.

Drainage - Any response will be reported.

Environmental Health - Any response will be reported.

GMPTE/Metrolink – Any response will be reported.

GM Police - No objections.

Unitary Development Plan and Policies

EC3/1 Measures to Improve Industrial Areas

EC2/1 Employment Generating Areas

EN1/7 Throughroutes and Gateways

EN1/2 Townscape and Built Design

Issues and Analysis

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

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

The proposals are seeking to further facilitate the growth of the processes carried out at the site by seeking an access to an area of the site that is otherwise difficult to access by vehicles, onto a main classified road. The scheme would utilise an existing access point but would improve intervisibility, surfacing and improved pedestrian facilities. The key issue with the proposal is the impact upon residential properties at this westerly end of the site and

including the impact upon existing residential properties adjoining the access.

68 Radcliffe new Road currently fronts onto a busy roadway that provides a key access from Radcliffe to Whitefield and the motorway infrastructure. All manners of vehicles pass over this main road all hours of the day. The proposal would provide a concentrated point of access into the Polyflor site and whilst the application anticipates that only three vehicles would use this access per day, it is likely that more vehicles would use it. The application forms state that the access is intended for use between 0600hrs and 1800hrs daily. The access would also be gated. Should the proposals be supported, it is considered that a planning condition be imposed to restrict the use of this access to the hours put forward by the applicant.

To further protect the neighbouring property, the application indicates that a screen wall would be located along the boundary with this property. This would assist in protecting the dwelling from noise and the habitable room windows in the side elevation of the dwelling overlooking the access. Additionally, the scheme proposes no significant change to levels to the existing ones and as such there would not be any likelihood of revving engines having to cope with inclines.

On this basis, it is considered that the proposals would be acceptable with conditions and would conform with UDP Policy EC3/1 - Measures to Improve Older Industrial Areas.

Vehicular Access - The access point to Radcliffe New Road has been designed to facilitate intervisibility at its junction with Radcliffe New Road. Pedestrian foot ways would be maintained both along the main road and also into the access road on its westerly edge. This would also facilitate access to the Metrolink's maintenance steps down to the line. A full recommendation to the traffic matters shall be reported to Members within the supplementary report.

Pedestrian Access - There is an existing pedestrian route through from Radcliffe New Road to Uplands Avenue but this is not a definitive Public Right of Way. Further clarification is being sought on the use of the pedestrian access and Members shall be updated on this matter.

Landscaping - The design of the access road would permit a landscaping strip to be located along the easterly side of the roadway with the boundary of 68 Radcliffe New Road. The planting would be implemented in accordance with the provisions of a planning condition and would ensure that there would be no detrimental visual effect upon the visual amenities of the area. On this basis, the scheme would comply with Unitary Development Plan Policy EN1/7 - Throughroutes and Gateways.

Residential Amenity and Objections - The concerns raised by residents reflect a difficult relationship with the site over the years. The scheme is seeking to use an existing access point albeit to improve it. The site is continually subject to scrutiny from Environmental Health to ensure that there is compliance with Environmental Pollution Laws. Thus far, the site has been compliant and have ensured that they strive to continue to comply. The impact upon the value of a property is not considered to be material to the planning consideration. Residential properties do have a close interface with the busy and successful operational site and it is for this reason that conditions are attached to planning permissions to ensure appropriate relationships are maintained between the business site and residential dwellings.

With appropriate use of planning conditions to reflect the hours of use proposed for the access a balance could be achieved between the need for the development and the relationship to residential properties at this part 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 development would with conditions maintain an appropriate balance of residential amenity and the need for the development in the position shown on the accompanying plans. With conditions, the development would comply with the adopted policies of the Unitary Development Plan and there are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 1536/01, 1536/02, 1536/03 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 access road shall be used for vehicular access only between the hours of 0600hrs and 1800hrs daily. The access road outside these times shall not be used for vehicular access or egress and the gates indicated on the approved plans forming this decision shall remain locked to prevent vehicular access outside the permitted hours of use hereby approved.
Reason - To ensure an appropriate levels of residential amenity are maintained between the use of the access and the nearby residential properties pursuant to UDP Policy EC3/1 - Measures to Improve Older Industrial Areas.
4. Samples of the materials to be used in the elevation of the screen wall shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The approved materials only shall be implemented.
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. The landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building(s) is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

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

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 09

Applicant: Mr D Dunne

Location: LAND TO THE REAR OF 93, WHALLEY ROAD, SHUTTLEWORTH,
RAMSBOTTOM, BL0 0DP

Proposal: ERECTION OF DOUBLE GARAGE (RESUBMISSION)

Application Ref: 47731/Full

Target Date: 26/04/2007

Recommendation: Approve with Conditions

Description

The application site lies to the rear of 93 Whalley Road, Shuttleworth. This property was granted planning permission in 2003 (application no 40852/03) for a basement, ground and first floor extensions at the side, work to which is currently taking place. There is a track which runs between the site and No 93 and is used by vehicles to access the rear of properties No 81 to 93 Whalley Road. The land in question was allocated as an area of protected recreation open space in the 1997 Unitary Development Plan. However, the land is overgrown and does not fulfill a recreational function and as a result is being removed as protected land as a result of the 2006 recreation survey.

The application is for the erection of a double garage on the land to the rear of No 93. It would measure 6.2m deep and 9.2m wide, built in the same stone as the dwelling house and have a pitched slate roof. There would be a visitors parking space adjacent to the garage for the use by No 91. A previous application (reference 47082) was withdrawn in order to address the objection from No 91 that the provision of a parking space be made available.

Relevant Planning History

47082 - erection of double garage - withdrawn 1/12/2006

40466/03 - basement, ground and first floor extensions at the side - approved 17/7/2003

Publicity

Notification sent to No 81, 83, 91 and Tower View, Whalley Road. Objection letter received from No 91 Whalley Road on the following grounds:

- the proposed building would obstruct views from their garden
- it would reduce natural light to the rooms in the basement
- it would compromise the open aspect of the view from the kitchen window
- although a visitor parking space has been provided on this application, it does not reflect their original agreement.

Consultations

Highways Team - no objections to the proposal.

Drainage - no objections to the proposal.

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

EN1/2 Townscape and Built Design

RT1/1 Protection of Recreation Provision in the Urban Area

H2/3 Extensions and Alterations

SPD6 DC Policy Guidance Note 6: Alterations & Extensions

Issues and Analysis

Principle - The application site was allocated in the Unitary Development Plan under RT1/1 - Protection of Recreation Provision in the Urban Area which would restrict development which would incur a loss of outdoor public space. However, as a result of the previous summer's (2006) recreation survey, it is the intention to remove this piece of land from recreation protection as the land is overgrown and no longer fulfills a recreational function. The development is therefore not contrary to UDP Policy.

Proposal - Following permission to renovate and extend No 93, the applicant has purchased the land which forms this application. The proposed garage would utilise this piece of land to facilitate parking for the occupiers of No 93 as there is no on street parking to the front of the property. Access to the garage is via the unadopted road which serves the rear of the houses along this part of Whalley Road.

Residential amenity - The proposed garage would be approx 8m from the rear elevation of No 91. This property is 3 storey at the rear due to the steep slope of the site and has an obscure glazed window at lower floor level and kitchen window at first floor level. The living accommodation of this property is at first floor and second floor level and as such the proposal would be of sufficient distance from No 91 not to detrimentally effect natural light to this property and complies with the aspect standards of the council as set out in Development Control Policy Guidance Note 6 - Alterations and Extensions.

Visual amenity - The proposed building would be constructed from sandstone with a slate roof to match the adjacent houses and would therefore be in keeping with the character of the area. It would not be visible from the main road and is considered not to effect the visual amenity of the area in terms of size, scale and design and complies with both H2/3 - Extensions and Alterations and EN1/2 - Townscape and Built Design.

Access - This is off a communal lane to the rear of the properties fronting Whalley Road. The lane has a width of 3.5m at its narrowest point. It joins Whalley Road adjacent to No 93 and has been assessed by the highways team to be a suitable means of access to the proposed garage. As such the proposal conforms with UDP Policy H2/3 - Extensions and Alterations.

Objections - The issue of loss of light have been dealt with in the consideration of residential amenity above. With regard to the right to a view, this is not a material planning consideration. The amended plans include provision of a parking space for use by No 91. The agreement made between the objector and the applicant is a civil matter and not a material planning consideration.

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

Having studied the submitted documents, assessed the proposed development on site and taken into account any and all representations and consultation responses, the proposal is considered not to significantly reduce the amount of daylight or harm the outlook of the neighbouring property in terms of affecting their residential amenities, and would not detract from the general character of the area in terms of design, scale and size.

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 1/3/2007 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 external finishing materials for the proposal hereby approved shall match those of the adjacent houses. 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 10

Applicant: Hydes Brewery Ltd

Location: PACK HORSE, 52 WATLING STREET, AFFETSID, TOTTINGTON, BL8 3QW

Proposal: KITCHEN EXTRACTOR FANS / FLUES (RETROSPECTIVE APPLICATION)

Application Ref: 47673/Full

Target Date: 27/04/2007

Recommendation: Approve with Conditions

Description

The site is a long established public house within Affetside. It has recently been extended by a function room, dining room and kitchen areas under planning permission 44994 (see history below).

The site lies within the Green Belt, West Pennine Moors and Special Landscape Area. To the north on Watling Street is a row of stone cottages and to the south is the pub's main car park. To the east is another smaller car park with open land beyond.

This proposal is for retrospective permission for the kitchen extractor fans / flues on the kitchen extension elevation facing east onto the smaller car park.

Relevant Planning History

44994 - Demolition of existing garages and stores; erection of single storey rear extension to form new kitchen & function room - Approved Conditionally 04/10/2005

Publicity

11 surrounding properties have been notified. One letter of representation has been received from 58 Watling Street objecting to the proposal on the ground of noise of the fans. The letter states that he will object to the fans until there is a guarantee that any new fans will run as quietly as the previous fans did two years ago.

Consultations

Environmental Services – No objection subject to conditions

Unitary Development Plan and Policies

OL1/1 Designation of Green Belt
OL7/2 West Pennine Moors
EN9/1 Special Landscape Areas
EN7/2 Noise Pollution
EN1/2 Townscape and Built Design
S2/6 Food and Drink

Issues and Analysis

Principle – The principle of the extensions which the extractor fans / flues are on was approved under application 44994.

Therefore the main considerations of the application are the impact of the extractor fans / flues on visual amenity, the openness of the Green Belt, the character of the West Pennine Moors and Special Landscape Area and the effect on the residential amenity of the adjacent residential properties.

Visual Amenity – The extractor fans / flues are of a limited size and scale. Their position on the elevation means they are seen against the existing building and not as a separate item. Therefore the extractor fans / flues are considered acceptable in terms of effect on the visual amenity, the openness of the Green Belt, the character of the West Pennine Moors and Special Landscape Area and conform to Bury UDP Plan Policy Nos. OL1/1-Designation of Green Belt; OL7/2-West Pennine Moors and EN9/1-Special Landscape Areas.

The galvanised steel used for the extractor fans / flues are typical material for this type of equipment and whilst shiny and obvious at present will weather and become less prominent. Therefore the materials are considered acceptable and conform to Bury UDP Plan Policy No EN1/2-Townscape and Built Design.

Residential Amenity – There are two issues under residential amenity which are noise and odour. With regard to these two issues they can be adequately controlled by conditions attached to the consent and as such two conditions are recommended, one relating to noise and the other to odour. Therefore the proposal is considered acceptable and conforms to Bury Unitary Development Plan Policy Nos. EN7/2-Noise Pollution and S2/6-Food and Drink.

Comments on Representations – See Residential Amenity above.

Conclusion - The proposal is considered acceptable in terms of visual amenity, the openness of the Green Belt, the character of the West Pennine Moors and Special Landscape Area and the effect on the residential amenity of the adjacent residential properties. The proposal conforms to the Bury Unitary Development Plan Policy Nos. OL1/1-Designation of Green Belt; OL7/2-West Pennine Moors; EN9/1-Special Landscape Areas; EN7/2-Noise Pollution; S2/6-Food and Drink and EN1/2-Townscape and Built Design.

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 a size and scale that will not harm the openness of the Green Belt nor the character of the surrounding area nor will it adversely affect the amenities of surrounding residents. The proposal therefore conforms to the Bury Unitary Development Plan Policy Nos. OL1/1-Designation of Green Belt; OL7/2-West Pennine Moors; EN9/1-Special Landscape Areas; EN7/2-Noise Pollution; S2/6-Food and Drink and EN1/2-Townscape and Built Design.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. This decision relates to drawings numbered **AL(07)001 and AL(07)002** 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.
2. The noise emitted from the kitchen extractor fans and flue shall not exceed 42dB LAeq (1 minute) as determined at the premises boundary adjacent to the gardens to the rear of numbers 54 and 56 Watling Street.
Reason - To safeguard the amenities of the occupiers of the nearby residential

properties.

3. The development hereby approved shall not be brought into use unless and until a detailed scheme for treating fumes and odours before their emission to the atmosphere so as to render them innocuous has been submitted to and approved in writing by the Local Planning Authority; and upon approval, the approved scheme shall be entirely completed within 3 months from the date of this decision.
Reason - To ensure that the kitchen extraction is not used in a manner likely to cause nuisance and/or disturbance to occupiers of nearby properties.

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

Ward: Whitefield + Unsworth - Unsworth

Item 11

Applicant: VIRIDOR WASTE MANAGEMENT SUITED

Location: PILSWORTH SOUTH QUARRY, PILSWORTH QUARRY, OFF PILSWORTH ROAD, PILSWORTH, BURY

Proposal: WASTE RECEPTION, TRANSFER, RECYCLING AND PRE-TREATMENT FACILITY

Application Ref: 47617/Full

Target Date: 05/04/2007

Recommendation: Minded to Approve

Description

The application concerns a development at the Pilsworth South Quarry which is situated to the south of Pilsworth Road and just to the east of the M66 motorway. The proposal involves a 1.4ha section of the extensive sand quarry complex close to the motorway boundary and situated some 250m to the south of the Pilsworth Road entrance to the quarry.

Currently the quarrying of sand is proceeding extensively to the east of the site and has created a large void with the backfilling by controlled waste now occurring immediately to the east. The existing site compound with offices, car parking and weighbridge is situated immediately to the north. The application site is remote from any dwellings, with the nearest being Pilsworth Cottages 400m to the south and Jackson Fold across Pilsworth Road 420m to the north east. Otherwise most of the area on this side of the motorway, apart from the two quarry complexes is open land.

Vehicles bringing in waste to the site are currently driven directly onto the tip face to offload there. The proposal involves the construction of a waste reception, transfer and recycling facility. This would take the form of a 2808sq m waste reception building where all vehicles carrying in waste would discharge their loads under roof cover. The discharged waste material would then be loaded onto purpose built 'slave' vehicles that would run the waste to the active waste cells for disposal. These are specifically designed vehicles able to operate in any adverse weather conditions and transverse any terrain. Within the building it would be possible to inspect, categorise, separate and, if necessary, sort certain wastes before they are taken for disposal.

The building would have a curved roof to a maximum height of 13m with eaves at about 8m. It would be clad in profiled metal sheet cladding with the walls in moorland green and roof in goosewing grey. Around the building there would be concrete access aprons and ramps, a new weighbridge, together with new screen planting alongside the motorway. The existing substantial tree screen alongside the motorway next to the site would remain.

The development would remain for the duration of the landfill operations which the existing planning permission allows to continue upto 2023. On completion of landfill in that year or earlier, if that is the case all parts of the development would be removed and the site treated in accordance with the approved restoration masterplan.

The application is accompanied by a supporting statement and a design and access statement.

Relevant Planning History

33482/97 - Extraction of sand and gravel and restoration to agriculture and nature conservation habitats using controlled waste. Approved on 5th February 1998.

39700/02 - Extraction of sand, restoration to agriculture, woodland and amenity using controlled waste; demolition of Hill Top and Captains Farms and outline application for single two storey replacement dwelling. Approved on 17th August 2004.

45528 - Extraction of sand and gravel from extension area prior to creation of approved landscape buffer zone including part backfilling and restoration with controlled waste. Approved on 1st March 2006.

Publicity

Nine properties were notified, a site notice was displayed and a site notice published. No response has been received.

Consultations

Highways Team - No objections.

Drainage Section - No objections.

Highways Agency - No objections.

Environmental services - Recommend a condition concerning unforeseen land contamination. No adverse comments concerning air quality issues.

GM Geological Unit - Given the scale of the building in the Green Belt, the Council needs to determine whether there are special circumstances to overcome the presumption against arising from Green Belt policy. As the site is in a Special Landscape Area there is a need to assess the proposal in terms of its potential visual impact.

Environment Agency - No objections

Unitary Development Plan and Policies

OL1/2 New Buildings in the Green Belt

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

EN1/1 Visual Amenity

EN9/1 Special Landscape Areas

MW3/2 Waste Recycling and Bulk Reduction

MW4/1 Assessing Waste Disposal Proposals

MW4/2 Development Control Conditions (Waste)

Issues and Analysis

Principle - The site is situated within the Green Belt and, as it involves the erection of a building, the proposal needs to be assessed under Policy OL1/2. Any operation connected with the waste facility, excluding buildings, may be assessed under Policy OL1/5. As the building would not be for agricultural, forestry, recreation or dwelling purposes, it is considered that it involves inappropriate development in the Green Belt. It is then a matter for the applicants to put forward a case for 'very special circumstances'.

The applicant has submitted a supporting statement which explains that the application is for a building that will support the landfilling of waste operation which, following the minerals operation "...is a means to an end in achieving a high standard of restoration to beneficial after-users in sympathy with the landscape character and local amenities of the area". The building is required to aid the existing operations at the site and changes to Landfill Regulations due later this year are outlined. It is apparent that the building would assist in achieving the new procedures and compliance standards associated with the new regulations. Furthermore, the development is required for a temporary period, albeit for 16 years.

In addition the applicants argue that the site has high environmental standards and it is well maintained. It is further mentioned that "the site once restored will provide for informal recreational uses to benefit the wider community and in keeping with both Green Belt policy and its wider special landscape designation."

Given the case for the proposed facility as outlined in the applicants' statement, it is considered that the applicants have put forward a satisfactory case for 'very special

circumstances' for inappropriate development in the Green Belt.

As the building would have a floorspace of 2808 sq m and the proposal is in a Green Belt location, it involves a departure from the UDP. The Town and Country Planning (Green Belt) Direction 2005 applies to applications for inappropriate development in the Green Belt that involve buildings with a floorspace greater than 1000 sq m or other development that, by reason of its scale or nature, would have a significant impact on the openness of the Green Belt. The direction further states that where a local planning authority do not wish to refuse such an application they should consult with the Secretary of State at the relevant Government Office.

The New Landfill Regulations - The current situation whereby waste carrying vehicles need to be driven along internal haul roads right up to the tip face is undesirable in terms of health and safety concerns and the need to continue operations in adverse weather conditions. Problems encountered involve the stability of the vehicles, conflict with site operational vehicles and plant and the extra wear and tear experienced when they use the landfill area. The new Landfill Regulations due to come out on 30th October 2007 state that "landfill is only used for landfilling waste which is subject to prior treatment". Thus the provision of the waste reception building will enable the inspection of all waste within a covered area and procedures put in place to achieve compliance with the new regulations.

Design and Appearance - The building would be sizeable in the context of being on primarily open land. However, its height and extent is governed by the operational needs of vehicles discharging their loads within the building and the space required to operate in safety the storage, sorting, separating, recycling and loading activities. Nevertheless, the design and location has taken into account, where possible, the surrounding environment which includes a designation as Special Landscape Areas (Policy EN9/1). Thus the site is in a location that is least obtrusive in terms of the surrounding topography and the existing substantial tree screen along the motorway. The curved roof and use of 'heritage green' colour coating for the wall panels have been selected to fit in as much as possible with the green setting and local topography. In the near vicinity the appearance of the building would be absorbed by the nearby topography and tree screen, with the existing tree belt to be reinforced by additional planting. In terms of more distant views the main impact of the building would be that the top portion of the building may be partly visible over a long distance from the south and west and then only from a limited number of properties at an oblique angle.

It should also be noted that the structure would not be permanent but would remain in place only for the duration of the tipping operation and would be demolished on its completion.

Hours Restriction - The planning permission for the ongoing sand extraction and restoration by tipping is subject to a condition limiting the activity to 0700 hours to 1800 hours on Monday to Friday and 0700 to 1300 hours on Saturdays with no working on Sundays or bank holidays. With the current application the original details stated that the hours of operation would be 0600 hours to 2200 hours every day. The considerable discrepancy compared with the main consent has been raised with the applicants who have responded stating that they would, in fact, wish to operate the proposed facility for one extra hour before and after the permitted times for the main operation. This, they say, would allow the waste to be stored and sorted inside the building ready for transfer inside the building to the 'slave' vehicles that would then be run to the landfill area once it becomes open to accept the waste. Similarly at the end of the permitted landfilling operations an extra hour would be useful within the building for tidying up, sorting activities/essential maintenance in preparation for the following working day so that the 'slave' vehicles are not sat idle awaiting waste deliveries into the building. No Sunday or bank holiday operations would still be the case other than essential maintenance or emergency works, should the need arise.

The site is not in a sensitive location in relation to residential or other uses vulnerable to noise disturbance and it is, therefore, considered that the extra hour of operational use at each end of the working day would be acceptable and if permission is granted a time limit

condition should allow for this.

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 the application involves inappropriate development in the Green Belt, it includes a satisfactory case for 'very special circumstances' to justify the development. The visual impact of this temporary development would be mitigated sufficiently by existing and additional screen planting and through the design of the building. Given its temporary status, the development would not prevent the restoration of the site to informal recreational uses for the benefit of the wider community in accordance with the approved scheme. 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 landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building(s) is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan..
4. If during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales to the approval of the Local Planning Authority.
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
5. In connection with the operation and running of the waste reception building hereby approved no vehicular, machinery or other operations shall take place outside the hours of 1900 hours to 0600 hours Monday to Friday or 1400 hours to 0600 hours on Saturdays and there shall be no working or operations (other than essential maintenance or emergency work confined to inside the building) on any Sunday or public bank holiday unless previously agreed in writing with the Local Planning Authority.
Reason: To safeguard the environment and protect local amenity.

6. The development shall remain in place for the duration of the permitted landfill operations which is until 31st December 2023 or until when landfilling ceases on site, whichever is the sooner. The waste reception building, hardstanding areas and other associated structures shall be removed and the land fully restored in accordance with the already approved Concept Restoration Master Plan (ref: PS244 - D2a, revised on 17th July 2003) not later than the 12 months after the cessation of landfilling operations or in accordance with any subsequent variations to the approved landfilling operations or restoration scheme agreed beforehand in writing with the Local Planning Authority.

Reason: To safeguard the landscape character and appearance of the area.

7. This decision relates to drawings numbered 11765/00 Rev C, 11765/01 Rev C, 11765/02 Rev C, 11765/03 Rev C, 11765/04 Rev B, 11765/06 Rev B, 11765/07 Rev B 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: Whitefield + Unsworth - Unsworth

Item 12

Applicant: DANIEL THWAITES PLC.

Location: QUEEN ANN HOTEL, HOLLINS LANE, UNSWORTH, BURY, BL9 8JH

Proposal: PROPOSED EXTERNAL COVERED AREA

Application Ref: 47799/Full

Target Date: 07/05/2007

Recommendation: Approve with Conditions

Description

The Queen Anne Public House is situated on Hollins Lane between Queen Anne Close and St Georges Court. There is a car park to the rear of the pub and a grassed area, used as a beer garden adjacent to this. The area is predominantly residential in character with residential properties situated to the north on Queen Anne Close, to the south at St Georges Court and across Hollins Lane at the Rectory. The boundary with the houses fronting Queen Anne Close (Nos.2,4,6 and 8) is comprised of a 2m close boarded timber fence. There are some shrubs planted in front of the fence but they do not come above the fence itself. The rear elevation of the closest house, No.2 Queen Anne Close would be approximately 18m away from the proposed shelter. The rear garden boundary of the same property would be 10.5m away from the shelter.

The proposed covered shelter would accommodate smokers after the smoking ban comes into force in July this year. The timber structure would be attached to the rear elevation and would extend out 6.3m into the car park from the rear entrance. It would be 4.5m wide and have a flat roof (2.6m), covered with clear polycarbonate. The sides would be open. The plans do not indicate the shelter would have furniture.

It is proposed to have a light and a high heater within the structure.

Relevant Planning History

Not Applicable

Publicity

Immediate neighbours - One letter of objection from the occupier of 7 Hollins Square on Hollins Lane. Objections can be summarised as follows:

- The shelter would be too close to residential properties and would cause noise and disturbance, particularly in the evening.
- Dangers of passive smoke.
- Why are rooms not available if it is a hotel?

Consultations

Traffic Team - No objections.

Environmental Health - Recommends conditions restricting hours of use, loud speakers, lighting and furniture within the shelter.

BADDAC - No objections.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

S2/6 Food and Drink

H3/1 Assessing Non-Conforming Uses

Issues and Analysis

Appearance and Siting. The proposed shelter would with its open sides and flat roof, have a lightweight and inconspicuous profile. Situated to the rear of the pub, it would not be readily seen from the public highway. It could be viewed from the upper floors of the surrounding properties in Queen Ann Close. However it will not impact adversely on their outlook. In design terms the simple timber structure is considered to comply with the provisions of UDP Policy EN1/2 Townscape and Built Design.

Residential Amenity - UDP Policies S2/6 - Food and Drink and H3/1 - Assessing Non-Conforming Uses are concerned with issues of residential amenity such as noise, smell, visual intrusion and hours of operation. The concerns of the objector regarding noise and disturbance are relevant and material considerations. Given the open nature of the shelter there is liable to be increased noise from customers using it. However it is considered that the level of noise and disturbance would not be serious given the size of the area concerned, the boundary screening, the restrictions that can be imposed with regard to noise from loud speakers, furniture and the hours of use of the proposed shelter. It is considered reasonable to limit the use of the proposed shelter to 10pm, after which time customers in the shelter would be required to move back into the main building. It is also reasonable to prevent the introduction of tables and chairs into the shelter. This would reinforce the fact that the structure would be for those customers who wish to smoke and move back into the main building rather than stay for longer periods.

Access - The shelter would be accessed via the existing rear entrance door which has an existing disabled access ramp.

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 referred to above. The use of the property for accommodation is not a material planning issue.

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

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason for granting permissions can be summarised as follows;-
The proposals are considered to be appropriate and in keeping with the existing Public House and should not seriously harm the residential amenity of the immediate neighbours. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

2. 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.
3. This decision relates to drawings numbered QUEEN ANNE/PL/01 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.

4. Prior to development commencing, details of all external lighting and to the proposed shelter shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and maintained thereafter.
Reason. In the interests of residential amenity.
5. There shall be no loud speakers provided to the external areas, including the proposed garden shelter at any time.
Reason. In the interests of residential amenity.
6. The proposed 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.

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

