

**Ward:** Bury East

Item 01

**Applicant:** DANIEL THWAITES PLC.

**Location:** TWO TUBS INN, 19 THE WYLDE, BURY, BL9 0LA

**Proposal:** PROPOSED SMOKING CANOPY CONSISTING OF 4 UMBRELLAS

**Application Ref:** 47715/Full

**Target Date:** 01/05/2007

**Recommendation:** Approve with Conditions

### **Description**

The application site is the existing beer garden adjacent to the Two Tubs Public House, a Listed Building within the Bury Town Centre Conservation Area, opposite St Mary's Parish Church. The property next door has a side gable wall along the boundary with one small window at ground floor level and a small parking area at the rear. To the south is Castle Street the access road between the Two Tubs and the Robert Peel Public House opposite. There is disabled access to the front of the building and to the beer garden via The Wylde. The proposals are to erect four vinyl umbrellas in the beer garden which would accommodate smokers after the smoking ban comes into force in July this year. They would be permanently secured under ground level and operated using a crank mechanism.

### **Relevant Planning History**

37473/01 - Formation of beer garden - approved 2001.

### **Publicity**

The Territorial Army, Castle Street, St Mary's Church, The Rock and 5,7 The Wylde have been notified by letter on the 15th March. A press advert was posted on 22nd March and site notices displayed in the immediate vicinity on the 16th March. A letter of objection has been received from the Rector at Bury Parish Church, which has raised the following issue:

- the proposed development would increase the amount of anti-social behaviour within the town centre

### **Consultations**

Highways Team - no objections  
Environmental Health - no objections  
Conservation Officer - no objections  
GM Police Liason Unit - comments awaited

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

EN2/1 Character of Conservation Areas  
EN2/2 Conservation Area Control  
EN2/3 Listed Buildings  
Area Bolton Street/Market Place  
BY3  
C079 Woodfields, Bury  
EN1/2 Townscape and Built Design  
EN1/1 Visual Amenity  
EN1/4 Street Furniture  
EN7/2 Noise Pollution  
TC3 Bury Town Centre

### **Issues and Analysis**

**Principle** - The application site is located within the town centre and as such is assessed

against UDP Policy Area BY3 - Bolton Street/Market Place which states that the council will consider favourably proposals including leisure and tourism. The public house already has permission for a beer garden which was granted in 2001 and therefore the principle of an outdoor drinking area has been established. The proposed development would therefore accord with Area BY3 of the adopted UDP.

Siting and Appearance - The public house is a Listed Building located within a conservation area and is therefore subject to UDP Policies EN2/1 - Character of Conservation Areas EN2/2 - Conservation Area Control and EN2/3 - Listed Buildings. These policies seek to preserve or enhance the character and appearance of the conservation area, implement measures to preserve and protect these areas, and safeguard the character and setting of Listed Buildings. The proposed smoking shelter would encompass the erection of four umbrella type structures in the existing beer garden, which currently has a selection of wooden trestle tables and canvass umbrellas. The 3m high canopies would be situated neatly in the beer garden with 0.5m of the canopy visible above the existing wrought iron railings and gates. Although they are to be firmly fixed and semi permanent, they will be free standing and give the impression of being subservient to the building. They will also be hidden from most views by the body of the building. The Conservation Officer has no adverse remarks to make about the proposed canopies in relation to its impact on the conservation area or adjacent listed buildings. As such, the proposal is considered to comply with EN2/1, EN2/2 and EN2/3 of the Unitary Development Plan. The proposed development would not have an adverse impact on the amenity of the occupiers of the adjacent buildings given its town centre location. There is no objection to the proposal from Environmental Health and as such the proposal accords with UDP Policy EN7/2 - Noise Pollution.

Access - Access to the shelter would be made via the existing gate access to the beer garden on the side of the building. The main entrance to the building and the entrance gate to the beer garden have level access.

Objection - The objector is concerned the proposed smoking shelters would encourage smokers to drink outside and spill over into the church grounds opposite, causing increased disturbance. Given the pub garden has been established for some time and is within a town centre location, the potential increase in use of this area is considered not to contribute to any further noise or disturbance that already exists. The problems associated with people drinking on the pavement outside the public house is a matter for the police and Licensing Laws.

### **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 considered appropriate and in keeping with the existing Public House and would not have a detrimental impact on the streetscene and the character of the conservation area and all adjacent listed buildings. There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 6/3/2007 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.

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

**Ward:** Bury East

Item 02

**Applicant:** First Choice Caterers

**Location:** FIRST CHOICE CATERERS PREMISES AND LAND FORMERLY NOS. 4, 6 AND 8  
COOK STREET, BURY, BL9 0RP

**Proposal:** CHANGE OF USE FROM INDUSTRIAL (CLASS B2) TO WAREHOUSE (CLASS B8)  
AND  
CONSTRUCTION OF CAR PARK

**Application Ref:** 47825/Full

**Target Date:** 24/05/2007

**Recommendation:** Approve with Conditions

### **Description**

The application concerns a sizeable three storey formerly industrial building (2145m<sup>2</sup>) that previously formed part of a larger works. The building is attached at the north westerly end to the rest of the building complex but on the other sides it is set to back of pavement on Cook Street, Back South Cross Street East and a third back street that links the other two highways. There is 100% site coverage with no external areas for parking and servicing. There are two industrial access doors directly into the building from Cook Street.

After a period of being vacant the building recently became occupied by a cash and carry business. This includes wholesale warehousing but a large section of the ground floor is laid out and operated as a retail food supermarket. This dual use of the building is unauthorised as there is no planning permission for this use and it is currently the subject of enforcement action. A special report on the Enforcement position for this premises was provided to Committee on 17 April 2007.

The application also includes a plot of cleared land that the applicant is in the process of purchasing. This was previously occupied by a small industrial building and is situated across a back street just to the south east of the building involved in the application. The plot adjoins the gable end of a terraced house 10 Cook Street that has not been reinstated following the demolition.

The building and site are situated at a point where a predominantly industrial area meets a predominantly residential one. Thus, there are industrial premises directly opposite occupied by Senior Hargreaves and mostly terraced houses to the south and south east across back streets.

The proposal is to change the use of the building from an industrial use (Class B2) to a warehouse (Class B8). The application also includes a proposed car park with 17 spaces on the plot of cleared land that would serve the building.

In regard to the proposed change of use the applicant has confirmed that the application is not for the current dual use of the building as a shop and warehouse but for a Class B8 warehousing purpose only with any other uses being genuinely ancillary to the warehousing activity.

In addition to enforcement action there have been two applications for change of use refused recently. These include application 46628 for change of use from engineering workshop (Class B2) to wholesale warehouse (Class B8) with 10% retail use. The refusal was for reasons including inadequate access, servicing and car parking facilities, excessive traffic generation and intensified use causing a detrimental impact on the amenities of nearby residents, failure to demonstrate the acceptability of a significant retail use outside

the main shopping area of Bury Town Centre and the inclusion of contradictory information. A similar subsequent application 47113 but involving 20% retail use was also refused for similar reasons.

### **Relevant Planning History**

#### **Planning Applications -**

41640/03 - Change of use to drama and theatre workshop. Approved on 29th December 2003.

44667 - Demolition of existing buildings (4, 6 and 8 Cook St); erection of 4 terraced dwellinghouses. Approved on 29th July 2005.

46392 - Alterations to windows, emergency exits at rear and entrance at front; security roller shutters to windows and entrances. Refused on 18th July 2006 for the reason that the proposed rear entrances would cause traffic, parking and activity that would be seriously detrimental to the residential amenities of residential properties.

46628 - Change of use of existing engineering workshop (Class B2) into wholesale warehouse (Class B8) with 10% retail use (Class A1). Refused on 20th September 2006 for reasons including intensified use of a site with inadequate access and servicing detrimental to road safety and free flow of traffic, inadequate servicing and car parking leading to vehicle manoeuvres on the highway, a significant retail use outside the main shopping area of Bury town centre with no demonstrated sequential approach to site selection, impact on residential amenity due to inadequate parking servicing, car parking and contradictory information provided.

46717 - Change of windows and entrance at front and security roller shutters to rear and front windows and entrances (resubmission of 46392). Approved on 5th October 2006.

47113 - Change of use from industrial (Class B2) to wholesale warehouse (Class B8) with 20% retail (Class A1) occurring on the part of the ground floor area defined as "cash and carry grocery wholesale area". Refused on 21st December 2006 for reasons including being outside the main shopping centre of Bury Town Centre and being contrary to policies protecting the vitality and viability of the Borough's shopping centres, being contrary to Area Policy BY 10 that encourages and supports Class, B1, B2 and B8 business and industrial uses in the policy area, intensification of a use with inadequate car parking and servicing arrangements, sub-standard car parking provision/arrangements and impact of the use being seriously detrimental to the amenities of the adjacent predominantly residential area.

#### **Enforcement Action -**

A report was submitted to the 17 April 2007 meeting advising Members of the action taken and in summary is as follows:-

- A temporary stop notice was served on the owner of the building on 2nd February 2007 requiring the immediate cessation of use of the premises as a retail (Class A1) supermarket. This notice has since expired with no further action taken in regard to it.
- An enforcement notice was served on the owners of the building on 21st March 2007 concerning the unauthorised change of use of the land and property to a predominantly retail (Class A1) cash and carry supermarket together with some wholesale sales (Class B8) without the benefit of planning permission. An appeal has recently been lodged against the notice but has not yet been decided. Until the appeal is decided, the use is still unauthorised.

### **Publicity**

25 properties were notified on 12th April 2007. Two letters of objection have been received that raise the following matters:

- Senior Hargreaves are concerned about the amount of current use for retail purposes. The associated parking that is occurring on double yellow lines would seriously hamper their business, including the use of Cook Street by delivery vehicles entering their premises. They object to a request that has been made to have the double yellow line restrictions on Cook street removed.
- The owner of Al Masood Superstore on 134 Rochdale Road has objected to the construction of the car park because his building 53 Back of Heywood Street is situated

near to the proposed site for the car park.

### **Consultations**

Highways Team - Recommend conditions requiring the provision of full details of the car park.

Drainage Team - No objections.

Environmental Health - No response.

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

EC2/2 Employment Land and Premises

EC6/1 New Business, Industrial and Commercial

TC3 Bury Town Centre

### **Issues and Analysis**

**Principle** - The building could be used lawfully for Class B2 General Industrial use. The proposed change to Class B8 Warehousing would involve a continued use of the building for an employment use and this would comply with the aims of Policy EC2/2 that seeks the retention of existing employment land and premises outside Employment Generating Areas. The building, in terms of its design and layout, is suitable for continued employment use.

The building is situated within Bury Town Centre Policy Area BY10 where " The Council will ensure and promote proposals for business (B1) and industrial (B2 and B8) uses" The proposal is in conformity with this main aim of the policy.

**Car Parking** - Planning application 47311, which was for a change of use from Industrial (Class B2) to wholesale warehouse (Class B8) was refused for amongst other reasons, the lack of adequate servicing and car parking. That scheme sought to rely upon a limited number of 5 spaces within the building for car parking and servicing, through a single industrial door. This was considered not to be a reliable provision.

Currently the building lacks any off street car parking but the application does now include a proposal to construct a car park on a neighbouring plot of cleared land. This facility would provide a useful facility for the main development and would help alleviate pressure for parking on nearby streets. This facility would also go a long way to address the previous application's lack of servicing facility/car parking. Full details for the detailed construction of the car park have not been submitted but the layout showing the parking bays and one access point onto Cook Street has been provided. If permission is granted other details are capable of being dealt with by means of an appropriate condition. The car park layout does show the position of a bin store next to 10 Cook Street. Its design and purpose is unclear and the applicant has agreed that it is not to be considered as part of the application. The intended developers for the approved housing scheme that was to occur on the land have left the gable of 10 Cook Street in an unreinstated condition following the demolition of the former building on the site. Any consent should include a condition to ensure that this unsightly end wall would be properly reinstated as part of the car park construction.

The car park is situated within Bury Town Centre Policy Area BY11 where the emphasis is the enhancement of the residential character of the area. The car park would help reduce the number of cars being parked on the highway which would be of benefit to nearby residents.

**Residential Amenity** - It is considered that the use of the building for warehousing would have a similar impact on the amenity of local residents as the lawful Class B2 use. However, a Class B8 use normally generates less car parking demand. In addition, the application is supported by an element of off street car parking. Therefore, it could be argued that the proposed development could potentially have less impact on the residential amenities of the area than the current lawful use.

The Current Use of the Building - As described in the first section of this report the current dual use of the building for warehousing and as a retail shop is not the subject of the application. Issues that have arisen particularly due to the retail element are being dealt with separately through enforcement action and the applicant has appealed against an enforcement notice that has been served. The current presence of the unauthorised dual use and the enforcement action should not affect the outcome of the application which is for a different use of the building.

The Objections - the objection from Senior Hargreaves concerns the impact due to on street car parking associated with the current activity for a dual use for warehousing and retail purposes and this use is not the subject of the application. The letter from the Al Masood Superstore objecting to the car park proposal is not clear about the reason for the objection.

### **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 accords with the employment use of the existing building. The car park would help reduce any on street car parking caused by the development. There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. The use of the building for a warehouse (Class B8) purpose shall not be commenced unless and until the car park hereby approved has been constructed and made available for use.  
Reason. In order to ensure satisfactory off street parking provision for customers and visitors in the interests of the amenities of the area pursuant to UDP Policy EC6/1 - Assessing New Business, Industrial and Commercial Development.
3. Notwithstanding the details indicated on the approved plans, the construction of the car park hereby approved shall not be commenced unless and until full details of the proposed car park, including modifications to the Cook Street footway, proposed site levels and boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The car park shall not be constructed other than in accordance with the approved details.  
Reason. To ensure adequate off-street car parking provision, in the interests of highway safety and in order to ensure a satisfactory standard of development.
4. Notwithstanding the details shown on the submitted plans, the bin store shown on the car park drawing shall not be considered as part of the application.  
Reason. There are insufficient details to enable the proper consideration of the bin store.
5. The car park and change of use hereby approved shall not be implemented unless and until the exposed gable wall of 10 Cook Street has been reinstated to the written satisfaction of the Local Planning Authority.  
Reason. In order to protect the visual amenities of the area.
6. There shall be no deliveries or servicing of the premises using Back South Cross

Street East used in connection with the development hereby approved.  
Reason. To ensure that there is no undue impact upon residential amenity pursuant to UDP Policy EC6/1 - New Business, Industrial and Commercial Development.

7. The development hereby approved shall be for a Class B8 (Storage and Distribution) use only of the Town and Country Planning (Use Classes) Order 1987 as subsequently amended and shall not be used for any other purpose including any retailing uses.

Reason. For the avoidance of doubt, to minimise the impact of servicing and visiting to the premises upon surrounding residential properties and pursuant to UDP Policies EC2/2 - Employment Land and Premises and EC6/1 - New Business, Industrial and Commercial Development.

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



**Ward:** Bury East

Item 03

**Applicant:** BURY MBC

**Location:** BURY MBC ENERGY SHOWHOUSE, ACORN HOUSE, 150 WILLOW STREET,  
BURY, BL9 7PS

**Proposal:** INSTALLATION OF ONE WIND TURBINE ON SOUTH ELEVATION

**Application Ref:** 47872/Full

**Target Date:** 22/05/2007

**Recommendation:** Approve with Conditions

### **Description**

The site is a semi-detached brick and slate property in a short parade of shops. It does not have a specific zoning in the Bury UDP. The site is used as an Energy Show House on the ground floor with associated offices above.

148 Willow Street, the adjacent property is a newsagency shop with living accommodation above. The separation distance between facing side elevations is approximately 8m.

On the opposite side of Willow Street are semi-detached residential properties that are slightly elevated with a minimum separation distance of 23m to the site.

The proposal is for a wind turbine on a mounting pole on the side elevation. The height of the generator is 2.25m above eaves level with a blade sweep diameter of 1.75m. The overall length of the wind turbine (from front of the blades to the end of the tail fin) is 1.4m.

### **Relevant Planning History**

None

### **Publicity**

A site notice was posted and 13 surrounding properties have been notified by letter on the 11th April. No letters of representations have been received.

### **Consultations**

Environmental Health - No objection subject to appropriate noise condition.

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

PPS22 PPS22 Renewable Energy  
EN1/2 Townscape and Built Design  
EN4/1 Renewable Energy  
EN7/2 Noise Pollution

### **Issues and Analysis**

**Principle** - Planning Policy Statement 22 states that local planning authorities should encourage schemes for small scale renewable energy projects. In addition Energy Objectives 2 and 3 in Bury's Local Agenda 21 are to reduce energy demand and the use of non-renewable and polluting energy sources. Also Bury UDP Policy No. EN4/1-Renewable Energy supports proposals for sustainable energy sources subject to compliance with other policies and proposals of the Plan. Therefore the proposed wind turbine is considered acceptable in principle. Thus the main considerations of the application are the impact on visual and residential amenity.

Visual Amenity – The wind turbine would be sited approximately in the middle of the side gable at a height 2.25m above the eaves. The blades have a circumference of 1.75m and the wind turbine a radial sweep of 1.4m. The unit would be visible when approaching north up Willow Street and partially when approaching from the west along Shaw Street. It will also be seen in parts, due to layout and the two storey outrigger of Acorn House, from the gardens at the rear of the properties behind on Craven Street and Walnut Avenue. Whilst the wind turbine would initially appear unusual it is likely that the visual impact would lessen over time as micro turbines become more popular. In addition, the contribution made by the turbine towards reducing greenhouse gases would outweigh any minor harm to visual amenity. Therefore the proposal is considered acceptable in terms of visual amenity and conforms to Bury UDP Policies EN1/2-Townscape and Built Design and EN4/1-Renewable Energy

Residential Amenity –The manufacturer of the wind turbine proposed has not yet published the required noise data for this proposal to be addressed with regard to residential amenity. To safeguard the residential amenity of the surrounding properties a condition is to be attached that the turbine cannot be erected until this data has been received and agreed by the Local Planning Authority. This is to make sure the proposal conforms to Bury UDP Plan Policy No EN7/2 – Noise Pollution.

Comments on Representations - None received.

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

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

Having studied the submitted documents, assessed the proposed development on site and taken into account any and all representations and consultation responses; it is considered that the wind turbine hereby approved subject to condition will not cause demonstrable harm to the character of the area and as such not conflict with Bury Unitary Development Plan Policy Nos. EN1/2-Townscape and Built Design; EN4/1-Renewable Energy and EN7/2-Noise Pollution.

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 E06609A02A; 05802/03Rev A and other supporting documents received on 27<sup>th</sup> 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 Bury UDP Policy EN1/2 - Townscape and Built Design.
3. The wind turbine hereby approved shall not be erected unless and until data that demonstrates the level of noise emitted by the wind turbine will not cause loss of amenity in the area has been received and agreed in writing by the Local Planning Authority, unless otherwise agreed in writing.  
Reason. To protect the amenity of the occupants of the surrounding properties pursuant to Bury UDP Policies EN4/1-Renewable Energy and EN7/2-Noise

Pollution.

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

**Ward:** Bury East

Item 04

**Applicant:** Euro Garages Ltd

**Location:** MOTORWAY FILLING STATION, ROCHDALE ROAD, BURY, BL9 7DB

**Proposal:** REDEVELOPMENT OF SERVICE STATION

**Application Ref:** 47920/Full

**Target Date:** 05/06/2007

**Recommendation:** Approve with Conditions

### **Description**

The application site comprises an existing petrol filling station located at the junction of Wash Lane and Rochdale Road, close to the M66 motorway roundabout at Heap Bridge.

The site is a working petrol filling station, with a pub, car park and advertising hoarding to the east; terraced dwellings to the west, elevated in level compared to the petrol station by approximately 4m.

To the north of Wash Lane is a copse of trees with dwellings beyond and to the south is a Renault car Sales area.

The application is seeking the redevelopment of the petrol fill station building, renewal of tanks and new canopy to the forecourt. The shop would occupy the same end of the site as the current building but essentially treble the footprint of the building compared to the existing one to provide a shop area of 264sqm. The car wash and its access road would be removed from the site. The canopy would be located generally in the same location as the existing one. The Embankment to the west of the site would be landscaped.

### **Relevant Planning History**

There have been a number of applications affecting the site, however, the most relevant application is 46757 which was for the redevelopment of the existing petrol filling station. This application was withdrawn on 4/10/06 due to the lack of information on highways matters, unacceptable design of the building and lack of information on contamination issues.

### **Publicity**

The application was publicised by letters sent to neighbouring properties on 17th April 2007. As a result of this publicity, 1 letter has been received from 395 Rochdale Road. Points raised include -

- Two diesel pumps were erected close to the boundary of 395 Rochdale Road. There is noise and disturbance from the users of these pumps, doors closing and from radios.
- There are misleading comments in the application forms as more vehicles visit the site than the forms state.

### **Consultations**

Traffic Team - Any response shall be reported to Committee.

Drainage Team - Any response shall be reported to Committee.

Environmental Health - Any response shall be reported to Committee.

GM Police - Any response shall be reported to Committee.

Environment Agency - No objections.

Fire Officer - Any response shall be reported to Committee.

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

S4/4	Car Showrooms, Car Sales Areas and Petrol Filling Stns
EN1/2	Townscape and Built Design
EN1/7	Throughroutes and Gateways
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs

### **Issues and Analysis**

**Principle** - UDP Policy S4/4 provides assessment criteria for the consideration of proposals for Petrol Filling Stations, Car Sales and Car Showrooms. The site is an existing facility, which has operated on this site for many years. The scheme is seeking the redevelopment of the site and as such, subject to consideration of detailed issues, can be considered to be acceptable.

**Design and Layout** - A design and access statement has been submitted with the application. The developer has had pre-application meetings with the Local Planning Authority and Highways Team to determine whether the site layout could be amended to improve the relationship of the site, its facilities and position to the residential properties to the west. However, there are significant constraints on the locations of the underground tanks and piping systems and importantly, no other satisfactory layout could be achieved to accommodate vehicle flows and HGV's into the site to improve upon the existing layout. As a result of these discussions, the layout as presented is the best format.

The new shop building has been improved in design to provide surveillance to the forecourt areas and to have extensive glazing areas to the site. The side elevation would incorporate glazing to improve the surveillance and activity to Rochdale Road. The elevations are nonetheless simple and functional but would improve the appearance of the site compared to the existing building.

**Retail Element** - The scale of the shop element within the development is relatively conservative comprising 214sqm and would not be of a scale to warrant concern in terms of impact upon main retailing areas or other local shopping facilities and thus would not conflict with UDP Policy S1/2 - All New Retail Proposals. The nearest being approximately 1km to the west of the site on the fringe of the town centre.

**Residential Amenity** - As stated above, there are a number of issues that have been carefully assessed following the submission of redevelopment proposals of the site. This includes a new siting of the building in order to approve the relationship of this busy site with the nearest residential property. However, due to infrastructure constraints and access/egress requirements, this has not been possible to achieve. The current layout of the site represents the best arrangement of the site and in order to improve the relationship to the nearest dwelling the embankment is indicated to be landscaped and an acoustic fence could also be required. The latter is being sought at the time of writing this report. The landscaping details can be finalised and secured to be implemented through the imposition of a planning condition.

**Car Parking** - Some 6 spaces are proposed on the northerly edge of the site. One space would be allocated as a disabled space and would be closest to the shop entrance. The site is level and level access would be provided across the site and as such the proposals would comply with HT2/4 and HT5/1.

**Objections** - The objector raises concerns that the forms indicate a lesser number of vehicles than actually visit the site and also disturbance from users of the site. The impact of the numbers of vehicles visiting the site could be reduced through acoustic barriers and landscaping. Additionally, the objector questions the lawfulness of the HGV pumps located on the westerly boundary of the site. There have been no express granting of planning permission for any HGV pumps on this site and no record of complaints within the Enforcement Register. The lawfulness of the HGV pump is debatable and other applications

or aerial photographs do not clarify the situation. Objectively, should the pumps be submitted as part of this application their current siting is the best and safest position. As described above, there are ways in which the relationship between the residential property and this part of the site can be improved to enable the two uses to co-exist.

### **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 appropriate planning conditions permit the redevelopment of this site, which is in a prominent position fronting a key throughroute and gateway. The proposals would improve the appearance of the site and would comply with UDP Policies and there are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 3903: 01, 03, 04, 05 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development including any site preparation works. 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.
4. Prior to the commencement of the development, including any site preparation works, details of an acoustic fence to be located on the westerly boundary of the site, shall be submitted to and approved in writing by the Local Planning Authority. The siting of the fencing shall be agreed with the Local Planning Authority and the fence shall be erected prior to the shop building subject to this application, being occupied. The fence shall remain in situ in perpetuity with the purpose of sound amelioration upon the neighbouring residential property.  
Reason - To protect the residential amenities of the residents of 395 Rochdale Road and pursuant to UDP Policy S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations.

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

**Ward:** Bury East - Redvales

Item 05

**Applicant:** Richard Cort

**Location:** RICHARD CORT, 701 MANCHESTER ROAD, BURY, BL9 9US

**Proposal:** PRE-FABRICATED GARAGE FOR CAR WASHING AND VALETING  
(RETROSPECTIVE APPLICATION)

**Application Ref:** 47661/Full

**Target Date:** 29/05/2007

**Recommendation:** Approve with Conditions

### **Description**

The application seeks retrospective consent to retain a precast concrete detached garage in pebbledash finish with a shallow pitched galvanised steel roof. The garage measuring about 60 sq m has been erected towards the rear of the Manchester Road Richard Court car dealership and is used as a car valeting bay for their vehicles. The height at ridge at 2.9m is similar to that of a large domestic garage.

The location of the garage is next to the boundary of the site with Chelsea Street and Cliff Road. It is partly adjacent to the garden of a house 20 Cliff Road to the south. Levels drop to the east and north and this area is utilised as a compound for the open storage of vehicles. However, about 5 metres away on lower land there is the rear garden of a semi detached house 23A Leyton Drive. The house itself is about 12 metres away with its side elevation next to the boundary with the Richard Court land. There is a rear conservatory with side windows facing the boundary and two small secondary ground floor lounge windows inserted in the gable wall. Another house 25 Leyton Drive is to the north side of the compound with a blank side gable facing the garage at about 27 metres. This property also at a lower level to the garage has a rear conservatory next to the boundary.

The application is accompanied by a design and access statement. This indicates that the use for car valeting takes place between 8am and 5pm on Mondays to Fridays and from 9am to 12 noon on Saturdays. The activity, it is stated, involves the employment of 2 additional staff.

In response to queries raised by residents the applicant has provided details of the existing drainage system that serves the building. This includes drains to carry run off from the car valeting activity through two silt sumps, one just outside the building and the other within the lower car storage area. After passing through the second silt trap and when this fills up a pump is activated and the water is taken up to an interceptor that has been in place since the site was a petrol station. There is also a surface outlet on the north side of the garage that the applicant states takes the rain water from vehicles coming into the garage away to a soak away.

### **Relevant Planning History**

23964 - Shop/sales kiosk, car wash, and modification to canopy. Approved on 17th April 1990.

29002/93 - Alterations to existing garage. Approved on 25th November 1993.

31424/95 - Alterations and improvements to building and site of motor trade premises. Refused on 9th February 1996 on grounds of insufficient information..

41887/04 - Creation of secure site compound with 3m fence, van display and two 5m high security floodlights. Approved on 10th March 2004.

### **Publicity**

16 properties were notified on the 11th May. Two objections have been received. These are

from 23A and 68 Leyton Drive and the main points raised include:

- The recent adjacent development has not been carried out completely in accordance with the approved drawings.
- Concern about the method of draining water from vehicle washing. Has an interceptor been installed to safeguard the environment?
- There is a place at the side of the garage where water appears to escape.
- Does not want to have the problem of flooding at the side of her property in heavy rain made worse.
- The building is a complete eyesore when seen from Leyton Drive and is not in keeping with a residential area.
- Concern should the building be used for another purpose as it overlooks their property.
- The garden behind her house at Cliff Road is totally overshadowed with no regard to the residents.

### **Consultations**

Highways Team - No objections

Drainage Team - No objections

Environmental Health - No response

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

EN1/2 Townscape and Built Design

EN7/2 Noise Pollution

S4/4 Car Showrooms, Car Sales Areas and Petrol Filling Stns

### **Issues and Analysis**

**Design and Appearance** - The garage has the appearance of a longer than average double domestic pebbledash concrete garage and it does not look out of place at the back of the site close to rear gardens. The main views from highway areas are from Chester Street where it is adjacent to a warehouse and Leyton Drive where it is set well back from the frontage. It is therefore considered that the development would not be in conflict with Policy EN1/2.

**Residential Amenity** - The principal concern relates to the impact on nearby residents from the noise generated by car valeting equipment which includes a high pressure steam cleaner. The residents who have responded to the notification have expressed concerns about the appearance of the garage, how drainage is dealt with and loss of privacy and light but have not raised noise pollution as a problem. However, the activity associated with the garage has some potential for noise disturbance and in this regard any consent ought to ensure by a condition that the activity does not extend beyond the normal working day when, with less ambient noise, it would become more apparent. A condition requiring noise insulation to be carried in accordance with an approved scheme would also be appropriate. These conditions should ensure compliance with the requirements of Policy EN7/2.

**Drainage** - The objectors have raised concerns about the method of drainage from the building. This has been described by the applicant as in the description section of this report. The proposals show that the scheme is connected into a drainage system. The competency of the implemented details are currently being pursued under the Building Regulations to ensure that only appropriate water drainage utilises any soakaways to the correct BS standard, whilst roof areas and water collection drains connect into appropriate sumps.

**Privacy/overshadowing** - Potential loss of privacy has been raised by one of the objectors but the building lacks fenestration that could lead to overlooking. An overshadowing effect on the nearest house in Cliff Road is raised by this objector who is not the owner/occupier of this house. Part of the garage is next to the north end of the garden at 20 Cliff Road with



the resident's greenhouse situated between the garage and the house. The impact on light would not be significant and the affected occupier has not raised the matter.

The Recent Development - One of the objectors is concerned that the applicants have not carried out their recent development fully in accordance with the approved plans. However, their letter is not specific regarding the item/items raising that concern. During the case officer's site visit no feature of that scheme was recognised as raising significant concerns.

### **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 external appearance and scale of the garage are acceptable within the site context. Nearby residents can be adequately protected from excessive noise from valeting and car washing through appropriate planning conditions. There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The garage shall not be used for car washing and valeting outside of the following hours:  
0800hrs - 1700hrs on Monday to Friday  
0900hrs - 1200hrs on Saturdays  
There shall be no car washing or valeting activity carried out on Sundays.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation.
2. The building hereby approved shall be insulated in accordance with a scheme submitted to and approved in writing by the Local Planning Authority (LPA) in order to secure a reduction in the level of noise emanating from the property. The scheme shall be submitted to the LPA within one month of the date of this consent and the noise insulation work shall be completed to the written satisfaction of the LPA within three months of the date of this permission.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation.
3. This decision relates to drawings numbered CGB 09019/a, CGB 09019/b, the 1:200 scale site plan received on 3rd April 2007 and the drainage plan received on 1st May 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.
4. The garage/structure shall not be used for the a use in connection with motorised vehicle repairs or mmaintenance and shall be used only for the use of car washing and valeting.  
Reason - To safeguard the amenities of the occupiers of nearby residential accommodation EN7/2 - Noise Pollution.

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

**Ward:** North Manor

Item 06

**Applicant:** The Co-Operative Bank

**Location:** CO-OP STORE, 19-21 HOLCOMBE BROOK PRECINCT, RAMSBOTTOM BL0 9JH

**Proposal:** INSTALLATION OF 24 HOUR ATM CASH MACHINE IN EXISTING SHOP FRONT

**Application Ref:** 47840/Full

**Target Date:** 16/05/2007

**Recommendation:** Approve with Conditions

### **Description**

The application site relates to an existing local convenience store/shop within a row of other shops in Holcombe Brook precinct. Part of the shop extends under a canopy that runs along the front of the adjoining shops of the precinct, which stops at the application premises.

The store has been taken over by the Co-Operative chain and this application is seeking planning permission for the installation of an ATM cash machine within one of the window openings under the canopy of the shop frontage.

### **Relevant Planning History**

47324 - Ramped access and shop front alterations - Approved - 26/01/07.

47853 - Externally illuminated signage - Not yet determined.

### **Publicity**

28 letters were sent to properties within the precinct on 27/3/07. As a result of this publicity, three letters of objection have been received from The Brook Newsagent Unit 2 Holcombe Brook Precinct, flat 16 Holcombe Brook Precinct and 32 Newcombe Road. The letters state:

- The ATM would attract people and therefore noise below the residential flat;
- The car park would become a taxi point where people would withdraw cash and wait for taxis.
- The siting of the ATM would degrade the quality of life for residents.

### **Consultations**

Highways Team - No objections

G M Police Architectural Liaison - No objections.

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

S1/4 Local Shopping Centres

S1/5 Neighbourhood Centres and Local Shops

HT5/1 Access For Those with Special Needs

EN1/5 Crime Prevention

### **Issues and Analysis**

**Principle** - The site is allocated as a local shopping centre within the UDP. Policy S1/4 - Local Shopping Centres states that proposals should seek to maintain and enhance the provision of a range of shopping facilities to serve purely local needs. The nature of the development would provide an additional facility for the centre and would enhance the functionality of the centre. As such, the proposal is considered to be acceptable in principle.

**Siting and Security** - The ATM is intended to be located in a frontage position facing the public car parking area and next to the return elevation of the shop. This location would enable a reasonable level of passive surveillance from passers-by, users of the car park

whilst not directly facing the residential properties opposite. The machine is also lit from above by lighting under the canopy and there is also CCTV coverage of the it from a camera above the shop fascia next to the entrance.

The Greater Manchester Police Architectural Liaison Officer has been consulted on the proposals and has raised no objections to the scheme and it is considered that the development would comply with EN1/5.

Access - The ATM has been sited in the corner of the shop facing the foot of the access ramp. There are no obstructing bollards proposed immediately in front of the machine to restrict the foot way and as such, there would be unobstructed usage of the foot way for non-ambulant users although there are two other bollards protecting the plate windows to the side of the ATM, but these are not subject to this application. The ATM keyboard and screen height has been sited to meet Disability Disabled Act and ensure that it would be fully accessible. As such the proposals would comply with HT5/1.

Residential Amenity - The location of the ATM would not unduly impact upon residential properties that face onto the precinct as there is a significant distance between the development and houses opposite. There are however, residential properties above the shops within the precinct. That said, there is a canopy that would provide some level of protection in terms of amenity when people are using the ATM from the residents above. Additionally, it is not unreasonable to expect some levels of activity from members of the public from using a shopping precinct and its facilities. Notwithstanding this, this type of development is commonplace and tends to be used sporadically rather than being a centre of attention. As such, it is considered that the proposal would not have an undue impact upon amenity and is considered to comply with UDP Policy S1/5.

### **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 be an additional facility to this Local Shopping Centre, would not have any undue impact upon residential amenity and would have no undue impact upon residential amenity. The development would comply with UDP Policy 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 3737[RAMS] 01 rev. A and 02 rev. 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.

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

**Ward:** North Manor

Item 07

**Applicant:** Mr D Roe

**Location:** 7 HIGHER SUMMERSEAT, SUMMERSEAT, BL0 9UG

**Proposal:** DEMOLITION OF EXISTING DWELLING AND ERECTION OF A REPLACEMENT DWELLING

**Application Ref:** 47893/Full

**Target Date:** 25/05/2007

**Recommendation:** Approve with Conditions

### **Description**

The dwelling was located at the end of a terraced row of four properties, within the conservation area. To the rear of the dwelling was a single storey extension, which is replicated on the adjacent property. At the beginning of March, it was found that most of the existing dwelling had been demolished and just the front elevation of the dwelling remained. This is still the case.

A path runs along the rear of the terraced row. The curtilage to the application site is extensive and is located to the side and rear of the property. There is a 3 metre stone wall to No. 13 Higher Summerseat and a 2 metre fence on all other boundaries. The stone outhouse is located in the rear curtilage

### **Relevant Planning History**

44428 – Two storey extension at side, single storey extension at rear at 7 Higher Summerseat, Summerseat.

Approved with conditions – 7 June 2006

44436 - Residential development - 1 detached dwelling at land adjacent to 7 Higher Summerseat, Summerseat. Refused 27 July 2005

The application was refused as the proposal would have been detrimental to the residential amenity of the adjacent property by means of the height, form and position and the proposal would be detrimental to the character of the area.

47402 – Two storey side extension and single storey extension at side and rear at Higher Summerseat, Summerseat. Withdrawn – 14 February 2007

The application was withdrawn so that additional information could be submitted in relation to the design of the windows and to include some minor amendments.

47403 – Conservation area consent for the demolition of existing rear extension and detached outhouse at 7 Higher Summerseat, Summerseat.

Approved with conditions – 27 February 2007

47684 – Two storey side extension and single storey extension at side and rear at 7 Higher Summerseat, Summerseat. Withdrawn – 5 April 2007

The application was withdrawn as substantial demolition of the existing dwelling had occurred leaving only the front elevation standing and it was not possible to proceed with this application.

### **Publicity**

The neighbouring properties were notified by means of a letter on the 16th April. A press notice has been published. Site notices were posted on Higher Summerseat and Heath Avenue on the 16th April. One letter has been received from the occupiers of 13 Heath Avenue, which has raised the following points:

- The surrounding land and vegetation has been cleared.
- The impact of the proposal upon the mature trees in the garden
- The dwelling should be rebuilt using the existing materials

## **Consultations**

Highway Team – No comments to date

Drainage Team – No objections

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

Conservation Officer – The prominent elevations should be in stone to match the remainder of the terrace and render at the rear of the property is possibly acceptable. The external woodwork should be painted rather than stained. Further comment on the window detail will be reported at the meeting.

Landscape Practice – No comments to date

## **Unitary Development Plan and Policies**

H1/2 Further Housing Development

H2/1 The Form of New Residential Development

H2/2 The Layout of New Residential Development

EN1/1 Visual Amenity

EN1/2 Townscape and Built Design

EN1/3 Landscaping Provision

EN2/2 Conservation Area Control

HT2/4 Car Parking and New Development

SPD6 DC Policy Guidance Note 6: Alterations & Extensions

SPD7 DC Policy Guidance Note 7 - Managing the Supply of Housing

## **Issues and Analysis**

**Principle** - The proposed development involves the demolition of the existing dwelling, which is retrospective and the erection of a replacement dwelling on the site.

Policy H1/2 states that all new residential development should make a positive contribution to the surrounding area and should have regard to the heights and roof types of adjacent buildings, the position and proximity of neighbouring dwellings and the density and character of the surrounding area.

Policy H2/1 states that all new residential development should make a positive contribution to the surrounding area and should have regard to the heights and roof types of adjacent buildings, the position and proximity of neighbouring dwellings and the density and character of the surrounding area.

Policy H2/2 of the Unitary Development Plan states that the new residential development should demonstrate acceptable standards of layout including, adequate parking available, suitable landscaping and open space.

The proposed development would involve the replacement of the existing dwelling with a property that would reflect the extensions which were applied for in planning application 47684. Therefore, the proposed development would not result in an increase in the numbers of residential dwellings in the borough. It is considered that as the siting of the proposed development reflects the position of the original dwelling, that it is acceptable and there would be adequate space between the proposed and existing dwellings. The proposed development would incorporate off-road parking and a suitably sized garden would be provided. Therefore, it is considered that the proposed development is in accordance with Policies H1/2, H2/1 and H2/2 of the adopted Unitary Development Plan and DCPGN7.

**Impact upon the area and surrounding residents** - The siting of the proposed development reflects the original location of the dwelling and the proposed dwelling would not extend beyond the building line at the rear of the terraced row. Therefore, the proposed development would not result in an adverse impact upon the amenity of the occupiers of No. 5 Higher Summerseat. There are no openings within the gable elevation of the dwelling located to the north of the site. The residential dwellings to the rear of the application site

would be some 30 metres from the rear elevation of the proposed dwelling, which is well in excess of the aspect standards contained in DCPGN6. Therefore, it is considered that the proposed development would not have an adverse impact upon residential amenity and is in accordance with DCPGN6.

It is acknowledged that the proposed dwelling would be larger than the existing dwelling. However, the proposed curtilage would be acceptable for a property of this size and it should be noted that a two storey side extension and a single storey rear extension to the original dwelling were granted consent under application 44428. It is considered that the proposed development is acceptable in terms of height, form and scale and would be similar in appearance to the dwelling at the far end of the terraced row. The conservation officer has no objections to the proposal, subject to relevant conditions. It is considered that the proposed development is appropriate and would not impact upon the character of the conservation area. Therefore, the proposed development is in accordance with Policies EN1/1, EN1/2 and EN2/2 of the adopted Unitary Development Plan.

The submitted plans indicate that the tree located centrally, towards the rear of the existing curtilage is to be removed. It is considered that, as this tree is not native to the area, its removal and replacement with two trees is acceptable. The Landscape Practice has no objections to the proposal, subject to conditions relating to the replacement trees and the implementation of tree protection measures. Therefore, it is considered that the proposed development is in accordance with Policy EN1/3 of the adopted Unitary Development Plan.

Highways Issues - It is proposed to utilise the existing access onto Higher Summerseat. Two off-road parking spaces would be accommodated within the curtilage of the proposed dwelling and it is considered that this would be in accordance with the Council's adopted car parking standards. It is considered that the proposed development would not impact adversely upon highways safety and is in accordance with Policy HT2/4 of the adopted Unitary Development Plan.

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

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

The proposed development would not lead to an increase in the number of residential dwellings in the borough and is considered to be acceptable in height, form and scale. The proposed development would not have an adverse impact upon the amenity of the neighbouring residents and would not be detrimental to 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 1A and 2B and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development

is commenced.

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

4. Notwithstanding the terms of the General Development Order 1995, or as subsequently amended, no development shall be carried out within the terms of Classes A to H of Part 1 and Classes A and B of Part 2 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.

Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed below.

5. Prior to the development hereby approved commencing:

- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
- Where actual/potential contamination and/or ground gas risks have been identified, a detailed site investigation and suitable risk assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority;
- Where remediation is required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

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

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

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

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

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

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

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

where appropriate:

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

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

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

9. The development hereby approved shall not commence unless and until a scheme of protection for all trees surrounding the site in accordance with BS 5837:2005 "Trees in Relation to Construction" has been submitted to and agreed in writing by the Local Planning Authority. The development shall not commence unless and until the measures required by that scheme have been implemented, to the written satisfaction of the Local Planning Authority and all measures required by the scheme shall continue until the development has been completed.

Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

10. Prior to the commencement of the development, details of the size, species and location of the two replacement trees shall be submitted to, and approved in writing by the Local Planning Authority. It shall be implemented not later than 12 months from the date the building(s) is first occupied; and any trees removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees 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.

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



**Ward:** Prestwich - Holyrood

Item 08

**Applicant:** Innfield Ltd

**Location:** 456 - 462 BURY OLD ROAD, PRESTWICH, M25 1NL

**Proposal:** DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF NEW RETAIL UNIT  
(USE CLASS A1)

**Application Ref:** 47753/Full

**Target Date:** 11/06/2007

**Recommendation:** Approve with Conditions

**Cllr Donal O'Hanlon has requested that the application to be determined by the Planning Control Committee and in order for the Members to appreciate the issues the Borough Planning, Engineering and Transportation Officer has arranged a Committee site visit.**

### **Description**

The existing building consists of three units. The one large unit was in use as a car rental garage and the two much smaller units were in use as a hot food takeaway and a hairdressers. The existing building is a single storey building and is located in a local shopping centre, where the predominant use of the units is retail (Use class A1). To the front of the existing building is a parking area, which is shared with the other shops and beyond this is the main road and residential properties. To the rear of the application site, there is an access road, to all the retail units and beyond that there are residential properties.

The opening hours of the proposed retail unit would be from 06.00 to 00.00 on Monday to Saturday and from 10.00 to 23.00 on Sundays.

### **Relevant Planning History**

No previous applications on the site.

47485 - Change of use from residential to retail use including first floor extension at front; 2 x single storey side extensions; alteration of access from Bury Old Road and creation of car park at 446A Bury Old Road, Prestwich.

The application was refused on 7 March 2007 as there was insufficient and inconsistent information with regard to the detail of retail use to enable the proposals to be properly assessed; the proposed retail use would have lead to an unacceptable level of traffic movements on and off Bury Old Road in close proximity to a signalised junction and the proposal did not provide suitable access to the site for pedestrians.

47767 - Change of use of former tanning salon into two units, one use class A1 and one use class A5 at 462 Bury Old Road, Prestwich.

Received - 27 March 2007

### **Publicity**

The neighbouring properties were notified by means of a letter on the 17th April. 176 letters have been received from the following properties in Prestwich and Manchester:

2, 4A, 365, 399, 418, 434, 446, 446B, 448A, 454, 459, Greyland Medical Centre (460), 461, 465, 466, 471, 473, 475, 488, 490, 496 Bury Old Road; Flat 1, Singleton Court, Bury Old Road; Flat 1, Flat 2, Flat 3, Flat 5, Flat 6, Flat 11 Holyrood House, 434 Bury Old Road; 12, 20 Holyrood Court; 19 Holyrood Road; 5 Holyrood Grove; 134, 153, 184, 190, 192, 201, 205, 206, 206A, 212, 215, 251 Heywood Road; 15 Regal Close; 1, 10, 12, 20 Polefield Gardens; 2, 3, 14, 20, 32, 36, 37, 38, 47, 48, 50, 51 Polefield Grange; 1, 7, 9, 11, 13, 14 Polefield Approach; 1, 2, 4, 18, 22, 29, 45, 48, 50, 52, 60, 67, 68, 84, 104, 106 Polefield

Circle; 19, 21, 24, 39, 81 Polefield Hall Road; 4, 5, 9, 10, 13, 14 Langley Hall Road; 9, 28 Langley Avenue; 5 Langley Gardens; 7 Cotswold Close; 4, 6 Gilmore Drive; Cuckoo Lane; 2, 86 Warwick Lane; 2 Freshfield Avenue; 22, 24, 26, 28 Merton Road; 41, 74 Milton Road; 20 Daneshill; 4 Marton Grange; 9 Ferndene Road, Prestwich; 1534 Heys Road; 17 Albert Street; 4A, 12A, 29 Sealand House, Vine Street; 48 Simister Green; 32 St Austells Drive; Flat 2, Hillside Court; 64A Bannerman Avenue; 18 Orange Hill Road; 2 Turnbull Avenue; 2 Perrymead; 93 Glebelands Road; 2 Richmond Close, Whitefield; 15 Hastings Close, Whitefield; 15 Wolsey Street, Radcliffe; 24 Suthers Street, Radcliffe; 93 Harper Fold Road, Radcliffe; 214 Bolton Road, Radcliffe; 5 Battersby Street, Bury; 46 Dawlish Avenue, Manchester; 14 Heath Street, Manchester; 26 Wally Square, Salford; 6 Thornbury Walk, Manchester.

The following issues have been raised:

- The impact of the working hours on residential amenity
- The impact of the proposal upon the parking arrangements and highway safety
- The impact of the proposal upon the rear access road in terms of deliveries
- The modern design is not in keeping with the surrounding properties
- The application contains insufficient information to enable the extent of the proposal to be properly assessed, in terms of the specific use of the building.
- A recent planning application (47485) for retail development was refused as the proposal would be detrimental to road safety.
- Only 25% of the footprint has been in use as retail, the remaining 75% has been in use as a car rental garage

A letter has been received from Ivan Lewis MP, requesting that all the concerns of the objectors are taken into account before a decision is made.

### **Consultations**

Highways Team – No comments to date

Drainage Team – No objections

Environmental Health – No comments to date

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

EN1/2 Townscape and Built Design

EN1/7 Throughroutes and Gateways

EN1/8 Shop Fronts

S1/4 Local Shopping Centres

S1/5 Neighbourhood Centres and Local Shops

S3/3 Improvement and Enhancement (All Centres)

HT2/4 Car Parking and New Development

### **Issues and Analysis**

Principle - The proposed development involves the demolition of an existing car rental garage and two smaller retail units and the erection of a single larger retail unit on the site. The application site is located within a local shopping centre.

Policy S1/4 (Local shopping centres) states that the Council will seek to maintain and enhance these centres and will encourage the provision of a range of shopping facilities to serve the local need. Policy S1/5 (Neighbourhood centres & local shops) seeks to retain retailing as the predominant land use in the locality to cater for the day to day needs of local residents. Policy S3/3 (improvement and enhancement (all centres)) aims to encourage the refurbishment and improvement of existing centres and to actively promote regeneration within these areas.

The current use of the two smaller units and the single larger unit relate to a hairdressers, a fast food takeaway and a car rental garage. Therefore, the proposed development would result in retailing as the single land use on the site. The existing car sales unit consisted of approximately 320 square metres and the total floor space of the proposed unit would be

425 square metres, which is considered to be a modest increase. Therefore, the proposed development would be appropriate in scale for a local centre. The proposed development would result in additional retailing opportunities in the local centre and would bring a redundant unit back into use. Therefore, it is considered that the proposed development is in accordance with Policies S1/4, S1/5 and S3/3 of the adopted Unitary Development Plan.

Impact upon the surrounding area - The proposed development would replace a car rental garage and therefore, it is considered that the proposed development would lessen the impact upon the neighbouring residents in terms of noise. The residential properties at the front of the proposed development would be located some 39 metres away and it is considered would not be adversely affected by the proposal. The residential properties, which are located to the rear of the application site, are separated from the proposed building by the existing access road, which has a 2 metre hedge and fence running along its length. None of the residential properties directly overlook the application site and the proposed building would not be located any closer to these properties than the existing building. It is considered that the opening hours of the proposed development would not impact adversely upon the amenity of the neighbouring residents, subject to conditional control. Therefore, it is considered that the proposed development would not impact adversely upon the amenity of the neighbouring residents.

The proposed building would be positioned between a traditional two storey terraced row of shops and a single storey building at a lower level, due to the slope of the street. The proposed building incorporates a pitched roof, but due to the height of the parapet, the pitched roof would not be visible. The height of the proposed parapet matches the eaves height of the adjacent two storey terraced property, 464 Bury Old Road and would be approximately 1.3 metres higher than the parapet on the single storey property, 454 Bury Old Road. It is considered that the difference in height is appropriate in this case as a balance must be struck between the slight slope of the road and the differing heights of the two adjacent buildings. The design of the proposed building is considered to be functional and whilst it does not reflect the character of the adjacent properties, it is considered that the proposed building is appropriate in terms of height, form and scale. Therefore, the proposed development would be in accordance with Policies EN1/2, EN1/7 and EN1/8 of the Unitary Development Plan.

Highway Issues - The proposed development would not create any additional floorspace, although it would operate as one retail unit, rather than three separate units. Therefore, it is considered that the existing parking arrangements at the front, which are shared with the other properties within the local shopping centre, are acceptable. Level access would be provided to the shop. An objector has referred to a recent decision to refuse planning permission for the change of use to retail at a nearby property, for highway safety reasons. The application involved the formation of an access to the east of the signalised junction, solely for the use of this property. It was considered that although the proposed access was considered acceptable for use in conjunction with offices, the proposed retail use would result in more traffic movements and that the proposed access was not suitable for this level of use. As stated, the proposed development would utilise an existing access and parking facility and is considered to be acceptable. Therefore, the proposed development is in accordance with Policies EN1/2 and HT2/4 of the adopted Unitary Development Plan.

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

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

The proposed development is acceptable in principle and would not have an adverse impact upon the amenity of the neighbouring residents. The proposed development is considered to be acceptable in height, form and scale and 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 2233/010, 2233/001, 2233/003 C, 2233-110 B, 2233-101 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 in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. The use hereby permitted shall not be open to customers outside the following times: 06.00 to 00.00 on Mondays to Saturdays and 10.00 to 22.00 on Sundays and Bank Holidays.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy S1/5 – Neighbourhood Centres and Local Shops of the Bury Unitary Development Plan.
5. No deliveries shall be made to the building hereby permitted outside the hours of 08.00 to 22.00 on any day.  
Reason. In the interests of residential amenity pursuant to Policy S1/5 – Neighbourhood Centres and Local Shops of the Bury Unitary Development Plan

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

**Ward:** Prestwich - Holyrood

Item 09

**Applicant:** Innfield Ltd

**Location:** 462 BURY OLD ROAD, PRESTWICH, M25 1NL

**Proposal:** CHANGE OF USE OF FORMER TANNING SALON INTO TWO UNITS, ONE USE CLASS A1 AND ONE USE CLASS A5

**Application Ref:** 47767/Full

**Target Date:** 22/05/2007

**Recommendation:** Approve with Conditions

### **Description**

The existing building fronts onto Heywood Road. However, the existing building was originally part of an L-shaped building and as the main frontage was considered to be onto Bury Old Road, the address was given as 462 Bury Old Road. The existing building is a single storey building and is located on the edge of a local shopping centre, where the predominant use of the units is retail (use class A1). The building is currently in use as a tanning salon and operates as a single unit. To the front of the building is an existing vehicular access from Heywood Road and a small piece of land, which is in use as a parking area. There are additional parking facilities located on Bury Old Road. To the side of the application site, there is an access road to all the retail units and beyond that there are residential properties.

The opening hours of the proposed retail unit (A1) would be from 09.00 to 19.00 daily and the hot food takeaway (A5) would be from 11.00 to 00.00 on Monday to Saturday and 11.00 to 22.00 on Sundays.

### **Relevant Planning History**

No planning history on this site.

47753 - Demolition of existing buildings and erection of new retail unit (use class A1) at 456 - 462 Bury Old Road, Prestwich. Received 16 April 2007

### **Publicity**

The neighbouring properties were notified by means of a letter on the 5th April. One letter of objection has been received from 454 Bury Old Road, Prestwich, which has raised the following issues:

- No objections to the Class A1 use
- The impact of the Class A5 use on the adjacent properties, in terms of noise.
- The impact of the proposal on highway safety

### **Consultations**

Highways Team – No comments to date

Drainage Team – No comments to date

Environmental Health – No objections, subject to the inclusion of a condition relating to noise.

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

EN1/2 Townscape and Built Design

EN1/8 Shop Fronts

S1/4 Local Shopping Centres

S1/5 Neighbourhood Centres and Local Shops

S2/6 Food and Drink  
S3/3 Improvement and Enhancement (All Centres)  
HT2/4 Car Parking and New Development

### **Issues and Analysis**

**Principle** - The proposed development involves the change of use of a former tanning salon (class D2) to two smaller units, which would be used as a retail unit (class A1) and a hot food takeaway (class A5). The application site is located within a local shopping centre.

Policy S1/4 (Local shopping centres) states that the Council will seek to maintain and enhance these centres and will encourage the provision of a range of shopping facilities to serve the local need. Policy S1/5 (Neighbourhood centres & local shops) seeks to retain retailing as the predominant land use in the locality to cater for the day to day needs of local residents. Policy S3/3 (improvement and enhancement (all centres)) aims to encourage the refurbishment and improvement of existing centres and to actively promote regeneration within these areas.

Policy S2/6 states that the Council will have regard to the amenity of neighbouring residents, the concentration of Class A3, A4 and A5 uses within the area, the environmental impact of any ventilation flues and parking provision when considering proposals for restaurants, hot food takeaways and cafes.

The proposed two smaller units are considered to be appropriate in size for the local centre and would result in retail (class A1) in one of the two units. There are currently four hot food takeaways located in the local shopping centre, out of a possible 17 units. A planning application (47753) has been submitted to demolish one of the existing hot food takeaways and replace it with a retail unit (class A1). Therefore, the provision of an A5 unit would not change the character of the local centre and would not lead to an over concentration of A5 uses. The proposed development would result in additional retailing opportunities in the local centre and would bring a redundant unit back into use as two separate units. Therefore, it is considered that the proposed development is in accordance with Policies S1/4, S1/5, S2/6 and S3/3 of the adopted Unitary Development Plan.

**Impact upon neighbouring properties** - The proposed hot food takeaway has been sited away from the residential properties and Environmental Services has no objections to the proposal, subject to the inclusion of conditions.

It is considered that the proposed retail would not have a greater impact upon the neighbouring residents than the existing tanning salon.

The residential properties, which are located to the rear of the application site, are separated from the proposed building by the existing access road, which has a 2 metre hedge and fence running along its length. None of the residential properties directly overlook the application site and the proposed building would not be located any closer to these properties than the existing building. The nearest residential property would be located some 12 metres from the proposed retail unit and some 17 metres from the proposed hot food takeaway. It is considered that the opening hours of the proposed development would not impact adversely upon the amenity of the neighbouring residents, subject to conditional control. Therefore, it is considered that the proposed development would not impact adversely upon the amenity of the neighbouring residents.

The proposed development involves minor alterations to the existing building and includes the re-painting of the façade and the addition of a ramped access. It is considered that the proposed development would meet the needs of the mobility impaired and would not look out of place within the locality, subject to conditional control. Therefore, the proposed development would be in accordance with Policies EN1/2 and EN1/8 of the Unitary Development Plan.

**Highway Issues** - The proposed development would not create any additional floorspace, although the proposed development would create two units. It is considered that the existing

shared parking, accessed from Bury Old Road and the limited parking at the front of the property are acceptable. Level access would be provided to the property, by means of the ramped access. Therefore, the proposed development is considered to be in accordance with Policies EN1/2 and HT2/4 of the adopted Unitary Development Plan.

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

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

The proposed development is acceptable in principle and would not have a significant adverse impact upon the amenity of the neighbouring residents. The proposed development would not look out of place, subject to conditional control and 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 2243-010, 2243-101, 2243-110, 2243-120 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external ramped access shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. The retail use (A1) hereby permitted shall not be open to customers outside the following times: 09.00 to 19.00 daily. The hot food takeaway use (A5) hereby permitted shall not be open to customers outside the following times: 11.00 to 00.00 Monday to Saturday and 11.00 to 22.00 on Sundays.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy S1/5 – Neighbourhood Centres and Local Shops and S2/6 – Food and Drink of the Bury Unitary Development Plan.
5. Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before the use commences; any works approved shall be implemented to the written satisfaction of the Local Planning Authority before the use commences.  
Reason. In the interests of amenity pursuant to Policies S2/5 – New Local Shopping Provision Outside Recognised Shopping Centres and S2/6 – Food and Drink of the Bury Unitary Development Plan.

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

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

Item 10

**Applicant:** Buywell Ltd

**Location:** 257-259 BURY NEW ROAD, PRESTWICH, M25 9PB

**Proposal:** DEMOLITION OF EXISTING SINGLE STOREY RETAIL UNITS (2 NO) AND ERECTION OF 2 RETAIL UNITS (A1) WITH OFFICES (B1) AT FIRST FLOOR AND PARKING AT BASEMENT LEVEL AT REAR

**Application Ref:** 47616/Full

**Target Date:** 26/04/2007

**Recommendation:** Approve with Conditions

**Description**

The site comprises a pair of split level flat roofed shops that have been vacant for approximately 2 years. Both properties are in a dilapidated state and quite unsightly on the street scene. The properties immediately adjacent are two storey brick built shops with residential above. The small group of shops form the Bury New Rd/ St Ann's Rd Neighbourhood Shopping Centre which is within St Ann's Conservation Area. At the rear the buildings drop down and are accessed along the unmade track from St Ann's Road. Across the rear access road is the rear garden of No.4 St Ann's Road. To the north of the site is Prestwich Clough and across Bury New Road is St Marys Park.

It is proposed to demolish the existing premises and reconstruct two retail units at ground floor with offices at first floor. At the rear basement level there is a store and undercroft parking for four cars with a further car space in the hardstanding next to the turning area. The new building would be constructed in brick and grey slate to match the adjacent properties. The eaves level and ridge would carry through at the same height and window openings would have timber frames with reconstituted stone cills and heads. The new shop fronts would be aluminium framed with access from Bury New Road. The offices would also have a separate access at the front. See photos and plans.

Application ref 47875 on this agenda is the Conservation Area Consent for the same scheme.

**Relevant Planning History**

None relevant.

**Publicity**

Immediate neighbours were notified by letter on the 2nd March. A Site notice was posted on the 2nd March and a press notice has been published. One letter of objection from the occupier of 6 St Ann's Road. Concerns are summarised below:

- The new building would be effectively four storey at the rear and too big and out of character with the Conservation Area. (The plans have been revised and omit the second floor).
- Loss of light into his property.
- Increased overlooking.
- The development would exacerbate an already difficult parking problem in the area.

**Consultations**

Highways Team - No objection.

Environmental Health - No objection.

Drainage Team - No objection.

Conservation Officer - No objection to the revised plans.



## **Unitary Development Plan and Policies**

EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN1/7	Throughroutes and Gateways
S1/5	Neighbourhood Centres and Local Shops
EC5/3	Other Office Locations

## **Issues and Analysis**

Principle - Policy S1/5 Neighbourhood Centres and Local Shops promotes the retention of retailing within small centres in the Borough to cater for day to day needs of residents and businesses. The principle of retail units is considered to be acceptable given that the site is within the Neighbourhood Shopping area and the use of the existing units is retail (A1).

In terms of the two offices above the shops, Policy EC5/3 - Other Office Locations, states that other than Town and District Centres development for further office uses will not be permitted except for small scale developments providing a direct service to a local area. As the proposal is small scale and would enable what is a very unsightly feature on Bury New Road to be redeveloped there is no objection in principle for the use of the upper floor to be used for offices (B1).

Design and Appearance - The existing rather derelict and unsightly premises are clearly detrimental to the appearance of the street scene within St Ann's Conservation Area and have a adverse impact on the viability and vitality of the neighbourhood centre. The proposed new building, which has been amended to omit the second floor office space and rear dormers, would in terms of design and massing now be in keeping with the adjacent properties and constitute a positive improvement along Bury New Road which is a main route in the Borough. Policy EN1/7 Throughroutes and Gateways promotes improvement and removal of derelict buildings along main routes through the Borough. UDP Policy EN1/2 is relevant and states that favourable consideration will be given to proposals which do not have an unacceptable adverse effect on the character of an area, taking into account factors such as design, massing, materials, parking and the relationship to the surrounding area.

Viability of Neighbourhood Centre - Given the existing situation, the proposal will improve the vitality and viability of the shopping centre, particularly as the two replacement units would be A1 shops.

Traffic - The redevelopment of the site would allow improved access and parking arrangements at the rear of the premises. The parking provision of five car spaces with a turning area is considered to be appropriate for a development of this nature. The resited bin store is also acceptable.

Disabled Access - The premises would be fully accessible with a 1:15 ramped access from Bury New Road.

Residential Amenity - Given the size and mass and position of the new building in relation to the residential properties on St Ann's Road to the rear of the site, it is considered that the scheme would not have a seriously adverse impact on the residents. The rear elevation faces the back end of the garden areas that appear to merge with the adjacent Prestwich Clough and there is no direct window to window privacy issues. It is not considered there is any impact on light as the new building is a good distance away (approx 10m) to the north east of the garden area of those properties.

Objection - The objection from No.6 St Ann's Road has been addressed to some extent by subsequent revisions to the original scheme. The changes included:

- Omitting the dormers and office accommodation on the second/top floor.

- Re-configuring the area at the rear to improve parking and turning facilities.

Given the relative aspect between the new building and the objectors property, the completed scheme should not have a serious impact on light into his property. There is no serious overlooking problem as the upper dormers have been omitted and the building does not face directly into habitable room windows. The parking has been increased at the rear and should not cause serious problems on St Ann's Road.

The scheme is considered to comply with Unitary Development Plan policies listed above and make a positive contribution both to the appearance of the locality and viability of the shopping centre without serious detriment to residential amenity.

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

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

The proposed retail and office development would improve the vitality and viability of the existing neighbourhood shopping area and have a positive impact on the character of the conservation area. There would be no serious detrimental impact on the immediate neighbours or highway safety. Complies with policies listed.

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 RDL.BUY.PL.01revB, PL.02revB, PL.03revC, PL.4revA, PL06 and PL.07 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations, including window openings, 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 the Bury Unitary Development Plan policies EN1/2 - Townscape and Built Design and EN2/1 - Character of Conservation Areas.
4. No works shall be carried out on the site until full details of [the proposed roller shutter located at the front of the undercroft parking area have been supplied to and approved in writing by the Local Planning Authority and the works shall then be carried out in complete accordance with those details.  
Reason. In the interests of visual amenity and pursuant to Unitary Development Plan Policy EN2/1 - Character of Conservation Areas.
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. 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 **Tom Beirne** on **0161 253 5361**

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

Item 11

**Applicant:** Buywell Ltd

**Location:** 257-259 BURY NEW ROAD, PRESTWICH

**Proposal:** CONSERVATION AREA CONSENT FOR DEMOLITION OF EXISTING SINGLE STOREY SHOP UNITS

**Application Ref:** 47875/Conservation Area  
Consent

**Target Date:** 21/05/2007

**Recommendation:** Approve with Conditions

### **Description**

The proposed scheme is identical to the scheme proposed by application 47616 on this agenda and is required because it involves demolition within a conservation area.

The site comprises a pair of split level flat roofed shops that have been vacant for approximately 2 years. Both properties are in a dilapidated state and quite unsightly on the street scene. The properties immediately adjacent are two storey brick built shops with residential above. The small group of shops form the Bury New Rd/ St Ann's Rd Neighbourhood Shopping Centre which is within St Ann's Conservation Area. At the rear the buildings drop down and are accessed along the unmade track from St Ann's Road. Across the rear access road is the rear garden of No.4 St Ann's Road. To the north of the site is Prestwich Clough and across Bury New Road is St Marys Park.

It is proposed to demolish the existing premises and reconstruct two retail units at ground floor with offices at first floor. At the rear basement level there is a store and undercroft parking for four cars with a further car space in the hardstanding next to the turning area. The new building would be constructed in brick and grey slate to match the adjacent properties. The eaves level and ridge would carry through at the same height and window openings would have timber frames with reconstituted stone cills and heads. The new shop fronts would be aluminium framed with access from Bury New Road. The offices would also have a separate access at the front. See photos and plans.

### **Relevant Planning History**

Immediate neighbours have been notified by letter on the 2nd March, A site notice has been posted on the 2nd March and a press notice has been published. One letter of objection from the occupier of 6 St Ann's Road. Concerns are summarised below:

- The new building would be effectively four storey at the rear and too big and out of character with the Conservation Area. (The plans have been revised and omit the second floor).
- Loss of light into his property.
- Increased overlooking.
- The development would exacerbate an already difficult parking problem in the area.

### **Publicity**

None relevant.

### **Consultations**

Highways Team- No objection.

Environmental Health - No objection.

Drainage Team- No objection.

Conservation Officer - No objection.

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

EN1/2 Townscape and Built Design  
EN2/1 Character of Conservation Areas  
EN2/2 Conservation Area Control  
EN1/7 Throughroutes and Gateways  
S1/5 Neighbourhood Centres and Local Shops  
EC5/3 Other Office Locations

### **Issues and Analysis**

Principle - Policy S1/5 Neighbourhood Centres and Local Shops promotes the retention of retailing within small centres in the Borough to cater for day to day needs of residents and businesses. The principle of retail units is considered to be acceptable given that the site is within the Neighbourhood Shopping area and the use of the existing units is retail (A1).

In terms of the two offices above the shops, Policy EC5/3 - Other Office Locations, states that other than Town and District Centres development for further office uses will not be permitted except for small scale developments providing a direct service to a local area. As the proposal is small scale and would enable what is a very unsightly feature on Bury New Road to be redeveloped there is no objection in principle for the use of the upper floor to be used for offices (B1).

Design and Appearance - The existing rather derelict and unsightly premises are clearly detrimental to the appearance of the street scene within St Ann's Conservation Area and have a adverse impact on the viability and vitality of the neighbourhood centre. The proposed new building, which has been amended to omit the second floor office space and rear dormers, would in terms of design and massing now be in keeping with the adjacent properties and constitute a positive improvement along Bury New Road which is a main route in the Borough. Policy EN1/7 Throughroutes and Gateways promotes improvement and removal of derelict buildings along main routes through the Borough. UDP Policy EN1/2 is relevant and states that favourable consideration will be given to proposals which do not have an unacceptable adverse effect on the character of an area, taking into account factors such as design, massing, materials, parking and the relationship to the surrounding area.

Viability of Neighbourhood Centre - Given the existing situation, the proposal will undoubtable improve the vitality and viability of the shopping centre, particularly as the two replacement units would be A1 shops and for this reason it should be encouraged.

Traffic - The redevelopment of the site would allow improved access and parking arrangements at the rear of the premises. The parking provision of five car spaces with a turning area is considered to be appropriate for a development of this nature. The resited bin store is also acceptable.

Disabled Access - The premises would be fully accessible with a 1:15 ramped access from Bury New Road.

Residential Amenity - Given the size and mass and position of the new building in relation to the residential properties on St Ann's Road to the rear of the site, it is considered that the scheme would not have a seriously adverse impact on the residents. The rear elevation faces the back end of the garden areas that appear to merge with the adjacent Prestwich Clough and there is no direct window to window privacy issues. It is not considered there is any impact on light as the new building is a good distance away (approx 10m) to the north east of the garden area of those properties.

Objection - The objection from No.6 St Ann's Road has been addressed to some extent by subsequent revisions to the original scheme. The changes included:

- Omitting the dormers and office accommodation on the second/top floor.
- Re-configuring the area at the rear to improve parking and turning facilities.

Given the relative aspect between the new building and the objectors property, the completed scheme should not have a serious impact on light into his property. There is no serious overlooking problem as the upper dormers have been omitted and the building does not face directly into habitable room windows. The parking has been increased at the rear and should not cause any serious problems on St Ann's Road.

The scheme is considered to comply with Unitary Development Plan policies listed above and make a positive contribution both to the appearance of the locality and viability of the shopping centre without serious detriment to residential amenity.

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

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

The proposed retail and office development would improve the vitality and viability of the existing neighbourhood shopping area and have a positive impact on the character of the conservation area. There would be no serious detrimental impact on the immediate neighbours or highway safety. Complies with policies listed.

There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.  
Reason. Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. This decision relates to drawings numbered RDL.BUY.PL.01revB, PL.02revB, PL.03revC, PL.4revA, PL06 and PL.07 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 **Tom Beirne** on **0161 253 5361**

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

Item 12

**Applicant:** Board Of Governors

**Location:** OUR LADY OF GRACE RC PRIMARY SCHOOL, HIGHFIELD ROAD,  
PRESTWICH, M25 3AS

**Proposal:** NEW AFTER SCHOOL CLUB BUILDING

**Application Ref:** 47977/Full

**Target Date:** 14/06/2007

**Recommendation:** Approve with Conditions

### **Description**

Our lady of Grace Primary School lies within a residential area characterised by two storey detached and semi-detached houses. The proposed modular building which will be used for the after school club would be positioned in the south east corner of the existing playing field which is to the north of the main school building. The Metrolink line runs north to south along the eastern boundary of the field behind an grassed embankment. The northern, eastern and western boundaries of the playing field itself are lined by trees.

The modular building would be relocated from the Fairfax Road public car park where it was occupied by the Prestwich Pharmacy while the Radius development within Prestwich Town Centre was under construction. The building is steel framed with prefabricated panels has a floor area 15m by 12m. The flat roof would have a maximum height of 3m. The existing After School Club catering for between 18 and 28 children, occupies a dilapidated temporary building within the playground between the main school building and Willow Road. It is intended to remove this unsightly building from the site. The new unit would also comprise a store for sports equipment thereby enabling the removal of an existing steel container, currently used for this purpose, from the playing field.

It is indicated within the application that the school intends to lessen the impact of the new unit by painting the timber facias a darker green to match the main school building and adding planters around it.

Permission is sought to site the building for a period of 5 years. Proposed hours of opening would be 0800 to 1800hrs Monday to Friday, although at present the after school club operates between 1530 and 1700hrs. The morning opening would allow an option in the future for a 'breakfast club' in the morning. It is not the intension to increase the numbers of children within the building at any one time.

### **Relevant Planning History**

Extensions to School Buildings with erection of Temporary Classroom - Approved 13/8/92

### **Publicity**

Immediate neighbours have been notified and one letter has been received from the occupier of No.19 Willow Road stating that the traffic and parking around the school is problematical and any further development would make the situation worse.

### **Consultations**

Highways Team - No objection.

Drainage Team - No objection.

Environmental Health - No comment.

Serco Metro - No comment.

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

EN1/2	Townscape and Built Design
CF2	Education Land and Buildings
CF5	Childcare Facilities
HT5/1	Access For Those with Special Needs

### **Issues and Analysis**

**After School Facilities** - The new After School Building would improve facilities at the school and as such comply with Unitary Development Plan Policy CF2 Education Land and Buildings. This policy states that where appropriate the Council will consider favourably proposals for the provision, improvement and dual use of educational facilities.

**Design and Appearance** - Policy EN1/2 Townscape and Built Design is considered to be relevant. The new building would allow for the removal of the existing dilapidated and unsightly temporary After School Club building thereby improving the street scene along Willow Road. In terms of the appearance of the replacement building to the north of the main school, this would be set well away from the nearest residential properties overlooking the playing field (approx 50m away), set back against the adjacent embankment and would be screened by existing boundary trees.

**Residential amenity** - Given the location of the new building in the south east corner of the playing field and the proposed hours of opening (0800 to 1800 Mon-Fri), it is unlikely that the after school activities within would cause undue disturbance to local residents. Parents pick up children on Highfield Road at present and the use of the new After School Club would not affect that pick up point.

**Disabled Access** - The proposal indicates the provision of a stepped and a ramped access to and from the building and a level path between the building and the main school.

**Traffic** - Although the proposed after school club building would be larger than the cabin it is replacing, the number of children would not increase beyond the current use. Therefore the number of vehicular movements is unlikely to increase. Given that this is the case, the objection from the occupier of Willow Road with regard to traffic is not considered to be a strong enough objection to warrant refusing the proposal. Moreover it is likely, given the siting of the new building, parents would be more likely to use Highfield Road to park and collect children than Willow Road.

**Objection** - The issues with regard to traffic have been addressed in the Traffic section above. The proposal is considered to be acceptable and complies with Unitary Development plan Policies.

### **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 new After School unit would improve facilities at the school and enable unsightly dilapidated building to be removed from the site. The new unit would be positioned and decorated to reduce its visual impact. Traffic generation would not be significantly above the existing levels. Complies with Unitary Development Plan policies listed. 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. Permission is hereby granted for a limited period only, namely for a period expiring 5 years from the date of this decision notice, and the building for which permission is hereby granted are required to be respectively removed and discontinued at the end of the said period and the land reinstated to its former condition unless a valid application is received by the Local Planning Authority for its retention.  
Reason. The development is of a temporary nature only.
3. This decision relates to drawings numbered 20072707/001, 002, 003 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 commencement of development full details of the proposed disabled access ramp and balustrade shall be submitted to the Local Planning Authority for written approval. No development shall commence unless and until written permission is given by the Local planning Authority.  
Reason. To ensure that the development is fully accessible to disabled persons pursuant to Policies HT5/1 – Access for Those with Special Needs of the Bury Unitary Development Plan.
5. Within one month of the siting of the proposed after school building the existing temporary classroom on the Willow Road playground and steel container on the playing field shall be removed from site to the written satisfaction of the Local planning Authority.  
Reason. In the interests of the visual amenity pursuant to Policies EN1/2 Townscape and Built Design

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

**Ward:** Radcliffe - North

Item 13

**Applicant:** Mr W Johnson

**Location:** 75 MOSS SHAW WAY, RADCLIFFE, M26 3NR

**Proposal:** TWO STOREY EXTENSION AT SIDE/REAR; SINGLE STOREY EXTENSION AT FRONT; SINGLE STOREY EXTENSION AT REAR

**Application Ref:** 47489/Full

**Target Date:** 13/04/2007

**Recommendation:** Approve with Conditions

**The former Councillor and Chairman, Cllr Keith Grime requested that the application to be determined by the Planning Control Committee and in order for the Members to appreciate the issues the Borough Planning, Engineering and Transportation Officer has arranged a Committee site visit.**

### **Description**

The application site is located in a mature residential area of Radcliffe. 75 Moss Shaw Way is a semi detached property attached to 1 Litchfield Road. The area is characterised by semi detached properties and many have been extended over the years.

The proposal is for a two storey side extension with single storey extensions to the front and rear. The extensions are to be built of brick with tiled roofing. The existing flat roofed garage attached to the original property has already been demolished and the side extension is on this floor plan.

### **Relevant Planning History**

None

### **Publicity**

Neighbours have been notified by letter on the 16th February. Objections have been received from the occupiers of 1, 3 & 4, Litchfield Road, 17 Chatsworth Road and email from an unknown address. In addition a letter has been received from Ivan Lewis MP supporting the comments of 1 Litchfield Road. The objections can be summarised as follows:

- loss of light
- disturbance from building works
- detrimental impact on character of the area
- loss of property value

### **Consultations**

None

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

H2/3 Extensions and Alterations

SPD6 DC Policy Guidance Note 6: Alterations & Extensions

### **Issues and Analysis**

**Design** - the extensions are all brick built with tiled roofs and match the original property in both scale and massing. There will be no detrimental impact on the street scene and as such the proposal complies with Development Control Policy Guidance Note 6 - Alterations and Extensions.

Residential Amenity - the majority of the proposed extensions, whilst being at the side of 75 Moss Shaw Way are at the rear of 1 Litchfield Road due to the layout of these semi detached properties. The proposed extension is some 3m deep and single storey in height, on the boundary with 1 Litchfield Road. This complies with the guidance in DCPGN 6 with regard to single storey extensions. The two storey element of the side extension is set some 1.6m from the boundary and is designed in such a way as to meet the 1m and 45 degree rule for 2 storey extensions. As such this complies with DCPGN 6.

Objections - Loss of light - The proposed extension is on the northern side of the windows affected by the extension. 1 Litchfield Road already has a 3m deep single storey extension at the rear and this already affect the light to the ground floor windows at the rear of the original house. Whilst there will be some impact on the light to this window from the extension the main impact is from the existing extension and it is not considered that the proposed extension would have such a great impact as to warrant refusal.

Impact of character of the area - The design of the various extensions is in keeping with the existing dwelling and as such is acceptable.

The issues of disturbance during building works and loss of property value are not planning issues and as such not material to the determination of the application.

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

This application was determined having regard to Policy H2/3 "Alterations and Extensions" of the Bury Unitary Development Plan and Development Control Policy Guidance Note 6 "Alterations and Extensions". Planning permission has been granted because the proposals accord with the policy and guidance in that the design is of an acceptable standard which would not adversely affect the character of the area nor the amenity of nearby residents, and would not adversely impact on highway safety issues. There are no other material planning 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 16th February 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 existing building.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

For further information on the application please contact **Amanda Heys** on **0161 253 5323**

**Ward:** Ramsbottom and Tottington -  
Ramsbottom

Item 14

**Applicant:** Mr T S Mort

**Location:** LAND AT SHEEP HEY FARM, LEACHES ROAD, SHUTTLEWORTH,  
RAMSBOTTOM, BL0 0ND

**Proposal:** TIPPING OF INERT WASTE (CLAY AND SUBSOIL ONLY) (RESUBMISSION)

**Application Ref:** 47771/Full

**Target Date:** 17/05/2007

**Recommendation:** Approve with Conditions

### **Description**

The application site comprises a hollowed out section of land located within a field belonging to Sheep Hey Farm. The site is some 0.22ha in size and is part of a much wider area of grazing land. The site is within an area of special landscape value and within the Green Belt accessed off Leeches Road and over a bridge, on the westerly side of the M66 motorway.

The application comprises a proposed landfilling operation of some 2,500 cubic metres of inert waste comprising clay and sub soil. An anticipated maximum of 10 vehicles per day are suggested by the applicant. The land would be graded to remove the hollow in the land and be restored with grass over. The site development works and tipping operation is intended to take some 4 months to complete; 9 months is envisaged for restoration and 5 years aftercare. The purpose specified for the development is to enable the land to be used as rough meadow and to be incorporated into the rest of the field for grazing.

### **Relevant Planning History**

These applications are around the holding itself, not the same application site as the current application.

33506 - Conversion of existing buildings to form 6 dwellings - Approved - 13/10/97

33808 - Agricultural Building - Withdrawn - 17/12/97

34789 - Erection of Agricultural Building - Approved - 10/12/98

43717 - Stable Block and Tack - Refused - 19/1/05 - Allowed on Appeal - 2/8/05

46756 - Tipping of inert waste (12500 cubic metres) - Refused - 24/11/06 - due to the quantities of tipping involved, the longevity of the operation and the impact arising from the scale of the operations upon the Special Landscape Area.

0047 - An Enforcement Notice was served on 21/5/04 which sought to remove non-agricultural machinery and to stop the tipping of stone. An appeal against the enforcement notice was submitted and the decision of the inspector was to allow the notice in part by requiring the applicant to remove some of the non agricultural related machinery but permitted the tipping of stone, which was required to improve the drainage of the site. A stone crusher was allowed to be retained on site as it was required to carry out works for the improvement of land drainage and also the removal of stone from the river (granted under licence from the Environment Agency). Costs were awarded against the Council for excessive and unreasonable steps sought within the notice. Appeal Decided on 18/2/05.

### **Publicity**

The application has been publicised by direct letters sent on 29/3/07 to 32 properties including Sheep Hey Farm, Whalley Road and Leaches Road Shuttleworth. Site Notices were erected on 5/4/07. As a result of this publicity, 10 letters of objection have been received from the following addresses - 388, 390, 398 Whalley Road; 3, 5, 8 Sheep Hey,

email from Colin Duckworth including 2 petitions with 16 and 7 signatures on them respectively.

Points raised include:

- Whalley Road is already busy with traffic. The scheme would worsen the situation.
- Leaches Road is a quiet Road and the additional traffic would create a hazard to other traffic and pedestrians.
- The traffic would use what is essentially a track, which is part of the Rossendale Way. To allow this type of traffic would be a dereliction of public duty.
- There is a lack of traffic control measures on Whalley Road.
- The scheme entails 20 vehicle movements per day which is excessive and dangerous.
- How can the importation of inert waste be validated?
- Stone has already been brought onto the site.
- A series of questions are raised about many of the applicant's answers provided on the application forms.

### **Consultations**

Highways Team - No objections.

Drainage Team - No objections.

Environmental Health - Add conditions concerning the need to ensure that imported material is not contaminated. In terms of pollution control, both noise and dust are likely to be the main generators of nuisance. Both of these matters would come under the ambit of the Pollution Control Act.

Environment Agency - No objections.

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

- OL1 Green Belt
- OL5/2 Development in River Valleys
- EN6/4 Wildlife Links and Corridors
- EN9/1 Special Landscape Areas
- MW4/1 Assessing Waste Disposal Proposals

### **Issues and Analysis**

Principle - The site is located within the Green Belt and also within an Special Landscape Areas (SLA). UDP Policy EN9/1 - Special Landscape Areas considers that any development should be sympathetic to its surroundings in terms of visual impact. High standards of design, siting and landscaping will be expected and unduly obtrusive development would not be permitted.

Policy OL1/5 - Mineral Extraction and Other Development in the Green Belt seeks to maintain the openness and expects that environmental standards will be maintained and the site be well restored.

Policy MW4/1 - Assessing Waste Disposal Proposals accepts the principle of waste developments where (relevant parts of the policy only are stated)

- there would be no adverse impact on dwellings, other environmentally sensitive properties in terms of visual amenity, noise, dust, air pollution, surface water smells or vibration;
- is acceptable in terms of traffic generation and road safety;
- would have no detrimental effect upon agricultural holdings or would lead to a loss of agricultural land;
- would not have a detrimental impact upon SLA's, river valleys or are biologically and ecologically important; and
- where the proposals include a satisfactory scheme of aftercare.

Given the above, the proposals can be considered acceptable subject to detailed assessment.

Need - The applicant's agent has submitted a supporting statement that confirms that the development is required to restore an existing agricultural tip area, which currently detracts from the allocated Special Landscaped Area, as defined within the UDP. This area is where the stone crushing operation has been carried out. The proposals have been significantly scaled down from the previous application proposals, to provide a minimal amount of work in order to restore the appearance of the land. The area subject to the proposals does appear to have been previously tipped and there is evidence of loose stone and chipping within the structure of the soil. The proposals would enable a hollowed area of the field to be level with the surrounding land and would improve the site's contribution to the special landscaped area. As such, the proposals would comply with Policy EN9/1 - Special Landscape Areas.

Scale and Longevity of the Operations - The proposals seek to import 2500 cubic metres of clay and subsoil to infill a hollow area of land within an existing field over a period of 4 months, which includes site preparation works. The hollow deepens to a ravine, running in a westerly direction although unlike the previously refused scheme, this ravine is not intended to be tipped. The scheme indicates that an embankment would be created, which would rise up to the surrounding land level. This is a much reduced scale of works compared to the previously refused scheme, which had intended to take some 12-18 months to complete.

In order to bring the tipping materials into the site, the applicant states that some 125 vehicles maximum would be required to infill the hollow. Numbers of vehicles could vary from day to day and the applicant indicates a maximum of 10 in any one day. Flows into the site will vary dependent upon the availability of materials to be tipped.

This proposal now seeks a significantly reduced scaled operation, which would address concerns previously raised on 46756. Given these matters, it is considered that the proposals would not, on the basis of the scale of the development proposed, significantly impact upon the amenity of the residential properties at the entrance into Leaches Road nor the residents of Sheep Hey Farm. As such, the proposals would conform with UDP Policy MW4/1 - Assessing Waste Disposal Proposals.

Traffic - The scheme represents a much reduced operation than previously proposed. The access to the site via Leaches Road is narrow but does contain a suitably wide access point onto Whalley Road with good intervisibility. There are passing points along the lane and at the bridge crossing and access into the site would be some 120m from residential properties to the north. The tipping operation would be a further 145m from the access point. This distance would be sufficient so as to not cause any significant impact upon those properties. The Traffic Team have been consulted on the proposals and have raised no objections to the proposals.

Whilst it is accepted that there are no protected footways along Leaches Road, the width of the roadway and long stretches of visibility should ensure that both pedestrians and other road users would be mutually visible to each other. Furthermore, the length of time that the proposals are seeking to bring in materials into the site and limited numbers of vehicles, it is considered that there would be no undue conflict between the tipping vehicles and other road users.

Whalley Road is a relatively busy road and the numbers of vehicles that would be generated from this scheme is unlikely to be perceptible.

Given the above, it is considered that the proposal would be acceptable in terms of traffic considerations and would comply with MW4/1 - Assessing Waste Disposal Proposals.

Aftercare - The supporting statement with the application confirms that the applicant has

previously restored sites within the holding successfully and indeed these are in current agricultural use. The proposed re-instatement would be simple and comprise topsoil placed as a final layer which would then be seeded, fertilised, mown or grazed. A period of 5 years aftercare is proposed and stated within the supporting information. This aftercare period and re-instatement can be conditionally controlled. This methodology is considered to be acceptable in terms of MW4/1 - Assessing Waste Disposal Proposals.

Residential Amenity - The operational site would be some 260m from the nearest dwellings, which are to the north of the application site. This is considered to be a reasonable distance from the operation. However, to ensure that wind blown materials do not carry over from the site to the dwellings, it is considered that a planning condition be imposed to ensure that appropriate mitigation measures are utilised as stated within the supported documentation.

In terms of the relationship to properties at the entrance to Leaches Road fronting onto Whalley Road, the reduced scale of the development compared to the previously refused scheme, would mean that the impact from passing vehicles accessing the site would not demonstrably impact upon them. There is a potential from engines revving when sat at the junction waiting to enter Whalley Road due to the rising levels of Leaches Road, however, traffic flows on Whalley Road are never that significant so as to lead to a significant concern from tipping vehicles revving their engines. As such, with these considerations, it is considered that the proposals would conform with MW4/1 - Assessing Waste Disposal Proposals.

Enforcement Issues - The applicant and sites within the ownership of the applicant has been subject to an enforcement notice to stop the process of stone crushing and soil stripping and also the removal of machinery. This notice was appealed against. The appellant was partly successful in that the stone crusher was permitted to be retained on site for the purposes of improving drainage. The Enforcement Team are monitoring this situation. Despite this history, the stone crusher is accepted to be permitted on site (see enforcement appeal APP/T4210/C/04/1154535) and no other unauthorised works are going ahead.

### **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 proposal represents a limited operational development of infilling which would improve the site's appearance within the Special Landscape Area and also in terms of its contribution to the agricultural value of the site. The development with conditions would ensure that appropriate levels of amenity would be secured and there would not be any undue traffic concerns with the proposal. The development would comply with the adopted policies of the UDP and there are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. Permission is hereby granted for a limited period only, expiring on 22 May 2010.  
Reason. The development is of a temporary nature only.
2. This decision relates to drawings numbered P436/01, P436/03 received 22 March 2007, supporting letter dated 24 February 2007 and 3 May 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. A minimum of 5 working days written notice shall be provided to the LPA of intended commencement of the development including any site preparation works. The notification of commencement shall include a timetabled schedule of the intended works to be carried out, which shall meet the following criteria:
  - i) 4 months from the date of commencement including site preparation works, all tipping activities shall cease on the site and a written notification of the end of the tipping operation shall be forwarded to the LPA.
  - ii) 9 months from the date of written notification of the end of the tipping operation details of all restoration works to be carried out on the site; and
  - iii) 5 years for the implementation of the restoration works and aftercare of the site.

All machinery required for operations listed in (i) and (ii) above are required to be respectively removed from the site and operations described above must be discontinued at the end of the said period unless a valid application is received by the Local Planning Authority for their retention.

Reason. To ensure that the development is carried out in accordance with the approved plans and pursuant to Policies EN9/1 - Special Landscape Areas and MW4/1 - Assessing Waste Disposal Proposals Bury Unitary Development Plan.

4. A detailed methodology relating to the control of dust control for the duration of the tipping and restoration activities shall be submitted to the Local Planning Authority prior to any site preparation works commencing. The methodology shall be implemented during the tipping and restoration period unless otherwise agreed in writing .

Reason. To ensure that the development does not unduly impact upon the residential amenities of residential dwellings on Sheep Hey Farm and pursuant to UDP Policy MW4/1 - Assessing Waste Disposal Proposals.

5. Adequate turning space and wheel washing facilities shall be provided at a location that shall be agreed in writing with the Local Planning Authority prior to the site preparation works commencing. The wheel cleaning facilities shall be implemented and brought onto the site prior to the first commencement of any works and remain on site throughout the proposed tipping operations. All tipping vehicles leaving the site shall pass through the wheel wash facilities immediately prior to egress onto Leaches Road so as to prevent the deposition of mud or other extraneous materials on the highway.

Reason. In the interests of highway safety, the amenities of the area and pursuant to UDP Policies EN9/1 - Special Landscape Areas and MW4/1 - Assessing Waste Disposal Proposals.

6. The development hereby approved is for the tipping of subsoil and clay materials only and no putrescible waste materials or building rubble shall be brought onto the site for the purposes of tipping.

Reason. For the avoidance of doubt and to protect the residential amenities of nearby residential properties pursuant to UDP Policy MW4/1 - Assessing Waste Disposal Proposals.

7. Topsoil, subsoil and clays brought onto the site shall not be mounded to exceed 3 metres in height from the existing ground levels as shown on drawing P436/03 throughout the period of tipping and there shall be no storage of materials outside the tipping area unless otherwise agreed in writing with the Local Planning Authority throughout the duration of the development hereby approved.

Reason. In the interest of the visual amenities of the area and pursuant to UDP Policy EN9/1 - Special Landscape Areas.

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



**Ward:** Ramsbottom and Tottington -  
Ramsbottom

Item 15

**Applicant:** S L Homes Ltd

**Location:** LAND ADJACENT TO 171 PEEL BROW, RAMSBOTTOM, BL0 0AY

**Proposal:** ONE DETACHED DWELLING (REVISED SCHEME)

**Application Ref:** 47831/Full

**Target Date:** 14/05/2007

**Recommendation:** Approve with Conditions

### **Description**

The application site comprises a small piece of land and is located adjacent to the dwelling at the end of the terraced row, No. 171 Peel Brow. The current use of the site is as a driveway and garden to the adjacent property. There are residential properties located to the north, east and west of the application site and the residential properties to the north are at a higher level (approximately 2 metres) than the application site.

### **Relevant Planning History**

44908 – Outline residential development – 1 detached dwelling on land adjacent to 171 Peel Brow, Ramsbottom, BL0 0AY. Approved with conditions - 29 September 2005.

47290 - Erection of one detached dwelling (reserved matters) on land adjacent to 171 Peel Brow, Ramsbottom, Bury, BL0 0AY. Approved with conditions - 23 January 2007.

### **Publicity**

The neighbouring properties were notified by means of a letter. One letter of objection has been received from the occupier of No. 1 Cheshire Court, which has raised the following issues:

- The proposed development would lead to a loss of light
- The proposed development would lead to a loss of privacy

### **Consultations**

Highways Team – No objection, subject to the inclusion of a condition

Drainage Team – No objections

Environmental Health – No objections, subject to the inclusion of a condition

Cleansing – No comments to date.

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

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
HT2/4	Car Parking and New Development
HT4	New Development
SPD6	DC Policy Guidance Note 6: Alterations & Extensions
SPD7	DC Policy Guidance Note 7 - Managing the Supply of Housing

### **Issues and Analysis**

**Principle** - The application site benefits from planning permission for the erection of a single dwelling from January 2007. This application seeks approval for the erection of one dwelling of a different design. Therefore, as consent already exists for a single dwelling, the proposal

would not add to the number of residential units with consent. Therefore, the proposal is acceptable in principle and would not add to the oversupply of housing within the borough. The proposed development is in accordance with Policies H1/2, H2/1 and H2/2 of the adopted Unitary Development Plan and DCPGN7.

Impact upon neighbouring properties - There is a landing window and a door within the gable elevation of the adjacent dwelling, No. 171 Peel Brow and as there are no habitable windows located within the corresponding elevation of the proposed dwelling, it is considered that the proposal would not impact adversely upon the amenity of the neighbouring dwelling.

The application site is at a lower level than that of the dwellings on Cheshire Court. As a result, only the first floor element of the proposed dwelling would be visible to the occupiers of this dwelling. There would be a distance of 3.7 metres between the proposed and existing dwelling and it is considered that there would not be a significant adverse impact upon the amenity of the occupiers of No. 1 Cheshire Court in terms of loss of light. There are three windows located within the western elevation of No. 1 Cheshire Court and two relate to a bathroom. Therefore, the only habitable room window facing the application site is located at the northern end of the dwelling and would overlook the access road and rear garden, rather than the gable elevation of the proposed dwelling. Therefore, in terms of amenity, the proposed development would not result in a loss of light or privacy to the occupier of No. 1 Cheshire Court.

The eaves of the proposed dwelling would be approximately 0.4 metres lower than the eaves of the adjacent terraced property, 171 Peel Brow. In an ideal situation, the height of the proposed dwelling should match that of the existing dwelling. However, it is considered that the difference in the height of the existing and proposed dwelling is appropriate in this case as a balance must be struck between the slope of the road and the height of the bungalow to the north of the site. Therefore, it is considered that the proposed dwelling is appropriate in terms of height, form and scale and would not look out of place within the locality. Therefore, the proposed development would be in accordance with DCPGN6 and Policy EN1/2 of the adopted Unitary Development Plan.

Highway Issues - The existing use of the application site is as a driveway and residential curtilage. The proposed development would utilise the existing vehicular access from Peel Brow with some minor alterations to ensure that there are adequate visibility splays. The proposed development would incorporate two off-road parking spaces, by means of a drive and garage, in accordance with the Council's adopted car parking standards. The highways section has no objections to the proposed development, subject to the inclusion of conditions. Therefore, it is considered that the proposed development would not have an adverse impact upon highway safety and is in accordance with Policy HT2/4 of the adopted Unitary Development Plan.

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

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

It is considered that the proposed development is appropriate in principle and would not add to the oversupply of housing within the borough. The proposed development is appropriate in terms of height, form and scale and would not impact upon the amenity of the neighbouring properties. Therefore, the proposed development is considered to be acceptable and complies with the policies within the adopted Unitary Development Plan. There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

**Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 1101-01A, 1011-02A, 1011-02(1)A, 1011-03A, 1011-04A , 1011-05A, 1011-06A, 1011-07A, 1011-08A and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. Prior to the development hereby approved commencing:
  - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
  - Where actual/potential contamination and/or ground gas risks have been identified, a detailed site investigation and suitable risk assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority;
  - Where remediation is required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.
5. Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved remediation strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the conclusions and actions taken at each stage of the works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.  
Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.
6. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site, and;  
The approved contamination testing shall then be carried out and validity evidence (laboratory certificates etc) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site.  
Reason. To secure the satisfactory development of the site in terms of human

health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

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

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

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

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

8. Notwithstanding the boundary details indicated on the approved plans, pedestrian visibility splays in accordance with Figure 114 of Design Bulletin 32 'Residential Roads and Footpaths – 2<sup>nd</sup> Edition' shall be provided on land within the applicants control at the junction of the proposed driveway with Peel Brow before the dwelling hereby approved is first occupied and shall subsequently be maintained free of obstruction above the height of 0.9m

Reason. To ensure the intervisibility of the users of the site and the adjacent highway in the interests of road safety.

9. Notwithstanding the terms of the General Development Order 1995, or as subsequently amended, no development shall be carried out within the terms of Classes A to H of Part 1 and Classes A and B of Part 2 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.

Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed below.

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

**Ward:** North Manor

Item 16

**Applicant:** United Co-Op Late Shop

**Location:** CO-OP STORE , FOURWAYS, LONGSIGHT ROAD, HOLCOMBE BROOK,  
RAMSBOTTOM BL0 9SH

**Proposal:** EXTERNALLY ILLUMINATED SHOP FASCIA SIGNS AND WINDOW VINYL TO  
FRONT AND /POSTER FRAME TO SIDE

**Application Ref:** 47853/Advertisement

**Target Date:** 18/05/2007

**Recommendation:** Approve with Conditions

### **Description**

The application site relates to an existing local convenience store/shop within a row of other shops in Holcombe Brook precinct.

The store has been taken over by the Co-Operative chain and this application is seeking advertisement consent for the Co-Op branding of the building.

The scheme comprises a 900mm high fascia panel which would be externally illuminated by trough lighting. The other advertisements in the main windows are internal and do not require express consent.

### **Relevant Planning History**

47840 - ATM machine into existing shop front - Not yet determined and also on this agenda.  
47324 - Ramped access and shop front alterations - Approved - 26/01/07.

### **Publicity**

36 Letters were sent to properties within the precinct, Bolton Road West and also on Longsight Road on 5 April 2007. As a result of this publicity, one objection letter has been received from 11 Longsight Road. Points raised centre upon the illumination of the sign shining into their property, which is opposite the site.

### **Consultations**

Highways Team - No objections subject to the addition of a condition ensuring the direction, fixing and colour of the signage.

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

EN1/7 Throughroutes and Gateways  
EN1/9 Advertisements

### **Issues and Analysis**

**Visual and residential amenity** - The signage has already been carried out on the property and is of the same dimensions and siting as the previous signage. Such signage is readily seen on commercial property of this type and given the relationship of the property to residential housing, the external illumination would appear less harsh than an internally illuminated sign, which was previously there. There is a reasonable aspect distance between the shop and the residential dwellings opposite some 35m separated by a car park and a busy main road. With these mitigating factors it is considered that the signage would not have any undue impact upon visual amenity.

In terms of residential amenity, there are illuminated signs to other shops within the precinct.

However, these are partly masked by a canopy covering the footway in front of the shops. The application premises stands in front of the row of shops and as such is more exposed than its neighbouring shops. The signage therefore does appear to be more assertive on this premises. Residential amenity can be ensured by attaching a condition controlling the hours of illumination of the signage, which would ensure an appropriate relationship between the replacement signage and the houses opposite.

Highway safety - The signage does not conflict with the main highway, traffic lights and is separated from the main highway by a car park. The Highways Team have no objections to the proposals subject to condition described above. As such the proposal would not cause any undue impact upon highway safety.

Response to Objection - The main concern of the objection is that the new signage shines into their property late at night. The premises has been a shop for a long time and opening hours are not controlled by planning condition. It is considered that the proposals are satisfactory and comply with adopted policies of the UDP.

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

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-  
The proposals are similar in scale and impact to the current advertisement display and these are judged to have no adverse impact on highway safety or the visual amenity of the area.  
There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. Prior to the erection of the approved sign(s), details relating to the proposed method of external illumination, including the direction, fixing and colour of the external lighting for the sign(s) shall be submitted to and approved in writing by the Local Planning Authority. The approved details only shall be implemented.  
Reason. To avoid undue distraction to traffic in the interests of road safety, and to protect the amenity of adjoining occupiers pursuant to policies EN1/9 - Advertisements of the Bury Unitary Development Plan.
2. The signage shall be illuminated only between the following hours:-  
0700 hrs to 2300 hrs daily.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EN1/9 - Advertisements of the Bury Unitary Development Plan.
3. This decision relates to drawings numbered 49506c, cross section and lighting specification received 23/3/07 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.

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

**Ward:** Ramsbottom + Tottington - Tottington

Item 17

**Applicant:** Alan Turner

**Location:** 46 MOORSIDE ROAD, TOTTINGTON, BL8 3HP

**Proposal:** INSTALLATION OF WIND TURBINE ON NORTH WEST GABLE

**Application Ref:** 47251/Full

**Target Date:** 15/01/2007

**Recommendation:** Approve with Conditions

### **Description**

The site is a detached cat slide roof styled property surrounding by semi-detached dormer bungalows. Directly at the side of the property is an access track that goes to Scotts Farm to the north.

On the opposite side of the track is 44 Moorside Road. On the side elevation facing the site is a first floor bedroom window.

The proposal is to install a wind turbine on the gable wall facing 44 Moorside Road. The generator body will project approx. 1.75m above the height of the roof. The diameter of the sweep of the blades is 1.75m, the overall length of the tail fin is 1.4m and the depth of the tail fin is 0.5m. The generator body, tail fin and blades are finished to RAL 7032 (Pebble Grey) and the support pole is galvanised.

### **Relevant Planning History**

None

### **Publicity**

4 surrounding properties have been notified. One letter of representation has been received from 44 Moorside Road who states her concerns regarding the possible low frequency noise from the turbine and its close proximity to her bedroom window

### **Consultations**

Environmental Health - No objection subject to appropriate noise conditio.

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

PPS22 PPS22 Renewable Energy  
EN1/2 Townscape and Built Design  
EN4/1 Renewable Energy  
EN7/2 Noise Pollution

### **Issues and Analysis**

Planning Policy Statement 22 states that local planning authorities should encourage schemes for small scale renewable energy projects. In addition Energy Objectives 2 and 3 in Bury's Local Agenda 21 are to reduce energy demand and the use of non-renewable and polluting energy sources. Also Bury UDP Policy No. EN4/1-Renewable Energy supports proposals for sustainable energy sources subject to compliance with other policies and proposals of the Plan. In principle, therefore the proposed wind turbine is considered acceptable.

Therefore the main considerations of the application are the impact on visual and residential amenity.

Visual Amenity – The wind turbine would be sited approximately in the middle of the side gable at a height of less than 1m above the height of the existing ridge. The blades have a circumference of 1.75m and the wind turbine a radial sweep of 1.4m. The unit would be visible when approaching from both directions of Moorside Road and from the farm to the rear. Whilst the wind turbine would initially appear unusual it is likely that the visual impact would lessen over time as micro turbines become more popular. In addition, the contribution made by the turbine towards reducing greenhouse gases would outweigh any minor harm to visual amenity. Therefore the proposal is considered acceptable in terms of visual amenity and conforms to Bury UDP policies EN1/2-Townscape and Built Design and EN4/1-Renewable Energy.

Residential Amenity – The position of the turbine is approximately the same height and 12m away from the bedroom window on the side elevation of 44 Moorside Road. Therefore the main residential amenity consideration is the possibility of noise emanating from the wind turbine.

The manufacturer of the wind turbine proposed has not yet published the required noise data for this proposal to be addressed with regard to residential amenity and this application has been pending for several months awaiting this data. However in order to progress the matter and safeguard the residential amenity of the surrounding properties a condition is to be attached such that the turbine cannot be erected until this data has been received and agreed by the Local Planning Authority. This is to make sure the proposal conforms to Bury UDP Plan Policy No EN7/2 – Noise Pollution.

Comments on Representations – See Residential Amenity above and it is recommended that a condition be applied to the consent requiring data on the noise generation being submitted to and approved by the Local Planning Authority.

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

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;- Having studied the submitted documents, assessed the proposed development on site and taken into account any and all representations and consultation responses; it is considered that the wind turbine hereby approved subject to condition will not cause demonstrable harm to the character of the area and as such not conflict with Bury Unitary Development Plan Policy Nos. EN1/2-Townscape and Built Design; EN4/1-Renewable Energy and EN7/2-Noise Pollution.

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 20<sup>th</sup> November 2006 and 20<sup>th</sup> December 2006 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to Bury UDP Policy EN1/2 - Townscape and Built Design.
3. The wind turbine hereby approved shall not be erected unless and until data that



demonstrates the level of noise emitted by the wind turbine will not cause loss of amenity in the area has been received and agreed in writing by the Local Planning Authority, unless otherwise agreed in writing.

Reason. To protect the amenity of the occupants of the surrounding properties pursuant to Bury UDP Policies EN4/1-Renewable Energy and EN7/2-Noise Pollution.

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

**Ward:** Ramsbottom + Tottington - Tottington

**Item** 18

**Applicant:** M D Homes

**Location:** PLOT 1, LAND AT HIGH STREET, WALSHAW, BURY

**Proposal:** FIVE BEDROOM DETACHED DWELLING - AMMENDED HOUSE TYPE OF PREVIOUS APPROVAL REF 40312/03

**Application Ref:** 47969/Full

**Target Date:** 13/06/2007

**Recommendation:** Approve with Conditions

### **Description**

The application site forms part of an approved residential development fronting High Street. To the north is a building used as offices with a car parking area. To the west of the site are open fields within the Green Belt. To the south is an unmade street leading to the rear of terraced cottages. To the east across High Street are stone built terraced properties. The application for Plot 1 lies to the north of the site. Plot 1 formed part of a previously approved scheme for reserved matters for residential development for 3 houses. (Ref 40312/03)

This application is for an amendment to an existing approved house type on Plot 1. The footprint and design of the approved house would remain exactly the same. This latest application involves the incorporation of an additional bedroom above the garage, thereby increasing the accommodation from four to five bedrooms. The height of the original garage would increase to 6m and incorporate two dormer windows to the front roof pitch.

### **Relevant Planning History**

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

Ref 37921/01 - Outline planning permission for residential development of the site approved July 2001.

Ref 40312/03 - Reserved matters for 3 detached houses (Plots 1, 2 and 3) approved March 2003.

Ref 40678/03 - Outline permission for Plot 5 approved October 2003.

Ref 45121 - Further Outline permission for Plots 4 and 6 granted September 2005.

Ref 47419 - Reserved matters for 2 detached houses (Plots 4 and 6) granted February 2007.

Ref 47591 - Full planning application for 1 detached dwelling on Plot 5 refused 5th April 2007 based on the council's housing restrictions policy.

### **Publicity**

Neighbours notified by letter on the 26th April at 60 - 82 evens High Street, 19-45 odds High Street, 2 - 14 evens Bentley Hall Road, Stoneholme Business Centre. Eight letters received from: Nos 23, 31, 40, 41, 66, 72, 74, High Street and one with no address, with concerns that:

- the proposal would create a 3 storey high house and be out of proportion to the surrounding properties
- the site is already intensely over developed
- effects on wildlife
- additional floors will appear unsightly and ugly
- the amendments would cause restriction in light to surrounding houses
- more trees have been felled
- following the original permission restrictions had been put on the site to prevent over development

- the dwelling is already too close to Stoneholme Business Centre and would be overdominant

### **Consultations**

Highways Team - no comments to date

Drainage Team - no comments to date

Landscape Practice - no comments to date

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

C119 Newhive Works, Walshaw

H1/2 Further Housing Development

H2/1 The Form of New Residential Development

H2/2 The Layout of New Residential Development

### **Issues and Analysis**

Principle - The application site comprising of Plot 1 was granted planning permission for residential development in 2003 and as a result the principle of residential development has been established. The addition of an extra bedroom above the garage would not increase the footprint of the house or be any higher than that approved.

Residential amenity - The property lies to the rear of the site behind the Stoneholme Business Centre and car park. The office building has a single storey element to the rear which is directly adjacent to the site. There are large windows on the rear elevation of this building which would be 11.4m from the proposed side gable to No 1. Given the separation distance and that the windows are to offices and that there are no habitable room windows in the proposed elevation which would directly face the building the additional accommodation is considered to be acceptable. The Nos 38 and 40 High Street lie to the north of the site. The distance of these 2 dwellings from plot 1 and the position of their rear elevation windows in relation to the proposed development is considered to be far enough away not to be of detriment to the amenity of these properties. It is considered the position of the dwelling and therefore the additional accommodation would not effect the privacy or overlook any of the surrounding properties. It would comply with UDP Policy H2/2 - The Layout of New Residential Development.

Visual amenity - The addition of an extra bedroom would increase the accommodation from 4 to 5 bedrooms which is similar to the other already approved houses. The materials would match the approved house. As the plot is set back from the main road the additional build on top of the garage, being lower than the approved ridge height is considered not to be intrusive to the street scene and therefore complies with UDP Policy 2/1. - The Form of New Residential Development.

Trees - There would be no change to the footprint of the property and therefore no trees would be affected by the proposal.

Objections - The amended design adds a bedroom over the garage and would not create a third storey. It would be 1.5m lower than the original roof height and would be no closer to Stoneholme Business Centre than the existing. There would be no extra trees affected by the proposal. A condition attached to the original planning permission restricted permitted development to these properties with any further proposals requiring planning permission. The proposed addition to plot 1 having been assessed with regard to the council's standards and guidelines is not considered to be of such detriment to either residential or visual amenity as to warrant refusal.

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

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

The proposed development is considered acceptable as it would not cause demonstrable harm to the residential amenities of the neighbouring properties. The dwelling would be in keeping with the previously approved houses on plots 2, 3, 4 and 6 and would not be detrimental to the visual amenity of the area.  
There are no other material considerations that outweigh this finding.

**Recommendation:** Approve with Conditions

**Conditions/ Reasons**

1. The development must be begun not later than 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 18/4/2007 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. Notwithstanding the terms of the General Development Order 1995, or as subsequently amended, no development shall be carried out within the terms of Classes A to H of Part 1 and Classes A and B of Part 2 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.  
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed below.

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

**Ward:** Whitefield + Unsworth - Pilkington Park

Item 19

**Applicant:** W M Morrison Supermarkets plc

**Location:** LAND BETWEEN STANLEY STREET AND ELMS ROAD, WHITEFIELD

**Proposal:** RETENTION STRUCTURES TO APPROVED CAR PARK LAYOUT REF:42914

**Application Ref:** 47941/Full

**Target Date:** 08/06/2007

**Recommendation:** Approve with Conditions

### **Description**

The application concerns a significant change to the boundary details of a part of the proposed and approved Morrisons/ Roma Cafe development in Whitefield.

The application comprises a narrow strip of land about 160m long close to the boundary on the easterly end of the development. Currently, this general area is a car park and is part of the vacant former Safeway supermarket/Brand Centre store, which is awaiting demolition.

The section of boundary area involved in the change, runs alongside the side and rear garden of 18 Elms Road, behind the rear garden of 20 Elms Road then it follows the easternmost boundary line of the development parallel with the rear gardens of 9 and 11 Stanley Close, which separated by a strip of disused land. On its southerly section it encompasses part of a vegetated slope with existing mature trees and shrubs down to a row of 11 terraced houses (2 to 22 Stanley Street) with their main frontages facing the site.

The approved scheme shows an intended landscaped strip to the proposed new car park along the edges with the residential properties on Elms Road and Stanley Close and Stanley Street. The layout plan includes the note "Existing trees & landscaping to be retained". The application was approved subject to conditions including the need for the prior approval of boundary treatment, a landscaping scheme and to any tree felling.

The amendment arose through the submission of information, seeking the discharge of conditions for landscaping. The details shown indicated a stepped gabion wall along the edge of the proposed car park where no such significant features were envisaged on the approved details. This engineered feature was considered to be too significant to be processed through the usual method of discharging planning conditions.

The gabion wall would be at its highest alongside Stanley Street and would vary in height from about 2.5m to 3.5m above road level and the houses. On the car park edge itself and above the wall a 2m high close boarded fence is also proposed.

The existing trees and shrubs would need to be removed to accommodate the gabion wall. The submitted details show that the gabion wall and the adjoining edge land would be soft landscaped including seven semi-mature field maple trees at the foot of the wall on Stanley Street, formal hedging and low ornamental planting at the top of the wall, ground cover planting as well as trees also at the foot of the wall with climbing shrubs against it.

### **Relevant Planning History**

42914/04 - Demolition of existing buildings and redevelopment with class A1 (foodstore) associated service area car parking and landscaping with cafe unit. Approved on 20th April 2005.

46851 - Electricity substation. Approved on 30th October 2006.

## **Publicity**

40 nearby properties were notified on 24th April 2007 and a press notice has been published. At the time of writing no responses had been received and the period for comments was still ongoing. Members shall be updated on any responses received to the consultation requirements.

## **Consultations**

Highways Team - No response.

Drainage Team - No response.

Environmental Health - Recommend a contaminated land condition relating to imported materials.

GMP Architectural Liaison - No response

## **Unitary Development Plan and Policies**

S2/1 All New Retail Proposals: Assessment Criteria

EN1/2 Townscape and Built Design

EN1/3 Landscaping Provision

EN8 Woodland and Trees

## **Issues and Analysis**

Need for the Change - The approved drawings showed the retention of the existing trees and shrubs opposite the Stanley Street houses, which would help shield these properties from the car park. Since the approval, the developers have carried out a more thorough appraisal of the situation looking more closely at the landscaping that deals with the approved car parking levels and the position and condition of the trees next to Stanley Street.

It has been found that many of the trees have a limited life span. Of 30 trees surveyed by a firm of tree surgeons 17 were said to be in a condition whereby their removal was recommended. A further 2 were described as having a short life span and a further two were just stumps.

To achieve the necessary already approved final levels for the car park and to ensure the car park position to remain in the same position as approved, to be structurally sound and to ensure no loss of car parking provision, the introduction of the gabion wall has arisen.

The stepped gabion wall solution would provide the necessary support and would avoid the harsh appearance of a stark concrete or brick wall as it would be capable of becoming readily clothed in vegetation and landscaping. However, it would necessitate the removal of the existing trees and shrubs. The trees are not the subject of a tree preservation order and are reaching the end of their lifespan. The trees and shrubbery could be removed without further re-course. The scheme subject to this application would ensure further longevity of a planted area together with a condition ensuring appropriate levels of maintenance is secured.

Residential and Visual Amenity - The current outlook from the front of the Stanley Street houses is dominated by the vegetated slope that screens the current car park. However, with the current proposal, this would be replaced by the proposed stepped gabion wall, with the existing vegetation removed. To improve this relationship, the development includes an extensive landscape treatment including a row of nine semi-mature field maple trees at the foot of the wall, climbing plants for the wall, car park fencing, as well as ground cover shrub and hedge planting. Similar landscaping, including other new trees, is proposed on the remaining sections of the gabion wall area. Thus, the gabion wall would, in time, become colonised with vegetation, with new trees replacing the existing ones.

The replacement landscaping on Stanley Street including the close boarded fencing along the car park edge would provide a long term solution in terms of generating a new pleasing outlook and giving good screening from the car park. The landscaping would be carried out

in an area well way from the store and its frontages and care would be needed to ensure successful and quick establishment of the planting. Therefore a maintenance scheme would be important and any consent should ensure by condition that this is submitted approved, becomes implemented and is maintained.

Height of the Development to Stanley Street Frontages - Given the height of the wall and the elevated position of the car park fencing, there is a ensure that there would be no overbearing relationships between the houses and the proposed works.

As a yardstick, the recommended minimum distance between existing houses and proposed extensions set down in SPG6 - Alterations and Extensions to Residential Properties could be used . The height relationship along the road between the houses and the development is not the same due to variations in levels and distances. The wall and fence would reach a height equivalent to eaves level at the most easterly section where there would be a separation to the top of the fence of about 13.5m which compares favourably with the 13m minimum distance recommended between a principle window to a habitable room in a property and a blank two storey wall of a neighbouring property. Elsewhere, the separation is reduced but the top of the fence line drops to below eaves level. In the circumstances, it is considered that acceptable aspect distance would be provided.

Beyond the Stanley Street section the impact of the gabion wall would be significantly less with better separation from houses, the ability to retain existing vegetation and a significant reduction in its height on the more northerly sections.

### **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 has been found to be necessary to secure the satisfactory development of the car park for the associated proposed foodstore. The proposed landscaping in association with the development would mitigate its visual impact to an acceptable degree. The development would not be overbearing in relation to any nearby dwellings 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. 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 associated foodstore building 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..
3. No development shall take place unless and until a scheme of maintenance for the landscaping of the wall and associated land formation and fencing has been

submitted to and approved by the Local Planning Authority. The landscaping shall be maintained fully in accordance with the approved scheme.

Reason. To secure a satisfactory form of development and in the interests of visual amenity.

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

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

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

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



